



# Journal of the Senate

Number 1—Special Session B

Wednesday, June 15, 1983

The Senate was called to order by the President at 10:00 a.m. A quorum present—38:

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

Excused: Senators Gordon and Stuart

Prayer by the Rev. Steve Gooch, Pastor, University Church of Christ, Tallahassee:

Dear Heavenly Father, it's a privilege and honor to begin this session today by coming into your presence. We praise you as the Almighty God, for your majesty and sovereignty, as the ruler of all creation, and the ultimate object of our unbroken praise.

We thank you, Lord, for your mercy and goodness, your kindness and patience toward us. But most of all, we thank you that you have loved us so greatly and demonstrated your love by allowing your Son to die for our sins.

Be with these Senators during this special session. Help them to do their work conscientiously, thoroughly and quickly. Thank you for their sacrifice and service to the citizens of this state.

Help us and all men to personally ponder the most critical issues of life and eternity. May our highest ambition be greatest joy and fulfillment come from loving, worshipping and obeying you.

We ask all of these things in the name of your Son and our Saviour and Lord—Jesus Christ. Amen.

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

By direction of the President, the Proclamation of the Governor convening the Legislature in Special Session was read:

**PROCLAMATION**  
State of Florida  
Executive Department  
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, the Legislature of the State of Florida convened in Regular Session for the year 1983 on April 5, 1983, and

WHEREAS, the Legislature on June 3, 1983 extended the Regular Session and adjourned sine die on June 13, 1983;

WHEREAS, it is in the best interest of the citizens of Florida that the Legislature be called back into a Special Session to consider these matters;

NOW, THEREFORE, I, BOB GRAHAM, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

Section 1.

That the Legislature of the State of Florida is convened in Special Session commencing at 10:00 a.m., on Wednesday, June 15, 1983 and extending through midnight, Friday, June 17, 1983.

Section 2.

That the Legislature of the State of Florida is convened for the sole and exclusive purpose of considering the following matters:

1. The General Appropriations Bill.
2. Public Education Capital Outlay (PECO).
3. Legislation to implement or fund items contained in the General Appropriations Bill or PECO.
4. Legislation to insure protection of the State's water resources, including, but not limited to, measures
  - (a) Providing for data collection;
  - (b) Providing for the testing of pesticides;
  - (c) Providing for groundwater monitoring;
  - (d) Providing for well field contamination monitoring;
  - (e) Providing for artesian well plugging;
  - (f) Addressing hazardous waste disposal and regulation;
  - (g) Regulating the use of septic tanks;
  - (h) Providing for a grants program for construction and improvement of sanitary sewer systems;
  - (i) Implementing or funding the above mentioned items.
5. Legislation to improve the quality of the state's education system, including, but not limited to, measures
  - (a) Upgrading academic standards;
  - (b) Enhancing the teaching and learning of mathematics, science, and computer education;
  - (c) Improving the quality of teacher preparation and performance, including pre-service, in-service, and teacher education centers, certification, compensation, and the establishment of a master teacher program;
  - (d) Revising vocational education programs to provide employment opportunities and to ensure responsiveness to business and industry needs;
  - (e) Providing for the adequate and equitable funding of educational programs;
  - (f) Providing for post-secondary education academic enhancements; and
  - (g) Implementing and funding the above mentioned items.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this proclamation convening the Legislature in Special Session at the Capitol, this 14th day of June, 1983.

Bob Graham  
GOVERNOR

ATTEST:  
George Firestone  
SECRETARY OF STATE

## INTRODUCTION AND REFERENCE OF BILLS

On motion by Senator Barron, the rules were waived and Senator Johnston, chairman of the Appropriations Committee, was permitted to introduce the general appropriations bill.

By Senator Johnston—

**SB 1-B**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1983, and ending June 30, 1984, to pay salaries, other expenses, capital outlay - buildings and improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

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

By Senator Margolis—

**SB 2-B**—A bill to be entitled An act relating to water and sewer facilities; amending s. 170.01, Florida Statutes, 1982 Supplement; authorizing certain municipalities providing capital improvements for such facilities within unincorporated areas to levy special assessments on the specially benefited property; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Margolis—

**SB 3-B**—A bill to be entitled An act relating to taxation; s. 212.08(7)(c), Florida Statutes, 1982 Supplement, as amended; clarifying the definition of charitable institutions, scientific organizations, and veteran organizations; adding s. 212.08(7)(u), Florida Statutes, 1982 Supplement; providing exemptions for certain organizations which provide certain benefits to minors; creating s. 212.09, Florida Statutes; establishing refund procedures; providing an effective date.

—was read the first time by title and referred to the Committee on Finance, Taxation and Claims.

