



Journal of the Senate

Number 28

Wednesday, June 1, 1983

BILL ACTION SUMMARY

Wednesday, June 1, 1983

H 179 Passed
H 194 Passed
H 359 Passed as amended
H 461 Passed
H 470 Passed as amended
H 520 Passed as amended
H 595 Passed
H 609 Passed as amended
H 645 Passed
H 694 Passed
H 755 Passed
H 809 Passed
H 830 Passed
H 965 Passed
H 970 Passed
H 1012 Concurred, passed as amended
H 1056 Passed
H 1103 Passed as amended
H 1117 Passed as amended
H 1159 Passed as amended
H 1165 Passed as amended
H 1217 Passed as amended
H 1220 Passed as amended
H 1257 Passed as amended
H 1260 Passed as amended
H 1261 Passed
H 1309 Passed
H 1321 Passed as amended
S 47 Concurred, passed as amended
S 86 Passed as amended
S 108 Passed as amended
S 123 Passed
S 125 Passed as amended
S 126 Passed as amended
S 129 Passed as amended
S 201 C/S passed as amended
S 233 Passed as amended
S 291 Adopted
S 292 Concurred, C/S passed as amended
S 309 C/S passed as amended
S 405 Concurred, C/S passed as amended
S 517 C/S passed as amended
S 576 Passed as amended
S 840 Passed as amended
S 908 Passed
S 915 C/S passed
S 919 Passed as amended
S 968 C/S passed as amended
S 1108 C/S passed as amended
S 1206 Adopted
and passed the following local bills: House Bills 715, 972, 762, 1047, 971, 994, 735, 738, 742, 744, 746, 804, 896, 920, 973, 1005, 1006, 1025, 1064, 1111, 1244, 1310, 1337, 142, 223, 382, 387, 482, 506, 526, 568, 745, 449, 970 and SB 1196.

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

Excused periodically: Senators Mann, Neal, Langley, Kirkpatrick and Grizzle, conferees on CS for CS for HB 1129; Senators Gordon, Barron, Grant, Maxwell, Vogt and Hair, conferees on CS for CS for SB 357; Senators Johnston, Thomas, Kirkpatrick, Margolis, Maxwell, Neal, Scott, Vogt, Beard, Crawford, Gordon and Grant, conferees and alternates on SB 1195.

Prayer by the Rev. Julius Allen, Pastor, A.M.E. Church, Live Oak:

Our Father in heaven, we come recognizing the fact that thou art God. Besides thee, there are no other known powers. We thank thee, our Father, for this state. We thank thee for those who are here to attend to the business of the state. We pray to help them realize that all help comes from thee. We pray this morning for wisdom, knowledge and understanding. And whatever is right, our Father, we pray that thou will put it on our hearts. Help us to be ever mindful that who sows sparingly shall reap also sparingly. And as a man soweth in his heart, so is he. Give us that love, give us that caring, help us remember our brother. After all, our Father, let us remember that man's our brother and God's our father, Christ our redeemer. And as we make these decisions, help us realize that one day we must live by them. This we pray in Jesus' name. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Wednesday, June 1, 1983: HB 715, SB 1203, HB 972, HB 762, HB 1047, HB 971, HB 994, SB 1196, HB 735, HB 738, HB 742, HB 744, HB 746, HB 804, HB 896, HB 920, HB 973, HB 1005, HB 1006, HB 1025, HB 1064, HB 1111, HB 1244, HB 1310, HB 1337, HB 142, HB 223, HB 382, HB 387, HB 482, HB 506, HB 526, HB 568, HB 745, HB 449

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, June 1, 1983: SB 985, SB 650, SB 693, SB 694, SB 968, SB 920, SB 840, SB 908, SB 910, SB 915, SB 919, CS for CS for SB 517, HR 1321, HB 1309, CS for HB's 32 and 49, CS for SB 14, CS for SB's 677 and 567, CS for SB 678, SB 576, CS for SB 309, CS for SB 145, SB 1031, SB 996, CS for SB 723, CS for SB 1150, SB 290, CS for SB 374, SB 449, SB 450, SB 575, SB 308, SB 123, CS for SB 460, CS for SB 803, CS for SB 156, CS for SB 639, CS for SB 1108, CS for SB 1016, CS for SB 362, CS for SB 365, CS for SB 367, SB 656, CS for SB 539, SB 1095, SB 642, CS for SB's 609 and 769, CS for SB 718, HB 1093, SB 283, SB 288, SB 1029, CS for SB 964, SB 952, CS for HB 97, SB 857, SB 85, CS for SB 206, HB 180, CS for SB 218, CS for SB 492, CS for SB 777, CS for SB 971, CS for HB 54, CS for CS for SB 132, CS for SB 736, CS for SB 130, CS for SB 1002

Respectfully submitted,
Dempsey J. Barron, *Chairman*

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: CS for SB 302

The Senate was called to order by the President at 10:00 a.m. A

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

EXECUTIVE BUSINESS

The Honorable Curtis Peterson
President, The Florida Senate

May 26, 1983

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

	<i>For Term Ending</i>		<i>For Term Ending</i>
		<i>Office and Appointment</i>	
1. Board of Accountancy, Members Schine, Jerome A., Tampa Stuart, Jacob V., Orlando	12/26/86 12/26/86	16. South Florida Junior College, Board of Trustees, Member Kelly, Clifton M., Sebring	5/31/86
2. Secretary of Administration Smith, Nevin, Tallahassee	Pleasure of Governor	17. Tallahassee Community College, Board of Trustees, Members Franklin, Freddie, Crawfordville	5/31/82 5/31/86 5/31/86
3. Board of Architecture, Members Grant, Marvin L., Jacksonville Schaefer, Jeffrey E., Orange Park	12/17/86 12/17/86	Hinson, Stewart M., Quincy McWilliams, Spurgeon W., Tallahassee Richardson, John B., III, Tallahassee	5/31/86 5/31/86
4. Florida Barbers' Board, Member Allen, Grady H., Jacksonville	6/30/86	18. Secretary of Community Affairs DeGrove, John M., Tallahassee	Pleasure of Governor
5. Board of Building Codes and Standards, Members Crowell, James E., Tampa Harley, Betty G., Tallahassee Miller, Leonard, Pembroke Pines Moses, Thomas M., Orlando Wallace, Howard K., Melrose Warren, Glenn T., Clearwater	1/31/87 2/11/85 1/21/87 1/15/87 1/30/87 2/3/87	19. Construction Industry Licensing Board, Members Alexander, Stanton, Ormond Beach	2/18/83 2/18/87 2/18/87 2/18/87 2/18/87 2/18/87
6. Secretary of Business Regulation Rutledge, Gary R., Tallahassee	Pleasure of Governor	Arnsdorff, Harold E., Oakland Park Bloom, Samuel M., North Miami Dove, Robert F., Tallahassee Dudley, Thelma J., Orlando Fleckenstein, Robert L., Jacksonville Masur, Wayne K., Miami Richards, Joe M., Ft. Myers	2/18/87 2/18/87
7. Capitol Center Planning Commission, Members Bartley, Ernest R., Gainesville Pappas, Ted, Jacksonville Proctor, H. Palmer, Tallahassee	9/30/84 9/30/85 9/30/85	20. Secretary of Corrections Wainwright, Louie L., Tallahassee	Pleasure of Governor
8. Career Service Commission, Members Kerns, David V., Tallahassee Porter, Gilbert L., Miami Williams, Bill, Pensacola	11/22/84 11/11/86 11/22/86	21. Florida School for the Deaf and the Blind, Board of Trustees, Member Salem, Richard J., Tampa	2/7/87
9. Florida Citrus Commission, Members Bouis, Frank S., Leesburg Davis, Joe L., Wauchula Griffin, Ben Hill, III, Frostproof Schirard, John H., Sanford	5/31/85 5/31/85 5/31/85 5/31/85	22. Board of Dentistry, Members Dartland, Diana W., Miami Gonzalez, W. Edward, Jr., Brandon Mitchell, Orrin D., Jacksonville	2/7/87 2/7/87 2/7/86
10. Daytona Beach Community College, Board of Trust- ees, Member Sacks, Leonard, Daytona Beach	5/31/86	23. Education Practices Commission, Member Hankins, Marjorie W., Pensacola	9/30/85
11. Florida Keys Community College, Board of Trustees, Member Saunders, Ron, Key West	5/31/86	24. Education Standards Commission, Members Frye, James E., Panama City Nelson, Martin, St. Petersburg Tyree, Ann K., Panama City	9/30/83 9/30/84 9/30/85
12. Hillsborough Community College, Board of Trustees, Member Clark, Harold H., Tampa	5/31/85	25. Electrical Contractors' Licensing Board, Members Heath, Robert Newton, Pensacola Lewitt, Maxene L., Atlantic Beach Pasetti, Lawrence, Tampa	12/17/86 12/17/86 12/17/86
13. Indian River Community College, Board of Trustees, Member Dixon, Ben F., Okeechobee	5/31/86	26. Board of Professional Engineers, Members Acosta, Amado J., Miami Black, Emily W., Gainesville Lawton, Robert P., Sarasota	12/20/86 12/20/86 12/20/86
14. Okaloosa-Walton Junior College, Board of Trustees, Members Anderson, Archie N., Ponce de Leon Hill, Charlie H., Ft. Walton Beach	5/31/86 5/31/85	27. Secretary of Environmental Regulation Tschinkel, Victoria J., Tallahassee	Pleasure of Governor
15. Pensacola Junior College, Board of Trustees, Mem- bers Massey, William H., Milton Noonan, Jr., W. J., Pensacola Timmons, William A., Milton	5/31/85 5/31/86 5/31/86	28. Tampa-Hillsborough County Expressway Authority, Member Taggart, Joseph W., Tampa	7/1/86
		29. Board of Funeral Directors and Embalmers, Member Davis, Gussie M., North Miami	8/1/86
		30. Game and Fresh Water Fish Commission, Members Baroco, James H., Pensacola Hires, Thomas L., Sr., Tampa	1/6/87 1/6/88
		31. Secretary of Health and Rehabilitative Services Pingree, David H., Tallahassee	Pleasure of Governor
		32. South Lake County Hospital District, Board of Trustees, Member Rice, Matthews A., Groveland	7/5/83

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
66. North Central Florida Regional Planning Council, Region III, Members Bingham, Rosie P., Gainesville Blount, Sandra Y., Gainesville Bonamie, Shirley A., Gainesville Durham, Garry W., Cross City Howell, Dennis, Perry Milner, Jr., Robert W., Starke Myers, Fletcher, Lake Butler Robinson, Wilson, Archer Schofield, Anna Mae, Trenton Searcy, James R., Lee Turner, Willie Guy, White Springs	10/1/84 10/1/85 10/1/85 10/1/85 10/1/85 10/1/85 10/1/85 10/1/83 10/1/85 10/1/85 10/1/85	77. Jacksonville Transportation Authority, Member Hodges, William C., Jacksonville	5/31/83
67. Withlacoochee Regional Planning Council, Region V, Members Black, Charles A., Crystal River Harris, Kathryn P., Williston Mansito, Nicolas, Jr., Ocala Neville, Eunice M., Lake Panasoffkee	10/1/85 10/1/85 10/1/85 10/1/85	78. Secretary of Transportation Pappas, Paul N., Tallahassee	Pleasure of Governor
68. East Central Regional Planning Council, Region VI, Members Benedict, Joseph, III, New Smyrna Beach Gordon, June, Sanford Hansel, Lynn R., Cocoa Hurdle, John A., Sr., Merritt Island Mees-Rebaza, Celina Maria, Orlando Morse, W. H., Kissimmee Palmer, Marie B., Orlando Roper, Barbara C., Winter Garden	10/1/85 10/1/85 10/1/85 10/1/85 10/1/85 10/1/85 10/1/85 10/1/83	79. Florida Commission on Veterans' Affairs, Members Brooks, Roy Howard, Jr., Coral Gables Cannon, C. Lamar, Jacksonville Felices, Salvador E., Longwood Kerns, Timothy D., Tallahassee LaHue, Foster C., Ormond Beach Lockward, William H., Gainesville Manfre, Robert B., North Lauderdale Russell, John H., Sr., Tampa Schwartz, Mary, Miami	11/16/86 11/16/86 11/16/86 11/16/86 11/16/84 11/16/86 11/16/84 11/16/84 11/16/84
69. Central Florida Regional Planning Council, Region VII, Members Caldwell, Roy L., Lake Wales Harrison, Charles W., Arcadia Johnson, Roger H., Winter Haven Ward, Mary Ellen, Avon Park	10/1/85 10/1/85 10/1/83 10/1/85	80. Northwest Florida Water Management District, Governing Board, Member Atkins, Louis J., Blountstown	7/1/85
70. Tampa Bay Regional Planning Council, Region VIII, Members Chillura, Joe, Jr., Tampa Mishkin, Philip, Port Richey Zagorac, Michael, Jr., Clearwater	10/1/85 10/1/85 10/1/85	81. St. Johns River Water Management District, Governing Board, Member Simmons, Ralph E., Amelia Island	7/1/85
71. Southwest Florida Regional Planning Council, Region IX, Members Hindman, Kathryn L., Punta Gorda Meiers, Gordon D., Ft. Myers Storter, Vance, Moore Haven Wegscheid, Stanley C., LaBelle	10/1/85 10/1/85 10/1/85 10/1/85	82. Oklawaha River Basin Board, St. Johns River Water Management District, Members Anderson, Jack, Haines City Kaster, Bruce R., Ocala	6/30/85 6/30/84
72. Treasure Coast Regional Planning Council, Region X, Members Hendry III, Archie A., Stuart Jochem, Dagny Servin, Stuart McCloskey, Thomas D., Jr., Lake Park Montgomery, John R., Vero Beach Orman, Richard G., Palm Beach Shores Page, Margaret B., Ft. Pierce	10/1/85 10/1/84 10/1/85 10/1/83 10/1/85 10/1/85	83. Big Cypress Basin Board, South Florida Water Management District, Member Wise, K. C., Naples	6/30/83
73. South Florida Regional Planning Council, Region XI, Members Lewis, Evelyn J., Ft. Lauderdale Pinder, J. J., Key West	10/1/85 10/1/85	84. Southwest Florida Water Management District, Governing Board, Members Harkala, Walter H., Plant City Kumpe, Mary A., Sarasota Lambert, Ronald B., Wauchula Stubbs, Wm. O., Jr., Dade City Zagorac, Michael, Jr., Clearwater	7/1/86 7/1/86 7/1/86 7/1/86 7/1/86
74. State Retirement Commission, Member Cail, Clifford M., Tallahassee	12/31/86	As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.	
75. John and Mable Ringling Museum of Art, Board of Trustees, Members Adler, Sydney, Bradenton Koger, Ira M., Jacksonville Lochrie, Robert B., Jr., Ft. Lauderdale	11/5/86 11/5/86 11/5/85	After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends:	
76. Florida Student Financial Assistance Commission, Member Floyd, Lawrence D., St. Petersburg	6/30/85	<ol style="list-style-type: none"> (1) That the executive appointments of the above-named appointees, to the office and for the term indicated, be <i>confirmed</i> by the Senate. (2) That Senate action on said appointments be taken prior to the adjournment of the 1983 Regular Session. (3) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session. 	
		Respectfully submitted,	
		Kenneth C. Jenne, Chairman Pat Frank Franklin B. Mann, Vice Chairman Patrick K. Neal Edgar M. Dunn, Jr.	
		Senator Vogt moved that consideration of Item 6, the appointment of Gary R. Rutledge as Secretary of Business Regulation, be deferred and considered separately before adjournment of the Regular Session. The motion was adopted.	
		Senator Jenne moved that the report of the committee, excluding Item 6, be adopted and the Senate confirm the appointments identified in the foregoing report to the offices and for the terms indicated, in accordance with the recommendation of the committee. The motion was adopted by the following vote:	

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Gersten, Mann

The Honorable Curtis Peterson
President, The Florida Senate

May 26, 1983

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>
1. Florida Citrus Commission, Member Appointee: Newbern, C. D.	5/31/84
2. Secretary of Commerce Appointee: Edgerly, Stuart	Pleasure of Governor
3. Secretary of Community Affairs Appointee: Heggen, Joan M.	Pleasure of Governor
4. Florida Elections Commission, Member Appointee: Nunez-Portuondo, Ricardo	12/10/85
5. Florida Housing Finance Agency, Member Appointee: MacKay, Jr., Kenneth H.	11/13/84
6. Postsecondary Education Planning Commission, Member Appointee: Feinberg, Rosa Castro	2/4/83
7. State Retirement Commission, Member Appointee: Smith, Walter D.	12/31/83
8. Hillsborough River Basin Board of the Southwest Florida Water Management District, Member Appointee: Figg, Mary	6/30/84
9. Pinellas County-Anclote River Basin Board of the Southwest Florida Water Management District, Member Appointee: Starkey, Jr., Jay B.	6/30/82

The Senate Committee on Executive Business has failed to consider these appointments because the committee finds that C. D. Newbern, Joan M. Heggen, Ricardo Nunez-Portuondo, Kenneth H. MacKay, Jr., Walter D. Smith, and Mary Figg resigned from the offices of appointment, and the terms of Stuart Edgerly, Rosa Castro Feinberg and Jay B. Starkey, Jr., have expired. Therefore, the committee respectfully advises and recommends:

- (1) That the Senate fail to consider the appointments during the 1983 Regular Session.
- (2) That the failure to consider the appointments be noted in the pages of the Journal of the Senate in accordance with s. 114.05 (1) (e), Florida Statutes.

Respectfully submitted,

Kenneth C. Jenne, Chairman *Pat Frank*
Franklin B. Mann, Vice Chairman *Patrick K. Neal*
Edgar M. Dunn, Jr.

On motion by Senator Jenne, the report was adopted and the Senate took no action and failed to confirm the appointments identified in the foregoing report of the committee, to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:

Yeas—38

Mr. President	Frank	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
Crawford	Jenne	Meek	Weinstein
Dunn	Jennings	Myers	
Fox	Johnston	Neal	

Nays—None

Vote after roll call:

Yea—Gersten

The Honorable Curtis Peterson
President, The Florida Senate

May 26, 1983

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>
1. Daytona Beach Community College, Board of Trustees, Member Shoemaker, Merhl E.	5/31/86
2. Edison Community College, Board of Trustees, Member Peeples, Vernon	5/31/86
3. Board of Naturopathic Examiners, Member Raitano, Harry	7/16/85
4. Postsecondary Education Planning Commission, Member Webster, Melinda M.	2/4/83
5. Prison Rehabilitative Industries and Diversified Enterprises, Inc., Member Miller, Daniel J.	9/30/82 9/30/84
6. Board of Psychological Examiners, Member Loiry, David A.	9/30/83
7. John and Mable Ringling Museum of Art, Board of Trustees, Member Barnett, Elliott B.	11/5/85
8. Florida Student Financial Assistance Commission, Member Cody, III, John L.	6/30/85
9. Florida Commission on Veterans' Affairs, Member Mann, Clyde R.	11/16/84
10. South Florida Water Management District, Governing Board, Member Padrick, Robert W.	7/1/86

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends:

- (1) That the Senate take no action to confirm the appointment of Merhl E. Shoemaker as a member of the Board of Trustees of the Daytona Beach Community College for the term indicated as the committee finds that Mr. Shoemaker is an elected county commissioner and according to Senate interpretation is a dual-office holder prohibited by ART. II, Sec. 5(a) of the Constitution.
- (2) That the Senate take no action to confirm the appointment of Vernon Peebles as a member of the Board of Trustees of the Edison Community College for the term indicated as the committee finds that Mr. Peebles has resigned as a trustee effective May 31, 1983.
- (3) That the Senate take no action to confirm the appointment of Harry Raitano as a member of the Board of Naturopathic Examiners as the committee finds that there is litigation in progress in Federal Court challenging the qualifications of the appointee to hold this office.
- (4) That the Senate take no action to confirm the appointment of Melinda M. Webster as a member of the Postsecondary Education Planning Commission for the term indicated as the committee finds that the term of office has expired.
- (5) That the Senate take no action to confirm the appointments of Daniel J. Miller as a member of the Prison Rehabilitative Industries and Diversified Enterprises, Inc., for the terms indicated as the committee finds that the appointee does not have a good attendance record.
- (6) That the Senate take no action to confirm the appointment of David A. Loiry as a member of Board of Psychological Examiners for the term indicated as the committee finds that the appointee resigned as a member of this board.
- (7) That the Senate take no action to confirm the appointment of Elliott B. Barnett as a member of the Board of Trustees of the John and Mable Ringling Museum of Art for the term indicated as the committee finds that the appointee resigned as a member of the board.
- (8) That the Senate take no action to confirm the appointment of John L. Cody, III as a member of the Florida Student Financial Assistance Commission for the term indicated as the committee finds that the appointee resigned as a member of the commission.
- (9) That the Senate take no action to confirm the appointment of Clyde R. Mann as a member of the Florida Commission on Veterans' Affairs for the term indicated as the committee finds that the appointee resigned as a member of the commission.
- (10) That the Senate take no action to confirm the appointment of Robert W. Padrick as a member of the Governing Board of the South Florida Water Management District for the term indicated as the committee finds that the appointee has a case pending before the Ethics Commission after filing of a Stipulation.
- (11) That Senate action on said appointments be taken prior to adjournment of the 1983 Regular Session.
- (12) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,

Kenneth C. Jenne, Chairman *Pat Frank*
Franklin B. Mann, Vice Chairman *Patrick K. Neal*
Edgar M. Dunn, Jr.

On motion by Senator Jenne, the report was adopted and the Senate took no action and failed to confirm the appointments identified in the foregoing report of the committee, to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:

Yeas—37

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

Hill	Malchon	Myers	Thurman
Jenne	Mann	Neal	Vogt
Jennings	Margolis	Plummer	Weinstein
Johnston	Maxwell	Rehm	
Kirkpatrick	McPherson	Stuart	
Langley	Meek	Thomas	

Nays—None

Vote after roll call:

Yea—Gersten, Scott

The Honorable Curtis Peterson
President, The Florida Senate

May 26, 1983

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>
1. Board of Medical Examiners, Member Appointee: Hernandez, Alberto M.	8/1/86
2. West Florida Regional Planning Council Region I, Members Appointees: Johnson, Joe Shirley, Benjamin M.	10/1/85 10/1/85
3. Coastal Rivers Basin Board, Southwest Florida Water Management District Member Appointee: Gallagher, John J.	6/30/85

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends that, in accordance with s. 114.05(1)(d), Florida Statutes, the Senate vote to refuse to confirm the appointments of Alberto M. Hernandez to the office of member of the Board of Medical Examiners; Joe Johnson and Benjamin M. Shirley as members of the West Florida Regional Planning Council, Region I; and John J. Gallagher to the office of member of the Coastal Rivers Basin Board, Southwest Florida Water Management District; that the Senate vote be taken prior to adjournment of the 1983 Regular Session; and there is no necessity known to the committee for the deliberations on the appointments to be held in executive session.

Respectfully submitted,

Kenneth C. Jenne, Chairman *Pat Frank*
Franklin B. Mann, Vice Chairman *Patrick K. Neal*
Edgar M. Dunn, Jr.

On motion by Senator Jenne, the report was adopted and the Senate refused to confirm the appointments identified in the foregoing report of the committee, to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Gersten, Scott

The Honorable Curtis Peterson
President of the Senate

March 2, 1983

RE: Suspension of:

Barry M. Doyle
County Commissioner
Pasco County, Florida

Dear Mr. President:

The Committee on Executive Business submits this final report on the matter of the suspension of Barry M. Doyle.

By Executive Order Number 82-101, filed with the Secretary of the State on September 7, 1982, His Excellency D. Robert Graham, as Governor, suspended Barry M. Doyle from the office of County Commissioner of Pasco County, Florida. The term of office for Mr. Doyle as County Commissioner of Pasco County was from November, 1978 to November, 1982.

Executive Order Number 82-101, with five indictments attached, charged that Barry M. Doyle, while holding the aforesaid office, committed criminal violations of the laws of Florida, viz: the offense of unlawful compensation in violation of Section 838.016, Florida Statutes. The Executive Order further stated that the facts alleged constitute the offenses of malfeasance, misfeasance and commission of a felony which are grounds for suspension under Section 7 of Article IV, Florida Constitution, 1968 revision.

Criminal prosecution of Barry M. Doyle was commenced in the Circuit Court of the Sixth Judicial Circuit in Pasco County, where Barry M. Doyle entered a plea of guilty to five counts of unlawful compensation. On December 7, 1982, Circuit Court Judge Gerard J. O'Brien ordered the following:

1. CN 8201662; Count 2, Unlawful Compensation—adjudicated guilty and sentenced to three (3) years in state prison;
2. CN 8202282; Count 1, Unlawful Compensation—adjudicated guilty and sentenced to three (3) years in state prison;
3. CN 8201664; Count 1, Unlawful Compensation—adjudicated guilty and sentenced to three (3) years in state prison;
4. CN 8201665; Count 2, Unlawful Compensation—adjudicated guilty and sentenced to three (3) years in state prison;
5. CN 8201666; Count 2, Unlawful Compensation—adjudicated guilty and sentenced to three (3) years in state prison.

Judge O'Brien ordered the sentences imposed for each of the five counts to run concurrently.

The Senate assumed jurisdiction of this matter on September 8, 1982, and this matter was referred to the Senate Committee on Executive Business on September 13, 1982. Proceedings by this Committee were stayed, pursuant to Senate Rule 12.7(b), during pendency of criminal prosecution in the trial court. With the adjudication of guilt on five felony counts, pursuant to Section 4 of Article VI, Florida Constitution, 1968 Revision, Barry M. Doyle became legally ineligible to hold public office.

Based upon the investigation of this Committee, it is the finding of this Committee that Barry M. Doyle was suspended from the office of County Commissioner, Pasco County, Florida on September 7, 1982; that Barry M. Doyle was adjudicated guilty of five counts of unlawful compensation in violation of Section 838.016, Florida Statutes; that such acts constitute malfeasance, misfeasance and felonies under the laws of Florida; that Barry M. Doyle has not contested his suspension on his own behalf, nor shown any cause why the Senate should not take further action to remove him from office.

In view of the foregoing, it is the recommendation of this Committee that Barry M. Doyle be removed from the office of County Commissioner of Pasco County, Florida, effective September 7, 1982.

Respectfully submitted,

Kenneth C. Jenne, Chairman
Frank B. Mann, Vice Chairman
Edgar M. Dunn, Jr.

Pat Frank
Patrick K. Neal

On motion by Senator Jenne, the foregoing report on the Executive Order of Suspension of Barry M. Doyle from the office of County Commissioner, Pasco County, Florida, was adopted and the Senate removed Barry M. Doyle from said office effective September 7, 1982. The vote was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Beard, Scott

The Honorable Curtis Peterson
President of the Senate

March 2, 1983

RE: Suspension of:

Edward V. Mason, Sr.
County Commissioner
Orange County, Florida

Dear Mr. President:

The Committee on Executive Business submits this final report on the matter of the suspension of Edward V. Mason, Sr.

By Executive Order Number 81-57, filed with the Secretary of the State on May 26, 1981, His Excellency, D. Robert Graham, as Governor, suspended Edward V. Mason, Sr. from the Office of County Commissioner of Orange County, Florida. The term of office for Mr. Mason as County Commissioner of Orange County was from November, 1978 to November, 1982.

Executive Order Number 81-57, with an indictment attached, charged that Edward V. Mason, Sr., while holding the aforesaid office, committed a criminal violation of the Laws of Florida, viz: the offense of murder in the first degree in violation of Section 782.04, Florida Statutes. The Executive Order further stated that the facts alleged constitute the offense of commission of a felony which is grounds for suspension under Section 7 of Article IV, Florida Constitution, 1968 revision.

Criminal prosecution of Edward V. Mason, Sr. was commenced in the Circuit Court of the Ninth Judicial Circuit in Orange County, Florida, where Edward V. Mason, Sr. was found guilty of the offense of murder in the second degree. On November 23, 1981, Circuit Court Judge Harold Vann sentenced Edward V. Mason to five (5) years imprisonment.

On December 23, 1981, Mr. Mason filed a Notice of Appeal with the Clerk of the Fifth District Court of Appeal. On January 12, 1983, the Fifth District Court of Appeal affirmed the Circuit Court's judgement of guilty of murder in the second degree.

The Senate assumed jurisdiction of this matter on May 26, 1981, and this matter was referred to the Senate Committee on Executive Business on that day. Proceedings by this Committee were stayed, pursuant to Senate Rule 12.7(b), during the pendency of criminal prosecution in the trial court and exhaustion of appellate remedies. With the adjudication of guilt on the felony count of murder in the second degree, pursuant to Section 4 of Article VI, Florida Constitution, 1968 Revision, Edward V. Mason, Sr. became legally ineligible to hold public office.

Based upon the investigation of this Committee, it is the finding of this Committee that Edward V. Mason, Sr. was suspended from the Office of County Commissioner, Orange County, Florida on May 26, 1981; that Edward V. Mason, Sr. was adjudicated guilty of the crime of murder in the second degree in violation of Section 782.04, Florida Statutes; that such act constitutes a felony under the Laws of Florida; that Edward V. Mason, Sr. has not contested his suspension on his own behalf, nor shown any cause why the Senate should not take further action to remove him from office.

In view of the foregoing, it is the recommendation of this Committee that Edward V. Mason, Sr. be removed from the Office of County Commissioner of Orange County, Florida, effective May 26, 1981.

Respectfully submitted,

Kenneth C. Jenne, Chairman *Pat Frank*
Frank B. Mann, Vice Chairman *Patrick K. Neal*
Edgar M. Dunn, Jr.

On motion by Senator Jenne, the foregoing report on the Executive Order of Suspension of Edward V. Mason, Sr. from the office of County Commissioner, Orange County, Florida, was adopted and the Senate removed Edward V. Mason, Sr. from said office effective May 26, 1981. The vote was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Scott

FIRST READING OF COMMITTEE SUBSTITUTE

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

CS for CS for SB 302—A bill to be entitled An act relating to professional regulation; providing for the regulation of the dispensing of hearing aids by the Department of Professional Regulation; providing legislative purpose; providing definitions; creating a Board of Hearing Aid Specialists within the department; providing for the appointment of board members; providing for a headquarters; providing qualifications and procedures for licensure by examination and by endorsement; providing for license renewal; authorizing licensees to place their licenses on inactive status; authorizing continuing education requirements as a condition for reactivating a license; prohibiting specified conduct and providing penalties; providing for disciplinary proceedings and penalties for specified conduct; providing minimal procedures and equipment; providing for inspection of equipment by the Department of Health and Rehabilitative Services; providing for a fee; providing for rules; authorizing the Department of Health and Rehabilitative Services to inspect and investigate; providing for receipts, packaging, disclaimers, and guarantees; prohibiting the sale or distribution of hearing aids through the mail; providing a penalty; requiring the board to report criminal violations of the act to prosecuting authorities; authorizing the adoption of rules; providing exemptions; providing for a type four transfer; providing for repeal and legislative review; repealing part II of chapter 468, Florida Statutes, relating to the regulation of the fitting and selling of hearing aids by the Department of Health and Rehabilitative Services; providing for severability; providing an effective date.

On motions by Senator Vogt, by two-thirds vote SR 291 was withdrawn from the Committee on Rules and Calendar and taken up instanter.

SR 291—A resolution commending the Titusville High School football team for winning the 1982 Florida AAA State Championship

—was read the second time in full. On motion by Senator Vogt, SR 291 was adopted. The vote on adoption was:

Yeas—34

Mr. President	Dunn	Grizzle	Johnston
Beard	Fox	Hair	Kirkpatrick
Carlucci	Frank	Henderson	Langley
Castor	Gersten	Hill	Malchon
Childers, W. D.	Girardeau	Jenne	Margolis
Crawford	Grant	Jennings	Maxwell

McPherson	Plummer	Thomas	Weinstein
Myers	Rehm	Thurman	
Neal	Stuart	Vogt	

Nays—None

Vote after roll call:

Yea—Scott

By Senator Henderson—

SR 1206—A resolution commending the McClellan Park subdivision in the City of Sarasota for its historical significance and beauty and the McClellan Park Neighborhood Association, Inc., for its efforts to retain those qualities.

—was read the first time by title. On motion by Senator Henderson, SR 1206 was read the second time in full and adopted. The vote on adoption was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Scott

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 233 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Barron, the rules were waived and by two-thirds vote CS for SB 260 and SB 233 were placed on the special order calendar following HB 1309.

On motions by Senator Margolis, the rules were waived and by two-thirds vote HB 1321 was withdrawn from the Committee on Finance, Taxation and Claims and by unanimous consent placed on the special order calendar before SB 840.

On motion by Senator Margolis, by two-thirds vote HB 1217 was placed on the special order calendar following HB 1309.

On motion by Senator Neal, the rules were waived and by two-thirds vote HB 1149 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Johnston, the rules were waived and by two-thirds vote Senate Bills 389, 635, 67, CS for SB 594 and HB 1149 were withdrawn from the Committee on Appropriations.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives returns HB 470 as requested.

Allen Morris, Clerk

By Representative Upchurch—

HB 470—A bill to be entitled An act relating to St. Johns and Flagler Counties; relating to the Sixteen Mile Creek Water Control District, a water control district, created under chapter 298, Florida Statutes, being an act relating to the creation and organization of water control districts; providing for a quorum at landowners' meetings; providing notification for such meetings; providing an effective date.

On motion by Senator Hair, the Senate reconsidered the vote by which HB 470, contained in the foregoing message, passed May 27.

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator Hair and adopted by two-thirds vote:

Amendment 1—On page 1, lines 22-24, strike all of said lines

(Renumber subsequent sections.)

HB 470 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	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	
Frank	Johnston	Neal	

Nays—None

The Honorable Curtis Peterson, President

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

SB 47—A bill to be entitled An act relating to guardians; amending s. 744.309(1)(b), Florida Statutes; providing that a judge is not prohibited from acting as a guardian when he has maintained a close family relationship to the ward; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 9, after the colon, insert:

Section 1. Subsection (1) of section 709.08, Florida Statutes, is amended to read:

709.08 Durable family power of attorney.—

(1) A principal may create a durable family power of attorney designating his spouse, parent, child, whether natural or adopted, brother, or sister, *niece, or nephew* his attorney in fact by executing a power of attorney. Such power of attorney shall be in writing, shall state the relationship of the parties, and shall include the words, "This durable family power of attorney shall not be affected by disability of the principal except as provided by statute" or similar words clearly showing the intent of the principal that the power conferred on the attorney in fact shall be exercisable from the date specified in the instrument, notwithstanding a later disability or incapacity of the principal, unless otherwise provided by statute. All acts done by the attorney in fact pursuant to the power conferred during any period of disability or incompetence shall have the same effect, and inure to the benefit of and bind the principal of his heirs, devisees, and personal representatives, as if the principal were competent and not disabled.

(Renumber the subsequent sections.)

Amendment 2—On page 1, in the title, line 2 after the semicolon, insert: amending s. 709.08(1), Florida Statutes; permitting a niece or nephew to be appointed in a durable family power of attorney;

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

SB 47 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Childers, W. D.	Girardeau	Jenne
Barron	Crawford	Grant	Jennings
Beard	Dunn	Grizzle	Johnston
Carlucci	Fox	Hair	Kirkpatrick
Castor	Frank	Henderson	Langley
Childers, D.	Gersten	Hill	Malchon

Mann	Myers	Scott	Vogt
Margolis	Neal	Stuart	Weinstein
Maxwell	Plummer	Thomas	
McPherson	Rehm	Thurman	

Nays—None

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 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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

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

Section 1. Section 627.5675, Florida Statutes, is created to read:

627.5675 Notification to insureds of cancellation or expiration required.—Every insurer delivering or issuing for delivery a group life insurance policy under the provisions of this part shall notify each certificateholder when the master policy has expired or when the master policy has been canceled. The insurer may take such action through the policyholder; and, if the insurer elects to take such action through the policyholder, the insurer shall be deemed to have complied with the provisions of this section upon notifying the policyholder of the requirements of this section and requesting the policyholder to forward to the certificateholders the notice required herein. Upon receipt of such a request, the policyholder shall forward as soon as practicable the notice of expiration or cancellation to each certificateholder covered under the policy.

Section 2. Section 627.6652, Florida Statutes, is created to read:

627.6652 Notification to insureds of cancellation or expiration required.—Every insurer delivering or issuing for delivery a group health insurance policy under the provisions of this part shall notify each certificateholder when the master policy has expired or when the master policy has been canceled. The insurer may take such action through the policyholder; and, if the insurer elects to take such action through the policyholder, the insurer shall be deemed to have complied with the provisions of this section upon notifying the policyholder of the requirements of this section and requesting the policyholder to forward to the certificateholders the notice required herein. Upon receipt of such a request, the policyholder shall forward as soon as practicable the notice of expiration or cancellation to each certificateholder covered under the policy.

Section 3. Each section within chapter 627, Florida Statutes, which is added or amended by this act, is repealed on October 1, 1992, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

(Renumber subsequent sections.)

Amendment 2—On page 1, in the title, line 1 after the semi-colon (;) insert:

creating s. 627.5675, Florida Statutes; requiring notice to certificateholders of expiration or cancellation of group life insurance coverage; creating s. 627.6652, Florida Statutes; requiring notice to certificateholders of expiration or cancellation of group health insurance coverage; providing for review and repeal;

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

CS for SB 405 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Childers, D.	Fox	Grizzle
Beard	Childers, W. D.	Frank	Hair
Carlucci	Crawford	Girardeau	Henderson
Castor	Dunn	Grant	Jennings

Johnston	Mann	Meek	Rehm
Kirkpatrick	Margolis	Myers	Scott
Langley	Maxwell	Neal	Vogt
Malchon	McPherson	Plummer	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten, Stuart, Thurman

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 125—A bill to be entitled An act relating to optometric service plan corporations; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, ss. 637.011-637.161, Florida Statutes; creating s. 637.001, Florida Statutes; providing definitions; amending s. 637.011, Florida Statutes; providing clarifying language; amending s. 637.021, Florida Statutes; providing for composition of directors of plan; amending s. 637.031, Florida Statutes; providing clarifying language; amending s. 637.041, Florida Statutes; providing for expiration of certificate of authority; providing for amount of working capital; amending ss. 637.051, 637.061, 637.071, 637.081, 637.091, 637.111, Florida Statutes; providing clarifying and conforming language; creating s. 637.115, Florida Statutes; providing grounds for suspension or revocation of certificate of authority; creating s. 637.116, Florida Statutes; providing for notice, effect, and publication of suspension; creating s. 637.117, Florida Statutes; providing for duration of suspension; creating s. 637.118, Florida Statutes; providing for administrative fine in lieu of suspension or revocation of certificate of authority; amending ss. 637.131, 637.141, Florida Statutes; providing conforming language; creating s. 637.143, Florida Statutes; providing grounds for compulsory refusal, suspension, or revocation of registration; creating s. 637.144, Florida Statutes; providing grounds for discretionary refusal, suspension, or revocation of registration, creating s. 637.145, Florida Statutes; providing for duration of suspension or revocation; creating s. 637.146, Florida Statutes; providing for administrative fine in lieu of suspension, revocation, or refusal of registration; creating s. 637.147, Florida Statutes; providing for confidentiality of investigatory records; creating s. 637.152, Florida Statutes; providing for application of unfair insurance trade practices act; amending s. 637.161, Florida Statutes; providing for conforming language; creating s. 637.165, Florida Statutes; providing for adoption of rules; allowing to stand repealed under the Regulatory Sunset Act ss. 637.101, 637.121, 637.151, Florida Statutes, relating to review of dispute, revocation of license, and preexisting service plan corporations; providing for legislative review; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 9—On page 2, line 29, strike everything after the enacting clause, and insert:

CHAPTER 637
PROFESSIONAL SERVICE PLANS
PART I
OPTOMETRIC SERVICE
PLAN CORPORATIONS

Section 1. Section 637.001, Florida Statutes, is created to read:

637.001 *Definitions.*—As used in this part:

- (1) "Department" means the Florida Department of Insurance.
- (2) "Optometric service plan" includes the contracting for payment of fees toward, or the furnishing of, professional services or ophthalmic materials authorized or permitted to be furnished by a duly licensed doctor of optometry.
- (3) "Optometric service plan corporation" means any nonprofit corporation formed for the purpose of establishing, maintaining, and operating any optometric service plan or plans in this state.
- (4) "Sales representative" means any person, other than a participating optometrist, who solicits, negotiates, or effectuates contracts for optometric services on behalf of an optometric service plan corporation.

Section 2. Section 637.011, Florida Statutes, is amended to read:

637.011 Optometric service plan corporations.—

(1) Any ~~five~~ 30 or more persons may wishing to form a corporation for the purpose of establishing, maintaining and operating a nonprofit optometric service plan or plans in the state whereby optometric service or care may be provided in whole or in part by the said corporation, or by optometrists participating in the such service plan or plans, to such of the public as become subscribers to the said plan or plans under a contract or contracts with the such corporation. Any optometric service plan corporation may become incorporated under laws of Florida governing the incorporation of benevolent or charitable associations and similar corporations not for profit, ~~and any such corporation heretofore or hereafter incorporated, whose charter or certificate of incorporation has or shall have the consent or approval of the Department of Insurance of the state, The corporation shall be governed by this part chapter and subject to regulation and supervision by the department and to all provisions of the laws of Florida applicable to health or disability insurance, except as otherwise provided by this part chapter. The term "optometric service plan" as used in this chapter includes the contracting for the payment of fees toward, or the furnishing of, professional services or ophthalmic materials authorized or permitted to be furnished by a duly licensed doctor of optometry.~~

(2) Every corporation licensed under provisions of this part chapter is hereby declared to be a charitable and benevolent institution.

Section 3. Section 637.021, Florida Statutes, is amended to read:

637.021 Incorporation.—

(1) Any nonprofit optometric service plan corporation shall be incorporated under the provisions of the laws of the state governing the incorporation of benevolent or charitable associations and similar corporations not for profit, except when such provisions are in conflict with the provisions of this part chapter, ~~and every charter or certificate of such corporation shall have endorsed thereon or annexed thereto the consent of the Department of Insurance of the state.~~

(2) The directors of every such optometric service plan corporation shall ~~must~~ at all times include at least two representatives of the licensed optometrists and one representative of the general public.

(3) At least a majority of the directors of every such optometric service plan corporation must at all times be licensed optometrists.

Section 4. Section 637.031, Florida Statutes, is amended to read:

637.031 *Rates Contracts.*—The rates charged by the such corporation to the subscribers for optometric care shall at all times be subject to the approval of the department of ~~Insurance of the state.~~

Section 5. Section 637.041, Florida Statutes, is amended to read:

637.041 *Certificate of authority License.*—

(1) No optometric service plan corporation ~~subject to the provisions of this chapter~~ shall issue contracts to subscribers until the department of Insurance has, by formal certificate of authority or license, authorized it to do so. Application for such certificate of authority or license shall be made on forms ~~provided to be supplied~~ by the department and containing such information as it shall deem necessary.

(2) Each application for a such certificate of authority or license, ~~as a part thereof,~~ shall be accompanied by copies of the following documents, duly certified to by at least two of the executive officers of the such corporation:

- (a) Charter or certificate of incorporation, with all amendments thereto.
- (b) Bylaws, with all amendments thereto.
- (c) Proposed contracts between the corporation and any party for the furnishing of or the payment in whole or in part for optometric services furnished the subscribers by duly licensed optometrists.
- (d) Proposed contracts to be issued to subscribers to the plan showing the benefits to which they are entitled, together with ~~a table of the rates charged, or proposed rates to be charged, to subscribers for each form of such contract.~~
- (e) Financial statement of the corporation, which shall include the amounts of each contribution paid or agreed to be paid to the corporation for ~~having~~ working capital, the name or names of each contributor, and the terms of each contribution.

(3)(a) The department of ~~Insurance~~ shall issue a certificate of authority, *which shall expire on June 1 succeeding its issuance and annually thereafter, and shall issue a renewal thereof or license* to each applicant upon the payment of the *license* fees provided for in s. 624.501 and upon being satisfied ~~as to the following:~~

1. That the applicant has been organized bona fide for the purpose of establishing, maintaining, and operating a nonprofit optometric service plan.

2.a. That each contract executed or proposed to be executed by the applicant and ~~an~~ the optometrist obligates, or will when executed obligate, ~~the each~~ optometrist thereto to render the service or accept payment for the service to which each subscriber may be entitled under the terms of the contract issued to the subscriber.

b ~~2~~. That each contract issued or proposed to be issued to subscribers to the plan is in a form approved by the department. ~~and~~

3. That the rates charged or proposed to be charged for each form of ~~such~~ contract and benefits to be provided are fair and reasonable.

4. That no contributions to the funds of the corporation for working capital are repayable by the corporation except out of earned income over and above operating expenses and optometric expenses and such reserve as the department may deem adequate.

5. That the amount of money ~~actually received by the applicant upon the terms specified in subparagraph 4,~~ for working capital is *and will continue to be* sufficient to carry all acquisition costs and operating expenses for a period of at least 3 months ~~from the date of the issuance of the certificate of authority or license. The sufficiency of the working capital shall be determined by the department. In making the determination the department shall consider the area to be served, the anticipated number of subscribers, and the type of services to be provided.~~

(b) ~~The~~ ~~Such~~ certificate of authority ~~or license~~ shall be effective ~~unless until~~ revoked by the department. ~~as hereinafter provided, and~~ Any corporation ~~with a subsisting to which such~~ certificate of authority ~~or license has been issued shall, until revocation thereof, be authorized to issue contracts, as approved by in the form or forms filed with the department, to the persons who may become subscribers.~~

Section 6. Section 637.051, Florida Statutes, is amended to read:

637.051 Charter, bylaws, contracts, rates; amendments, approval by department of ~~Insurance~~.—No *optometric service plan* corporation subject to the provisions of this chapter shall amend its charter or certificate of incorporation, its bylaws, the terms and provisions of contracts executed or to be executed with optometrists, or the terms and provisions of contracts issued or proposed to be issued to subscribers until such proposed amendments have been first submitted to and approved by the department of ~~Insurance~~; nor shall any change be made in the table of rates charged or proposed to be charged to subscribers for any form of contract issued or to be issued until such proposed ~~change~~ ~~charge~~ has been submitted to and approved by the department of ~~Insurance~~. Upon the adoption of any amendment or change, and following its approval by the department, ~~the~~ ~~such~~ corporation shall file a copy thereof with the ~~insurance~~ department, duly certified by at least two of the executive officers of the ~~such~~ corporation.

