



Journal of the Senate

Number 2—Special Session B

Thursday, June 16, 1983

The Senate was called to order by the President at 10:00 a.m. A quorum present—39:

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

Excused: Senator Malchon at 4:00 p.m.; Senator Gordon

Prayer by Joe Brown, Secretary of the Senate:

O Lord, give us the strength and wisdom to get the job done — right — and soon. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, June 16, 1983: SB 5-B, SB 10-B, SB 11-B, SB 12-B, SB 13-B, SB 15-B, SB 22-B, SB 23-B, SB 24-B, SB 18-B, SB 19-B, SB 20-B, SB 14-B, SB 8-B, SB 9-B

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Transportation recommends the following pass: SB 14-B, SB 19-B, SB 20-B

The Committee on Appropriations recommends the following pass: SB 1-B, SB 6-B, SB 7-B, SB 16-B, SB 21-B

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

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 2-B

The bill with committee substitute attached was placed on the calendar.

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 3-B was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Barron, the rules were waived and by two-thirds vote Senate Bills 1-B, 2-B, 3-B and 4-B were placed at the beginning of the special order calendar.

INTRODUCTION AND REFERENCE OF BILLS

By Senator Johnston—

SB 26-B—A bill to be entitled An act relating to the law enforcement and correctional officer salary incentive program; adding s. 943.22(4), Florida Statutes; providing that individuals in the senior management service are not eligible for salary incentive benefits; providing an effective date.

—was referred to the Committee on Appropriations.

By Senator Johnston—

SB 27-B—A bill to be entitled An act relating to fixed capital outlay projects; amending s. 255.30, Florida Statutes, providing for delegation of accounting records of certain fixed capital outlay projects; providing an effective date.

—was referred to the Committee on Appropriations.

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

By Senator D. Childers—

SB 28-B—A bill to be entitled An act relating to health care; adding s. 626.9541(25), Florida Statutes, 1982 Supplement; creating ss. 627.6371, 627.6691, Florida Statutes; allowing insurers or groups of insurers providing individual health insurance or group, blanket, or franchise health insurance to contract with licensed health care providers for alternative rates of payment and to limit payments pursuant to a contract with the insured to rates charged by such providers; providing that such contracts for alternative rates not be construed as a deceptive or unfair trade practice or as a violation of antitrust laws; providing an effective date.

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

By Senator D. Childers—

SB 29-B—A bill to be entitled An act relating to medical assistance; amending s. 409.266(2), Florida Statutes, 1982 Supplement; deleting reference to demonstration projects on evaluation of certain health care services contracts between the Department of Health and Rehabilitative Services and health units; authorizing the department to contract with certain health care providers and health insurers for the provision of health care services to persons eligible for Medicaid services; providing an exemption from regulation as health maintenance organizations; providing an effective date.

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

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

By Senator Myers—

SB 30-B—A bill to be entitled An act relating to pugilistic exhibitions; creating s. 14.27, Florida Statutes; creating the State Athletic Commission under the Department of Business Regulation; providing for appointment of members; creating ss. 548.041-548.49, Florida Statutes; providing for compensation and terms of office of members of the commission; providing for the adoption of rules; providing for an executive secretary and defining his duties; providing definitions; regulating boxing in the state; exempting schools and Olympic events; granting exclusive jurisdiction over all boxing matches to the commission; providing rules and requirements for boxing; establishing a minimum age for boxers; requiring a physician, referees, and judges to be in attendance; establishing weight and class limitations, methods of scoring, and other safety regulations; providing for certain disclosure; prohibiting collusive or sham contests; regulating purses and their disbursement; providing for hearings; requiring insurance; requiring certain persons to be licensed; requiring permits for boxing matches; establishing procedures for licensing; establishing license and permit fees; requiring the disclosure of receipts from boxing contests; establishing a percent gross receipts tax; providing penalties; establishing a medical advisory board; regulating the contracts and tickets of admission relating to boxing matches; requiring certain persons to post bond or other security prior to licensing; authorizing the commission to hold hearings, to issue subpoenas, to suspend or revoke licenses, and to impose fines; providing criminal penalties; prohibiting certain conflicts of interest; repealing ss. 548.01-548.04, Florida Statutes, relating to pugilistic exhibitions; providing for future repeal and review; providing an effective date.

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

On motions by Senator Barron, the rules were waived and by two-thirds vote SB 30-B was withdrawn from the Committee on Commerce and by two-thirds vote placed at the end of the special order calendar.

FIRST READING OF COMMITTEE SUBSTITUTE

By the Committee on Natural Resources and Conservation and Senator Margolis—

CS for SB 2-B—A bill to be entitled An act relating to capital improvements by municipalities; amending s. 170.01, Florida Statutes, 1982 Supplement, as amended; removing authority of municipalities to provide certain capital improvements and to levy special assessments therefor; prescribing restrictions on municipal special assessments for such improvements; providing an effective date.

SPECIAL ORDER

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 second time by title.

Senator Neal moved the following amendments which were adopted:

Amendment 1—

| | | | |
|--|---------|---------|---------|
| Section 01, page 7 Item 66 | Strike: | Insert: | |
| 66 Special Categories Promotional Awards From General Revenue Fund | | | 110,000 |

Amendment 2—

| | | | |
|---|----------------------------|----------------------------|-----------|
| Section 01, page 7 Item 69 | Strike: | Insert: | |
| 69 Salaries & Benefits From General Revenue Fund | Positions 431 4,850,119 | Positions 431 5,754,247 | |
| | From General Inspection TF | 2,633,743 | 1,729,615 |

Amendment 3—

Section 01, page 7

After Item 69 strike the proviso and insert the following new proviso:

Six positions and related funding provided in Specific Appropriation 69 shall be used for pesticide review and evaluation. These positions shall be experts in the field of toxicology, hydrology, and biology.

Amendment 4—

| | | | |
|--|---------|---------|-----------------|
| Section 01, page 7 Item 71 | Strike: | Insert: | |
| 71 Expenses From General Revenue Fund | | | 815,922 825,922 |

Amendment 5—

| | | | |
|--|--------------------------|----------------------------|--|
| Section 01, page 9 Item 96 | Strike: | Insert: | |
| 96 Salaries and Benefits From General Inspection TF | Positions 453 830,560 | Positions 520 1,812,101 | |

Amendment 6 —

| | | | |
|--|----------------------------|----------------------------|-----------|
| Section 01, page 10 Item 102 | Strike: | Insert: | |
| 102 Salaries and Benefits From General Revenue Fund | Positions 426 3,735,864 | Positions 477 3,833,796 | |
| | From General Inspection TF | 3,263,283 | 4,084,332 |

Amendment 7 —

| | | | |
|---|----------------------------|----------------------------|-------------------|
| Section 01 | Strike: | Insert: | |
| Department of Banking and Finance | | | |
| Accounting and Auditing | | | |
| 135 Salaries and Benefits From General Revenue Fund | Positions 212 4,191,425 | Positions 123 2,281,922 | |
| 137 Expenses From General Revenue Fund | | | 4,859,048 612,151 |
| State Automated Management Accounting System Data Center | | | |
| 141 Salaries and Benefits From General Revenue Fund | Positions 0 0 | Positions 103 2,220,503 | |
| 142 Expenses From General Revenue Fund | | | 0 5,007,673 |
| 143 Operating Capital Outlay From General Revenue Fund | | | 0 1,011,783 |

Amendment 8 —

| | | | |
|---|---------------------------|----------------------------|-----------------|
| Section 01, page 15 Items 171 & 172 | Strike: | Insert: | |
| 171 Salaries & Benefits From Hotel & Restaurant TF | Positions 88 1,695,937 | Positions 112 2,130,326 | |
| 172 Expenses From Hotel & Restaurant TF | | | 351,497 434,483 |

Amendment 9—

| | | | |
|--|----------------------------|----------------------------|-------------------|
| Section 01, page 16 Items 183, 185, 187B | Strike: | Insert: | |
| 183 Salaries & Benefits From General Revenue Fund | Positions 181 3,876,036 | Positions 247 5,303,445 | |
| 185 Expenses From General Revenue Fund | | | 863,579 1,141,372 |
| 187B Special Categories Operation & Maintenance of Motor Vehicles From General Revenue Fund | | | 129,713 192,818 |

Amendment 10—

| | | | |
|---|---------|---------|-------------|
| Section 01 Item 211, 1338 | Strike: | Insert: | |
| After Item 211 insert new item 211A Aid to Local Government Grants and Aids From Grants & Donations TF | | | 0 2,000,000 |

Funds provided in Specific Appropriation 211A shall be disbursed to Polk County for the cost of the Lakeland circumferential route that traverses Kells parcel A, Kells parcel B and Holloway parcels B, C, and D

After item 1338 insert new item:

| | | | |
|---|--|--|-------------|
| 1338A Lump Sum Transfer to Department of Commerce Division of Economic Development Grants and Donations Trust Fund From Nonmandatory Land Reclamation Trust Fund | | | 0 2,000,000 |
|---|--|--|-------------|

Amendment 11—

| | | | |
|------------------------------|---------|---------|--|
| Section 01 Items 213, 533 | Strike: | Insert: | |
|------------------------------|---------|---------|--|

213 Lump Sum
 Economic Development - Transportation
 Projects
 From General Revenue 1,300,000 3,383,000

Funds in Specific Appropriation 213 are to be used only as consideration to attract new employment opportunities to this state or expanded employment opportunities from existing companies, and that the funds used are not to be construed as a grant program to be distributed after the fact to industries or facilities to whom commitments have not been made as consideration for their site selection in this state.

533 Special Categories
 Hazardous Waste Sites
 Restoration
 From General Revenue Fund 2,082,500 0
 Strike proviso following Item 533.

Amendment 12—

Section 01 Strike: Insert:
 Item 214

214 Special Categories
 Paid Advertising and
 Promotion
 From General Revenue Fund 1,045,615 1,270,615

Amendment 13—

Section 01, pages 82-84 Strike: Insert:
 Item

528 Salaries & Benefits Positions 822 Positions 868
 From General Revenue Fund 12,737,883 13,588,607

529 Other Personal Services
 From General Revenue Fund 250,000 2,140,000

530 Expenses
 From General Revenue Fund 2,838,019 3,062,419

532 Operating Capital Outlay
 From General Revenue Fund 368,935 586,311

538 Data Processing Services
 From General Revenue 764,905 839,905

Amendment 14—

Section 01 Strike: Insert:
 Item

Highway Safety & Motor Vehicles
 860 Salaries & Benefits Positions 241 Positions 245
 From General Revenue Fund 4,066,158 4,144,027

866 Strike Proviso following item 866

870 Operating Captial Outlay
 From Reimbursement TF 20,395 332,987

875 Salaries & Benefits Positions 1,098 Positions 1,106
 From General Revenue Fund 8,761,642 8,856,745

880 Strike Proviso following item 880

881 Salaries & Benefits Positions 514 Positions 492
 From General Revenue Fund 7,435,508 7,096,215

883 Expenses
 From General Revenue Fund 2,655,368 2,614,553

884 Operating Capital Outlay
 From General Revenue Fund 476,786 444,412

886 Data Processing Services
 From General Revenue Fund 3,680,103 3,679,887

Senator W. D. Childers presiding

Amendment 15—

Section 01 Strike: Insert:
 Items 867, 870, 890

Highway Safety & Motor Vehicles
 Florida Highway Patrol

867 Salaries & Benefits
 From General Revenue Fund 40,122,454 40,190,766

870 Operating Capital Outlay
 From General Revenue Fund 248,460 388,460
 From Grants and Donations TF 390,000 250,000

890 Special Categories
 Contractual Data Entry Services
 From Working Capital TF 181,026 62,608

Amendment 16—

Section 01 Strike: Insert:

Highway Safety and Motor Vehicles
 Division of Driver Licenses

875 Salaries and Benefits 1,098 1,104
 From General Revenue Fund 8,751,642 8,838,846

876 Other Personal Services
 From General Revenue Fund 229,198 232,198

877 Expenses
 From General Revenue Fund 3,939,528 3,969,892

878 Operating Capital Outlay
 From General Revenue Fund 10,646 23,584

880 Data Processing Services
 From General Revenue Fund 4,579,166 4,592,837

Amendment 17—

Section 01 Strike: Insert:

898 Salaries and Benefits Positions 44 Positions 46
 From General Revenue 702,465 728,527

900 Expenses
 From General Revenue Fund 232,752 252,852
 From Insurance Commissioner's
 Regulatory TF 24,378 49,378

Amendment 18—

Section 01 Strike: Insert:

903 Salaries and Benefits Positions 83 Positions 90
 From Insurance Commissioner's
 Regulatory TF 2,071,281 2,229,612

905 Expenses
 From Insurance Commissioner's
 Regulatory TF 493,125 496,125

906 Operating Capital Outlay
 From Insurance Commissioner's
 Regulatory TF 7,955 10,955

Amendment 19—

| | | |
|---|--------------|--------------|
| Section 01 | Strike: | Insert: |
| 908 Salaries and Benefits | Positions 85 | Positions 94 |
| From Insurance Commissioner's Regulatory TF | 2,077,019 | 2,219,843 |

| | | |
|---|---------|---------|
| 910 Expenses | | |
| From Insurance Commissioner's Regulatory TF | 818,579 | 861,092 |

| | | |
|---|-------|-------|
| 911 Operating Capital Outlay | | |
| From Insurance Commissioner's Regulatory TF | 7,202 | 8,614 |

Amendment 20—

| | | |
|---|---------------|---------------|
| Section 01 | Strike: | Insert: |
| 917 Salaries and Benefits | Positions 120 | Positions 234 |
| From Insurance Commissioner's Regulatory Trust Fund | 2,521,574 | 3,900,190 |

After 917 insert proviso:

Funds provided in Specific Appropriation 917 contemplate a reduction of 28 F.T.E.'s in the Division of Consumer Services' field offices by October 1, 1983. In addition, after implementation of the computerized data system in the field offices, an additional 10 F.T.E.'s shall be deleted from the Bureau of Field Operations. The Department shall provide a report of these actions to the Legislature no later than February 1, 1984.

| | | |
|---|---------|-----------|
| 919 Expenses | | |
| From Insurance Commissioner's Regulatory Trust Fund | 603,837 | 1,037,459 |

After 919 insert proviso:

Using funds provided in Specific Appropriation 919, the Division of Consumer Services shall do the following: 1) Conduct an equivalent of one consumer outreach presentation per week per professional employee in the field offices. The Department of Insurance shall provide a report of these activities to the Legislature no later than February 1, 1984. 2) Disseminate educational material including pre-sale information, policy and coverage analyses, and service experience ratings of agents and companies. 3) Develop a plan for implementation of a centralized WATS line complaint service and a plan for conversion of hand graded essay exams for licenses to machine graded objective testing. The Division shall provide these plans to the Legislature no later than January 15, 1984.

After Item 920 insert new Item:

| | | |
|---|--|---------|
| 920A Lump Sum | | |
| Automation of Field Office Activities | | |
| From Insurance Commissioner's Regulatory Trust Fund | | 200,000 |

Insert new proviso:

Funds in Specific Appropriation 920A shall be used by the Division for the acquisition of equipment, data processing software, WATS lines, and other devices for automation of field office activities. Pursuant to s. 216.181(3), Florida Statutes, the funds shall be released upon approval of a plan by the Executive Office of the Governor in consultation with the House and Senate Appropriations Committees.

| | | |
|---|---------|---------|
| 921 Data Processing Services | | |
| From Insurance Commissioner's Regulatory Trust Fund | 469,820 | 426,601 |

Amendment 21—

| | | |
|------------|---------|---------|
| Section 01 | Strike: | Insert: |
|------------|---------|---------|

| | | |
|----------------------------|--------------|--------------|
| 930 Salaries and Benefits | Positions 41 | Positions 44 |
| From Casualty Insurance TF | 832,617 | 874,207 |
| From Fire Insurance TF | 96,393 | 106,666 |

Amendment 22—

| | | |
|------------------------------------|---------|-----------|
| Section 01, page 162 | Strike: | Insert: |
| After Item 1313 insert new Item: | | |
| 1313A Lump Sum | | |
| Transfer to Special Acquisition TF | | |
| From CARL TF | 0 | 8,500,000 |

Section 03, page 199

| | | |
|-------------------------------------|---|-----------|
| After Item 1668A insert new Item: | | |
| 1668B Fixed Capital Outlay | | |
| North Dade County Land Purchase | | |
| From Special Acquisition Trust Fund | 0 | 8,500,000 |

The funds in Specification Appropriation 1668B shall be used to acquire approximately 300 acres of land in North Dade County from the City of North Miami.

Amendment 23—

| | | |
|-------------------------------|---------------|---------------|
| Section 01, pages 166 and 167 | Strike: | Insert: |
| 1349 Salaries and Benefits | Positions 385 | Positions 403 |
| From General Revenue Fund | 6,174,844 | 6,489,262 |
| From Motorboat Revolving TF | 1,305,346 | 1,330,546 |

| | | |
|---------------------------|---------|---------|
| 1351 Expenses | | |
| From General Revenue Fund | 880,673 | 909,673 |

| | | |
|---|-----------|-----------|
| 1354 Special Categories | | |
| Acquisition and Replacement of Motor Vehicles | | |
| From General Revenue Fund | 1,576,818 | 1,680,818 |

| | | |
|--|-----------|-----------|
| 1355 Special Categories | | |
| Operation and Maintenance of Patrol Vehicles | | |
| From General Revenue Fund | 2,474,917 | 2,330,563 |

Amendment 24—

| | | |
|---------------------------------------|-----------|-----------|
| Section 01 | Strike: | Insert: |
| Department of Professional Regulation | | |
| 1368 Other Personal Services | | |
| From Professional Regulation TF | 5,114,589 | 5,147,049 |

Senator Neal moved the following amendment:

Amendment 25—

| | | |
|-------------------------------|------------|------------|
| Section 01 | Strike: | Insert: |
| Item | | |
| Department of Transportation | | |
| 1498 Aid to Local Governments | | |
| Mass Transit Matching Grants | | |
| From General Revenue Fund | 1,955,000 | 1,603,000 |
| From Grants and Donations TF | 500,000 | 175,000 |
| From Working Capital TF | 12,920,000 | 32,130,000 |

Funds provided for Urban Fixed Guideway Projects require an equal amount of local match funds be committed for each state appropriation in FY 1982-83 and FY 1983-84 prior to or coinciding with the commitment of state funds appropriated for each project in Specific Appropriation 1498.

| | | |
|--|-------------|-------------|
| 1499A Special Categories Engineering & Planning Consultants From Grants and Donations TF | 110,000 | 75,000 |
| 1503 Special Categories Public Transportation Structures Improvements From General Revenue Fund | 1,000,000 | 1,200,000 |
| 1504 Special Categories Purchase of Railroad Right of Way From Working Capital TF | 2,350,000 | 4,850,000 |
| 1521 Interstate Design Consultants From Working Capital TF | 6,445,000 | 6,947,000 |
| 1522 Special Categories Other Federal Aid Design Consultants From Working Capital TF | 0 | 1,000,000 |
| 1523 Special Categories Overtime From Working Capital TF | 17,223 | 472,223 |
| 1525 Special Categories Right of Way Land Acquisition From Working Capital TF | 158,186,000 | 259,886,000 |
| 1526 Special Categories Right-of-Way OPS Fees From Working Capital TF | 12,770,500 | 10,115,400 |
| 1527 Special Categories State 100% Design Consultants From Working Capital TF | 11,812,000 | 12,012,000 |
| 1527A Special Categories Traffic Operations Design Consultants From Working Capital TF | 775,000 | 1,583,000 |
| 1530 Salaries & Benefits Positions 1,489 From Working Capital TF | 32,048,306 | 32,149,444 |
| 1534 Special Categories Construction Inspection Consultants From Working Capital TF | 9,777,000 | 16,650,000 |
| 1535 Special Categories Consultant Fees From Working Capital TF | 700,000 | 850,000 |
| 1536 Special Categories Other Federal Aid Road Construction Contracts From Working Capital TF | 123,800,000 | 111,713,500 |
| 1537 Special Categories Other Federal Aid Traffic Operations From Working Capital TF | 12,200,000 | 21,000,000 |
| 1538 Special Categories Interstate Road Construction Contracts | | |

| | | |
|--|-------------|-------------|
| From Working Capital TF | 127,300,000 | 137,100,000 |
| 1541 Special Categories Other Federal Aid Resurfacing Contracts From Working Capital TF | 20,000,000 | 32,000,000 |
| 1545 Special Categories State 100% Resurfacing Construction Contracts From Working Capital TF | 68,000,000 | 54,000,000 |
| 1546 Special Categories Other State 100% Road Construction Contracts From Working Capital TF | 117,000,000 | 78,000,000 |
| 1547 Special Categories Traffic Operations Construction Contracts From Grants & Donations TF | 2,390,000 | 0 |
| 1550 Salaries & Benefits Positions 4,661 From Working Capital TF | 72,097,857 | 72,652,911 |
| 1568 Operating Capital Outlay From Working Capital TF | 9,176,408 | 12,176,408 |
| 1562 Special Categories Traffic Systems Development Consultants From Grants & Donations TF | 0 | 1,612,500 |

Senators Scott, Jenne and Stuart offered the following amendment to Amendment 25 which was moved by Senator Scott and adopted:

Amendment 25A—

| | | |
|--|---------|---------|
| Section 01 | Strike: | Insert: |
| Item 1498 | | |
| DOT, Division of Public Transportation | | |

After item 1498 strike the proviso and insert the following proviso: Funds provided for the Orlando, Tampa, and Ft. Lauderdale Downtown People Movers require 100% matching funds from those local governments before those projects proceed beyond preliminary engineering and environmental impact analysis.

Amendment 25 as amended was adopted.

Senator Neal moved the following amendments which were adopted:

Amendment 26—

| | | |
|---|-----------------------------|-----------------------------|
| Section 01 | Strike: | Insert: |
| Department of Transportation 1487 Salaries and Benefits From Working Capital TF | Positions 535 12,129,949 | Positions 545 12,261,986 |
| 1489 Expenses From Working Capital TF | 5,284,548 | 5,289,548 |
| 1506 Salaries and Benefits From Working Capital TF | 231 6,074,816 | 229 6,038,241 |

Amendment 27—

| | | |
|--|---------|---------|
| Section 02, page 186 After item 1578A insert new items: | Strike: | Insert: |
| Fixed Capital Outlay Transfer to Market Improvements | | |

| | |
|--|---------|
| Working Capital Trust Fund From General Revenue Fund | 425,000 |
| Fixed Capital Outlay Lump Sum/Market Improvements From Market Improvements Working Capital Trust Fund | 425,000 |

Senator Maxwell moved the following amendments which were adopted:

Amendment 28—

Section 01, page 45
Item 378

In the third paragraph of proviso language on page 45 following Item 378 which begins with "From the amount appropriated" strike all of the language in the third and fourth paragraphs.