By Senator Margolis—

**SB 4-B**—A bill to be entitled An act relating to state financial matters; amending ss. 215.20, 215.37(3), 570.20, 376.11(5), 350.113(2), 378.101(1)(i), 211.32(1)(f), 211.02(1), 718.509, 498.019, 721.28, 655.049, 267.051(2)(d), 493.316, 960.21(3), Florida Statutes; amending ss. 378.031(1), 395.512, 601.15(7)(a), (b), 601.151(5), 601.152(9)(a), 601.154(14)(a), Florida Statutes, 1982 Supplement; amending ss. 206.60(2)(a), 206.605(2), 215.22, Florida Statutes, as amended by chapter 83-3, Laws of Florida; increasing the service charge imposed on certain moneys and trust funds; applying the service charge to certain trust funds; adding s. 215.44(5), Florida Statutes; exempting certain investment transactions from chapter 287, Florida Statutes; amending s. 206.875(1), Florida Statutes; providing for the applicability of a service charge to the taxes levied on special fuels under part II of chapter 206, Florida Statutes; adding s. 215.26(4), Florida Statutes, providing that said section is the exclusive remedy for refunds between individual funds and accounts in the State Treasury; amending s. 336.025(2), Florida Statutes, as created by chapter 83-3, Laws of Florida, providing for applicability of the service charge to the Local Option Gas Tax Trust Fund; specifying applicability; providing for retroactive operation; providing a retroactive effective date.

—was read the first time by title and referred to the Committee on Finance, Taxation and Claims.

On motion by Senator Thomas, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Thomas—

**SB 5-B**—A bill to be entitled An act relating to Governor's Council on Handicapped Concerns; amending section 8 of the 1983 Committee Substitute for Senate Bill 435; correcting cross-references and changing the date relating to the future repeal and review by the Legislature of the council; providing an effective date.

—which was read the first time by title and referred to the Committee on Finance, Taxation and Claims.

By Senator Peterson—

**SB 6-B**—A bill to be entitled An act relating to education.

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

By Senator Maxwell—

**SB 7-B**—A bill to be entitled An act relating to postsecondary education; adding subsection (11) to s. 228.071, Florida Statutes; authorizing joint applications for community education grants; creating s. 229.52, Florida Statutes; requiring the State Board of Education to provide certain assistance in the economic development of the state; adding s. 229.551(3)(g), Florida Statutes, 1982 Supplement; requiring the Department of Education to evaluate vocational education programs; amending s. 230.23(4)(l), Florida Statutes, 1982 Supplement; requiring district school boards to provide certain exchange programs for staff of technical and vocational programs; amending s. 240.115(1), Florida Statutes, and adding a new subsection (3) to said section; increasing the types of articulation included in the department's articulation agreement; requiring certain cooperation between universities and community colleges and secondary schools; creating s. 240.122, Florida Statutes, relating to postsecondary education funding; amending s. 240.125, Florida Statutes; authorizing the Commissioner of Education to establish a Trust Fund for Postsecondary Cooperation; amending s. 240.147, Florida Statutes; expanding the duties of the Postsecondary Education Planning Commission in the review of postsecondary programs and the state master plan; amending s. 240.209(3)(e), (f), (g), Florida Statutes, 1982 Supplement; providing for certain considerations in recommending tuition fees for universities; requiring certain review of programs at state universities; creating s. 240.2095, Florida Statutes; providing criteria for the approval of new programs at state universities; restricting the approval of new programs; amending s. 240.243, Florida Statutes; amending the definition of classroom contact hour; providing for teaching hours by university faculty; amending s. 240.271(5), Florida Statutes; relating to funding for the State University System; providing for reduced enrollment; repealing s. 240.271(6), (7), Florida Statutes, relating to biennial quality improvement funding; creating s. 240.312, Florida Statutes; requiring program reviews at community colleges; adding s. 240.319(3)(v), (w), Florida Statutes, 1982 Supplement; providing for community college personnel; creating s. 240.320, Florida Statutes; providing a state policy for the approval of new programs at community colleges; amending s. 240.321, Florida Statutes; correcting a cross reference; amending s. 240.325(5), Florida Statutes; providing for considerations in determining community college tuition fees; amending s. 240.353(1), Florida Statutes; providing for legislative definition of community college full-time equivalent students; amending s. 240.359(1), (3)(c), Florida Statutes, 1982 Supplement, relating to determinations of state financial support for community colleges; repealing s. 240.359(3)(d), Florida Statutes, 1982 Supplement, relating to community college funding for reduced enrollment; creating s. 240.381, Florida Statutes; creating the Florida Academic Improvement Trust Fund for Community Colleges and providing a procedure for the granting of matching funds therefrom; authorizing community colleges and district school boards to use certain funds for certain purposes; repealing s. 240.351, Florida Statutes, relating to determinations of instruction and transportation units for community colleges by the Department of Education; providing for State University System faculty members to be proficient in use of the English language; providing an effective date.

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

On motion by Senator Thomas, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators Thomas, Scott and Margolis—

**SB 8-B**—A bill to be entitled An act relating to unemployment compensation; amending s. 3 of Committee Substitute for Senate Bill 610 as enacted at the regular session of the 1983 Legislature changing the effective date of amendments to provisions relating to the weekly benefit amount; providing an effective date.