Section 7. Section 637.061, Florida Statutes, is amended to read:

637.061 Annual reports ~~or statements~~.—*Annually, by March 1, each optometric service plan* Every corporation subject to the provisions of this chapter shall ~~annually on or before March 1, file with in the office of the department of Insurance a statement, prepared in accordance with generally accepted accounting procedures, of its financial condition as of December 31 of the calendar year preceding the date of filing, in such form and containing such information as the department deems necessary. The statement shall be verified by at least two of the principal officers of the said corporation showing its condition on December 31 next preceding, which shall be in such form and contain such matters as the Department of Insurance shall prescribe.~~

Section 8. Section 637.071, Florida Statutes, is amended to read:

637.071 Examination.—The department shall, *as often as it may deem necessary, but at least once every 3 years, visit and examine of* ~~Insurance, any agent or examiner of the department, or any other person whom the department appoints shall have the power of visitation and~~

~~examination into the affairs of any optometric service plan such corporation. The department shall have and free access to all of the books, papers, and documents that relate to the business of the corporation, and may summon and qualify witnesses under oath and examine its officers, agents, and sales representatives employees or other persons in relation to the affairs, transactions, and condition of the corporation. The corporation whose affairs are examined shall pay to the department of Insurance the traveling and other expenses of examination pursuant to s. 624.320.~~

Section 9. Section 637.081, Florida Statutes, is amended to read:

637.081 Acquisition costs.—All acquisition costs in connection with the solicitation of subscribers to a *nonprofit optometric such* service plan or plans shall at all times be subject to the approval of the department of ~~Insurance~~. *Acquisition costs shall bear a reasonable relationship to the services rendered.*

Section 10. Section 637.091, Florida Statutes, is amended to read:

637.091 Investments and funds.—The funds of any *optometric service plan* corporation ~~subject to the provisions of this chapter~~ shall be invested only in securities permitted by the laws of the state for the investment of assets of life insurance companies.

Section 11. Section 637.101, Florida Statutes, is hereby repealed.

~~637.101—Review of dispute.—Any dispute arising between a corporation subject to the provisions of this chapter and any optometrist with whom such corporation has a contract as provided herein may be submitted to the Department of Insurance for its decision with respect thereto.~~

Section 12. Section 637.111, Florida Statutes, is amended to read:

637.111 Dissolution or liquidation.—Any dissolution or liquidation of a corporation subject to the provisions of this ~~part~~ ~~chapter~~ shall be under the supervision of the department of ~~Insurance~~, which shall have all powers with respect thereto granted to it under the laws of the state with respect to the dissolution and liquidation of life insurance companies.

Section 13. Section 637.115, Florida Statutes, is created to read:

637.115 Grounds for suspension or revocation of certificate —

(1) *The certificate of authority of an optometric service plan corporation may be revoked or suspended, or the department may refuse to renew a certificate of authority, if the department determines that the optometric service plan corporation:*

(a) *Has violated any lawful rule or order of the department or any provision of this part.*

(b) *Is in an unsound financial condition which would render its further transaction of business in this state hazardous or injurious to its policyholders, certificate holders, 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, certificate holders, or the public.*

(d) *Has refused to be examined or to produce its accounts, records, and 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 satisfy any final judgment rendered in this state within 60 days of termination of legal process.*

(f) *Has, without just cause, refused to pay proper claims or perform services arising under its policies or contracts, or, without just cause, has compelled policyholders or certificate holders to accept less than the amount due them, or to employ attorneys, or to bring suit against the corporation 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 optometric service plan corporation 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 optometric service plan corporation if it finds that one or more of the following circumstances exist:*

(a) The optometric service plan corporation is insolvent or impaired.

(b) The working capital required by s. 637.041 is not maintained.

(c) Proceedings for receivership, conservatorship, rehabilitation, or other delinquency proceedings regarding the optometric service plan corporation have been commenced in any state.

(d) The financial condition or business practices of the optometric service plan corporation otherwise pose an imminent threat to the public health, safety, or welfare of the residents of this state.

(3) Violation of this part by an optometric service plan corporation shall be grounds for suspension or revocation of the optometric service plan corporation's certificate of authority in this state.

Section 14. Section 637.116, Florida Statutes, is created to read:

637.116 Order; notice of suspension or revocation of certificate; effect; publication.—

(1) Suspension or revocation of a certificate of authority of an optometric service plan corporation 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 corporation 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 15. Section 637.117, Florida Statutes, is created to read:

637.117 Duration of suspension; obligations during suspension; reinstatement.—

(1) Suspension of an optometric service plan corporation'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 optometric service plan corporation shall file its annual statement and pay fees as required under this part as if the certificate had continued in full force.

(3) Upon expiration of the suspension period, if within such period the certificate has not otherwise terminated, the certificate shall automatically be reinstated, unless the causes of the suspension have not been removed, or the corporation is otherwise not in compliance with the requirements of this part.

(4) Upon reinstatement of the certificate of authority, following suspension, the authority of the sales representatives in this state to represent the optometric service plan corporation or insurer shall likewise be reinstated.

Section 16. Section 637.118, Florida Statutes, is created to read:

637.118 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 part, the department may, in lieu of such suspension or revocation, impose a fine upon the insurer or optometric service plan corporation.

(2) With respect to any nonwillful violation, such fine shall not exceed \$500 per violation. In no event shall such fine exceed an aggregate amount of \$2,500 for all nonwillful violations arising out of the same action. When an optometric service plan corporation discovers a nonwillful violation, the corporation 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 corporation's option. The restitution may be a credit against future premiums due provided that the interest shall accumulate until the premiums are due. If the amount of restitution due to any person is \$50 or more, and the corporation wishes to credit it against future premiums, it shall notify such person that he may receive a check instead of a credit. If the credit is on a policy which is not renewed, the corporation shall pay the restitution to the person to whom it is due.

(3) With respect to any knowing and willful violation of a lawful order or rule of the department or a provision of this part, the department may impose a fine upon the optometric service plan corporation in an amount not to exceed \$2,500 for each such violation. In no event shall such fine exceed an aggregate amount of \$10,000 for all knowing and willful violations arising out of the same action. In addition to such fines, such corporation shall make restitution when due in accordance with the provisions of subsection (2).

(4) The failure of an optometric service plan corporation to make restitution when due as required under this section shall constitute a willful violation of this part. However, if a corporation 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 part.

Section 17. Section 637.121, Florida Statutes, is hereby repealed.

~~637.121 Revocation of license.—Whenever the Department of Insurance shall have reason to believe that any corporation subject to the provisions of this chapter is being operated for profit or fraudulently conducted or is not complying with the provisions of this chapter, it shall be authorized to suspend or revoke the certificate of authority or license theretofore granted and may at any time thereafter institute or cause to be instituted the necessary proceedings under the laws of the state relating to the dissolution of insurance companies, and any dissolution or liquidation of a corporation subject to the provisions of this chapter shall be under the supervision of the Department of Insurance.~~

Section 18. Section 637.131, Florida Statutes, is amended to read:

637.131 Licenses and taxes.—

(1) An optometric service plan corporation licensed under this chapter, its sales representatives, and all of its properties and funds shall be exempt from all taxes and license fees; provided, that such corporation shall be subject to the same license fees and premium receipt taxes imposed by general law upon and against and payable by fraternal benefit societies operating under the provisions of chapter 632, and with respect to the computation of such premium receipt taxes and for the purpose of this provision only, the "rates" paid by subscribers as provided herein shall be construed as "premiums" and the "contract" provided herein shall be construed as "policy."

~~(2) If the charter or certificate of incorporation specifies among its purposes the establishment, maintenance, and operation of an optometric service plan, it shall be referred to the Department of Insurance, and such charter or certificate shall not be filed until the consent of the Department of Insurance shall be endorsed thereon and annexed thereto.~~

Section 19. Section 637.141, Florida Statutes, is amended to read:

637.141 Regulation of sales employees or representatives of optometric service plan corporations.—Every sales representative or employee of any optometric service plan corporation subject to the provisions of this chapter who sells or writes certificates for optometric service for said corporation shall be registered by the said corporation with the department of Insurance. Said Registration shall be on forms prescribed by the department of Insurance and shall show the such information as may be requested. by it. Said Registration shall be made on or before the date of employment by the said corporation of the sales said representative or employee. In addition to the foregoing described The corporation shall pay to the department, for deposit into the Insurance Commissioner's Regulatory Trust Fund, of Insurance a permit fee of \$12 \$6 for each sales such representative or employee and a like amount October 1 of each odd-numbered year thereafter.; provided, that said permit fee shall be only \$3 in case the said representative or employee is not employed prior to April 1 of the then current year. No such permit shall be transferable from one person or corporation to another, and such permit shall be revocable by the Department of Insurance for cause.

Section 20. Section 637.143, Florida Statutes, is created to read:

637.143 Grounds for compulsory refusal, suspension, or revocation of registration.—The department shall deny, suspend, revoke, or refuse to renew or continue the registration and eligibility for registration of any sales representative who sells or writes contracts for an optometric service plan corporation if it finds that any one or more of the following applicable grounds exist:

(1) Willful use of registration to circumvent any of the requirements or prohibitions of this part.

(2) Willful misrepresentation of any optometric service plan contract or willful deception with regard to the plan or contract, done either in person or by any form of dissemination of information or advertising.

(3) Material misrepresentation to a subscriber or other interested party of the terms and coverage of a nonprofit optometric service plan with intent and for the purpose of effecting settlement of claim for loss or damage or benefit under the contract on less favorable terms than those provided in and contemplated by the contract.

(4) Demonstrated lack of fitness or trustworthiness.

(5) Demonstrated lack of reasonably adequate knowledge and technical competence to engage in the transactions authorized by the registration.

(6) Fraudulent or dishonest practices in the conduct of business under the registration.

(7) Misappropriation, conversion, or unlawful withholding of moneys belonging to subscribers or the optometric service plan corporation or to others and received in conduct of business under the registration.

(8) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of this part.

(9) A verdict of guilty or an entered plea of guilty or *nolo contendere* to a felony, in this state or any other state which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

Section 21. Section 637.144, Florida Statutes, is created to read:

637.144 *Grounds for discretionary refusal, suspension, or revocation of registration.*—The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the registration and eligibility for registration of any sales representative who sells or writes contracts for an optometric service plan corporation if it finds that 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. 637.143:

(1) Any cause for which issuance 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.

(3) Violation of any lawful order or rule of the department.

(4) Failure or refusal, upon demand, to pay over to any optometric service plan corporation he represents or has represented any money coming into his hands belonging to the corporation.

(5) Business conduct under the registration involving unfair methods of competition or unfair or deceptive acts or practices, as prohibited under part VII of chapter 626, or otherwise causing injury or loss to the public or detriment to the public interest.

(6) A verdict of guilty or an entered plea of guilty or *nolo contendere* to a felony, in this state or any other state, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

Section 22. Section 637.145, Florida Statutes, is created to read:

637.145 *Duration of suspension or revocation.*—

(1) The department shall, in its order suspending a registration, specify the period, not to exceed 1 year, during which the suspension is to be in effect. The registration shall remain suspended during the specified period, subject, however, to any rescission or modification of the order by the department, or modification or reversal thereof by the court, prior to expiration of the suspension period. A registration which has been suspended shall not be reinstated except upon request for such reinstatement. The department shall not grant such reinstatement if it finds that the circumstance or circumstances for which the registration was suspended still exist or are likely to recur.

(2) No individual whose registration was 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 shall not, however, grant a new registration if it finds that the circumstance or circumstances for which the registration was revoked still exist or are likely to recur.

(3) The department shall not grant or issue a registration to any individual where registration has been twice revoked.

Section 23. Section 637.146, Florida Statutes, is created to read:

637.146 *Administrative fine in lieu of suspension, revocation, or refusal of registration.*—

(1) If the department finds that one or more grounds exist for the discretionary suspension, revocation, or refusal to renew or continue any registration under this part, the department may, in its discretion, in lieu of such penalty, impose upon the person an administrative penalty not to exceed \$100 for each nonwillful violation and not to exceed \$1,000 for each willful violation.

(2) The department may allow a reasonable period, not to exceed 30 days, within which to pay to the department the amount of the penalty so imposed. If the penalty is not paid in its entirety to the department at its office at Tallahassee within the period so allowed, the registration shall stand suspended or revoked or the renewal or continuation shall be refused, as the case may be, upon expiration of such period. The penalty shall be deposited into the Insurance Commissioner's Regulatory Trust Fund.

Section 24. Section 637.151, Florida Statutes, is hereby repealed.

~~637.151 Preexisting service plan corporations.—No nonprofit corporation organized under the laws of this state prior to July 11, 1967, to operate an optometric service plan or plans in the state or any of the counties thereof, whose charter or certificate of incorporation has, prior to July 11, 1967, been approved or consented to by the insurance commissioner of the state, shall be required to incorporate or reincorporate as provided herein, but every such corporation desiring to operate such a plan or plans statewide shall file with the Insurance Commissioner its acceptance of part I of this chapter within 6 months from July 1, 1967, and every such corporation so accepting part I shall continue and shall have all the powers, authority and exemptions of part I and be subject to all the provisions thereof; provided, however, that the provisions of part I of this chapter shall not apply to organized nonprofit corporations herein defined and heretofore existing whose charter and bylaws have not been filed with, or which have not received a certificate of authority or license from, the Insurance Commissioner of the state prior to July 11, 1967, nor to such corporations which are now in operation and have heretofore operated within the confines of a single county.~~

Section 25. Section 637.152, Florida Statutes, is created to read:

637.152 *Unfair trade practices.*—Every optometric service plan and its sales representatives shall be subject to the provisions of part VII of chapter 626 (*Unfair insurance trade practices*).

Section 26. Section 637.161, Florida Statutes, is amended to read:

637.161 *Penalties.*—

(1) Any person or corporation engaging in the business of operating a nonprofit optometric service plan without first having procured a certificate of authority license from the department of Insurance, as required by this part, and any person or corporation violating any of the provisions of this part shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person making any willfully false statements in any written documents required by any section of this part chapter to be filed with the department of Insurance or any examiner at any investigation or hearing conducted by the said department of Insurance or examiner shall be guilty of perjury.

Section 27. Section 637.165, Florida Statutes, is created to read:

637.165 *Administration; rules.*—The administration of this part is vested in the department which may adopt reasonable rules necessary to effect the purposes of this part.

Section 28. Section 637.166, Florida Statutes, is created to read:

637.166 Civil remedy.—

(1) Any person damaged by a violation of the provisions of this part may bring a civil action against a person violating such provisions in the circuit court of the county in which the alleged violator resides, or has his principal place of business, or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant shall be liable for actual damages or \$500, whichever is greater, together with court costs and reasonable attorney's fees incurred by the plaintiff

(2) No punitive damages shall be awarded under this section unless the acts giving rise to the violation occur with such frequency as to indicate a general business practice and these acts are:

- (a) Willful, wanton, and malicious; or
- (b) In reckless disregard for the rights of any insured.

Any person who pursues a claim under this subsection shall post in advance the costs of discovery. Such costs shall be awarded to the insurer if no punitive damages are awarded to the plaintiff.

(3) As a condition precedent to bringing an action under this section, the department and the insurer shall be given notice of the violation. The notice shall state with specificity the facts which allegedly constitute the violation and the law which the plaintiff is relying upon. No action shall lie if, within 30 days thereafter, the damages are paid or the circumstances giving rise to the violation are corrected.

(4) This section shall not be construed to authorize a class action suit against an optometric service plan corporation or a civil action against the department, its employees, or the Insurance Commissioner.

Section 29. Section 637.167, Florida Statutes, is created to read:

637.167 Investigatory records.—All active investigation records of the department made or received pursuant to this part, and any active examination records necessary to complete an active investigation, shall be confidential and shall not be subject to public inspection under the provisions of chapter 119 for so long as reasonably necessary to complete the investigation.

Section 30. Subsection (12) 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.

(12) No transactions shall be exempt from the tax imposed by this chapter except those expressly exempted herein. Except for s. 423.02, all special or general laws granting tax exemptions, to the extent they may be inconsistent or in conflict with this chapter, including but not limited to the following designated laws, shall yield to and be superseded by the provisions of this subsection: ss. 153.76, 258.14, 315.11, 323.15(6), 340.20, 348.65, 348.762, 349.13, 374.132, 616.07, 623.09, 637.131, ~~637.154~~, 637.291, and 637.311 and the following Laws of Florida, acts of the year indicated: s. 31, ch. 30843, 1955; s. 19, ch. 30845, 1955; s. 12, ch. 30927, 1955; s. 8, ch. 31179, 1955; s. 15, ch. 31263, 1955; s. 13, ch. 31343, 1955. s. 16, ch. 59-1653; s. 13, ch. 59-1356; s. 12, ch. 61-2261; s. 19, ch. 61-2754; s. 10, ch. 61-2686; s. 11, ch. 63-1643; s. 11, ch. 65-1274; s. 16, ch. 67-1446; and s. 10, ch. 67-1681.

Section 31. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, sections 637.011, 637.021, 637.031, 637.041, 637.051, 637.061, 637.071, 637.081, 637.091, 637.111, 637.131, 637.141, and 637.161, Florida Statutes, shall not stand repealed on October 1, 1983, but such sections, as amended, shall continue in effect.

Section 32. Part I of chapter 637, Florida Statutes, is repealed on October 1, 1993, and shall be reviewed pursuant to the Regulatory Sunset Act, s. 11.61, Florida Statutes.

Section 33. This act shall take effect October 1, 1983

Amendment 10—On page 1 in the title, line 1, strike the entire title and insert: A bill to be entitled An act relating to optometric service plan corporations; creating s. 637.001, Florida Statutes, providing defini-

tions; amending s. 637.011, Florida Statutes, reducing the number of persons who may form an optometric service plan corporation; amending s. 637.021, Florida Statutes, deleting the requirement that the Department of Insurance consent to the charter or certificate of the corporation; amending s. 637.031, Florida Statutes, providing editorial changes in provisions relating to rates; amending s. 637.041, Florida Statutes, requiring corporations applying for a certificate of authority from the department to show an ability to continue to meet certain working capital requirements; authorizing the department to determine the sufficiency of working capital; amending s. 637.051, Florida Statutes, providing editorial changes in provisions relating to changes in charters, certificates of incorporation, bylaws, contracts, and rates; amending s. 637.061, Florida Statutes, providing editorial changes in provisions relating to annual reports; amending s. 637.071, Florida Statutes, requiring department examinations of the affairs of such corporations to occur at least once every 3 years; amending s. 637.081, Florida Statutes, restricting to nonprofit optometric service plans provisions relating to department approval of certain acquisition costs; requiring such costs to bear a reasonable relationship to the service rendered; amending s. 637.091, Florida Statutes, providing editorial changes in provisions relating to investments and funds; repealing s. 637.101, Florida Statutes, relating to departmental resolution of certain disputes between such corporations and optometrists; amending s. 637.111, Florida Statutes, providing editorial changes in provisions relating to dissolution or liquidation; creating s. 637.115, Florida Statutes, authorizing the revocation or suspension of a certificate of authority upon specified grounds; authorizing immediate suspension under specified circumstances; creating s. 637.116, Florida Statutes, requiring certain notice of revocation or suspension; creating s. 637.117, Florida Statutes, providing the duration of suspensions and providing for reinstatement; creating s. 637.118, Florida Statutes, authorizing administrative fines in lieu of suspension or revocation; repealing s. 637.121, Florida Statutes, relating to license revocations; amending s. 637.131, Florida Statutes, deleting provisions requiring departmental consent to the incorporation of optometric service plans; amending s. 637.141, Florida Statutes, providing for biennial registration of sales representatives of such corporations; specifying the fund into which fees are to be placed; creating ss. 637.143 and 637.144, Florida Statutes, providing grounds for compulsory and discretionary refusal, suspension, or revocation of the registration of a sales representative; creating s. 637.145, Florida Statutes, providing the duration of a suspension or revocation; creating s. 637.146, Florida Statutes, authorizing fines in lieu of suspension, revocation, or refusal of registration; repealing s. 637.151, Florida Statutes, relating to preexisting service plan corporations; creating s. 637.152, Florida Statutes, subjecting optometric service plan corporations and sales representatives to the provisions relating to unfair insurance trade practices; amending s. 637.161, Florida Statutes, providing editorial changes in provisions relating to penalties; creating s. 637.165, Florida Statutes, authorizing the department to adopt rules; creating s. 637.166, Florida Statutes, providing for civil remedies; creating s. 637.167, Florida Statutes, providing for the confidentiality of certain records; amending s. 212.08(12), Florida Statutes, 1982 Supplement, to conform to the act; saving certain provisions from sunset repeal scheduled October 1, 1983; providing for future review and repeal; providing an effective date.

Senator Thomas moved the following amendments which were adopted:

Amendment 1 to House Amendment 9—On page 23, strike lines 27-31 and on page 24, strike lines 1-31

(Renumber subsequent sections.)

Amendment 1 to House Amendment 10—On page 3, lines 22 and 23, strike "creating s. 637.166, Florida Statutes, providing for civil remedies;"

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

SB 125 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Childers, D.	Fox	Grizzle
Barron	Childers, W. D.	Frank	Hair
Carlucci	Crawford	Girardeau	Henderson
Castor	Dunn	Grant	Hill

Jennings	Mann	Myers	Stuart
Johnston	Margolis	Neal	Thomas
Kirkpatrick	Maxwell	Plummer	Vogt
Langley	McPherson	Rehm	Weinstein
Malchon	Meek	Scott	

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Thurman

The Honorable Curtis Peterson, President

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

SB 108—A bill to be entitled An act relating to pharmaceutical service plan corporations; creating s. 637.172, Florida Statutes; providing definitions; amending s. 637.171, Florida Statutes; authorizing the formation of a corporation to operate a pharmaceutical service plan; providing clarifying language; amending s. 637.181, Florida Statutes; providing for composition of directors of plan; amending s. 637.191, Florida Statutes; providing clarifying language; amending s. 637.201, Florida Statutes; providing for expiration and renewal of certificates of authority; providing for amount of working capital; amending ss. 637.211, 637.221, 637.231, 637.241, 637.251, 637.271, Florida Statutes; providing clarifying and conforming language; creating s. 637.275, Florida Statutes; providing grounds for suspension and revocation of certificate of authority; creating s. 637.276, Florida Statutes; providing for notice, effect, and publication of suspension order; creating s. 637.277, Florida Statutes; providing for duration of suspension; providing for reinstatement; creating s. 637.278, Florida Statutes; providing for administrative fine in lieu of suspension or revocation of certificate of authority; amending ss. 637.291, 637.301, Florida Statutes; providing conforming language; providing a \$12 registration fee for sales representatives; creating s. 637.302, Florida Statutes, providing grounds for compulsory refusal, suspension, or revocation of registration; creating s. 637.303, Florida Statutes; providing grounds for discretionary refusal, suspension, or revocation of registration; creating s. 637.304, Florida Statutes; providing for duration of suspension or revocation of registration; creating s. 637.305, Florida Statutes; providing for administrative fine in lieu of suspension, revocation, or refusal of registration; creating s. 637.314, Florida Statutes; providing that the department's examination and investigation records are confidential and not subject to ch. 119; creating s. 637.315, Florida Statutes; providing for application of unfair insurance trade practices act; amending s. 637.321, Florida Statutes; providing for conforming language; creating s. 637.325, Florida Statutes; providing for adoption of rules; reviving and readopting part II of chapter 637, Florida Statutes, as amended, notwithstanding the Regulatory Sunset Act; repealing s. 637.261, Florida Statutes, relating to review of disputes; repealing s. 637.281, Florida Statutes, relating to revocation of license; repealing s. 637.311, Florida Statutes, relating to pre-existing pharmaceutical service plan corporations; providing for legislative review; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On pages 3-22, strike everything after the enacting clause, and insert:

CHAPTER 637
PROFESSIONAL SERVICE PLANS
PART II
PHARMACEUTICAL SERVICE PLAN CORPORATIONS

Section 1. Section 637.1701, Florida Statutes, is created to read:

637.1701 *Definitions.*—As used in this part:

(1) "Department" means the Florida Department of Insurance.

(2) "Pharmaceutical service plan" includes the contracting for the payment of fees toward, or the furnishing of, professional services and pharmaceutical products authorized or permitted to be furnished or dispensed by a duly licensed pharmacist.

(3) "Pharmaceutical service plan corporation" means any nonprofit corporation formed for the purpose of establishing, maintaining, and operating any pharmaceutical service plan or plans in this state.

(4) "Sales representative" means any person, other than a participating pharmacist, who solicits, negotiates, or effectuates contracts for pharmaceutical services on behalf of a pharmaceutical service plan corporation.

Section 2. Section 637.171, Florida Statutes, is amended to read:

637.171 Pharmaceutical service plan corporations.—

(1) Any five or more persons may wish to form a corporation for the purpose of establishing, maintaining, and operating a nonprofit pharmaceutical service plan or plans in this state whereby pharmaceutical service or care may be provided in whole or in part by the said corporation, or by pharmacists participating in such service plan or plans, to such of the public as become subscribers to the said plan or plans under a contract or contracts with the such corporation. Any pharmaceutical service plan corporation may become incorporated under laws of Florida governing the incorporation of benevolent or charitable associations and similar corporations not for profit, and any such corporation heretofore or hereafter incorporated, whose charter or certificate of incorporation has or shall have the consent or approval of the Department of Insurance of the state, The corporation shall be governed by this part chapter and subject to regulation and supervision by the department of Insurance and to all provisions of the laws of Florida applicable to health or disability insurance, except as otherwise provided by this part chapter. The term "pharmaceutical service plan" as used in this chapter includes the contracting for the payment of fees toward, or the furnishing of, professional services and pharmaceutical products authorized or permitted to be furnished or dispensed by a duly licensed pharmacist.

(2) Every corporation licensed under provisions of this part chapter is hereby declared to be a charitable and benevolent institution.

Section 3. Section 637.181, Florida Statutes, is amended to read:

637.181 Incorporation.—

(1) Any nonprofit pharmaceutical service plan corporation shall be incorporated under the provisions of the laws of the state governing the incorporation of benevolent or charitable associations and similar corporations not for profit, except when such provisions are in conflict with the provisions of this part chapter, and every charter or certificate of such corporation shall have endorsed thereon or annexed thereto the consent of the Department of Insurance.

(2) The directors of every such pharmaceutical service plan corporation shall must at all times include at least two representatives of the licensed pharmacists and one representative of the general public.

(3) At least a majority of the directors of every such pharmaceutical service plan corporation must at all times be licensed pharmacists.

Section 4. Section 637.191, Florida Statutes, is amended to read:

637.191 *Rates Contracts.*—The rates charged by the such corporation to the subscribers for pharmaceutical care shall at all times be subject to the approval of the department of Insurance of the state.

Section 5. Section 637.201, Florida Statutes, is amended to read:

637.201 *Certificate of authority License.*—

(1) No pharmaceutical service plan corporation subject to the provisions of this chapter shall issue contracts to subscribers until the department of Insurance has, by formal certificate of authority or license, authorized it to do so. Application for such certificate of authority or license shall be made on forms to be provided supplied by the department of Insurance and containing such information as it shall deem necessary.

(2) Each application for a such certificate of authority or license, as a part thereof, shall be accompanied by copies of the following documents, duly certified to by at least two of the executive officers of the such corporation:

(a) Charter or certificate of incorporation, with all amendments thereto.

(b) Bylaws, with all amendments thereto.

(c) Proposed contracts between the corporation and any party for the furnishing of or the payment in whole or in part for pharmaceutical services and pharmaceutical products furnished or dispensed to the subscribers by duly licensed pharmacists.

(d) Proposed contracts to be issued to subscribers to the plan showing the benefits to which they are entitled, together with a table of the rates charged, or proposed rates to be charged, to subscribers for each form of such contract.

(e) Financial statement of the corporation which shall include the amounts of each contribution paid or agreed to be paid to the corporation for having working capital, the name or names of each contributor, and the terms of each contribution.

(3)(a) The department of Insurance shall issue a certificate of authority, which shall expire on June 1 succeeding its issuance and annually thereafter, and shall issue a renewal thereof, or license to each applicant upon the payment of the license fees provided for in s. 624.501 and upon being satisfied as to the following:

1. That the applicant has been organized bona fide for the purpose of establishing, maintaining, and operating a nonprofit pharmaceutical service plan.

2.a. That each contract executed or proposed to be executed by the applicant and a the pharmacist obligates, or will when executed obligate, the each pharmacist thereto to render the service or accept payment for the service to which each subscriber may be entitled under the terms of the contract issued to the subscriber.

b.3. That each contract issued or proposed to be issued to subscribers to the plan is in a form approved by the department of Insurance and

3. That the rates charged or proposed to be charged for each form of such contract and benefits to be provided are fair and reasonable.

4. That no contributions to the funds of the corporation for working capital are repayable by the corporation except out of earned income over and above operating expenses and pharmaceutical expenses and such reserve as the department of Insurance may deem adequate.

5. That the amount of money actually received by the applicant upon the terms specified in subparagraph 4., for working capital, is and will continue to be sufficient to carry all acquisition costs and operating expenses for a period of at least 3 months from the date of the issuance of the certificate of authority or license. The sufficiency of the working capital shall be determined by the department by taking into account the area to be served, the anticipated number of subscribers, and the type of service to be provided.

(b) The Such certificate of authority or license shall be effective unless until revoked by the department of Insurance as hereinafter provided, and Any corporation with a subsisting to which such certificate of authority or license has been issued shall, until revocation thereof, be authorized to issue contracts, as approved by in the form or forms filed with the department of Insurance, to the persons who may become subscribers.

Section 6. Section 637.211, Florida Statutes, is amended to read:

637.211 Charter, bylaws, contracts, rates; amendments, approval by department of Insurance.—No pharmaceutical service plan corporation subject to the provisions of this chapter shall amend its charter or certificate of incorporation, its bylaws, the terms and provisions of contracts executed or to be executed with pharmacists, or the terms and provisions of contracts issued or proposed to be issued to subscribers until such proposed amendments have been first submitted to and approved by the department of Insurance; nor shall any change be made in the table of rates charged or proposed to be charged to subscribers for any form of contract issued or to be issued until such proposed change charge has been submitted to and approved by the department of Insurance. Upon the adoption of any amendment or change charge, and following its approval by the department of Insurance, the such corporation shall file a copy thereof with the department of Insurance, duly certified by at least two of the executive officers of the such corporation.

Section 7. Section 637.221, Florida Statutes, is amended to read:

637.221 Annual reports or statements.—Annually, by March 1, each pharmaceutical service plan Every corporation subject to the provisions of this chapter shall annually on or before March 1, file with in the office of the department a statement, prepared in accordance with generally accepted accounting procedures, of its financial condition as of December 31 of the calendar year preceding the date of filing, in such form and containing such information as the department deems necessary. The

statement shall be of Insurance a statement verified by at least two of the principal officers of the said corporation showing its condition on December 31 next preceding, which shall be in such form and shall contain such matters as the Department of Insurance shall prescribe.

Section 8. Section 637.231, Florida Statutes, is amended to read:

637.231 Examination.—The department shall, as often as it may deem necessary, but at least once every 3 years, visit and examine of Insurance, any agent or examiner of the department, or any other person whom the department appoints shall have the power of visitation and examination into the affairs of any pharmaceutical service plan such corporation. The department shall have and free access to all of the books, papers, and documents that relate to the business of the corporation, and may summon and qualify witnesses under oath and examine its officers, agents, and employees or other persons in relation to the affairs, transactions, and condition of the corporation. The corporation whose affairs are examined shall pay to the department of Insurance the traveling and other expenses of examination pursuant to s. 624.320.

Section 9. Section 637.241, Florida Statutes, is amended to read:

637.241 Acquisition costs.—All acquisition costs in connection with the solicitation of subscribers to a nonprofit pharmaceutical such service plan or plans shall at all times be subject to the approval of the department of Insurance. Acquisition costs shall bear a reasonable relationship to the service rendered.

Section 10. Section 637.251, Florida Statutes, is amended to read:

637.251 Investments and funds.—The funds of any pharmaceutical service plan corporation subject to the provisions of this chapter shall be invested only in securities permitted by the laws of the state for the investment of assets of life insurance companies.

Section 11. Section 637.261, Florida Statutes, is hereby repealed.

637.261 Review of dispute.—Any dispute arising between a corporation subject to the provisions of this chapter and any pharmacist with whom such corporation has a contract as provided herein may be submitted to the Department of Insurance for its decision with respect thereto.

Section 12. Section 637.271, Florida Statutes, is amended to read:

637.271 Dissolution or liquidation.—Any dissolution or liquidation of a pharmaceutical service plan corporation subject to the provisions of this chapter shall be under the supervision of the department of Insurance, which shall have all powers with respect thereto granted to it under the laws of the state with respect to the dissolution and liquidation of life insurance companies.

Section 13. Section 637.275, Florida Statutes, is created to read:

637.275 Grounds for suspension or revocation of certificate.—

(1) The certificate of authority of a pharmaceutical service plan corporation may be revoked or suspended, or the department may refuse to renew a certificate of authority, if the department determines that the corporation:

(a) Has violated any lawful rule or order of the department or any provision of this part.

(b) Is in an unsound financial condition which would render its further transaction of business in this state hazardous or injurious to its policyholders, certificate holders, 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, certificate holders, or the public.

(d) Has refused to be examined or to produce its accounts, records, and 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 satisfy any final judgment rendered in this state within 60 days of termination of legal process.

(f) Has, without just cause, refused to pay proper claims or perform services arising under its policies or contracts, or, without just cause, has compelled policyholders or certificate holders to accept less than the amount due them, or to employ attorneys, or to bring suit against the corporation 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 pharmaceutical service plan corporation 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 pharmaceutical service plan corporation if it finds that one or more of the following circumstances exist:

(a) The pharmaceutical service plan corporation is insolvent or impaired.

(b) The working capital required by s. 637.201 is not maintained.

(c) Proceedings for receivership, conservatorship, rehabilitation, or other delinquency proceedings regarding the pharmaceutical service plan corporation have been commenced in any state.

(d) The financial condition or business practices of the corporation otherwise pose an imminent threat to the public health, safety, or welfare of the residents of this state.

(3) Violation of this part by a pharmaceutical service plan corporation shall be grounds for suspension or revocation of the pharmaceutical service plan corporation's certificate of authority in this state.

Section 14. Section 637.276, Florida Statutes, is created to read:

637.276 Order; notice of suspension or revocation of certificate; effect; publication.—

(1) Suspension or revocation of a certificate of authority of a pharmaceutical service plan corporation 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 corporation 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 15. Section 637.277, Florida Statutes, is created to read:

637.277 Duration of suspension; obligations during suspension; reinstatement.—

(1) Suspension of a pharmaceutical service plan corporation'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 pharmaceutical service plan corporation shall file its annual statement and pay fees as required under this part as if the certificate had continued in full force.

(3) Upon expiration of the suspension period, if within such period the certificate has not otherwise terminated, the certificate shall automatically be reinstated, unless the causes of the suspension have not been removed, or the corporation is otherwise not in compliance with the requirements of this part.

(4) Upon reinstatement of the certificate of authority, following suspension, the authority of the sales representatives in this state to represent the pharmaceutical service plan corporation or insurer shall likewise be reinstated.

Section 16. Section 637.278, Florida Statutes, is created to read:

637.278 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 part, the department may, in lieu of such suspension or revocation, impose a fine upon the insurer or pharmaceutical service plan corporation.

(2) With respect to any nonwillful violation, such fine shall not exceed \$500 per violation. In no event shall such fine exceed an aggregate amount of \$2,500 for all nonwillful violations arising out of the same action. When a pharmaceutical service plan corporation discovers

a nonwillful violation, the corporation 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 corporation's option. The restitution may be a credit against future premiums due, provided that the interest shall accumulate until the premiums are due. If the amount of restitution due to any person is \$50 or more, and the corporation wishes to credit it against future premiums, it shall notify such person that he may receive a check instead of a credit. If the credit is on a policy which is not renewed, the corporation shall pay the restitution to the person to whom it is due.

(3) With respect to any knowing and willful violation of a lawful order or rule of the department or a provision of this part, the department may impose a fine upon the pharmaceutical service plan corporation in an amount not to exceed \$2,500 for each such violation. In no event shall such fine exceed an aggregate amount of \$10,000 for all knowing and willful violations arising out of the same action. In addition to such fines, such corporation shall make restitution when due in accordance with the provisions of subsection (2).

(4) The failure of a pharmaceutical service plan corporation to make restitution when due as required under this section shall constitute a willful violation of this part. However, if a corporation 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 part.

Section 17. Section 637.281, Florida Statutes, is hereby repealed.

~~637.281 Revocation of license.—Whenever the Department of Insurance shall have reason to believe that any corporation subject to the provisions of this chapter is being operated for profit or fraudulently conducted or is not complying with the provisions of this chapter, it shall be authorized to suspend or revoke the certificate of authority or license theretofore granted and may at any time thereafter institute or cause to be instituted the necessary proceedings under the laws of the state relating to the dissolution of insurance companies, and any dissolution or liquidation of a corporation subject to the provisions of this chapter shall be under the supervision of the Department of Insurance.~~

Section 18. Section 637.291, Florida Statutes, is amended to read:

637.291 Licenses and taxes.—

~~(1) A pharmaceutical service plan~~ Every corporation licensed under this chapter, its sales representatives, and all of its properties and funds shall be exempt from all taxes and license fees; provided, that such corporation shall be subject to the same license fees and premium receipt taxes imposed by general law upon and against and payable by fraternal benefit societies operating under the provisions of chapter 632, and with respect to the computation of such premium receipt taxes and for the purpose of this provision only, the "rates" paid by subscribers as provided herein shall be construed as "premiums" and the "contract" provided herein shall be construed as "policy."

~~(2) If the charter or certificate of incorporation specifies among its purposes the establishment, maintenance, and operation of a pharmaceutical service plan, it shall be referred to the Department of Insurance, and such charter or certificate shall not be filed until the consent of the Department of Insurance shall be endorsed thereon and annexed thereto.~~

Section 19. Section 637.301, Florida Statutes, is amended to read:

637.301 Regulation of sales representatives employees or representatives of pharmaceutical service plan corporations.—Every sales representative or employee of any pharmaceutical service plan corporation subject to the provisions of this chapter who sells or writes certificates for pharmaceutical service for said corporation shall be registered by the said corporation with the department of Insurance. Said Registration shall be on forms prescribed by the department of Insurance and shall show the such information as may be requested by the department. Said Registration shall be made on or before the date of employment by the said corporation of the sales said representative or employee. In addition to the foregoing described registration, The corporation shall pay to the department, for deposit into the Insurance Commissioner's Regulatory Trust Fund, a permit fee of \$12 \$6 for each sales such representative or employee and a like amount October 1 of each odd-numbered year thereafter; provided, that said permit fee shall be

only in case the said representative or employee is not employed prior to April 1 of the then current year. No permit shall be transferable from one person or corporation to another, and such permit shall be revocable by the department for cause.

Section 20. Section 637.302, Florida Statutes, is created to read:

637.302 Grounds for compulsory refusal, suspension, or revocation of registration.—The department shall deny, suspend, revoke, or refuse to renew or continue the registration and eligibility for registration of any sales representative who sells or writes contracts for a pharmaceutical service plan corporation if it finds that any one or more of the following applicable grounds exist:

(1) Willful use of registration to circumvent any of the requirements or prohibitions of this part.

(2) Willful misrepresentation of any pharmaceutical service plan contract or willful deception with regard to the plan or contract, done either in person or by any form of dissemination of information or advertising.

(3) Material misrepresentation to a subscriber or other interested party of the terms and coverage of a nonprofit pharmaceutical service plan with intent and for the purpose of effecting settlement of claim for loss or damage or benefit under the contract on less favorable terms than those provided in and contemplated by the contract.

(4) Demonstrated lack of fitness or trustworthiness.

(5) Demonstrated lack of reasonably adequate knowledge and technical competence to engage in the transactions authorized by the registration.

(6) Fraudulent or dishonest practices in the conduct of business under the registration.

(7) Misappropriation, conversion, or unlawful withholding of moneys belonging to subscribers or the pharmaceutical service plan corporation or to others and received in conduct of business under the registration.

(8) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of this part.

(9) A verdict of guilty or an entered plea of guilty or nolo contendere to a felony, in this state or any other state, which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

Section 21. Section 637.303, Florida Statutes, is created to read:

637.303 Grounds for discretionary refusal, suspension, or revocation of registration.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the registration of any sales representative who sells or writes contracts for a pharmaceutical service plan corporation and it shall suspend or revoke the eligibility to hold a registration of any such person if it finds that as to the applicant for registration any one or more of the following grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 637.302:

(1) Any cause for which issuance 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.

(3) Violation of any lawful order or rule of the department.

(4) Failure or refusal, upon demand, to pay over to any pharmaceutical service plan corporation he represents or has represented any money coming into his hands belonging to the corporation.

(5) Business conduct under the registration involving unfair methods of competition or unfair or deceptive acts or practices, as prohibited under part VII of chapter 626, or otherwise causing injury or loss to the public or detrimental to the public interest.

(6) A verdict of guilty or an entered plea of guilty or nolo contendere to a felony, in this state or any other state, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

Section 22. Section 637.304, Florida Statutes, is created to read:

637.304 Duration of suspension or revocation.—

(1) The department shall, in its order suspending a registration, specify the period, not to exceed 1 year, during which the suspension is to be in effect. The registration shall remain suspended during the specified period, subject, however, to any rescission or modification of the order by the department, or modification or reversal thereof by the court, prior to expiration of the suspension period. A registration which has been suspended shall not be reinstated except upon request for such reinstatement. The department shall not grant such reinstatement if it finds that the circumstance or circumstances for which the registration was suspended still exist or are likely to recur.

(2) No individual whose registration was 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 shall not, however, grant a new registration if it finds that the circumstance or circumstances for which the registration was revoked still exist or are likely to recur.

(3) The department shall not thereafter grant or issue a registration to any individual whose registration has been twice revoked.

Section 23. Section 637.305, Florida Statutes, is created to read:

637.305 Administrative fine in lieu of suspension, revocation, or refusal of registration.—

(1) If the department finds that one or more grounds exist for the discretionary suspension, revocation, or refusal to renew or continue any registration under this part, the department may, in its discretion, in lieu of such penalty, impose upon the person an administrative penalty not to exceed \$100 for each nonwillful violation and not to exceed \$1,000 for each willful violation.

(2) The department may allow a reasonable period, not to exceed 30 days, within which to pay to the department the amount of the penalty so imposed. If the penalty is not paid in its entirety to the department at its office at Tallahassee within the period so allowed, the registration shall stand suspended or revoked or the renewal or continuation shall be refused, as the case may be, upon expiration of such period. The penalty shall be deposited in the Insurance Commissioner's Regulatory Trust Fund.

Section 24. Section 637.311, Florida Statutes, is hereby repealed.

~~637.311 Preexisting service plan corporation.—No nonprofit corporation organized under the laws of this state prior to August 4, 1967, to operate a pharmaceutical service plan or plans in the state or any of the counties thereof, whose charter or certificate of incorporation has, prior to August 4, 1967, been approved or consented to by the Insurance Commissioner of the state, shall be required to incorporate or reincorporate as provided herein, but every such corporation desiring to operate such a plan or plans statewide shall file with the Insurance Commissioner its acceptance of part II of this chapter within 6 months from July 1, 1967, and every such corporation so accepting part II shall continue and shall have all the powers, authority, and exemptions of part II of this chapter and be subject to all the provisions thereof; provided, however, that the provisions of this part shall not apply to organized nonprofit corporations herein defined and heretofore existing whose charter and bylaws have not been filed with, or which have not received a certificate of authority or license from, the Insurance Commissioner of the state prior to August 4, 1967, nor to such corporations which are now in operation and have heretofore operated within the confines of a single county.~~

Section 25. Section 637.315, Florida Statutes, is created to read:

637.315 Unfair trade practices.—Every pharmaceutical service plan corporation and its sales representatives shall be subject to the provisions of part VII of chapter 626 (Unfair insurance trade practices).

Section 26. Section 637.321, Florida Statutes, is amended to read:

637.321 Penalties.—

(1) Any person or corporation engaging in the business of operating a nonprofit pharmaceutical service plan without first having procured a certificate of authority license from the department of Insurance, as required by this part, and any person or corporation violating any of the provisions of this part, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person making any willfully false statements in any written documents required by any section of this part chapter to be filed with the department of Insurance or any examiner at any investigation or hearing conducted by the said department of Insurance or examiner shall be guilty of perjury.

Section 27. Section 637.325, Florida Statutes, is created to read:

637.325 Administration; rules.—The administration of this part is vested in the department which may adopt reasonable rules necessary to effect the purposes of this part.

Section 28. Section 637.331, Florida Statutes, is created to read:

637.331 Civil remedy.—

(1) Any person damaged by a violation of the provisions of this part may bring a civil action against a person violating such provisions in the circuit court of the county in which the alleged violator resides or has his principal place of business or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant shall be liable for actual damages or \$500, whichever is greater, together with court costs and reasonable attorney's fees incurred by the plaintiff.