Amendment 29—

| | | |
|--|-------------|-------------|
| Section 01, page 46 Item 378 | Strike: | Insert: |
| In the proviso on page 46, following Item 378 in the first full paragraph of proviso on the first line | 1,380.29 | 1,422.26 |
| In the fourth full paragraph of proviso on the second line | 859,903,385 | 922,973,999 |

Amendment 30—

| | | |
|--|-------------|-------------|
| Section 01, page 60 Items 423 and 431 | Strike: | Insert: |
| 423 Aid to Local Governments Community College Program Fund From General Revenue Fund | 293,651,662 | 298,599,363 |
| 431 Special Categories Scientific and Technical Instructional Equipment From General Revenue Fund | 4,947,701 | -0- |

Amendment 31—

| | | |
|--|-----------|-----------|
| Section 01, page 63 Item 425 | Strike: | Insert: |
| Special Categories College Level Academic Skills Test/Gordon Rule Impact From General Revenue | 3,200,000 | 6,200,000 |

Amendment 32—

| | | |
|--|---------|---------|
| Section 01, page 63 Item 425 | Strike: | Insert: |
| Following Item 425 insert a new item: | | |
| 425A Special Categories Cooperative Agreements - Statewide Study From General Revenue | | 35,000 |

and insert the following proviso: The funds in specific appropriation 425A are to be used by Brevard Community College to conduct a study to promote cooperative agreements and to avoid duplication of services between community colleges and the local school boards. The college shall report the results of the study to the legislature prior to March 1, 1984. The funds may be used for travel per diem and other expenses needed to conduct the state-wide study.

Amendment 33—

| | | |
|---|---------------------------|---------------------------|
| Section 01, page 73 Item 456 | Strike: | Insert: |
| 456 Lump Sum Engineering Enhancement and Growth From General Revenue | Positions 19 1,148,000 | Positions 34 4,948,000 |

Amendment 34—

| | | |
|--|---------|----------------------------|
| Section 01, page 73 New item following Item 457 | Strike: | Insert: |
| Lump Sum Enhance University Support From General Revenue | | Positions 120 3,100,000 |

Amendment 35—

| | | |
|--|-----------|-----------|
| Section 01, page 74 Item 464A | Strike: | Insert: |
| 464A Special Categories Scientific and Technical Equipment From General Revenue | 5,000,000 | 3,000,000 |

Amendment 36—

| | | |
|--|---------|-------------------------|
| Section 01, page 75 Item 470B | Strike: | Insert: |
| Add new item: Lump Sum Quality Improvement Program From General Revenue | | Positions 34 700,000 |

Amendment 37—

| | | |
|--|---------|-----------------------|
| Section 01, page 77 Item 492A USF - Medical Center | Strike: | Insert: |
| Add new item: Lump Sum Quality Improvement Program From General Revenue | | Positions 3 75,000 |

Amendment 38—

| | | |
|--|---------|-------------------------|
| Section 01, page 81 New item following 522 University of Florida Health Center | Strike: | Insert: |
| Lump Sum Quality Improvement Program From General Revenue | | 12 positions 325,000 |

Amendment 39—

| | | |
|---|------------|------------|
| Section 04, page 209 Item 1681N | Strike: | Insert: |
| Fixed Capital Outlay To the Boards of Trustees of the 28 Community Colleges From Public Education Capital Outlay and Debt Service Trust Fund | 13,782,134 | 14,282,134 |

In the second paragraph of proviso which follows: strike \$13,782,134 and insert \$14,282,134 and strike

| | | |
|--------------------------------|---------|---------|
| 835 Lump Sum | | |
| AFDC Needs Standard Adjustment | | |
| From General Revenue Fund | 213,739 | 320,609 |
| From Administrative Trust Fund | 3,479 | 5,219 |
| From Medical Care Trust Fund | 414,212 | 621,318 |

Amendment 48—

| | | |
|--|------------|------------|
| Section 01, page 104 | Strike: | Insert: |
| Aging and Adult Services | | |
| 713 Special Categories | | |
| Community Care for the Elderly - Core Services | | |
| From General Revenue Fund | 16,580,974 | 17,580,974 |

Amendment 49—

| | | |
|---|-----------|-----------|
| Section 01 | Strike: | Insert: |
| 750 Special Categories | | |
| Purchased Residential Treatment Services-Emotionally Disturbed Children and Youth | | |
| From General Revenue | 6,604,113 | 7,474,113 |

Amendment 50—

| | | |
|----------------------------------|------------|------------|
| Section 01 | Strike: | Insert: |
| 720 Aid to Local Gov'ts | | |
| Community Drug Abuse Service | | |
| From General Revenue Fund | 7,668,636 | 7,936,636 |
| 721 Aid to Local Gov'ts | | |
| Community Mental Health Services | | |
| From General Revenue Fund | 42,290,643 | 42,960,643 |
| 719 Aid to Local Gov'ts | | |
| Community Alcoholic Services | | |
| From General Revenue Fund | 11,460,036 | 11,692,036 |

Insert Proviso following Specific Appropriation 719 of the funds in Specific Appropriation 719, up to \$232,000 is provided to contract for domiciliary services in HRS District VII

Amendment 51—

| | | |
|---------------------------------------|---------|---------|
| Section 01, page 107 | Strike: | Insert: |
| Children, Youth and Families Services | | |
| 738 Other Personal Services | | |
| From General Revenue Fund | 724,019 | 994,019 |

Amendment 52—

| | | |
|---------------------------------------|---------|---------|
| Section 01, page 98 | Strike: | Insert: |
| Assistant Secretary | | |
| Program Planning & Development | | |
| 660A Lump Sum - Health Manpower Study | | |
| From General Revenue Fund | 0 | 200,000 |
| From Planning & Evaluation Trust Fund | 200,000 | 0 |

Amendment 53—

| | | |
|--|---------|---------|
| Section 01 | Strike: | Insert: |
| Item 724 | | |
| 724 Aid to Local Governments | | |
| Purchased Client Service | | |
| -Drug Abuse-Baumgartner Act | | |
| From General Revenue Fund | 100,000 | 934,000 |
| From Alcohol Drug Abuse & Mental Health Trust Fund | 834,000 | |

Amendment 54—

| | | |
|--|-------------|--------------|
| Section 01 | Strike: | Insert: |
| Item 726 | | |
| 726 Lump Sum | 9 Positions | 20 Positions |
| Mental Health Case Management Services | | |
| From General Revenue | 390,881 | |
| From Alcohol Drug Abuse and Mental Health Trust Fund | | 835,000 |

Amendment 55—

| | | |
|----------------------------------|---------|------------|
| Section 02 Fixed Capital | Strike: | Insert: |
| Outlay Department of Corrections | | |
| 1600 Fixed Capital Outlay | | |
| New Institution, Martin County | | |
| From General Revenue Fund | | 22,000,000 |

Amendment 56—

| | | |
|---------------------------------|---------|-----------|
| Section 02 Dept. of Corrections | Strike: | Insert: |
| 1606A Fixed Capital Outlay | | |
| Com. Corr. Center/Dade | | |
| General Revenue Fund | | 1,353,049 |

Amendment 57—

| | | |
|--|-----------|-----------|
| Section 02, page 195 | Strike: | Insert: |
| Department of Law Enforcement | | |
| 1645 Fixed Capital Outlay | | |
| Regional Crime Laboratory-Jacksonville | | |
| From General Revenue Fund | 3,500,000 | 4,516,010 |

Senators Rehm and Vogt offered the following amendment which was moved by Senator Rehm and adopted:

Amendment 58—

Section 01
Insert proviso following Specific Appropriation 272:
Of the funds provided in Specific Appropriation 272, \$25,000 may be allocated to support the activities of the Council on Correctional Education created by CS/CS/HB 557. Initial priorities of the council shall include: (1) On-site evaluation of current educational program offerings at each correctional institution; (2) Identification of diagnostic instruments and appropriate sequential use of such instruments to maximize utility of data on individual inmates and minimize retesting of such inmates; (3) Development of evaluations processes to identify educational objectives and outcomes; (4) Cooperation with the Department of Education to administer state student assessment tests.

Senator Dunn moved the following amendment which was adopted:

Amendment 59—

| | | | |
|-----------------------|---------|---------|---------|
| Section 01 | Strike: | Insert: | Yeas—32 |
| Item 621 | | | |
| Lump Sum | | | |
| Florida Commission on | | | |
| Veterans' Affairs | | | |
| General Revenue Fund | 0 | 69,000 | |

Senator Carlucci moved the following amendment which was adopted:

Amendment 60—

Section 01, page 84

Delete the proviso following item 546 and insert new proviso:

Funds provided in specific appropriations 540 through 546 anticipate an increase in the subscription price of the Wildlife Magazine to \$7 per year.

On motion by Senator Johnston, further consideration of SB 1-B was deferred.

Consideration of Senate Bills 2-B and 3-B was deferred.

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 taken up with pending amendment 1 which was adopted.

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

Amendment 2—On page 3, lines 12 and 13, strike all of said lines and insert:

General Inspection Trust Fund and subsidiary accounts thereof, unless a different percentage is authorized in s. 570.20.

Senators Margolis, Thurman and Langley offered the following amendment which was moved by Senator Margolis and adopted:

Amendment 3—On page 21, line 28, before the period insert: , provided however, that any increased service charges accruing from receipts of the Constitutional Gas Tax, County Gas Tax, Municipal Gas Tax, and the cigarette tax for the period July 1, 1982 through June 30, 1983, shall be paid to the General Revenue Fund in six equal installments beginning August 1, 1983.

Senators Grizzle, Malchon and Rehm offered the following amendment which was moved by Senator Grizzle and failed:

Amendment 4—On page 21, line 26, after "1982" insert: , except that the Constitutional Gas Tax, the County Gas Tax, the Municipal Gas Tax, and the Cigarette Tax Collection Trust Fund shall be exempt from these provisions until July 1, 1983.

On motion by Senator Margolis, by two-thirds vote SB 4-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

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

Nays—6

| | | |
|----------|---------|-------|
| Crawford | Langley | Rehm |
| Grizzle | Malchon | Scott |

Vote after roll call:

Nay to Yea—Langley

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 second time by title. On motion by Senator Margolis, by two-thirds vote SB 3-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motions by Senator Barron, the rules were waived and by two-thirds vote Senate Bills 10-B, 11-B, 12-B, 13-B, 15-B, 22-B, 23-B, 24-B, 8-B and 9-B were withdrawn from the Committee on Commerce; SB 5-B was withdrawn from the Committee on Finance, Taxation and Claims; SB 17-B was withdrawn from the Committee on Corrections, Probation and Parole; and Senate Bills 26-B and 27-B were withdrawn from the Committee on Appropriations.

On motion by Senator Barron, by two-thirds vote Senate Bills 21-B, 26-B, 27-B, 7-B and 16-B were placed at the beginning of the special order calendar.

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

INTRODUCTION AND REFERENCE OF BILLS

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

By Senator Gersten—

SB 31-B—A bill to be entitled An act relating to professional regulation; amending s. 20.30(2)(a), (3), and (4)(x), Florida Statutes, 1982 Supplement, and adding paragraphs (y) and (z) thereto, renaming a division and board within the Department of Professional Regulation, and adding the Board of Acupuncture and the Alarm Business Licensing Board; amending s. 120.71, Florida Statutes, changing procedures for the disqualification of agency personnel in administrative proceedings; providing for rules; amending ss. 310.011 and 310.021(1) and adding a new subsection (1) to s. 310.151, Florida Statutes, restricting the members of the Board of Pilot Commissioners who may vote on rate matters; amending s. 310.131, Florida Statutes, authorizing procedures for the verification of amounts of pilotage at each port; adding a subsection to s. 455.203, Florida Statutes, authorizing peer review of certain health care providers;

amending s. 455.207(3) and (4), Florida Statutes, providing basis upon which a vacancy can occur on a board and providing that telephone conference calls shall not be included in the definition of "other business of the board"; amending s. 455.213(2), Florida Statutes, providing for initial license fees for professional licenses; amending s. 455.217(1), Florida Statutes, 1982 Supplement, authorizing the limited release of certain examination information; creating s. 455.220, Florida Statutes, establishing peer review of treatment by chiropractic physicians; amending s. 455.225(3), Florida Statutes, changing complaint procedures involving persons regulated by the department; exempting probable cause panel proceedings from certain notice requirements; amending s. 455.227(1), Florida Statutes, providing an additional ground for discipline by regulatory boards within the Department of Professional Regulation; amending s. 455.241(2), Florida Statutes, 1982 Supplement, authorizing the department to obtain certain patient records of naturopathic physicians; amending s. 458.311(1)(b) and (4), Florida Statutes, requiring graduation from an allopathic medical school or college; providing for board waiver of certain educational requirements for licensure of physicians; amending s. 458.331(1)(f), Florida Statutes, 1982 Supplement, providing an exception to violation reporting requirements; creating s. 458.3311, Florida Statutes, creating the impaired professionals advisory committee; providing its duties; providing for consultants and for the confidentiality of certain information; providing for reports of impairment; amending s. 458.337(1)(b), Florida Statutes, requiring notification to the department of disciplinary action by ambulatory surgical centers or nursing homes against physicians; creating s. 459.0076, Florida Statutes, authorizing osteopathic faculty certificates; amending s. 459.015(1)(s), Florida Statutes, providing for certain mental and physical examinations of osteopathic physicians and restricting the use of related information; amending s. 459.017, Florida Statutes, expanding provisions relating to the release of certain medical reports during an investigation; amending s. 460.406(2), Florida Statutes; extending the date for waiver of accreditation and approval requirements for chiropractic colleges; providing additional provisions for waiver; deleting requirement for department to make available certain courses; amending s. 460.413(1)(n), Florida Statutes, expanding the types of chiropractic records which must be kept; creating s. 461.0095, Florida Statutes, requiring licensed podiatrists to disclose whether they accept Medicare assignment reimbursements; amending s. 462.08(4), Florida Statutes, increasing the naturopathy license renewal fee; amending s. 462.14, Florida Statutes, changing the grounds for and types of disciplinary action against naturopathic physicians; amending s. 463.014(2), Florida Statutes, changing the types of corporations or organizations which may employ optometrists to provide optometric services to employees; amending s. 464.018(1)(h) and (i), Florida Statutes, providing for certain mental or physical examinations of nurses and restricting the use of related information; providing an exception to violation reporting requirements; creating s. 464.0185, Florida Statutes, providing for use of the impaired professionals advisory committee consultants with respect to impaired nurses; amending s. 465.003(3), Florida Statutes, 1982 Supplement, adding new types of pharmacies; amending s. 465.007(1)(b), Florida Statutes, adding requirements for licensure as a pharmacist; adding a subsection to s. 465.008, Florida Statutes, providing for consultant pharmacist licenses; amending s. 465.016(1)(e), Florida Statutes, providing for the discipline of pharmacists violating specified federal law; creating ss. 465.0195 and 465.0196, Florida Statutes, providing procedures and conditions for the issuance of permits for radiopharmacies and special pharmacies; amending s. 465.023(1), Florida Statutes, authorizing alternative disciplinary actions against pharmacy permittees; amending s. 468.1665(1) and (2), Florida Statutes, decreasing and changing the membership of the Board of Nursing Home Administrators; amending s. 468.1705(2), Florida Statutes, 1982 Supplement, changing provisions relating to licensure of nursing home administrators by endorsement; amending s. 468.322(1), Florida Statutes, and adding a subsection; redefining "acupuncture"; providing a definition; creating s. 468.3225, Florida Statutes; providing a board; providing duties and membership, appointment, and terms; creating s. 468.3226, Florida Statutes; authorizing board rules; amending s. 468.323, Florida Statutes, 1982 Supplement; establishing an additional certification requirement, deleting a requirement, and removing the cap on certification and reexamination fees and authorizing application and examination fees; providing that certain Oriental nomenclature be used in the examination upon request; providing that certain persons be qualified without examination; providing that certain persons be qualified to take the examination; amending s. 468.324, Florida Statutes; removing the cap on renewal fees and penalties and providing for establishment by the board; providing for continuing education requirements; amending s. 468.325(2) and (3), Florida Statutes; establishing the board's authority

over disciplinary actions; providing that certain persons may retake certain portions of the examination a limited number of times; repealing s. 468.327, Florida Statutes, 1982 Supplement, relating to department rule-making authority; repealing s. 468.3245, Florida Statutes, 1982 Supplement, relating to apprenticeship programs; amending s. 471.003(1) and (2)(i), Florida Statutes, 1982 Supplement, and s. 471.031(1)(b), Florida Statutes; prohibiting unregistered engineers from holding themselves out as being registered; changing the types of construction projects upon which certain electrical, plumbing, air-conditioning, or mechanical contractors may work without being registered engineers; amending s. 472.005(1), Florida Statutes, and s. 472.007(1), Florida Statutes, 1982 Supplement, renaming the Board of Land Surveyors; amending s. 472.013(2) and (4), Florida Statutes, changing examination prerequisites for applicants for land surveyor licenses; amending s. 472.033(1)(h), Florida Statutes, expanding certain grounds for disciplinary action against land surveyors; amending s. 473.303(1), Florida Statutes, expanding the membership of the Board of Accountancy; amending s. 473.313, Florida Statutes, revising provisions relating to inactive status of accountants' licenses; providing a restriction upon the duration of inactive status; providing exceptions; amending s. 475.125, Florida Statutes, 1982 Supplement, providing for the refund of application and license fees for real estate brokers and salesmen; amending s. 475.17(1) and (2), Florida Statutes, 1982 Supplement, prohibiting the licensure of certain persons; changing education requirements; amending s. 475.175, Florida Statutes, 1982 Supplement, requiring educational institutions and real estate schools to notify the Real Estate Commission of persons satisfactorily completing certain education requirements; amending s. 475.181(2), Florida Statutes, 1982 Supplement, and adding a subsection, providing for the expiration of licensure applications and certifications; amending s. 475.23, Florida Statutes, 1982 Supplement, clarifying provisions relating to the expiration of real estate salesmen licenses; amending s. 475.25(1), Florida Statutes, 1982 Supplement, expanding the application of provisions relating to real estate related disciplinary action and changing certain grounds therefor; amending s. 475.451(2), (6), and (8), Florida Statutes, 1982 Supplement, changing licensure requirements for real estate school operators, administrators and instructors; amending s. 475.483(1)(b), Florida Statutes, 1982 Supplement, providing an exception to notice requirements for claims against the Real Estate Recovery Fund; amending s. 475.484(1), (3), and (4), Florida Statutes, 1982 Supplement, increasing amount limits for authorized payments from the Real Estate Receiving Fund; amending s. 476.154(1), Florida Statutes, deleting provisions relating to restoration of licenses of retired barbers; adding a subsection to s. 476.184, Florida Statutes, requiring display of barber shop registrations and barbers' licenses; creating s. 476.210, Florida Statutes, requiring barber services to be performed in registered barbershops; providing exceptions; creating s. 477.0135, Florida Statutes, exempting certain persons from licensure as cosmetologists; amending s. 477.019(1)(b), Florida Statutes, changing a limitation with respect to standards established by the Board of Cosmetology pursuant to training required to qualify for licensure; creating s. 477.0211, Florida Statutes, authorizing continuing education requirements for cosmetologists; amending s. 477.022(1) and (3), Florida Statutes, 1982 Supplement, changing cosmetology examination requirements; creating s. 477.0265, Florida Statutes, prohibiting certain acts and providing penalties; amending s. 477.028(1), Florida Statutes, authorizing disciplinary actions against continuing education providers; amending s. 477.029, Florida Statutes, prohibiting violations of provisions relating to cosmetology and increasing the types of disciplinary actions; creating s. 477.030, Florida Statutes, requiring cosmetology services to be performed in licensed salons; providing exceptions; amending s. 480.033(3), Florida Statutes, expanding the definition of "massage"; amending s. 480.041(4), Florida Statutes, 1982 Supplement, clarifying license renewal requirements for masseurs; amending s. 480.046(1), Florida Statutes, relating to disciplinary action by the Board of Massage; amending ss. 481.207 and 481.307, Florida Statutes, increasing certain fees for architects and landscape architects; adding a subsection to s. 481.309, Florida Statutes, providing examination requirements for landscape architecture licenses; amending s. 484.007(1)(e), Florida Statutes, changing qualifications for licensure of opticians; repealing s. 484.002(6), Florida Statutes, removing the definition of "licensed physician" in provisions relating to opticians; amending s. 486.091, Florida Statutes, providing alternative disciplinary actions against physical therapists; amending s. 489.115(1), Florida Statutes, restricting the effect of certification of construction contractors; amending s. 489.119(5), Florida Statutes, 1982 Supplement, requiring the use of the registration or certification number of contractors in all advertising and requiring local verification of state licensure of construction contractors; amending s. 489.129(1), Florida Statutes, relating to disciplinary action against such

contractors; amending s. 489.505(1), Florida Statutes, making a technical change; amending s. 489.509, Florida Statutes, increasing fees for electrical contractors; adding a paragraph to s. 489.533(1), Florida Statutes, adding a ground for disciplinary action against electrical contractors; amending s. 490.005(1)(b) and (2), Florida Statutes, changing qualifications for licensure of psychologists by examination; changing qualifications for clinical social workers, marriage and family therapists, mental health counselors, and school psychologists; amending s. 490.014(2)(c), Florida Statutes, 1982 Supplement, changing the exemption from licensure as psychologists for certain employees of educational institutions; requiring the Department of Professional Regulation to make certain studies and to report to the Legislature; adding subsection (3) to s. 501.122, Florida Statutes, providing a restriction upon the use of laser devices; providing a penalty; amending ss. 458.321, 459.009, 460.409, 461.008, 463.008, 466.015, 468.1725, 470.016, 471.019, 472.019, 474.212, 475.1825(1), 481.217, 481.315, 484.009, and 490.008, Florida Statutes, amending s. 475.183, Florida Statutes, 1982 Supplement, and creating ss. 476.155, 477.0212, and 480.0415, Florida Statutes, relating to regulation of medical practitioners, osteopathic physicians, chiropractic physicians, podiatrists, optometrists, dentists and dental hygienists, nursing home administrators, funeral directors and embalmers, engineers, land surveyors, veterinarians, real estate brokers and salesmen, architects, landscape architects, opticians, psychologists, barbers, cosmetologists and cosmetology instructors, and masseurs, to modify regulatory provisions enabling said professionals to place their licenses in an inactive status; correcting a cross reference; providing for relative uniformity; providing for application and fees; limiting inactive status to 4 years, unless renewed; providing for automatic expiration of license upon failure to renew or reactivate; modifying continuing education requirements; grandfathering in current licensees whose licenses have been placed in inactive status; repealing s. 476.154(3)(c), (d), (e), (f), and (g), relating to placement of barbers' licenses in an inactive status, s. 477.019(5), Florida Statutes, relating to placement of cosmetologists' licenses in an inactive status, s. 477.021(7), Florida Statutes, relating to placement of cosmetology instructors' licenses in an inactive status, and s. 490.007(4), Florida Statutes, relating to placement of licenses of psychologists, clinical social workers, marriage and family therapists, mental health counselors, and school psychologists in an inactive status; amending s. 455.02, Florida Statutes, relating to renewal of licenses for members of the United States Armed Forces; providing for the regulation of the business of installation or repair of alarm systems; providing definitions; creating an Alarm Business Licensing Board within the Department of Professional Regulation; providing qualifications and procedures for licensure by examination or experience; providing qualification and providing for issuance of certificate of competency; providing for license renewal; providing contents of applications; providing grounds for denial, nonrenewal, suspension and revocation of license and certificate of competency; providing for bond; providing application, certificate of competency and license fees; providing for investigation of applicants by the department; providing for enforcement; providing for the effect on the regulatory authority of local governments; providing penalties; providing for review and repeal in accordance with the Regulatory Sunset Act; providing severability; establishing a residential planned development study committee; providing for membership and duties of the committee; requiring the committee to prepare a report; providing for future review and repeal; providing effective dates.