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

On motion by Senator Dunn, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Dunn—

**SB 9-B**—A bill to be entitled An act relating to workers' compensation; amending s. 440.20(13)(d), Florida Statutes; limiting certain advance payments; amending s. 440.51, Florida Statutes; modifying the current method of deriving administrative costs; modifying the maximum assessment rate; providing for payment of supplemental benefits; providing for use of a statistical organization; creating s. 440.515, Florida Statutes; providing confidentiality of certain records; reenacting s. 440.56(6), Florida Statutes; relating to administrative costs; providing a rule of construction; providing an effective date.

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

On motions by Senator Thomas, by the required constitutional two-thirds vote of the Senate the following bills were admitted for introduction:

By Senator Thomas—

**SB 10-B**—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; authorizing the department to suspend the association's license until the deposit requirements are satisfied; 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. 638.282, 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.

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

By Senator Thomas—

**SB 11-B**—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. 637.332, 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.

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

By Senator Thomas—

**SB 12-B**—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. 639.164, Florida Statutes; providing for the confidentiality of certain investigation and examination records; 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.

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

By Senator Thomas—

**SB 13-B**—A bill to be entitled An act relating to optometric service plan corporations; creating s. 637.001, Florida Statutes, providing definitions; 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. 637.167, 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.

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

On motion by Senator Beard, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Beard—

**SB 14-B**—A bill to be entitled An act relating to motor vehicles and mobile homes; amending s. 320.01, Florida Statutes, 1982 Supplement; providing definitions; amending s. 320.0105, Florida Statutes; providing legislative intent; amending s. 320.011, Florida Statutes; providing for adoption of rules; providing for administration and enforcement of chapter by the Department of Highway Safety and Motor Vehicles; amending s. 320.02, Florida Statutes; modifying requirements for registration of motor vehicles; amending s. 320.025, Florida Statutes; providing for registration under fictitious name; amending s. 320.03, Florida Statutes, 1982 Supplement; specifying the tax collector as agent of the department; specifying duties of tax collectors; amending s. 320.031, Florida Statutes; providing for delivery of license plates by mail; providing for mail service charge; amending s. 320.04, Florida Statutes, 1982 Supplement; providing service charges for registration-related transactions; amending s. 320.05, Florida Statutes, 1982 Supplement; modifying record keeping requirements; providing for public inspection of registration records; creating s. 320.055, Florida Statutes; specifying registration and renewal periods; modifying registration period for vehicles bearing dealer license plates and certain trucks; amending s. 320.06, Florida Statutes; providing for issuance of license plates and validation stickers; providing renewal procedures; providing a reflectorization fee; creating s. 320.0605, Florida Statutes; requiring that the registration certificate be in possession of the vehicle operator; providing exceptions; creating s. 320.0607, Florida Statutes; providing procedures for replacement of lost or damaged license plates; authorizing department license inspectors to inspect license plates for proper display and to require replacement thereof; creating s. 320.0609, Florida Statutes; providing procedures, requirements, and fees for the transfer or exchange of license plates; amending s. 320.061, Florida Statutes; prohibiting alteration of license plates, mobile home stickers, or validation stickers; providing penalties; amending s. 320.065, Florida Statutes, 1982 Supplement; providing for indefinite registration of certain trailers and semitrailers; specifying that part of the annual fee constitutes a service charge; creating s. 320.0655, Florida Statutes; providing for permanent license plates for governmental entities and volunteer fire departments; amending s. 320.07, Florida Statutes, 1982 Supplement; requiring annual renewal of registration; creating s. 320.0705, Florida Statutes; providing for semiannual registration of certain vehicles; amending s. 320.071, Florida Statutes; providing procedures for advance registration; increasing service charges; amending s. 320.08, Florida Statutes, 1982 Supplement, as amended by s. 52 of chapter 83-3, Laws of Florida; specifying license taxes for vehicles subject to registration; amending s. 320.0803, Florida Statutes; providing procedures for the issuance of moped license plates; providing for limited applicability of the chapter to mopeds; amending s. 320.0805, Florida Statutes, 1982 Supplement; providing for issuance of personalized prestige license plates; providing procedures for transfer of such plates; creating s. 320.0807, Florida Statutes; providing for issuance of special license plates for the Governor and legislators; amending s. 320.081, Florida Statutes; providing for collection and distribution of mobile home license tax revenue; amending s. 320.0815, Florida Statutes; providing procedures and criteria for the taxation of mobile homes and recreational vehicles; increasing service charges; amending s. 320.083, Florida Statutes; providing for issuance of special license plates to amateur radio operators and citizens' band radio operators; amending s. 320.084, Florida Statutes; providing for issuance of free license plates to certain disabled veterans; amending s. 320.0841, Florida Statutes; providing for issuance of free license plates to Miccosukee and Seminole Indian Tribes; amending s. 320.0842, Florida Statutes; providing for issuance of free license plates to veterans confined to wheelchairs; amending s. 320.0843, Florida Statutes; providing for special license plates for wheelchair users; amending s. 320.0848, Florida Statutes; providing for issuance of parking permits to certain handicapped persons; amending s. 320.086, Florida Statutes; providing for special license plates for ancient motor vehicles; requiring that the license tax be paid annually; amending s. 320.087, Florida Statutes; providing for apportioned taxation of intercity buses used in interstate commerce; amending s. 320.089, Florida Statutes, 1982 Supplement; providing for