(2) No punitive damages shall be awarded under this section unless the acts giving rise to the violation occur with such frequency as to indicate a general business practice and these acts are:

(a) Willful, wanton, and malicious; or

(b) In reckless disregard for the rights of any insured.

Any person who pursues a claim under this subsection shall post in advance the costs of discovery. Such costs shall be awarded to the insurer if no punitive damages are awarded to the plaintiff.

(3) As a condition precedent to bringing an action under this section, the department and the insurer shall be given notice of the violation. The notice shall state with specificity the facts which allegedly constitute the violation and the law which the plaintiff is relying upon. No action shall lie if, within 30 days thereafter, the damages are paid or the circumstances giving rise to the violation are corrected.

(4) This section shall not be construed to authorize a class action suit against a pharmaceutical service plan corporation or a civil action against the department, its employees, or the Insurance Commissioner.

Section 29. Section 637.332, Florida Statutes, is created to read:

637.332 Investigatory records.—All active investigation records of the department made or received pursuant to this part, and any active examination records necessary to complete an active investigation, shall be confidential and shall not be subject to public inspection under the provisions of chapter 119 for so long as reasonably necessary to complete the investigation.

Section 30. Subsection (12) 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.

(12) No transactions shall be exempt from the tax imposed by this chapter except those expressly exempted herein. Except for s. 423.02, all special or general laws granting tax exemptions, to the extent they may be inconsistent or in conflict with this chapter, including but not limited to the following designated laws, shall yield to and be superseded by the provisions of this subsection: ss. 153.76, 258.14, 315.11, 323.15(6), 340.20, 348.65, 348.762, 349.13, 374.132, 616.07, 623.09, 637.131, 637.151, and 637.291, and ~~637.311~~ and the following Laws of Florida, acts of the year indicated: s. 31, ch. 30843, 1955; s. 19, ch. 30845, 1955; s. 12, ch. 30927, 1955; s. 8, ch. 31179, 1955; s. 15, ch. 31263, 1955; s. 13, ch. 31343, 1955; s. 16, ch. 59-1653; s. 13, ch. 59-1356; s. 12, ch. 61-2261; s. 19, ch. 61-2754; s. 10, ch. 61-2686, s. 11, ch. 63-1643; s. 11, ch. 65-1274; s. 16, ch. 67-1446; and s. 10, ch. 67-1681.

Section 31. Notwithstanding the provisions of the Regulatory Sunset Act, sections 637.171, 637.181, 637.191, 637.201, 637.211, 637.221, 637.231, 637.241, 637.251, 637.271, 637.291, 637.301, and 637.321, Florida Statutes, shall not stand repealed on October 1, 1983, and shall continue in full force and effect as amended herein.

Section 32. Part II of chapter 637, Florida Statutes, is repealed on October 1, 1993, and shall be reviewed pursuant to the Regulatory Sunset Act, s. 11.61, Florida Statutes.

Section 33. This act shall take effect October 1, 1983.

Amendment 2—On page 1 in the title, lines 1-31, page 2, lines 1-31, and page 3, lines 1-2, strike the entire title, and insert:

A bill to be entitled An act relating to pharmaceutical service plan corporations; creating s. 637.1701, Florida Statutes, providing definitions; amending s. 637.171, Florida Statutes, reducing the number of persons who may form a pharmaceutical service plan corporation; amending s. 637.181, Florida Statutes, deleting the requirement that the Department of Insurance consent to the charter or certificate of the corporation; amending s. 637.191, Florida Statutes, providing editorial changes in provisions relating to rates; amending s. 637.201, Florida Statutes, requiring corporations applying for a certificate of authority from the department to show an ability to continue to meet certain working capital requirements; authorizing the department to determine the sufficiency of working capital; amending s. 637.211, Florida Statutes, providing editorial changes in provisions relating to changes in charters, certificates of incorporation, bylaws, contracts, and rates; amending s. 637.221, Florida Statutes, providing editorial changes in provisions relating to annual reports; amending s. 637.231, Florida Statutes, requiring department examinations of the affairs of such corporations to occur at least once every 3 years; amending s. 637.241, Florida Statutes, restricting to nonprofit pharmaceutical service plans provisions relating to department approval of certain acquisition costs; requiring such costs to bear a reasonable relationship to the service rendered; amending s. 637.251, Florida Statutes, providing editorial changes in provisions relating to investments and funds; repealing s. 637.261, Florida Statutes, relating to departmental resolution of certain disputes between such corporations and pharmacists; amending s. 637.271, Florida Statutes, providing editorial changes in provisions relating to dissolution or liquidation; creating s. 637.275, Florida Statutes, authorizing the revocation or suspension of a certificate of authority upon specified grounds; authorizing immediate suspension under specified circumstances; creating s. 637.276, Florida Statutes, requiring certain notice of revocation or suspension; creating s. 637.277, Florida Statutes, providing the duration of suspensions and providing for reinstatement; creating s. 637.278, Florida Statutes, authorizing administrative fines in lieu of suspension or revocation; repealing s. 637.181, Florida Statutes, relating to license revocations; amending s. 637.291, Florida Statutes, deleting provisions requiring departmental consent to the incorporation of pharmaceutical service plans; amending s. 637.301, Florida Statutes, providing for biennial registration of sales representatives of such corporations; specifying the fund into which fees are to be placed; creating ss. 637.302 and 637.303, Florida Statutes, providing grounds for compulsory and discretionary refusal, suspension, or revocation of the registration of a sales representative; creating s. 637.304, Florida Statutes, providing the duration of a suspension or revocation; creating s. 637.305, Florida Statutes, authorizing fines in lieu of suspension, revocation, or refusal of registration; repealing s. 637.311, Florida Statutes, relating to preexisting service plan corporations; creating s. 637.315, Florida Statutes, subjecting pharmaceutical service plan corporations and sales representatives to the provisions relating to unfair insurance trade practices; amending s. 637.321, Florida Statutes, providing editorial changes in provisions relating to penalties; creating s. 637.325, Florida Statutes, authorizing the department to adopt rules; creating s. 637.331, Florida Statutes, providing for civil remedies; creating s. 637.332, Florida Statutes, providing for the confidentiality of certain records; amending s. 212.08(12), Florida Statutes, 1982 Supplement, to conform to the act; saving certain provisions from sunset repeal scheduled October 1, 1983; providing for future review and repeal; providing an effective date.

Senator Thomas moved the following amendments which were adopted:

Amendment 1 to House Amendment 1—On page 23, lines 29-31, and on page 24, lines 1-31, and on page 25, lines 1 and 2, strike all of said lines and renumber subsequent sections

Amendment 1 to House Amendment 2—In title, on page 3, lines 22 and 23, strike "creating s. 637.331, Florida Statutes, providing for civil remedies;"

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

SB 108 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Gersten

The Honorable Curtis Peterson, President

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

SB 86—A bill to be entitled An act relating to ambulance service contracts; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, chapter 638, Florida Statutes; amending ss. 638.021-638.061, 638.081-638.141, 638.161, 638.181-638.211, 638.231-638.271, Florida Statutes; providing definitions; providing powers and duties of Department of Insurance; providing for certificate of authority; requiring annual statement; increasing required capital; requiring deposit or bond; providing for suspension or revocation of certificate; requiring notice of suspension or revocation; providing for rate filings and approval of forms; providing for tax on premiums and assessments; creating s. 638.125, Florida Statutes; specifying applicability of unfair insurance trade practices law; providing for service of process; providing for registration of sales representatives; providing grounds for discipline; providing for disposition of taxes and fees; prohibiting ambulance service associations from transacting insurance business; prohibiting fronting; prohibiting certain relationships with funeral directors; providing penalties; allowing to stand repealed under the Regulatory Sunset Act ss. 638.071, 638.171, Florida Statutes, relating to special surplus requirements and relating to service of process; providing for legislative review; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 6, strike everything after the enacting clause, and insert:

CHAPTER 638
AMBULANCE SERVICE CONTRACTS

Section 1. Section 638.011, Florida Statutes, is hereby repealed:

~~638.011—Declaration of policy.—It shall be deemed contrary to public policy if any person receives, holds, controls, or manages funds or proceeds received from the sale of or from a contract to sell preneed ambulance service, whether the payments for same are made outright or on an installment basis, prior to the need of the service by persons so purchasing it, or for whom it is purchased, unless such person holds, controls, or manages such funds, subject to the limitations and regulations prescribed by the following sections.~~

Section 2. Section 638.021, Florida Statutes, is amended to read:

638.021 Definitions.—As used in this chapter æt:

- (1) "Ambulance service association" or "association" means any person (other than an authorized insurer) issuing ambulance service contracts as herein defined.
- (2) "Insurer" means any property or casualty insurer duly authorized to transact such business in this state.
- (3) "Ambulance service contract" or "preneed ambulance service contract" means any contract or agreement whereby, for an agreed premium or specified consideration paid in advance or by installments, any person undertakes to compensate or indemnify the contract or agreement holder for any type ambulance service or undertakes to provide any type ambulance service on a preneed basis.

(4) "Sales representative" "Salesman" means any person employed or otherwise retained by an insurer or ambulance service association for the purpose of selling or issuing ambulance service contracts.

(5) "Department" means the Florida Department of Insurance.

(6) "Insurance Code" means the Florida Insurance Code, as defined in s. 624.01.

~~(6) "Person" includes an individual, insurer, company, association, organization, Lloyds, society, reciprocal insurer or interinsurance, exchange, partnership, syndicate, business trust, corporation, agent, general agent, broker, solicitor, service representative, adjuster and every legal entity.~~

Section 3. Section 638.031, Florida Statutes, is amended to read:

638.031 Powers of department; rules.—The department of Insurance shall administer this chapter æt and to that end it may adopt, promulgate, and enforce rules and regulations necessary and proper to effectuate any provisions of this chapter æt.

Section 4. Section 638.041, Florida Statutes, is amended to read:

638.041 Certificate of authority required.—

(1) No person shall receive, hold, control, or manage any funds tendered as payment on any ambulance service contract until such person has a subsisting is possessed of a certificate of authority, or renewal thereof, issued by the department of Insurance under the circumstances hereinafter stated. The An original certificate of authority shall expire on June March 1 succeeding its issuance, and annually thereafter, or before June March 1, a renewal thereof shall be issued under conditions herein set forth.

(2) An insurer while authorized to transact property or casualty insurance in this state may transact an ambulance service contract business without additional qualification or authority, but otherwise subject to the applicable provisions of this chapter æt.

Section 5. Section 638 051, Florida Statutes, is amended to read:

638.051 Certificate of authority; annual statement; renewal.—

(1) An application to the department for a certificate of authority shall be accompanied by the deposit required by s. 638.081 and by the following:

- (a) The ambulance service contracts proposed to be written;
- (b) Name and address of the place of business of the person offering to write the ambulance contracts;
- (c) Evidence of compliance with s. 638.061;
- (d) Biographical information relating to officers and directors; and
- (e) Such other information as may be considered necessary by the department in order for it to meet its obligations under this chapter.

(2) Annually on or before March 1, the ambulance service association shall file a statement of its financial condition, transactions, and affairs as of the preceding December 31 as certified by a certified public accountant. The statement shall contain a certification that the ambulance service association had sufficient funds available to perform obligations under its contracts.

(3) An insurer required to file statements under chapter 624 may include therein any statement of business written under this chapter rather than complying with the provisions of subsections (1) and (2).

(4) The annual fee payable to the department for the issuance of a certificate of authority shall be \$100 payable on initial application and thereafter no later than March 1 of each year for renewal.

(5) When the required information has been submitted and the department determines that the ambulance service association is in compliance with this chapter, the department shall issue the certificate of authority or renewal thereof.

~~(1) An application to the Department of Insurance for a certificate of authority shall be accompanied by the statement and other matters described below and by the deposit required by s. 638.081. Annually thereafter on or before March 1, such person shall file said statement, as of January 1 of the calendar year in which it is filed, and such other information and data which may be required by the Department of Insurance.~~

~~(2) Such statement shall be in such form as shall evidence to the department the following:~~

~~(a) The types of ambulance service contracts proposed to be written; and if a person is bound upon the effective date of this act by any ambulance service contract, or if the statement accompanies an application for a renewal of a certificate of authority, an itemization of all outstanding ambulance service contracts, the dates upon which such contracts were entered, the names of all parties involved in such contracts or having any right thereunder, the amount paid in on each contract, and if payments are not completed, the amounts intended to be paid on each contract.~~

~~(b) Name and address of place of business of person offering to write ambulance service contracts.~~

~~(c) That such person offering the statement had sufficient funds available during the calendar year to perform his obligations under his contracts; and that he has complied with this act and any rules and regulations of the department.~~

~~(d) Such other information as may be considered necessary by the department in order for it to meet its responsibilities under this act.~~

~~(3) Any statement presented shall be certified by an independent certified public accountant, except that any insurer required to file statements under chapter 624 may include therein any statement of business written under this act.~~

~~(4) The fee payable to the department for issuance of the original certificate and each annual renewal thereof shall be \$100, which sum shall accompany each application for original certificate and thereafter each annual statement.~~

~~(5) Upon the department's being satisfied that the statement and matters which may accompany it meet the requirements of this act and of its rules and regulations, it shall issue to such person said certificate of authority or renewal thereof.~~

Section 6. Section 638.061, Florida Statutes, is amended to read:

638.061 Capital funds required.—

~~(1) Any person applying for a his original certificate of authority in this state after the effective date of this act or continuing such original certificate of authority, shall possess and thereafter maintain unimpaired paid-in capital or paid-in capital stock (if a stock association) or unimpaired surplus (if a foreign mutual or foreign reciprocal association) or a net trust fund (if a business trust association) in an amount not less than \$50,000 \$25,000, and shall possess when first so authorized such additional surplus as is required under s. 638.071.~~

~~(2) After issuance of a certificate of authority, an ambulance service association shall maintain unimpaired paid-in capital stock (if a stock association) or unimpaired surplus (if a foreign mutual or foreign reciprocal association) or a net trust fund (if a business trust association), in an amount not less than \$25,000.~~

Section 7. Section 638.071, Florida Statutes, is hereby repealed:

~~638.071 Special surplus requirements.—In addition to the paid-in capital funds required in s. 638.061, any person hereafter applying for an initial certificate of authority in this state shall possess a surplus of \$20,000, which after the issuance of its initial certificate of authority such person may use the special surplus required under this section in the normal course of business only.~~

Section 8. Section 638.081, Florida Statutes, is amended to read:

638.081 Required deposit or bond.—

~~(1) To assure the faithful performance of its obligations to its members or subscribers every ambulance service association shall, prior to issuance of its certificate of authority license by the department of Insurance, deposit with the department securities of the type eligible for deposit by insurers under s. 625.52, of the Florida Insurance Code, and having at all times a market value of not less than \$20,000. Such deposit shall be in addition to the capital funds requirement in s. 638.061. Whenever the market value of the securities deposited with the department is less than 95 percent of the amount required under this subsection, the association shall deposit additional securities or otherwise increase the deposit to the amount specified in this subsection. except that any such association doing such a business in this state on or before~~

~~April 1, 1961, shall on or before October 1, 1961, so deposit such securities in the value of not less than \$10,000, and on or before October 1, 1962, so deposit additional such securities having a value of not less than \$10,000, in order to bring its total deposit of securities to a value of not less than \$20,000 not later than October 1, 1962.~~

~~(2) In lieu of any deposit of securities required under subsection (1), the association may file with the department a surety bond in like amount. The bond shall be one issued by an authorized surety insurer, shall be for the same purpose as the deposit in lieu of which it is filed, and shall be subject to the department's approval. No such bond shall be canceled or subject to cancellation unless at least 30 days' advance notice thereof in writing is filed with the department. The bond shall guarantee that the ambulance service association shall faithfully and truly perform all the conditions of any ambulance service 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 ambulance service 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) The state shall be responsible for the safekeeping of all securities deposited with the department under this chapter act. The Such securities shall not, on account of being deposited 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.~~

~~(4) The depositing association shall, during its solvency, have the right to exchange or substitute other securities of like quality and value for securities so on deposit, to receive the interest and other income accruing on such securities, and to inspect the deposit at all reasonable times.~~

~~(5) The Such deposit or bond 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 to the department satisfactory proof satisfactory to it 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 parties thereto, on presentation of the department's receipts for such securities, or release any bond filed with it in lieu of such deposit.~~

Section 9. Section 638.091, Florida Statutes, is amended to read:

638.091 Suspension, revocation of certificate of authority for violations and special grounds.—

~~(1) The department may, in its discretion, suspend, revoke or refuse to renew the certificate of authority of any ambulance service association if it finds that the association:~~

~~(a) Has violated any lawful order or rule of the department or any provision of this chapter act.~~

~~(2) The department shall suspend or revoke an ambulance service association's certificate of authority if it finds that such association:~~

~~(b)(a) Is in unsound financial condition, or in such condition, or using such methods and practices in the conduct of its business, as to render its further transaction of business contracts in this state hazardous or injurious to the public.~~

~~(c) Is using methods of practice in the conduct of its business as to render its future transactions of business in this state hazardous or injurious to the public.~~

~~(d)(b) Has refused to be examined or to produce its accounts, records and files for examination, or if any of its officers have refused to give information with respect to its affairs or to perform any other legal obligation as to such examination, when required by the department.~~

(e)(e) Has failed to pay any final judgment rendered against it in this state within 90 days after the judgment became final.

(f)(d) Has, without just cause, refused to provide service under its contracts, or, without just cause, compelled contract holders to employ attorneys to bring suit against the association to secure service. With such frequency as to indicate its general business practice in this state, has without just cause refused to pay proper claims arising under its contracts, or without just cause compels contract 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.

(g)(e) Is affiliated with and under the same general management or interlocking directorate or ownership as another ambulance service association which transacts direct contracts in this state without having a license therefor.

(2)(3) The department may, in its discretion, suspend the certificate of authority of any ambulance service association as to which proceedings for receivership, conservatorship, rehabilitation, or other delinquency proceedings have been commenced in any state.

(3)(4) Violation of this chapter by an insurer shall be grounds for suspension or revocation of the insurer's certificate of authority in this state.

Section 10. Section 638.111, Florida Statutes, is amended to read:

638.111 ~~Order~~, Notice of suspension or revocation of certificate of authority; ~~effect~~; ~~publication~~.—

(1) The department shall promptly give notice of suspension or revocation of an association's certificate of authority to the association's sales representatives salesmen in this state of record in the department's office. ~~The association shall not solicit or write any new contracts in this state during the period of any such suspension or revocation, nor after such revocation renew any business previously written.~~

(2) In its discretion the department may cause notice of any such revocation to be published in one or more newspapers of general circulation published in this state.

(3) ~~Upon suspension or revocation, the association and its sales representatives in their representative capacity shall not solicit or write any new contracts in this state during the period of any such suspension or revocation, nor after such revocation renew any business previously written.~~

Section 11. Section 638.121, Florida Statutes, is amended to read:

638.121 Duration of suspension; association's obligations during suspension period; reinstatement.—

(1) Suspension of an association's certificate of authority shall be for a ~~such~~ period not to exceed 1 year, as ~~specified is fixed~~ by the department in the order of suspension. ~~unless The department may subsequently shorten or rescind a shortens or rescinds such suspension or the order upon which the suspension is based is modified, rescinded or reversed.~~

(2) During the period of suspension the association shall file its annual statement, pay fees, licenses and taxes as required under this chapter as if the certificate of authority has continued in full force.

(3) Upon expiration of the suspension period (if within such period the certificate of authority has not otherwise terminated) the association's certificate of authority shall automatically reinstate unless the department finds that the causes of the suspension have not been removed, or that the association is otherwise not in compliance with the requirements of this chapter, ~~and of which the department shall give the association notice not less than 30 days in advance of the expiration of the suspension period. If not so automatically reinstated the certificate of authority shall be deemed to have expired as of the end of the suspension period or upon failure of the association to continue the certificate of authority during the suspension period, whichever event first occurs.~~

(4) Upon reinstatement of the certificate of authority of an insurer or association following suspension, the authority of its sales representatives salesmen in this state to represent the association or insurer shall likewise reinstate. The department shall promptly notify the association or insurer and its sales representatives salesmen in this state of record in its office of the ~~such~~ reinstatement.

Section 12. Section 638.122, Florida Statutes, is created to read:

638.122 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 or ambulance service association.

(2) With respect to any nonwillful violation, such fine shall not exceed \$500 per violation. In no event shall such fine exceed an aggregate amount of \$2,500 for all nonwillful violations arising out of the same action. When an ambulance service association discovers a nonwillful violation, the association 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 association's option. The restitution may be a credit against future premiums due, provided that the interest shall accumulate until the premiums are due. If the amount of restitution due to any person is \$50 or more, and the association wishes to credit it against future premiums, it shall notify such person that he may receive a check instead of a credit. If the credit is on a policy which is not renewed, the association shall pay the restitution to the person to whom it is due.

(3) With respect to any knowing and willful violation of a lawful order or rule of the department or a provision of this chapter, the department may impose a fine upon the ambulance service association in an amount not to exceed \$2,000 for each such violation. In no event shall such fine exceed an aggregate amount of \$10,000 for all knowing and willful violations arising out of the same action. In addition to such fines, such association shall make restitution when due in accordance with the provisions of subsection (2).

(4) The failure of an ambulance service association to make restitution when due as required under this section shall constitute a willful violation of this chapter. However, if a corporation 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 638.125, Florida Statutes, is created to read:

638.125 Unfair trade practices.—Every ambulance service association and its representatives and employees shall be subject to the provisions of part VII of chapter 626 (Unfair insurance trade practices).

Section 14. Section 638.131, Florida Statutes, is amended to read:

638.131 Filing, approval of forms, rate filings.—

(1) No contract form nor related form shall be issued or used in this state unless it has been filed with and approved by the department.

(2) Every such filing shall be made not less than 30 days in advance of issuance or use. At the expiration of 30 days from date of filing a form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by written order of the department. The department may extend by not more than an additional 15 days the period within which it may so affirmatively approve or disapprove any such form by giving notice of such extension before the expiration of the initial 30-day period. At the expiration of any such period as so extended and in the absence of prior affirmative approval or disapproval, any such form shall be deemed approved.

(3) In addition, each insurer or ambulance service association shall file with the department for informational purposes the rate to be charged for each contract and the premium, including all modifications of rates and premiums, to be paid by the contract holder. Every filing shall state the proposed effective date of the rate to be charged thereon. Such filing shall be made not less than 30 days prior to its effective date. No rate or modification of a rate or premium shall be utilized unless filed.

Section 15. Section 638.141, Florida Statutes, is amended to read:

638.141 Tax on premiums and assessments.—

(1) In addition to the taxes provided for in this chapter for ambulance service associations, and license taxes as provided in the insurance code as to insurers, each such association and insurer shall annually on or before March 1 file with the department its annual statement, in form as prescribed and furnished by the department, showing all premiums or assessments received by it from contract holders in this state, during the

preceding calendar year, and shall pay to the State Treasurer a tax in an amount equal to 2 percent of the gross amount of such premiums or assessments. Provided that the same exemptions and credits as set forth in ss. 624.512 and 624.514 of the Insurance Code allowed to insurers shall apply to insurers and ambulance service associations under this *chapter aet.*

(2) Premiums and assessments received by insurers and taxed under this section shall not be subject to any premium tax provided for in the Insurance Code.

Section 16. Section 638.151, Florida Statutes, is amended to read:

638.151 Examination of associations.—Ambulance service associations licensed under this *aet.* shall be subject to periodic examination by the department in the same manner and subject to the same terms and conditions as applies to insurers under part II of chapter 624 of the Insurance Code.

Section 17. Section 638.161, Florida Statutes, is amended to read:

638.161 Service of process; appointment of commissioner as process agent.—Ambulance service 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 of the Insurance Code.

(1) Each association applying for authority to transact business in this state, whether domestic or foreign, shall file with the department its appointment of the Insurance Commissioner and Treasurer and his successors in office, on a form as furnished by the department, as its attorney to receive service of legal process issued against it in any civil action or proceeding in this state, and agreeing that process so served shall be valid and binding upon the association. The appointment shall be irrevocable, shall bind the association and any successor in interest as to the assets or liabilities of the association, and shall remain in effect as long as there is outstanding in this state any obligation or liability of the association resulting from its contract transactions therein.

(2) At the time of such appointment of the Insurance Commissioner and Treasurer as its process agent the association shall file with the department designation of the name and address of the person to whom process against it served upon the Insurance Commissioner and Treasurer is to be forwarded. The association may change the designation at any time by a new filing.

Section 18. Section 638.171, Florida Statutes, is hereby repealed.

638.171—Serving process.—

(1) Service of process upon the Insurance Commissioner and Treasurer as process agent of the association shall be made by serving copies in triplicate of the process upon him or upon his assistant, deputy, or other person in charge of his office. Upon receiving such service the Insurance Commissioner and Treasurer shall file one copy with the department, return one copy with his admission of service, and promptly forward one copy of the process by registered or certified mail to the person last designated by the association to receive the same, as provided under s. 638.161.

(2) Process served upon the Insurance Commissioner and Treasurer and copy thereof forwarded as in this section provided shall for all purposes constitute valid and binding service thereof upon the association.

Section 19. Section 638.181, Florida Statutes, is amended to read:

638.181 Sales representatives Salesmen to be registered.—Every ambulance service association or insurer shall on forms prescribed by the department register on or before October 1 of each year, the name and business office address of each sales representative salesman employed by it, and shall within 30 days after termination of the employment notify the department of such termination. Any sales representative salesman employed subsequent to the October 1 filing date shall be registered with the department within 10 days after such employment. No employee or sales representative salesman of an ambulance service 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 20. Section 638.191, Florida Statutes, is amended to read:

638.191 Grounds for compulsory refusal, suspension, or revocation of registration of sales representatives salesmen.—The department shall

deny, suspend, revoke, or refuse to renew ~~or continue~~ the registration of any such sales representative salesman if it finds that as to the sales representative salesman, any one or more of the following applicable grounds exist:

- (1) Material misstatement, misrepresentation or fraud in registration.
- (2) ~~Willful use of the registration~~ If the registration is willfully used, ~~or to be used,~~ to circumvent any of the requirements or prohibitions of this *chapter aet.*
- (3) Willful misrepresentation or willful deception with regard to any contract, done either in person or by any form of dissemination of information or advertising.
- (4) ~~A material misrepresentation~~ If in the adjustment of claims arising out of any contract, he has materially misrepresented to a contract holder or other interested party of the terms and coverage of a contract with intent and for the purpose of effecting settlement of such claim on less favorable terms than those provided in and contemplated by the contract in the adjustment of claims arising out of any contract.

(5) ~~For~~ Demonstrated lack of fitness or trustworthiness to engage in the business of ambulance service contracts.

(6) ~~For~~ 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 received in the conduct of the business under registration belonging to an association, insurer, or contract holder or to others, ~~and received in conduct of business under the registration.~~

(9) ~~For~~ Rebating, or attempting to rebate ~~attempt~~ thereat, or for 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, or regulation of the department, or willful violation of any provision of this *chapter aet.*

(11) The sales representative has been found guilty of, or has pled guilty or nolo contendere to, a felony which involves moral turpitude, without regard to whether a judgment of conviction has been entered.

Section 21. Section 638.201, Florida Statutes, is amended to read:

638.201 Grounds for discretionary refusal, suspension, revocation of registration of sales representatives salesmen.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew ~~or continue~~ the registration of any sales representative salesman if it finds that as to the sales representative salesman any one or more of has committed any of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 638.191:

(1) ~~For~~ 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 *chapter aet.* or of any other law applicable to the business of ambulance service contracts in the course of dealings under the registration.

(3) ~~Violation of~~ Has violated any lawful order or rule or regulation of the department.

(4) Failure or refusal, upon demand, to pay over to any association or insurer he represents or has represented any money coming into his hands belonging to the association or insurer.

(5) If 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 part VII of chapter 626 of the Insurance Code, or has otherwise shown himself to be a source of injury or loss to the public or detrimental to the public interest.

(6) Conviction of a felony.

(6) The sales representative has been found guilty of, or has pled guilty or nolo contendere to, a felony without regard to whether a judgment of conviction has been entered.

Section 22. Section 638.211, Florida Statutes, is amended to read:

638.211 Refusal, suspension, or revocation of registration of *sales representatives salesmen*.—

(1) If any *sales representative salesman* is convicted by a court of a violation of this *chapter act*, the registration of such individual shall thereby be deemed to be immediately revoked.

(2) If after an investigation, or upon other evidence, the department has reason to believe that there may exist any one or more grounds therefor, as such grounds are specified in ss. 638.191 and 638.201, the department may suspend, revoke, or refuse to renew or continue the registration of any *sales representative salesman*.

~~(3) The department's papers, documents, reports, or evidence relative to a hearing for revocation or suspension of a license pursuant to the provisions of this chapter and chapter 120 shall not be subject to subpoena without the department's consent, except for subpoenas issued pursuant to the hearing for revocation or suspension, until after the same shall have been published at the hearing, unless after notice to the department and hearing the court determines that the department would not be unnecessarily hindered or embarrassed by such subpoenas.~~

(3)(4) Whenever it appears that any licensed insurance agent has violated the provisions of this *chapter act*, the department may take such action relative thereto as is authorized by the Insurance Code as for a violation of the Insurance Code by *an such agent*.

Section 23. Section 638.221, Florida Statutes, is amended to read:

638.221 Administrative fine in lieu of suspension or revocation of registration.—

(1) If the department finds that one or more grounds exist for the suspension, revocation, or refusal to renew or continue any registration issued under this *chapter act*, the department may, in its discretion, in lieu of such suspension, revocation, or refusal, on a first offense and except where such suspension, revocation, or refusal is mandatory, impose upon the registrant an administrative penalty in *an the amount not to exceed \$500 of \$100*, or if the department has found willful misconduct or willful violation on the part of the registrant, an administrative fine *not to exceed \$1,000 of \$500*. The administrative penalty may, in the department's discretion, be augmented in amount by an amount equal to any commissions received by or accruing to the credit of the registrant in connection with any transaction as to which the grounds for suspension, revocation, or refusal related.

(2) The department may allow the registrant a reasonable period, not to exceed 30 days, within which to pay to the department the amount of the penalty so imposed. If the registrant fails to pay the penalty in its entirety to the department at its office at Tallahassee within the period so allowed, the registration of the registrant shall stand suspended, revoked, or renewal or continuation refused, as the case may be, upon expiration of such period.

Section 24. Section 638.231, Florida Statutes, is amended to read:

638.231 Disposition of taxes and fees.—All license fees, taxes on premiums and assessments, registration fees, and administrative fines and penalties collected under this *chapter act* from ambulance service associations shall be deposited to the credit of the Insurance Commissioner's Regulatory Trust Fund.

Section 25. Section 638.241, Florida Statutes, is amended to read:

638.241 Insurance business not authorized.—Nothing in this *chapter act* shall be deemed to authorize any ambulance service association to transact any business other than that of ambulance service contracts as herein defined; or otherwise to engage in the business of insurance unless *the such* association is authorized ~~therefor~~ as an insurer under a certificate of authority issued by the department under the Insurance Code of this state.

Section 26. Section 638.251, Florida Statutes, is amended to read:

638.251 Fronting not permitted.—No ~~authorized~~ insurer or ambulance service association shall act as a fronting company for any unauthorized insurer or ambulance service association. A "fronting company" is an ~~authorized~~ insurer or ambulance service association which by reinsurance or otherwise generally transfers to one or more unauthorized ~~insurers insurer~~ or ambulance service associations ~~substantially all of the~~ risk of loss under *ambulance service* contracts written by it in this state.

Section 27. Section 638.261, Florida Statutes, is amended to read:

638.261 Certain ambulance service associations' relations with funeral directors prohibited.—

(1) No ambulance service association shall permit any funeral director or undertaker, or any member of his immediate family, to directly or indirectly by association or incorporation to act as its representative, adjuster, claim agent, special claim agent, *sales representative salesman*, or agent for such association in soliciting, negotiating, or effecting ambulance service contracts on any plan or of any nature issued by such association or in collecting premiums from holders of any such contracts.

(2) No ambulance service association shall affix, or permit to be affixed, advertising matter of any kind or character of any funeral director or undertaker to any ambulance service contracts or circulate or permit to be circulated any such advertising matter with such contracts, or attempt in any manner or form to influence contract holders of the association to employ the services of any particular funeral director or undertaker.

(3) No ambulance service association shall maintain an office or place of business, or permit its agent to maintain an office or place of business, in the office, establishment or place of business of any funeral director or undertaker in this state.

Section 28. Section 638.271, Florida Statutes, is amended to read:

638.271 Penalty for violation.—*In addition to any applicable denial, suspension, revocation, or refusal to renew any certificate of authority*, any person who knowingly makes a false or otherwise fraudulent application for certificate of authority or registration under this *chapter act*, or who knowingly violates any provision of this *chapter act*, shall, ~~in addition to any applicable denial, suspension, revocation, or refusal to renew or continue any certificate of authority or registration~~, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each instance of violation shall be considered a separate offense.

Section 29. Section 638.281, Florida Statutes, is created to read:

638.281 *Civil remedy*.—

(1) *Any person damaged by a violation of the provisions of this part may bring a civil action against a person violating such provisions in the circuit court of the county in which the alleged violator resides or has his principal place of business or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant shall be liable for actual damages or \$500, whichever is greater, together with court costs and reasonable attorney's fees incurred by the plaintiff.*

(2) *No punitive damages shall be awarded under this section unless the acts giving rise to the violation occur with such frequency as to indicate a general business practice and these acts are:*

(a) *Willful, wanton, and malicious; or*

(b) *In reckless disregard for the rights of any insured.*

Any person who pursues a claim under this subsection shall post in advance the costs of discovery. Such costs shall be awarded to the insurer if no punitive damages are awarded to the plaintiff.

(3) *As a condition precedent to bringing an action under this section, the department and the insurer shall be given notice of the violation. The notice shall state with specificity the facts which allegedly constitute the violation and the law which the plaintiff is relying upon. No action shall lie if, within 30 days thereafter, the damages are paid or the circumstances giving rise to the violation are corrected.*

(4) *This section shall not be construed to authorize a class action suit against an ambulance service association or a civil action against the department, its employees, or the Insurance Commissioner.*

Section 30. Section 638.282, Florida Statutes, is created to read:

638.282 *Investigatory records*.—*All active investigation records of the department made or received pursuant to this chapter, and any active examination records necessary to complete an active investigation, shall be confidential and shall not be subject to public inspection under the provisions of chapter 119 for so long as reasonably necessary to complete the investigation.*

Section 31. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, sections 638.021, 638.031, 638.041, 638.051, 638.061, 638.081, 638.091, 638.111, 638.121, 638.131, 638.141, 638.151, 638.161, 638.181, 638.191, 638.201, 638.211, 638.221, 638.231, 638.241, 638.251, 638.261, and 638.271, Florida Statutes, shall not stand repealed on October 1, 1983, but such sections, as amended, shall continue in effect.

Section 32. Chapter 638, Florida Statutes, is repealed on October 1, 1993, and shall be reviewed pursuant to the Regulatory Sunset Act, s. 11.61, Florida Statutes.

Section 33. This act shall take effect October 1, 1983.

Amendment 2—In title, on page 1, lines 1-31, and on page 2, lines 1 and 2 strike the entire title, and insert:

A bill to be entitled An act relating to ambulance service contracts; repealing s. 638.011, Florida Statutes, relating to legislative policy; amending s. 638.021, changing definitions; amending s. 638.031, Florida Statutes, providing editorial changes in provisions relating to rules of the Department of Insurance; amending s. 638.041, Florida Statutes, changing the renewal date for certificates of authority for ambulance service associations; amending s. 638.051, Florida Statutes, changing the requirements for certificates of authority; amending s. 638.061, Florida Statutes, increasing the amount of capital funds required to be maintained by such associations; repealing s. 638.071, Florida Statutes, relating to special surplus requirements; amending s. 638.081, Florida Statutes, providing that the deposit of securities required of associations shall be in addition to capital funds requirements; providing conditions and liability for cancellation of bond; providing for additional deposits under certain circumstances; amending s. 638.091, Florida Statutes, providing additional grounds for suspension or revocation of a certificate of authority; amending s. 638.111, Florida Statutes, providing editorial changes in provisions relating to notice of suspension or revocation; amending s. 638.121, Florida Statutes, deleting the requirement of notice of expiration of suspension periods; creating s. 638.122, Florida Statutes, authorizing administrative fines in lieu of suspension or revocation; setting maximum limits for such fines; creating s. 638.125, Florida Statutes, subjecting associations and their representatives and employees to provisions relating to unfair insurance trade practices; amending s. 638.131, Florida Statutes, prohibiting the use of rates or modified rates which have not been filed with the department; amending ss. 638.141 and 638.151, Florida Statutes, providing editorial changes in provisions relating to taxes and assessments and to the examination of associations; amending s. 638.161, Florida Statutes, changing service of process procedures; repealing s. 638.171, Florida Statutes, to conform to the act; amending s. 638.181, Florida Statutes, providing editorial changes in provisions relating to registration of sales representatives; amending ss. 638.191 and 638.201, Florida Statutes, adding a ground for mandatory and discretionary refusal, suspension or revocation of registration; amending s. 638.211, Florida Statutes, deleting certain restrictions upon access to department records; amending s. 638.221, Florida Statutes, raising the amount of administrative fines which are in lieu of suspension or revocation of registration; amending ss. 638.231, 638.241, 638.251, 638.261, and 638.271, providing editorial changes in provisions relating to the disposition of taxes and fees, prohibited transaction of insurance business, prohibited fronting, prohibited relationships with funeral directors, and penalties; creating s. 638.281, Florida Statutes, authorizing civil remedies; creating s. 638.282, Florida Statutes, providing for the confidentiality of certain records; saving certain sections from repeal under the Regulatory Sunset Act; providing for future repeal and legislative review; providing an effective date.

Senator Thomas moved the following amendments which were adopted:

Amendment 1 to House Amendment 1—On page 27, strike lines 19-30, and on page 28, strike lines 1-24

Amendment 1 to House Amendment 2—On page 3, lines 6 and 7, strike "creating s. 638.281, Florida Statutes, authorizing civil remedies;"

Amendment 2 to House Amendment 2—On page 1, line 24, after the semicolon (;) insert: authorizing the department to suspend the association's license until the deposit requirements are satisfied;

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

SB 86 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford, Hair, Langley, Stuart, Thurman

The Honorable Curtis Peterson, President

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

CS for SB 201—A bill to be entitled An act relating to burial insurance; amending s. 639.07, Florida Statutes; providing definitions; amending s. 639.08, Florida Statutes; providing clarifying language; amending s. 639.09, Florida Statutes; requiring a certificate of authority; amending s. 639.10, Florida Statutes; providing for expiration and renewal of certificates of authority; providing for an annual statement; providing evidence of financial solvency; requiring certain disclosures; creating s. 639.105, Florida Statutes; providing for the approval of forms; amending s. 639.11, Florida Statutes; providing for disposition of funds received on preneed contracts; amending s. 639.13, Florida Statutes, 1982 Supplement; providing for the cancellation of preneed contracts and certain liquidated damages; amending ss. 639.14, 639.15, Florida Statutes; providing conforming language; amending s. 639.16, Florida Statutes; providing grounds for suspension and revocation of certificates of authority; providing for notice, effect, and publication of suspension order; providing for duration of suspension and for reinstatement; creating s. 639.165, Florida Statutes; providing for dissolutions and liquidations; creating s. 639.166, Florida Statutes; providing for administrative fine in lieu of suspension or revocation of certificate of authority; amending ss. 639.17, 639.20, 639.21, Florida Statutes; providing clarifying language; creating s. 639.185, Florida Statutes; providing for the registration of preneed agents with the Department of Insurance; amending s. 470.028, Florida Statutes, 1982 Supplement; deleting the requirement that preneed agents be registered with the Department of Professional Regulation; amending s. 470.002(4), Florida Statutes, 1982 Supplement; and amending ss. 470.019(2)(f), 470.036(1)(q), Florida Statutes; conforming language; creating ss. 639.22, 639.23, Florida Statutes; prohibiting and defining certain unfair methods of competition and unfair or deceptive practices; creating s. 639.24, Florida Statutes; empowering the department to conduct certain examinations and investigations; creating s. 639.25, Florida Statutes; authorizing the department to conduct certain hearings in accordance with chapter 120, Florida Statutes; creating s. 639.26, Florida Statutes; requiring the department to issue cease and desist orders under certain circumstances; providing for an administrative penalty; creating s. 639.27, Florida Statutes; providing for appeal; creating s. 639.28, Florida Statutes; providing a penalty for violation of cease and desist orders; creating s. 639.29, Florida Statutes; providing for injunctions; creating s. 639.30, Florida Statutes; providing for civil liability; reviving and readopting chapter 639, Florida Statutes, as amended, notwithstanding the Regulatory Sunset Act; repealing s. 639.06, Florida Statutes, relating to declaration of policy; repealing s. 639.18, Florida Statutes, relating to false, fraudulent, and deceptive advertising and selling practices; repealing s. 639.19, Florida Statutes, relating to legislative intent; providing for legislative review; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 14, strike everything after the enacting clause, and insert:

CHAPTER 639
BURIAL INSURANCE

Section 1. Section 639.06, Florida Statutes, is hereby repealed:

~~639.06 Declaration of policy.—It shall be deemed contrary to public policy if any person receives, holds, controls, or manages funds or proceeds received from the sale of or from a contract to sell, burial supplies and equipment and funeral services, or any one or combination of them, where payments for same are made either outright or on an installment basis, prior to the demise of the person or persons so purchasing them, or for whom they are purchased, unless such person holds, controls or manages such funds, subject to the limitations and regulations prescribed by this chapter.~~

Section 2. Section 639.07, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 639.07, F.S., for present text.)

639.07 Definitions.—As used in this chapter:

- (1) "Department" means the Florida Department of Insurance.
- (2) "Direct disposer" means any person who is registered in this state to practice direct disposition pursuant to the provisions of chapter 470.
- (3) "Final disposition" means the final disposal of a dead human body whether by interment, entombment, burial at sea, cremation, or by any other means.
- (4) "Funeral director" means any person licensed in this state to practice funeral directing pursuant to the provisions of chapter 470.
- (5) "Funeral merchandise" means any personal property offered or sold by any person for use in connection with the final disposition or memorialization of a dead human body.
- (6) "Service" means any service offered or provided by any person in connection with the final disposition of a dead human body.
- (7) "Preneed contract" means a contract to furnish funeral merchandise or service in the future.

Section 3. Section 639.08, Florida Statutes, is amended to read:

639.08 Forms and rules.—The administration and enforcement of the provisions of this chapter are vested in the department which shall ~~is hereby directed to prepare and furnish all forms necessary under this chapter, including forms for applications for certificates of authority, for renewals thereof, for annual statements, and for other required reports, and for preneed funeral service contracts and preneed burial supply contracts. The department may adopt reasonable~~ ~~It is directed to promulgate such rules, within the standards of this act, considered by it to be necessary to effect any of the department's statutory duties pursuant to effectuate the purposes of this chapter.~~

Section 4. Section 639.09, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 639.09, F.S., for present text.)

639.09 Certificate of authority required.—

- (1) No person shall sell a preneed contract without first having a valid certificate of authority.
- (2) No person shall receive any funds for payment on a preneed contract who does not hold a valid certificate of authority.
- (3) No person may obtain a certificate of authority under this chapter for the preneed sale of services unless such person holds a license as a funeral establishment or as a direct disposal establishment under chapter 470.
- (4) The provisions of subsection (2) shall not apply to any trust company or to any national or state bank, or savings and loan association having trust powers which receives any money in trust pursuant to the sale of a preneed contract.

Section 5. Section 639.10, Florida Statutes, is amended to read:

639.10 Certificate of authority; annual statement; renewal.—

(1) An application to the department for a certificate of authority shall be accompanied by the statement and other matters described in this section in the form prescribed by the department below. Annually thereafter on or before March 1, the such person authorized to engage in the sale of preneed contracts shall file with the department a full and true statement of its financial condition, transactions, and affairs as of the preceding December 31 or at such other time or times as the depart-

ment may provide by rule, together with ~~shall file said statement, as of January 1 of the calendar year in which it is filed, and such other information and data which may be required by the department.~~

(2) ~~The~~ Such statement shall include ~~be in such form as shall evidence to the department~~ the following:

(a) ~~The types of preneed funeral service contracts or preneed burial supply contracts proposed to be written. and, if a person is bound upon the effective date of this act by any preneed funeral service contract or any preneed burial supply contract or if the statement accompanies an application for a renewal of a certificate of authority, an itemization of all outstanding preneed funeral service contracts or preneed burial supply contracts, the dates upon which such contracts were entered, the names of all parties involved in such contracts or having any right thereunder, the amount paid in on each contract, and, if payments are not completed, the amounts intended to be paid on each contract.~~

(b) ~~The name and address of the place of business of the person offering to write preneed funeral service contracts or preneed burial supply contracts.~~

(c) Evidence that the person offering the statement:

1. ~~Has the ability to discharge his liabilities as they become due in the normal course of business and has~~ ~~Had~~ sufficient funds available during the calendar year to perform his obligations under his contract;
2. ~~Has complied with the trusting requirements for~~ ~~maintained 100 percent of the funds received under contracts issued by himself as herein after described;~~
3. ~~Has disbursed all interest, dividends, or accretions which have been earned by trust said funds, in accordance with this chapter act and rules promulgated thereunder; and~~
4. ~~Has complied with this chapter act and any rules of the department.~~

(d) ~~Any~~ Such other information ~~as may be considered necessary by the department in order for it to meet its responsibilities under this chapter act.~~

(3) If the such person is an individual, the said statement shall be sworn by him; if a firm or association, by all members thereof; and if a corporation, by the president and secretary thereof.