—which was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Gersten, by two-thirds vote SB 31-B was withdrawn from the Committee on Economic, Community and Consumer Affairs and by two-thirds vote placed on the special order calendar.

SPECIAL ORDER, continued

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 second time by title.

Senator Maxwell moved the following amendment which was adopted:

Amendment 1—On page 10, line 21, insert a new section:

The provisions of section 236.081(4)(b), Florida Statutes, describing a method of computing equalization of school districts' required local effort, shall not take effect until July 1, 1984.

Senator Stuart moved the following amendment which was adopted:

Amendment 2 —On page 10, between lines 28 and 29, insert:

Section 10. Personnel and positions which are transferred from the Department of General Services to the Information Resource Commission pursuant to Section 4 of chapter 83-92, Laws of Florida, shall be exempt from the career service system, and all other positions assigned to the commission shall be exempt from the career service system. Unless otherwise fixed by law, the salaries for these positions shall be set by the Department of Administration.

(Renumber subsequent section.)

Senator Johnston moved the following amendment which was adopted:

Amendment 3—On page 10, between lines 28 and 29, insert:

Section 10. Notwithstanding the proviso language to item 198A of chapter 81-206, Laws of Florida, and the agreement of October 12, 1981, entered into, pursuant to such proviso language, by the Division of Economic Development of the Department of Commerce, the County of Escambia, and the Pensacola-Escambia Promotion and Development Commission, said Commission is hereby authorized to retain up to 25 percent of the proceeds of the resale of lands identified as a part of Ellyson Field to be used for the purpose of developing the Ellyson Industrial Park. The remaining proceeds, i.e., no less than 75 percent, shall continue to be returned to the State Treasury until the amount of \$2,500,00.00 has been returned in accordance with said proviso language and said agreement. However, the initial \$200,000.00 of such proceeds which are realized subsequent to the effective date of this section shall be retained in its entirety by the Commission and shall be used for the rebuilding and four-laning of roads and entrances to Ellyson Industrial Park.

(Renumber subsequent section.)

Senator Stuart moved the following amendment which was adopted:

Amendment 4—In title, on page 2, line 4, after the semicolon insert: exempting specified positions from the career service system;

Senators W. D. Childers and Johnston offered the following amendment which was moved by Senator Johnston and adopted:

Amendment 5—On page 2, line 4, after the semicolon insert: 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;

On motion by Senator Johnston, by two-thirds vote SB 21-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

| | | | |
|---------|--------|---------|-----------|
| Myers | Rehm | Thomas | Weinstein |
| Neal | Scott | Thurman | |
| Plummer | Stuart | Vogt | |

Nays—1

Frank

On motions by Senator Johnston, by two-thirds vote—

SB 26-B—A bill to be entitled An act relating to the law enforcement and correctional officer salary incentive program; adding s. 943.22(4), Florida Statutes; providing that individuals in the senior management service are not eligible for salary incentive benefits; providing an effective date.

—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—39

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

Nays—None

On motions by Senator Johnston, by two-thirds vote—

SB 27-B—A bill to be entitled An act relating to fixed capital outlay projects; amending s. 255.30, Florida Statutes, providing for delegation of accounting records of certain fixed capital outlay projects; providing an effective date.

—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—38

| | | | |
|-----------------|-----------|-------------|-----------|
| Mr. President | Frank | Johnston | Neal |
| Barron | Gersten | Kirkpatrick | Plummer |
| Beard | Girardeau | Langley | Rehm |
| Carlucci | Grant | Malchon | Stuart |
| 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 | |

Nays—None

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 uni-

versities; 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 second time by title.

Senator Frank moved the following amendments which were adopted:

Amendment 1—On page 25, between lines 10 and 11, insert:

Section 24. Subsection (4) is added to section 240.319, Florida Statutes, 1982 Supplement, to read:

240.319 Community college district boards of trustees; duties and powers.—

(4) *Each community college district board of trustees shall, no later than July 1, 1984, adopt, by rule, procedures governing the employment and dismissal of the community college president. Such rule shall be incorporated into the contract for employment.*

Section 25. Subsection (6) of section 240.313, Florida Statutes, is amended to read:

240.313 Community college districts; establishment and organization of boards of trustees.—

(6) A community college president shall be the executive officer and corporate secretary of the board of trustees as well as the chief administrative officer of the community college, and all the components of the institution and all aspects of its operation are responsible to the board of trustees through the president. When a vacancy occurs in the office of community college president, the board of trustees will select and appoint a person to fill that office. Community college presidents so appointed shall serve until such time as they vacate their offices or are removed for good cause by the board of trustees pursuant to rules adopted under s. 240.319(4).

Section 26. Section 111.07, Florida Statutes, is amended to read:

111.07 Defense of civil actions against public officers, employees, or agents.—Any agency of the state, or any county, municipality, or political subdivision of the state, is authorized to provide an attorney to defend any civil action arising from a complaint for damages or injury suffered as a result of any act or omission of action of any of its officers, employees, or agents for an act or omission arising out of and in the scope of his employment or function, unless, in the case of a tort action, the officer, employee, or agent acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Defense of such civil action shall include, but not be limited to, any civil rights lawsuit seeking relief personally against the officer, employee, or agent for an act or omission under color of state law, custom, or usage, wherein it is alleged that such officer, employee, or agent has deprived another person of his rights secured under the Federal Constitution or laws. Legal representation of an officer, employee, or agent of a

state agency may be provided by the Department of Legal Affairs. *However, any attorneys' fees paid from public funds for any officer, employee, or agent who is found to be personally liable by virtue of acting outside the scope of his employment, or was acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property may be recovered by the state, county, municipality, or political subdivision in a civil action against such officer, employee or agent.* If any agency of the state or any county, municipality, or political subdivision of the state is authorized pursuant to this section to provide an attorney to defend a civil action arising from a complaint for damages or injury suffered as a result of any act or omission of action of any of its officers, employees, or agents and fails to provide such attorney, then said agency, county, municipality, or political subdivision shall reimburse any such defendant who prevails in the action for court costs and reasonable attorney's fees.

Section 27. Section 240.375, Florida Statutes, is amended to read:

240.375 Payment of costs of civil actions against officers, employees, or agents of district board of trustees.—Whenever any civil action has been brought against any officer of the district board of trustees, including a board member, or any person employed by or agent of the district board of trustees, of any public community college for any act or omission arising out of and in the course of the performance of his duties and responsibilities, the district board of trustees may defray all costs of defending such action, including reasonable attorney's fees and expenses together with costs of appeal, if any, and may save harmless and protect such person from any financial loss resulting therefrom; and the board of trustees is authorized to be self-insured, to enter into risk-management programs, or to purchase insurance for whatever coverage it may choose, or to have any combination thereof, to cover all such losses and expenses. *However, any attorneys' fees paid from public funds for any officer, employee, or agent who is found to be personally liable by virtue of acting outside the scope of his employment, or was acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property may be recovered by the state, county, municipality, or political subdivision in a civil action against such officer, employee or agent.*

Amendment 2—In title, on page 3, line 19, after the semicolon (;) insert: adding s. 240.319(4), Florida Statutes, 1982 Supplement; providing for adoption of procedures for employment and dismissal of community college presidents; amending s. 240.313(6), Florida Statutes; conforming language; amending ss. 111.07, 240.375, Florida Statutes; providing for recovery of certain attorney's fees;

On motion by Senator Maxwell, by two-thirds vote SB 7-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 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.

—was read the second time by title.

Senator Maxwell moved the following amendments which were adopted:

Amendment 1—On page 8, line 5, after the period insert: *The plans shall also provide for the roles of the universities to be coordinated to best meet state needs and reflect cost-effective use of state resources.*

Amendment 2—On page 8, line 13, strike "and objectives" and insert: *and objectives, objectives, priorities, and strengths*

On motion by Senator Maxwell, by two-thirds vote SB 16-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Langley

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

INTRODUCTION AND REFERENCE OF BILLS

By Senator Neal—

SR 25-B—A resolution honoring the fathers of our great state and nation.

—was read the first time by title. On motion by Senator Neal SR 25-B was read the second time in full and adopted. The vote on adoption was:

Yeas—39

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

Nays—None

By Senator Neal—

SB 32-B—A bill to be entitled An act relating to water resources; amending s. 373.026, Florida Statutes, expanding duties of the Department of Environmental Regulation with respect to collecting and monitoring data relating to water resources; creating s. 403.063, Florida Statutes, requiring the department to establish a groundwater quality monitoring network and providing criteria therefor; requiring regional and local governments to sample and test groundwater as directed by the

department; requiring the department to develop a program of inspecting package sewage treatment facilities; amending s. 403.855, Florida Statutes, expanding duties of the department relating to imminent hazards in water supplies; adding subsections to s. 373.203, Florida Statutes, providing definitions; amending s. 373.206, Florida Statutes, expanding the authority of the department to plug hazardous artesian wells; creating s. 373.207, Florida Statutes, requiring water management districts to adopt plans for plugging abandoned artesian wells; providing for review of plans by the department; creating s. 487.0615, Florida Statutes; establishing the Pesticide Review Council; providing for membership; providing powers and responsibilities; providing for rulemaking petition; providing reimbursement for travel; creating s. 487.043, Florida Statutes, providing for the testing of restricted-use pesticides; providing duties of the Pesticide Review Council, the Department of Agriculture and Consumer Services, and the Department of Environmental Regulation; providing for future review and repeal of ss. 487.0615 and 487.043, Florida Statutes; creating an agriculture policy for the state; adding subsection (4) to s. 570.44, Florida Statutes, adding a fourth bureau to the Division of Inspection and providing for certain positions; repealing s. 487.061, Florida Statutes, 1982 Supplement, abolishing the Pesticide Technical Council; amending s. 208.001, Florida Statutes, establishing a fee on generation of hazardous wastes; amending s. 208.002, Florida Statutes, providing exemptions from fee; amending s. 208.003, Florida Statutes, providing for reports by generators and providing penalties for failure to file reports; amending s. 208.004, Florida Statutes, providing for the collection of fees; amending s. 208.005, Florida Statutes, relating to disposition of proceeds if proceeds from fees; amending s. 208.006, Florida Statutes, establishing a tax on commercial hazardous waste facilities; creating s. 220.184, Florida Statutes, relating to a tax credit for hazardous waste facilities; amending s. 403.702(2)(c), Florida Statutes; providing legislative intent; adding subsections to s. 403.704, Florida Statutes; providing additional powers and duties of the Department of Environmental Regulation; amending s. 403.722(9) and (10), Florida Statutes, 1982 Supplement; specifying certain requirements in certain permitting processes; creating s. 403.7225, Florida Statutes; providing for the preparation of local hazardous waste management assessments; providing duties of the counties, regional planning councils, and the department relative to such assessments; amending s. 403.723, Florida Statutes; requiring counties to complete a hazardous waste needs assessment and to choose a site for a hazardous waste storage facility; providing duties of the Governor and Cabinet; requiring counties to notify small quantity generators of their responsibilities annually; requiring such generators to disclose certain information to the county; providing for verification of such generators' management practices; providing penalties; requiring counties to furnish information on the assessment and the notification program to the department; amending s. 403.703(18), Florida Statutes, redefining the "closure" of a resource recovery and management facility; amending s. 403.704(16), Florida Statutes, changing procedures for the review of department rules stricter than those of the United States Environmental Protection Agency relating to resource recovery and management; amending s. 403.707(1) and (2), Florida Statutes, 1982 Supplement, and adding a subsection; requiring resource recovery and management facilities and sites which are closed to be permitted; changing exceptions from certain permit requirements; restricting the permitting of certain new sanitary landfills; creating s. 403.726, Florida Statutes, establishing Amnesty Days for the purging of small quantities of hazardous wastes; creating s. 403.7261, Florida Statutes, authorizing amnesty days for small generators of hazardous waste; amending s. 403.727(3) and (4), Florida Statutes, 1982 Supplement, increasing penalties for violations of provisions relating to hazardous wastes; restricting the ability of government entities to interpose a defense to such liability; creating s. 501.082, Florida Statutes; requiring specified governmental agencies and institutions of the State University System to notify the department regarding hazardous materials and management practices; requiring written plans for management and spill control; providing for siting of a multipurpose hazardous waste facility by the state; providing for adoption of siting criteria by the department; providing for adoption of a site designation by the Environmental Regulation Commission; directing the commission to contract for construction and operation of the facility; requiring permitting of the facility; authorizing the issuance of state bonds; prohibiting hazardous waste landfills and the issuance of permits therefor; providing for emergency temporary permits; creating s. 768.1315, Florida Statutes, providing immunity from liability for persons who assist in cleaning up any discharge of hazardous materials; providing exceptions; providing responsibilities of the department; repealing s. 403.729, Florida Statutes, abolishing the State Hazardous Waste Policy Advisory Council; providing an appropriation for hazardous waste surveys and assessments by regional

planning councils; providing an appropriation for amnesty days; creating part I of chapter 376, Florida Statutes, relating to pollutant spill prevention and control; amending s. 376.051, Florida Statutes, relating to powers and duties of the Department of Natural Resources; creating part II of chapter 376, Florida Statutes, relating to pollution spill cleanup and site restoration; creating s. 376.30, Florida Statutes, relating to legislative intent; creating s. 376.32, Florida Statutes, providing definitions; creating s. 376.35, Florida Statutes, relating to the prohibition of pollution; creating s. 376.40, Florida Statutes, specifying powers and duties of the Department of Environmental Regulation; creating s. 376.45, Florida Statutes, prohibiting operation of facilities without registration; creating s. 376.55, Florida Statutes, relating to procedures for removal of discharges; creating s. 376.60, Florida Statutes, establishing the Florida Site Restoration Trust Fund and specifying purposes; creating s. 376.65, Florida Statutes, relating to liabilities and defenses of facilities; creating s. 376.70, Florida Statutes, requiring financial responsibility; creating s. 375.75, Florida Statutes, specifying enforcement and penalties; creating s. 376.80, Florida Statutes, relating to powers of county and municipal ordinances; creating s. 376.85, Florida Statutes, relating to individual cause of action for damages; creating s. 376.90, Florida Statutes, relating to construction and interpretation; amending paragraph (b) of subsection (4) of s. 376.11, Florida Statutes, relating to the Florida Coastal Protection Trust Fund; providing an appropriation from the Florida Coastal Protection Trust Fund to the Florida Site Restoration Trust Fund; amending s. 381.272, Florida Statutes, 1982 Supplement, providing for the regulation of onsite, rather than individual, sewage disposal systems; changing the types of subdivisions which may use certain systems; restricting the location of such systems; providing for equal application of restrictions and rules; changing the circumstances in which variances may be granted and the procedures therefor; prohibiting certain uses of organic chemical solvents; prohibiting issuance of permits in certain areas; authorizing temporary permits for experimental systems; deleting provisions relating to organic waste composting systems; providing for a special rule in certain cases; creating s. 381.273, Florida Statutes, authorizing the Department of Health and Rehabilitative Services to collect fees for regulating such systems and for certain research; increasing fees to fund the accelerated soil survey program in the Department of Agriculture and Consumer Services; providing appropriations; amending ss. 403.1821-403.1824, 403.1826, 403.1829, Florida Statutes; providing a short title; providing definitions; specifying eligible uses of the State Water Pollution Trust Fund; providing for the Department of Environmental Regulation to make rules with respect to project priorities and certain other matters; providing for transfer of funds from the State Water Pollution Control Trust Fund to the Small Community Sewer Construction Assistance Trust Fund; providing for restrictions on the use of grant money; providing for transfer of funds from the State Water Pollution Control Trust Fund to the Small Community Sewer Construction Assistance Trust Fund; providing guidelines for local governmental contributions to projects; requiring projects to be self-sufficient with respect to operation, maintenance, and replacement costs; providing funding priorities; amending s. 403.1832, Florida Statutes; designating the department as the state agency to contract with the federal government on certain activities; amending s. 403.804(3), Florida Statutes; providing duties of the Environmental Regulation Commission; creating ss. 403.1836-403.1839, Florida Statutes; creating the Small Community Sewer Construction Assistance Trust Fund in the department; providing for grants from the fund; providing duties of the department regarding such grants; repealing ss. 403.1827, 403.1828, 403.1830, 403.1831, 403.1833, Florida Statutes, relating to administering federal grants for water pollution control and sewage treatment; adding subsection (23) to s. 212.02, Florida Statutes, 1982 Supplement, as amended by chapter 83-3, Laws of Florida, relating to definition of estimated tax liability; amending subsection (1) of s. 212.11, Florida Statutes, relating to sales tax returns and regulations; amending subsection (2) of s. 212.12, Florida Statutes, as amended by chapter 81-178, Laws of Florida, specifying penalties for late remittance; repealing subsection (5) of s. 212.12, Florida Statutes, relating to tax collections; providing an appropriation; specifying how funds in the Water Pollution Control Trust Fund are to be handled; amending s. 403.802, Florida Statutes, providing legislative policy; amending s. 403.803, Florida Statutes, providing definitions; amending s. 403.805, Florida Statutes, authorizing the Secretary of the Department of Environmental Regulation to delegate certain powers and duties to the water management districts; amending s. 403.807, Florida Statutes, providing powers and duties of the Division of Environmental Programs of the department; amending s. 403.808, Florida Statutes, providing duties of the Division of Environmental Permitting of the department; adding a subsection to s. 403.061, Florida Statutes, authorizing the Department of Environmental Regula-

tion to adopt rules protecting certain shellfish harvesting waters; amending s. 403.809, Florida Statutes, providing for boundaries and management personnel of environmental districts; amending s. 403.812, Florida Statutes; providing for delegating certain departmental powers and duties to the water management districts; providing limitations on such powers and duties; amending s. 403.813(1), Florida Statutes, 1982 Supplement, providing criteria for certain projects for which a permit is required; amending s. 373.016(2), Florida Statutes, providing legislative policy; amending s. 373.026(7), Florida Statutes, providing for powers and duties of the department; amending s. 373.106, Florida Statutes, granting the water management districts exclusive authority to issue certain permits; amending s. 373.114, Florida Statutes; providing for review by the department of certain water management district rules; providing procedures for such review; amending s. 373.116(1), Florida Statutes; providing for filing certain permit applications with the districts; amending s. 373.303(6), Florida Statutes, modifying the definition of "well"; repealing s. 373.303(9), Florida Statutes; eliminating the exemption of sand-point wells from well regulations; amending s. 373.308(1) and (2), Florida Statutes, requiring the department to authorize water management districts to exercise certain powers; amending s. 373.323, Florida Statutes, providing for water well contractor's licenses to be issued by the water management districts; amending s. 373.333, Florida Statutes, providing for enforcement; amending ss. 127.01(1) and 166.401, Florida Statutes, requiring counties or municipalities which seek to exercise the power of eminent domain outside of their territorial boundaries for the purpose of water supply to apply for a consumptive use permit from the water management district exercising authority over the area to be condemned; providing for access to such property; prohibiting taking without a consumptive use permit; providing effective dates.

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

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

By Senator Myers—

SB 33-B—A bill to be entitled An act relating to Palm Beach County; creating the Palm Beach County Hospital District; establishing the boundaries of the district; providing for the membership, powers, and duties of the board of commissioners of the district; authorizing the Board of County Commissioners of Palm Beach County to assess and levy ad valorem taxes for the district; providing for a referendum; providing an effective date.

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

On motions by Senator Myers, by two-thirds vote SB 33-B was withdrawn from the Committee on Rules and Calendar and by unanimous consent taken up instanter.

On motions by Senator Myers, by two-thirds vote, SB 33-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

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

By Senator Kirkpatrick—

SB 34-B—A bill to be entitled An act relating to insurance and civil actions; amending s. 458.331(1)(t), Florida Statutes, 1982 Supplement, and adding subsection (5) to said section; providing definitions; specifying

grounds for disciplinary proceedings against physicians by the Board of Medical Examiners; requiring the Board of Medical Examiners to investigate certain physicians; amending s. 627.912, Florida Statutes, 1982 Supplement; requiring insurers and self-insurers to report claims with respect to professional liability; specifying information to be included in such reports; requiring the Department of Insurance to report the names of certain physicians and osteopaths to the Department of Professional Regulation and the Board of Medical Examiners; creating s. 768.047, Florida Statutes; requiring leave of court to plead punitive damages; creating s. 768.33, Florida Statutes; providing for periodic payments of damages and attorney fees in certain civil actions; creating s. 768.34, Florida Statutes; limiting the recovery of noneconomic losses to a certain amount; creating s. 768.36, Florida Statutes; providing for the application of comparative negligence in determining damage awards in certain actions; amending s. 768.40, Florida Statutes; expanding the immunity granted to medical review committees and extending immunity to insurer and self-insurer review committees; adding s. 768.41(5), Florida Statutes; requiring the Department of Health and Rehabilitative Services to review certain reports and report its findings; creating s. 395.0031, Florida Statutes; establishing financial responsibility requirements for ambulatory surgical centers; creating s. 458.321, Florida Statutes; establishing financial responsibility requirements for physicians; creating s. 459.011, Florida Statutes; establishing financial responsibility requirements for osteopaths; amending s. 458.319, Florida Statutes; increasing license fees to physicians licensed to practice in another state, and creating a trust fund; providing a severability clause; providing an effective date.

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

On motion by Senator Kirkpatrick, by two-thirds vote SB 34-B was withdrawn from the Committee on Commerce.

On motions by Senator D. Childers, the rules were waived and by two-thirds vote Senate Bills 28-B and 29-B were withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Barron, 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—39:

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

SPECIAL ORDER, continued

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.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 5-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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|-----------------|-----------|-------------|-----------|
| Mr. President | Girardeau | Kirkpatrick | Scott |
| Beard | Grant | Mann | Thomas |
| Carlucci | Grizzle | Margolis | Thurman |
| Childers, D. | Hair | McPherson | Vogt |
| Childers, W. D. | Henderson | Meek | Weinstein |
| Dunn | Hill | Myers | |
| Fox | Jennings | Plummer | |
| Frank | Johnston | Rehm | |

Nays—None

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.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 10-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Senator W. D. Childers presiding

Consideration of SB 11-B was deferred.