special license plates for members of the National Guard, active Armed Forces reservists, and ex-prisoners of war; amending s. 320.10, Florida Statutes, 1982 Supplement; providing exemptions from license tax; amending s. 320.13, Florida Statutes; providing for dealer license plates and alternative method of registration; amending s. 320.131, Florida Statutes, 1982 Supplement; providing for the design, sale, use, and regulation of temporary tags by department; specifying the cost of such tags; specifying the period during which such tags are valid; increasing service charges; amending s. 320.14, Florida Statutes; providing procedures for fractional license taxes; amending s. 320.15, Florida Statutes; providing for refund of license taxes under certain conditions; amending s. 320.17, Florida Statutes; authorizing the department to classify vehicles and assess license taxes on such vehicles; amending s. 320.18, Florida Statutes; authorizing the department to withhold the registration of a vehicle; amending s. 320.19, Florida Statutes; providing for creation and enforcement of a lien for unpaid license taxes; amending s. 320.20, Florida Statutes, as amended by s. 53 of chapter 83-3, Laws of Florida; providing for the distribution of license tax revenue; amending s. 320.23, Florida Statutes; declaring that license taxes are compensatory; amending s. 320.26, Florida Statutes; prohibiting certain acts in conjunction with license plates and validation stickers; providing penalties; amending s. 320.261, Florida Statutes; prohibiting attachment of an unassigned license plate; providing penalties; amending s. 320.33, Florida Statutes; prohibiting possession of vehicles from which the identification number has been removed; amending s. 320.37, Florida Statutes; providing exemptions from registration requirements for certain nonresidents; creating s. 320.371, Florida Statutes; providing that the requirements of registration and display of license number plates shall not apply to new automobiles or trucks whose equitable or legal title is vested in a manufacturer, distributor, importer, or exporter and which vehicles are in the custody of a vehicle servicing, processing, and handling agency; requiring such agency to display its name and address on a temporary sign on the vehicle; amending s. 320.38, Florida Statutes, 1982 Supplement; providing conditions under which nonresidents are required to register their vehicles in the state; amending s. 320.39, Florida Statutes, 1982 Supplement; authorizing reciprocal agreements; amending s. 320.51, Florida Statutes; exempting farm tractors and farm trailers from registration requirements; amending s. 320.57, Florida Statutes; providing penalties for violation of provisions of the chapter; amending s. 320.58, Florida Statutes; authorizing the appointment of license inspectors; providing powers and duties; repealing s. 320.0611, Florida Statutes, relating to replacement of lost, stolen or defaced license plates; repealing s. 320.062, Florida Statutes, relating to requirement that certain vehicles be equipped with safety glass prior to registration; repealing s. 320.0835, Florida Statutes, relating to special license plates for citizens' band radio operators; repealing s. 320.088, Florida Statutes, relating to certification requirements for motorcycles manufactures; repealing s. 320.0987, Florida Statutes, relating to front designation license plates for certain emergency service professions; repealing s. 320.09, Florida Statutes, relating to additional seating capacity fees for certain vehicles; repealing s. 320.16, Florida Statutes, relating to tax on for-hire vehicles in interstate commerce collected in the form of a registration fee; repealing s. 320.24, Florida Statutes, relating to prohibition against license taxes imposed by counties or municipalities; repealing s. 320.25, Florida Statutes, relating to obtaining a license plate by false representations; repealing s. 320.351, Florida Statutes, relating to compliance with motor vehicle noise limits as a prerequisite to registration; repealing s. 320.36, Florida Statutes, relating to registration of for-hire vehicles; repealing s. 320.694, Florida Statutes, relating to the advisory council of motor vehicle dealers; providing an effective date.

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

On motion by Senator Thomas, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Thomas—

**SB 15-B**—A bill to be entitled An act relating to life care contracts; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, ss. 651.011-651.132, Florida Statutes; revising, reviving, and readopting, notwithstanding the Sundown Act, s. 651.121, Florida Statutes; amending s. 651.011, Florida Statutes; clarifying, creating, and deleting definitions; amending s. 651.015, Florida Statutes; providing clarifying language; providing for deposit of certain moneys into the Insurance Commissioner's Regulatory Trust Fund; amending s. 651.021, Florida Statutes; requiring Department of Insurance approval for expan-