(4) The fee payable to the department for issuance of the original certificate of authority and each annual renewal thereof shall be \$50, which sum shall accompany each application for original certificate and, thereafter, each annual statement. The Said fee shall be payable to the Insurance Commissioner's Regulatory Trust Fund.

(5) Upon the department's being satisfied that the statement and matters which may accompany it meet the requirements of this chapter act and of its rules and regulations and if upon investigation by the department it appears that the principals, including directors, officers, stockholders, employees and agents of such person are of good moral character and have a reputation for fair dealing in business matters, it shall issue or renew the ~~to such person said~~ certificate of authority ~~or renewal thereof.~~

(6) The certificate of authority shall expire annually on June 1, unless renewed, or at such other time or times as the department may provide by rule.

(7) An application for an initial certificate of authority or for the annual renewal of the certificate shall disclose the existence of all preneed contracts for service or merchandise funded by any method other than as permitted by this chapter, which are known to the applicant and by which the applicant or his business is named the beneficiary upon the death of the purchaser of the preneed contract. Such disclosure shall include the name and address of the contract purchaser, the name and address of the institution where such funds are deposited, and the number used by the institution to identify the account. With respect to contracts entered into prior to January 1, 1983, the department shall not deny or refuse to renew a certificate of authority solely on the basis of such disclosure. The department shall not require the purchaser of any such contract to liquidate the account if such account was established prior to July 1, 1965. The department may use the information disclosed to notify the contract purchaser and the institution in which such funds are deposited should the holder of a certificate of authority be unable to fulfill the requirements of the contract.

Section 6. Section 639.105, Florida Statutes, is created to read:

639.105 Approval of forms.—*Preneed contract forms and related forms shall be filed with and approved by the department, as provided in s. 627.410. The department shall not approve any preneed contract form that does not provide for sequential numbering thereon.*

Section 7. Section 639.11, Florida Statutes, is amended to read:

639.11 Disposition of proceeds received on contracts.—

(1) All of the funds paid to or collected by any person under a preneed contract for ~~the preneed sale of, or from a preneed contract to sell, funeral services, and 70 percent of all funds paid to or collected by any person under a preneed contract for funeral merchandise, or burial supplies~~ shall, within 30 days after the end of the calendar month in which payment is received ~~receipt thereof by such person~~, be deposited in this state under the terms of a trust instrument entered into with a national or state bank or savings and loan association having trust powers, or a trust company. ~~The said trust agreement shall be submitted to the department of insurance for approval and filing. No interest, dividend, or accretion on the funds deposited in trust credited to an individual contract may be withdrawn unless an amount equal to all payments on said contract is on deposit and maintained in the trust. Funds deposited pursuant to this section shall not be loaned to a certificateholder or to any person directly or indirectly engaged in the burial, funeral home, or cemetery business.~~

(2) Delivery of funeral merchandise ~~or burial supplies~~ prior to death of the person for whom they are purchased shall not constitute performance or fulfillment, either wholly or in part, of any preneed ~~funeral service contract or preneed burial supply~~ contract entered into after July 1, 1977.

(3) At reasonable times, the trustee ~~may shall~~ disburse income on, and appreciation of, trust funds to persons ~~certificated~~ certified under this chapter ~~act to issue or write preneed funeral service or burial supply contracts~~. Such disbursement of income and appreciation shall be made in accordance with the terms of the trust instrument and the preneed contract ~~subject to the provisions of this chapter~~. The trustee shall make regular valuations of assets it holds in trust ~~and provide a report of such valuation to the certificateholder at least quarterly~~. Any person who withdraws appreciation in the value of trust, other than the pro rata portion of such appreciation which may be withdrawn upon the death of a contract beneficiary or upon cancellation of a preneed ~~funeral service or burial supply~~ contract, shall be required to make additional deposits from his own funds to restore the aggregate value of assets to the value of funds deposited in trust, but excluding from the funds deposited those funds paid out upon preneed ~~funeral service or burial supply~~ contracts which such person has fully performed or which have been otherwise withdrawn, as provided for in this chapter ~~act~~.

Section 8. Section 639.13, Florida Statutes, 1982 Supplement, is amended to read:

639.13 Cancellation of, or default on, preneed contracts.—

(1) Any contract purchaser or his representative or legal guardian may cancel a preneed contract by notifying the certificateholder of such cancellation in writing. The certificateholder shall notify the trustee of such cancellation, and the trustee shall, within 30 days after receipt of written notification, pay to the contract purchaser or to the estate of the contract beneficiary all of the funds paid on the preneed contract which are attributable to the sale of services and all funds paid on the preneed contract which are attributable to the sale of funeral merchandise, except such amounts as may be retained by the certificateholder as liquidated damages as authorized for in subsection (2).

(2) The certificateholder may provide in its contract for liquidated damages in the event of cancellation by the contract purchaser. Such liquidated damages shall not exceed the percentage of the amounts paid on the contract which is attributable to the sale of funeral merchandise as follows:

(a) For the first year after execution of the contract not more than 30 percent;

(b) For the second year after execution of the contract not more than 20 percent;

(c) For the third year after the execution of the contract not more than 10 percent; and

(d) Thereafter, no liquidated damage provision shall apply.

(3) Each certificateholder shall provide in conspicuous type in its contract that the contract purchaser may cancel the contract without payment of liquidated damages within 30 days of the date of execution of the contract; failure to make such provision shall not impair the contract purchaser's right to cancellation and refund as provided in this section.

(4) Upon breach of contract or failure of the certificateholder to provide funeral merchandise or services under a preneed contract, the contract purchaser shall be entitled to a refund of all money paid on the preneed contract. Such refund shall be made within 30 days after receipt by the certificateholder of the contract purchaser's written request for refund.

(5) Except upon cancellation by the contract purchaser under subsection (1), if the contract purchaser is more than 60 days in default on the preneed contract, the certificateholder may cancel the contract and retain as liquidated damages the percentage of the contract amount which is attributable to the sale of funeral merchandise as authorized in subsection (2); any funds in excess of that amount and all funds attributable to the sale of services shall be refunded to the contract purchaser or to the estate of the contract beneficiary. Such refund shall be made within 30 days of cancellation by the certificateholder.

~~(1) Upon the termination by cancellation or default of a preneed funeral service or preneed burial supply contract, the contract purchaser may demand from a person authorized under this chapter to have authority to issue or write such contract a refund of the entire amount actually paid on such contract. Such refund shall be made within 30 days after receipt by the person issuing or writing such contract of the contract purchaser's written request. The seller of a preneed funeral service or preneed burial supply contract may not cancel the said contract unless the purchaser is in default.~~

~~(6)(2) No preneed funeral service or preneed burial supply contract shall restrict any contract purchaser who is an applicant for, or a recipient of, supplemental security income, aid to families with dependent children, or Medicaid from making his contract irrevocable.~~

Section 9. Section 639.14, Florida Statutes, is amended to read:

639.14 Payment of funds upon death of named beneficiary.—Disbursements of funds discharging any preneed ~~funeral service or preneed burial supply~~ contract shall be made by the trustee to the person issuing or writing such contract upon receipt of a certified ~~photostatic~~ copy of the death certificate of the contract beneficiary and evidence satisfactory to the trustee that the preneed ~~funeral service or preneed burial supply~~ contract has been fully performed. In the event of any contract default by the contract purchaser, or in the event the funeral merchandise or service contracted for is ~~contract service and supplies~~ are not provided or ~~is~~ are not desired by the heirs or personal representative of the contract beneficiary, the trustee shall return, within 30 days after its receipt of a written request therefor, all funds paid on the contract to the contract purchaser or to his assigns, heirs, or personal representative, ~~subject to the provisions of s. 639.13~~.

Section 10. Section 639.15, Florida Statutes, is amended to read:

639.15 Examinations and investigations.—The department shall, as often ~~have the power, and is required from time to time~~ as it may deem necessary, but at least once every 3 years, ~~to~~ examine the business of any person writing preneed ~~funeral service contracts or preneed burial supply~~ contracts to the extent applicable in the same manner as is provided for examination of insurance companies. Such Examinations shall be at the expense of the person examined ~~as provided in s. 624.320~~ and shall be made by the department's designated representative or examiner. The written reports of all such examinations, when completed, shall be filed in the office of the department and, when so filed, shall constitute public records. Any such person being examined shall produce, upon request, all records of the company. The department's designated representative may at any time examine ~~into~~ the records and affairs of any such person, whether in connection with a formal examination or not.

Section 11. Section 639.16, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 639.16, F.S., for present text.)

639.16 Revocation or suspension of certificate of authority.—

(1) The department shall deny, refuse to renew, suspend, or revoke the certificate of authority of a person to issue preneed contracts upon a determination that any one or more of the following applicable grounds exist:

(a) Lack of one or more of the qualifications for the certificate of authority;

(b) Material misstatement, misrepresentation, or fraud in obtaining the certificate of authority or in attempting to obtain same;

(c) Willful use of the certificate of authority to circumvent the provisions of this chapter;

(d) Willful misrepresentation of any preneed contract;

(e) Fraudulent or dishonest practice in conduct of business under the certificate;

(f) Willful failure to maintain the funds received from contracts in the unimpaired state, disbursed income on, and appreciation of, trust or escrowed funds, as described in s. 639.11;

(g) Upon proper request, willful failure to cancel a contract or refund that part of the amount paid on the contract as required by s. 639.13;

(h) Willful failure to secure the release, upon the death of a beneficiary, of the entire amount received on a contract as required by s. 639.14;

(i) Refusal to produce records in connection with the business;

(j) Revocation, suspension, or denial of licensure to sell preneed contracts by a licensing authority of another jurisdiction;

(k) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the sale of preneed contracts; or

(1) Solicitation by the certificateholder or its agents, employees, or representatives through the use of fraud, undue influence, intimidation, overreaching, or other forms of vexatious conduct.

(2) The department may deny, refuse to renew, suspend, or revoke the certificate of authority of a person to issue preneed contracts upon a determination that the person has violated any provision of this chapter or rule or order of the department for which suspension is not mandatory.

(3) Suspension or revocation of the certificate of authority shall be by the department's order. The suspended or revoked certificateholder shall not solicit or write any new business in this state during the period of any such suspension or revocation.

(4) In its discretion the department may cause notice of any such suspension or revocation to be published in one or more newspapers of general circulation published in this state.

(5) Suspension of a certificate of authority shall be for such period, not to exceed 1 year, as is fixed by the department in the order of suspension, unless the department shortens or rescinds such suspension or the order upon which the suspension is modified, rescinded or reversed.

(6) During the period of suspension the suspended certificateholder shall file its annual statement and pay license fees as required under this chapter as if the certificate had continued in full force.

(7) Upon expiration of the suspension period, if within such period the certificate of authority has not otherwise terminated, the suspended certificateholder's certificate of authority shall automatically reinstate unless the department finds that the causes of the suspension have not been removed or that the suspended certificateholder is otherwise not in compliance with the requirements of this chapter. If not so automatically reinstated, the certificate of authority shall be deemed to have expired as of the end of the suspension period or upon failure of the suspended certificateholder to continue the certificate during the suspension period, whichever event first occurs.

Section 12. Section 639.164, Florida Statutes, is created to read:

639.164 *Investigatory records.*—All active investigation records of the department made or received pursuant to this chapter, and any active examination records necessary to complete an active investigation, shall be confidential and shall not be subject to public inspection under the provisions of chapter 119 for so long as reasonably necessary to complete the investigation.

Section 13. Section 639.165, Florida Statutes, is created to read:

639.165 *Dissolution or liquidation; venue of delinquency proceedings.*—

(1) Any dissolution or liquidation of a certificateholder shall be under the supervision of the department, which shall have all powers with respect thereto granted to it under the laws of the state with respect to the dissolution and liquidation of companies pursuant to chapter 631, as applicable.

(2) The venue of delinquency proceedings against a certificateholder shall be in the circuit court in the judicial circuit of its principal place of business.

Section 14. Section 639.166, Florida Statutes, is created to read:

639.166 *Administrative fine in lieu of revocation or suspension of certificate of authority.*—

(1) If the department finds that one or more grounds exist for the discretionary suspension or revocation of a certificate of authority issued under this chapter it may, in lieu of such suspension or revocation, impose a fine upon the certificateholder in an amount not to exceed \$1,000 for each nonwillful violation and a fine not to exceed \$10,000 for each willful violation.

(2) The department may grant not more than 30 days from the date of the order for the payment of any fine. The fine shall be deposited into the Insurance Commissioner's Regulatory Trust Fund.

Section 15. Section 639.17, Florida Statutes, is amended to read:

639.17 *Penalty.*—Any person, as defined herein:

(1) Who:

(a) Shall receive, hold, manage, or control any funds or proceeds realized from the writing and issuing of a preneed funeral service contract or a preneed burial supply contract, as defined herein; or

(b) Shall disburse such funds or proceeds

in any manner other than as required by this act, or

(2) who has violated any of the provisions of this chapter or the rules and regulations promulgated hereunder shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 16. Section 639.18, Florida Statutes, is hereby repealed:

~~639.18 *False, fraudulent, and deceptive advertising and selling practices.*—No person or his agent or employees holding a certificate of authority under the provisions of this chapter may make any false or misleading representation with respect to the nature, quality, value, or cost of a funeral service which is the subject matter of a preneed funeral service contract or a preneed burial supply contract. For the purpose of this chapter a false, fraudulent, or deceptive practice shall include, but not be limited to, a representation that the funeral services or supplies being offered have a value in excess of that price at which such funeral services or supplies are being offered to the public at large or any substantial group thereof.~~

Section 17. Section 639.185, Florida Statutes, is created to read:

639.185 *Preneed sales; registration of agents.*—

(1) All persons selling preneed contracts on or after April 1, 1984, shall be registered with the department. The application for registration shall be signed by the sales agent or other salesperson and by the certificateholder to whom the sales agent or salesperson will be responsible. The department shall register such persons upon receipt of the application and a registration fee of \$40. The registration shall be renewed biennially on April 1, and each even-numbered year thereafter upon receipt of the renewal fee of \$40. The certificateholder who has registered such sales agent or salesperson shall notify the department within 10 days after such status has terminated. All fees collected pursuant to this section shall be payable to the Insurance Commissioner's Regulatory Trust Fund.

(2) Each certificateholder shall be subject to discipline if his sales agent or salesperson violates any provision of this chapter. The department may refuse to register, or may revoke the registration of an agent or person who has violated the provisions of this chapter.

Section 18. Section 639.19, Florida Statutes, is hereby repealed:

~~639.19 Legislative intent.—It is the legislative intent that the provisions of this chapter shall be construed as a limitation upon the manner in which a licensed funeral director holding a license to operate a funeral establishment under the provisions of chapter 470 is permitted to accept funds in prepayment of funeral services to be performed in the future, to the end that at all times members of the public may have an opportunity to arrange and pay for funerals for themselves and their families in advance of need while at the same time providing all possible safeguards whereunder such prepaid funds cannot be dissipated, whether intentionally or not, so as to be available for the payment of funeral services arranged for. Further, it is the legislative intent that no person may offer or sell, or negotiate for the sale of, a preneed funeral service contract through anyone who is not licensed to make funeral arrangements or plan details of funeral services in accordance with the provisions of chapter 470, as well as the provisions of this chapter. Further, it is the legislative intent that persons offering or selling, or negotiating for the sale of, a preneed funeral service contract shall be subject to all of the provisions of chapter 470 regulating the ethics and conduct of funeral directors and funeral establishments in this state. However, it shall not be deemed to constitute solicitation as prohibited by chapter 470 when a person so authorized by the provisions of this law responds to an inquiry precipitated by advertisements by news media or mail relating to making preneed funeral service contracts.~~

Section 19. Section 639.20, Florida Statutes, is amended to read:

639.20 Provisions not applicable to cemeteries holding certificate of authority under Florida Cemetery Act.—The provisions of this chapter shall not apply to any person who holds a license under the provisions of part IV of chapter 559 or to any person who is under any contractual relationship with any person holding such a license as pertains to any transaction coming within the purview of the Florida Cemetery Act, except that preneed funeral services and direct disposal services shall be made, and proceeds trusted, pursuant to this chapter.

Section 20. Section 639.21, Florida Statutes, is amended to read:

639.21 Acceptability of funeral merchandise burial supplies.—Each person who engages in preneed sales of funeral merchandise burial supplies shall determine, and notify the purchaser in writing prior to the completion of the contract, that the merchandise being considered for purchase will be accepted in the cemetery of the purchaser's choice. Failure to comply with this chapter part shall nullify the agreement, and all moneys paid in shall be returned, notwithstanding the existence of any liquidated damages provision pursuant to s. 639.13(2).

Section 21. Sections 639.22, 639.23, 639.24, 639.25, 639.26, 639.27, 639.28, 639.29, and 639.30, Florida Statutes, are created to read:

639.22 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 chapter as, or determined pursuant to s. 639.23 to be, an unfair method of competition or an unfair deceptive act or practice.

639.23 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) MISREPRESENTATION AND FALSE ADVERTISING OF PRENEED CONTRACTS.—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 preneed contract.

(b) Is misleading, or is a misrepresentation as to the financial condition of any person.

(c) Uses any name or title of any preneed 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 preneed 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 preneed contracts 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, circulating;

3. Delivering to any person;

4. Placing before the public; and

5. Causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed 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 a claim on the basis of a material document which was altered without notice to, or knowledge or consent of, the contract purchaser or his representative or legal guardian.

(b) A material misrepresentation made to a contract purchaser or his representative or legal guardian for the purpose and with the intent of effecting settlement of a claim or loss under a prepaid contract on less favorable terms than those provided in, and contemplated by, the prepaid contract.

(c) Committing or performing with such frequency as to indicate a general business practice any of the following:

1. Failing to adopt and implement standards for the proper investigation of claims;

2. Misrepresenting pertinent facts of prepaid contract provisions relating to issues on coverage of funeral merchandise or services;

3. Failing to acknowledge and act promptly upon communications with respect to claims;

4. Denying claims without conducting reasonable investigations based upon available information;

5. Failing to affirm or deny coverage of claims upon written request of a contract purchaser or his representative or legal guardian within a reasonable time; or

6. Failing to promptly provide a reasonable explanation to a contract purchaser or his representative or legal guardian of the basis, in the prepaid 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 complete record of all the complaints received since the date of the last examination. For purposes of this subsection, "complaint" means any written communication primarily expressing a grievance.

(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.

639.24 *Power of department.*—The department shall have the power to examine and investigate the affairs of every certificateholder 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. 639.22.

639.25 *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. 639.23 or is engaging in the sale of preneed contracts without being properly licensed as required by this chapter 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 chapter 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 post-card receipt for such statement, notice, order, or other process, certified and mailed as aforesaid, shall be proof of service of the same.

639.26 *Cease and desist and penalty orders.*—After the hearing provided in s. 639.25, 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 preneed contracts, 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 sale of preneed contracts. 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 chapter

(2) If it is determined that the person charged has provided or offered to sell preneed contracts without proper licensure, an administrative penalty not to exceed \$1,000 for each preneed contract offered or effectuated.

639.27 *Appeals from the department.*—Any person subject to an order of the department under s. 639.26 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.

639.28 *Penalty for violation of cease and desist orders.*—Any person who violates a cease and desist order of the department under s. 639.26 while such order is in effect, after notice and hearing as provided in s. 639.25, 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 certificate, or eligibility to hold a certificate

639.29 *Injunction.*—In addition to the penalties and other enforcement provisions of this chapter, in the event any person shall violate any provision of this chapter or any rule adopted or promulgated pursuant thereto, the department is authorized to resort to proceedings for injunction in the circuit court of the county where such person shall reside or have 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 shall have complied with such provisions and rules.

639.30 *Civil liability.*—The provisions of this chapter 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 22. Section 639.32, Florida Statutes, is created to read:

639.32 *Civil remedy.*—

(1) Any person damaged by a violation of the provisions of this chapter may bring a civil action against a person violating such provisions in the circuit court of the county in which the alleged violator resides, or has his principal place of business, or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant shall be liable for actual damages or \$500, whichever is greater, together with court costs and reasonable attorney's fees incurred by the plaintiff.

(2) No punitive damages shall be awarded under this section unless the acts giving rise to the violation occur with such frequency as to indicate a general business practice and these acts are:

(a) Willful, wanton, and malicious.

(b) In reckless disregard for the rights of any insured.

Any person who pursues a claim under this subsection shall post in advance the costs of discovery. Such costs shall be awarded to the insurer if no punitive damages are awarded to the plaintiff.

(3) As a condition precedent to bringing an action under this section, the department and the person against whom the action is to be brought shall be given notice of the violation. The notice shall state with specificity the facts which allegedly constitute the violation and the law which the plaintiff is relying upon. No action shall lie if, within 30 days thereafter, the damages are paid or the circumstances giving rise to the violation are corrected.

(4) This section shall not be construed to authorize a class action suit against a legal expense insurance corporation or a civil action against the department, its employees, or the Insurance Commissioner.

Section 23. Section 470.028, Florida Statutes, 1982 Supplement, is amended to read:

470.028 *Preneed sales; registration of agents.*—

(1) All sales of preneed funeral service contracts or direct disposition contracts shall be made pursuant to chapter 639.

~~(2)(a) All persons selling preneed funeral service contracts or direct disposition contracts shall be registered with the department. The department shall register such a person upon receipt of the registration fee set by the board not to exceed \$50. The registration shall be signed by the agent and the individual licensed funeral director or direct disposer to whom the agent will be responsible. The registration shall be renewed annually on a schedule established by the department upon receipt of the renewal fee set by the board, which fee shall not exceed \$50. The licensed funeral director or direct disposer who has registered an agent shall notify the department within 10 days after the agent's status has terminated.~~

~~(b) All licensed funeral directors, embalmers, and direct disposers shall be exempt from the registration required by this subsection.~~

~~(2)(3) No person may act as an agent for a funeral director, funeral establishment, or direct disposer, or direct disposer establishment with respect to the sale of preneed contracts unless such person is registered pursuant to chapter 639 this section.~~

~~(3)(4) Each licensee or registrant shall be subject to discipline if his agent violates any provision of this chapter applicable to said licensee or registrant. The department may refuse to register, or may revoke the registration of, any agent, who has violated the provisions of this chapter applicable to said agent.~~

Section 24. Subsection (4) of section 470.002, Florida Statutes, 1982 Supplement, is amended to read:

470.002 *Definitions.*—As used in this chapter:

(4) "Practice of funeral directing" means making, at need or preneed, arrangements for, or directing the arrangements for, the preparation and

transportation of dead human bodies for final disposition; or using, in connection with one's name the words "funeral director," "licensed funeral director," "undertaker," or "mortician"; or offering or holding oneself out as offering such services. However, nothing herein shall be construed to require a direct disposer or an agent registered under *chapter 639 s. 470.028* to be a funeral director.

Section 25. Paragraph (f) of subsection (2) of section 470.019 and paragraph (q) of subsection (1) of section 470.036, Florida Statutes, are amended to read:

470.019 Disciplinary actions against direct disposers.—

(2) The following shall be sufficient grounds for disciplining according to subsection (1):

(f) Paying to or receiving from any organization, agency, or person, either directly or indirectly, any commission, bonus, kickback, or rebate in any form whatsoever for direct disposing business, by the registrant or his agent, assistant, or employee; however, this shall not prohibit the payment of commissions by a direct disposer to his agents registered pursuant to *chapter 639 s. 470.028* or to registrants hereunder.

470.036 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(q) Paying to or receiving from any organization, agency, or person, either directly or indirectly, any commission, bonus, kickback, or rebate in any form whatsoever for funeral directing business or embalming business, by the licensee, or his agent, assistant, or employee; however, this shall not prohibit the payment of commissions by a funeral director or funeral establishment to its agents registered pursuant to *chapter 639 s. 470.028* or to licensees hereunder.

Section 26. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, and except as otherwise specifically provided herein, chapter 639, Florida Statutes, shall not stand repealed on October 1, 1983, and shall continue in full force and effect as amended herein.

Section 27. Chapter 639, Florida Statutes, is repealed on October 1, 1993, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes, the Regulatory Sunset Act.

Section 28. Section 639.11, Florida Statutes, as amended by this act, and section 639.13, Florida Statutes, 1982 Supplement, as amended by this act, shall apply only to preneed contracts entered into on or after October 1, 1983.

Section 29. This act shall take effect October 1, 1983.

Amendment 2—In title, on page 1, line 1, strike the entire title and insert:

A bill to be entitled An act relating to burial insurance; repealing s. 639.06, Florida Statutes, relating to declaration of policy; amending s. 639.07, Florida Statutes; providing definitions; amending s. 639.08, Florida Statutes; providing clarifying language; amending s. 639.09, Florida Statutes; requiring holders of certificates of authority to be licensed under chapter 470, Florida Statutes; providing an exemption from certification; amending s. 639.10, Florida Statutes; providing for expiration and renewal of certificates of authority; changing the annual statement requirements; requiring certain disclosures; creating s. 639.105, Florida Statutes; providing for approval of forms; amending s. 639.11, Florida Statutes; providing for disposition of funds received on preneed contracts, restricting the use of such funds; amending s. 639.13, Florida Statutes, 1982 Supplement; providing for the cancellation of preneed contracts and certain liquidated damages; amending ss. 639.14 and 639.15, Florida Statutes; providing conforming language; amending s. 639.16, Florida Statutes; changing grounds for suspension and revocation of certificates of authority; providing for notice, effect, and publication of suspension order; providing for duration of suspension and for reinstatement; creating s. 639.164, Florida Statutes; providing for the confidentiality of certain investigation and examination records; creating s. 639.165, Florida Statutes; providing for the dissolution and liquidation of certificateholders; providing for the venue of delinquency proceedings against a certificateholder; creating s. 639.166, Florida Statutes; providing for administrative fine in lieu of suspension or revocation of certifi-

cate of authority; amending s. 639.17, Florida Statutes; providing clarifying language; repealing ss. 639.18 and 639.19, Florida Statutes, relating to false and deceptive advertising and selling practices and to legislative intent; creating s. 639.185, Florida Statutes; providing for the registration of preneed sales agents by the Department of Insurance; amending s. 639.20, Florida Statutes, providing for the applicability of certain provisions to persons certificated under the Florida Cemetery Act; amending s. 639.21, Florida Statutes; providing conforming language; creating ss. 639.22-639.30, Florida Statutes; prohibiting unfair methods of competition and unfair or deceptive acts or practices; providing definitions of such acts or practices; providing departmental investigatory powers; providing for hearings and procedures; providing for cease and desist and penalty orders; providing for appeals; providing penalties; providing for injunctions; providing for civil liability; creating s. 639.32, Florida Statutes; providing civil remedies; amending s. 470.028, Florida Statutes, 1982 Supplement; removing registration of preneed funeral service or direct disposition sales agents by the Department of Professional Regulation; amending s. 470.002(4), Florida Statutes, 1982 Supplement, and ss. 470.019(2)(f) and 470.036(1)(q), Florida Statutes; providing conforming language; saving certain provisions of chapter 639, Florida Statutes, from sunset repeal scheduled October 1, 1983; providing for future review and repeal; providing an effective date.

Senator Thomas moved the following amendments which were adopted:

Amendment 1 to House Amendment 1—On page 27, lines 14-30, and on page 28, lines 1-19, strike all of said lines and renumber subsequent sections

Amendment 1 to House Amendment 2—In title, on page 3, lines 1-3, strike "creating s. 639.32, Florida Statutes; providing civil remedies;"

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

CS for SB 201 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	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

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 4; has amended Senate Amendment 3, concurred in same as amended and passed CS for HB 1012, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

CS for CS for HB 1012—A bill to be entitled An act relating to corrections and parole; providing a short title; providing findings; providing definitions; creating s. 944.022, Florida Statutes, creating an inmate to population ratio for the state correctional system for specified purposes; providing for certification of legislative budget requests for corrections residential facilities by a Criminal Justice Estimating Conference; providing for review of such requests; providing procedures for correcting inmate population levels in excess of certain levels; creating s. 921.187, Florida Statutes, providing sentencing alternatives; creating s. 775.075, Florida Statutes, providing sentencing criteria; amending s. 944.275, Florida Statutes, changing gain-time amounts and considerations; amending s. 947.16(3)(a), (b), and (g), Florida Statutes, 1982 Supplement, and adding a paragraph, reducing the portion of sentence over which a sentencing judge may retain jurisdiction; changing the date of reinterviews of inmates where parole release orders have been vacated by the sentencing court; amending s. 947.135(3)(a), Florida Statutes, 1982 Supplement, changing participation criteria for the mutual participation program; cre-

ating s. 948.001, Florida Statutes, providing definitions; creating s. 948.005, Florida Statutes, providing for the implementation of community control programs; amending s. 948.01, Florida Statutes, providing for placement of certain offenders into community control as an alternative to probation; limiting the duration of supervision; providing for the applicability of workers' compensation benefits to offenders in certain work programs; authorizing discharge from certain programs; amending s. 948.011, Florida Statutes, conforming provisions relating to imposition of fines and probation; amending s. 947.23(6), Florida Statutes, authorizing placement of certain parolees into community control; amending s. 948.03, Florida Statutes, changing terms and conditions of probation and providing terms and conditions of community control; amending s. 948.031, Florida Statutes, authorizing the Department of Corrections to establish public service programs in counties for offender public service; amending s. 948.04, Florida Statutes, to conform to the act; amending s. 948.05, Florida Statutes, providing for judicial admonishment and commendation of offenders in community control; amending s. 948.06, Florida Statutes, providing for placement of persons violating probation into community control; providing for revocation, modification, or continuance of community control; adding new subsections (2), (3), and (4) to s. 945.26, Florida Statutes, providing for a community control program as a sentencing alternative; amending s. 947.04(1), Florida Statutes, 1982 Supplement, authorizing the Parole and Probation Commission to assign temporary duties to retired commissioners; amending s. 947.01, Florida Statutes, removing the Secretary of Corrections as a member of the Parole and Probation Commission and providing for the future reduction in the membership of the commission; amending s. 947.02, Florida Statutes, revising provisions relating to the appointment of commissioners; amending s. 947.03(1) and (3), Florida Statutes, and adding a subsection, reducing the terms of office of commissioners; providing for new appointment of commissioners; amending s. 947.175, Florida Statutes, changing persons to be notified by the commission upon establishing an effective parole release date and prior to release of an inmate on work release; creating s. 947.1746, Florida Statutes, authorizing the commission to establish an effective parole release date without final interview under certain circumstances; amending s. 944.927(1) and (2), Florida Statutes, as created by chapter 82-411, Laws of Florida, expanding the applicability of the Local Offender Advisory Council Act; adding a new subsection (3) to s. 951.23, Florida Statutes, authorizing the Department of Corrections to provide certain assistance to local governments; creating s. 253.061, Florida Statutes, providing for the acquisition or use of lands for correction facilities; creating s. 945.275, Florida Statutes, providing for a study of siting of additional correctional facilities; providing procedures for acquisition of property for such facilities over the objections of local governments; repealing s. 958.08, Florida Statutes, relating to community control program; providing for the future repeal and review of s. 20.32, Florida Statutes, and chapter 947, Florida Statutes, relating to the Parole and Probation Commission; providing for legislative review; providing severability; directing that certain changes in the Florida Statutes be made; providing an effective date.

House Amendment 1 to Senate Amendment 3—On page 47, lines 10-19, strike all of said lines and renumber subsequent subsections

House Amendment 2 to Senate Amendment 3—On page 5, line 2, strike "maximum" and insert: lawful

House Amendment 3 to Senate Amendment 3—On page 45, line 25 and on page 46, line 2, strike "36" and insert: 35

House Amendment 4 to Senate Amendment 3—On page 46, lines 20-26, strike all of said lines; and renumber subsequent sections

House Amendment 5 to Senate Amendment 3—On page 49, line 25, strike "shall" and insert: may

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

CS for CS for HB 1012 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Dunn	Grant	Jenne
Beard	Fox	Grizzle	Jennings
Castor	Frank	Hair	Johnston
Childers, W. D.	Gersten	Henderson	Kirkpatrick
Crawford	Girardeau	Hill	Langley

Mann	Meek	Rehm	Thurman
Maxwell	Myers	Stuart	Vogt
McPherson	Plummer	Thomas	Weinstein

Nays—3

Carlucci Childers, D. Neal

Vote after roll call:

Yea—Malchon, Scott

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1165 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 1165—A bill to be entitled An act relating to emergency and non-emergency medical services and personnel; amending s. 401.211, Florida Statutes, 1982 Supplement, stating legislative intent that the Department of Health and Rehabilitative Services contract with the Department of Professional Regulation for certain services; amending s. 401.23, Florida Statutes, 1982 Supplement, modifying and adding definitions; amending s. 401.24, Florida Statutes, 1982 Supplement, requiring a description of the contractual relationship between the Department of Health and Rehabilitative Services and the Department of Professional Regulation; creating 401.245, Florida Statutes, creating the Emergency and Nonemergency Medical Services Council; amending s. 401.25, Florida Statutes, 1982 Supplement, providing conforming language; amending s. 401.27, Florida Statutes, 1982 Supplement, requiring a submission of a certification fee and nonrefundable examination fee; requiring biennial certificate renewal; requiring the Department of Health and Rehabilitative Services to administer monthly examinations; amending s. 401.34, Florida Statutes, 1982 Supplement, establishing fees for licensure and renewal of air ambulance services; requiring fees for certificate renewal to be paid biennially; amending 401.35, Florida Statutes, 1982 Supplement, adding conforming language; creating a new section of chapter 401, authorizing the Department of Health and Rehabilitative Services to seek injunctive relief under certain circumstances; creating a new section of chapter 401 providing for and requiring the licensure of air ambulance services; saving certain sections from repeal; providing for repeal and review; providing effective dates.

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

On motions by Senator D. Childers, by two-thirds vote HB 1165 was withdrawn from the Committee on Health and Rehabilitative Services and by two-thirds vote placed on the special order calendar.

On motions by Senator D. Childers, by unanimous consent HB 1165 was taken up out of order and by two-thirds vote read the second time by title.

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

Amendment 1—On page 1, lines 17 and 18, strike "provided by the Department of Professional Regulation to its various regulatory boards"

Amendment 2—On page 7, lines 8 and 18, strike "triennial biennial" and insert: biennial ~~triennial~~

Amendment 3—On page 7, strike all of lines 25-28 and insert:

(9) The certification examination shall be offered on a monthly basis.

Further consideration of HB 1165 as amended was deferred.

The Honorable Curtis Peterson, President

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

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 1117—A bill to be entitled An act relating to child care facilities; amending s. 402.305, Florida Statutes; revising requirements for minimum standards for such facilities with respect to personnel, transportation, and compliance with standards pursuant to rules utilized by the state fire marshal; amending s. 402.310, Florida Statutes; authorizing denial or revocation of license or imposition of fine for violations; amending s. 402.312, Florida Statutes; requiring display of license; amending s. 402.313(1), Florida Statutes; requiring certain family day care homes to register certain information with the Department of Health and Rehabilitative Services or local licensing agency biennially; amending ss. 400.308(2)(d) and 402.315, Florida Statutes; requiring the department to bear the costs of licensing of child care centers under certain circumstances; requiring the department to collect a fee for any licenses it issues; authorizing counties to collect a fee for licenses issued by them; saving ss. 402.301-402.316, Florida Statutes, from sunset review and repeal scheduled October 1, 1983; providing for review and repeal of said sections on October 1, 1993; providing an effective date.

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

On motions by Senator D. Childers, by two-thirds vote HB 1117 was withdrawn from the Committee on Health and Rehabilitative Services and by two-thirds vote placed on the special order calendar.

On motions by Senator D. Childers, by unanimous consent HB 1117 was taken up out of order and by two-thirds vote read the second time by title.

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

Amendment 1—On page 5, strike all of lines 19-31 and renumber subsequent section

Amendment 2—On page 6, strike all of lines 14-16 and insert: *the maximum fee shall be \$100 per center.*

(4) *Any county may collect a fee for any license it issues pursuant to s. 402.308.*

Amendment 3—In title, on page 1, strike all of lines 12-16 and insert: license;

On motion by Senator D. Childers, by two-thirds vote HB 1117 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motions by Senator Neal, by two-thirds vote HB 359 was withdrawn from the Committees on Natural Resources and Conservation and Appropriations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed HB 429, as amended.

Allen Morris, Clerk

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 40, CS for SB 954 and SB 42.

Allen Morris, Clerk

The bills contained in the foregoing message were ordered enrolled.

FIRST READING

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed House Bills 1027 and 820 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Peeples and others—

HB 1027—A bill to be entitled An act relating to the Alva Fire Protection and Rescue Service District, Lee County; amending sections 5(2) and 10(2), of chapter 76-413, Laws of Florida; increasing the millage cap of the district; authorizing the district to operate first aid and rescue services; providing a referendum; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Tobiassen and others—

HB 820—A bill to be entitled An act relating to Escambia County; providing certain restrictions on the use of fishing nets; providing a penalty; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended House Bills 819, 1048, 682, 832, 968, 1126, 1010, 396, 683, 772, 931, 516, 574 and 448 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Tobiassen and others—

HB 819—A bill to be entitled An act relating to Escambia County; providing for and continuing a Civil Service Board for merit system protection; providing for compensation, tenure, appointments, qualifications, officers, and meetings of the Civil Service Board; providing responsibility of the Board of County Commissioners, District School Board, and all other elected County and School District officers to annually establish or adjust base pay ranges, pay longevity pay, and authority to make discretionary merit adjustments; providing voting procedures; providing for Civil Service Rules governing administration of the pay plan; providing for holidays and days of mourning; providing for funding of the civil service system; establishing a percentage funding level for operating budgets; providing a funding allocation and procedure; providing for facilities; providing for classification and wage surveys; providing for applicability and for exemptions; providing Civil Service Board duties and responsibilities; providing for appeals, classification and assignment of classes to pay grades, recruiting and examination, records, and legal counsel; providing effect of Civil Service Board decisions; establishing employee rights; providing for employee leave of absence to seek elective office; establishing nondiscriminatory policy; providing for investigations; providing for process and penalties for disobedience; establishing review procedures; providing for sole system; providing exemption from Administrative Procedures Act; establishing definitions; providing for severability; providing for Civil Service Rules; providing for notice; providing for public hearings; establishing voting procedures; providing for continuance of all Rules in effect and not in conflict with this act; providing a repealer clause; providing an effective date and providing a transition provision.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Dudley—

HB 1048—A bill to be entitled An act relating to the City of Sanibel, Lee County; prohibiting the taking of saltwater fish, except by hook and line or hand-held cast net or with no more than five blue crab traps within any saltwater canal in the City of Sanibel during certain hours; providing a penalty; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Shackelford—

HB 682—A bill to be entitled An act relating to Manatee County; amending Chapter 78-555, Laws of Florida, to empower the Board of County Commissioners to sell or lease, or enter into an operating agreement with respect to, Manatee Memorial Hospital; providing for the disposition of the proceeds from the sale, lease or operating agreement; providing for the hospital care of Manatee County residents who are medically indigent or who are paupers; providing for the dissolution of the Board of Trustees of Manatee Memorial Hospital after possession of Manatee Memorial Hospital is transferred to a not for profit corporation or other entity; authorizing the Board of County Commissioners to recreate the Board of Trustees of Manatee Memorial Hospital in the event a lease of or an operating agreement with respect to Manatee Memorial Hospital is terminated; and providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative R. C. Johnson—

HB 832—A bill to be entitled An act relating to Bay County; providing for a short title; establishing a solid waste disposal and resource recovery system within the territorial boundaries of Bay County; providing for the disposal of all solid waste generated or brought within the area affected by this Act; authorizing the County to finance, acquire, construct and operate or provide for the construction and operation or enter into a franchise agreement for the financing, acquisition, improvement, construction, operation, maintenance and/or ownership of solid waste disposal and resource recovery facilities; providing definitions; providing a declaration of State policy; authorizing the municipalities within the County to regulate the collection and disposal of solid waste within such municipalities; vesting exclusive powers in the County to control the disposal of solid waste within the area affected by this Act; making allowance for a Technical Management Committee; providing for the sale of resources recovered and energy generated by the facilities; authorizing the use of rights-of-way, easements and other similar property rights of the State and its local agencies; providing an exemption from Public Service Commission regulation; providing an exemption from the provisions of the Florida Antitrust Act of 1980; providing an exemption from the provisions of the Consultants' Competitive Negotiation Act; providing for the application of the Florida Electrical Power Plant Siting Act to the constituent facilities of any solid waste disposal and resource recovery system authorized by this Act; prescribing standards with which any solid waste disposal and resource recovery system recovered by this Act must conform; providing that all other prior inconsistent laws are superseded; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representatives Arnold and Peeples—

HB 968—A bill to be entitled An act relating to the Lee County Mosquito Control District; amending sections 1-3 of chapter 67-1630, Laws of Florida, as amended; increasing district boundaries; providing for board member residential areas; increasing the board to seven members; providing for election, terms of office, and qualifications of board members; providing for the continuance in office of board members whose terms have not expired on the effective date of this act; abolishing the Fort Myers Beach Mosquito Control District and transferring its assets, liabilities, books, and records; relieving the Board of Commissioners of the abolished district from certain liability and responsibility; republishing section 13(1) of chapter 67-1630, Laws of Florida, as amended, relating to tax levy, for purposes of referendum approval; providing a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Arnold and others—

HB 1126—A bill to be entitled An act relating to Hospital Board of Directors of Lee County; amending s. 18, chapter 63-1552, Laws of Florida; deleting a 1-year limitation on borrowing and a limitation on borrowing of 5 percent of gross revenues in the preceding calendar year; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Danson—

HB 1010—A bill to be entitled An act relating to the Sarasota County Public Hospital Board, Sarasota County; amending ss. 1, 3, 7, 8(a) and (j), 8A(1), and 12, chapter 26468, Laws of Florida, Acts of Extraordinary Session, 1949, as amended, relating to the Sarasota County Public Hospital Board; providing that the term of office of all hospital board members elected in 1976 and subsequent years shall commence on the same date that the County Commissioners of Sarasota County commence their terms of office, as provided by general law; eliminating the power of the hospital board to appoint and remove assistant directors; providing for an assistant secretary; providing that the director, assistant directors, business office manager, and controller may be designated signatories on refund account; empowering the hospital board to provide certain hospital services within the boundaries of the hospital district but outside of the hospital facilities of the board, after adoption of resolution of the hospital board defining the scope of such hospital services; providing with particularity the power of the hospital board to expend funds and make payments for employees for purposes other than wages or salary; authorizing membership by dentists on the hospital medical staff and providing requirements therefor; providing for the payment of hospital funds without an order from said hospital board, for general operating expenses, drugs, food, linens, supplies, laundry, medicines, salaries, wages, utilities, and for items of equipment, and authorizing the hospital board by resolution or bylaws to establish procedures mandating the hospital board approval of certain expenses; authorizing membership by osteopathic physicians on hospital medical staff and providing requirements therefor; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Shackelford—

HB 396—A bill to be entitled An act relating to Anna Maria Island Fire Control District; adding subsection (2) to Section 4 of Chapter 27696, Laws of Florida, 1951, as amended; providing for impact fees on new construction within the district to defray the cost of improvements required to provide fire and emergency service to such new construction; amending the second unnumbered paragraph of Section 8 of Chapter 27696, Laws of Florida, 1951, as amended, relating to the power and authority of the district commissioners of the Anna Maria Fire Control District to borrow money for district purposes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Shackelford—

HB 683—A bill to be entitled An act relating to the Ellenton Fire Control District, Manatee County; amending section 4 and adding section 20 to chapter 59-1539, Laws of Florida, as amended; establishing a maximum annual assessment that may be levied against vacant subdivided lots, unsubdivided acreage, single family residences, duplex residences, triplex residences, rental spaces or lots for mobile homes, recreational vehicles, or travel trailer rental spaces or lots, commercial buildings, motels, apartments, and condominium units; providing for an additional charge that may be assessed for hazardous conditions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Nergard and others—

HB 772—A bill to be entitled An act relating to St. Lucie County; enacting the St. Lucie County Environmental Control Act; providing short title; providing declaration of intent; providing definitions; providing for an Environmental Control Board; providing organization, duties and powers; providing for Environmental Control Officer appointment, duties and powers; providing exemptions; providing for hearing board organization, duties and powers; providing for appeals from actions or decisions of Environmental Control Officer; providing procedure; providing for judicial review; providing for civil enforcement; providing for enforcement of hearing board orders and injunctive relief; providing for criminal penalties; providing civil penalties; providing for civil fines to be liens; providing for construction in relation to other law; providing for no change in powers of Health Department; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lippman and others—

HB 931—A bill to be entitled An act relating to the Cities of Oakland Park, Fort Lauderdale, and Wilton Manors, Broward County; contracting the corporate limits of the Cities of Fort Lauderdale and Wilton Manors; extending and enlarging the corporate limits of the City of Oakland Park; apportioning the existing indebtedness with respect to such property; prescribing the liability of the property for municipal taxes; apportioning municipal taxes due on the property; providing for the preservation of contractual rights; providing for zoning in the territory embraced in the extension; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative M. E. Hawkins—

HB 516—A bill to be entitled An act relating to Marco Island or Isles of Capri, Collier County; prohibiting the use of motor-powered vessels for the setting of fishing nets within 100 feet of a man-made seawall on Marco Island or the Isles of Capri during certain hours; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative B. L. Johnson—

HB 574—A bill to be entitled An act relating to Santa Rosa County; creating the Munson Fire Protection District within the county; providing definitions; providing for the election, membership, terms, compensation, and duties of the board of commissioners of the district; providing for the filling of vacancies on the board; authorizing the board to employ necessary personnel; authorizing the board to levy special tax millage on the property within the district; providing the maximum rate of tax millage; authorizing the property appraiser and tax collector of the county to take certain actions to assist the board; providing that assessments by the board shall be enforced as are tax assessments by the county; authorizing the board to borrow money to issue revenue anticipation certificates and to pledge certain liens; exempting the commissioners from certain liability; restricting the use of funds of the district by the board; authorizing the board to purchase or lease certain fire equipment and a fire department; authorizing the board to adopt rules and regulations; requiring the board to make annual reports; authorizing the board to enact and enforce a fire prevention ordinance; requiring approval by the Santa Rosa County Commission of the district budget; providing for a referendum.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Shackelford—

HB 448—A bill to be entitled An act relating to Whitfield Fire Control District, Manatee County; amending section 2 of chapter 67-914, Laws of Florida, as amended, and adding section 21 thereto; providing that the salary of the Secretary-Treasurer shall be determined by the District Board of Commissioners; providing for Impact Fees on new construction within the District to defray the cost of improvements required to provide fire and emergency service to such new construction; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed House Bills 741, 782, 545, 546, 708, 1251, 591 and 1003 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Watt and Press—

HB 741—A bill to be entitled An act relating to the Palm Beach County Law Library; amending section 3 of chapter 24775, Laws of Florida,

1947, as amended, empowering the Board of County Commissioners of Palm Beach County to set filing fees pursuant to this act by ordinance of said board of county commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Nergard and others—

HB 782—A bill to be entitled An act relating to St. Lucie County; amending section 2 of chapter 57-1790, Laws of Florida, relating to the St. Lucie County Law Library; providing for increased fees and otherwise modifying the manner of raising funds for said library; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harris—

HB 545—A bill to be entitled An act relating to Glades County; providing for the imposition and collection of an additional sum of \$1 on each fishing and hunting license issued in Glades County; providing for the use of such funds by the county commissioners for the construction, improvement and maintenance of outdoor recreational projects, parks, and boat ramps in Glades County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harris—

HB 546—A bill to be entitled An act relating to Hendry County; authorizing the county tax collector to collect an additional \$1 on fishing, hunting, and boating licenses issued in Hendry County; authorizing the use of such funds by the City of LaBelle and the City of Clewiston, Florida, for the installation, maintenance, upkeep, and improvement of boat ramps, facilities, and adjacent parking area in their respective areas; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative B. L. Johnson—

HB 708—A bill to be entitled An act relating to Santa Rosa County; providing certain restrictions on the use of fishing nets; providing a penalty; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Arnold and others—

HB 1251—A bill to be entitled An act relating to Lee County; amending s. 1, chapter 81-414, Laws of Florida; exempting Lee County Hospital Board of Directors from the uniform election requirements; providing for staggered terms for board directors; changing from odd-numbered year elections to even-numbered year elections; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative D. L. Jones and others—

HB 591—A bill to be entitled An act relating to Pinellas County; providing for the issuance of a Special Restaurant Alcoholic Beverage License for any historic building in Downtown St. Petersburg which meets certain conditions and which is part of the redevelopment of the Downtown Area; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Commerce, and Rules and Calendar.