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; pro-

viding 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.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 12-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

| | | | |
|-----------------|-------------|-----------|-----------|
| Beard | Grant | Malchon | Rehm |
| Carlucci | Grizzle | Mann | Scott |
| Childers, D. | Hair | Margolis | Stuart |
| Childers, W. D. | Henderson | McPherson | Thomas |
| Dunn | Hill | Meek | Thurman |
| Fox | Jennings | Myers | Vogt |
| Frank | Johnston | Neal | Weinstein |
| Girardeau | Kirkpatrick | Plummer | |

Nays—None

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.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 13-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Consideration of SB 15 was deferred.

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.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote SB 22-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

| | | | |
|--------------|-----------------|-----------|-----------|
| Barron | Childers, W. D. | Girardeau | Henderson |
| Beard | Crawford | Grant | Jenne |
| Carlucci | Fox | Grizzle | Jennings |
| Childers, D. | Gersten | Hair | Johnston |

| | | | |
|-------------|-----------|---------|-----------|
| Kirkpatrick | Margolis | Myers | Stuart |
| Langley | Maxwell | Plummer | Thurman |
| Malchon | McPherson | Rehm | Vogt |
| Mann | Meek | Scott | Weinstein |

Nays—None

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.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 23-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Hair

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.

—was read the second time by title.

Senator Thomas moved the following amendments which were adopted:

Amendment 1—On page 17, line 8, strike “and (2)” and insert: , (2) and (3)

Amendment 2—On page 18, between lines 7 and 8, insert:

(3) Any association or insurer neglecting to file the annual statement in the form and within the time provided by this section shall forfeit up to \$100 for each day during with such neglect continues, and upon notice by the department to that effect, its authority to do business in this state shall cease while such default continues. The department shall deposit all sums collected by it under this section to the credit of the Insurance Commissioner's Regulatory Trust Fund.

Amendment 3—On page 34, lines 20 and 22, strike the numeral, “32” and insert: 34

On motion by Senator Thomas, by two-thirds vote SB 24-B 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

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

Nays—1

Hair

Explanation of Vote

I voted against SB 23-B and SB 24-B because of the civil remedy section in the bills which may result in consumer actions against service warranty associations and home warranty associations. This will have a financial impact on consumers and the industry.

Mattox Hair, 9th District

Consideration of SB 18-B was deferred.

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.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote SB 19-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

| | | | |
|-----------------|-------------|-----------|-----------|
| 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 | |
| Frank | Kirkpatrick | Plummer | |

Nays—None

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.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote SB 20-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Fox

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.

—was read the second time by title.

Senator Thomas moved the following amendments which were adopted:

Amendment 1—On page 25, lines 7 and 8, strike “Section 32. This act shall take effect October 1, 1983.” and insert:

Section 32. Subsection (1) of section 395.503, Florida Statutes, 1982 Supplement, as amended by Section 3 of HB 1161 as passed by the 1983 Legislature is amended to read:

395.503 Hospital Cost Containment Board.—

(1) **MEMBERSHIP.**—There is created the Hospital Cost Containment Board, which shall be located in the Department of Insurance. The board shall be composed of the following eleven members: three major health care purchasers including at least two representatives of the health insurance industry, three health care providers including at least two representatives of the hospital industry, three consumers, one of whom shall represent the elderly, and two representatives each representing a major nonhealth and noninsurance Florida employer. At least one representative of the hospital industry shall be a member of the governing body of a major full-service general hospital. The Insurance Commissioner, the President of the Senate, and the Speaker of the House of Representatives shall appoint the board. The Insurance Commissioner shall appoint one major health care purchaser, one health care provider, and one consumer. The President of the Senate and the Speaker of the House of Representatives shall each appoint one major health care purchaser who represents the health insurance industry, one health care provider who represents the hospital industry, one consumer, and one major nonhealth and noninsurance Florida employer. The appointment of the one consumer representative who represents the elderly will be rotated, with the Speaker of the House of Representatives making the next appointment followed by the President of the Senate and then the Insurance Commissioner. The appointment of representatives of two nonhealth and noninsurance Florida employers shall be made within 30 days of the effective date of this legislation.

Section 33. This act shall take effect October 1, 1983 except that Section 32 shall take effect on becoming law.

Amendment 2—In title, on page 1, lines 2 and 3, strike “pharmaceutical service plan corporations:” and insert: the Department of Insurance; amending Subsection (1) of s. 395.503, Florida Statutes, 1982 Supplement, as amended by Section 3 of HB 1161 as passed by the 1983 Legislature, providing for the location of the Hospital Cost Containment Board within the Department of Insurance;

On motion by Senator Thomas, by two-thirds vote SB 11-B 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

| | | | |
|-----------------|-----------|-----------|-------------|
| Barron | Crawford | Grizzle | Kirkpatrick |
| Beard | Dunn | Hair | Langley |
| Carlucci | Fox | Henderson | Malchon |
| Castor | Frank | Hill | Mann |
| Childers, D. | Girardeau | Jennings | Margolis |
| Childers, W. D. | Grant | Johnston | Maxwell |

| | | | |
|-----------|---------|---------|-----------|
| McPherson | Neal | Stuart | Vogt |
| Meek | Plummer | Thomas | Weinstein |
| Myers | Scott | Thurman | |

Nays—None

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 manufacturers; 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.

—was read the second time by title.

Senator Beard moved the following amendments which were adopted:

Amendment 1—On page 20, strike all of lines 13-30 and insert: insurance, a photocopy of any of these, an ~~a-notarized~~ affidavit containing the insured's insurance company name, policy number, and the make and year of the vehicle insured, or such other proof as may be prescribed by the department, shall constitute sufficient proof of purchase. If an affidavit is provided as proof, it shall be in substantially the following form:

Under penalty of perjury, I . . . (Name of insured) . . . do hereby certify that I have . . . (Personal Injury Protection or Liability) . . . Insurance currently in effect with . . . (Name of insurance company) . . . under . . . (policy number) . . . covering . . . (make and year of vehicle) . . . (Signature of Insured) . . . Said affidavit shall include the following warning:

WARNING. GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS SUBJECT TO PROSECUTION.

~~or such proof as may be prescribed by the Department of Highway Safety and Motor Vehicles shall be accepted as such proof.~~ When applications are made through a licensed motor vehicle dealer as required in s. 319.23, the original or a photostatic copy of such card, insurance policy, insurance policy binder, certificate of insurance, or the original ~~notarized~~ affidavit from the insured shall be forwarded by the dealer to the tax collector of the county or the Department of Highway Safety and Motor Vehicles for processing. By executing ~~and notarizing~~

Amendment 2—On page 22, strike line 5 and insert: altering such ~~card~~ or counterfeiting such card or making a false affidavit in order to

Amendment 3—On page 65, line 6, strike "MC" and insert: Congressman

Amendment 4—On page 65, strike line 23 and insert: the appropriate fees, the department is

Amendment 5—On page 99, between lines 24 and 25, insert:

Section 57. Section 320.10, Florida Statutes, is repealed on October 1, 1985, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

(Renumber subsequent section.)

Amendment 6—In title, on page 4, strike all of lines 10-13 and insert: 320.0806, Florida Statutes; clarifying language for ancient motor vehicle license plates; amending s. 320.087, Florida

Amendment 7—In title, on page 7, line 22, after the semicolon (;) insert: providing for the review and repeal of s. 320.10, Florida Statutes, in accordance with the Regulatory Sunset Act;

On motion by Senator Beard, by two-thirds vote SB 14-B 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

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.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote SB 8-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

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 Stat-

utes; 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.

—was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On page 2, line 7, after “benefits” insert: *at the maximum compensation rate established pursuant to s. 440.12(2)*

Amendment 2—On page 3, line 29, strike “collected” and insert: *written collected*

Amendment 3—On page 7, line 17, strike “chapter” and insert: *section*

On motion by Senator Dunn, by two-thirds vote SB 9-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

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

INTRODUCTION AND REFERENCE OF BILLS

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

By Senator Gersten—

SB 35-B—A bill to be entitled An act relating to a surtax on documents; creating s. 125.0107, Florida Statutes; authorizing certain charter counties to levy a discretionary surtax on certain documents to provide for the acquisition, construction, or improvement of local jails and related facilities; providing limitations and procedures; providing for a referendum; providing for future repeal of said section; amending s. 201.031, Florida Statutes, as created by Committee Substitute for Senate Bill 56, passed during the 1983 Regular Session of the Legislature; providing for the levy of the surtax, providing for the administration, collection, and distribution of the proceeds of the surtax; providing an exception; requiring an annual report to the Department of Banking and Finance; providing effective and expiration dates.

SPECIAL ORDER, continued

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

CS for SB 2-B—A bill to be entitled An act relating to capital improvements by municipalities; amending s. 170.01, Florida Statutes, 1982 Supplement, as amended; removing authority of municipalities to provide certain capital improvements and to levy special assessments therefor; prescribing restrictions on municipal special assessments for such improvements; providing an effective date.

-- was read the second time by title.

Senator Maxwell moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 11 and 12, insert:

Section 2. Subsection (1) of s. 197.0121, Florida Statutes, as created by HB 1321, as passed by the 1983 regular session of the Legislature, is amended to read:

197.0121 Collection of certain taxes as 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. 193.085(4) ~~193.087~~

Section 3. Section 36 of HB 1321, as passed by the 1983 Regular Session of the Legislature, is amended to read:

Section 36. Powers of mobile home park recreation districts.—An ordinance creating or amending the charter of a mobile home park recreation district may grant to the recreation district the following powers ~~and all further or additional powers as the governing body of the municipality or county establishing the district deems necessary or useful in order to exercise such powers:~~

- (1) To sue and be sued and to have a corporate seal.
- (2) To contract and be contracted with.

(3) To acquire, purchase, construct, improve, equip and maintain streets and lights, recreational facilities, and other common areas of all types, including real and personal property, within the boundaries of the existing platted mobile home park to be acquired by the district; such acquisition may be by purchase, lease, or gift.

(4) To levy and assess a special assessment known as a “recreation district tax” against all improved residential parcels situated within the district for the purpose of providing funds to implement the powers of the district, subject to the following:

(a) The fiscal year of the district shall commence October 1 of each year and end on September 30 of the following year. The trustees shall, on or before April 1 of each year, prepare an annual financial statement of income and disbursements during the prior fiscal year. On or before July 1 of each year, the trustees shall prepare and adopt an itemized budget showing the amount of money necessary for the operation of the district for the next fiscal year, and the special assessment to be assessed and collected upon improved residential parcels of the district for the next ensuing year. Such financial statement shall be published once during the month of April each year in a newspaper of general circulation within the county. A copy of the statement and a copy of the budget shall also be furnished to each owner of an improved residential parcel within 30 days after its preparation and a copy made available for public inspection at the principal office of the district at reasonable hours.

(b) The trustees shall, on or before July 30 of each year, by resolution, fix the amount of the assessment for the next ensuing year. These special assessments may be collected in the manner provided for ad valorem taxes under Chapter 197, Florida Statutes, subject to the conditions of section 197.0126. Prior to the adoption of the resolution fixing the amount of the assessment, the trustees shall hold a public hearing at which time qualified electors of the district may appear and be heard. Notice of the time and place of the public hearing shall be published once in a newspaper of general circulation within the county at least 21 days prior to the public hearing. For the purpose of determining property subject to the district assessment, an “improved residential parcel” means a platted lot on which a mobile home may be erected. The district assessment shall not be an ad valorem tax but a special assessment assessed equally against all improved residential parcels. Each parcel of property in the district is hereby declared to be uniformly benefited by the services of such district.

(c) The district assessment shall be a valid lien upon each improved residential parcel of land so assessed until the assessment has been paid, and shall be considered a part of the county tax, subject to the same penalties, charges, fees, and remedies for enforcement and collection as provided by the laws of the state for the collection of such taxes.

(5) To issue bonds or notes to finance, in whole or in part, the cost of construction, acquisition, or improvement of common real and personal property of the district. The trustees, in determining such costs, may include all costs and estimated costs of the issuance of the bonds or notes; all engineering, inspection, fiscal, and legal expenses; all costs of preliminary surveys, plans, maps, and specifications; initial reserve funds for debt service; the costs of the services of persons, firms, corporations, partnerships, or associations employed, or consultants, advisors, engineers, or fiscal, financial, or other experts in the planning, preparation, and financing of the district. The trustees are hereby authorized to employ and to enter into agreements or contracts with consultants, engineers, attorneys, certified public accountants, or fiscal, financial, or other experts for the

planning, preparation, and financing of the district, or any asset thereof, upon such terms and conditions as the trustees deem desirable and proper. The district may pledge to the punctual payment of bonds, notes, or revenue certificates, and interest thereon, an amount of the revenue from the special assessments known as recreation district taxes as well as fees derived from the use of facilities and services of the district, including acquisitions, extensions, and improvements thereof, sufficient to pay the bonds, notes, and revenue certificates and the interest thereon as the same shall become due, and to create and maintain reasonable reserves therefor.

(6) To operate and maintain recreational facilities or to enter into arrangements with others for such operation and maintenance pursuant to contract, lease, or otherwise.

(7) To establish, charge, and collect reasonable fees for admission to or use of recreational facilities, provided that the use of the facilities shall be extended to the general public as well as residents and nonresident owners within the district, their family members, and guests, and other such persons and groups as the board may authorize from time to time, and to apply such fees to the operation, maintenance, improvement, enlargement, or acquisition of recreational facilities or to the payment of bonds, notes, or revenue certificates of the district.

(8) To adopt and enforce rules for the use of the recreational facilities owned or operated by the district.

(9) To employ all personnel, including private security guards, deemed necessary for the operation and maintenance of the facilities of the district.

(10) To adequately insure the facilities, properties, and operations of the district as well as the trustees of the district, jointly and severally, in the performance of their duties.

(11) To buy, sell, rent, or lease real and personal property and to deliver purchase money notes and mortgages in connection with the acquisition of property.

(12) To adopt rules and regulations not inconsistent with existing deed restrictions and to use district funds in the administration and enforcement of such rules, regulations, and deed restrictions.

(13) To enter into contracts involving the purchase, lease, conveyance or other manner of acquisition of common real or tangible personal property but, in any instance when the cost, price, or consideration therefor exceeds \$25,000, including all obligations, proposed to be assumed in connection with such acquisition, then only if:

(a) The trustees by two-thirds vote have approved the terms and conditions of such acquisition by written resolution;

(b) Within not less than 30 nor more than 60 days after the date of the resolution, the trustees certify the resolution to the supervisor of elections for the county for a referendum election; and

(c) A majority of qualified electors of the district approve the resolution by referendum election.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, strike all of lines 1-9 and insert: A bill to be entitled An act relating to financial matters; amending s. 170.01, Florida Statutes, 1982 Supplement, as amended; removing authority of municipalities to provide certain capital improvements and to levy special assessments therefor; prescribing restrictions on municipal special assessments for such improvements; amending s. 197.0121(1), Florida Statutes, as created by HB 1321, as passed by the 1983 regular session of the Legislature; correcting a cross reference; amending section 36 of HB 1321, as passed by the 1983 regular session of the Legislature; providing for certain powers of mobile home parks recreation districts; providing an effective date.

On motion by Senator Margolis, by two-thirds vote CS for SB 2-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

| | | | |
|--------------|-----------------|------|---------|
| Carlucci | Childers, W. D. | Dunn | Frank |
| Childers, D. | Crawford | Fox | Gersten |

| | | | |
|-----------|-----------|---------|-----------|
| Grizzle | Langley | Meek | Thomas |
| Henderson | Malchon | Myers | Thurman |
| Hill | Mann | Plummer | Vogt |
| Jenne | Margolis | Rehm | Weinstein |
| Jennings | Maxwell | Scott | |
| Johnston | McPherson | Stuart | |

Nays—None

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

SB 30-B—A bill to be entitled An act relating to pugilistic exhibitions; creating s. 14.27, Florida Statutes; creating the State Athletic Commission under the Department of Business Regulation; providing for appointment of members; creating ss. 548.041-548.49, Florida Statutes; providing for compensation and terms of office of members of the commission; providing for the adoption of rules; providing for an executive secretary and defining his duties; providing definitions; regulating boxing in the state; exempting schools and Olympic events; granting exclusive jurisdiction over all boxing matches to the commission; providing rules and requirements for boxing; establishing a minimum age for boxers; requiring a physician, referees, and judges to be in attendance; establishing weight and class limitations, methods of scoring, and other safety regulations; providing for certain disclosure; prohibiting collusive or sham contests; regulating purses and their disbursement; providing for hearings; requiring insurance; requiring certain persons to be licensed; requiring permits for boxing matches; establishing procedures for licensing; establishing license and permit fees; requiring the disclosure of receipts from boxing contests; establishing a percent gross receipts tax; providing penalties; establishing a medical advisory board; regulating the contracts and tickets of admission relating to boxing matches; requiring certain persons to post bond or other security prior to licensing; authorizing the commission to hold hearings, to issue subpoenas, to suspend or revoke licenses, and to impose fines; providing criminal penalties; prohibiting certain conflicts of interest; repealing ss. 548.01-548.04, Florida Statutes, relating to pugilistic exhibitions; providing for future repeal and review; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendment which was adopted:

Amendment 1—On page 2, line 18, after "Commission" insert: which shall be known and referred to as "The Joe Lang Kershaw Athletic Commission"

On motion by Senator Myers, by two-thirds vote SB 30-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

| | | | |
|-----------------|-----------|-----------|-----------|
| Bear | Frank | Johnston | Myers |
| Carlucci | Gersten | Langley | Plummer |
| Childers, D. | Grant | Malchon | Rehm |
| Childers, W. D. | Grizzle | Mann | Vogt |
| Crawford | Henderson | Margolis | Weinstein |
| Dunn | Jenne | Maxwell | |
| Fox | Jennings | McPherson | |

Nays—None

Vote after roll call:

Yea—Castor, Meek

The Senate resumed consideration of—

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.

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

Amendment 61—

Section 01, page 816
After Item 189 insert the following provisos:

Funds are provided in Specific Appropriations 159 through 163 to undertake a study of the Division of Alcoholic Beverages and Tobacco, and to provide a report to the Legislative Appropriation Committees no later than February 1, 1984. Among other things, this report shall contain a detailed review of the division's functions and responsibilities and shall include an assessment of the effectiveness of the division's operations, including the division's interaction with other law enforcement agencies.

Funds are provided in Specific Appropriations 183 through 189 for the purpose of implementing and enforcing the beverage and cigarette laws of the state. Any law enforcement activities not pertaining to alcoholic beverages or tobacco shall be initiated only upon the request of other state, local, or federal law enforcement agencies, unless such activities become apparent during the enforcement of the beverage or cigarette laws.

Senator Neal moved the following amendments which were adopted:

Amendment 62—

| Section 01 Items 892, 894, 905, 910, 919 | Strike: | Insert: |
|--|---------------|---------------|
| 892 Salaries & Benefits | Positions 122 | Positions 130 |
| From Insurance Commissioner's Regulatory Trust Fund | 2,457,824 | 2,734,039 |
| 894 Expenses | | |
| From Insurance Commissioner's Regulatory Trust Fund | 550,362 | 584,332 |
| 905 Expenses | | |
| From Insurance Commissioner's Regulatory Trust Fund | 493,125 | 524,043 |
| 910 Expenses | | |
| From Insurance Commissioner's Regulatory Trust Fund | 818,579 | 915,227 |
| 919 Expenses | | |
| From Insurance Commissioner's Regulatory Trust Fund | 603,837 | 617,989 |

Amendment 63—

| Section 01, page 85 Items 551, 552 | Strike: | Insert: |
|--|---------|-----------|
| 551 Special Categories Acquisition & Replacement of Motor Vehicles | | |
| From General Revenue Fund | 116,594 | 671,559 |
| From State Game Trust Fund | 584,608 | 22,501 |
| 552 Special Categories Operation & Maintenance of Motor Vehicles | | |
| From General Revenue Fund | 632,178 | 1,323,925 |
| From State Game Trust Fund | 604,569 | 183,943 |

Senator Langley moved the following amendment which was adopted:

Amendment 64—

Section 01, page 160
Item 1287

Insert as paragraph of proviso:

"From the funds provided in specific appropriation 1287 for the Joint Legislative Management Committee, \$25,000 shall be used to fund the Mobile Home Study Commission."

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 65—

Section 01, page 10
Insert the following proviso after item 110:

Of the funds provided in Specific Appropriation 110 from the Fire Ant Control Trust Fund, \$75,000 shall be used by the Division of Plant Industry to contract with the Institute of Food and Agriculture Sciences at the University of Florida to fund research to find an adequate biological agent to control the imported fire ant. The institute shall submit through the division, to the 1984 Legislature a progress report on said research.

Senator Mann moved that the Senate stand in recess until 4:00 p.m. The motion failed.

On motion by Senator Johnston, by two-thirds vote SB 1-B 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

| | | | |
|-----------------|-----------|-------------|--------|
| Mr. President | Frank | Jenne | Myers |
| Barron | Gersten | Jennings | Neal |
| Beard | Grant | Johnston | Rehm |
| Carlucci | Grizzle | Kirkpatrick | Scott |
| Childers, D. | Hair | Langley | Stuart |
| Childers, W. D. | Henderson | Margolis | Thomas |
| Crawford | Hill | Maxwell | Vogt |

Nays—11

| | | | |
|--------|-----------|-----------|-----------|
| Castor | Girardeau | McPherson | Thurman |
| Dunn | Malchon | Meek | Weinstein |
| Fox | Mann | Plummer | |

On motion by Senator Barron, by two-thirds vote Senate Bills 6-B, 28-B, 29-B, 34-B, 17-B and 35-B were placed on the special order calendar.

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

INTRODUCTION AND REFERENCE OF BILLS

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

By Senator Girardeau—

SB 36-B—A bill to be entitled An act relating to precious metals; amending s. 1, chapter 83-94, Laws of Florida; authorizing a precious metals dealer to accept certain forms of identification in lieu of a driver's license; providing penalties; providing an effective date.

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

On motions by Senator Barron, by two-thirds vote SB 36-B was withdrawn from the Committee on Commerce and by two-thirds vote placed on the special order calendar.

SPECIAL ORDER, continued

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

—was read the second time by title.

Senator Maxwell moved the following amendments which were adopted:

Amendment 1—On page 3, strike all of lines 23-31 and insert:

(b) District Teacher of the Year award recipients shall each receive \$5,000.

(c) Regional Teacher of the Year award recipients shall each receive \$10,000.

(d) The State Teacher of the Year award recipient shall receive \$20,000.

Amendment 2—On page 4, lines 7-13, all of line 5, and on page 6, lines 1-5, strike all of said lines and insert:

Section 4. Florida Council on Instructional Improvement.—

(1) **INTENT.**—The Legislature recognizes that quality education requires excellence in public school classroom teachers. The purpose of the council created herein is to study and make recommendations to the State Board of Education regarding implementation of a merit based salary program, including a career progression plan, to provide an economic incentive to the state's best teachers to continue as classroom teachers.