sion under certain conditions; creating s. 651.022, Florida Statutes; providing for provisional certificate of authority; creating s. 651.023, Florida Statutes; providing for certificate of authority; amending s. 651.026, Florida Statutes; providing clarifying language; amending s. 651.033, Florida Statutes; providing clarifying and conforming language; amending s. 651.035, Florida Statutes; increasing the debt service reserve requirement; providing an operating reserve requirement; amending ss. 651.051, 651.061, 651.065, 651.081, 651.085, 651.091, Florida Statutes, and s. 651.055, Florida Statutes, 1982 Supplement; providing clarifying and conforming language; amending s. 651.095, Florida Statutes; providing for application of Unfair Insurance Trade Practices Act; amending s. 651.105, 651.106, 651.111, Florida Statutes; providing clarifying language; amending s. 651.114, Florida Statutes; requiring the advisory council to report certain findings to the department; amending s. 651.121, Florida Statutes; requiring advisory council members to disclose certain financial interests; amending ss. 651.125, 651.13, 651.132, Florida Statutes; providing conforming and clarifying language; creating s. 651.133, Florida Statutes; providing for provisional certificates of authority issued under prior law; creating s. 651.134, Florida Statutes; providing for investigatory records; amending ss. 154.402, 154.403(5), 154.422, Florida Statutes; including continuing care facilities under the provisions of the State Health Facility Authority; amending s. 381.494(8)(f), Florida Statutes, 1982 Supplement; providing requirements for continuing care facilities; providing an effective date.

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

On motion by Senator Maxwell, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Maxwell—

**SB 16-B**—A bill to be entitled An act relating to education; creating section 229.8053, Florida Statutes; providing legislative intent; creating the Florida High Technology and Industry Council, a not-for-profit corporation; establishing powers and duties of the council; providing for council membership; providing an appropriation; providing for future repeal; amending s. 240.209(3), Florida Statutes, 1982 Supplement; providing for the Board of Regents to set the specific amount of student tuition and matriculation fees; authorizing the board to collect an amount for financial aid purposes; authorizing the board to recommend to the Legislature any proposed changes in the Capital Improvement Trust Fund and building fees; amending s. 240.235(1), Florida Statutes; authorizing each university to establish activity and service, athletic, and health fees; requiring the level of the activity and service, athletic, and health fees to be established by the university president upon recommendation of a committee representative of students and administration, subject to approval by the Board of Regents; providing guidelines for assessment of health fees; creating s. 240.350, Florida Statutes; providing for the collection and allocation of tuition and fees by community colleges; amending s. 240.345(2)(a), Florida Statutes; providing authority for student fees; amending s. 240.533(3), (4), Florida Statutes, 1982 Supplement; providing for certain representative members on the Council on Equity in Athletics; providing for continued funding of women's intercollegiate athletics; providing the level of funding to intercollegiate athletics; providing exceptions by the council; repealing s. 240.325(10), Florida Statutes, relating to the responsibility of the State Board of Education to establish minimum standards regarding the waiver of registration and tuition fees; providing an effective date.

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

On motion by Senator Hair, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Hair—

**SB 17-B**—A bill to be entitled An act relating to crime victims; adding s. 316.660(3), Florida Statutes; providing for the collection and distribution of certain costs and surcharges on criminal traffic offenses; amending s. 960.20, Florida Statutes, 1982 Supplement; increasing the costs imposed for certain offenses from \$10 to \$15 and including within such offenses the violation of certain municipal and county ordinances; providing an effective date.

—which was read the first time by title and referred to the Committee on Corrections, Probation and Parole.

On motion by Senator Hair, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Hair—

**SB 18-B**—A bill to be entitled An act relating to youthful offenders; amending s. 958.021, Florida Statutes; providing legislative intent; amending s. 958.03, Florida Statutes; providing definitions; amending s. 958.04, Florida Statutes; authorizing the court to designate certain persons as youthful offenders; expanding the categories of persons who may be so designated; providing that certain persons may be declared ineligible for such designation and restricting appellate review; amending s. 958.05, Florida Statutes; providing for judicial disposition of youthful offenders; providing circumstances for early termination of probation, community control, or sentence; amending s. 958.06, Florida Statutes; expanding the period in which a court may suspend a sentence and place the defendant in a community control program; authorizing the court to set aside adjudication of guilt; amending s. 958.09, Florida Statutes; requiring the department to adopt rules; amending s. 958.11, Florida Statutes; restricting youthful offender facilities programs and facilities to eligible youthful offenders; authorizing the assignment of certain youthful offenders to institutions not designated for their care and supervision; authorizing the department to assign certain inmates to the youthful offender program; authorizing assignment to a community correctional center under certain circumstances; amending s. 958.12, Florida Statutes; expanding the activities in which a youthful offender may be required to participate; repealing s. 958.08, Florida Statutes, relating to supervision of the community control program; repealing s. 958.10, Florida Statutes, relating to the term of confinement in the community control program for youthful offenders; amending s. 958.14, Florida Statutes, relating to violations of probation; creating s. 958.16, Florida Statutes, providing for hearings for mitigation of the presumptive parole release of youthful offenders; providing for reports to the Legislature; adding a subsection to s. 947.165, Florida Statutes, 1982 Supplement, requiring the Parole and Probation Commission to develop a separate parole guideline schedule for youthful offenders; creating s. 958.17, Florida Statutes; providing for release of youthful offenders; providing effective dates.