By Representative Peebles and others—

HB 1003—A bill to be entitled An act relating to the East County Water Control District, located in Lee and Hendry Counties; amending s. 1, chapter 63-1549, Laws of Florida, as amended, extending the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

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

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended House Bills 743, 1272 and 1071 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Messersmith—

HB 743—A bill to be entitled An act relating to the Palm Beach County Free Public Library Taxing District, Palm Beach County; amending s. 11 of chapter 67-1869, Laws of Florida, as amended, providing authority to the Board of County Commissioners of Palm Beach County to submit a special referendum to voters of the District for a levy of up to one-half mill for up to 5 years, the proceeds of which shall be used for library capital improvements; providing for any municipality entering the District after successful District referendum and successful municipal referendum to be taxed for that millage rate and number of years approved in the District referendum, beginning with the fiscal year it enters; providing that the value of any municipal library resources transferred to the District be deducted from the amount levied in the municipality; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Richmond and others—

HB 1272—A bill to be entitled An act relating to Pasco County; authorizing said county to operate or contract for the operation of a solid waste disposal and resource recovery system for the disposal of garbage and other waste matter and the recovery of energy and other resources; authorizing Pasco County to require the use of the facilities of the solid waste disposal and resource recovery system by all of the inhabitants and entities of Pasco County, including all municipalities; authorizing the governing body to prescribe and collect reasonable charges for the services and facilities of the solid waste disposal and resource recovery system; authorizing the lease of facilities; authorizing emergency disposal by individual political subdivisions; repealing and subordinating any inconsistent or conflicting powers granted to any municipality or other body within Pasco County; providing for the effect of state general law; providing severability; providing for conversion to local ordinance contingent upon passage of charter; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Ward—

HB 1071—A bill to be entitled An act relating to Okaloosa and Walton Counties; creating the Choctawhatchee Bay Causeway/Bridge Authority; providing a purpose; providing for membership, providing for appointments of office; providing for terms of office; providing for definition under Chapter 119, Florida Statutes; providing for the authority to be subject to the requirements of Chapter 286, Florida Statutes, the "government in the sunshine" law; providing for approval of the Authority budget by the county commissions of both Okaloosa and Walton County; providing for the election of officers; providing the definition of a quorum; providing powers of the authority; providing the power to construct a causeway/bridge transversing the Choctawhatchee Bay; providing the power to fix, charge, and collect fees, tolls, rents, and charges; providing the power to enter into contracts; providing the power to act as lessor and lessee; providing the power to issue bonds; providing the power to borrow money and issue notes; providing for the hiring, employment, and contracting of staff persons; providing for definition of the authority under part II of Chapter 159, Florida Statutes; providing for an annual audit of financial records; providing an effective date.

Proof of publication of the required notice was attached.

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

Senator Langley presiding

LOCAL CALENDAR

HB 715—A bill to be entitled An act relating to Hillsborough County and the City of Tampa; repealing chapter 18930, Laws of Florida, 1937, chapters 24588, 24594, and 24595, Laws of Florida, 1947, chapters 25887, 26251, and 26271, Laws of Florida, 1949, chapters 27602 and 27608, Laws of Florida, 1951, chapter 29553, Laws of Florida, 1953, and chapters 61-2928, 71-940, 78-524, and 79-477, Laws of Florida, which authorize the county and city to adopt and utilize certain zoning procedures and which create certain zoning classifications; providing an effective date.

—having been reconsidered April 28, passed and was 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

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 970 was withdrawn from the Committee on Governmental Operations.

On motion by Senator W. D. Childers —

HB 970—A bill to be entitled An act relating to county boundaries; amending s. 7.17, Florida Statutes, providing for the legal description of Escambia County to specifically include the waters of the Gulf of Mexico within the jurisdiction of the State of Florida; deleting the provision that Escambia County shall have jurisdiction of offenses committed on the waters of the Gulf of Mexico adjacent to the shores of Santa Rosa Island; providing an effective date.

—a companion measure, was substituted for SB 1203 and read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 970 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 1203 was laid on the table.

HB 972—A bill to be entitled An act relating to the Hillsborough County Aviation Authority, Hillsborough County, and the municipalities therein; providing legislative intent to supersede and codify chapters 23339, 24579, 27599, 57-1379, 59-1356, 61-2261, 61-2263, 67-1474, 72-561, 74-496, 75-388, 75-398, and 75-401, Laws of Florida, relating to the Hillsborough County Aviation Authority, providing the Authority with additional powers and privileges; naming certain parts; providing definitions; creating the Hillsborough County Aviation Authority and declaring same to be a public body corporate; providing for the appointment and term of office of the members thereof; prescribing its jurisdiction, powers, functions, manner of operating, responsibilities, duties, and privileges; provid-

ing for a Director of Aviation; providing zoning powers; prescribing the manner of executing instruments; providing for a budget, a fiscal year, and audits; providing for the acquisition, construction, operation, and regulation of certain airports and air navigation facilities in Hillsborough County by the Authority; declaring the ownership and operation of such airports to be a public and governmental purpose; providing the Authority with the power to exercise the right of eminent domain; prohibiting discrimination; providing legislative intent; providing for the issuance of bonds by the Authority, empowering the municipalities of Hillsborough County to appropriate and raise by taxation or otherwise moneys; authorizing the Authority to adopt, amend, and enforce with penalties rules and regulations and to appoint airport guards or police with full police powers; authorizing the assessment of landing fees and service charges; permitting and ratifying the relinquishment of jurisdiction, control, supervision, and management over certain airports or parts thereof; prescribing legislative policies and objectives with respect to airport facilities and concessions and providing for exclusive or limited agreements with the operators thereof; conferring power upon the municipalities in Hillsborough County to cooperate and share in the exercise of the powers of the Authority; authorizing any municipality in Hillsborough County and the Board of County Commissioners of said county to convey title to property to the Authority; prescribing additional definitions and additional rights, powers, functions, responsibilities, duties, and privileges of the Hillsborough County Aviation Authority; authorizing the Authority to acquire, construct, improve, maintain, lease, and operate airports and other aviation facilities, and facilities related thereto, and to borrow money and issue revenue bonds therefor; providing for the payment of such revenue bonds and prescribing the rights and remedies of the holders thereof; providing for a lien and prior perfected security interest in the revenues, rates, fees, rentals, and other charges and receipts of the Authority upon the pledge by the Authority of same to the payment of such bonds; authorizing any municipality, the county, or any owner to transfer to the Authority airports and other facilities, as well as any contract; authorizing the Authority to acquire lands and property by eminent domain proceedings or otherwise; authorizing the levy, in each year, of a tax not exceeding one and one-half mills on all taxable property in Hillsborough County for any purpose of the Authority; providing for a "Renewal and Replacement Fund" and for disbursements from same; providing the pledge of the State of Florida not to alter or limit the rights of the Authority; declaring that the Authority will be performing essential governmental functions; providing that the Authority shall not be required to pay any taxes or assessments of any kind or nature; providing that the bonds issued by the Authority and any security instruments securing the repayment thereof shall be free from taxation; providing additional legislative intent; authorizing Hillsborough County and each municipality therein to aid, covenant with, and cooperate with the Authority and to assist the Authority from tax moneys or other funds; prescribing additional definitions and additional rights, powers, functions, responsibilities, duties, and privileges of the Hillsborough County Aviation Authority; authorizing the Authority to acquire, purchase, hold, construct, improve, maintain, repair, operate, own, and lease special purpose facilities, and facilities related thereto; authorizing the Authority to borrow money and make and issue bonds and other obligations; providing for the payment of such bonds and the pledge of revenues; providing the Authority with the power of eminent domain; providing for a lien and prior perfected security interest in the revenues, rates, fees, rentals, and other charges and receipts of the Authority upon the pledge by the Authority of same to the payment of such bonds; prescribing the rights and remedies of bondholders; authorizing any municipality, the county, or any owner to transfer to the Authority any interest in real or personal property, as well as any contract; authorizing the Authority to acquire lands and property by eminent domain proceedings or otherwise; providing the pledge of the State of Florida not to alter or limit the rights of the Authority; declaring that the Authority will be performing essential governmental functions; providing that the Authority shall not be required to pay any taxes or assessments of any kind or nature; providing that the bonds issued by the Authority and any security instruments securing the repayment thereof shall be free from taxation; providing additional legislative intent; authorizing Hillsborough County and each municipality therein to aid, covenant with, and cooperate with the Authority and to assist the Authority from available funds; providing for the issuance of beverage licenses to the Authority and the transfer and retransfer of same; repealing conflicting laws; providing for review by the Hillsborough County Legislative Delegation; providing additional legislative intent; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote HB 972 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

HB 762—A bill to be entitled An act relating to Sarasota and Charlotte Counties, Englewood Area Fire Control District; amending s. 1(A) of chapter 82-381, Laws of Florida, to revise the boundary of the district to eliminate an overlap with the area of the Southeast Area Fire and Ambulance Service District; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 762 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

HB 1047—A bill to be entitled An act relating to Duval County; providing for the issuance of a special alcoholic beverage license to WJCT, Inc., a Florida corporation not-for-profit by the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation of the State of Florida; authorizing only the sale of alcoholic beverages by WJCT, Inc., for on premises consumption thereunder at Festival Park and, when under its control by contract, at Metropolitan Park; providing restrictions on transferability; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 1047 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

HB 971—A bill to be entitled An act relating to Escambia County; providing an exemption from the provisions of s. 255.22, Florida Statutes; providing for the sale or conveyance of property conveyed to Escambia County for a specified purpose and without receipt of valuable consideration; providing for public hearings; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 971 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

HB 994—A bill to be entitled An act relating to the City of Pensacola and Escambia County; amending section 13 of chapter 80-579, Laws of Florida, relating to the Pensacola-Escambia Promotion and Development Commission; extending provisions relating to the funding of the Commission by the City and County; modifying provisions relating to the manner in which proceeds of the resale of certain lands are to be returned to the State Treasury and otherwise expended; providing an effective date.

—was read the second time by title.

Senator W. D. Childers moved the following amendments which were adopted:

Amendment 1—On page 2, lines 29-31, and on page 3, lines 1-15, strike all of said lines and renumber subsequent section

Amendment 2—In title, on page 1, strike all of lines 8-11 and insert: County; providing an

On motion by Senator W. D. Childers, by two-thirds vote HB 994 as amended 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 1196—A bill to be entitled An act relating to community colleges; amending section 2 of chapter 78-94, Laws of Florida, relating to the Manatee County Community College District; providing membership residency requirements for the board of trustees of the district; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 23 and 24, strike Section 2 and insert: a new Section 2. and Section 3.

Section 2. One member who is appointed May 30, 1983 shall be appointed for 1 year.

Section 3. This act shall take effect June 1, 1984.

On motion by Senator Henderson, by two-thirds vote SB 1196 as amended was read the third time by title, passed, ordered engrossed and then 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

HB 735—A bill to be entitled An act relating to Jupiter Inlet District, a special taxing district in Palm Beach County; repealing s. 2 of chapter 16057, Laws of Florida, 1933, and amending s. 11 of chapter 8910, Laws of Florida, 1921, as amended, to remove the existing temporary borrowing limitation of \$7,500 on principal outstanding at any one time, and to permit borrowing by the District for periods not to exceed 1 year, in an aggregate principal amount not exceeding its next prior year's ad valorem tax receipts, permitting unrestricted borrowing against pledged time deposits; amending s. 25 of chapter 8910, Laws of Florida, 1921, to permit funds of the District to be paid out by check or warrant signed by any two commissioners of the District; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 735 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

HB 738—A bill to be entitled An act relating to Northern Palm Beach County Water Control District, Palm Beach County; amending s. 6 of chapter 59-994, Laws of Florida; providing for a quorum of landowners at landowners' meetings; amending s. 22 of chapter 59-994, Laws of Florida; providing for an alternate method of creating units of development and providing for the levy of an organizational special assessment; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 738 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

HB 742—A bill to be entitled An act relating to Palm Beach County; providing for legislative intent; providing uniform filing dates and uniform election dates for municipal elections; providing for terms of office; providing for correspondence of terms of municipal office to the common dates provided in this act; providing that the general law for absentee ballots shall apply to all absentee ballots in municipal elections; providing for exemptions; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 742 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

HB 744—A bill to be entitled An act relating to the West Palm Beach Downtown Development Authority, Palm Beach County; amending s. 3 of chapter 67-2170, Laws of Florida, as amended, increasing and expanding the Downtown area description and extending the annual 1 mill tax levy to the entire area within the district of the Downtown Development Authority, including the newly annexed area; amending s. 4 of chapter 67-2170, Laws of Florida, increasing the number of board members from five to seven; providing for a referendum election; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 744 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

HB 746—A bill to be entitled An act relating to the East Naples Fire Control District, Collier County; amending sections 1 and 2 of chapter 61-2034, Laws of Florida; changing the boundaries of the district to include certain lands described herein; providing for compensation of members of the district board; providing for the issuance of general obligation bonds of the district; providing for the power of eminent domain; providing for referendums on the change in district boundaries and eminent domain; repealing section 16 of chapter 61-2034, Laws of Florida, relating to an election for ratification of the act; providing an effective date.

—was read the second time by title.

Senator Mann moved the following amendment which was adopted:

Amendment 1—On page 7, line 8, strike "61-2032" and insert: 61-2034

On motion by Senator Mann, by two-thirds vote HB 746 as amended 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

HB 804—A bill to be entitled An act relating to the Hendry County Hospital Authority; amending sections 14 and 15 of chapter 67-1446, Laws of Florida, as amended, relating to the levy of ad valorem taxes; providing for a referendum.

—was read the second time by title. On motion by Senator Crawford, by two-thirds vote HB 804 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

Consideration of HB 896 was deferred.

HB 920—A bill to be entitled An act relating to Broward County and the South Broward Hospital District; amending s. 9 of chapter 24415, Laws of Florida, 1947, as amended, authorizing the South Broward Hospital District to borrow money and to issue anticipation time warrants, including bond anticipation notes, grant anticipation notes, revenue anticipation notes, and tax anticipation notes, and to issue the same in the form of commercial paper, having such maturities, not in excess of 5 years, form, and terms and bearing interest at such rate or rates, including variable rates, as shall be determined by the Board of Commissioners or by the Chairman, the Vice-Chairman, or the Secretary-Treasurer within guidelines and limits determined by the Board of Commissioners, and to refund any or all previously issued anticipation time warrants; adding s. 39 to chapter 24415, Laws of Florida, 1947, as amended, to repeal provisions which conflict with the provisions of s. 215.84, Florida Statutes, relating to interest rates which may be paid on bonds, and s. 218.385, Florida Statutes, relating to the sale of general obligation bonds and revenue bonds; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 920 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

HB 973—A bill to be entitled An act relating to the East Mulloch Drainage District in Lee County; amending s. 1 of chapter 63-930, Laws of Florida, amending district boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote HB 973 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

HB 1005—A bill to be entitled An act relating to the Tice Fire Protection and Rescue Service District in Lee County; amending ss. 3(4), 9(1), 10, 11(2), 12(2), chapter 76-410, Laws of Florida; authorizing operation and maintenance of emergency fire rescue services, eliminating the cap on the debt which the district may incur; providing for an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote HB 1005 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

HB 1006—A bill to be entitled An act relating to Lee County; amending s. 5(2), chapter 76-408, Laws of Florida; increasing the millage rate cap of the Estero Fire Protection and Rescue Service District; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote HB 1006 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

HB 1025—A bill to be entitled An act relating to the Iona-McGregor Fire Protection and Rescue Service District, Lee County; amending sections 5(1), (2); 6(1), (2); 7; 8(1), and repealing sections 1(5), (6); 5(3) of chapter 75-421, Laws of Florida; authorizing the district board to levy a tax not to exceed 1.75 mills; to pay for the operation and maintenance of a fire department and fire rescue service; repealing the district's assessment power and the cost of living adjustments to the assessment rate structure; repealing definitions of "residence" and "business"; providing a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote HB 1025 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

HB 1064—A bill to be entitled An act relating to Lee County; amending section 9(1) of chapter 76-412, Laws of Florida, relating to the South Trail Fire Protection and Rescue Service District; removing the accumulative debt ceiling of the district; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote HB 1064 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

HB 1111—A bill to be entitled An act relating to Lee County; relating to the Matlacha-Pine Island Fire Control District, amending s. 3 of chapter 63-1558, Laws of Florida, as amended; providing authority to operate a rescue service; providing limitations; providing for borrowing power for the district; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote HB 1111 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

HB 1244—A bill to be entitled An act relating to the Lehigh Acres Fire Control and Rescue District; adding section 3-A to chapter 63-1546, Laws of Florida, as amended; expanding the boundaries of the district; providing for a referendum; providing an effective date.

—was read the second time by title.

Senator Mann moved the following amendment which was adopted:

Amendment 1—On page 2, line 5, after "District" insert: as expanded by this act

On motion by Senator Mann, by two-thirds vote HB 1244 as amended 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

HB 1310—A bill to be entitled An act relating to Jackson County; establishing and organizing a municipality to be known and designated as the City of Jacob City in said county; defining its territorial boundaries;

providing for its government, jurisdiction, powers, franchises, immunities, privileges and means for exercising the same; prescribing the general powers to be exercised by said city; providing a referendum.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1310 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

HB 1337—A bill to be entitled An act relating to Lee County; providing that the Board of County Commissioners of Lee County may assume responsibility for the debts and obligations of the East Mulloch Drainage District and for the operation and maintenance of drainage control structures and systems of the district; providing for the repeal of chapters 63-930 and 65-912, Laws of Florida, and for the abolition of the district upon the assumption of such responsibility; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote HB 1337 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

HB 142—A bill to be entitled An act relating to Charlotte County; amending section 4 of chapter 69-931, Laws of Florida, as amended, relating to the Harbour Heights Fire Control District, changing the maximum rate of assessments on property within the district; providing for severability; providing for a referendum.

—was read the second time by title.

Senator Henderson moved the following amendment which was adopted:

Amendment 1—In title, on page 1, line 7, after "district," insert: providing for retroactive application of such assessments;

On motion by Senator Henderson, by two-thirds vote HB 142 as amended 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

HB 223—A bill to be entitled An act relating to Citrus County, Homosassa Special Water District; amending Section 1 of Chapter 59-1177, Laws of Florida, as amended, relating to the territorial limits of the district; providing for a referendum in the existing district limits and in the area to be included; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 223 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

HB 382—A bill to be entitled An act relating to the South Venice Special Tax Road District, Sarasota County; amending sections 3 and 4 of chapter 57-1839, Laws of Florida, as amended, relating to the budget and taxing powers of the trustees; raising the tax cap; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 382 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

HB 387—A bill to be entitled An act relating to Sarasota County; amending Chapters 81-488 and 81-489, Laws of Florida, deleting certain lands from the Fruitville Area Fire Control District and adding such lands to the Northeast Fire District; providing for the pro-rata division of assessments collected on said lands between the two fire districts; providing that unpaid assessments for the current year on the subject lands shall become a lien in favor of the Northeast Fire District; directing the County tax collector to pay over collections on such assessments after the effective date of this act to the Northeast Fire District; requiring Northeast Fire District to pay over to Fruitville Area Fire Control District the pro-rata share of Fruitville Area Fire Control District's share of such collections; requiring the Fruitville Area Fire Control District to pay over to the Northeast Fire District all impact fees collected for construction in the area after a specified date; providing a time period in which such payments must be made; providing that certain lands heretofore incorporated in both districts are properly part of Northeast Fire District; ratifying previous actions treating lands as part of Northeast Fire District; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 4, strike all of lines 14 and 15 and insert:

Section 9. This act shall take effect only upon its approval by a majority vote of the qualified electors of the Fruitville Area Fire Control District and by a majority vote of the qualified electors of the Northeast Fire District voting in a referendum election to be called by the Board of County Commissioners of Sarasota County and to be held coincidentally with the next state primary or general election in accordance with the provisions of law relating to elections currently in force in Sarasota County, except that this section shall take effect upon becoming a law.

Amendment 2—In title, on page 1, line 29, after the semicolon (;) insert: providing a referendum;

On motion by Senator Henderson, by two-thirds vote HB 387 as amended 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

HB 482—A bill to be entitled An act relating to Santa Rosa County; adding certain lands to the Skyline Fire Protection and Rescue Service District; amending section 5(3) of chapter 80-606, Laws of Florida, to provide for a change in the rate of special assessment the board is authorized to levy; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 482 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

HB 506—A bill to be entitled An act relating to Manatee County, Oneco-Tallevast Fire Control District; amending subsection (1) of Section 4 of Chapter 57-1545, Laws of Florida, as amended; increasing the maximum assessments which may be levied against taxable real property within the district; providing an effective date

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 506 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

HB 526—A bill to be entitled An act relating to the Braden River Fire Control and Rescue District, Manatee County; amending Section 9 of chapter 80-538, Laws of Florida, amending the district's power and authority to borrow money for district purposes; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 526 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

HB 568—A bill to be entitled An act relating to the Tri-Par Estates Park and Recreation District, Sarasota County; amending section 5 of chapter 78-618, Laws of Florida, as amended, changing qualifications for electors in the district; amending section 7 of chapter 78-618, Laws of Florida, redefining "improved residential parcel" for unit tax assessment purposes; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 568 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

HB 745—A bill to be entitled An act relating to the North Naples Fire Control District, Collier County; amending sections 1, 2, and 4 of chapter 61-2032, Laws of Florida, as amended, adding subsections 21, 22, and 23 thereto, and repealing subsections 3 and 16 thereof; changing the boundaries of the district; providing for the election of the district board; providing for compensation of the members of the district board; modifying provisions relating to payment of expenses of the district board; providing for issuance of general obligation bonds of the district; providing for the power of eminent domain; repealing chapters 75-359, 77-533, 78-493, 80-488, and 82-283, Laws of Florida, relating to the district, to conform; providing an effective date and providing that the power of eminent domain shall only become effective upon approval at a special election.

—was read the second time by title.

Senator Mann moved the following amendment which was adopted:

Amendment 1—On page 6, line 29, strike "8" and insert: 9

On motion by Senator Mann, by two-thirds vote HB 745 as amended 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

HB 449—A bill to be entitled An act relating to the Palmetto Fire Control District, Manatee County; amending section 7 and adding section 19 to chapter 63-1593, Laws of Florida, as amended; relating to the rate

of special assessments to be levied against lands in the district, to establish the maximum amount which may be levied upon specific categories of property after the year 1981; establishing a category for emergency services rendered to motor vehicles; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 449 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

HB 896—A bill to be entitled An act relating to Orange County, the West Orange Memorial Hospital Tax District; amending sections 2 and 4 of chapter 26066, Laws of Florida, 1949, as amended; providing for the appointment of six (6) additional trustees; providing for the terms and appointments thereof; providing for term and replacement of a trustee who dies, resigns or is removed for cause; providing terms of trustees to end at the end of tax district's fiscal year; providing for limitation of terms of trustees; changing the number of trustees required to constitute a quorum and to transact business after the additional six (6) trustees have been appointed; amending section 5 of chapter 26066, Laws of Florida, 1949, as amended, to further define the term "hospital"; amending section 7 of chapter 26066, Laws of Florida, 1949, as amended, for the Board of Trustees to determine the periods of time for which money is to be borrowed, the interest rates and the amounts to be borrowed; providing that the provision for borrowing is supplemental, additional and an alternative method to any other powers conferred by other laws; amending section 8 of chapter 26066, Laws of Florida, as amended; providing that amounts to be borrowed, amounts of bonds to be issued and sold, rates of interest thereon, and times and place of payment are to be as determined by the Board of Trustees; amending section 17 of chapter 26066, Laws of Florida, 1949, expanding the definition of reasonable and necessary expenses; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote HB 896 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
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	
Frank	Johnston	Neal	

Nays—None

SPECIAL ORDER

SB 985—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 read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator Henderson and adopted:

Amendment 1—On page 1, lines 30 and 31, strike "who renders such assistance shall not be liable for any civil damages for any act or omission", and on page 2, strike all of lines 1-3 and insert: shall not be held liable for any civil damages as the result of such act or omission where the establishment or employee acts as an ordinary reasonably prudent man would have acted under the same or similar circumstances.

Pending further consideration of SB 985 as amended, on motion by Senator Henderson, the rules were waived and by two-thirds vote HB 520 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Henderson—

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.

—a companion measure, was substituted for SB 985 and read the second time by title.

Senator Jennings moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 3 and 4, insert:

Section 2. Subsection (3) of section 509.221, Florida Statutes, 1982 Supplement, is amended to read:

509.221 Sanitary regulations.—

(3) No room in a public lodging establishment shall be used for a sleeping room which does not have an opening to the outside of the building, air shafts, or courts sufficient to provide adequate ventilation. *In lieu of the requirement of external openings for natural ventilation, a mechanical ventilation system may be provided. Such system shall be capable of providing at least two air changes per hour in all areas. In each sleeping room there shall be at least one window with its opening so arranged as to provide easy access to the outside of the building or courts.*

Section 3. Subsection (9) of section 509.221, Florida Statutes, 1982 Supplement, is amended to read:

509.221 Sanitary regulations.—

(9)(a) No person suffering from any *contagious or communicable disease considered hazardous to the public health* shall be employed in any public lodging establishment or; public food service establishment; *state-owned or state-operated institution, public school food service, or nonpublic school food service to prepare or handle serve food, or drink, or to handle dishes, towels, or linens or in any other capacity whereby such disease might be communicated to guests or tenants. Each employee shall furnish a health certificate, approved by the Department of Health and Rehabilitative Services and signed by a licensed physician, whenever the division, in its discretion, deems the furnishing of such certificate necessary for the protection of the public health. The division, in consultation with the Department of Health and Rehabilitative Services, shall promulgate rules necessary to ensure accomplishment of the intent of this section. Such rules shall be enforced by representatives of the division and county health units and shall include, but not be limited to, requirements that:*

1.—An employer have on file documentation that each employee has had a negative chest X-ray or a negative skin test for tuberculosis within the past 3 years.

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

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

(b)1.—Violators of rules promulgated under this section shall be subject to the penalties provided in ss. 509.281 and 381.112.

~~2.—The rules promulgated by the division pursuant to this section shall apply only to persons who begin employment with their current employer after July 1, 1982.~~

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 9, after the semicolon insert: amending s. 509.013(4), Florida Statutes; redefining the term “public lodging establishment” to exclude any individually or collectively owned four-family dwelling house or dwelling unit;

Amendment 3—In title, on page 1, line 9, after the semicolon insert: amending s. 509.221(3), Florida Statutes, 1982 Supplement; allowing the substitution in a sleeping room of a mechanical ventilation system with specified capability for external openings; amending s. 509.221(9), Florida Statutes, 1982 Supplement, relating to sanitary regulations with respect to employees who prepare or handle food, drink, dishes, towels, or linens, etc.; requiring employees to furnish health certificates under certain circumstances; deleting current requirements; removing enforcement and penalty provisions;

On motion by Senator Henderson, by two-thirds vote HB 520 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Langley	Rehm
Beard	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	
Gersten	Johnston	Neal	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Mr. President

SB 985 was laid on the table.

On motion by Senator D. Childers, the Senate resumed consideration of—

HB 1165—A bill to be entitled An act relating to emergency and non-emergency medical services and personnel; amending s. 401.211, Florida Statutes, 1982 Supplement, stating legislative intent that the Department of Health and Rehabilitative Services contract with the Department of Professional Regulation for certain services; amending s. 401.23, Florida Statutes, 1982 Supplement, modifying and adding definitions; amending s. 401.24, Florida Statutes, 1982 Supplement, requiring a description of the contractual relationship between the Department of Health and Rehabilitative Services and the Department of Professional Regulation; creating 401.245, Florida Statutes, creating the Emergency and Nonemergency Medical Services Council; amending s. 401.25, Florida Statutes, 1982 Supplement, providing conforming language; amending s. 401.27, Florida Statutes, 1982 Supplement, requiring a submission of a certification fee and nonrefundable examination fee; requiring biennial certificate renewal; requiring the Department of Health and Rehabilitative Services to administer monthly examinations; amending s. 401.34, Florida Statutes, 1982 Supplement, establishing fees for licensure and renewal of air ambulance services; requiring fees for certificate renewal to be paid biennially; amending 401.35, Florida Statutes, 1982 Supplement, adding conforming language; creating a new section of chapter 401, authorizing the Department of Health and Rehabilitative Services to seek injunctive relief under certain circumstances; creating a new section of chapter 401 providing for and requiring the licensure of air ambulance services; saving certain sections from repeal; providing for repeal and review; providing effective dates.

On motions by Senator D. Childers, the Senate reconsidered the vote by which Amendments 1, 2, and 3 were adopted. Amendments 1, 2 and 3 were withdrawn.

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

Amendment 4—On page 2, lines 25-27, strike “provided by the Department of Professional Regulation to its various regulatory boards”

Amendment 5—On page 8, lines 12 and 21, strike “triennial biennial” and insert: *biennial triennial*

Amendment 6—On page 8, lines 28-31, and page 9, lines 1-2, strike all of said language and insert.

(9) The certification examination shall be offered on a monthly basis.

Amendment 7—On page 8, line 17, after the period (.) insert: *The refresher program may be offered in multiple presentations spread over the 2-year period.*

On motion by Senator D. Childers, by two-thirds vote HB 1165 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Mr. President, Stuart

SB 650—A bill to be entitled An act relating to the hearing impaired; providing legislative intent; creating the Florida Council for the Hearing Impaired; providing for membership and organization thereof; providing duties and responsibilities of the council; providing for expiration of the council; providing an appropriation; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, strike all of lines 7-9 and insert:

(d) Nine citizen members shall be appointed by the Governor by August 15, 1983, five of whom shall be hearing impaired individuals. Of these five, three will be representatives of statewide organizations serving hearing impaired people and at least one shall be oral deaf, which means a person with a hearing loss who depends primarily on visual input or speech-reading skills for receiving information and uses speech to communicate with others.

(e) Initially, the Governor shall appoint three members for a term of 4 years, three members for a term of 3 years, two members for a term of 2 years, and one member for a term of 1 year. Thereafter, members shall be appointed for 4-year terms.

Amendment 2—On page 3, strike all of lines 11-15 and insert:

Section 3. This act is repealed on October 1, 1991, and shall be reviewed pursuant to the Sundown Act, s. 11.611, Florida Statutes.

Senator Frank moved the following amendments which were adopted:

Amendment 3—On page 2, line 12, strike “citizen members shall” and insert: *persons to*

Amendment 4—On page 3, strike all of lines 16-22 and renumber subsequent sections

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

Amendment 5—In title, on page 1, lines 7 and 8, strike “expiration of the council” and insert: *future repeal and review*

Pending further consideration of SB 650 as amended, on motions by Senator Frank, the rules were waived and by two-thirds vote HB 461 was withdrawn from the Committees on Education, Governmental Operations and Appropriations.

On motion by Senator Frank—

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.

—a companion measure, was substituted for SB 650 and read the second time by title. On motion by Senator Frank, by two-thirds vote HB 461 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Mr. President, Grizzle

SB 650 was laid on the table.

On motions by Senator McPherson, the rules were waived and by two-thirds vote CS for CS for HB's 194, 224, 244, 285 and 442 was withdrawn from the Committees on Natural Resources and Conservation and Appropriations.

On motion by Senator McPherson—

CS for CS for HB's 194, 224, 244, 285 and 442—A bill to be entitled An act relating to marine fisheries; creating the Marine Fisheries Commission within the Department of Natural Resources; providing for membership, and compensation of the commissioners; providing rule-making authority and procedures; providing for enforcement by the department; providing penalties; providing for staff personnel of the commission; repealing certain local laws and providing for such laws to become rules of the department; providing for certain general laws to be superseded by certain rules adopted by the commission; requiring the commission to prepare a budget; creating s. 370.025, Florida Statutes; providing certain standards for rules adopted by the commission; providing for review pursuant to the Sundown Act; conditionally repeals specified portions of chapter 370, Florida Statutes, which are within the authority of the commission; providing for public hearings; amending s. 370.06(2), Florida Statutes; providing for a saltwater products license; setting fees for said license; providing for the use of said license; providing for a credit for the payment of said license; providing for the preservation of saltwater products taken; providing for contract with private persons or entities to implement aspects of the licensing program; providing for a marine fisheries data information system; adding s. 327.28(3), Florida Statutes; providing for the deposit and distribution of saltwater products license fees; amending s. 370.07(1) and (2), Florida Statutes, authorizing the Department of Natural Resources to issue all seafood dealer licenses; increasing certain license taxes; creating the Marine Fisheries Commission Trust Fund to carry out the duties of the commission; providing appropriations; providing effective dates.

—a companion measure, was substituted for Senate Bills 693 and 694 and read the second time by title. On motion by Senator McPherson, by two-thirds vote CS for CS for HB's 194, 224, 244, 285 and 442 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Barron	Crawford	Gordon	Hill
Beard	Dunn	Grant	Jenne
Castor	Fox	Grizzle	Jennings
Childers, D.	Gersten	Hair	Johnston
Childers, W. D.	Girardeau	Henderson	Langley

Malchon	McPherson	Plummer	Thurman
Mann	Meek	Rehm	Weinstein
Margolis	Myers	Scott	
Maxwell	Neal	Thomas	

Nays—4

Carlucci	Frank	Stuart	Vogt
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Senate Bills 693 and 694 were laid on the table.

CS for SB 968—A bill to be entitled An act relating to motor vehicles; adding s. 316.003(70)-(74), Florida Statutes, 1982 Supplement; providing definitions; amending s. 316.069, Florida Statutes; requiring that certain accident statistics be maintained; amending s. 316.515, Florida Statutes; providing maximum width, height, and length requirements for vehicles; providing exceptions; creating s. 316.516, Florida Statutes; providing for enforcement; creating s. 316.611, Florida Statutes; providing for rules regulating tandem trailer equipment; providing for issuance of tandem trailer operator's certificate; adding s. 320.02(7), Florida Statutes; requiring proof of payment of specified federal taxes; providing a rule of construction; repealing s. 316.535(8), Florida Statutes, relating to length of combinations of vehicles; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendments which were adopted:

Amendment 1—On page 6, strike all of lines 17-19, and insert: *listing of proposed tandem trailer truck network routes, if any, within its boundaries, including those city streets as may be nominated by local municipalities or any routes as may be nominated by expressway authorities located within the boundaries of such county. Counties shall, prior to*

Amendment 2—On page 9, strike all of line 25, and insert: *and forfeitures.*

4. *The Department of Transportation shall adopt*

Amendment 3—On page 10, between lines 2 and 3, insert:

5. *Household goods carriers.—Owners or operators of tandem trailer trucks employed as household goods carriers may petition the Department of Transportation for reasonable access to points of loading and unloading. The Department of Transportation shall, in accordance with its governing rules, and after consideration of safety, roadway facilities capabilities, and public convenience, approve or disapprove such petitions.*

Amendment 4—On page 14, line 6, after the word "Transportation" insert: *, the department*

Amendment 5—On page 14, after line 31, insert:

Section 7. Subsection (4) is added to section 316.610, Florida Statutes, to read:

316.610 Safety of vehicles; inspection.—

(4) *Any person, firm, or corporation owning or operating a commercial motor vehicle registered in Florida engaged in interstate commerce and subject to United States Department of Transportation safety regulations may request that such vehicle be inspected by the Department of Transportation. If such vehicle is found to comply with the safety equipment requirements of this chapter the Department of Transportation shall issue a safety inspection certificate valid for 6 months. The Department of Transportation shall charge a fee of \$25 for each such inspection that it performs. The Department of Transportation may designate any person, firm or corporation owning or operating at least five vehicles as a self inspector for the purpose of inspecting the safety equipment of the vehicles*

(Renumber subsequent sections.)

Senator Jennings moved the following amendment which was adopted:

Amendment 6—On page 15, between lines 2 and 3, insert:

Section 8. Legislative intent.—It is the intent of the Legislature that Florida become a participating member of the International Registration Plan developed by the American Association of Motor Vehicle Administrators for motor carriers. It is further intended that Florida develop and implement a consolidated reporting format for both the International Registration Plan and Motor Fuel Use Tax to eliminate excessive reporting requirements imposed on motor carriers.

Section 9. Immediately upon the effective date of this act, a study shall be commenced by the Department of Revenue in cooperation with the Department of Highway Safety and Motor Vehicles to determine the anticipated fiscal impact on the State of Florida of participation in the International Registration Plan. A report of the study required by this section shall be submitted to the Governor, the House of Representatives, and the Senate no later than January 1, 1984.

Section 10. The study of the International Registration Plan required by section 10 shall include detailed information on the following:

- (1) The anticipated fiscal impact on the State of Florida. If the study indicates that a negative fiscal impact is anticipated, the report shall indicate the amount of adjustment to motor vehicle registration fees that would be necessary to produce a positive fiscal impact.
- (2) A comparison of Florida mileage driven by Florida registered vehicles versus out-of-state registered vehicles.
- (3) The plan to consolidate both International Registration Plan and Motor Fuel Use Tax reporting requirements to eliminate duplication and facilitate timely and accurate revenue collections.
- (4) The extent of additional resources (i.e. personnel and equipment) required of Florida.

Section 11. The State of Florida shall petition for membership in the International Registration Plan.

Section 12. Sections 8 through 11 of this act are repealed on October 1, 1984, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes, the Regulatory Sunset Act. Upon the repeal of said sections, the state shall withdraw any pending application for membership in the International Registration Plan or, if a participating member at the time, shall resign its membership therein.

(Renumber subsequent section.)

Senator Beard moved the following amendment which was adopted:

Amendment 7—In title, on page 1, line 18, strike line 18 and insert: construction; adding s. 316.610(4), Florida Statutes; providing for the safety inspection of certain commercial motor vehicles; repealing s. 316.535(8), Florida

Senator Jennings moved the following amendment which was adopted:

Amendment 8—In title, on page 1, line 20, after the semicolon insert: providing intent; providing for a study; providing for state membership in the International Registration Plan; providing for legislative review;

On motion by Senator Beard, by two-thirds vote CS for SB 968 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

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	
Frank	Johnston	Neal	

Nays—None

Vote after roll call:

Yea—Mr. President

The President presiding

Consideration of CS for SB 920 and SB 840 was deferred.

HB 1321—A bill to be entitled An act relating to ad valorem taxation; amending ss. 30.49(4) and 129.201(4), Florida Statutes, 1982 Supplement; specifying that changes may be made in the proposed budget of the sheriff or supervisor of elections at any hearing under s. 200.065, Florida Statutes; amending s. 193.122, Florida Statutes, 1982 Supplement; providing

procedures for a certification of assessment rolls by the property appraisal adjustment board when rolls are extended prior to completion of board hearings under certain circumstances; providing for a second certification and for recertification of the tax rolls by the property appraiser; providing for extension of taxes against parcels subject to judicial or administrative review; providing for submission of assessment rolls to the executive director of the Department of Revenue after recertification; amending ss. 193.076(3) and 193.077(3), Florida Statutes, relating to duties of property appraiser with respect to listing property of new businesses and property separately assessed as expansion-related property, to conform; amending s. 195.052, Florida Statutes, 1982 Supplement; correcting a cross reference; amending s. 194.171, Florida Statutes, 1982 Supplement; providing that the time limitation for actions to contest an assessment shall be 60 days from the date of recertification under certain circumstances; requiring that a taxpayer pay not less than the amount of tax he admits to be owing before bringing an action to contest an assessment; providing that payment of tax shall not be deemed an admission that the tax was due and shall not prejudice the taxpayer's right to bring action; providing that certain requirements are jurisdictional; amending s. 197.0134, Florida Statutes, 1982 Supplement; providing that no tax certificate or warrant shall be issued with respect to delinquent taxes on certain property if a petition with respect thereto has not received final action by the property appraisal adjustment board; amending s. 200.001(8)(f), Florida Statutes, 1982 Supplement; revising the definition of "voted millage"; amending s. 200.085(2)(a), Florida Statutes, 1982 Supplement, and adding paragraph (2)(c) and subsections (5) and (6); removing a limitation on authority of local governments to exceed millage limitations imposed with respect to the second and third years of participation in the local government half-cent sales tax; authorizing certain counties which borrowed money during fiscal year 1981-1982 as the result of action by the Administration Commission to exceed said millage limitations; providing limitations; providing an exception to said millage limitations when the responsibility for providing certain services is legally transferred; providing an exception for certain newly created municipal service taxing units; providing that millage limitations imposed on local governments participating in the local government half-cent sales tax may be exceeded if approved by referendum; defining "voted millage" with respect to said section; repealing s. 218.60(1)(b), Florida Statutes, 1982 Supplement, and amending subsection (3) thereof; deleting a definition of "voted millage"; specifying that provisions relating to estimates of moneys provided to such participating local governments apply to the first year of participation; amending the introductory paragraph of s. 192.001, Florida Statutes, 1982 Supplement; providing that definitions set out in chapter 200, Florida Statutes, are applicable to provisions relating to ad valorem tax administration; amending s. 200.069, Florida Statutes, 1982 Supplement; revising requirements with respect to the format of the notice of proposed property taxes; providing for an entry for water management districts, for a single entry for other independent special districts, and a single entry for voted levies for debt service; providing for inclusion of special assessments collected using the ad valorem method; modifying the requirement that the form approximate the facsimile set out in chapter 80-274, Laws of Florida; deleting a requirement that the notice for an upcoming year in which a county or municipality will first receive funds from the local government half-cent sales tax shall contain a statement with respect thereto; amending s.218.63(4), Florida Statutes, 1982 Supplement; deleting a requirement that in the year preceding the year of such initial receipt of funds, proposed millage rates submitted to the property appraiser shall be accompanied by the "rates without sales tax"; amending s. 197.0126, Florida Statutes, 1982 Supplement; specifying that provisions which authorize the collection of special assessments in the same manner as ad valorem taxes shall be optional, rather than mandatory, subject to certain conditions; providing for application of certain collection and commission provisions; providing alternative procedures; exempting certain special assessments for 1982 from certain requirements; amending s. 196.111, Florida Statutes; providing that certain notice to taxpayers with respect to application for homestead exemption and reimbursement therefor by the county shall be optional, rather than mandatory; creating s. 194.013, Florida Statutes; authorizing property appraisal adjustment boards to impose, by resolution, a fee for the filing of petitions; providing exemptions; providing for disposition of such fees and for refund under certain circumstances; providing for waiver of the fee for certain taxpayers; amending s. 194.032(1), Florida Statutes, 1982 Supplement; deleting provisions relating to shortening of time periods specified with respect to hearings of said boards; renumbering portions of s. 194.032, Florida Statutes, 1982 Supplement, relating to property appraisal adjustment board hearings, as ss. 194.034, 194.035, 194.036, and 194.037, Florida Statutes, and amending subsections (3), (5), and (6);

correcting cross references; providing that property appraisers, petitioners, and witnesses shall be required on request of either party to testify under oath; revising provisions relating to testimony and materials denied to the property appraiser by the petitioner; transferring and amending s. 194.032(7), Florida Statutes, 1982 Supplement; amending s. 193.122(3) and (5), Florida Statutes, 1982 Supplement, and s. 194.181(1) and (2), Florida Statutes; correcting cross references; amending s. 200.065(2)(d) and (f), (3)(f), and (11)(a), Florida Statutes, 1982 Supplement; clarifying language; revising time periods with respect to public hearings to finalize the budget, school district tentative budget advertisements and hearings, and required periods between mailing of notice and hearing; revising time periods with respect to budget hearing held by a multicounty taxing authority when mailing of notice of proposed taxes is delayed beyond August 29 or beyond August 15; providing for determination of date of commencement of specified time periods; amending s. 200.066, Florida Statutes, 1982 Supplement; prohibiting a unit of local government or a dependent special taxing district created or established after January 1 from levying an ad valorem tax for the upcoming year; amending s. 200.068, Florida Statutes, 1982 Supplement; requiring that a copy of the property appraisal adjustment board's notice of tax impact be included as part of a county's certification of compliance with millage determination requirements to the Department of Revenue; amending s. 236.081(4), Florida Statutes; revising provisions relating to prescription of required local effort for school districts by the Legislature; revising deadlines for certification by the department to the Commissioner of Education of assessed valuations for school purposes and for computation by the commissioner of millage rate necessary to generate required local effort; providing for utilization of 95 percent of nonexempt assessed valuation when computing millage required for equalization; providing an effective date.