(2) **COUNCIL ON INSTRUCTIONAL IMPROVEMENT.**—

(a) There is created the Florida Council on Instructional Improvement to be composed of 17 members who shall be selected as follows:

1. The Governor shall appoint six members, who shall be representative of free enterprise business, classroom teachers, school managers, and other persons knowledgeable in education or personnel matters.

2. The Commissioner of Education shall appoint three members, who shall be representative of free enterprise business, classroom teachers, and school managers.

3. The Speaker of the House of Representatives and the President of the Senate shall serve as ex officio members, and in addition shall each appoint two members from their respective houses, and one non-legislator member each.

4. The Governor shall appoint the chairman of the council. All council members shall be appointed by September 1, 1983.

(b) Each member of the council shall be entitled to receive per diem and travel expenses as provided in s. 112.061, Florida Statutes, while carrying out official business of the council.

(c) The Department of Education shall provide technical assistance.

(3) **DUTIES OF THE COUNCIL.**—The council shall study and make recommendations by January 20, 1984, to the Governor and the Legislature regarding the feasibility and implementation of an economic incentive plan for teacher compensation. The council shall consider, but not be limited to, the following:

(a) Voluntary participation.

(b) Assurance of appropriate teaching experience.

(c) Assurance of appropriate evaluation and assessment to demonstrate above average or exceptional classroom performance.

(d) Assurance of superior level of knowledge of subject area in which a majority of the teaching duties are assigned.

(e) Appropriate renewal procedures to assure maintenance of superior performance.

(f) Appropriate compensation for achievement of superior status.

(g) Assurance that all teachers who qualify will have the opportunity to participate in the program.

(h) An appropriate appeals procedure from decisions regarding merit or differential pay allocation.

(i) Assurance that such a plan be a state plan.

(j) Assurance of statewide recognition of superior teacher achievement.

(k) Assurance that such a plan be free from racial, sexual, or ethnic discrimination.

(4) This section shall be repealed on July 1, 1984.

Amendment 3—On page 33, lines 24 and 25, strike “superintendent of schools of the county in which the community college is located” and insert: Governor

Amendment 4—On page 35, line 24, after “one” insert: or more

Amendment 5—On page 10, line 13, after “resuscitation” insert: , instruction relating to the hazards of smoking

Senator Neal moved the following amendment which was adopted:

Amendment 6—On page 2, between lines 18 and 19, insert:

Section 1. Subsection (2) of section 229.555, Florida Statutes, is amended to read:

229.555 Educational planning and information systems.—

(2) **COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.**—The commissioner shall develop and implement an integrated information system for educational management. The system shall support, as feasible, the management decisions to be made in each division of the department and at the individual school and district levels. Similar data elements among divisions and levels shall be compatible. The system shall be based on an overall conceptual design; the information needed for such decisions, including fiscal, student, program, personnel, facility, community, evaluation, and other relevant data; and the relationship between costs and effectiveness. The system shall be managed and administered by the commissioner and shall include a district sub-system component to be administered at the district level, *with input from the reports-and-forms control management committees*. Each district school system with a unique management information system shall assure that compatibility exists between its unique system and the district component of the state system to the extent that all data required as input to the state system shall be made available in the appropriate input format.

(a) The specific responsibilities of the commissioner shall include the following:

1. Consulting with school district representatives in the development of the system design model and implementation plans for the management information system for public school education management;

2. Providing operational definitions for the proposed system;

3. Determining the information and specific data elements required for the management decisions made at each educational level, recognizing that the primary unit for information input shall be the individual school *and that the primary function of the school is to educate children, rather than to collect data for reporting*;

4. Developing standardized terminology and procedures to be followed at all levels of the system;

5. Developing a standard transmittal format to be used for collection of data from the various levels of the system;

6. Developing appropriate computer programs to assure integration of the various information components dealing with students, personnel, facilities, fiscal, program, community, and evaluation data;

7. Developing the necessary programs to provide statistical analysis of the integrated data provided in subparagraph 6. in such a way that required reports may be disseminated, comparisons may be made, and relationships may be determined in order to provide the necessary information for making management decisions at all levels;

8. Developing output report formats which will provide district school systems with information for making management decisions at the various educational levels;

9. Developing a phased plan for distributing computer services equitably among all public schools and school districts in Florida as rapidly as possible. The plan shall describe alternatives available to the state in providing such computing services and shall contain estimates of the cost of each alternative, together with a recommendation for action. In developing such plan, the feasibility of shared use of computing hardware and software by school districts, community colleges, and universities shall be examined. Laws or administrative rules regulating procurement of data processing equipment, communication services, or data processing services by state agencies shall not be construed to apply to local agencies which share computing facilities with state agencies;

10. Assisting the district school systems in establishing their sub-system components and assuring compatibility with current district systems;

11. Establishing procedures for continuous evaluation of system efficiency and effectiveness;

12. Initiating a reports-management and forms-management system to ascertain that duplication in collection of data does not exist and that forms and reports *for reporting under state and federal requirements and other forms and reports* are prepared in a logical and uncomplicated format, resulting in a reduction in the number and complexity of required reports, particularly at the school level; and

13. Initiating such other actions as are necessary to carry out the intent of the Legislature that a management information system for public school management needs be implemented. *Such other actions shall be based on criteria including but not limited to:*

- a. *The purpose of the reporting requirement;*
- b. *Its origination;*
- c. *Date of origin; and*
- d. *Date of repeal.*

(b) The specific responsibilities of each district school system shall include:

1. Establishing a district level reports-control and forms-control management system *committee composed of school administrators and classroom teachers. The district school board shall appoint school administrator members and classroom teacher members or, in school districts where appropriate, the classroom teacher members shall be appointed by the bargaining agent. Teachers shall constitute a majority of the committee membership. The committee shall periodically recommend procedures to the district school board for eliminating, reducing, revising, and consolidating paperwork and data collection requirements, and shall submit to the district school board an annual report of its findings. by July 1, 1977.*

2. With assistance from the commissioner, developing systems compatibility between the state management information system and unique local systems.

3. Providing, with the assistance of the department, inservice training dealing with management information system purposes and scope, a method of transmitting input data, and the use of output report information.

4. Establishing a plan for continuous review and evaluation of local management information system needs and procedures.

5. Advising the commissioner of all district management information needs.

6. Transmitting required data input elements to the appropriate processing locations in accordance with guidelines established by the commissioner.

7. Determining required reports, comparisons, and relationships to be provided to district school systems by the system output reports, continuously reviewing these reports for usefulness and meaningfulness, and submitting recommended additions, deletions, and change requirements in accordance with the guidelines established by the commissioner.

8. Being responsible for the accuracy of all data elements transmitted to the department.

(c) It is the intent of the Legislature that the expertise in the state system of public education, as well as contracted services, be utilized to hasten the plan for full implementation of a comprehensive management information system.

Section 2. Paragraph (h) is added to subsection (2) of section 229.565, Florida Statutes, to read:

229.565 Educational evaluation procedures.—

(2) EDUCATION EVALUATION.—The Commissioner of Education shall periodically examine and evaluate procedures, records, and programs in each district to determine compliance with law and rules established by the state board. Such evaluations shall include, but not be limited to:

(h) *Clearly defined data collection and documentation requirements, including specifications of which records and information need to be kept and how long the records need to be retained. The information and documentation needs for evaluation shall be presented to the school districts and explained well in advance of the actual audit date.*

Section 3. Subsection (1) of section 229.8041, Florida Statutes, is amended to read:

229.8041 Educational computing.—

(1) STATE POLICY.—It is the policy of the state to use computers and related technology to make instruction and learning more effective and efficient, ~~and~~ to make educational programs more relevant to contemporary society, and to reduce the paperwork and data collection requirements placed on classroom teachers.

Senator Maxwell moved the following amendment which was adopted:

Amendment 7—In title, on page 1, line 1, strike the title and insert: A bill to be entitled An act relating to education; amending s. 228.041(16), (22), Florida Statutes, 1982 Supplement; providing definitions; increasing the number of hours of instruction in public high schools; amending s. 229.814(4), Florida Statutes; establishing age requirements for taking high school equivalency diploma examination; providing for exceptions; creating s. 229.89, Florida Statutes; providing for Florida Teacher of the Year award; creating the Quality Instruction Incentives Program; amending s. 230.03(2), (3), Florida Statutes; expanding powers of school boards; amending s. 230.23(6)(a), Florida Statutes, 1982 Supplement; providing for policies relating to classroom performance; creating s. 232.2455, Florida Statutes; providing for programs of remediation; amending s. 232.246, Florida Statutes; providing general requirements for high school graduation; amending s. 232.2465(1)(a), Florida Statutes, 1982 Supplement; increasing the number of credits required to qualify as a Florida Academic Scholar; requiring high school curriculum frameworks; requiring adoption of student performance standards; adding s. 233.057(4), Florida Statutes; providing for allocations to high schools that employ reading resource specialists; amending s. 236.013(2), Florida Statutes; redefining “full-time student” and “full-time equivalent student”; amending s. 236.02(2), Florida Statutes, adding new subsections (3), (4), to said section and renumbering existing subsections; increasing minimum term of operation of schools; requiring student performance standards for FEFP participation; amending s. 236.081(1), Florida Statutes; revising funding formula; amending s. 236.0811, Florida Statutes; providing restriction on inservice training programs, authorizing master inservice plans for nonpublic schools under certain conditions; creating s. 240.134, Florida Statutes; providing for postsecondary remedial and developmental instruction; amending s. 240.233(1), (2), Florida Statutes, 1982 Supplement; establishing minimum requirements for university enrollment; amending s. 240.321, Florida Statutes; restricting admission to Associate of Arts degree programs; providing for a vocational education management information system; requiring reports; providing for establishment of vocational education planning regions; providing for regional vocational coordinating councils; providing powers and duties; creating s. 240.4081, Florida Statutes; providing for the Student Loan Forgiveness Program and creating a trust fund; creating the Teacher Scholarship Loan Trust Fund; providing for award of scholarship loans from the fund; providing for summer inservice institutes for instructional personnel; requiring universities and community colleges to report certain information to high schools; establishing standards for student participation in extracurricular activities; requiring study and report on the minimum competency program; providing for establishment of a visiting school scholars program; providing for certification of adjunct instructors; authorizing universities and community colleges to offer academic courses on high school sites; amending s. 240.60, Florida Statutes, 1982 Supplement; establishing priorities for the college career work experience program; requiring a study of vocational job preparatory programs; repealing s. 233.064, Florida Statutes, relating to a required course in Americanism vs. Communism; amending s. 231.17(1), (2), (3), Florida Statutes, 1982 Supplement; limiting the number of teacher education courses required for teacher certification extending the time to meet examination requirements for certain vocational teachers; requiring the beginning teacher programs for all newly hired teachers without a regular certificate; authorizing participation in a consortium on instructional materials; requiring feasibility study of modifying teacher certification examination; providing for a study of collective bargaining; amending s. 231.608, Florida Statutes; providing for content of evaluation reports; providing for the reenactment of the Teacher Center Act; providing for the sunset of the Teacher Center Act; providing an effective date.

Senator Neal moved the following amendment which was adopted:

Amendment 8—In title, on page, line, insert: amending s. 229.555(2), Florida Statutes; providing criteria for action necessary to carry out the intent of the Legislature for management information systems; adding s. 229.565(2)(h), Florida Statutes; providing criteria for periodic evaluation of data collection and documentation requirements; amending s. 229.8041(1), Florida Statutes; providing a statement of policy to reduce data collection requirements;

On motion by Senator Peterson, by two-thirds vote SB 6-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator D. Childers, by two-thirds vote—

SB 28-B—A bill to be entitled An act relating to health care; adding s. 626.9541(25), Florida Statutes, 1982 Supplement; creating ss. 627.6371, 627.6691, Florida Statutes; allowing insurers or groups of insurers providing individual health insurance or group, blanket, or franchise health insurance to contract with licensed health care providers for alternative rates of payment and to limit payments pursuant to a contract with the insured to rates charged by such providers; providing that such contracts for alternative rates not be construed as a deceptive or unfair trade practice or as a violation of antitrust laws; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 9, strike “and”; on page 2, strike all of lines 10 and 11; on page 2, line 12, strike “antitrust laws.”; on page 3, strike all of lines 15-17; on page 4, strike all of lines 7-9

Amendment 2—In title, on page 1, lines 14 and 15, strike “or as a violation of antitrust laws”

On motion by Senator D. Childers, by two-thirds vote SB 28-B 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

The President presiding

On motions by Senator D. Childers, by two-thirds vote—

SB 29-B—A bill to be entitled An act relating to medical assistance; amending s. 409.266(2), Florida Statutes, 1982 Supplement; deleting reference to demonstration projects on evaluation of certain health care services contracts between the Department of Health and Rehabilitative Services and health units; authorizing the department to contract with certain health care providers and health insurers for the provision of health care services to persons eligible for Medicaid services; providing an exemption from regulation as health maintenance organizations; providing an effective date.

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

Yeas—37

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

Nays—None

On motions by Senator Kirkpatrick, by two-thirds vote—

SB 34-B—A bill to be entitled An act relating to insurance and civil actions; amending s. 458.331(1)(t), Florida Statutes, 1982 Supplement, and adding subsection (5) to said section; providing definitions; specifying grounds for disciplinary proceedings against physicians by the Board of Medical Examiners; requiring the Board of Medical Examiners to investigate certain physicians; amending s. 627.912, Florida Statutes, 1982 Supplement; requiring insurers and self-insurers to report claims with respect to professional liability; specifying information to be included in such reports; requiring the Department of Insurance to report the names of certain physicians and osteopaths to the Department of Professional Regulation and the Board of Medical Examiners; creating s. 768.047, Florida Statutes; requiring leave of court to plead punitive damages; creating s. 768.33, Florida Statutes; providing for periodic payments of damages and attorney fees in certain civil actions; creating s. 768.34, Florida Statutes; limiting the recovery of noneconomic losses to a certain amount; creating s. 768.36, Florida Statutes; providing for the application of comparative negligence in determining damage awards in certain actions; amending s. 768.40, Florida Statutes; expanding the immunity granted to medical review committees and extending immunity to insurer and self-insurer review committees; adding s. 768.41(5), Florida Statutes; requiring the Department of Health and Rehabilitative Services to review certain reports and report its findings; creating s. 395.0031, Florida Statutes; establishing financial responsibility requirements for ambulatory surgical centers; creating s. 458.321, Florida Statutes; establishing financial responsibility requirements for physicians; creating s. 459.011, Florida Statutes; establishing financial responsibility requirements for osteopaths; amending s. 458.319, Florida Statutes; increasing license fees to physicians licensed to practice in another state, and creating a trust fund; providing a severability clause; providing an effective date.

—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—26

| | | | |
|-----------------|-----------|-------------|---------|
| Mr. President | Girardeau | Kirkpatrick | Scott |
| Barron | Grant | Malchon | Stuart |
| Beard | Grizzle | Mann | Thomas |
| Childers, W. D. | Hair | Margolis | Thurman |
| Crawford | Henderson | Meek | Vogt |
| Frank | Hill | Myers | |
| Gersten | Jennings | Rehm | |

Nays—7

| | | | |
|--------------|----------|---------|-----------|
| Childers, D. | Fox | Langley | Weinstein |
| Dunn | Johnston | Plummer | |

Vote after roll call:

Yea—Castor

Yea to Nay—Gersten

On motion by Senator D. Childers, the Senate reconsidered the vote by which—

SB 28-B—A bill to be entitled An act relating to health care; adding s. 626.9541(25), Florida Statutes, 1982 Supplement; creating ss. 627.6371, 627.6691, Florida Statutes; allowing insurers or groups of insurers providing individual health insurance or group, blanket, or franchise health insurance to contract with licensed health care providers for alternative rates of payment and to limit payments pursuant to a contract with the insured to rates charged by such providers; providing that such contracts for alternative rates not be construed as a deceptive or unfair trade practice or as a violation of antitrust laws; providing an effective date.

—as amended passed this day.

On motion by Senator D. Childers, the Senate reconsidered the vote by which SB 28-B was read the third time.

Senator Jenne moved the following amendments which were adopted:

Amendment 3—On page 2, line 15, insert:

Section 1. As used in this act, "licensed health care providers" shall not include persons or facilities regulated pursuant to chapter 465.

Amendment 4—In title, on page 1, line 4, after "supplement;" insert: providing definition;

On motion by Senator D. Childers, by two-thirds vote SB 28-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

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.

—was read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 25 and 26, insert:

Section 2. Subsection (3) of section 775.0835, Florida Statutes, is amended to read:

775.0835 Fines; surcharges; Crimes Compensation Trust Fund.—

(3) The additional \$10 \$15 obligation created by s 960 20 shall be collected, and \$9 \$14 of each \$10 \$15 collected shall be credited to the Crimes Compensation Trust Fund, prior to any fine or surcharge authorized by this chapter.

and renumber subsequent sections of the bill.

Amendment 2—In title, on page 1, between lines 5 and 6, insert: amending s. 775.0835(3), Florida Statutes, directing payment of increased fines to the Crimes Compensation Trust Fund;

On motion by Senator Hair, by two-thirds vote SB 17-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

| | | | |
|-----------------|-----------|-------------|-----------|
| Mr. President | Frank | Johnston | Plummer |
| Barron | Gersten | Kirkpatrick | Rehm |
| Beard | Girardeau | Langley | Scott |
| Carlucci | Grant | Malchon | Stuart |
| 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 | |

Nays—1

Neal

Consideration of Senate Bills 31-B and 35-B was deferred.

On motions by Senator Girardeau, by two-thirds vote—

SB 36-B—A bill to be entitled An act relating to precious metals; amending s. 1, chapter 83-94, Laws of Florida; authorizing a precious metals dealer to accept certain forms of identification in lieu of a driver's license; providing penalties; providing an effective date.

—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—36

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

Nays—None

On motion by Senator Barron, the Senate recessed at 3:37 p.m., awaiting the call of the President.

The Senate was called to order by the President at 4:39 p.m. A quorum present—32

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

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 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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Pursuant to Rule 7.6, the amendments constituted an entirely new bill and were not published in the Journal.

On motions by Senator Johnston, the Senate refused to concur in the House amendments and the House was requested to recede and in the event the House refused to recede a conference committee was requested. The action of the Senate was certified to the House.

FIRST READING

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed HB 34-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations—

HB 34-B—A bill to be entitled An act relating to energy appropriations; creating the Energy Conservation Grant Act; creating s. 377.704, Florida Statutes; providing legislative intent that funds received by the state due to settlements of certain federal litigation relating to petroleum overcharges shall not be expended unless appropriated by the Legislature; providing appropriations from the Governor's Office Grants and Donations Trust Fund to specified agencies for various portions of the State Energy Program; providing conditions; providing an effective date.

—was referred to the Committee on Appropriations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed HB 35-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations—

HB 35-B—A bill to be entitled An act relating to financial matters; amending s. 215.195(4) and (5), Florida Statutes; providing that moneys deposited in the State-Federal Relations Trust Fund shall be deposited quarterly to the General Revenue Fund, unallocated; eliminating reference to the deposit of certain excess funds; providing an effective date.

—was referred to the Committee on Appropriations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 37-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations—

HB 37-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 subsection (8) to s. 215.422, Florida Statutes; authorizing the Comptroller to adopt rules relating to advance payments; adding subsection (5) to s. 215.44, Florida Statutes; exempting certain procedures of the State Board of Administration, relating to the investment of funds, from the provisions of chapter 287, Florida Statutes; amending s. 216.031(3), Florida Statutes, as amended, relating to budgets for operational expenditures; amending s. 216.181(7), Florida Statutes, as amended, 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) and (3), Florida Statutes, as amended; renumbering s. 216.292(4), Florida Statutes, and adding new subsections (4), (5), (6), (7), and (8) to said section; providing for the transfer of appropriations for operations and fixed capital outlay; providing for transfer to accounts established for disbursement purposes, and for transfers from the working capital fund; providing for transfers of funds when a state agency is delinquent on reimbursements due the Unemployment Compensation Trust Fund or payments for insurance coverage; providing procedure relating to payment for telephone services provided by the Division of Communications of the Department of General Services; amending s. 216.301(1)(a), Florida Statutes, as amended, relating to undisbursed balances; providing an effective date.

—was referred to the Committee on Appropriations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 38-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations—

HB 38-B—A bill to be entitled An act relating to state government; implementing and administering the General Appropriations Act for fiscal year 1983-1984; providing authority for the Administration Commission to approve certain transfers related to reorganization; authorizing the Governor to amend agency budgets under specified circumstances; providing that persons in the Senior Management Service shall not be eligible to participate in the salary incentive program; providing that, with specified exceptions, automobiles purchased or leased by the state shall be of the subcompact class; restricting price at which vehicles may be purchased; restricting lease or installment purchase of vehicles, machines, and equipment by the executive or judicial branches unless approved by the Comptroller; restricting use of appropriated funds for certain legal services unless approved by the Attorney General; providing that certain unexpended balances of appropriations to the Department of

Transportation shall be certified forward at the end of the fiscal year; providing for certain reduction in the assigned FTE for each community college; providing that specific appropriations in the General Appropriations Act may be advanced as provided; providing that appropriations to the Department of Education are subject to approval by the Commissioner of Education of certain purchases of electronic data processing equipment by school districts, community colleges, and the Board of Regents; requiring the Commissioner of Education to conduct an allocation conference prior to distribution of FEFP formula funds; directing the Commissioner of Education to conduct certain enrollment estimating conferences, and to report the results thereof; directing the Commissioner of Education to review adult education programs and to report the results thereof; authorizing school districts to contract with nonpublic residential schools for educational programs not otherwise available and providing conditions, eligibility, and funding with respect thereto; authorizing the Department of General Services to delegate certain accounting responsibility; repealing s. 5 of chapter 81-92, Laws of Florida, which relates to the repeal of provisions relating to the depositing of certain fees in the Corporations Trust Fund; providing effective and expiration dates.

—was referred to the Committee on Appropriations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 39-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations—

HB 39-B—A bill to be entitled An act relating to educational facilities construction and funding; authorizing and providing funding for specified public educational capital outlay projects; providing that, unless determined otherwise, at least 10 percent of the funds provided shall be expended with small businesses owned by socially and economically disadvantaged individuals; providing an effective date.

—was referred to the Committee on Appropriations.

SPECIAL ORDER, continued

On motions by Senator Henderson, by two-thirds vote SB 35-B was withdrawn from the Committee on Appropriations and by unanimous consent taken up instanter.