—which was read the first time by title and referred to the Committee on Corrections, Probation and Parole.

On motions by Senator Beard, by the required constitutional two-thirds vote of the Senate the following bills were admitted for introduction:

By Senator Beard—

**SB 19-B**—A bill to be entitled An act relating to motor vehicles; amending s. 15, Committee Substitute for Senate Bill No. 968, enacted by the 1983 Legislature in its regular session; changing the effective date; providing an effective date.

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

By Senator Beard—

**SB 20-B**—A bill to be entitled An act relating to eminent domain; amending s. 4 of HB 599, as passed in the 1983 Regular Session of the Legislature; correcting the effective dates with respect to authorizing railroad companies organized under the laws of any other state to exercise the right of eminent domain and with respect to precondemnation negotiations; providing an effective date.

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

By Senator Johnston—

**SB 21-B**—A bill to be entitled An act relating to fiscal matters; creating s. 215.322, Florida Statutes; providing that a state agency may accept credit cards in payment for certain goods and services under specific circumstances; adding s. 215.422(8), Florida Statutes; authorizing the Comptroller to adopt rules; amending s. 216.031(3), Florida Statutes, as amended; changing the reporting of operating cost on the trust fund schedule from a cash basis to a modified accrual basis; amending s. 216.181(7), Florida Statutes, and adding a new subsection (4) to said section, to provide authority to the Executive Office of the Governor to consolidate two or more fixed capital outlay appropriations to improve contract administration and to approve changes in state trust fund appropriations; amending s. 216.192(1), Florida Statutes, as amended,

relating to schedule for releases for fixed capital outlay appropriations; amending s. 216.292(2), (3), Florida Statutes, as amended; renumbering s. 216.292(4), Florida Statutes, and adding new subsections (4), (5), and (6) to said section; providing for the transfer of appropriations for operations, fixed capital outlay, to implement reorganizations authorized by the Legislature, to accounts established for disbursement purposes, and for transfers from the working capital fund; amending s. 216.301(1), Florida Statutes, as amended; adding s. 216.301(2)(c), Florida Statutes, relating to certification of outstanding obligations for operations and fixed capital outlay; providing an effective date.

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

On motion by Senator D. Childers, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator D. Childers—

**SB 22-B**—A bill to be entitled An act relating to mobile home parks and recreational vehicle parks; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, chapter 513, Florida Statutes; amending ss. 125.0104(3)(a), 381.031(1)(g), 513.01, 513.02, 513.03, 513.05, 513.08, 513.10, 713.77, Florida Statutes; creating ss. 513.045, 513.055, 513.13, Florida Statutes; providing definitions; requiring permit; providing authority of Department of Health and Rehabilitative Services; prohibiting improper disposal; providing for enforcement; providing penalties; requiring fees; providing for revocation of permit; authorizing eviction from recreational vehicle parks for certain violations; amending s. 633.05(8), Florida Statutes; transferring regulatory authority for fire safety standards from the Department of Health and Rehabilitative Services to the State Fire Marshal; allowing to stand repealed under the Regulatory Sunset Act ss. 513.04, 513.06, 513.07, 513.09 and 513.12, Florida Statutes, relating to issuance of permits, rules to be posted in camps, parking of trailer on watersheds, maintaining camp without permit, and obtaining accommodations with intent to defraud; providing for legislative review; providing an effective date.

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

On motions by Senator Thomas, by the required constitutional two-thirds vote of the Senate the following bills were admitted for introduction:

By Senator Thomas—

**SB 23-B**—A bill to be entitled An act relating to service warranty associations; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, ss. 634.401-634.409, 634.411-634.417, and 634.419-634.431, Florida Statutes; relating to the regulation of service warranty associations; amending ss. 634.401(2), (9), (14), Florida Statutes, 1982 Supplement, ss. 634.404, 634.405, 634.406, 634.407(4), 634.408, 634.409(1), (2)(a), (d), 634.412(3), (4), 634.413, 634.415(3), 634.416, 634.417, 634.420, 634.421, 634.423, 634.424, 634.425, 634.426(1), 634.427, 634.429, Florida Statutes; adding ss. 634.401(17), 634.409(2)(f), Florida Statutes; adding s. 634.422(11), Florida Statutes; creating ss. 634.4145, 634.4165, 634.432, 634.433, 634.434-634.443, Florida Statutes; providing definitions; providing that license issuance requirements apply to license renewals; deleting obsolete language; providing deposit requirements for warrantors; phasing out letters of credit used in place of deposits; permitting the purchase of contractual liability insurance instead of maintaining an unearned premium reserve; providing that license application fees be nonrefundable upon denial of license; providing conforming language; providing grounds for refusal, suspension, or revocation of license; deleting requirement for notification of license reinstatement; providing grounds for disapproval of forms; providing grounds for waiver of examination requirement; providing for discretionary examination of qualifying associations; requiring office records; providing for service of process; providing for biennial registration of sales representatives; prohibiting the reissuance of a registration revoked twice; providing administrative fines; requiring that the department be notified before merger or consolidation of warranty associations; providing for civil remedies; providing that active department investigations are confidential pending completion; prohibiting unfair methods of competition and unfair acts; authorizing the department to investigate such practices; requiring the department to conduct hearings; providing for cease and desist orders; providing administrative penalties; providing for appeals; providing for injunctive relief; providing that department action does not abrogate

other remedies; allowing to stand repealed pursuant to the Regulatory Sunset Act, ss. 634.410, 634.418, Florida Statutes; relating to license suspension procedures and serving process; providing for legislative review; providing retroactivity; providing an effective date.