—was read the second time by title.

Senator Maxwell moved the following amendment which was adopted:

Amendment 1—On page 6, line 26, after the semicolon (;) insert: providing that equalization of required local effort millages shall only apply to fiscal year 1985-86 and each year thereafter;

Senator Plummer moved the following amendment which was adopted:

Amendment 2—On page 13, line 10, insert new paragraph (5):

(5) Any refund paid to a taxpayer who paid the tax on or after November 1, 1982, shall bear interest at the rate of 12 percent per annum from the date the taxpayer paid the amount claimed by the tax collector to be due until the date the refund is paid.

(Renumber subsequent paragraphs.)

Senator Maxwell moved the following amendment which was adopted:

Amendment 3—On page 14, lines 30 and 31, and on page 15, lines 1-14, strike all of said lines and insert:

Section 10. Paragraph (c) is added to subsection (2) of section 200.085, Florida Statutes, 1982 Supplement, and subsections (5) and (6) are added to said section to read:

200.085 Millage limitation; units participating in the local government half-cent sales tax.—

(2)

Senator Margolis moved the following amendments which were adopted:

Amendment 4—On page 15, strike lines 22 and 23 and insert: *money plus any interest charges; however, the amount of the excess shall*

Amendment 5—On page 19, strike lines 7 and 8 and insert: *Districts**. For and voted levies for

Amendment 6—On page 20, strike all of lines 1-9 and insert: *1. No entry shall be made in the fourth column for the line showing independent special districts other than water management districts if that line represents more than one district;*

2. For the line showing voted levies for debt service entitled "Other" pursuant to paragraph (a), the following statement shall appear: "Includes debt of ... (list of brief, commonly used names for each taxing authority whose debt service levy is included on this line)...; and

*3. For the line showing totals, the following shall appear: *For details on ~~This line show taxes of independent special districts and voter approved debt, and for taxes adopted by vote of the general public.~~ For details, contact your Tax Collector at ... (phone number)...*

Senator Maxwell moved the following amendment which was adopted:

Amendment 7—On page 27, lines 21-31, and on page 28, lines 1-28, strike all of said lines and renumber subsequent sections

Senator Margolis moved the following amendments which were adopted:

Amendment 8—On page 27, strike all of lines 15 and 16 and insert: *county shall, if notices are mailed under subsection (1), appropriate and provide the necessary funds for such*

Amendment 9—On page 40, strike line 19 and insert: *creation or establishment of the municipality or district.*

Senator Maxwell moved the following amendment which was adopted:

Amendment 10—On page 45, between line 3 and 4, insert a new section 32:

Section 32. The provisions of section 236.081(4)(b), Florida Statutes, relating to equalization of required local effort millage, shall apply only to required local effort for fiscal year 1985-1986 and each year thereafter.

(Renumber subsequent section.)

Senator Grizzle moved the following amendment which was adopted:

Amendment 11—On page 45, between lines 3 and 4, insert new sections:

Section 32. Section 170.01, Florida Statutes, 1982 Supplement, is amended to read:

170.01 Authority for providing improvements and levying and collecting special assessments against property benefited.—*Any municipality city, town, or municipal corporation of this state, hereinafter referred to as the "municipality," whether organized under the general law, or under special act, or having a charter adopted by vote under an enabling act, (hereinafter referred to as the "governing authority") may, by its governing authority, provide for the construction, reconstruction, repair, paving, repaving, hard surfacing, rehard surfacing, widening, guttering, and draining of streets, boulevards, and alleys and for grading, regrading, leveling, laying, relaying, paving, repaving, hard surfacing, and rehard surfacing of sidewalks; order the construction, or reconstruction, repair, excavation, grading, stabilization, and upgrading of greenbelts, swales, culverts, of sanitary sewers, storm sewers, outfalls, canals, primary, secondary, and tertiary and drains, waterbodies, marshlands, and natural areas, all or part of a comprehensive stormwater management system, including the necessary appurtenances and structures thereto and including, but not limited to dams, weirs, and pumps; order the construction or reconstruction of water mains, water laterals, and other water distribution facilities, including the necessary appurtenances thereto; provide for the drainage and reclamation of wet, low, or overflowed lands; provide for street lighting and recreational areas; provide for off-street parking facilities, parking garages, or similar facilities; provide for mass transportation systems; and provide for the payment of all or any part of the costs of any such improvements by levying and collecting special assessments on the abutting, adjoining, contiguous, or other specially benefited property. However, offstreet parking facilities, parking garages, or other similar facilities and mass transportation systems shall have prior approval of affected property owners. Any municipality which has the responsibility for providing capital improvements within an unincorporated area of the county, may recover the costs of the capital improvements by levying and collecting special assessments on the specially benefited property; provided, however, that such collections of the special assessment shall not take place until the specially benefited property connects to the capital improvement.*

Section 33. Section 170.09, Florida Statutes, 1982 Supplement, is amended to read:

170.09 Priority of lien; interest; and method of payment.—*The special assessments shall be payable at the time and in the manner stipulated in the resolution providing for the improvement; shall remain liens, coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid; shall*

bear interest, at a rate not to exceed 8 percent per year, or, if bonds are issued pursuant to this chapter, at a rate not to exceed 1 percent above the rate of interest at which the improvement bonds authorized pursuant to this chapter and used for the improvement are sold, from the date of the acceptance of the improvement; and may, by the resolution aforesaid and only for capital outlay projects, be made payable in equal installments over a period not to exceed 20 years not more than 20 equal yearly installments, to which, if not paid when due, there shall be added a penalty at the rate of 1 percent per month, until paid. However, the assessments may be paid without interest at any time within 30 days after the improvement is completed and a resolution accepting the same has been adopted by the governing authority.

(Renumber subsequent section.)

Senator Margolis moved the following amendment which was adopted:

Amendment 12—On page 45, line 4, insert new Section 32:

Section 197.0121, Florida Statutes, is created to read:

197.0121 Collection of certain taxes assessed against railroad property.—

(1) The Department of Revenue shall act as the agent for the several county tax collectors for the purpose of collecting all ad valorem taxes assessed against the operating property of railroads and private railroad car lines pursuant to the provisions of s. 193.087.

(2) The department shall promulgate rules for the expeditious collection and disbursal of all ad valorem tax moneys collected pursuant to this section.

(3) Nothing in this section shall in any way be construed as affecting the normal enforcement procedures for the collection of delinquent ad valorem taxes assessed upon the operating property of private car lines pursuant to s. 193.087. The tax collectors are authorized to execute against such operating property in the same manner as set forth in ss. 197.086 through 197.096, inclusive.

(4) It is the intent of the Legislature that neither the department nor any of its employees shall be liable for delays in the collection or transmittal of any tax subject to this section. Further, it is the specific intent of the Legislature that no action taken by the department pursuant to this section be construed in any manner to classify the tax assessed pursuant to s. 193.087 as a state ad valorem tax.

(Renumber subsequent sections.)

Senator Maxwell moved the following amendments which were adopted:

Amendment 13—In title, on page 2, strike all of lines 18-25 and insert: "voted millage"; adding paragraph (2)(c) and subsections (5) and (6) to s. 200.085, Florida Statutes, 1982 Supplement; authorizing certain

Amendment 14—In title, on page 4, lines 26-31, and on page 5, lines 1 and 2, strike all of said lines and insert: mandatory; amending s. 194.032(1),

Senator Margolis moved the following amendment which was adopted:

Amendment 15—In title, on page 6, line 26, after the semicolon (;) insert: creating s. 197.0121, Florida Statutes; providing for collection of certain taxes assessed against railroad property;

Senator Grizzle moved the following amendment which was adopted:

Amendment 16—In title, on page 6, line 26, after the semicolon (;) insert: amending s. 170.01, Florida Statutes, 1982 Supplement; authorizing municipalities to provide certain improvements by levying and collecting special assessments against the property benefited; authorizing municipalities to levy and collect special assessments in unincorporated areas under certain conditions; amending s. 170.09, Florida Statutes, 1982 Supplement; authorizing the payment of special assessments for municipal improvements in equal installments over a period not to exceed 20 years;

On motion by Senator Margolis, by two-thirds vote HB 1321 as amended 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

On motion by Senator Barron, by two-thirds vote CS for SB's 1152, 266, 888, 1039 and 1102 was placed on the special order calendar following SB 14.

The Senate recessed at 12:04 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—29:

Mr. President	Fox	Jenne	Neal
Beard	Frank	Jennings	Plummer
Carlucci	Girardeau	Johnston	Scott
Castor	Gordon	Langley	Thurman
Childers, D.	Grant	Malchon	Weinstein
Childers, W. D.	Grizzle	Margolis	
Crawford	Hair	Meek	
Dunn	Hill	Myers	

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 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; specifying exceptions; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 30, and on page 3, lines 1 through 9, strike all of said lines, and insert:

(e) Operating a trust company; or

(f) Owning or controlling another financial institution;

(g) Engaging in any activity, except those described in s. 626.988(1)(b), that is related or incidental to the business of a financial institution; or

(h) Any other activity permitted by the department.

~~(f) Any other purpose the department may, by rule, determine is closely related to banking or managing or controlling banks. Owning or controlling another type of financial institution is deemed to be closely related to managing or controlling banks.~~

Amendment 2—In the title, on page 1, line 9, after the word "to", insert: own or control another financial institution or to

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

CS for SB 292 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Mr. President	Crawford	Henderson	Meek
Barron	Dunn	Hill	Myers
Beard	Fox	Jenne	Scott
Carlucci	Girardeau	Jennings	Thomas
Castor	Grant	Langley	Thurman
Childers, D.	Grizzle	Malchon	Weinstein
Childers, W. D.	Hair	Margolis	

Nays—None

Vote after roll call:

Yea—Gersten, Stuart

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 126—A bill to be entitled An act relating to state employment; amending s. 110.205(2), Florida Statutes, 1982 Supplement; exempting time-limited positions from the Career Service System regardless of whether the positions report to a position in the system; exempting chiefs of bureaus; providing that the salaries of institute directors of mental health institutes authorized for Tampa and Miami shall be approved by the Board of Regents; providing that salaries of the military personnel of the Department of Military Affairs shall be set in accordance with the military pay schedule; amending s. 110.207(1), Florida Statutes; deleting limitation on the number of classes of positions in the career service; deleting the requirement that the Governor's office prepare a plan for reducing the number of classes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 5, lines 8-16, strike all of said lines and insert:

~~(n) The institute directors of the mental health institutes authorized for Tampa and Miami for training and research in the mental health field and all faculty type employees chiefly concerned with training, research, and program evaluation. The salaries for these positions shall be similar to the salaries provided for faculty positions in the State University System and shall be subject to the approval of the department, unless otherwise fixed by law.~~

Renumber subsequent paragraphs.

Amendment 2—On page 1, in title, line 11, strike "approved" and insert: set

Amendment 3—On pages 3-5, strike all of pages 3 and 4, and lines 1-2 on page 5 and insert:

(i) A maximum of 10 policy making positions, in addition to those specified in this subsection, in the offices of the Governor, Secretary of State, the Attorney General, the Comptroller, the Treasurer, the Commissioner of Education, and the Commissioner of Agriculture, as designated by such officer, and 10 such policymaking positions, in addition to those specified in this subsection, in each of the other departments, as designated by the head of each such department, plus any additional positions which are established for a limited period of time for the purpose of conducting a special study, project, or investigation. In addition to the positions designated above, 10 such policymaking positions may be designated as exempt by the secretary of the Department of Health and Rehabilitative Services. However, the employing agency shall advise the department in writing of each position to be exempted, and each such exemption shall be subject to the approval of the department as being policymaking or being established for a limited period of time. Unless otherwise fixed by law, the department shall set the salary of these positions, provided that the salaries of the positions exempted as policymaking shall be set in accordance with the classification and pay plan established for the Senior Management Service.

(j) All employees in the Governor's general and executive offices and at the Governor's mansion and the head of each separate budget entity, as defined in chapter 216, assigned to the Governor. Unless otherwise fixed by law, the department shall set the salary of these positions. The

~~salaries for the positions of the Chief of Staff, Deputy Chief of Staff, Executive Policy Staff Coordinator, State Federal Relations Director Governor, Director of Communications, Administration and Management Systems Director, Citizens Assistance Director, Migrant Labor Director, Administration Director Governor, Assistant Administration Director Governor, State Energy Director, Assistant State Energy Director, Chief of Energy Operations, Chief of Energy Planning and Analysis, Planning and Budgeting Director, Planning and Budgeting Deputy Director, Planning and Budgeting Policy Coordinator, State Economist, Inspector General, Deputy Inspector General, Cabinet Liaison Officer, and Management Review and Improvement Director shall be set by the department in accordance with the classification and pay plan established for the Senior Management Service.~~

(k) All officers and employees of the judicial branch. The department shall set the salary of these positions, unless otherwise fixed by law.

(l) The appointed secretaries, assistant secretaries, deputy secretaries, executive directors, assistant executive directors, and deputy executive directors of all departments; the chief administrative officer and the deputy administrative officer of each board or commission; and, unless otherwise provided by law, the directors, assistant directors, and deputy directors of all divisions, and all chiefs of all bureaus as determined by the department to be policymaking of all departments. In the Executive Office of the Governor and any department not using the classifications of division director, assistant division director, deputy division director, or bureau chief as determined by the department to be policy making, the department shall determine the comparable managerial positions and shall provide for their exemption. Unless otherwise fixed by law, the department shall set the salary of these positions in accordance with the classification and pay plan established for the Senior Management Service.

Amendment 4—In the title on page 1, line 7 after "system;" insert: providing for the classification of positions within the offices of the Governor in the Senior Management Service;

Senators Jennings and Margolis offered the following amendment which was moved by Senator Margolis and adopted:

Amendment 1 to House Amendment 4—On page 1, strike lines 8-11, and on page 1, between lines 4 and 5, insert: deleting provision for setting salaries of institute directors of mental health institutes authorized for Tampa and Miami; providing

On motions by Senator Margolis, the Senate concurred in House Amendments 1, 2 and 3 and in House Amendment 4 as amended, and the House was requested to concur in the Senate amendment to the House amendment.

SB 126 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—26

Mr. President	Crawford	Hair	Meek
Barron	Dunn	Hill	Myers
Beard	Fox	Jenne	Thomas
Carlucci	Frank	Jennings	Thurman
Castor	Girardeau	Langley	Weinstein
Childers, D.	Grant	Malchon	
Childers, W. D.	Grizzle	Margolis	

Nays—None

Vote after roll call:

Yea—Gersten, Scott, Stuart

SPECIAL ORDER, continued

SB 840—A bill to be entitled An act relating to special assessments; amending s. 197.0126(1), (2), Florida Statutes, 1982 Supplement; providing an optional method for the collection of special assessments; providing requirements which must be met in order to use such optional method; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 22-27 and insert: (a) The special assessment was included on the tax notice issued pursuant to s. 197.072 for 1982;

On motion by Senator Castor, by two-thirds vote SB 840 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Mr. President	Crawford	Hill	Meek
Barron	Dunn	Jenne	Myers
Beard	Fox	Jennings	Plummer
Carlucci	Girardeau	Johnston	Thomas
Castor	Grant	Langley	Thurman
Childers, D.	Grizzle	Malchon	Weinstein
Childers, W. D.	Hair	Margolis	

Nays—None

Vote after roll call:

Yea—Gersten, Scott, Stuart

SB 908—A bill to be entitled An act relating to tax administration; amending s. 214.23, Florida Statutes; providing notice procedures; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 908 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Crawford	Hair	Margolis
Barron	Dunn	Hill	Meek
Beard	Fox	Jenne	Myers
Carlucci	Frank	Jennings	Plummer
Castor	Girardeau	Johnston	Thomas
Childers, D.	Grant	Langley	Thurman
Childers, W. D.	Grizzle	Malchon	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten, Scott, Stuart

Consideration of SB 910 was deferred.

On motion by Senator Margolis, by unanimous consent—

CS for HB 1217—A bill to be entitled An act relating to taxation; revising provisions relating to tax on motor fuel and special fuel; amending s. 206.60(2)(b), Florida Statutes; revising the method of calculating distribution of proceeds of the county tax on motor fuel by the Department of Revenue; amending ss. 206.05(1) and 206.90(1), Florida Statutes, as amended; exempting state and federal agencies from bonding requirements applicable to distributors and dealers; amending s. 206.13, Florida Statutes; authorizing the department to grant credit or refund for interest erroneously paid or illegally collected; amending s. 206.14(2), Florida Statutes, and adding subsections (6) and (7); authorizing the department to conduct audits of taxpayers and issue credits and assessments pursuant to audits; requiring distributors and dealers to obtain affidavits or resale certificates from purchasers who do not pay the tax at the time of purchase; providing requirements with respect thereto; providing penalties for issuing a fraudulent resale or exemption certificate or failing to inform a licensed distributor of change from exempt to nonexempt status; amending s. 206.42, Florida Statutes, as amended; providing conditions for exemption of aviation motor fuel; amending s. 206.44, Florida Statutes; providing penalties for failure to make required reports or pay taxes due; providing for collection of delinquent taxes; amending s. 206.94, Florida Statutes, and s. 206.97, Florida Statutes, as amended; providing applicability of penalties and interest under s. 206.44 to part II of chapter 206; amending s. 206.87(2)(c) and (6), Florida Statutes, as amended; providing penalties for persons or dealers issuing a fraudulent resale or exemption certificate or failing to inform a licensed dealer of change from exempt to nonexempt status; adding subsection (7) to s. 206.89, Florida Statutes; requiring all persons, including state and federal agencies, municipalities, counties, and special districts, who act as dealers to be licensed or pay the tax; amending s. 206.91(1), Florida Statutes, as amended; providing that dealers' monthly reports show such information in specified areas as required by the department; adding subsection (4) to s. 336.021, Florida Statutes, 1982 Supplement, as amended; requiring counties levying the discretionary voted gas tax for transportation purposes to notify the department of such levy; amending s. 211.06(1), Flor-

ida Statutes; conforming the distribution of oil and gas severance tax revenues therein to the statutory distribution mandated in s. 211.02(1); creating s. 212.084, Florida Statutes; providing that all existing exemption certificates with respect to the tax on sales, use and other transactions be reviewed by the Department of Revenue over a 10-year period; providing that all certificates hereafter issued shall expire and be reviewed after 10 years; requiring that entities possessing such certificates cooperate with the department; amending s. 203.01, Florida Statutes, relating to tax on gross receipts for utility services; clarifying legislative intent regarding treatment of station connection charges; providing effective dates.

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

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

Amendment 1—On page 14, strike all of lines 26-28 and insert: stated in the department's notice.

Amendment 2—On page 14, between lines 28 and 29, insert: a new section 16 and renumber subsequent section

Section 16. Section 62 of Chapter 83-3, Laws of Florida, is hereby repealed.

Amendment 3—In title, on page 3, line 11, after the semicolon (;) insert: repealing s. 62 of Chapter 83-3, Laws of Florida, which provides for the repeal of provisions which allow refund of the county gas tax and the sales tax paid on motor fuel used in vehicles operated by counties, municipalities, and school districts;

On motion by Senator Margolis, by two-thirds vote CS for HB 1217 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Stuart

CS for SB 915—A bill to be entitled An act relating to taxation; amending s. 125.0104(4)(a), Florida Statutes; amending s. 125.0165(3), Florida Statutes, 1982 Supplement; requiring local governing authorities to notify the Department of Revenue of approval of certain tax levies; amending s. 212.07(2), Florida Statutes; requiring dealers to separately state the amount of sales tax; amending s. 212.08(1)(c), Florida Statutes, 1982 Supplement; exempting soft drinks from the sales tax; providing an exception; amending s. 212.12(1), Florida Statutes, 1982 Supplement; providing for disallowance by the department of dealer's collection allowance for incomplete returns; requiring the Department of Revenue to adopt certain rules; amending s. 218.61(2), Florida Statutes, 1982 Supplement; providing for transfer of sales and use tax revenues into the Local Government Half-cent Sales Tax Clearing Trust Fund; providing for retroactive operations; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 915 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Gersten, Stuart

SB 919—A bill to be entitled An act relating to the corporate income tax; amending s. 220.02(9), Florida Statutes, 1982 Supplement; specifying the sequence in which credits for assessments made by certain insurance guarantee funds are to be applied against the corporate income tax; amending s. 220.03(1)(l), (2)(c), Florida Statutes, 1982 Supplement; defining the term "Internal Revenue Code" as used in the Florida Tax Code; amending s. 220.13(2)(e), Florida Statutes, 1982 Supplement; defining the term "Taxable income" as it relates to real estate investment trusts; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, lines 16 and 24, strike "January 1" and insert: *January 12 January*

On motion by Senator Margolis, by two-thirds vote SB 919 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	Fox	Jennings	Scott
Barron	Frank	Johnston	Stuart
Beard	Girardeau	Langley	Thomas
Carlucci	Grant	Malchon	Thurman
Castor	Grizzle	Mann	Vogt
Childers, D.	Hair	Margolis	Weinstein
Childers, W. D.	Henderson	Meek	
Crawford	Hill	Myers	
Dunn	Jenne	Plummer	

Nays—None

Vote after roll call:

Yea—Gersten

CS for CS for SB 517—A bill to be entitled An act relating to taxation; amending ss. 206.05(1) and 206.90(1), Florida Statutes, as amended by chapter 83-3, Laws of Florida; amending s. 341.051(3) and (4), Florida Statutes, as amended by chapter 83-3, Laws of Florida; providing restrictions on the Department of Transportation's ability to enter into contracts for public transit projects; removing the minimum bond requirement; providing that the surety bond for certain fuel dealers be conditioned on compliance with the provisions of chapter 212, Florida Statutes; amending s. 212.08(4), Florida Statutes, 1982 Supplement, as amended by chapter 83-3, Laws of Florida; providing clarification for the prorated sales tax exemption; amending s. 212.92, Florida Statutes, as created by chapter 83-3, Laws of Florida; providing clarifying language; providing for quarterly payment for certain refunds; amending s. 212.90, Florida Statutes, as created by chapter 83-3, Laws of Florida; providing an exemption for certain fuel purchases made by the United States Government; amending s. 336.025, Florida Statutes, as created by chapter 83-3, Laws of Florida; providing technical changes; repealing s. 23 of chapter 83-3, Laws of Florida, and paragraph (c) of subsection (1) of s. 64 of such chapter, relating to refunds of municipal taxes and deposit of certain fuel taxes; amending s. 56 of chapter 83-3, Laws of Florida; requiring the retention of records of certain taxes for a certain period; amending s. 341.051(5), Florida Statutes; providing new limits on funding participation in public transit projects; amending s. 206.43(1) and s. 206.91(1), Florida Statutes, as amended by chapter 83-3, Laws of Florida; increasing certain collection allowances; providing for retroactivity of act; amending s. 207.005(3), Florida Statutes, as amended by chapter 83-3, Laws of Florida; providing for a credit against the fuel use tax for taxes paid under part II of chapter 212; amending s. 212.94, Florida Statutes, as created by chapter 83-3, Laws of Florida; reducing the amount of the exemption provided to gasohol; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendments which were adopted:

Amendment 1—On page 5, lines 30 and 31, strike ", or those taxes imposed under chapter 336.025,"

Amendment 2—On page 7, strike all of lines 16-23 and insert:

(e) Refund to farmers and fishermen.—

Amendment 3—On page 9, lines 6 and 7, and on page 11, line 16, strike "paragraphs (1)(b) and (c)" and insert: paragraph (1)(b)

Amendment 4—On page 10, between lines 25 and 26, insert:

(e) *Notwithstanding provisions of this subsection to the contrary, refunds to school districts for fuel consumed by school buses operated for the district by private contractors shall be based on an estimate of taxes paid. The estimate shall be determined annually be dividing the total miles traveled by such vehicles for school purposes by their average miles per gallon as determined by the department, and multiplying the result by the applicable tax rate per gallon. It shall be the responsibility of the school district to provide information relevant to this determination.*

Amendment 5—On page 13, strike all of lines 24-29 and insert:

Section 6. Paragraph (b) of subsection (1), subsections (2) and (3), and paragraph (b) of subsection (5) of section 336.025, Florida Statutes, as created by s. 55 of Chapter 83-3, Laws of Florida, are amended to read:

336.025 County transportation system; levy of local option gas tax on motor fuel and special fuel.—

(1)

(b) The tax shall be imposed effective September 1 of any year for a period not to exceed 10 5 years, and the applicable method of distribution shall be established pursuant to subsection (3) or (4). Upon expiration, the tax may be reimposed provided that a redetermination of the method of distribution shall be made as provided herein.

(2) (a) The tax shall be collected in the same manner as all other gas taxes pursuant to chapter 206 and shall be distributed monthly. ~~The provisions for refund provided in ss. 206.625 and 206.64 shall not be applicable to such tax levied by county.~~ The tax collected by the Department of Revenue pursuant to this section, less the service charge provided in s. 215.20, shall be transferred to a Local Option Gas Tax Trust Fund, which fund is created for distribution to county and eligible municipal governments within the county in which the tax was collected. The department shall have the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the tax and shall promulgate such rules as may be necessary for the enforcement of this section. The sections of chapter 206, including, but not limited to, timely filing of reports and tax collected, suits for collection of unpaid taxes, department warrants for collection of unpaid taxes, penalties, interest, retention of records, inspection of records, liens on property, foreclosure, and other sections relating to enforcement and collection shall also apply to the tax authorized in this section.

(b) *The provisions for refund provided in ss. 206.625 and 206.64 shall not be applicable to such tax levied by any county. The provisions for refund in s. 212.92(1)(a) shall apply to such tax, and the refund shall be administered in accordance with the provisions of s. 212.92. However, the amount refunded shall be deducted from monies in the Local Option Gas Tax Trust Fund otherwise distributed to the county area in which the tax is levied.*

Amendment 6—On page 16, line 24, and on page 17, line 27, after the period (.) insert: *Provided however, that nothing in this section shall be construed to authorize a deduction from the Constitutional Gas Tax.*

Amendment 7—On page 20, between lines 3 and 4, insert: a new section 14

Subsection (2) of section 320.20, Florida Statutes, as amended by chapter 83-3, Laws of Florida, is amended to read:

320.20 Disposition of license moneys.—The revenues derived from the licensing of motor vehicles, excluding those collected and distributed under the provisions of s. 320.081, shall be distributed monthly, as collected, to the following funds:

(2) \$25 million per year of such revenues shall be deposited in the Advanced Construction Interstate Revolving Trust Fund to be expended

solely for the completion of the interstate highway system pursuant to an agreement with the Federal Government providing for repayment of such funds on the appropriate matching basis, *unless otherwise provided in the General Appropriations Act.*

(Renumber subsequent section.)

Senator Castor moved the following amendment which was adopted:

Amendment 8—On page 14, lines 28-31, strike “Disputes as to the county’s determination of distribution proportions shall be resolved by administrative hearing pursuant to s. 120.57, with right of appeal to the Administration Commission.” and insert: *Disputes as to the county’s determination of distribution proportions shall be resolved through an appeal to the Administration Commission in accordance with procedures developed by the commission.*

Senator Margolis moved the following amendments which were adopted:

Amendment 9—In title, on page 1, strike all of lines 25-27 and insert: Government; amending s. 336.025(1)(b), (2), (3) and (5)(b), Florida Statutes, as created by chapter 83-3, Laws of Florida, providing technical changes; providing that the local option gas tax may be levied for a period not to exceed 10 years; providing that certain refund provisions shall apply to such tax; repealing

Amendment 10—In title, on page 2, line 17, after the semicolon (;) insert: amending s. 320.20(2), Florida Statutes, as amended by chapter 83-3, Laws of Florida, revising provisions relating to deposit of a portion of motor vehicle license revenues in the Advanced Construction Interstate Revolving Trust Fund;

Amendment 11—In title, on page 1, strike all of lines 23-25 and insert: Florida; providing that certain taxpayers may purchase fuels in bulk and pay the tax accordingly; amending s. 336.025, Florida

Senator Castor moved the following amendment which was adopted:

Amendment 12—On page 1, line 27, after the second semicolon (;) insert: providing for procedures to be developed by the Administration Commission;

On motion by Senator Margolis, by two-thirds vote CS for CS for SB 517 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	Johnston	Scott
Barron	Girardeau	Langley	Stuart
Beard	Gordon	Malchon	Thomas
Carlucci	Grant	Mann	Thurman
Castor	Grizzle	Margolis	Vogt
Childers, W. D.	Hair	McPherson	Weinstein
Crawford	Henderson	Meek	
Dunn	Hill	Myers	
Fox	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Gersten

HB 1309—A bill to be entitled An act relating to excise tax on documents; adding subsection (4) to s. 201.08, Florida Statutes, 1982 Supplement, relating to tax on supplements or amendments to mortgages, deeds of trust, indentures or security agreements filed or recorded in the state securing debt issues; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote HB 1309 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Childers, D.	Frank	Henderson
Barron	Childers, W. D.	Girardeau	Hill
Beard	Crawford	Grant	Jennings
Carlucci	Dunn	Grizzle	Johnston
Castor	Fox	Hair	Langley

Mann	Meek	Plummer	Thomas
Margolis	Myers	Scott	Thurman
McPherson	Neal	Stuart	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten

CS for SB 260—A bill to be entitled An act relating to county and municipal law enforcement; creating s. 901.35, Florida Statutes; providing for financial responsibility for certain expenses provided to arrested persons; creating s. 951.032, Florida Statutes; authorizing county and municipal detention facilities to seek reimbursement for medical expenses paid on behalf of prisoners; providing that prisoners who willfully refuse to cooperate with such reimbursement efforts not receive gain-time; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 260 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 233—A bill to be entitled An act relating to death benefits for law enforcement officers and firefighters; creating the “Florida Law Enforcement Officers and Firefighters Death Benefit Act”; providing definitions; providing for payment by the state of death benefits to the beneficiary, family, or estate of law enforcement officers or firefighters who are unlawfully and intentionally killed while in the actual performance of their duties; providing for the payment by the state of certain educational costs for the children of such officers or firefighters; authorizing the procurement of insurance to secure the payment of such benefits; providing certain conditions relating to the acceptance of such death benefits; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, strike all of lines 7-15 and insert:

(4)(a) The employer of such law enforcement officer shall be liable for the payment of said sum and shall be deemed self-insured, unless it procures and maintains, or has already procured and maintains, insurance to secure such payment. Any such insurance may cover only the risks indicated above, in the amount indicated above, or it may cover those risks and additional risks and may be in a larger amount. Any such insurance shall be placed by such employer only after public bid of such insurance coverage which coverage shall be awarded to the carrier making the lowest and best bid.

(b) Payment of benefits to beneficiaries of state employees, or of the premiums to cover the risk, under the provisions of this section shall be made from existing funds otherwise appropriated for the department.

Amendment 2—On page 5, strike all of lines 1-9 and insert:

(4)(a) The employer of such firefighter shall be liable for the payment of said sum and shall be deemed self-insured, unless it procures and maintains, or has already procured and maintains, insurance to secure such payment. Any such insurance may cover only the risks indicated above, in the amount indicated above, or it may cover those risks and additional risks and may be in a larger amount. Any such insurance shall be placed by such employer only after public bid of such insurance coverage which coverage shall be awarded to the carrier making the lowest best bid.

(b) Payment of benefits to beneficiaries of state employees, or of the premiums to cover the risk, under the provisions of this section, shall be made from existing funds otherwise appropriated for the department.

On motion by Senator Dunn, by two-thirds vote SB 233 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	Frank	Jenne	Neal
Barron	Gersten	Jennings	Plummer
Beard	Girardeau	Johnston	Scott
Carlucci	Gordon	Kirkpatrick	Stuart
Castor	Grant	Langley	Thomas
Childers, D.	Grizzle	Malchon	Thurman
Childers, W. D.	Hair	Margolis	Vogt
Dunn	Henderson	McPherson	Weinstein
Fox	Hill	Myers	

Nays—None

Senator Hair presiding

CS for HB's 32 and 49—A bill to be entitled An act relating to education; amending s. 228.061(1), Florida Statutes, conforming terminology; amending s. 232.01, Florida Statutes, 1982 Supplement, deleting obsolete provisions and provisions authorizing early entrance to first grade, and establishing eligibility for admission to kindergarten; amending s. 232.03, Florida Statutes, removing an obsolete reference; amending s. 232.05, Florida Statutes, establishing eligibility for admission to nursery schools and deleting obsolete provisions; amending s. 232.245(1), Florida Statutes, specifying that the pupil progression plan include grades kindergarten through 12 and expanding parameters of each district's comprehensive program; amending s. 402.22(2), Florida Statutes, 1982 Supplement, correcting a cross-reference; repealing s. 232.04, Florida Statutes, relating to eligibility for admission to kindergarten; providing an effective date.

—was read the second time by title.

Senator Langley moved that further consideration of CS for HB's 32 and 49 be deferred.

Senator Frank moved as a substitute motion that CS for HB's 32 and 49 be considered at 3.00 p.m. The motion was adopted.

Consideration of CS for SB 14 was deferred.

On motion by Senator Neal—

HB 359—A bill to be entitled An act relating to land and water management; amending s. 380.04(1), Florida Statutes; providing a technical change to the definition of "development"; providing an effective date.

—a companion measure was substituted for CS for SB's 1152, 266, 888, 1039 and 1102 and read the second time by title.

Senators Neal, Dunn and Jennings offered the following amendments which were moved by Senator Neal and adopted:

Amendment 1—On page 1, line 9, strike everything after the enacting clause and insert:

Section 1. Subsection (20) is added to section 380.031, Florida Statutes, to read:

380.031 Definitions.—As used in this chapter:

(20) "*Local comprehensive plan*" means any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to ss. 163.3161-163.3211, the *Local Comprehensive Planning Act of 1975*, as amended.

Section 2. Subsection (1) of section 380.04, Florida Statutes, is amended to read:

380.04 Definition of development.—

(1) "Development" means the carrying out of any building activity or mining operation, or the making of any material change in the use or appearance of any structure or land, or ~~and~~ the dividing of land into three or more parcels.

Section 3. Section 380.05, Florida Statutes, is amended to read:

380.05 Areas of critical state concern.—

(1)(a) The state land planning agency may from time to time recommend to the Administration Commission specific areas of critical state concern. In its recommendation, the agency shall include recommendations with respect to the purchase of lands situated within the boundaries of the proposed area as environmentally endangered lands and outdoor recreation lands under the Land Conservation Act of 1972. The agency also shall include any report or recommendation of a resource planning and management committee appointed pursuant to s. 380.045; the dangers that would result from uncontrolled or inadequate development of the area and the advantages that would be achieved from the development of the area in a coordinated manner; a detailed boundary description of the proposed area; specific principles for guiding development within the area; and an inventory of lands owned by the state, federal, county, and municipal governments within the proposed area.

(b) Within 45 days following receipt of a recommendation from the agency, the commission shall either reject the recommendation as tendered or adopt the same with or without modification and by rule designate the area of critical state concern and the principles for guiding the development of the area. The rule shall become effective 20 days after filing with the Secretary of State, except that an emergency rule adopted by the commission and designating an area of critical state concern shall become effective immediately on filing. Any rule adopted pursuant to this paragraph shall be presented to the Legislature for review pursuant to paragraph (c). An economic impact statement prepared pursuant to s. 120.54(2)(a) shall not be grounds for a challenge of the rule; however, a landowner shall not be precluded from using adverse economic results as grounds for challenge. Such principles for guiding development shall apply to any development undertaken subsequent to the legislative review pursuant to paragraph (c) of the designation of the area of critical state concern with or without modification but prior to the adoption of land development rules and regulations or a local comprehensive plan for the critical area pursuant to subsections (6) and (8). No boundary or principles for guiding development shall be adopted without a specific finding by the commission that the boundaries or principles are consistent with the protection of the resources or area sought to be protected. The commission is not authorized to adopt any rule that would provide for a moratorium on development in any area of critical state concern.

(c) A rule adopted by the commission pursuant to paragraph (b) designating an area of critical state concern and principles for guiding development shall be submitted to the President of the Senate and the Speaker of the House for review no later than 30 days prior to the next regular session of the Legislature. The Legislature may reject, modify, or take no action relative to the adopted rule. In its deliberations, the Legislature may consider, among other factors, whether a resource planning and management committee established a program pursuant to s. 380.045. In addition to any other data and information required pursuant to this chapter, all rules presented to the Legislature shall include a detailed legal description of the boundary of the area of critical state concern, proposed principles for guiding development, and a detailed statement of how the area meets the criteria for designation as provided in subsection (2).

(d) If, after the repeal of the boundary designation of an area of critical state concern pursuant to subsection (15), the state land planning agency determines that the administration of the local land development regulations or a local comprehensive plan within a formerly designated area is inadequate to protect the former area of critical state concern, then the state land planning agency may recommend to the commission that the area be redesignated as an area of critical state concern. Within 45 days following the receipt of the recommendation from the agency, the commission shall either reject the recommendation as tendered or adopt the same with or without modification. The commission may, by rule, make such redesignation effective immediately, at which time the boundaries, and regulations, and plans in effect at the time the previous designation was repealed shall be reinstated. Within 90 days of such redesignation, the commission shall begin rulemaking procedures to designate the area an area of critical state concern under paragraph (b).

(2) An area of critical state concern may be designated only for:

(a) An area containing, or having a significant impact upon, environmental or natural resources of regional or statewide importance, including, but not limited to, state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters, and

aquifer recharge areas, the uncontrolled private or public development of which would cause substantial deterioration of such resources. Specific criteria which shall be considered in designating an area under this paragraph include:

1. Whether the economic value of the area, as determined by the type, variety, distribution, relative scarcity, and condition of the environmental or natural resources within the area, is of substantial regional or statewide importance.
2. Whether the ecological value of the area, as determined by the physical and biological components of the environmental system, is of substantial regional or statewide importance.
3. Whether the area is a designated critical habitat of any state or federally designated threatened or endangered plant or animal species.
4. Whether the area is inherently susceptible to substantial development due to its geographic location or natural aesthetics.
5. Whether any existing or planned substantial development within the area will directly, significantly, and deleteriously affect any or all of the environmental or natural resources of the area which are of regional or statewide importance.

(b) An area containing, or having a significant impact upon, historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, the private or public development of which would cause substantial deterioration or complete loss of such resources, sites, or districts. Specific criteria which shall be considered in designating an area under this paragraph include:

1. Whether the area is associated with events that have made a significant contribution to the history of the state or region.
2. Whether the area is associated with the lives of persons who are significant to the history of the state or region.
3. Whether the area contains any structure that embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction and which are of regional or statewide importance.
4. Whether the area has yielded, or will likely yield, information important to the prehistory or history of the state or region.

(c) An area having a significant impact upon, or being significantly impacted by, an existing or proposed major public facility or other area of major public investment including, but not limited to, highways, ports, airports, energy facilities, and water management projects.

(3) Each regional planning agency may recommend to the state land planning agency from time to time areas wholly or partially within its jurisdiction that meet the criteria for areas of critical state concern as defined in this section. Each regional planning agency shall solicit from the local governments within its jurisdiction suggestions as to areas to be recommended. A local government in an area where there is no regional planning agency may recommend to the state land planning agency from time to time areas wholly or partially within its jurisdiction that meet the criteria for areas of critical state concern as defined in this section. If the state land planning agency does not recommend to the commission as an area of critical state concern an area substantially similar to one that has been recommended, it shall respond in writing as to its reasons therefor.

(4) Prior to submitting any recommendation to the commission under subsection (1), the state land planning agency shall give notice to any committee appointed pursuant to s. 380.045 and to all local governments and regional planning agencies that include within their boundaries any part of any area of critical state concern proposed to be designated by the rule, in addition to any notice otherwise required under chapter 120.

(5) After the commission adopts a rule designating the boundaries of and principles for guiding development in an area of critical state concern and within 180 days of such adoption, the local government having jurisdiction may submit to the state land planning agency its existing land development regulations and local comprehensive plans for the area, if any, or shall prepare, adopt, and submit new or modified regulations and plans, taking into consideration the principles set forth in the rule designating the area as well as the provisions of its local government comprehensive plan, if adopted.

(6) If the state land planning agency finds that the land development regulations and local comprehensive plan submitted by a local government comply with the principles for guiding the development of the area specified under the rule designating the area, the state land planning agency shall by rule approve the land development regulations and plan. Such approval, or disapproval pursuant to subsection (8), shall be no later than 60 days after submittal of the land development regulations and plan by the local government. No proposed land development regulation or local comprehensive plan within an area of critical state concern becomes effective under this subsection until the state land planning agency rule approving it becomes effective.

(7) The state land planning agency and any applicable regional planning agency shall, to the greatest extent possible, provide technical assistance to local governments in the preparation of land development regulations and local comprehensive plan for areas of critical state concern.

(8) If any local government fails to submit land development regulations or a local comprehensive plan within 180 days after the commission adopts a rule designating an area of critical state concern, or if the regulations or plan submitted do not comply with the principles for guiding development set out in the rule designating the area of critical state concern and with the provisions of an adopted local government comprehensive plan, in either case, within 120 days, the state land planning agency shall submit to the commission recommended land development regulations and a local comprehensive plan or portions thereof applicable to that local government's portion of the area of critical state concern. Within 45 days following receipt of the recommendation from the agency, the commission shall either reject the recommendation as tendered or adopt the same with or without modification, and by rule establish land development regulations and a local comprehensive plan applicable to that local government's portion of the area of critical state concern. However, such rule shall not become effective prior to legislative review of an area of critical state concern pursuant to paragraph (1)(c). In the rule, the commission shall specify the extent to which its land development regulations and plans shall supersede local land development regulations and plans or be supplementary thereto. Notice of any proposed rule issued under this section shall be given to all local governments and regional planning agencies in the area of critical state concern, in addition to any other notice required under chapter 120. The land development regulations and local comprehensive plan adopted by the commission under this section may include any type of regulation and plan that could have been adopted by the local government. Any land development regulations or local comprehensive plan adopted by the commission under this section shall be administered by the local government as part of, or in the absence of, the local land development regulations and local comprehensive plan.

(9) If, within 12 months after the commission adopts a rule designating an area of critical state concern, land development regulations or local comprehensive plans for the area have not become effective under either subsection (6) or subsection (8), the designation of the area as an area of critical state concern terminates. No part of such area may be recommended for redesignation until at least 12 months after the date the designation terminates pursuant to this subsection. The running of the 12-month period subsequent to the initial designation shall be tolled upon challenge pursuant to the provisions of chapter 120 to either the designation of the area of critical state concern or the adoption of land development regulations and local comprehensive plans under subsection (6) or subsection (8).

(10) At any time after the adoption of land development regulations and plans by the commission under this section, a local government may propose land development regulations or a local comprehensive plan under subsection (5) which, if approved by the state land planning agency as provided in subsection (6), shall supersede any regulations or plans adopted under subsection (8).

(11) Land development regulations or a local comprehensive plan submitted by a local government in an area of critical state concern and approved pursuant to subsection (6) may be amended or rescinded by the local government, but the amendment or rescission becomes effective only upon approval thereof by the state land planning agency. The state land planning agency shall either approve or reject the requested changes within 60 days of receipt thereof. Land development regulations or local comprehensive plans for an area of critical state concern adopted by the commission under subsection (8) may be amended or rescinded by rule by the commission in the same manner as for original adoption.

(12) Upon request of a substantially interested person pursuant to s. 120.54(5), a local government or regional planning agency within the designated area, or the state land planning agency, the commission may by rule remove, contract, or expand any designated boundary. Boundary expansions shall be subject to legislative review pursuant to paragraph (1)(c). No boundary shall be modified without a specific finding by the commission that such changes are consistent with necessary resource protection. The total boundaries of an entire area of critical state concern shall not be removed by the commission unless a minimum time of 1 year has elapsed from the adoption of regulations and a local comprehensive plan adopted pursuant to subsection (1), subsection (6), subsection (8), or subsection (10). Before totally removing such boundaries, the commission shall make findings that the regulations and plans adopted pursuant to subsection (1), subsection (6), subsection (8), or subsection (10) are being effectively implemented by local governments within the area of critical state concern to protect the area and that adopted local government comprehensive plans within the area have been conformed to principles for guiding development for the area.

(13) If the state land planning agency determines that the administration of the local land development regulations or local comprehensive plans within the area is inadequate to protect the state or regional interest prior to the repeal of the critical state concern designation pursuant to subsection (15), the state land planning agency may institute appropriate judicial proceedings, as provided in s. 380.11, to compel proper enforcement of the land development regulations or plans.