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

SB 35-B—A bill to be entitled An act relating to a surtax on documents; creating s. 125.0107, Florida Statutes; authorizing certain charter counties to levy a discretionary surtax on certain documents to provide for the acquisition, construction, or improvement of local jails and related facilities; providing limitations and procedures; providing for a referendum; providing for future repeal of said section; amending s. 201.031, Florida Statutes, as created by Committee Substitute for Senate Bill 56, passed during the 1983 Regular Session of the Legislature; providing for the levy of the surtax; providing for the administration, collection, and distribution of the proceeds of the surtax; providing an exception; requiring an annual report to the Department of Banking and Finance; providing effective and expiration dates.

—was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 1, line 23, strike everything after the enactment clause and insert:

Section 1. Section 125.0107, Florida Statutes, is created to read:

125.0107 Discretionary surtax on documents; adoption; application of revenue.—

(1) Pursuant to the provisions of s. 201.033, the governing authority in each charter county is authorized to levy a discretionary surtax on documents for the purpose of establishing and financing the acquisition, construction, or improvement of local jails and related facilities. The rate of the surtax shall not exceed the rate of forty-five cents for each \$100 or fractional part thereof of the consideration therefor. Such surtax shall apply only to those documents taxable under s. 201.02, except that there shall be no surtax on any document pursuant to which the interest grant-

ed, assigned, transferred, or conveyed involves only a single-family residence. Such single-family residence may be a condominium unit, a unit held through stock ownership or membership representing a proprietary interest in a corporation owning a fee or a leasehold initially in excess of 98 years, or a detached dwelling.

(2) The levy of the discretionary surtax shall be by ordinance which shall be proposed at a regular meeting of the governing authority at least 2 weeks prior to formal adoption. Formal adoption shall not be effective unless approved on final vote by a majority of the total membership of the governing authority. The ordinance shall not take effect unless it is approved by a majority of the electors of the charter county voting in a referendum election called by the board of county commissioners.

(3) The county shall deposit revenues from the discretionary surtax with the clerk of the circuit court of the county and shall use the revenues only to acquire, construct, or improve local jails and related facilities, and to pay necessary costs of collection and enforcement of the surtax.

(4) This section shall stand repealed 10 years after its effective date.

Section 2. Section 201.033, Florida Statutes, is created to read:

201.033 Discretionary surtax; administration and collection; reporting requirements.—

(1) Each charter county may levy, subject to the provisions of s. 125.0107, a discretionary surtax on documents taxable under the provisions of s. 201.02, except that there shall be no surtax on any document pursuant to which the interest granted, assigned, transferred, or conveyed involves only a single-family residence. Such single-family residence may be a condominium unit, a unit held through stock ownership or membership representing a proprietary interest in a corporation owning a fee or a leasehold initially in excess of 98 years, or a detached dwelling.

(2) All provisions of chapter 201, except s. 201.15, shall apply to the surtax. The Department of Revenue shall pay, to the governing authority of the county which levies the surtax, all taxes, penalties, and interest collected under this section less any costs of administration.

(3) Each county which levies the surtax shall include in the financial report required under s. 218.32 information showing the tax revenues and the expenses for which such revenues are used for the fiscal year.

Section 3. This act shall take effect October 1, 1983, and the provisions thereof shall expire and be void and inoperative on October 1, 1993.

Amendment 2—In title, on page 1, strike all of lines 11-14 and insert: creating s. 201.033, Florida Statutes; providing for the levy of the

On motion by Senator Henderson, by two-thirds vote SB 35-B 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

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

Nays—None

Vote after roll call:

Yea to Nay—Beard

On motions by Senator Gersten, by unanimous consent—

SB 31-B—A bill to be entitled An act relating to professional regulation; amending s. 20.30(2)(a), (3), and (4)(x), Florida Statutes, 1982 Supplement, and adding paragraphs (y) and (z) thereto, renaming a division and board within the Department of Professional Regulation, and adding the Board of Acupuncture and the Alarm Business Licensing Board; amending s. 120.71, Florida Statutes, changing procedures for the disqualification of agency personnel in administrative proceedings; providing for rules; amending ss. 310.011 and 310.021(1) and adding a new sub-

section (1) to s. 310.151, Florida Statutes, restricting the members of the Board of Pilot Commissioners who may vote on rate matters; amending s. 310.131, Florida Statutes, authorizing procedures for the verification of amounts of pilotage at each port; adding a subsection to s. 455.203, Florida Statutes, authorizing peer review of certain health care providers; amending s. 455.207(3) and (4), Florida Statutes, providing basis upon which a vacancy can occur on a board and providing that telephone conference calls shall not be included in the definition of "other business of the board"; amending s. 455.213(2), Florida Statutes, providing for initial license fees for professional licenses; amending s. 455.217(1), Florida Statutes, 1982 Supplement, authorizing the limited release of certain examination information; creating s. 455.220, Florida Statutes, establishing peer review of treatment by chiropractic physicians; amending s. 455.225(3), Florida Statutes, changing complaint procedures involving persons regulated by the department; exempting probable cause panel proceedings from certain notice requirements; amending s. 455.227(1), Florida Statutes, providing an additional ground for discipline by disciplinary boards within the Department of Professional Regulation; amending s. 455.241(2), Florida Statutes, 1982 Supplement, authorizing the department to obtain certain patient records of naturopathic physicians; amending s. 458.311(1)(b) and (4), Florida Statutes, requiring graduation from an allopathic medical school or college; providing for board waiver of certain educational requirements for licensure of physicians; amending s. 458.331(1)(f), Florida Statutes, 1982 Supplement, providing an exception to violation reporting requirements; creating s. 458.3311, Florida Statutes, creating the impaired professionals advisory committee; providing its duties; providing for consultants and for the confidentiality of certain information; providing for reports of impairment; amending s. 458.337(1)(b), Florida Statutes, requiring notification to the department of disciplinary action by ambulatory surgical centers or nursing homes against physicians; creating s. 459.0076, Florida Statutes, authorizing osteopathic faculty certificates; amending s. 459.015(1)(s), Florida Statutes, providing for certain mental and physical examinations of osteopathic physicians and restricting the use of related information; amending s. 459.017, Florida Statutes, expanding provisions relating to the release of certain medical reports during an investigation; amending s. 460.406(2), Florida Statutes; extending the date for waiver of accreditation and approval requirements for chiropractic colleges; providing additional provisions for waiver; deleting requirement for department to make available certain courses; amending s. 460.413(1)(n), Florida Statutes, expanding the types of chiropractic records which must be kept; creating s. 461.0095, Florida Statutes, requiring licensed podiatrists to disclose whether they accept Medicare assignment reimbursements; amending s. 462.08(4), Florida Statutes, increasing the naturopathy license renewal fee; amending s. 462.14, Florida Statutes, changing the grounds for and types of disciplinary action against naturopathic physicians; amending s. 463.014(2), Florida Statutes, changing the types of corporations or organizations which may employ optometrists to provide optometric services to employees; amending s. 464.018(1)(h) and (i), Florida Statutes, providing for certain mental or physical examinations of nurses and restricting the use of related information; providing an exception to violation reporting requirements; creating s. 464.0185, Florida Statutes, providing for use of the impaired professionals advisory committee consultants with respect to impaired nurses; amending s. 465.003(3), Florida Statutes, 1982 Supplement, adding new types of pharmacies; amending s. 465.007(1)(b), Florida Statutes, adding requirements for licensure as a pharmacist; adding a subsection to s. 465.008, Florida Statutes, providing for consultant pharmacist licenses; amending s. 465.016(1)(e), Florida Statutes, providing for the discipline of pharmacists violating specified federal law; creating ss. 465.0195 and 465.0196, Florida Statutes, providing procedures and conditions for the issuance of permits for radiopharmacies and special pharmacies; amending s. 465.023(1), Florida Statutes, authorizing alternative disciplinary actions against pharmacy permittees; amending s. 468.1665(1) and (2), Florida Statutes, decreasing and changing the membership of the Board of Nursing Home Administrators; amending s. 468.1705(2), Florida Statutes, 1982 Supplement, changing provisions relating to licensure of nursing home administrators by endorsement; amending s. 468.322(1), Florida Statutes, and adding a subsection; redefining "acupuncture"; providing a definition; creating s. 468.3225, Florida Statutes; providing a board; providing duties and membership, appointment, and terms; creating s. 468.3226, Florida Statutes; authorizing board rules; amending s. 468.323, Florida Statutes, 1982 Supplement; establishing an additional certification requirement, deleting a requirement, and removing the cap on certification and reexamination fees and authorizing application and examination fees; providing that certain Oriental nomenclature be used in the examination upon request; providing that certain persons be qualified

without examination; providing that certain persons be qualified to take the examination; amending s. 468.324, Florida Statutes; removing the cap on renewal fees and penalties and providing for establishment by the board; providing for continuing education requirements; amending s. 468.325(2) and (3), Florida Statutes; establishing the board's authority over disciplinary actions; providing that certain persons may retake certain portions of the examination a limited number of times; repealing s. 468.327, Florida Statutes, 1982 Supplement, relating to department rule-making authority; repealing s. 468.3245, Florida Statutes, 1982 Supplement, relating to apprenticeship programs; amending s. 471.003(1) and (2)(1), Florida Statutes, 1982 Supplement, and s. 471.031(1)(b), Florida Statutes; prohibiting unregistered engineers from holding themselves out as being registered; changing the types of construction projects upon which certain electrical, plumbing, air-conditioning, or mechanical contractors may work without being registered engineers; amending s. 472.005(1), Florida Statutes, and s. 472.007(1), Florida Statutes, 1982 Supplement, renaming the Board of Land Surveyors; amending s. 472.013(2) and (4), Florida Statutes, changing examination prerequisites for applicants for land surveyor licenses; amending s. 472.033(1)(h), Florida Statutes, expanding certain grounds for disciplinary action against land surveyors; amending s. 473.303(1), Florida Statutes, expanding the membership of the Board of Accountancy; amending s. 473.313, Florida Statutes, revising provisions relating to inactive status of accountants' licenses; providing a restriction upon the duration of inactive status; providing exceptions; amending s. 475.125, Florida Statutes, 1982 Supplement, providing for the refund of application and license fees for real estate brokers and salesmen; amending s. 475.17(1) and (2), Florida Statutes, 1982 Supplement, prohibiting the licensure of certain persons; changing education requirements; amending s. 475.175, Florida Statutes, 1982 Supplement, requiring educational institutions and real estate schools to notify the Real Estate Commission of persons satisfactorily completing certain education requirements; amending s. 475.181(2), Florida Statutes, 1982 Supplement, and adding a subsection, providing for the expiration of licensure applications and certifications; amending s. 475.23, Florida Statutes, 1982 Supplement, clarifying provisions relating to the expiration of real estate salesmen licenses; amending s. 475.25(1), Florida Statutes, 1982 Supplement, expanding the application of provisions relating to real estate related disciplinary action and changing certain grounds therefor; amending s. 475.451(2), (6), and (8), Florida Statutes, 1982 Supplement, changing licensure requirements for real estate school operators, administrators and instructors; amending s. 475.483(1)(b), Florida Statutes, 1982 Supplement, providing an exception to notice requirements for claims against the Real Estate Recovery Fund; amending s. 475.484(1), (3), and (4), Florida Statutes, 1982 Supplement, increasing amount limits for authorized payments from the Real Estate Receiving Fund; amending s. 476.154(1), Florida Statutes, deleting provisions relating to restoration of licenses of retired barbers; adding a subsection to s. 476.184, Florida Statutes, requiring display of barber shop registrations and barbers' licenses; creating s. 476.210, Florida Statutes, requiring barber services to be performed in registered barbershops; providing exceptions; creating s. 477.0135, Florida Statutes, exempting certain persons from licensure as cosmetologists; amending s. 477.019(1)(b), Florida Statutes, changing a limitation with respect to standards established by the Board of Cosmetology pursuant to training required to qualify for licensure; creating s. 477.0211, Florida Statutes, authorizing continuing education requirements for cosmetologists; amending s. 477.022(1) and (3), Florida Statutes, 1982 Supplement, changing cosmetology examination requirements; creating s. 477.0265, Florida Statutes, prohibiting certain acts and providing penalties; amending s. 477.028(1), Florida Statutes, authorizing disciplinary actions against continuing education providers; amending s. 477.029, Florida Statutes, prohibiting violations of provisions relating to cosmetology and increasing the types of disciplinary actions; creating s. 477.030, Florida Statutes, requiring cosmetology services to be performed in licensed salons; providing exceptions; amending s. 480.033(3), Florida Statutes, expanding the definition of "massage"; amending s. 480.041(4), Florida Statutes, 1982 Supplement, clarifying license renewal requirements for masseurs; amending s. 480.046(1), Florida Statutes, relating to disciplinary action by the Board of Massage; amending ss. 481.207 and 481.307, Florida Statutes, increasing certain fees for architects and landscape architects; adding a subsection to s. 481.309, Florida Statutes, providing examination requirements for landscape architecture licenses; amending s. 484.007(1)(e), Florida Statutes, changing qualifications for licensure of opticians; repealing s. 484.002(6), Florida Statutes, removing the definition of "licensed physician" in provisions relating to opticians; amending s. 486.091, Florida Statutes, providing alternative disciplinary actions against physical therapists; amending s. 489.115(1), Florida Statutes, restricting the effect of

certification of construction contractors; amending s. 489.119(5), Florida Statutes, 1982 Supplement, requiring the use of the registration or certification number of contractors in all advertising and requiring local verification of state licensure of construction contractors; amending s. 489.129(1), Florida Statutes, relating to disciplinary action against such contractors; amending s. 489.505(1), Florida Statutes, making a technical change; amending s. 489.509, Florida Statutes, increasing fees for electrical contractors; adding a paragraph to s. 489.533(1), Florida Statutes, adding a ground for disciplinary action against electrical contractors; amending s. 490.005(1)(b) and (2), Florida Statutes, changing qualifications for licensure of psychologists by examination; changing qualifications for clinical social workers, marriage and family therapists, mental health counselors, and school psychologists; amending s. 490.014(2)(c), Florida Statutes, 1982 Supplement, changing the exemption from licensure as psychologists for certain employees of educational institutions; requiring the Department of Professional Regulation to make certain studies and to report to the Legislature; adding subsection (3) to s. 501.122, Florida Statutes, providing a restriction upon the use of laser devices; providing a penalty; amending ss. 458.321, 459.009, 460.409, 461.008, 463.008, 466.015, 468.1725, 470.016, 471.019, 472.019, 474.212, 475.1825(1), 481.217, 481.315, 484.009, and 490.008, Florida Statutes, amending s. 475.183, Florida Statutes, 1982 Supplement, and creating ss. 476.155, 477.0212, and 480.0415, Florida Statutes, relating to regulation of medical practitioners, osteopathic physicians, chiropractic physicians, podiatrists, optometrists, dentists and dental hygienists, nursing home administrators, funeral directors and embalmers, engineers, land surveyors, veterinarians, real estate brokers and salesmen, architects, landscape architects, opticians, psychologists, barbers, cosmetologists and cosmetology instructors, and masseurs, to modify regulatory provisions enabling said professionals to place their licenses in an inactive status; correcting a cross reference; providing for relative uniformity; providing for application and fees; limiting inactive status to 4 years, unless renewed; providing for automatic expiration of license upon failure to renew or reactivate; modifying continuing education requirements; grandfathering in current licensees whose licenses have been placed in inactive status; repealing s. 476.154(3)(c), (d), (e), (f), and (g), relating to placement of barbers' licenses in an inactive status, s. 477.019(5), Florida Statutes, relating to placement of cosmetologists' licenses in an inactive status, s. 477.021(7), Florida Statutes, relating to placement of cosmetology instructors' licenses in an inactive status, and s. 490.007(4), Florida Statutes, relating to placement of licenses of psychologists, clinical social workers, marriage and family therapists, mental health counselors, and school psychologists in an inactive status; amending s. 455.02, Florida Statutes, relating to renewal of licenses for members of the United States Armed Forces; providing for the regulation of the business of installation or repair of alarm systems; providing definitions; creating an Alarm Business Licensing Board within the Department of Professional Regulation; providing qualifications and procedures for licensure by examination or experience; providing qualification and providing for issuance of certificate of competency; providing for license renewal; providing contents of applications; providing grounds for denial, nonrenewal, suspension and revocation of license and certificate of competency; providing for bond; providing application, certificate of competency and license fees; providing for investigation of applicants by the department; providing for enforcement; providing for the effect on the regulatory authority of local governments; providing penalties; providing for review and repeal in accordance with the Regulatory Sunset Act; providing severability; establishing a residential planned development study committee; providing for membership and duties of the committee; requiring the committee to prepare a report; providing for future review and repeal; providing effective dates.

—was taken up out of order and by two-thirds vote read the second time by title.

On motion by Senator Langley, further consideration of SB 31-B was deferred.

On motion by Senator Neal, 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 47-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations—

HB 47-B—A bill to be entitled An act relating to water resources; amending s. 373.026, Florida Statutes, expanding duties of the Department of Environmental Regulation with respect to collecting and monitoring data relating to water resources; creating s. 403.063, Florida Statutes, requiring the department to establish a groundwater quality monitoring network and providing criteria therefor; requiring regional and local governments to sample and test groundwater as directed by the department; requiring the department to develop a program of inspecting package sewage treatment facilities; amending s. 403.855, Florida Statutes, expanding duties of the department relating to imminent hazards in water supplies; adding subsections to s. 373.203, Florida Statutes, providing definitions; amending s. 373.206, Florida Statutes, expanding the authority of the department to plug hazardous artesian wells; creating s. 373.207, Florida Statutes, requiring water management districts to adopt plans for plugging abandoned artesian wells; providing for review of plans by the department; creating s. 487.0615, Florida Statutes; establishing the Pesticide Review Council; providing for membership; providing powers and responsibilities; providing for rulemaking petition; providing reimbursement for travel; creating s. 487.043, Florida Statutes, providing for the testing of restricted-use pesticides; providing duties of the Pesticide Review Council, the Department of Agriculture and Consumer Services, and the Department of Environmental Regulation; providing for future review and repeal of ss. 487.0615 and 487.043, Florida Statutes; creating an agriculture policy for the state; adding subsection (4) to s. 570.44, Florida Statutes, adding a fourth bureau to the Division of Inspection and providing for certain positions; repealing s. 487.061, Florida Statutes, 1982 Supplement, abolishing the Pesticide Technical Council; providing an appropriation to the Pesticide Review Council; amending s. 376.11(4)(b), Florida Statutes, and adding paragraphs (f) and (g) to subsection (5) of said section, increasing limits on the balance in the Florida Coastal Protection Trust Fund and providing for additional disbursements from the fund; amending s. 208.001, Florida Statutes, increasing the tax on the generation of hazardous wastes; amending s. 403.702(2)(c), Florida Statutes; providing legislative intent; adding subsections to s. 403.704, Florida Statutes; providing additional powers and duties of the Department of Environmental Regulation; amending s. 403.722(9) and (10), Florida Statutes, 1982 Supplement; specifying certain requirements in certain permitting processes; creating s. 403.7225, Florida Statutes; providing for the preparation of local hazardous waste management assessments; providing duties of the counties, regional planning councils, and the department relative to such assessments; creating the Local Government Hazardous Waste Management Program and providing for the allocation of funds; amending s. 403.723, Florida Statutes; requiring counties to complete a hazardous waste needs assessment and to choose a site for a hazardous waste storage facility; providing duties of the Governor and Cabinet; requiring counties to notify small quantity generators of their responsibilities annually; requiring such generators to disclose certain information to the county; providing for verification of such generators' management practices; providing penalties; requiring counties to furnish information on the assessment and the notification program to the department; amending s. 403.703(18), Florida Statutes, redefining the "closure" of a resource recovery and management facility; amending s. 403.704(16), Florida Statutes, changing procedures for the review of department rules stricter than those of the United States Environmental Protection Agency relating to resource recovery and management; amending s. 403.7045(1)(c), Florida Statutes, 1982 Supplement, correcting a reference; amending s. 403.707(1) and (2), Florida Statutes, 1982 Supplement, and adding a subsection; requiring resource recovery and management facilities and sites which are closed to be permitted; changing exceptions from certain permit requirements; restricting the permitting of certain new sanitary landfills; creating s. 403.726, Florida Statutes, establishing Amnesty Days for the purging of small quantities of hazardous wastes; amending s. 403.727(3) and (4), Florida Statutes, 1982 Supplement, and adding a new subsection (4) thereto, increasing penalties for violations of provisions relating to hazardous wastes; imposing liability upon specified persons for costs and damages caused by the release or threatened release of hazardous substances; restricting the ability of government entities to interpose a defense to such liability; creating s. 501.082, Florida Statutes; requiring specified governmental agencies and institutions of the State University System to notify the department regarding hazardous materials and management practices; requiring written plans for management and spill control; providing for siting of a multipurpose hazardous waste facility by the state; providing for adoption of siting criteria by the department; providing for adoption of a site designation by the Environmental Regulation Commission; directing the com-

mission to contract for construction and operation of the facility; requiring permitting of the facility; authorizing the issuance of state bonds; prohibiting hazardous waste landfills and the issuance of permits therefor; providing for emergency temporary permits; creating s. 768.131, Florida Statutes, providing immunity from liability for persons who assist in cleaning up any discharge of hazardous materials; providing exceptions; providing responsibilities of the department; repealing s. 403.729, Florida Statutes, abolishing the State Hazardous Waste Policy Advisory Council; creating s. 376.115, Florida Statutes; creating the Water Quality Assurance Trust Fund; providing funding; authorizing an excise tax upon registrants operating terminal facilities under certain circumstances; providing for suspension of the tax in certain years; providing for collection; providing for administration; adding subsection (22) to s. 215.22, Florida Statutes, authorizing certain deductions from the Water Quality Assurance Trust Fund; creating s. 403.1655, Florida Statutes, creating the Environmental Short-Term Emergency Response to provide for pollution abatement procedures; amending s. 381.272, Florida Statutes, 1982 Supplement, providing for the regulation of onsite, rather than individual, sewage disposal systems; changing the types of subdivisions which may use certain systems; restricting the location of such systems; providing for equal application of restrictions and rules; changing the circumstances in which variances may be granted and the procedures therefor; prohibiting certain uses of organic chemical solvents; prohibiting issuance of permits in certain areas; authorizing temporary permits for experimental systems; deleting provisions relating to organic waste composting systems; providing for a special rule in certain cases; creating s. 381.273, Florida Statutes, authorizing the Department of Health and Rehabilitative Services to collect fees for regulating such systems and for certain research; increasing fees to fund the accelerated soil survey program in the Department of Agriculture and Consumer Services; providing appropriations; amending ss. 403.1821-403.1824, 403.1826, 403.1829, Florida Statutes; providing a short title; providing definitions; specifying eligible uses of the State Water Pollution Trust Fund; providing for the Department of Environmental Regulation to make rules with respect to project priorities and certain other matters; providing for transfer of funds from the State Water Pollution Control Trust Fund to the Small Community Sewer Construction Assistance Trust Fund; providing for restrictions on the use of grant money; providing for transfer of funds from the State Water Pollution Control Trust Fund to the Small Community Sewer Construction Assistance Trust Fund; providing guidelines for local governmental contributions to projects; requiring projects to be self-sufficient with respect to operation, maintenance, and replacement costs; providing funding priorities; amending s. 403.1832, Florida Statutes; designating the department as the state agency to contract with the federal government on certain activities; amending s. 403.804(3), Florida Statutes; providing duties of the Environmental Regulation Commission; creating ss. 403.1836-403.1839, Florida Statutes; creating the Small Community Sewer Construction Assistance Trust Fund in the department; providing for grants from the fund; providing duties of the department regarding such grants; repealing ss. 403.1827, 403.1828, 403.1830, 403.1831, 403.1833, Florida Statutes, relating to administering federal grants for water pollution control and sewage treatment; adding a subsection to s. 212.02, Florida Statutes, 1982 Supplement, as amended, providing a definition; amending s. 212.11(1), Florida Statutes, changing sales tax collection procedures; amending s. 212.12(2), Florida Statutes, and repealing subsection (5); providing a penalty; transferring certain funds from general revenue to the State Water Pollution Control Trust Fund and providing uses therefor; amending s. 403.802, Florida Statutes, providing legislative policy; amending s. 403.803, Florida Statutes, providing definitions; amending s. 403.805, Florida Statutes, authorizing the Secretary of the Department of Environmental Regulation to delegate certain powers and duties to the water management districts; amending s. 403.807, Florida Statutes, providing powers and duties of the Division of Environmental Programs of the department; amending s. 403.808, Florida Statutes, providing duties of the Division of Environmental Permitting of the department; adding subsections to s. 403.061, Florida Statutes, authorizing the Department of Environmental Regulation to adopt rules protecting certain shellfish harvesting waters and regulating certain storage tanks and piping systems; amending s. 403.809, Florida Statutes, providing for boundaries and management personnel of environmental districts; amending s. 403.812, Florida Statutes; providing for delegating certain departmental powers and duties to the water management districts; providing limitations on such powers and duties; amending s. 403.813(1), Florida Statutes, 1982 Supplement, providing criteria for certain projects for which a permit is required; amending s. 373.016(2), Florida Statutes, providing legislative policy; amending s. 373.026(7), Florida Statutes, providing for powers and duties of the department; amending s.