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

By Senator Thomas—

**SB 24-B**—A bill to be entitled An act relating to home warranty associations; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, ss. 634.301-634.329, Florida Statutes, relating to the regulation of home warranty associations; amending s. 634.301(3), (5)-(7), Florida Statutes, and adding subsections (11)-(16) to said section; amending ss. 634.304, 634.305, 634.306(4), 634.307, 634.308, 634.310(1), 634.311(4), 634.313(1), (2), 634.315, 634.317, 634.318, 634.319, 634.321, 634.322, 634.323(1), 634.324, 634.326, Florida Statutes; adding s. 634.320(11), Florida Statutes; creating ss. 634.3045, 634.3112, 634.3125, 634.3126, 634.3135, 634.3225, 634.3275, 634.3284, 634.3285, 634.335-634.345, Florida Statutes; providing definitions; providing qualifications for renewal of license; requiring an unearned premium reserve fund; specifying minimum required net assets; providing for contractual liability insurance in lieu of an unearned premium reserve; eliminating letters of credit; prohibiting refund of license fee upon denial of license; providing for administrative fines in lieu of suspension or revocation of license; providing for disapproval of forms; providing for rates to be filed for informational purposes; specifying contents of annual statements; providing minimum requirements for office records and permitting computer records; revising requirements for service of process; requiring registration of certain real estate brokers; providing for biennial registration of sales representatives; providing grounds and procedures for suspension or revocation of registration; specifying duration of suspension or revocation; increasing administrative fines imposed in lieu of suspension or revocation of registration; providing fees; providing for confidentiality of investigative records; providing for civil remedies; requiring departmental approval of mergers or consolidations of associations; prohibiting unfair methods of competition and unfair trade practices; defining unfair trade practices; providing the department powers; providing remedies for violations; prohibiting coercion of debtors; requiring buyer's right to cancel; allowing to stand repealed pursuant to the Regulatory Sunset Act, s. 634.316, Florida Statutes, relating to service of process; providing for legislative review; providing retroactivity; providing an effective date.

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

On motions by Senator Margolis, by two-thirds vote SB 4-B was withdrawn from the Committee on Finance, Taxation and Claims and by unanimous consent taken up instant.

On motion by Senator Margolis, by two-thirds vote—

**SB 4-B**—A bill to be entitled An act relating to state financial matters; amending ss. 215.20, 215.37(3), 570.20, 376.11(5), 350.113(2), 378.101(1)(i), 211.32(1)(f), 211.02(1), 718.509, 498.019, 721.28, 655.049, 267.051(2)(d), 493.316, 960.21(3), Florida Statutes; amending ss. 378.031(1), 395.512, 601.15(7)(a), (b), 601.151(5), 601.152(9)(a), 601.154(14)(a), Florida Statutes, 1982 Supplement; amending ss. 206.60(2)(a), 206.605(2), 215.22, Florida Statutes, as amended by chapter 83-3, Laws of Florida; increasing the service charge imposed on certain moneys and trust funds; applying the service charge to certain trust funds; adding s. 215.44(5), Florida Statutes; exempting certain investment transactions from chapter 287, Florida Statutes; amending s. 206.875(1), Florida Statutes; providing for the applicability of a service charge to the taxes levied on special fuels under part II of chapter 206, Florida Statutes; adding s. 215.26(4), Florida Statutes, providing that said section is the exclusive remedy for refunds between individual funds and accounts in the State Treasury; amending s. 336.025(2), Florida Statutes, as created by chapter 83-3, Laws of Florida, providing for applicability of the service charge to the Local Option Gas Tax Trust Fund; specifying applicability; providing for retroactive operation; providing a retroactive effective date.

—was read the second time by title.

Senators Kirkpatrick, Thomas and Grant offered the following amendment which was moved by Senator Kirkpatrick:

**Amendment 1**—On page 9, line 22, after "215" insert: , *except that funds collected for peanut, soybean, and tobacco marketing orders shall pay at the rate of 3 percent*

On motion by Senator Margolis, further consideration of SB 4-B was deferred.

On motion by Senator Barron, the rules were waived and the Committee on Appropriations was granted permission to meet at 2:00 p.m. this day.

On motion by Senator Barron, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to meet at 12:00 noon this day.

On motion by Senator Barron, the rules were waived and the Committee on Transportation was granted permission to meet at 11:30 a.m. this day.