(14) Any local government which lies either wholly or partially within an area of critical state concern and which has previously adopted a local government comprehensive plan pursuant to chapter 163 shall conform such plans to the principles for guiding development for the area of critical state concern. No later than January 1, 1984, or any other time as agreed upon in writing by the state land planning agency and the governing body of the local government, these plans shall be submitted to the state land planning agency for review and action as provided in subsection (6) or subsection (8).

(15) Any rule adopted pursuant to this section designating the boundaries of an area of critical state concern and the principles for guiding development therein shall be repealed by the commission no earlier than 12 months and no later than 3 years after approval by the state land planning agency or adoption by the commission of all land development regulations and local comprehensive plans pursuant to subsection (6), subsection (8), or subsection (10). Any repeal pursuant to this subsection may be limited to any portion of the area of critical state concern. Such repeal shall be contingent upon approval by the state land planning agency of local land development regulations and plans pursuant to subsection (6) or subsection (10), and upon such regulations and plans being effective for a period of 12 months, and upon adoption or modification by the applicable unit of local government of a local government comprehensive plan pursuant to subsection (14).

(16) No person shall undertake any development within any area of critical state concern except in accordance with this chapter.

(17) If an area of critical state concern has been designated under subsection (1) and if land development regulations for the area of critical state concern have not yet become effective under subsection (6) or subsection (8), a local government may grant development permits in accordance with such land development regulations as were in effect immediately prior to the designation of the area as an area of critical state concern.

(18) Neither the designation of an area of critical state concern nor the adoption of any regulations for such an area shall in any way limit or modify the rights of any person to complete any development that has been authorized by registration of a subdivision pursuant to chapter 498 or former chapter 478, by recordation pursuant to local subdivision plat law, or by a building permit or other authorization to commence development on which there has been reliance and a change of position, and which registration or recordation was accomplished, or which permit or authorization was issued, prior to the approval under subsection (6), or the adoption under subsection (8), of land development regulations for the area of critical state concern. If a developer has by his actions in reliance on prior regulations obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to his interests, nothing in this chapter authorizes any governmental agency to abridge those rights.

(19) In addition to any other notice required to be given under the local land development regulations, the local government shall give notice to the state land planning agency of any application for a development permit in any area of critical state concern, except to the extent that the state land planning agency has in writing waived its right to such notice in regard to all or certain classes of such applications. The state land planning agency may by rule specify additional classes of persons who shall have the right to receive notices of and participate in hearings under this section.

(20) At no time shall a land area be designated an area of critical state concern if the effect of such designation would be to subject more than 5 percent of the land of the state to supervision under this section, except that if any supervision by the state is retained, the area shall be considered to be included within the limitations of this subsection. If 5 percent of the lands of the state are designated as areas of critical state concern pursuant to this section, a redesignation pursuant to paragraph (1)(d) will not be prohibited by this subsection.

(21) Within 30 days after the effective date of the designation of an area of critical state concern pursuant to paragraph (1)(c) or paragraph (1)(d), the state land planning agency shall record a legal description of the boundaries of the area of critical state concern in the public records of the county or counties in which the area of critical state concern is located.

Section 4. Paragraph (b) of subsection (9) of section 380.06, Florida Statutes, is amended and subsection (24) is added to said section to read:

380.06 Developments of regional impact.—

(9)

(b) If a regional planning agency determines that the application for development approval is insufficient for the agency to discharge its responsibilities under subsection (11), it shall provide in writing to the appropriate local government and the applicant a statement of any additional information desired within 30 days of the receipt of the application by the regional planning agency. The applicant may supply the information requested by the regional planning agency and shall communicate its intention to do so in writing to the appropriate local government and the regional planning agency within 5 working days of the receipt of the statement requesting such information, or the applicant shall notify the appropriate local government and the regional planning agency in writing that the requested information will not be supplied. Within 30 days after receipt of such additional information, the regional planning agency shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by or directly related to such additional information. If an applicant does not provide the information requested by a regional planning agency within 120 days of its request, or within a time agreed upon by the applicant and the regional planning agency, then the application shall be considered withdrawn.

(24) Any proposed facilities expansion of less than 50,000 permanent seats to an existing sports facility or complex is exempt from the provisions of this section, provided, that such expansion only occurs on real property owned and developed by the public body prior to the effective date of this act

Section 5. Section 380.11, Florida Statutes, is amended to read:

380.11 Enforcement, procedures; remedies.—

(1) JUDICIAL REMEDIES.—

(a) The state land planning agency ~~Department of Veteran and Community Affairs~~, all state attorneys, and all counties and municipalities are hereby authorized to bring an action for injunctive relief, both temporary and permanent, against any person or developer found to be in violation of the provisions of this part act, or any rules, regulations, or orders issued thereunder.

(b) It shall not be a defense to, or ground for dismissal of, an action for injunctive relief brought by the state land planning agency that it has failed to exhaust its administrative remedies.

(2) ADMINISTRATIVE REMEDIES.—

(a) If the state land planning agency has reason to believe a violation of s. 380.05, 380.055, 380.0551, or 380.0552 or any rules, development orders, or other orders issued thereunder has occurred or is about to

occur, it may institute an administrative proceeding pursuant to this section to prevent, abate, or control the conditions or activity creating the violation.

(b) An administrative proceeding shall be instituted by the state land planning agency serving a written notice of violation upon the alleged violator, by certified mail. The notice shall specify the law, rule, development order, or other order alleged to be violated and the facts alleged to constitute a violation. An order directing cessation or prevention of the action or conditions that caused the notice of violation to be served may be included with the notice. However, no order served with the notice of violation is final and effective until 20 days after the date of service or until the conclusion of a properly requested administrative hearing. A request for an administrative hearing shall be in writing and shall be filed with the clerk of the state land planning agency within 20 days after the date of service of the notice upon the alleged violator. Failure to request an administrative hearing within the 20 days constitutes a waiver thereof and the notice of violation and any accompanying corrective order shall become final agency action. The state land planning agency may seek enforcement of its final agency action in accordance with s. 120.69 or by written agreement entered into with the alleged violator, pursuant to s. 380.032(3).

(c) The state land planning agency may institute an administrative proceeding against any developer or responsible party pertaining to any area of critical state concern designated in s. 380.05, 380.055, 380.0551, or 380.0552:

1. To enjoin development activity; or
 2. To require the responsible party to replace or restore deteriorated, damaged, injured, or otherwise significantly impacted natural, historical, or archeological resources, major public facilities, or areas of major public investment,
- if the damage or injury is caused by the development activity or by a violation of s. 380.05, 380.055, 380.0551, or 380.0552 or a rule of any governmental agency, or any development order.

3. To require the governmental agency to properly administer critical area regulations.

Section 6. Subsection (4) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or region, with adopted rules pertaining to designated areas of critical state concern, and with the state comprehensive plan shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or region and to the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist.

(b) When all or a portion of the land in a local government jurisdiction is or becomes part of a designated area of critical state concern, the local government shall clearly identify those portions of the local comprehensive plan that shall be applicable to the critical area and shall indicate the relationship of the proposed development of the area to the rules for the area of critical state concern.

Section 7. Subsections (2) and (6) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Adoption of comprehensive plan or element or portion thereof.—

(2) Within 60 days, or any longer period to which the governing body has agreed, after a local government has transmitted a proposed comprehensive plan or element or portion thereof to the state land planning agency, the state land planning agency shall submit in writing its comments on the proposed comprehensive plan or element or portion thereof, together with the comments of any state agencies to which the state land planning agency may have referred the plan. The state land planning

agency shall specify any objections and may make recommendations for modifications. The review of the state land planning agency shall be primarily in the context of the relationship and effect, under chapter 23, of the locally submitted plan or element or portion thereof to or on the comprehensive plan or element or portion thereof, in the context of the relationship and effect of the local plan or element or portion thereof to or on adopted rules for areas of critical state concern, and in the context of the impact of the locally submitted plan or element or portion thereof on the lawful responsibility of state agencies. If the state land planning agency transmits objections to the proposed comprehensive plan or element or portion thereof, the governing body shall transmit a written statement in reply thereto within 4 weeks. The governing body shall take no action to adopt the comprehensive plan or element or portion thereof until 2 weeks have elapsed following the transmittal of the governing body's letter of reply. The written materials of the state land planning agency and the governing body required by this subsection shall become a permanent part of the public record in the matter.

(6) The governing body shall consider all comments received from any person, agency, or government. It may adopt, or adopt with changes or amendments, the proposed comprehensive plan or element or portion thereof despite any adverse comment received. However, no proposed local government comprehensive plan or element or portion thereof applicable to a designated area of critical state concern shall be effective until it has been reviewed and approved as provided in s. 380.05.

Section 8. This act shall take effect July 1, 1983, except section 2, relating to the definition of "development," which shall take effect upon becoming law.

Amendment 2—In title, on page 1, strike all of lines 2-5 and insert: An act relating to land and water management; adding s. 380.031(20), Florida Statutes; providing a definition; amending s. 380.04(1), Florida Statutes; defining a "development"; amending s. 380.05, Florida Statutes; providing for state review and approval of local comprehensive plans that apply to areas of critical state concern; amending s. 380.06(9)(b), Florida Statutes, and adding subsection (24) to said section; providing a limitation on requests for additional information relating to developments of regional impact; providing an exemption for certain facilities; amending s. 380.11, Florida Statutes; providing that the failure of the state land planning agency to exhaust certain remedies is not a defense in certain actions; providing for administrative proceedings by the state land planning agency regarding certain violations; providing for notice and finality of agency action; providing for injunctive and other relief for certain violations; amending s. 163.3177(4), Florida Statutes; providing for identification of portions of local comprehensive plans applicable to areas of critical state concern; amending s. 163.3184(2) and (6), Florida Statutes; providing for review and approval of certain local comprehensive plans or portions thereof; providing an effective date.

On motion by Senator Neal, by two-thirds vote HB 359 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Beard	Gersten	Johnston	Myers
Carlucci	Grizzle	Kirkpatrick	Neal
Castor	Hair	Malchon	Plummer
Childers, D.	Henderson	Mann	Thomas
Dunn	Hill	Margolis	Vogt
Fox	Jenne	McPherson	Weinstein
Frank	Jennings	Meek	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Scott, Stuart

CS for SB's 1152, 266, 888, 1039 and 1102 was laid on the table.

On motions by Senator Henderson, the rules were waived and by two-thirds vote HB 1261 was withdrawn from the Committees on Education and Governmental Operations.

On motion by Senator Henderson—

HB 1261—A bill to be entitled An act relating to education; repealing s. 231.29(7), Florida Statutes, 1982 Supplement, regarding confidentiality of school personnel files; creating s. 231.291, Florida Statutes, providing

for contents of and access to school personnel files; amending s. 231.262(4), Florida Statutes, 1982 Supplement, providing access to a complaint by interested parties; providing that personnel files shall be brought in conformity with the act upon request of an employee and all files shall conform within 1 year; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB's 677 and 567 and read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1261 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Beard	Grizzle	Malchon	Stuart
Castor	Hair	Margolis	Thomas
Childers, D.	Henderson	Maxwell	Thurman
Childers, W. D.	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Gersten	Johnston	Neal	
Girardeau	Kirkpatrick	Plummer	

Nays—1

Crawford

Vote after roll call:

Yea—Scott
Yea to Nay—Grizzle

CS for SB's 677 and 567 was laid on the table.

On motion by Senator Henderson, the rules were waived and by two-thirds vote HB 1260 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Henderson—

HB 1260—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.533(2), Florida Statutes, 1982 Supplement, and adding a subsection, removing the confidentiality of records of unsustained complaints against such officers; providing that files of inactive investigations shall be public records and specifies a presumption of inactive status; prohibiting certain disclosures before the information becomes a public record and provides a penalty; amending s. 943.145(4), Florida Statutes, 1982 Supplement, requiring employing agencies of such officers to report investigation of their officers to the Criminal Justice Standards and Training Commission; conforming provisions relating to the confidentiality of investigation reports; providing an effective date.

—a companion measure, was substituted for CS for SB 678 and read the second time by title.

Senator Henderson moved the following amendment which was adopted:

Amendment 1—On page 1, line 28, after the first word "officer" insert: , including a deputy sheriff,

On motion by Senator Henderson, by two-thirds vote HB 1260 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Barron	Frank	Jenne	McPherson
Beard	Gersten	Jennings	Meek
Castor	Gordon	Kirkpatrick	Myers
Childers, D.	Grant	Langley	Neal
Childers, W. D.	Grizzle	Malchon	Thomas
Crawford	Hair	Mann	Vogt
Dunn	Henderson	Margolis	Weinstein
Fox	Hill	Maxwell	

Nays—2

Carlucci Johnston

Vote after roll call:

Yea—Girardeau, Scott, Stuart, Thurman

Yea to Nay—Grizzle

CS for SB 678 was laid on the table.

SB 576—A bill to be entitled An act relating to safe drinking water; adding s. 403.859(7), Florida Statutes; prohibiting the discharge of specified wastes directly into the underground drinking water supply aquifers; 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 Crawford:

Amendment 1—On page 1, lines 14-16, strike all of subparagraph (7) and insert:

(7) *The artificial recharge by the injection of treated or untreated sewage or industrial effluent into any geologic formation of the Floridan Aquifer, which contains total dissolved solids of 500 milligrams/L or less, is prohibited. Any Class V injection well presently permitted to discharge sewage effluent by the Department into the Floridan Aquifer has three years to either meet water quality standards as defined in Rule 17-3, Florida Administrative Code, or seek and have implemented an alternative disposal method.*

Senator Crawford moved the following substitute amendment which was adopted:

Amendment 2—On page 1, lines 10-16, strike all of said lines and insert:

Section 1. Subsection (7) and (8) are added to section 403.859, Florida Statutes, to read:

403.859 Prohibited acts.—The following acts and the causing thereof are prohibited and are violations of this act:

(7) *The artificial recharge by the direct pumping of treated or untreated waste into any geologic formation of the Floridan or Biscayne Aquifer containing total dissolved solids of 500 milligrams per liter or less is prohibited, except such injection from wastewater reuse facilities presently being considered and conceptually approved by the Department before June 1, 1983, on the following conditions:*

(a) *There is a minimum two year operational test period. During this time, no other such projects will be permitted.*

(b) *During the test period, no effluent will be injected into the Floridan or Biscayne aquifer.*

(c) *The effluent quality shall meet water quality standards established by DER as part of the permit to construct the treatment facility.*

(d) *By January 1, 1984, DER shall promulgate by rule effluent standards for any project proposing wastewater reuse by injection into the Floridan or Biscayne aquifers.*

(e) *At the end of the two year operational test, there shall be a peer review of data. The review shall be broadly distributed to competent, impartial, and experienced national authorities such as the United States Environmental Protection Agency and the National Academy of Sciences. The Department's decision to permit injection shall consider the reports of the review.*

(f) *In the event the facility does not receive an operation permit which assures compliance with Department rules promulgated pursuant to this subparagraph, the treated or untreated waste shall be returned to the sewage treatment plant from which the wastewater was diverted during the two year period or another legally acceptable alternative.*

(8) *The provisions of Subsection (7) shall not apply to treated or untreated waste currently discharging into the Floridan or Biscayne Aquifer on the effective date of this act*

Senator Crawford moved the following amendment which was adopted:

Amendment 3—In title, on page 1, line 3, strike " Florida Statutes; prohibiting the discharge of specified wastes directly into the underground drinking water supply aquifers; providing an effective date." and insert: and (8), Florida Statutes; prohibiting the discharge of specified wastes directly into the underground drinking water supply aquifers; providing that subsection (7) shall not apply to such acts currently taking place; providing an effective date.

On motion by Senator Crawford, by two-thirds vote SB 576 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

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

Nays—None

Vote after roll call:

Yea—Scott

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 with amendments—

SB 129—A bill to be entitled An act relating to mortgage guaranty insurance; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, chapter 635, Florida Statutes, relating to mortgage guaranty insurance; amending ss. 635.011, 635.021, 635.031, 635.041, 635.051, 635.061, 635.071, 635.081, Florida Statutes; clarifying the definition of contingency reserve; specifying authority to transact mortgage guaranty insurance; clarifying provisions relating to additional limitations; providing for a contingency reserve; providing for licensing of insurance agents; specifying the applicability of the premium cost; providing for rate filings; providing for administration and enforcement; creating ss. 635.042, 635.091, Florida Statutes; specifying limitations on outstanding liability; providing for the application of certain provisions of the Insurance Code; providing for legislative review; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 26, strike everything after the enacting clause, and insert:

**CHAPTER 635
MORTGAGE GUARANTY INSURANCE**

Section 1. Section 635.011, Florida Statutes, is amended to read:

635.011 Definitions.—~~As used in ss. 635.011-635.091 in this act unless the context or subject matter otherwise requires:~~

(1) "Mortgage guaranty insurance" means a form of casualty or surety insurance insuring lenders against:

(a) Financial loss by reason of nonpayment of principal, interest, and other sums agreed to be paid under the terms of any note, bond, or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate which contains a residential building or a building designed to be occupied for industrial or commercial purposes.

(b) Financial loss by reason of nonpayment of rent and other sums agreed to be paid under the terms of a written lease for the possession, use, or occupancy of real estate, provided such real estate is designed to be occupied for industrial or commercial purposes.

(2) "Contingency reserve" means a special ~~an additional~~ premium reserve, in addition to other premium reserves required by law, established for the protection of policyholders against the effect of adverse economic cycles.

(3) "Department" means the Florida Department of Insurance.

Section 2. Section 635.021, Florida Statutes, reads:

635.021 Authority to transact business.—Mortgage guaranty insurance may be transacted by a stock casualty insurer or a stock surety insurer holding a certificate of authority for the transaction of insurance in this state.

Section 3. Section 635.031, Florida Statutes, is amended to read:

635.031 Additional limitations.—In addition to laws otherwise applicable, mortgage guaranty insurers shall be subject to the following limitations:

(1) No such insurer shall retain risk as to any one subject of insurance in any amount exceeding 10 percent of its surplus as to policyholders. In determining the amount of risk retained, applicable reinsurance in any assuming insurer authorized to transact insurance in this state or approved by the department shall be deducted from the total direct risk insured.

(2) Mortgage guaranty insurance shall be written with respect to real estate loans only on those loans which a bank, a savings and loan association, or an insurance company regulated by this state or an agency of the Federal Government is authorized to ~~could~~ make.

Section 4. Section 635.039, Florida Statutes, is created to read:

635.039 Policyholders reserve.—

(1) A mortgage guaranty insurance company shall maintain at all times a minimum policyholders reserve in the amount required by this section. The required policyholders reserve shall be net of reinsurance ceded but shall include reinsurance assumed.

(2) The term "policyholders reserve" means the sum of surplus with regard to policyholders and the contingency reserve (mortgage guaranty account) established pursuant to s. 635.041.

(3) If a mortgage guaranty insurance company does not have the amount of policyholders reserve required by this section, it shall cease transacting new business until such time as its policyholders reserve is in compliance with this section.

(4) If a policy of mortgage guaranty insurance insures individual loans with a percentage claim settlement option on such loans, a mortgage guaranty insurer shall maintain a policyholders reserve based on:

(a) Each \$100 of the face amount of the mortgage;

(b) The percentage coverage or claim settlement option; and

(c) The loan-to-value category.

(5) The minimum amount of policyholders reserve shall be calculated in the following manner:

(a) If the total indebtedness is greater than 75 percent of the value of the collateral property:

PERCENT COVERAGE	POLICYHOLDERS RESERVE PER \$100 OF THE FACE AMOUNT OF THE MORTGAGE	PERCENT COVERAGE	POLICYHOLDERS RESERVE PER \$100 OF THE FACE AMOUNT OF THE MORTGAGE
5%	\$.20	55%	\$ 1.50
10	.40	60	1.55
15	.60	65	1.60
20	.80	70	1.65
25	1.00	75	1.75
30	1.10	80	1.80
35	1.20	85	1.85
40	1.30	90	1.90
45	1.35	95	1.95
50	1.40	100	2.00

(b) If the total indebtedness is at least 50 percent and not more than 75 percent of the value of the collateral property, the minimum amount of policyholders reserve shall be 50 percent of the amount required by paragraph (a).

(c) If the total indebtedness is less than 50 percent of the value of the collateral property, the minimum amount of policyholders reserve shall be 25 percent of the amount required by paragraph (a).

(6) If a policy of mortgage guaranty insurance provides coverage on a group of loans subject to an aggregate loss limit, the amount of policyholders reserve shall be:

(a) If the total indebtedness is greater than 80 percent of the value of the collateral property or the equity plus prior insurance or a deductible is less than 25 percent of the value of the collateral property, the minimum amount of policyholders reserve shall be calculated as follows:

PERCENT COVERAGE	POLICYHOLDERS RESERVE PER \$100 OF THE FACE AMOUNT OF THE MORTGAGE	PERCENT COVERAGE	POLICYHOLDERS RESERVE PER \$100 OF THE FACE AMOUNT OF THE MORTGAGE
1%	\$.60	50%	\$ 1.65
5	1.00	60	1.70
10	1.20	70	1.75
15	1.30	75	1.80
20	1.40	80	1.85
25	1.50	90	1.90
30	1.55	100	2.00
40	1.60		

(b) If the total indebtedness is at least 50 percent but not more than 80 percent of the value of the collateral property or equity plus prior insurance or a deductible equals at least 25 percent of the value of the collateral property, the minimum amount of policyholders reserve shall be 50 percent of the amount required by paragraph (a).

(c) If the total indebtedness is less than 50 percent of the value of the collateral property or the equity plus prior insurance is more than 55 percent of the value of the collateral property, the minimum amount of policyholders reserve shall be 25 percent of the amount required by paragraph (a).

(7) If a policy of mortgage guaranty insurance provides for layers of coverage, deductibles, and excess reinsurance, the minimum amount of policyholders reserve may be computed by subtraction of the minimum reserves for the lower percentage coverage limits from the minimum reserves for the upper or greater coverage limits.

(8) If a policy of mortgage guaranty insurance provides for coverage on loans secured by junior liens, the policyholders reserve shall be:

(a) If the policy provides coverage on individual loans, the minimum amount of policyholders reserve shall be calculated according to subsection (4) after the percent of coverage and the loan-to-value ratio have been determined as follows:

1. Divide the insured portion of the junior loan by the entire loan indebtedness on the collateral property to determine the percent coverage;

2. Divide the entire loan indebtedness on the property by the value of the property to determine loan-to-value percent;

3. The face amount of insured mortgage shall mean the entire loan indebtedness on the property; and

4. Equity shall mean the complement of the loan-to-value percent.

(b) If the policy provides coverage subject to an aggregate loss limit on a group of loans secured by junior liens, the policyholders reserve shall be calculated according to subsection (6) after the percent of coverage and the loan-to-value ratio have been determined in accordance with paragraph (a).

(9) If a policy of mortgage guaranty insurance provides for coverage on leases, the policyholders reserve shall be \$4 for each \$100 of the insured amount of the lease.

Section 5. Section 635.041, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 635.041, F.S., for present text.)

635.041 Contingency reserve.—

(1) The contingency reserve (mortgage guaranty account) shall be established and maintained for the purpose of protecting policyholders against the effect of losses resulting from adverse economic cycles and for the purpose of permitting mortgage guaranty insurance companies to comply with section 832(e) of the Internal Revenue Code of 1954, as amended.

(2) Subject to s. 635.0415, relating to reinsurance, there shall be an annual contribution to the contingency reserve which in the aggregate shall be the greater of:

(a) Fifty percent of the earned premium reported in the fire and casualty annual statement; or

(b) The sum of:

1. The minimum policyholders reserve established under s. 635.039 divided by 10 on residential buildings designed for occupancy by not more than 4 families;

2. The minimum policyholders reserve established under s. 635.039 divided by 7 on residential buildings designed for occupancy by 5 or more families;

3. The minimum policyholders reserve established under s. 635.039 divided by 7 on buildings occupied for industrial or commercial purposes; and

4. The minimum policyholders reserve established under s. 635.039 divided by 10 on leases.

(3) If the mortgage guaranty coverage is not expressly provided for in this chapter, the department may establish a rate formula factor that will produce a contingency reserve adequate for the risk assumed.

(4) The contingency reserve established by this section shall be maintained for 120 months. That portion of the contingency reserve established and maintained for more than 120 months shall be released and shall no longer constitute part of the contingency reserve.

(5) Subject to the approval of the insurance commissioner of the state of domicile of the mortgage guaranty insurance company and upon 30 days' prior notice to the Florida Department of Insurance, the contingency reserve shall be available to the extent necessary to make loss payments either when the incurred losses in a year exceed 35 percent of the earned premium in that year or when incurred losses in a year exceed 70 percent of the amount contributed to the contingency reserve, whichever is greater. Funds used in this manner shall be accounted for on a first-in-first-out basis.

(6) The total contingency reserve required by this section shall be reported as a liability in the annual statement. The development of the contingency and policyholders reserve shall be shown in an appropriate supplemental schedule to the annual statement.

Section 6. Section 635.0415, Florida Statutes, is created to read:

635.0415 Reinsurance.—Whenever a mortgage guaranty insurance company obtains reinsurance, the mortgage guaranty insurer and the reinsurer shall establish and maintain the reserves required in this chapter so that the total reserves established shall not be less than the reserves required by this chapter.

Section 7. Section 635.051, Florida Statutes, is amended to read:

635.051 Licensing of mortgage guaranty insurance agents.—

(1) Agents of mortgage guaranty insurers shall be licensed, and be subject to the same qualifications and requirements, as apply to general lines agents under the laws of this state, except:

(a) That no particular preliminary specialized education or training shall be required of an applicant for such an agent's license if, as part of the application for license, the insurer guarantees that the applicant will receive the necessary training to enable him properly to hold himself out to the public as a mortgage guaranty insurance agent, and if the department, in its discretion, accepts such guaranty;

(b) The agent's license shall be a limited license, limited to the handling of mortgage guaranty insurance only; and

(c) An examination may be required of an applicant for such a license if the insurer fails to provide the guaranty described in paragraph (a) in the discretion of the department.

(2) Any general lines agent licensed under chapter 626 shall qualify to represent a mortgage guaranty insurer without additional examination.

(3) The department shall charge and collect the same applicable license taxes and fees for mortgage guaranty insurance agents or in connection with such application and license as apply to general lines agents

~~in s. 624.501. The department shall deposit such license taxes and fees in such funds and for such uses as is provided in s. 624.523 for by laws applicable to like license taxes and like fees for in the case of general lines agents.~~

Section 8. Section 635.061, Florida Statutes, reads:

635.061 Premium cost.—The premium cost of mortgage guaranty insurance shall not be deemed for any purpose to constitute a part of the cost of or interest upon any mortgage loan.

Section 9. Section 635.071, Florida Statutes, is amended to read:

635.071 Filings, approval of forms, rate filings.—

(1) No policy form or related form shall be issued or used in this state unless it has been filed with and approved by the department as provided by laws applicable to casualty or surety insurance.

(2) In addition, each insurer shall file with the department for informational purposes the rate to be charged and the premium including all modifications of rates and premiums to be paid by the policyholder.

Section 10. Section 635.081, Florida Statutes, is amended to read:

635.081 Administration and enforcement.—The department may adopt rules necessary to effect any of the department's statutory duties pursuant to this chapter and shall have the same powers of administration and enforcement of the provisions of this chapter act, ~~and to make rules and regulations for the effectuation of any provisions of this act,~~ as it has with respect to casualty or surety insurers in general under the Florida Insurance Code laws of this state.

Section 11. Section 635.082, Florida Statutes, is created to read:

635.082 Restoration of property.—Mortgage guaranty insurance policies issued for delivery in this state shall contain a condition precedent to payment, in the event of default, providing that the insured must restore the property to its condition at the time of issuance of the policy, except for reasonable wear and tear.

Section 12. Section 635.091, Florida Statutes, is created to read:

635.091 Provisions of Insurance Code applicable to mortgage guaranty insurance.—The following provisions of the Insurance Code shall apply to mortgage guaranty insurers: chapter 624; chapter 625; parts I, II, VI, and VII of chapter 626; chapter 628; s. 627.915; and chapter 631.

Section 13. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, chapter 635, Florida Statutes, shall not stand repealed on October 1, 1983, and shall continue in full force and effect as amended herein.

Section 14. Chapter 635, Florida Statutes, is repealed on October 1, 1993, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes, the Regulatory Sunset Act.

Section 15. Sections 635.039, Florida Statutes, as created, and 635.041, Florida Statutes, as amended by this act, shall apply only to mortgage guaranty insurance policies issued or renewed on or after October 1, 1983. Policies issued or renewed prior to said date are subject to the provisions of s. 635.041, Florida Statutes, as it existed prior to said date.

Section 16. This act shall take effect October 1, 1983.

Amendment 2—On page 1, in the title, line 1, strike the entire title, and insert:

A bill to be entitled An act relating to mortgage guaranty insurance; amending ss. 635.011 and 635.031, Florida Statutes, providing editorial changes in provisions relating to definitions and restrictions upon mortgage guaranty insurers; creating s. 635.039, Florida Statutes, requiring such insurers to maintain a policyholders reserve and specifying schedules for determining the amount thereof; amending s. 635.041, Florida Statutes, changing restrictions upon the payment of losses from the insurer's contingency reserve; tying the amount of the contingency reserve to the policyholders reserve; creating s. 635.0415, Florida Statutes, requiring the maintenance of such reserves by such insurers and the reinsurer whenever the mortgage guaranty insurer obtains reinsurance; amending s. 635.051, Florida Statutes, exempting insurance agents from examination if the insurer guarantees certain training; amending s. 635.071, Florida Statutes, specifying that rates are filed with the depart-

ment for informational purposes; amending s. 635.081, Florida Statutes, providing editorial changes in provisions relating to department rules; creating s. 635.082, Florida Statutes, requiring insurance policies to contain provisions requiring certain restoration of property by the insured; creating s. 635.091, Florida Statutes, providing for the applicability of certain provisions of the Insurance Code; saving chapter 635, Florida Statutes, from sunset repeal scheduled October 1, 1983; providing for future review and repeal; requiring prospective applicability of certain provisions of the act; providing an effective date.

Senator Thomas moved the following amendments which were adopted:

Amendment 1 to House Amendment 1—On pages 2-13, strike all of said pages and insert:

Section 1. Section 635.011, Florida Statutes, is amended to read:

635.011 Definitions.—As used in this chapter act unless the context or subject matter otherwise requires:

(1) "Mortgage guaranty insurance" means a form of casualty or surety insurance insuring lenders against:

(a) Financial loss by reason of nonpayment of principal, interest, and other sums agreed to be paid under the terms of any note, bond, or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate which contains a residential building or a building designed to be occupied for industrial or commercial purposes.

(b) Financial loss by reason of nonpayment of rent and other sums agreed to be paid under the terms of a written lease for the possession, use, or occupancy of real estate, provided such real estate is designed to be occupied for industrial or commercial purposes.

(2) "Contingency reserve" means a special ~~an additional~~ premium reserve, in addition to other premium reserves required by law, established for the protection of policyholders against the effect of adverse economic cycles.

(3) "Department" means the Florida Department of Insurance.

Section 2. Section 635.021, Florida Statutes, is amended to read:

635.021 Authority to transact mortgage guaranty insurance business.—Mortgage guaranty insurance may be transacted by a stock casualty insurer or a stock surety insurer holding a certificate of authority for the transaction of insurance in this state.

Section 3. Section 635.031, Florida Statutes, is amended to read:

635.031 Additional limitations.—In addition to laws otherwise applicable, mortgage guaranty insurers shall be subject to the following limitations:

(1) No such insurer shall retain risk as to any one subject of insurance in any amount exceeding 10 percent of its surplus as to policyholders. In determining the amount of risk retained, applicable reinsurance in any assuming insurer authorized to transact insurance in this state or approved by the department shall be deducted from the total direct risk insured.

(2) Mortgage guaranty insurance shall be written with respect to real estate loans only on those loans which a bank, a savings and loan association, or an insurance company regulated by this state or an agency of the Federal Government is authorized to ~~could~~ make.

Section 4. Section 635.041, Florida Statutes, is amended to read:

635.041 Contingency reserve.—

(1) Each mortgage guaranty insurer shall establish and maintain as a liability a special contingency reserve out of earned net premiums (~~gross premiums less premiums returned to policyholders~~) remaining after establishment of the unearned premium reserve. ~~To such contingency reserve~~ The insurer shall contribute an amount equal to 50 percent of the earned premium into the contingency reserve ~~such remaining premiums~~.

(2) Subject to the ~~department's~~ approval of the insurance department of the insurers state of domicile and upon 30 days prior notice to the Florida Department of Insurance, the contingency reserve shall be available for loss payments only when the insurer's incurred losses in any one calendar year exceed 35 ~~the rate formula expected losses by~~ 10 percent of the corresponding earned premiums.

(3) In event of release of the contingency reserve for payment of losses, as approved by the department, the contributions required under subsection (1); shall be treated on a first-in-first-out basis.

(4) *The contribution made during each calendar year to the contingency reserve pertaining to a particular insurance policy shall be maintained (subject to prior payment of losses therefrom as provided in subsection (3)) for a period of 120 months the term of the policy.*

Section 5. Section 635.042, Florida Statutes, is created to read:

635.042 Limitation on outstanding liability.—No mortgage guaranty insurer shall at any time have outstanding a total liability net of reinsurance, under its aggregate mortgage guaranty insurance policies, exceeding 25 times its paid-in capital, surplus, and contingency reserve combined.

Section 6. Section 635.051, Florida Statutes, is amended to read:

635.051 Licensing of mortgage guaranty insurance agents.—

(1) Agents of mortgage guaranty insurers shall be licensed, and be subject to the same qualifications and requirements, as apply to general lines agents under the laws of this state, except *that*:

(a) ~~That~~ No particular preliminary specialized education or training shall be required of an applicant for such an agent's license if, as part of the application for license, the insurer guarantees that the applicant will receive the necessary training to enable him properly to hold himself out to the public as a mortgage guaranty insurance agent, and if the department, in its discretion, accepts such guaranty;

(b) The agent's license shall be a limited license, limited to the handling of mortgage guaranty insurance only; and

(c) An examination may be required of an applicant for such a license *if the insurer fails to provide the guaranty described in paragraph (a) in the discretion of the department.*

(2) Any general lines agent *licensed under chapter 626* shall qualify to represent a mortgage guaranty insurer without additional examination.

(3) The department shall charge *mortgage guaranty insurance agents* and collect the same applicable license taxes and fees ~~for or in connection with such application and license~~ as apply to general lines agents in s. 624.501. The department shall deposit such license taxes and fees ~~in such funds and for such uses as is provided in s. 624.523 for by laws applicable to like~~ license taxes and like fees ~~for in the case of~~ general lines agents.

Section 7. Section 635.061, Florida Statutes, is amended to read:

635.061 Premium cost.—The premium cost of mortgage guaranty insurance shall not be deemed for any purpose to constitute a part of the cost of or interest upon any mortgage loan.

Section 8. Section 635.071, Florida Statutes, is amended to read:

635.071 Filings, approval of forms, rate filings.—

(1) No policy form or related form shall be issued or used in this state unless it has been filed with and approved by the department as provided by laws applicable to casualty or surety insurance.

(2) ~~In addition,~~ Each insurer shall file with the department for *informational purposes* the rate to be charged and the premium including all modifications of rates and premiums to be paid by the policyholder.

Section 9. Section 635.081, Florida Statutes, is amended to read:

635.081 Administration and enforcement.—The department shall *adopt such rules as are necessary to carry out the provisions of this chapter and have the same powers of administration and enforcement of the provisions of this chapter act, and to make rules and regulations for the effectuation of any provisions of this act,* as it has with respect to casualty or surety insurers in general under the *Florida Insurance Code laws of this state.*

Section 10. Section 635.091, Florida Statutes, is created to read:

635.091 Provisions of Insurance Code applicable to mortgage guaranty insurance.—The following provisions of the Insurance Code shall apply to mortgage guaranty insurers: chapter 624; chapter 625; parts I, II, VI, and VII of chapter 626, chapter 628; s. 627.915; and chapter 631.

Section 11. Notwithstanding the provisions of the Regulatory Sunset Act, chapter 635, 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 12. Chapter 635, Florida Statutes, is repealed on October 1, 1993, and shall be reviewed pursuant to section 11.61, Florida Statutes.

Section 13. Section 635.082, Florida Statutes, is created to read:

635.082 Restoration of property.—*Mortgage guaranty insurance policies issued for delivery in this state shall contain a condition precedent to payment, in the event of default, providing that the insured must restore the property to its condition at the time of issuance of the policy, except for reasonable wear and tear.*

Section 14. This act shall take effect October 1, 1983.

Amendment 1 to House Amendment 2—In title, on pages 2 and 3, strike all of said pages and insert: A bill to be entitled An act relating to mortgage guaranty insurance; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, chapter 635, Florida Statutes, relating to mortgage guaranty insurance; amending ss. 635.011, 635.021, 635.031, 635.041, 635.051, 635.061, 635.071, 635.081, Florida Statutes; clarifying the definition of contingency reserve; specifying authority to transact mortgage guaranty insurance; clarifying provisions relating to additional limitations; providing for a contingency reserve; providing for licensing of insurance agents; specifying the applicability of the premium cost; providing for rate filings; providing for administration and enforcement; creating ss. 635.042, 635.091, Florida Statutes; specifying limitations on outstanding liability; providing for the application of certain provisions of the Insurance Code; providing for legislative review; creating s. 635.082, Florida Statutes, requiring insurance policies to contain provisions requiring certain restoration of property by the insured; providing an effective date.

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

SB 129 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Scott

SPECIAL ORDER, continued

CS for SB 309—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08(5)(a), Florida Statutes, 1982 Supplement; and adding paragraph (u) to subsection (7) of said section; removing the use exemption for poultry and livestock feeds used on farms; providing an exemption for poultry and livestock feed; providing an effective date.

—was read the second time by title.

Senators W. D. Childers and Thomas offered the following amendments which were moved by Senator W. D. Childers and adopted:

Amendment 1—On page 2, between lines 12 and 13, insert:

Section 1. Paragraph (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.—

(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. *The term "religious institutions" includes non-profit corporations whose sole purpose is to provide free transportation services to church members, their families, and other church attendees.*

Amendment 2—On page 1, line 8, after the semicolon (;) insert: amending 212.08(7)(c), Florida Statutes, 1982 Supplement; describing religious institutions for the purpose of sales tax exemption;

On motion by Senator Crawford, by two-thirds vote CS for SB 309 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

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

Nays—None

Vote after roll call:

Yea—Scott

On motions by Senator Weinstein, the rules were waived and by two-thirds vote HB 809 was withdrawn from the Committees on Judiciary-Criminal and Appropriations.

On motion by Senator Weinstein—

HB 809—A bill to be entitled An act relating to the inhalation or possession of certain chemical substances; amending s. 877.11, Florida Statutes, specifying substances the inhalation or possession of which is illegal; prohibiting the possession, purchase, sale or transfer of such substances to aid in the prohibited inhalation or possession thereof; providing a penalty; providing for participation in a drug rehabilitation program; amending ss. 316.193(1) and 316.1931(1), Florida Statutes, 1982 Supplement, expanding and conforming provisions relating to the unlawful operation of a motor vehicle while under certain influence or while intoxicated to include such chemical substances; amending s. 318.17(3), Florida Statutes, 1982 Supplement, expanding and conforming provisions relating to offenses excepted under chapter 318, Florida Statutes; reenacting ss. 327.35 and 860.13(1), Florida Statutes, to incorporate the amendment to s. 877.11 in references thereto; providing an effective date.

—a companion measure, was substituted for SB 1031 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 809 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Scott

SB 1031 was laid on the table.

The hour of 3:00 p.m. having arrived, the Senate resumed consideration of—

CS for HB's 32 & 49—A bill to be entitled An act relating to education; amending s. 228.061(1), Florida Statutes, conforming terminology; amending s. 232.01, Florida Statutes, 1982 Supplement, deleting obsolete provisions and provisions authorizing early entrance to first grade, and establishing eligibility for admission to kindergarten; amending s. 232.03, Florida Statutes, removing an obsolete reference; amending s. 232.05, Florida Statutes, establishing eligibility for admission to nursery schools and deleting obsolete provisions; amending s. 232.245(1), Florida Statutes, specifying that the pupil progression plan include grades kindergarten through 12 and expanding parameters of each district's comprehensive program; amending s. 402.22(2), Florida Statutes, 1982 Supplement, correcting a cross-reference; repealing s. 232.04, Florida Statutes, relating to eligibility for admission to kindergarten; providing an effective date.

The Committee on Education recommended the following amendments which were moved by Senator Girardeau and failed:

Amendment 1—On page 3, line 6, strike "September" and insert: January

Amendment 2—On page 1, line 12, strike "January" and insert: "September"

Amendment 3 —On page 3, line 6, strike "and" and insert: or

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

Amendment 4—On page 3, line 16, after "schools." insert: Any child who has successfully completed the early admission criteria previously established prior to July 1, 1983 shall be permitted to begin public school kindergarten during the 1983-84 school year.

Senator Thurman moved the following amendment which was adopted:

Amendment 5—On page 3, after the comma on line 6, insert: or any child who has attained the age of 6 on or before January 1 of the school year

Senator Langley moved the following amendment:

Amendment 6—On page 3, line 2, strike "September" and insert: January

Further consideration of CS for HB's 32 and 49 was deferred.

On motion by Senator Scott, 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 CS for HB 645 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Bankhead—

CS for HB 645—A bill to be entitled An act relating to securities transactions; adding a new subsection (1) to s. 517.021, Florida Statutes, defining the term "accredited investor"; amending s. 517.061(12)(a) and (b), Florida Statutes, excluding certain purchasers from the calculation of the number of purchasers necessary to require registration; limiting the ability to void a securities purchase to those purchasers who have purchased a security in this state after there have been five purchases in the state; amending s. 517.12(10), Florida Statutes, and adding subsection (14); requiring the registration of associated persons and branch offices to expire on December 31 annually; authorizing the Department of Banking and Finance to establish rules for deposit of fees and documents; providing an effective date.

—was read the first time by title. On motions by Senator Scott, the rules were waived and by two-thirds vote the bill was placed on the special order calendar.

SPECIAL ORDER, continued

On motion by Senator Scott, by two-thirds vote CS for HB 645, a companion measure, was substituted for CS for SB 723. On motions by Sena-

tor Scott, by two-thirds vote CS for HB 645 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—29

Beard	Grant	Langley	Rehm
Carlucci	Grizzle	Malchon	Scott
Childers, D.	Hair	Mann	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crawford	Jenne	Maxwell	Vogt
Fox	Jennings	Meek	
Frank	Johnston	Myers	
Girardeau	Kirkpatrick	Neal	

Nays—None

Vote after roll call:

Yea—Gersten, Stuart

CS for SB 723 was laid on the table.

On motion by Senator Neal, the rules were waived and by two-thirds vote HB 1220 was withdrawn from the Committee on Finance, Taxation and Claims

On motion by Senator Neal—

HB 1220—A bill to be entitled An act relating to bonds; creating the "Registered Public Obligations Act of Florida"; providing definitions; providing legislative intent; providing for systems of registration with respect to obligations; providing for the execution of certificated registered public obligations; providing criteria for valid and binding execution; providing for a seal; authorizing issuers of public obligations to appoint agents; providing for the payment of costs of the system of registration as a condition precedent to transfer under certain circumstances; providing for payment of liabilities; providing for the validity of certain obligations issued by public entities; excluding certain records from the public records law; providing for applicability; providing for construction; providing for a covenant of the state; superseding laws in conflict; providing an effective date.

—a companion measure, was substituted for CS for SB 1150 and read the second time by title.

Senator Crawford moved the following amendments which were adopted:

Amendment 1—On page 13, before line 1, insert:

Section 17. Paragraph (z) of subsection (1) of section 125.01, Florida Statutes, as created by chapter 83-1, Laws of Florida, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power shall include, but shall not be restricted to, the power to:

(z) Approve or disapprove the issuance of industrial development bonds *authorized by law for entities within its geographic jurisdiction upon the request of an industrial development authority created under part III of chapter 159.*

Section 18. Section 159.26, Florida Statutes, 1982 Supplement, is amended to read:

159.26 Legislative findings and purposes.—The Legislature finds and declares that the agriculture, tourism, urban development, *historic preservation*, and health care industries, among others, are vital to the economy of the state and the welfare of the people and need to be enhanced and expanded to improve the competitive position of the state; that there is a need to enhance other economic activity in the state by attracting manufacturing development, business enterprise management, and other activities conducive to economic promotion in order to provide a stronger, more balanced, and stable economy in the state, while providing through pollution control and otherwise for the health and safety of the people; that in order to improve the prosperity and welfare of the state and its inhabitants, to improve living conditions and health care, to promote the preservation of historic structures, to promote the rehabilitation of enterprise zones, to promote effective and efficient pollution

control throughout the state, to promote the advancement of education and science, research in and the economic development of the state, and to increase purchasing power and opportunities for gainful employment, it is necessary and in the public interest to facilitate the financing of projects provided for in this part and to facilitate and encourage the planning and development of these projects without regard to the boundaries between counties, municipalities, special districts, and other local governmental bodies or agencies in order to more effectively and efficiently serve the interests of the greatest number of people in the widest area practicable; and that the purposes to be achieved by such projects and the financing of them in compliance with the criteria and requirements of this part are predominantly the public purposes stated in this section and that such purposes implement the governmental purposes under the State Constitution of providing for the health, safety, and welfare of the people, including implementing the purpose of s. 10(c) of Art. VII of the State Constitution.