373.106, Florida Statutes, granting the water management districts exclusive authority to issue certain permits; amending s. 373.114, Florida Statutes; providing for review by the department of certain water management district rules; providing procedures for such review; amending s. 373.116(1), Florida Statutes; providing for filing certain permit applications with the districts; amending s. 373.303(6), Florida Statutes, modifying the definition of "well"; repealing s. 373.303(9), Florida Statutes; eliminating the exemption of sand-point wells from well regulations; amending s. 373.308(1) and (2), Florida Statutes, and adding a new subsection (3), requiring the department to authorize water management districts to exercise certain powers; amending s. 373.323, Florida Statutes, providing for water well contractor's licenses to be issued by the water management districts; amending s. 373.333, Florida Statutes, providing for enforcement; providing effective dates.

—was read the first time by title. On motions by Senator Neal, the rules were waived and by two-thirds vote HB 47-B was placed on the special order calendar and by unanimous consent taken up instanter.

On motion by Senator Neal, by two-thirds vote HB 47-B was read the second time by title.

Senator Neal moved the following amendment:

Amendment 1—On page 9, line 25, strike everything after the enacting clause and insert:

PART I
DEPARTMENT OF ENVIRONMENTAL REGULATION
DATA COLLECTION

Section 1. Section 373.026, Florida Statutes, is amended to read:

373.026 General powers and duties of the department.—The Department of Environmental Regulation, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, *it is the policy of the state that, to the greatest extent possible, the department may enter into interagency or interlocal agreements with any other state agency, water management district, or local government conducting programs related to or materially affecting the water resources of the state. All such interagency agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department shall, to the greatest extent possible is authorized:*

(1) To Conduct, independently or in cooperation with other agencies, topographic surveys, research, and investigations into all aspects of water use and water quality.

(2) *Be the central repository for all scientific and factual information relating to water resources generated by local governments, water management districts and state agencies and to that end, to collect, maintain and make available such information to public and private users within the state and to assist in the acquisition of scientific and factual data from the United States Geological Survey. All local governments, water management districts and state agencies are directed to cooperate with the department or its agents in making available to it for this purpose such scientific and factual data as they may have, generate or possess, as the department deems necessary. The department is authorized to prescribe the format and ensure quality control for all data collected or submitted. Additionally, the department shall annually publish a bibliography of all water resource investigations conducted in the state, the first such bibliography to be published no later than July 1, 1984. The department is additionally directed to establish priorities for the development of a computerized groundwater data base upon the following principles:*

(a) *Regions deemed prone to groundwater contamination due to present land-use.*

(b) *Regions that have an identifiable direct connection with any confined aquifer utilized as a drinking water aquifer.*

(c) *Any region dependent on a single source aquifer for potable water as defined in the Department of Environmental Regulation Rule 17-3, Florida Administrative Code. To collect, compile, and analyze, for its use and guidance in administering the water resource laws of this state, scientific and factual data from the United States Geological Survey or any state agency. State agencies are directed to cooperate with the department or its agents in making available to it for this purpose such scientific and factual data as they may have.*

(3) To Cooperate with other state agencies, water management districts, and regional, county, or other local governmental organizations or agencies created for the purpose of utilizing and conserving the waters in this state; to assist such organizations and agencies in coordinating the use of their facilities; and participate in an exchange of ideas, knowledge, and data with such organizations and agencies. For this purpose the department may maintain an advisory staff of experts.

(4) To Prepare and provide for dissemination to the public of current and useful information relating to the water resources of the state.

(5) To Identify by continuing study those areas of the state where saltwater intrusion is a threat to freshwater resources and report its findings to the water management districts, boards of county commissioners, and public concerned.

(6) To Conduct, either independently or in cooperation with any person or governmental agency, a program of study, research, and experimentation and evaluation in the field of weather modification.

(7) To Exercise general supervisory authority over all water management districts. The department may exercise any power herein authorized to be exercised by a water management district. The department shall review, and may rescind or modify, any policy, rule, regulation, or order of a water management district, except those policies, rules, or regulations which involve only the internal management of the district, to insure compliance with the provisions and purposes of this chapter. Such review may be initiated at any time either by the department or by an interested person aggrieved by such policy, rule, regulation, or order by filing a request for such review with the department and serving a copy on the water management district. Such request for review is not a precondition to the effectiveness of such policy, rule, regulation, or order, or to the seeking of judicial review as otherwise provided.

(8)(a) To Provide such coordination, cooperation, or approval necessary to the effectuation of any plan or project of the Federal Government in connection with or concerning the waters in the state. Unless otherwise provided by state or federal law, the department shall, subject to confirmation by the Legislature, have the power to approve or disapprove such federal plans or projects on behalf of the state.

(b) The department, subject to confirmation by the Legislature, shall act on behalf of the state in the negotiation and consummation of any agreement or compact with another state or other states concerning waters of the state.

(9)(a) To Hold annually a conference on water resources developmental programs. Each agency, commission, district, municipality, or political subdivision of the state responsible for a specific water resources development program requiring federal assistance shall present at such conference its programs and projects and the needs thereof. Notice of the time and place of the annual conference on water resources developmental programs shall be extended by mail at least 30 days prior to the date of such conference to any person who has filed a written request for notification with the department. Adequate opportunity shall be afforded for participation at the conference by interested members of the general public.

(b) Upon termination of the water conference, the department shall select those projects for presentation in the Florida program of public works which best represent the public welfare and interest of the people of the state as required for the proper development, use, conservation, and protection of the waters of the state and land resources affected thereby. Thereafter, the department shall present to the appropriate committees and agencies of the Federal Government a program of public works for Florida, requesting authorization for funds for each project.

PART II
GROUNDWATER MONITORING

Section 2. Section 403.063, Florida Statutes, is created to read:

403.063 Groundwater quality monitoring.—

(1) The department, in cooperation with other state agencies, water management districts, and local governments, shall establish a groundwater quality monitoring network designed to detect or predict contamination of the state's groundwater resources.

(2) The department may, by rule, determine the priority of sites to be monitored within such groundwater quality monitoring network, based upon the following criteria:

(a) The degree of danger to the public health caused or potentially caused by contamination.

(b) The susceptibility of each site to contamination.

(3) This information shall be made available to state agencies and local governments to facilitate their regulatory and land use planning decisions.

(4) The actual sampling and testing of groundwater pursuant to the provisions of this section may be conducted by local and regional agencies under contract with the department.

Section 3. The Department of Environmental Regulation shall implement a program to conduct regular and continuing inspection of package sewage treatment facilities. To the greatest extent possible, consistent with the abilities and the financial resources of local governments, the inspection program shall be delegated to local governments.

PART III WELL FIELD CONTAMINATION MITIGATION

Section 4. Section 403.855, Florida Statutes, is amended to read:

403.855 Imminent hazards.—*In coordination with the Department of Health and Rehabilitative Services, the department, upon receipt of information that a contaminant which is present in, or is likely to enter, a public or private water supplies system may present an imminent and substantial danger to the public health, may take such actions as it may deem necessary in order to protect the public health. Department actions shall which the department may take include, but are not limited to:*

(1) Adopting emergency rules pursuant to s. 120.54(9).

(2) Issuing such corrective orders as may be necessary to protect the health of persons who are or may be users of such *supplies systems*, including travelers. An order issued by the department under this section shall become effective upon service of such order on the alleged violator, notwithstanding the provisions of s. 403.860(3).

(3) *Establishing a program designed to prevent contamination or to minimize the danger of contamination to potable water supplies.*

(4) *Contracting for clinical tests on samples of the affected population if the department determines there is a real and immediate danger to the public health.*

(5)(3) *Commencing a civil action for appropriate relief, including a restraining order or permanent or temporary injunction.*

PART IV ARTESIAN WELL PLUGGING

Section 5. Subsections (3) and (4) are added to section 373.203, Florida Statutes, to read:

373.203 Definitions.—

(3) *“Abandoned artesian well” shall mean an artesian well:*

(a) *That does not have a properly functioning valve;*

(b) *The use of which has been permanently discontinued;*

(c) *That does not meet current well construction standards;*

(d) *That is discharging water containing greater than 500 mg/l chlorides into a drinking water aquifer;*

(e) *That is in such a state of disrepair that it cannot be used for its intended purpose without having an adverse impact upon an aquifer which serves as a source of drinking water, or which is likely to be such a source in the future; or*

(f) *That does not have proper flow control on or below the land surface.*

(4) *“Plugging” shall mean plugging, capping, or otherwise controlling a well as deemed appropriate by the department or by the appropriate water management district.*

Section 6. Section 373.206, Florida Statutes, is amended to read:

373.206 Artesian wells; flow regulated.—Every person, stock company, association or corporation, county or municipality owning or control-

ling the real estate upon which is located a flowing artesian well in this state shall, within 90 days after June 15, 1953, provide each such well with a valve capable of controlling the discharge from the well, and shall keep the valve so adjusted that only a supply of water shall be available as is necessary for ordinary use by the owner, tenant, occupant or person in control of the land for personal use and on conducting his business. *Upon the determination by the Department of Environmental Regulation or the appropriate water management district that the water in an artesian well is of such poor quality as to have an adverse impact upon an aquifer or other water body which serves as a source of public drinking water, or which is likely to be such a source in the future, then such well* However, if the water in a well is so highly mineralized or otherwise of such poor quality that it is no longer a usable water supply, as determined by the Department of Environmental Regulation, then it shall be plugged in accordance with department or appropriate water management district the department's specifications for well plugging.

Section 7. Section 373.207, Florida Statutes, is created to read:

373.207 Abandoned artesian wells.—

(1) Each water management district shall develop a work plan identifying the location of all known abandoned artesian wells within its jurisdictional boundaries and defining the actions which the district must take in order to ensure that each such well is plugged on or before January 1, 1992. The work plan shall include the following:

(a) An initial inventory, accounting for all known abandoned artesian wells in the district.

(b) The location and owner of each known abandoned well.

(c) The methodology proposed by the district to accomplish the plugging of all known abandoned wells within the district on or before January 1, 1992.

(d) Data relating to costs to be incurred for the plugging of all wells, including the per well cost and personnel costs.

(e) A priority schedule of well plugging established to mitigate damage to the groundwater resource due to water quality degradation.

(2) Each water management district shall submit its work plan to the Secretary of Environmental Regulation no later than January 1, 1984. Thereafter, each water management district shall submit an annual update of its work plan until January 1, 1992, or until all wells identified by the plan are plugged, whichever is later.

PART V PESTICIDES

Section 8. Section 487.0615, Florida Statutes, is created to read:

487.0615 Pesticide Review Council.—

(1) There is hereby created within the Department of Agriculture and Consumer Services the Pesticide Review Council to consist of nine scientific members as follows: a scientific representative from the Department of Environmental Regulation, from the Department of Natural Resources, from the Department of Health and Rehabilitative Services, and from the Game and Fresh Water Fish Commission, to be appointed by each agency; the state chemist and the dean of research of the Institute of Food and Agricultural Sciences of the University of Florida; a hydrologist, a toxicologist, and a pesticide industry scientific representative, to be recommended by the Commissioner of Agriculture, and appointed by the Governor. Immediately after their appointment, the members of the council shall meet and organize by electing a chairman, a vice chairman, and a secretary, whose terms shall be for 1 year. Council officers shall not serve consecutive terms. The council shall meet at the call of its chairman, at the request of a majority of its membership, at the request of the department or at such time as a public health or environmental emergency arises.

(2) The Pesticide Review Council shall have the following powers and duties:

(a) Review U.S. Environmental Protection Agency data on newly registered restricted-use pesticides.

(b) Initiate scientific studies on any registered restricted-use pesticide when substantive preliminary data indicates that the restricted-use pesticide, as presently being used, poses an unreasonable adverse effect

on the hydrogeologic environment or human health, or that claims made by the registrant relative to its sale, distribution, use, or effects, to the U.S. Environmental Protection Agency in the registration application are substantially different from actuality. The council shall utilize the available services of state agencies or the State University System to conduct scientific studies determined to be necessary in the performance of its duties.

(c) Apprise the U.S. Environmental Protection Agency of the specific soil, hydrogeological, and other environmental conditions in Florida counties of intense restricted-use pesticide application.

(d) Formally request the U.S. Environmental Protection Agency to require registrants of new restricted-use pesticides to provide it with environmental test data generated in Florida or generated by simulating Florida environmental conditions.

(e) Request information from the U.S. Environmental Protection Agency relative to findings upon which the U.S. Environmental Protection Agency based its registration determinations for restricted-use pesticides registered in the state.

(f) Make recommendations, subject to a majority vote, directly to the Commissioner of Agriculture for actions to be taken relative to the sale or use of a restricted-use pesticide which the council has studied or reviewed.

(g) Provide information to appropriate government agencies, as requested, relative to restricted-use pesticides which have been reviewed or studied by the council. However, confidential data received from the U.S. Environmental Protection Agency or the registrant shall be treated as such and it shall be unlawful for any member of the council to use the data for his own advantage or to reveal it to the general public, provisions of chapter 119 notwithstanding.

(h) Evaluate the feasibility of using biological controls to replace the use of restricted-use pesticides.

(3) The Pesticide Review Council is defined as a substantially interested person and shall have standing under chapter 120 in any proceeding conducted by the Department of Agriculture and Consumer Services relating to the registration of a pesticide under this chapter. The council's standing shall in no way prevent individual members of the council from seeking and exercising standing in such matters.

(4) Members of the Pesticide Review Council shall receive no compensation for their services but shall be entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061.

Section 9. Section 487.043, Florida Statutes, is created to read:

487.043 Testing of restricted-use pesticides.—

(1) The Department of Agriculture and Consumer Services shall adopt rules governing the review of data submitted by an applicant for restricted-use pesticide registration, and shall determine whether a restricted-use pesticide should be registered, registered with conditions, or tested under field conditions in Florida. The department shall transmit a copy of the application and other pertinent information to each member of the Pesticide Review Council within 30 days of receipt of an application for the registration of a restricted-use pesticide.

(2) When the Pesticide Review Council determines that field testing in Florida is warranted, manufacturers of restricted-use pesticides or persons wishing to register a restricted-use pesticide for use in Florida shall apply to the Department of Agriculture and Consumer Services for a special permit to conduct tests under field conditions in Florida. The field testing permit shall contain testing criteria developed by the most appropriate state agency, as determined by the council.

(3) The Department of Environmental Regulation may review and comment on restricted-use pesticides registered at the time of review, in addition to restricted-use pesticides for which application for registration has been made. Further, the Department of Environmental Regulation may review and comment on any restricted-use pesticide that may pose unreasonably adverse effects on the environment.

(4) Nothing in this section shall affect the authority of the Department of Agriculture and Consumer Services to administer the pesticide registration program under this chapter or the authority of the Commissioner of Agriculture to approve the registration of a pesticide.

Section 10. Sections 487.0615 and 487.043, Florida Statutes, are repealed on October 1, 1988, and shall be reviewed pursuant to section 11.611, Florida Statutes.

Section 11. Legislative declaration; public policy.—The Legislature declares that:

(1) It is the public policy of this state and the purpose of this act to achieve and maintain the production of agricultural commodities for food and fiber as an essential element for the survival of mankind.

(2) The production of agricultural commodities in this state is a large and basic industry that is important to the health and welfare of the people and to the economy of the state.

(3) A sound agricultural industry in this state requires the efficient and profitable use of water and energy and many other natural, commercial, and industrial resources.

(4) The efficient and profitable use of water and energy resources in agricultural production in this state is often difficult to achieve because of problems that are not well known or fully understood by the people, such as weather, climatic changes, and market conditions.

(5) It is important to the health and welfare of the people of this state and to the economy of the state that additional problems are not created for growers and ranchers engaged in the Florida agricultural industry by laws and regulations that cause, or tend to cause, agricultural production to become inefficient or unprofitable.

(6) The laws and regulations that have caused problems for agricultural production in this state have been due primarily to a lack of adequate and informed consideration of the adverse impact such laws and regulations would have on efficient and profitable agricultural production in this state.

Section 12. Subsection (4) is added to section 570.44, Florida Statutes, to read:

570.44 Division of Inspection; powers and duties.—The Division of Inspection shall be divided into not less than *four* ~~three~~ bureaus as follows:

(1) BUREAU OF FEED, SEED, FERTILIZER AND PESTICIDE INSPECTION.—It shall be the duty of this bureau to inspect and draw samples of: Commercial feeds offered for sale in this state and to enforce those provisions of chapter 580, as authorized by the department; seeds offered for sale in this state and to enforce those provisions of chapter 578, as authorized by the department; certified seed grown in this state and to enforce those provisions of chapter 575, as authorized by the department; commercial fertilizers offered for sale in this state and to enforce those provisions of chapter 576, as authorized by the department; and, pesticides offered for sale in this state and to enforce those provisions of chapter 487, as authorized by the department.

(2) BUREAU OF FOOD, GRADES AND STANDARDS INSPECTION.—It shall be the duty of this bureau to conduct those general inspection activities in regard to: Foods offered for sale in this state and to enforce those provisions of chapters 500 and 583, relating to foods as authorized by the department; weights, measures, and standards of articles offered for sale in this state and to enforce those provisions of chapter 531, as authorized by the department; dairy products offered for sale at retail in this state and to enforce those provisions of chapters 502 and 503, as authorized by the department.

(3) BUREAU OF ROAD GUARDS.—It shall be the duty of this bureau to operate and manage those road guard inspection stations of the state and to perform the general inspection activities relating to the movement of agricultural, horticultural, and livestock products and commodities as directed by the department and the division director.

(4) BUREAU OF PRODUCT DATA EVALUATION.—

(a) It shall be the duty of this bureau to support the Pesticide Review Council and to review and evaluate technical and scientific data associated with the production, manufacture, storage, transportation, sale or use of any article or product with respect to any statutory authority which is conferred on the department.

(b) The department is authorized to establish the following positions within the bureau: experts in the fields of toxicology, hydrology, and biology to conduct such reviews and evaluations. The department is also authorized to establish appropriate clerical support positions to implement the duties and responsibilities of the bureau.

Section 13. Section 487.061, Florida Statutes, as amended by chapters 81-236 and 82-46, Laws of Florida, is hereby repealed.

PART VI
HAZARDOUS WASTE MANAGEMENT

Section 14. Section 208.001, Florida Statutes, is amended to read:

208.001 ~~Fee Tax~~ on generation of hazardous wastes; levy.—

(1) ~~In the event that the balance in the Florida Inland Hydrocarbon Protection Trust Fund is drawn down to \$3 million or less, and the excise tax levy is initiated pursuant to s. 376.60(6)(b)1. to restore the fund to \$10 million, there shall be initiated and continued thereafter, a fee on the generation of hazardous waste in accordance with this section.~~

(2)(1) There is hereby levied, to be paid by each generator of hazardous waste in the state, a ~~fee~~ ~~an excise tax~~ for the privilege of generating hazardous wastes. ~~The tax shall be levied at a rate of 4 percent of the price of disposing of, storing, or treating hazardous waste.~~ This ~~fee tax~~ shall be in addition to all other ~~fees~~ or taxes imposed upon or paid by a generator of hazardous waste. However, no tax shall be imposed upon a generator that is a municipality, county, or other unit of government.

(3) ~~For purposes of this section "Hazardous Waste" means any waste having the characteristics identified under or listed pursuant to Section 6921 of Title 42 United States Code, but not including any waste, the regulation of which has been suspended by an Act of Congress or state law or regulation, and shall not include discharges or emissions authorized or evaluated in connection with permits issued by the United States Environmental Protection Agency pursuant to Section 1342 Title 33 United States Code, or Section 7475 Title 42 United States Code, or by department permits issued pursuant to chapter 403, Florida Statutes.~~

~~(2) The 4 percent rate provided in subsection (1) shall be suspended for a period of 4 years beginning October 1, 1980. During such period the following rates shall be applicable:~~

~~(a) There shall be no tax charged from October 1, 1980, through September 30, 1981.~~

~~(b) October 1, 1981, through September 30, 1982, 1 percent of the price of disposing of, storing, or treating hazardous waste.~~

~~(c) October 1, 1982, through September 30, 1983, 2 percent of the price of disposing of, storing, or treating hazardous waste.~~

~~(d) October 1, 1983, through September 30, 1984, 3 percent of the price of disposing of, storing, or treating hazardous waste.~~

(4) The Department of Revenue shall collect a total of \$2 million each calendar year by assessing each generator of hazardous waste, a per ton service fee rounded to the nearest half ton and rounded to the nearest half dollar on the total tons of hazardous waste generated by that generator as certified to the Department of Environmental Regulation. The per ton fee shall be calculated as follows:

$$\text{Per Ton Service Fee} = \frac{\$2,000,000}{\text{Total tons certified}}$$

(5) Notwithstanding the provisions of subsection (2), no one generator shall be assessed more than 4 percent of the total statewide assessment.