#### VETOED BILLS 1983 REGULAR SESSION

Honorable Curtis Peterson  
President of the Senate

June 9, 1983

Dear President Peterson:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8 of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Senate Bill 319, enacted by the 1983 Regular Session, and entitled:

An act relating to the City of Sanford, Florida; amending s. 1, chapter 65-2213, Laws of Florida; granting unto the City of Sanford, Florida fee simple title to a portion of the bottom of Lake Monroe owned or controlled by the State of Florida for the purposes of establishing a marina and commercial complex; describing said grant; providing an effective date.

The 1965 Legislature conveyed ownership of a portion of the bottom of Lake Monroe to construct the present marina, which consists of 110 slips. This bill would convey ownership of additional lake bottom to expand the marina by 80 slips.

Article X, Section 11, Florida Constitution was adopted in 1970 and provides for the sale of state lands under navigable waters when it is in the public interest. Private use of such lands is also provided for when authorized by law, but only when not contrary to public interest. No provision is made for granting such land for commercial revenue generating activities, such as a marina or other business complex.

Section 253.02(2), Florida Statutes, provides the Board of Trustees of the Internal Improvement Trust Fund shall not sell, transfer, or otherwise dispose of any lands whose title is vested in the Board, except by a vote of at least five of the seven Trustees. This bill circumvents this provision by legislatively mandating an action that is within the realm of the executive branch and clearly a responsibility of the Trustees.

The facility proposed for this state-owned submerged land is a commercial revenue generating activity which requires a lease and payment of a lease fee under current rules and policies. Under this bill, the current rules and policies governing submerged lands would be preempted and the State deprived of the lease income revenue. It has been the policy of the Trustees to require payment for lease of state sovereign land for both private and local governmental entities alike when such lands are used for a profit. This bill makes the City of Sanford an exception to this long standing policy.

For the above reasons, I am withholding my approval of Senate Bill 319, Regular Session of the Legislature, commencing on April 5, 1983, and do hereby veto the same.

Sincerely,  
Bob Graham  
Governor

Honorable Curtis Peterson  
President of the Senate

June 9, 1983

Dear Mr. President:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8 of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Senate Bill 619, enacted by the 1983 Regular Session, and entitled:

An act relating to alcohol abuse; amending s. 396.161, Florida Statutes; authorizing a county or municipality to adopt an ordinance prohibiting a person from being publicly intoxicated after having left an alcohol treatment program under certain circumstances or from causing or participating in a public disturbance while intoxicated; providing penalties; requiring separate minimum security incarceration; requiring alcohol education programs; authorizing local governments to jointly construct and operate facilities; providing an effective date.

This bill allows any county or municipality to adopt an ordinance which would make public intoxication in certain situations a criminal violation punishable by a fine of not more than \$500 and incarceration for not more than 60 days at a minimum security facility.

While incarcerated, the violator would be required to participate in an alcohol abuse education program provided by local government.

Persons could be fined and incarcerated for two offenses. The first involves those who are intoxicated, appear incapacitated and who have failed to complete an alcoholism treatment program two or more times during the preceding twelve months. The second involves those who are intoxicated and cause or participate in a public disturbance.

In 1971, the Florida Legislature enacted a comprehensive revision of its state laws dealing with intoxication and alcoholism, known as the Myers Act. Laws making criminal offenses of public intoxication, public drinking and being a common drunkard were repealed. Ordinances making these, or similar acts or conditions criminal offenses were prohibited.

Since adoption of the Myers Act, this State's public policy has been to provide a continuum of services for the treatment of the alcoholic which would encourage the voluntary admission of such persons into treatment programs. This bill represents a major departure from that policy.

The first offense enumerated in s. 396.161(2)(a)(1), would provide for the incarceration of those who appear intoxicated in public and have voluntarily sought treatment on two separate occasions during the preceding twelve months. This provision would tend to discourage those who might otherwise seek treatment since if they did so unsuccessfully, they would run the risk of prosecution and involuntary commitment to treatment. Recognition and acceptance by the individual of his alcoholism is the first step toward successful treatment of the disease. Therefore, public policy should not discourage individuals from deciding to enter treatment programs voluntarily.

This legislation seeks to address a continuing social problem to which there are no easy answers. However, in attempting to mandate treatment for alcoholics, the bill would once again make alcoholism a crime. This is in direct conflict with the intent of the Myers Act and the repeal of our previous criminal provisions relating to drunkenness. Policymakers should explore alternatives consistent with this state's previously announced policy that alcoholism is a disease for which treatment is the appropriate response.

For the above reasons, I am withholding my approval of Senate Bill 619, Regular Session of the Legislature, commencing on April 5, 1983, and do hereby veto the same.

Sincerely,  
*Bob Graham*  
 Governor

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.

#### **CORRECTION AND APPROVAL OF JOURNAL**

The Journals of June 3 and 9 were corrected and approved.

On motion by Senator Barron, the Senate adjourned at 11:21 a.m. to reconvene at 10:00 a.m., Thursday, June 16.