Section 19. Subsections (5), (7), (9), (11), and (12) of section 159.27, Florida Statutes, 1982 Supplement, are amended, and subsection (20) and (21) are added to said section, to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(5) "Project" means any capital project comprising an industrial or manufacturing plant, a research and development park, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, a *motion picture production facility*, a *preservation or rehabilitation of a certified historic structure*, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, or a hazardous or solid waste facility, including one or more buildings and other structures, whether or not on the same site or sites; any rehabilitation, improvement, renovation, or enlargement of, or any addition to, any buildings or structures for use as a factory, a mill, a processing plant, an assembly plant, a fabricating plant, an industrial distribution center, a repair, overhaul, or service facility, a test facility, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, a *motion picture production facility*, a *preservation or rehabilitation of a certified historic structure*, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, or a hazardous or solid waste facility, and other facilities, including research and development facilities, for manufacturing, processing, assembling, repairing, overhauling, servicing, testing, or handling of any products or commodities embraced in any industrial or manufacturing plant, in connection with the purposes of a research and development park, or other facilities for or used in connection with an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, a *motion picture production facility*, a *preservation or rehabilitation of a certified historic structure*, an airport or port facility, or a commercial project in an enterprise zone or for controlling air or water pollution or for the disposal, processing, conversion, or reclamation of hazardous or solid waste; and including also the sites thereof and other rights in land therefor whether improved or unimproved, machinery, equipment, site preparation and landscaping, and all appurtenances and facilities incidental thereto, such as warehouses, utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, office or storage or training facilities, public lodging and restaurant facilities, dockage, wharfage, solar energy facilities, and other improvements necessary or convenient for any manufacturing or industrial plant, research and development park, agricultural processing or storage facility, warehousing or distribution facility, tourism facility, convention or trade show facility, urban parking facility, trade center, health care facility, a *motion picture production facility*, a *preservation or rehabilitation of a certified historic structure*, airport or port facility, commercial project in an enterprise zone, pollution-control facility, or hazardous or solid waste facility, and any one or more combinations of the foregoing.

(7) "Research and development park" means a center of research and development activity, including *scientifically oriented production or educational programs of postsecondary educational institutions*, consisting of research and development facilities, *scientifically oriented production facilities*, research institutes, testing laboratories, related busi-

ness, government installations, and similar facilities, together with land, including all necessary appurtenances, rights, and franchises relating thereto with related buildings, facilities, and personal properties, but only to the extent that such facilities are incidental or complimentary to the purposes of a research and development park, and uses reasonably incidental to or in support of any facilities or improvements located or constructed at such a center or of activities or operations conducted at such a center for purposes authorized by this section.

(9) "Warehousing or distribution facility" means property used or useful in the storage or centralized distribution of products of, resulting from, or used in manufacturing, agriculture, fishing, or mining, including, without limitation thereto, warehouses, distribution centers, freight terminals, and elevators, but excluding storage facilities serving a single retail outlet.

(11) "Tourism facility" means property used for or useful in connection with theme parks; zoological gardens; amusement parks; major art, historical, educational, or trade museums; cultural or performing arts centers; or spectator or participatory sports facilities generally available to the public, including, without limitation thereto, marinas, arenas, beaches, bathing facilities, golf courses, theaters, auditoriums, racetracks, and frontons.

(12) "Public lodging or restaurant facility" means property used for any public lodging establishment as defined in s. 509.242 or public food service establishment as defined in s. 509.013(5) if it is part of the complex of, or necessary to, ~~the primary purpose is to provide service in connection with~~ another facility qualifying under this part.

(20) "Motion picture production facility" means property used for or useful in connection with the preparation of motion picture or television productions produced for showing on screens or television for theatrical, commercial, advertising, or educational purposes utilizing live, animated, or a combination of live and animated actions, including, without limitation thereto, sound stages, editing facilities, facilities for production of background scenes, wardrobe facilities, recording and sound effects studios, and other facilities necessary or incidental thereto. This term shall not include facilities or equipment purchased, leased, or used by television broadcasting or cable companies licensed by the Federal Communications Commission.

(21) "Preservation or rehabilitation of a certified historic structure" means any "certified rehabilitation," as defined in s. 48(g)(2)(C) of the Internal Revenue Code of 1954, as amended, of a "certified historic structure," as defined in s. 48(g)(3) of the Internal Revenue Code of 1954, as amended.

Section 20. Section 159.287, Florida Statutes, is created to read:

159.287 *Special act development commissions, councils, boards, or authorities; approval required to issue bonds.*—

(1) *Notwithstanding any other provision of part II of chapter 159 or any special act, any commission, council, board, or authority created by special act with the authority to issue bonds for the purpose of promoting economic development throughout a county shall hereby be deemed to have been created for the purpose of issuing bonds on behalf of the county in which jurisdiction or under or by whose authority said commission, council, board, or authority is located or is acting, and any bonds issued by such commission, council, board, or authority shall be subject to the approval or disapproval of the county commission of such county pursuant to s. 125.01(1)(z).*

(2) *Notwithstanding any other provision of part II of chapter 159 or any special act, any commission, council, board, or authority created by special act with the authority to issue bonds for the purpose of promoting economic development within a municipality shall be deemed to have been created for the purpose of issuing bonds on behalf of the municipality in which jurisdiction or under or by whose authority said commission, council, board, or authority is located or is acting, and any bonds issued by such commission, council, board, or authority shall be subject to the approval or disapproval of the governing authority of such municipality.*

Section 21. Section 159.345, Florida Statutes, is created to read:

159.345 *Local agency reporting requirement.*—

(1) *Any local agency which issues any revenue bonds pursuant to this part shall supply the Division of Bond Finance of the Department*

of General Services with a copy of the report required in s. 103 of the Internal Revenue Code of 1954, as amended, at the times required pursuant to said section.

(2) *The Division of Bond Finance of the Department of General Services shall:*

(a) *Upon receipt, provide a copy of the information supplied pursuant to subsection (1) to the Division of Economic Development of the Department of Commerce.*

(b) *Prepare and submit an annual report to the Governor and the Legislature by February 15, detailing the information provided pursuant to subsection (1) on each bond issued in the preceding year.*

Section 22. Section 159.415, Florida Statutes, is created to read:

159.415 *Composite issues of bonds.*—*Any local agency shall have the authority to issue, at one time or from time to time, a single issue of bonds to finance separate projects to be used by separate businesses and secured rateably by payments due under separate financing agreements between the local agency and each separate business, provided:*

(1) *The debt service payments due under all such separate financing agreements, in aggregate, are to be made in amounts and at the times required to pay in full the principle of, premium, if any, and interest on the bonds as the same become due and payable.*

(2) *Each separate business is financially responsible, fully capable, and willing to make the debt service payments it is required to make under the financing agreement between it and the local agency, or one or more other financially responsible persons, partnerships, corporations, banks, or insurance companies assumes, guarantees, or secures, by way of a guaranty, letter of credit, insurance policy, or otherwise, the obligations of such business to make such debt service payments to the local agency or has guaranteed or insured the payment by the local agency of debt service on the bonds in an amount equal to the debt service payable by such business to the local agency under the financing agreement.*

(3) *Each business or other user of each project financed under each such financing agreement is financially responsible, fully capable, and willing to operate, maintain, and repair such project at its own expense, or the obligation to operate, repair, and maintain user project is assumed, guaranteed, or secured by one or more other financially responsible persons, partnerships, corporations, banks, or insurance companies.*

Section 23. Paragraphs (f) and (i) of subsection (1) of section 159.47, Florida Statutes, are amended to read:

159.47 *Powers of the authority.*—

(1) *The authority is authorized and empowered:*

(f) *To issue revenue bonds or other debt obligations repayable solely from revenues derived from the sale, operation, or leasing of projects or other payments received under financing agreements with respect thereto, subject to the approval or disapproval of the commission pursuant to s. 125.01(1)(z).*

(i) *To secure the issuance and repayment of industrial development bonds by a lease, mortgage, or other security instrument encumbering only the capital improvements which are financed by the authority in any case in which an addition to a project is financed or in which less than the entire project is financed or refinanced by industrial development bonds, subject to the approval or disapproval of the commission pursuant to s. 125.01(1)(z). The lease, mortgage, or other security instrument may include a security interest in both the land and personal property or may include a lease, mortgage, or other security instrument sufficient for the purpose encumbering only the personal property, including machinery and equipment, which is being financed. In financing projects, authorities may enter into financing agreements of such types as they may approve with such security instruments or trust agreements as the authority shall deem adequate.*

Section 24. Section 159.475, Florida Statutes, is created to read:

159.475 *Authority reporting requirement.*—

(1) *Any authority which issues any revenue bonds pursuant to this part shall supply the Division of Bond Finance of the Department of*

General Services with a copy of the report required pursuant to s. 103 of the Internal Revenue Code of 1954, as amended, at the times required pursuant to said section.

(2) The Division of Bond Finance of the Department of General Services shall:

(a) Upon receipt, provide a copy of the information supplied pursuant to subsection (1) to the Division of Economic Development of the Department of Commerce.

(b) Prepare and submit an annual report to the Governor and the Legislature by February 15, detailing the information provided pursuant to subsection (1) on each bond issued in the preceding year.

Section 25. Subsection (6) of section 159.705, Florida Statutes, is amended, and subsection (11) is added to said section, to read:

159.705 Powers of the authority.—The authority is authorized and empowered:

(6) To issue revenue bonds or other debt obligations repayable solely from revenues derived from the sale, operation, or leasing of such capital projects, subject to the approval of the board pursuant to s. 125.01(1)(z).

(11) Notwithstanding the provisions of s. 253.034, to be granted leases for lands owned by the Board of Trustees of the Internal Improvement Trust Fund for a period not to exceed 99 years, and to grant subleases for land which is owned by the Board of Trustees of the Internal Improvement Trust Fund if the Board of Trustees of the Internal Improvement Trust Fund has approved the master lease agreement, concept of operation of the park, and master sublease provisions for use in such subleases. The term of such subleases may run concurrently with the term of the lease granted by the Board of Trustees of the Internal Improvement Trust Fund. Copies of subleases shall be filed with the Division of State Lands of the Department of Natural Resources subsequent to execution.

Section 26. Section 159.7055, Florida Statutes, is created to read:

159.7055 Authority reporting requirement.—

(1) Any authority which issues any revenue bonds pursuant to this part shall supply the Division of Bond Finance of the Department of General Services with a copy of the report required pursuant to s. 103 of the Internal Revenue Code of 1954, as amended, at the times required pursuant to said section.

(2) The Division of Bond Finance of the Department of General Services shall:

(a) Upon receipt, provide a copy of the information supplied pursuant to subsection (1) to the Division of Economic Development of the Department of Commerce.

(b) Prepare and submit an annual report to the Governor and the Legislature by February 15, detailing the information provided pursuant to subsection (1) on each bond issued in the preceding year.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 21, after the semicolon (;) insert: amending s. 125.01(1)(z), Florida Statutes, as created by chapter 83-1, Laws of Florida, authorizing the governing body of a county to approve or disapprove the issuance of industrial development bonds; amending s. 159.26, Florida Statutes, 1982 Supplement, providing legislative findings; amending s. 159.27(5), (7), (9), (11), and (12), Florida Statutes, 1982 Supplement, and adding subsections (20) and (21) thereto; redefining the terms "project," "research and development park," "warehousing or distribution facility," "tourism facility," and "public lodging or restaurant facility" for the purposes of the "Florida Industrial Development Financing Act"; defining the terms "motion picture production facility" and "preservation or rehabilitation of a certified historic structure"; creating s. 159.287, Florida Statutes, providing that bonds issued by special act economic development agencies are subject to the approval or disapproval of the county commission or governing body of a municipality; creating s. 159.345, Florida Statutes, requiring certain local agencies issuing revenue bonds to furnish the Division of Bond Finance of the Department of General Services with a copy of the report required in s. 103 of the Internal Revenue Code of 1954, as amended; prescribing uses of said reports; creating s. 159.415, Florida Statutes, providing for the composite issuance of bonds, provided that the debt service payments on

projects financed are sufficient to pay debt service on such bonds, that each business financed is financially responsible, and that each financed business can maintain its obligations under the financing agreements for the projects; amending s. 159.47(1)(f) and (i), Florida Statutes, providing that issuance of bonds by industrial development authorities shall be subject to the approval or disapproval of the county commission; creating s. 159.475, Florida Statutes, providing required industrial development authority reports; amending s. 159.705(6), Florida Statutes, and adding subsection (11) thereto, providing that research and development authorities may be granted leases by the Board of Trustees of the Internal Improvement Trust Fund for up to 99 years; providing that research and development authorities may grant subleases for land owned by the Board of Trustees of the Internal Improvement Trust Fund if the board has approved the master lease agreement, concept of operation of the research and development park, and master sublease provisions in such master leases; creating s. 159.7055, Florida Statutes, providing required research and development authority reports; providing an effective date.

On motion by Senator Neal, by two-thirds vote HB 1220 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Beard	Girardeau	Malchon	Stuart
Carlucci	Grant	Mann	Thomas
Castor	Grizzle	Margolis	Thurman
Childers, D.	Hair	Maxwell	Vogt
Childers, W. D.	Jennings	Myers	Weinstein
Crawford	Johnston	Neal	
Fox	Kirkpatrick	Plummer	
Frank	Langley	Rehm	

Nays—None

Vote after roll call:

Yea—Gersten, Scott

CS for SB 1150 was laid on the table.

On motions by Senator Margolis, the rules were waived and by two-thirds vote HB 694 was withdrawn from the Committees on Commerce; Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Margolis—

HB 694—A bill to be entitled An act relating to state employees; creating s. 110.1265, Florida Statutes; authorizing security background investigations, including fingerprinting, as a condition of employment for certain state employees; requiring such checks for all employees of the Division of Treasury of the Department of Insurance; providing an effective date.

—a companion measure, was substituted for SB 290 and read the second time by title. On motion by Senator Margolis, by two-thirds vote HB 694 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Barron	Frank	Jennings	Myers
Beard	Gersten	Johnston	Neal
Castor	Girardeau	Langley	Plummer
Childers, D.	Grant	Malchon	Rehm
Childers, W. D.	Hair	Mann	Thurman
Crawford	Henderson	Margolis	Vogt
Fox	Jenne	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Scott, Stuart

SB 290 was laid on the table.

On motion by Senator Margolis, the rules were waived and by two-thirds vote CS for HB 1056 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Margolis—

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.

—a companion measure, was substituted for CS for SB 374 and read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for HB 1056 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Scott

CS for SB 374 was laid on the table.

SB 449—A bill to be entitled An act relating to unemployment compensation; amending s. 443.131(3)(a), Florida Statutes; providing conditions under which benefits will not be charged to the account of an employer because of refusal of an individual to accept suitable employment; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 24, strike “60” and insert: 90 60

Senator Jennings moved the following amendment which was adopted:

Amendment 2—On page 3, strike line 23 and insert:

Section 2. Subsection (31) of section 443.036, Florida Statutes, 1982 Supplement, is amended to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(31) WAGES.—

(a) “Wages” means all remuneration for employment, including commissions and bonuses and the cash value of all remuneration paid in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the division.

(b) “Wages” does not include:

1. That part of remuneration which, after remuneration equal to \$4,200 prior to January 1, 1978, and \$6,000 after December 31, 1977, has been paid in a calendar year to an individual by an employer or his predecessor with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year, unless that part of the remuneration is subject to a tax, under a federal law imposing the tax, against which credit may be taken for contributions required to be paid into a state unemployment fund. For the purposes of this subsection, the term “employment” includes services constituting employment under any employment security law of another state or of the Federal Government.

2. The amount of any payment, with respect to services performed, to, or on behalf of, an individual in its employ under a plan or system established by an employing unit which makes provision for individuals in its employ generally or for a class or classes of such individuals, including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment, on account of:

- a. Retirement.
- b. Sickness or accident disability.

c. Medical and hospitalization expenses in connection with sickness or accident disability.

d. Death, provided the individual in its employ:

(I) Has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums, or contributions to premiums, paid by his employing unit; and

(II) Has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit or to receive cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his services with such employing unit.

3. The payment by an employing unit, without deduction from the remuneration of the individual in its employ, of the tax imposed upon an individual in its employ under s. 3101 of the federal Internal Revenue Code with respect to services performed.

4. Tips or gratuities except when paid to an individual by his employer as a result of an arbitrary charge to a customer fixed by the employer, which the customer is required to pay, or except to the extent they are taken into account by the employer in determining the employee’s compensation under a state or federal minimum wage law. Tips or gratuities so used must be reported in writing by the employee to the employer, on a form prescribed by the division.

5. *The value of:*

a. *Meals furnished to an employee or the employee’s spouse or dependents by the employer on the business premises of the employer for the convenience of the employer; or*

b. *Lodging furnished to an employee or the employee’s spouse or dependents by the employer on the business premises of the employer for the convenience of the employer when such lodging is included as a condition of employment.*

Section 3. This act shall take effect upon becoming a law and shall apply retroactively to January 1, 1983, except that section 1 shall take effect October 1, 1983.

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

Amendment 3—In title, on page 1, line 3, after “Statutes;” insert: increasing the length of the initial probationary period;

Senator Jennings moved the following amendment which was adopted:

Amendment 4—In title, on page 1, after the semicolon (;) insert: amending s. 443.036(31), Florida Statutes, 1982 Supplement; excluding certain meals and lodging from the definition of “wages”;

Further consideration of SB 449 was deferred.

On motion by Senator Langley, 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—

SB 645—A bill to be entitled An act relating to driving; amending ss. 316.1932(1)(a) and (c), and 322.261(1) and (3), Florida Statutes, 1982 Supplement, increasing the periods of license suspension for refusal to take breath, urine, or blood tests; amending s. 322.20(3), Florida Statutes, 1982 Supplement; prohibiting the Department of Highway Safety and Motor Vehicles from releasing certain information contained in a driver history record in certain circumstances; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 16-31, and on page 2, lines 1-31, and on page 3, lines 1-31, and on page 4, lines 1-31, and on page 5, lines 1-15 strike all of said lines; and on page 5, line 16 strike “Section 3.” and

insert: Section 1.; and on page 5, lines 25-28 strike all of said lines and insert: times. *The release by the department of the driver history record, with respect to accidents involving a licensee, shall not include any notation or record of the occurrence of a motor vehicle accident unless the licensee received a traffic citation as a direct result of the accident.*

Renumber subsequent section.

Amendment 2—On page 1, in the title, lines 2-12, strike all of said lines and insert:

An act relating to drivers' licenses; amending s. 322.20(3), Florida Statutes, 1982 Supplement; prohibiting the department from releasing a driver history record unless certain conditions are complied with; providing an effective date.

Amendment 3—On page 1, line 16, after the colon, insert:

Section 1. Subsection (3) is added to section 322.12, Florida Statutes, 1982 Supplement, to read:

322.12 Examination of applicants.—

(3)(a) *The department shall formulate a separate examination for applicants for a license to operate a motorcycle or motor-driven cycle, as defined in s. 316.003(22) and (23). Beginning October 1, 1984, any applicant for a restricted operator's, operator's or chauffeur's license who wishes to operate a motorcycle or motor-driven cycle shall be required to successfully complete such examination, which shall be in addition to the examination administered pursuant to subsection (2). The examination shall test the applicant's knowledge of the operation of a motorcycle or motor-driven cycle and of any traffic laws specifically relating thereto and shall include an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motorcycle or motor-driven cycle. In the formulation of the examination the department shall consider the use of the Motorcycle Operator Skills Test and the Motorcycle in Traffic Test offered by the Motorcycle Safety Foundation. The department shall indicate on the license of any person who successfully completes such examination that the licensee is authorized to operate a motorcycle or motor-driven cycle. If the applicant wishes to be licensed to operate a motorcycle or motor-driven cycle only, he need not take the skill or road test required under subsection (2) for the operation of a motor vehicle and the department shall so indicate the limitation on the license as a restriction.*

(b) *Any person licensed to operate a motor vehicle may apply to the department between October 1, 1983 and October 1, 1984, for authorization to operate a motorcycle or motor-driven cycle without being required to take the examination provided in this subsection. The department shall so indicate such authorization upon the license of such applicant upon payment by the applicant of a fee of \$1 per year or portion thereof remaining in the validity of the applicant's current license. The examination provided in this subsection shall not be made a condition upon the renewal of the license of any person under this paragraph.*

(c) *The department may exempt any applicant from the examination provided in this subsection if the applicant presents a certificate showing successful completion of a course approved by the department which includes a similar examination of the knowledge and skill of the applicant in the operation of a motorcycle or motor-driven cycle.*

(d) *No additional examination fee shall be assessed for the examination required by this subsection.*

Section 2. Subsection (1) of section 322.21, Florida Statutes, is amended to read:

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

(1) The fee for:

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

(b) *Authorization to operate a motorcycle or motor-driven cycle is \$4.*

(c)(b) A chauffeur's license is \$8, in addition to the fees for driver education and a color photograph, provided by ss. 233.063 and 322.142.

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

Section 3. Section 316.304, Florida Statutes, is amended to read:

316.304 Wearing of headsets.—No person shall operate a motor vehicle while wearing a headset, headphone, or other listening device, other than a hearing aid or instrument for the improvement of defective human hearing. However, this section shall not apply to any law enforcement officer equipped with any communication device necessary in performing his assigned duties. *In addition, this section shall not apply to any applicant for a license to operate a motorcycle or motor-driven cycle while taking the examination required by s. 322.12(3).*

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

Amendment 4—On page 1, in the title, line 2, after the semicolon insert: adding subsection (3) to s. 322.12, Florida Statutes, 1982 Supplement; requiring the Department of Highway Safety and Motor Vehicles to administer a separate examination for drivers seeking authorization to operate motorcycles and motor-driven cycles in the state; authorizing certain licensed drivers to obtain authorization without examination; authorizing an exemption to persons completing courses approved by the department; amending s. 322.21(1), Florida Statutes, providing a license fee for such authorization; amending s. 316.304, Florida Statutes, authorizing persons taking such examinations to wear headsets; providing an effective date.

On motions by Senator Langley, 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.

SPECIAL ORDER, continued

Consideration of SB 450 was deferred.

SB 575—A bill to be entitled An act relating to insurance; amending s. 627.702(5), (7), Florida Statutes, 1982 Supplement; clarifying the intent of the "replacement option" of the valued policy law; providing that the valued policy law does not apply to appurtenant structure coverage and in certain other circumstances; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 20, after "structure" insert: *or other structures*

Amendment 2—On page 2, lines 3 and 4, strike "*the policy term in which the loss occurred*" and insert: *all policy terms during which the policy limits were the same as those in effect on the date on which the loss occurred*

Pending further consideration of SB 575, as amended, on motion by Senator Crawford, 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 965 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Lewis—

HB 965—A bill to be entitled An act relating to property insurance; amending s. 627.702(5) and (7), Florida Statutes, 1982 Supplement, providing exceptions to the valued policy law; providing the effect of an insurer's repair or replacement of damaged property on such insurer's liability; providing an effective date.

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

On motion by Senator Crawford, by two-thirds vote HB 965 was withdrawn from the Committee on Commerce.

On motion by Senator Crawford, by two-thirds vote HB 965, a companion measure, was substituted for SB 575. On motions by Senator Crawford, by two-thirds vote HB 965 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

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

Nays—None

Vote after roll call:

Yea—Langley, Scott

SB 575 was laid on the table.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 755 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Martinez—

HB 755—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036(31), Florida Statutes, 1982 Supplement; excluding certain meals and lodging from the definition of “wages”; providing retroactivity; amending s. 443.131(3)(a), Florida Statutes; increasing the length of the probationary period for new employees; providing conditions under which benefits will not be charged to the account of an employer because of refusal of an individual to accept suitable employment; providing an effective date.

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

On motion by Senator Jennings, by two-thirds vote HB 755 was withdrawn from the Committee on Commerce.

SPECIAL ORDER, continued

The Senate resumed consideration of SB 449.

On motion by Senator Jennings, by two-thirds vote HB 755, a companion measure, was substituted for SB 449. On motions by Senator Jennings, by two-thirds vote HB 755 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

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

Nays—1

Malchon

SB 449 was laid on the table.

SB 308—A bill to be entitled An act relating to workers’ compensation; amending s. 440.13(3)(a), Florida Statutes, 1982 Supplement; providing that the schedule of maximum reimbursement allowances for med-

ical treatment shall have statewide applicability and be uniform throughout the state; providing standards for adoption of the schedule; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendment which was adopted:

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

Section 1. Paragraphs (a) and (b) of section 440.13, Florida Statutes, 1982 Supplement, are amended to read:

Senators Fox and Jennings offered the following amendments which were moved by Senator Jennings and adopted:

Amendment 2—On page 1, lines 26-28, strike “the Secretary of Labor and Employment Security, the Insurance Commissioner, and the state medical consultant of the Division of Workers’ Compensation,” and insert: ~~the Secretary of Labor and Employment Security, the Insurance Commissioner and two members to be appointed by the Governor, subject to confirmation by the Senate, one such member an employer representative, the other such member an employee representative. Each appointed member shall serve for a term of 4 years, and the state medical consultant of the Division of Workers’ Compensation.~~

Amendment 3—On page 2, line 11, after the period (.) insert:

(b) There is created an advisory committee to aid and assist the panel ~~Department of Labor and Employment Security in determining~~ ~~adopting~~ schedules of maximum charges for hospital treatment and services payable through workers’ compensation benefits to be appointed by and serve at the pleasure of the ~~Insurance Commissioner Secretary of Labor and Employment Security.~~

Senator Jennings moved the following amendments which were adopted:

Amendment 4—In title, on page 1, line 8, after the semicolon (;) insert: providing for an advisory committee; providing duties of the committee;

Amendment 5—In title, on page 1, line 3, after “(a),” insert: (b),

Pending further consideration of SB 308, as amended, on motion by Senator Fox, 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 1103 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce—

HB 1103—A bill to be entitled An act relating to workers’ compensation; amending s. 440.13(3)(a) and (b), Florida Statutes, 1982 Supplement, providing that the maximum fee schedule for medical treatment shall have statewide applicability and be uniform throughout the state; providing standards for adoption of the schedule; providing for the membership of the panel appointed to determine fee schedules for medical treatment; providing staff support for the panel; providing an effective date.

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

On motion by Senator Fox, by two-thirds vote HB 1103 was withdrawn from the Committee on Commerce.

SPECIAL ORDER, continued

On motions by Senator Fox, by two-thirds vote HB 1103, a companion measure, was substituted for SB 308 and by two-thirds vote read the second time by title.

Senator Fox moved the following amendment which was adopted:

Amendment 1—On page 3, between lines 2 and 3, insert:

Section 2. Subsection (5) of section 440.38, Florida Statutes, 1982 Supplement is amended to read:

440.38 Security for compensation; insurance carriers and self-insurers.—

(5) All insurance carriers authorized to write workers' compensation insurance in this state shall make available, at the *written request* option of the employer, an insurance policy containing a coinsurance provision which shall bind the carrier to pay 80 percent, and the employer to pay 20 percent, of the benefits due to an employee for an injury compensable under this chapter, up to the amount of \$2,500 or \$5,000. One hundred percent of the medical benefits above \$2,500 or \$5,000, as the case may be, due to an employee for one injury shall be paid by the carrier. Regardless of any coinsurance or deductible amount, the claim shall be paid by the applicable carrier, which shall then be reimbursed by the employer for any coinsurance or deductible amounts paid by the carrier; and the employer shall be liable for such reimbursement, except for any portion of a claim for medical benefits, up to the employer's liability under the coinsurance or deductible provisions. If a claim or a portion of a claim is for medical benefits, the benefits shall be paid by the employer, and the carrier shall act as guarantor therefor. Payments made by an employer pursuant to a coinsurance provision shall be made within the same time periods as those applicable to a carrier. ~~Prior to issuance of any policy not containing a coinsurance provision, the carrier shall obtain from the employer a written rejection of such provision.~~ No insurance carrier shall be required to offer coinsurance to any employer if, as a result of a credit investigation, the carrier determines that the employer is not sufficiently financially stable to be responsible for payment of such coinsurance amounts. The agent's commission shall be computed and paid on the basis of the policy without a coinsurance provision.

Senator Jennings moved the following amendment which was adopted:

Amendment 2—On page 2, lines 7-13, strike "*The Department of Insurance shall provide staff support to assist the panel in determining the schedules of maximum charges. The Division of Workers' Compensation shall provide the Department of Insurance available records and information necessary to provide staff support. The schedule shall have statewide applicability and shall be uniform throughout the state.*"

Senator Fox moved the following amendment which was adopted:

Amendment 3—In title, on page, line, after the semicolon (;) insert: amending s. 440.38(5), Florida Statutes, 1982 Supplement, deleting a restriction upon the issuance of policies not containing a coinsurance provision;

On motion by Senator Fox, by two-thirds vote HB 1103 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Scott

SB 308 was laid on the table.

SB 123—A bill to be entitled An act relating to pleas of guilty; repealing s. 34.131, Florida Statutes, which allows judges of county courts to accept voluntary pleas of guilty at all times, Sundays excepted; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote SB 123 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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	Maxwell	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jenne	Myers	
Frank	Jennings	Neal	

Nays—None

On motion by Senator Hill, the rules were waived and by two-thirds vote HB 609 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Hill—

HB 609—A bill to be entitled An act relating to municipalities; amending s. 166.041(3)(c), Florida Statutes, providing for the applicability of procedures for the enactment of municipal rezoning ordinances to ordinances substantially changing permitted use categories in zoning districts; providing an effective date.

—a companion measure, was substituted for CS for SB 460 and read the second time by title.

Senator Hill moved the following amendments which were adopted:

Amendment 1—On page 1, lines 19 and 20, strike "*or which substantially change permitted use categories in zoning districts*"

Amendment 2—On page 1, lines 22 and 23, strike "*or permitted use change*"

Amendment 3—On page 1, lines 26 and 27 strike "*or whose land will be affected by the permitted use change*"

Amendment 4—On page 3, line 5, strike "*(PERMITTED USE)*"

Amendment 5—On page 3, line 7, strike "*(change the permitted use of)*"

Amendment 6—In title on page 1, lines 5-7, strike all of said lines and insert: enactment of municipal rezoning ordinances; providing an

On motion by Senator Hill, by two-thirds vote HB 609 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

CS for SB 460 was laid on the table.

On motion by Senator Rehm, by two-thirds vote HB 1257 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Rehm—

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.

—a companion measure, was substituted for CS for SB 803 and read the second time by title.

Senators Rehm, Dunn and Henderson offered the following amendments which were moved by Senator Rehm and adopted:

Amendment 1—On page 1, line 15 through page 2, line 27, strike all of said lines and insert:

WHEREAS, state agencies and the public should be allowed to employ advances in telecommunication media technology to increase efficiency and convenience of transacting public business with or by a state agency, and

WHEREAS, any communications received should be afforded equal consideration regardless of the method of communication, NOW, THEREFORE

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

Section 1. Short title.—This act shall be cited as the “Telecommunications in Evidence Act.”

Section 2. Subsection (15) is added to section 120.52, Florida Statutes, 1982 Supplement, to read:

120.52 Definitions.—As used in this act:

(15) “Communications media technology” means the electronic transmission of printed matter, audio, full motion video, freeze frame video, compressed video, and digital video, by any method available.

Section 3. Subsection (6) is added to section 120.53, Florida Statutes, to read:

120.53 Adoption of rules of procedure and public inspection.—

(6) Each state agency, as defined in s. 216.011, shall adopt rules providing a procedure for conducting meetings, hearings, and workshops, and for taking evidence, testimony, and argument at such meetings, hearings, and workshops, by means of communications media technology. The rules shall provide that all evidence, testimony, and argument presented shall be afforded equal consideration, regardless of the method of communication. If a meeting, hearing, or workshop is to be conducted by means of communications media technology, or if attendance may be provided by such means, the notice shall so state. The notice for meetings, hearings, and workshops utilizing communications media technology shall state how persons interested in attending may do so and shall name locations, if any, where communications media technology facilities will be available. Nothing in this subsection shall be construed to diminish the public's right to inspect public records under chapter 119. Limiting points of access to meetings, hearings, and workshops subject to the provisions of s. 286.011 to places not normally open to the public shall be presumed to violate the public's right of access and any official action taken under such circumstances is void and of no effect. Other laws relating to public meetings, hearings, and workshops, including penal and remedial provisions, shall apply to meetings, hearings, and workshops conducted by means of communications media technology, and shall be liberally construed in their application to such meetings, hearings, and workshops.

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

Amendment 2—In title, on page 1, strike all of lines 2-13 and insert: An act relating to public hearings and meetings; adding s. 120.52(15), Florida Statutes, 1982 Supplement, defining “communications media technology”; adding s. 120.53(6), Florida Statutes, requiring agencies to adopt rules for the use of certain communications media technology for the presentation of testimony, evidence, and argument, including oral and written communications, at meetings, hearings, and workshops; providing an effective date.

On motion by Senator Rehm, by two-thirds vote HB 1257 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Henderson	Malchon	Myers	Thomas
Jenne	Mann	Neal	Vogt
Jennings	Margolis	Plummer	Weinstein
Johnston	Meek	Rehm	

Nays—1

Langley

Vote after roll call:

Yea—Scott, Stuart

CS for SB 803 was laid on the table.

CS for SB 156—A bill to be entitled An act relating to information technology and planning; creating s. 11.39, Florida Statutes; creating a Legislative Information Technology Resource Committee; providing for its membership and duties; creating s. 14.203, Florida Statutes; establishing the Information Resource Commission and an executive administrator of the commission; creating chapter 24, Florida Statutes; providing the powers and duties of the Information Resource Commission; requiring that departments submit an information technology resource plan to the commission; providing the minimum components to the plan; requiring the commission to approve or disapprove the plan; providing for supplementation to the plan; requiring prior approval of the commission for the acquisition of certain items; prohibiting the acquisition of information technology resources that are not part of an approved plan or supplement; providing that the Executive Office of the Governor may withhold appropriations for noncompliance; requiring the state university system to prepare a plan; requiring the judicial branch to prepare a plan; providing for an information resource manager in each department; providing for a data processing advisory council for certain data processing centers; providing for membership and duties; abolishing the Division of Electronic Data Processing of the Department of General Services; amending s. 20.22, Florida Statutes; establishing the Division of Information Services; repealing ss. 23.021, 23.022, 23.026, 23.027, 23.028, 23.030, 23.031, 23.032, and 25.382(4), Florida Statutes; transferring s. 23.029, Florida Statutes, and renumbering as s. 216.272, Florida Statutes; amending s. 215.96(2) and (3)(a), Florida Statutes; providing for membership of the coordinating council established under the Florida Fiscal Accounting Management Information System Act; requiring the council to conduct studies to establish an information technology resource plan; providing requirements with respect thereto; amending s. 120.53(5), Florida Statutes; requiring certain agencies to adopt rules for contract bidding protests; adding s. 216.031(11), Florida Statutes, 1982 Supplement; requiring that an approved information technology resource plan be submitted with each agency's budget request; providing for review and future repeal of provisions of the act; providing that contracts in existence on the effective date remain in force; providing an effective date.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Stuart and adopted:

Amendment 1—On page 3, line 5, strike “10” and insert: 6

Amendment 2—On page 3, lines 5 and 7, strike “five” and insert: three

Pending further consideration of CS for SB 156 as amended, on motions by Senator Stuart, by two-thirds vote CS for HB 179 was withdrawn from the Committees on Governmental Operations, Appropriations and Rules and Calendar.

On motion by Senator Stuart—

CS for HB 179—A bill to be entitled An act relating to information technology and planning; creating s. 11.39, Florida Statutes; creating a Legislative Information Technology Resource Committee; providing for its membership and duties; creating s. 14.203, Florida Statutes; establishing the Information Resource Commission and an executive administrator of the commission; creating chapter 24, Florida Statutes; providing the powers and duties of the Information Resource Commission; requiring that departments submit an information technology resource plan to the commission; providing the minimum components to the plan; requiring the commission to approve or disapprove the plan; providing for supplementation to the plan; requiring prior approval of the commission for the acquisition of certain items; prohibiting the acquisition of information technology resources that are not part of an approved plan or supplement.

ment; providing that the Executive Office of the Governor may withhold appropriations for noncompliance; requiring the state university system to prepare a plan; requiring the judicial branch to prepare a plan; providing for an information resource manager in each department; providing for a data processing advisory council for certain data processing centers; providing for membership and duties; abolishing the Division of Electronic Data Processing of the Department of General Services; amending s. 20.22, Florida Statutes; establishing the Division of Information Services; repealing ss. 23.021, 23.022, 23.026, 23.027, 23.028, 23.030, 23.031, 23.032, and 25.382(4), Florida Statutes; transferring s. 23.029, Florida Statutes, and renumbering as s. 216.272, Florida Statutes; amending s. 215.96(2) and (3)(a), Florida Statutes; providing for membership of the coordinating council established under the Florida Fiscal Accounting Management Information System Act; requiring the council to conduct studies to establish an information technology resource plan; providing requirements with respect thereto; amending s. 120.53(5), Florida Statutes; requiring certain agencies to adopt rules for contract bidding protests; adding s. 216.031(11), Florida Statutes, 1982 Supplement; requiring that an approved information technology resource plan be submitted with each agency's budget request; providing for review and future repeal of provisions of the act; providing that contracts in existence on the effective date remain in force; providing an effective date.

—a companion measure, was substituted for CS for SB 156 and read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for HB 179 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gersten	Johnston	Plummer
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	
Fox	Jenne	Myers	
Frank	Jennings	Neal	

Nays—None

CS for SB 156 was laid on the table.

On motion by Senator Stuart, the rules were waived and by two-thirds vote CS for HB 595 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Stuart—

CS for HB 595—A bill to be entitled An act relating to state purchasing; adding s. 287.012(7), (8), (9), (10), Florida Statutes, 1982 Supplement; amending s. 287.042(1), (4), (5), Florida Statutes, 1982 Supplement, and adding subsection (14) to said section; amending s. 287.057(1), (2), (7), (8), (10), (16), Florida Statutes, 1982 Supplement, and adding subsection (18) to said section; amending s. 287.062(1), (3), Florida Statutes, and adding subsection (4) to said section; creating s. 287.073, Florida Statutes; amending s. 240.225, Florida Statutes; providing definitions; establishing a vendor list for state purchasing; providing for the placement of vendors on and removal from the vendor's list; permitting multiple supplier awards for certain contracts providing for the Division of Purchasing of the Department of General Services to enter into certain contracts; permitting the use of requests for proposals; creating the Information Technology Resource Procurement Advisory Council; establishing powers and duties of the council; providing for future repeal and review of laws relating to the council; providing an effective date.

—a companion measure, was substituted for CS for SB 639 and read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for HB 595 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Barron	Childers, W. D.	Gersten	Hair
Beard	Crawford	Girardeau	Henderson
Carlucci	Dunn	Gordon	Jenne
Castor	Fox	Grant	Jennings
Childers, D.	Frank	Grizzle	Johnston

Kirkpatrick	Margolis	Neal	Thurman
Langley	Maxwell	Plummer	Vogt
Malchon	Meek	Scott	Weinstein
Mann	Myers	Stuart	

Nays—None

CS for SB 639 was laid on the table.

On motion by Senator Kirkpatrick, the Senate reconsidered the vote by which CS for SB 260 passed this day.

On motion, by Senator Kirkpatrick, the Senate reconsidered the vote by which SB 260 was read the third time.

On motion by Senator Kirkpatrick, 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 CS for HB 830 and requests the concurrence of the Senate.

Allen Morris, Clerk

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

CS for HB 830—A bill to be entitled An act relating to county and municipal law enforcement; creating s. 901.35, Florida Statutes; providing for financial responsibility for certain expenses provided to arrested persons; creating s. 951.032, Florida Statutes; authorizing county and municipal detention facilities to seek reimbursement for medical expenses paid on behalf of prisoners; providing that prisoners who willfully refuse to cooperate with such reimbursement efforts not receive gain-time; providing an effective date.

—was read the first time by title. On motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote the bill was placed on the special order calendar.

SPECIAL ORDER, continued

On motions by Senator Kirkpatrick, by two-thirds vote CS for HB 830, a companion measure, was substituted for CS for SB 260 and by two-thirds vote read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for HB 830 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Gersten, Stuart

SB 260 was laid on the table.

CS for SB 1108—A bill to be entitled An act relating to governmental reorganization, amending ss. 20.171(2), 222.15(2), 232.17(2)(f), (g), 443.131(5)(a), 443.141(3)(f), 443.161(1), 443.221(3), 446.021(1), (5)-(7), (12)-(15), 446.041, 446.052(3), 446.061, 446.071, 446.075, 446.081(3), 446.091, 447.02(3), 447.04(2)(a), 447.06(1), 447.12, 447.16, 447.305(4), 450.012(5), 450.061(2), 450.121(1), 450.132(2), 450.161, 450.28(2), and 450.41, Florida Statutes; amending ss. 20.18(5)(a), 230.66(2)(a), 440.15(9)(c), 443.036(13), 443.151(5)(a), 443.171(5), 446.011(2), (3), 446.032, 446.045(2)(a), (b), Florida Statutes, 1982 Supplement; amending s. 443.181(1), Florida Statutes, and adding subsection (3) to said section; amending s. 443.211(2), Florida Statutes, and adding subsection (5) to said section; adding s. 110.205(2)(s), Florida Statutes, 1982 Supplement; merging the Division of Labor, the Division of Employment and Train-

ing, and the Florida State Employment Service of the Department of Labor and Employment Security into the newly created Division of Labor, Employment, and Training; requiring establishment of a Bureau of Apprenticeship; renaming the Division of Employment Security as the Division of Unemployment Compensation; conforming language; providing financial authority and responsibility of the Division of Labor, Employment, and Training with regard to trust funds; creating s. 450.57, Florida Statutes; providing for administration of the State Job Training Partnership Act by the Department of Labor and Employment Security; creating the State Job Training Coordinating Council; providing signature authority for the division director; authorizing promulgation of rules by the division director; authorizing application for federal funds; providing responsibility of the Secretary of Labor and Employment Security; repealing ss. 450.50-450.56, Florida Statutes, the State Employment and Training Act; providing for future repeal and Sundown review; amending s. 450.271, Florida Statutes, to authorize the Department of Labor and Employment Security to contract with the United States Department of Labor to authorize the department to administer within the state the provisions of the Migrant and Seasonal Agricultural Worker Protection Act; providing an effective date.

—was read the second time by title.

Senators Maxwell and Jennings offered the following amendment which was moved by Senator Maxwell and adopted:

Amendment 1—On page 31, between lines 24 and 25, insert:

Section 47. The use of asbestos or asbestos-based fiber materials is prohibited in any building, construction of which is commenced after September 30, 1983, which is financed with public funds or is constructed for the express purpose of being leased to any governmental entity.

(Renumber subsequent section.)

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

Amendment 2—On page 2, line 22, after the semicolon (;) insert: prohibiting the use of asbestos or asbestos-based fiber materials in specified buildings;

Amendment 3—In title, on page 2, line 22, after the semicolon (;) insert: prohibiting the use of asbestos or asbestos-based materials in certain buildings;

On motion by Senator Jennings, by two-thirds vote CS for SB 1108 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

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

Nays—None

Vote after roll call:

Yea—Gersten

On motion by Senator Vogt, by two-thirds vote HB 1159 was withdrawn from the Committee on Commerce.

On motion by Senator Vogt—

HB 1159—A bill to be entitled An act relating to optional coverage for mental and nervous disorders; amending s. 627.668(1) and (2)(b), Florida Statutes, 1982 Supplement, providing that the level of benefits with respect to optional alternative coverage for mental and nervous disorders under certain group contracts shall be the minimum level of benefits offered by the insurer to an insured; providing that outpatient treatment coverage applies to licensed physicians, licensed psychologists, and mental health professionals; providing an effective date.

—a companion measure, was substituted for CS for SB 1016 and read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of lines 6-8 and insert: *corporation provided that, if alternate inpatient, outpatient or partial hospitalization benefits are selected, then such benefits shall not be less than the level of benefits required under subsection (2)(a), (b) or (c), respectively.*

Amendment 2—On page 3, line 17, strike all of line 17 Section 2 and insert:

Section 2. This act shall apply to all policies issued or renewed on or after October 1, 1983.

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

On motion by Senator Vogt, by two-thirds vote HB 1159 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gersten	Johnston	Plummer
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	McPherson	Weinstein
Dunn	Hill	Meek	
Fox	Jenne	Myers	
Frank	Jennings	Neal	

Nays—None

CS for SB 1016 was laid on the table.

CS for SB 362—A bill to be entitled An act relating to health care; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, ss. 483.011-483.328, Florida Statutes; amending ss. 483.031-483.071, 483.091, 483.101, 483.111-483.181, 483.201, 483.21, 483.23-483.25, 483.288, 483.291, 483.317, 483.32, Florida Statutes; creating ss. 483.052, 483.152-483.154, 483.251, Florida Statutes; providing exemptions; providing definitions; providing for rules; providing for licensure of clinical laboratories and personnel; providing for fees; providing for inspections; providing for approval of training programs; requiring display of license; providing for inactive status; requiring continuing education or reexamination; providing for minimum qualifications; providing for acceptance of laboratory tests; providing for disciplinary actions; specifying offenses and criminal penalties; providing for administrative fines and penalties; creating an advisory council; allowing to stand repealed under the Regulatory Sunset Act s. 483.297, Florida Statutes, as amended, relating to an advisory council; providing for consolidation of regulation; providing for legislative review; providing an effective date.

—was read the second time by title.

Senator Crawford moved the following amendment:

Amendment 1—On page 2, line 8, strike "two five" and insert: five

Further consideration of CS for SB 362 was deferred.

The President presiding

On motion by Senator Gordon, the rules were waived and by two-thirds vote CS for SB 1010 was withdrawn from the Committee on Judiciary-Civil.

On motions by Senator Barron, the rules were waived and by two-thirds vote HB 1097 was withdrawn from the Committee on Economic, Community and Consumer Affairs, SB 1094 was withdrawn from the Committee on Rules and Calendar and SB 781 was withdrawn from the Committee on Commerce.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 31 was corrected and approved.

On motion by Senator Barron, the Senate adjourned at 4:04 p.m. to reconvene at 9:30 a.m., Thursday, June 2.