(6) The reporting period shall be January 1 through December 31 of each year.

The fee shall be delinquent if not paid on or before April 30 of each year. Penalty and interest shall be deposited to the fund and shall be used to reduce the \$2 million for the next year's computation.

(7) For any calendar year if it is determined that a generator of hazardous waste was not included in the calculation of the service fee due as provided in (4), the generator of hazardous waste shall be assessed the fee as the same cost per ton plus penalty and interest. If the Department of Revenue by its audit determines the total tons were under reported by a generator, the service fee shall be assessed as the same cost per ton plus penalty and interest. The assessments made under this paragraph shall be deposited in the current year's fund and shall be used to reduce the \$2 million for the next year's computation.

Section 15. Section 208.002, Florida Statutes, is amended to read:

208.002 Exemptions from ~~fee tax~~.—~~Hazardous waste disposed of or rendered nonhazardous on the premises where it is generated, shall not be subject to the fee in s. 208.001 if a Department of Environmental Regulation permit for such activity is in effect. Also exempt from the provisions of this chapter are solid wastes for which special studies are required under the Resource Conservation and Recovery Act, as amended, until the studies are completed by the United States Environmental Protection Agency and until the Department of Environmental Regulation adopts rules regulating these wastes. There shall be exempt from the tax imposed by s. 208.001 those transactions wherein hazardous wastes are treated and rendered nonhazardous at a facility certified by the Department of Environmental Regulation as employing treatment technology which renders waste nonhazardous. The department shall promulgate a rule that lists those treatment technologies which may be applied to any particular hazardous waste to render the waste nonhazardous, but the department may only certify a facility as employing treatment technology which renders the waste nonhazardous on the basis of the following:~~

~~(1) Exact knowledge of the chemistry of the hazardous waste; and~~

~~(2) Exact knowledge, including test results if necessary, of the treatment technology of a particular facility or facilities applied to the particular waste.~~

~~No tax shall be paid by or levied upon a generator who operates his own exclusive hazardous waste disposal or hazardous waste processing facility on the generation site and who is so permitted under the Florida Resource Recovery and Management Act.~~

Section 16. Section 208.003, Florida Statutes, is amended to read:

208.003 Generator reports; penalties; assessment of penalties ~~Suspension of levy.~~—

(1) Each generator of hazardous waste subject to the fee assessed under this chapter shall annually report to the Department of Environmental Regulation, the total tonnage generated during the reporting period of January 1 through December 31 of each year, on or before February 15, of the following year. However, the first reporting period shall be for a 6 months' period beginning June 1 and ending December 31, 1983.

(2) Any generator who fails to file the report required by this section shall be liable for a penalty of \$1,000 per month for each month or fraction of a month that violations continue.

(3) The Department of Environmental Regulation shall certify to the Department of Revenue each delinquency, and the department shall assess the proper penalty. This penalty, when collected, shall be deposited to the fund and shall not reduce the \$2,000,000 for the next years' computation.

(4) The Department of Environmental Regulation shall promulgate regulations and prescribe and publish such forms as may be necessary to effectuate the purpose of this chapter. ~~The excise tax shall not be imposed during any quarter of the fiscal year following a quarter at the end of which the balance in the Hazardous Waste Management Trust Fund exceeds \$10 million. Such balance shall be determined quarterly during the fiscal year. The tax shall be reimposed following any quarter in which the balance in the fund drops below \$8 million.~~

Section 17. Section 208.004, Florida Statutes, is amended to read:

208.004 Collection of ~~fee tax~~.—

(1) The Department of Revenue shall collect the ~~fee~~ ~~annually~~ ~~tax~~ ~~monthly~~ on the basis of records certified by the Department of Environmental Regulation to the department by March 15 of each year ~~the previous quarter~~. The reporting period shall be January 1 through December 31 of each year. The fee shall be delinquent if not paid by April 30 of each year. This ~~fee tax~~ shall be in addition to all other ~~fees~~ and taxes imposed upon or paid by a generator of hazardous wastes.

(2) Except for the 3-percent collection allowance, the same duties and privileges imposed by chapter 212 upon dealers of tangible personal property respecting the remission of the ~~fee tax~~; the making of returns; penalties and interest; the keeping of books, records, and accounts; and the compliance with the rules of the Department of Revenue in the administration of chapter 212 shall apply to and be binding on all generators who are subject to ~~this chapter ss. 208.001-208.005.~~

(3) The Department of Revenue shall keep records showing the amount of ~~fees~~ taxes collected. These records shall be maintained in the same manner with respect to confidentiality as provided in s. 213.072.

(4) The Department of Revenue, under the applicable rules of the Career Service Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature.

(5) The Department of Revenue shall promulgate regulations, establish audit procedures for the audit of generators under *this chapter* ~~ss. 208.001-208.005~~, be authorized to assess for delinquency, and prescribe and publish such forms as may be necessary to effectuate the purposes of ~~ss. 208.001-208.005~~.

~~(6) Quarterly, the Department of Environmental Regulation shall furnish the Department of Revenue a list of active generators.~~

Section 18. Section 208.005, Florida Statutes, is amended to read:

208.005 Disposition of proceeds of ~~fee tax~~.—Collections received by the Department of Revenue from the ~~fee tax~~, less the cost of administration of *this chapter* ~~ss. 208.001-208.005~~, shall be paid and returned on an ~~annual~~ ~~monthly~~ basis to the Department of Environmental Regulation. The revenue shall be placed into the Site Restoration ~~Hazardous Waste Management~~ Trust Fund.

Section 19. Section 208.006, Florida Statutes, is created to read:

208.006 Tax on commercial hazardous waste facilities.—

(1) The owner or operator of each privately owned, permitted, commercial, hazardous waste transfer, storage, treatment, or disposal facility which is operated for compensation shall, on or before January 25 of each year, file with the chief fiscal officer of the primary host local government a certified, notarized statement. The statement shall indicate the gross receipts from all charges imposed during the preceding calendar year for the treatment, storage, or disposal of hazardous waste at the facility.

(2) A 3 percent tax is hereby levied on the annual gross receipts of a privately owned, permitted, commercial hazardous waste transfer, storage, treatment, or disposal facility, which tax is payable annually by the owner of the facility to the primary host local government.

(3) All moneys received by the appropriate local government pursuant to subsection (2) shall be appropriated and used to pay for:

(a) The costs of collecting the tax;

(b) Any local inspection costs incurred by the local government to ensure that the facility is operated pursuant to the provisions of chapter 403, part IV, and any rule adopted pursuant thereto;

(c) Additional security costs incurred as a result of operating the facility, including monitoring, fire and police protection;

(d) Hazardous waste contingency planning implementation;

(e) Road construction or repair costs for public roads adjacent to and within 1,000 feet of such hazardous waste facility.

Section 20. Section 220.184, Florida Statutes, is created to read:

220.184 Hazardous waste facility tax credit.—

(1) A credit against the tax imposed by this chapter shall be allowed to the owner of any commercial hazardous waste facility who incurs expenses for hydrologic, geologic, or soil site evaluations and permit fees required by the Department of Environmental Regulation, which credit shall be equal to the amount of such expenses incurred.

(2) A credit against the tax imposed by this chapter shall be allowed to the owner of any state permitted commercial hazardous waste recycling facility, which credit shall be an amount equal to 5 percent of the cost of the stationary facility equipment used for the recycling of hazardous wastes.

(3) If any credit granted pursuant to this section is not fully used in any one corporate tax year, the unused amount may be carried forward for a period not to exceed 5 years. The carryover may be used in a subsequent year when the tax imposed by this act for such year exceeds the credit for such year under this section.

Section 21. Paragraph (c) of subsection (2) of section 403.702, Florida Statutes, is amended to read:

403.702 Legislative findings; public purpose.—

(2) It is declared to be the purpose of this act to:

(c) Provide the authority, and require counties and municipalities, to adequately plan and provide efficient, environmentally acceptable resource recovery and management and require counties to plan for proper hazardous waste management ~~except for hazardous wastes~~.

Section 22. Subsections (21), (22), (23), (24), and (25) are added to section 403.704, Florida Statutes, to read:

403.704 Powers and duties of the department.—The department shall have responsibility for the implementation and enforcement of the provisions of this act. In addition to other powers and duties, the department shall:

(21) Receive and administer funds appropriated for county hazardous waste management assessments.

(22) Provide consistency between county hazardous waste management assessments, coordinate the development of such assessments with the assistance of the appropriate regional planning councils, review and make recommendations to the Legislature relative to the sufficiency of the plan to meet state hazardous waste management needs.

(23) Promote, through local and regional meetings, public awareness of hazardous waste issues and proper methods of management.

(24) Assist the hazardous waste storage, treatment, or disposal industry by providing to the industry any data produced in the county or regional hazardous waste management assessments on the types and quantities of hazardous waste generated.

(25) Institute a hazardous waste emergency response program which would include emergency telecommunication capabilities and coordination with appropriate agencies.

Section 23. Subsections (9) and (10) of section 403.722, Florida Statutes, 1982 Supplement, are amended to read:

403.722 Permits; hazardous waste disposal, storage, and treatment facilities.—

(9) ~~The department shall process permit applications pursuant to s. 120.60. It shall not be a requirement for the issuance of such a permit that the facility complies with an adopted local government comprehensive plan, local land use ordinances, zoning ordinances or regulations, or other local ordinances. However, such a permit issued by the department shall not override such adopted local government comprehensive plans, local land use ordinances, zoning ordinances or regulations, or other local ordinances.~~

(10) Notwithstanding ss. 120.60(2) and 403.815:—

(a) The time specified by law for permit review shall be tolled by the request of the department for publication of notice of proposed agency action to issue a permit for a hazardous waste treatment, storage, or disposal facility and shall resume 45 days after receipt by the department of proof of publication. If, within 45 days after publication of the notice of the proposed agency action, the department receives written notice of opposition to the intention of the agency to issue such permit and receives a request for a hearing, the department shall provide for a hearing pursuant to s. 120.57, if requested by a substantially affected party, or an informal public meeting, if requested by any other person. Failure to request a hearing within 45 days after publication of the notice of the proposed agency action shall constitute a waiver of the right to a hearing under s. 120.57. The permit review time period shall continue to be tolled until the completion of such hearing or meeting ~~and shall resume pursuant to the time periods and tolling provisions of s. 120.60.~~

(b) Within 60 days after receipt of an application for a hazardous waste facility permit, the department shall examine the application, notify the applicant of any apparent errors or omissions and request any additional information the department is permitted by law to require. Failure to correct an error or omission or to supply additional information shall not be grounds for denial of the permit unless the department timely notified the applicant within the 60-day period, except that this paragraph shall not prevent the department from denying an application if it does not possess sufficient information to ensure that the facility is in compliance with applicable statutes and rules.

(c) The department shall approve or deny every hazardous waste facility permit within 135 days after receipt of the original application or after receipt of the requested additional information or correction of errors or omissions. However, failure of the department to approve or deny within the 135-day time period shall not result in the automatic approval or denial of the permit and shall not prevent the inclusion of specific permit conditions which are necessary to ensure compliance with applicable statutes and rules. If the department fails to approve or deny the permit within the 135-day period, the applicant may petition for a writ of mandamus to compel the department to act consistent with applicable regulatory requirements.

Section 24. Section 403.7225, Florida Statutes, is created to read:

403.7225 Local hazardous waste management assessments.—

(1) The Legislature recognizes that there is a need for estimating the amount, type, and sources of hazardous waste generated in the state. There is also a need for facilitating proper storage, transportation, volume reduction treatment, resource recovery, and disposal of these wastes. Proper management of these wastes is imperative in order to protect the public health, safety, and welfare and the environment.

(2) The Department of Environmental Regulation shall establish guidelines for local hazardous waste management assessments and shall specify a standard format. The local hazardous waste management assessments must include, but not be limited to, the identification of the following:

- (a) All hazardous waste generators within the county.
- (b) The types and quantities of hazardous waste generated within the county.
- (c) Current hazardous waste management practices of generators within the county.
- (d) Effective waste management practices for hazardous waste generators requiring offsite services, including the identification of types of facilities needed to serve the hazardous waste generators within the county.

(3) Each regional planning council shall coordinate the local hazardous waste management assessments for counties within its region and submit them to the department, according to a department prescribed format. Each county shall prepare a local hazardous waste management assessment based on guidelines established by the department. The regional planning councils and the counties shall negotiate each county's proportionate share of the sum appropriated to the region for this purpose. In the event that these two entities cannot agree, the secretary of the department shall settle the dispute. The counties shall have 30 days once an allocation is made available to them to decide whether or not they want to perform their own assessments. If the county declines to perform the local hazardous waste management assessment or fails to respond within the 30-day period, the regional planning council shall perform the assessment.

(4) Each county shall designate areas within the county in which a hazardous waste storage facility may be located. Counties may jointly designate areas or sites by interlocal agreement. Public hearings shall be held to determine the storage facility area locations. Each county shall amend its comprehensive plans, if necessary, in order to designate areas for storage facilities. Preference shall be given to appropriate public lands and industrial areas as designated on local comprehensive plans. However this section shall not prohibit a county from amending its comprehensive plan to designate other areas for this purpose nor prohibit construction of a facility on any other locally or state approved site.

(5) No county shall amend its comprehensive plan or undertake rezoning actions in order to prevent areas from being designated for a hazardous waste storage facility.

(6) Regional planning councils shall:

- (a) Assist with local hazardous waste management assessments, and area selection procedures;
- (b) Coordinate and assemble local hazardous waste management assessments which shall then constitute a regional hazardous waste management assessment, and area selections;

(c) Provide any technical expertise needed by the counties in developing the assessments;

(d) Promote local and regional public information programs for citizens and generators of hazardous waste;

(e) Review storage facility area selections for the purpose of siting one or more regional storage facilities; and

(f) Select one or more regional storage facility sites.

(7) The regional storage facility site selection shall not preclude siting a storage facility at some other site which is locally or state approved.

(8) The regional planning council shall include in its regional hazardous waste management assessment the following:

- (a) A summary of the quantities and types of hazardous waste generated within its jurisdiction.
- (b) A summary of current hazardous waste management practices by generators in its jurisdiction.
- (c) A profile of hazardous waste generators in their jurisdiction by industry, size, and county and/or city location.
- (d) An assessment of the excess demand for off-site, commercial hazardous waste facilities and services.
- (e) An assessment of the short-term and long-term need for hazardous waste management facilities in its jurisdiction.

(f) A plan to eliminate any excess demand for off-site hazardous waste management facilities and/or services with the local governments in their jurisdiction, or with local governments in other jurisdictions or with other regional planning councils.

(9) The department shall:

(a) Assemble the regional hazardous waste management assessments and determine if the needs of hazardous waste generators will be met by regional hazardous waste storage facilities, or if additional storage, treatment, or disposal facilities are needed in the state, and which regions have the greatest need, and submit its determination to the Legislature.

(b) Prepare a progress report on the development of each regional hazardous waste management assessment and submit such report to the Legislature no later than January 1 of the year in which such plan is due.

(10) The schedule for completion of county hazardous waste management assessments by region is as follows:

(a) For counties within the geographic areas of the Tampa Bay Regional Planning Council, the South Florida Regional Planning Council, the Northeast Florida Regional Planning Council and the East Central Florida Regional Planning Council; by July 1, 1984.

(b) For counties within the geographic areas of the Treasure Coast Regional Planning Council, the Southwest Florida Regional Planning Council, the West Florida Regional Planning Council, and the Central Florida Regional Planning Council; by July 1, 1985.

(c) For counties within the geographic areas of the the Apalachee Regional Planning Council, the North Central Florida Regional Planning Council, and the Withlacoochee Regional Planning Council and Jefferson County; by July 1, 1986.

(11) Preparation of county hazardous waste management assessments, storage facility area selections, or regional storage facility site selections shall not prevent siting of storage or treatment facilities in any area of the state.

(12) Any county which undertakes and completes a hazardous waste management assessment and storage facility area selection prior to the scheduled completion dates for counties in the region shall receive a proportionate share of monies available, determined pursuant to subsection (3), at the time it is appropriated for such purpose.

(13) Water management districts shall provide technical assistance, relative to water resources, to local and regional agencies during the selections of the local storage facility areas and regional transfer facility sites.

(14) The department and the regional planning councils shall administer any funds appropriated for the purpose of developing the local hazardous waste management assessments and storage facility area or site selections.

(15) No local government law, ordinance, or rule pertaining to the subject of hazardous waste regulation shall be more stringent than state rules adopted under authority of this chapter.

Section 25. Section 403.723, Florida Statutes, is amended to read:

403.723 Siting of hazardous waste facilities.—*The Legislature intends to facilitate siting of proper hazardous waste storage facilities in each region and any additional storage, treatment, or disposal facilities as required. The Legislature recognizes the need for facilitating disposal of small generators' waste, reducing the volume of wastes generated in the state, reducing the toxicity of wastes generated in the state, and providing treatment and disposal facilities in the state in the future.*

(1) *Each county shall complete a hazardous waste management assessment and designate areas within the county at which a hazardous waste storage facility could be constructed to meet a demonstrated need.*

(2) *After each county designates areas for storage facilities, each regional planning council shall designate one or more sites at which a regional hazardous waste storage or treatment facility could be constructed.*

(3)(1) *The department, within 30 days of receipt of a complete application for a hazardous waste facility construction or modification permit, shall notify each unit of local government within 3 miles of the proposed facility that a permit application has been received and shall publish notice, in a newspaper of general circulation in the area of the proposed facility, that a complete permit application has been received.*

(4)(2) *Upon request by a person who has applied for a hazardous waste facility permit from the department, the local government having jurisdiction over the proposed site shall, within 90 days of such request, determine whether or not the proposed site is consistent and in compliance with adopted local government comprehensive plans, local land use ordinances, local zoning ordinances or regulations, and other local ordinances in effect at the time a hazardous waste facility construction or modification permit application is made or is an area or site designated for the purpose of such facility according to this act.*

(5)(3) *If the local government determines within 90 days of the request that construction or modification of the facility does not comply with such plans, ordinances, or regulations, or area or site designations pursuant to this act, the person requesting the determination may request a variance from such plans, ordinances, or regulations.*

(6)(4) *If the variance requested by the applicant is denied by local government or if there is no determination made by local government pursuant to subsection (4)(2) within 90 days of the request, or if there is no action on the variance requested by the applicant within 90 days of the request for the variance, the person requesting such determination or variance may petition the Governor and Cabinet for a variance from the local ordinances, assessments, regulations, or plans, or designations, but only if the applicable regional planning council, by a vote of a majority of the members present, has previously recommended a variance from any local ordinances, regulations, or plans that prohibit the siting of the hazardous waste facility.*

(7)(5) *The Governor and Cabinet shall grant the A regional planning council may recommend a variance from any local ordinances, assessments, area and site designations, regulations, or plans only if a hazardous waste permit has been issued by the department and if the Governor and Cabinet find the regional planning council finds, based upon competent substantial evidence that clearly and convincingly establishes, that the facility:*

(a) *Will not have a significant adverse impact on the environment, including ground and surface water and natural resources, of the region; and*

(b) *Will not have a significant adverse impact on the economy of the region.*

(c) *Does not pose a significant danger to the public in the region due to transportation of hazardous waste to or from the facility.*

(d) *Complies with adopted local and state resource recovery and management programs.*

(6) ~~Only if the regional planning council recommends a variance from local ordinances, regulations, or plans, or if the regional planning council does not take any action within 90 days of the request for such recommendations, may the person requesting the recommendation for variance petition the Governor and Cabinet for a variance from the local ordinances, regulations, or plans in question.~~

(8)(7) ~~The Governor and Cabinet shall also consider, the following when determining whether to grant a petition for a variance from local ordinances, regulations, or plans:~~

(a) ~~The record of the proceeding before the local government regional planning council.~~

(b) ~~Such studies, reports, and information as the Governor and Cabinet may request of the department, addressing the feasibility of alternative methods of storage, treatment, or disposal of the hazardous waste to be handled at the proposed facility; the need for the hazardous waste facility based on the amount of hazardous waste being produced in this state; the availability of possible suitable locations for the hazardous waste facility elsewhere in this state; and the economics of transporting the hazardous waste to be disposed of, stored, or treated at the proposed or existing facility to alternative existing facilities in or out of this state.~~

(c) ~~Such studies, reports, and information as the Governor and Cabinet may request of the Department of Veteran and Community Affairs addressing whether or not the facility unreasonably interferes with the achievement of the goals and objectives of any adopted state or local comprehensive plan and any other matter within its jurisdiction. The Governor and Cabinet may grant a variance from local ordinances, regulations, or plans only if the permit has been issued by the department and if they find that there is a clear and convincing need for the facility. A clear and convincing need for a facility is established if the proposed method of storage, treatment, or disposal of the hazardous waste to be handled at the proposed facility is the most feasible method and if it seems probable that the proposed or existing facility will be more advantageous economically to generators of hazardous waste at the proposed site than at possible alternative sites. The Governor and Cabinet may attach conditions and restrictions to any variance granted pursuant to this subsection.~~

(9)(8) ~~Regional planning councils and The Governor and Cabinet may adopt rules of procedure that govern these proceedings.~~

Section 26. Small quantity generator notification program.—

(1) Within 14 days after a county completes its hazardous waste assessment, and a regional storage facility is in operation, the county shall send a certified letter to each small quantity generator. The letter shall:

(a) Detail the legal responsibilities of the small quantity generator with regard to proper waste management practices, including penalties for noncompliance.

(b) Include a list of hazardous waste management alternatives which are available to the small quantity generator.

(2) Within 30 days of receipt of the letter, each small quantity generator identified in the county assessment shall disclose to the county government the types and quantity of waste, as well as the small quantity generator's management practices. Annually, each county shall verify the management practices of at least 20 percent of the small quantity generators. The procedure for verification used by the county shall be developed by rule by the department within 12 months of the effective date of this act. The Department of Environmental Regulation may also verify small quantity generators' management practices in order to ensure proper management of hazardous waste.

(3) Any small quantity generator who does not comply with the requirements of subsection (2) and has received two subsequent certified letters from the county shall be subject to a fine of between \$25 and \$100 per day for a maximum of 100 days.

Section 27. Local government information sent to the department.—A summary of information gathered during each county's hazardous waste assessment and from the small quantity generator notification program shall be sent to the Department of Environmental Regulation within 30 days of completion.

Section 28. Subsection (18) of section 403.703, Florida Statutes, is amended to read:

403.703 Definitions.—As used in this act:

(18) "Closure" means the cessation of operation of a resource recovery and management facility, and the act of securing such a facility so that it will pose no significant threat to human health or the environment.

Section 29. Subsection (16) of section 403.704, Florida Statutes, is amended to read:

403.704 Powers and duties of the department.—The department shall have responsibility for the implementation and enforcement of the provisions of this act. In addition to other powers and duties, the department shall:

(16) Adopt, repeal, or amend rules to implement, administer, and enforce this act. *Whenever the department adopts any rule stricter or more stringent than one which has been set by the United States Environmental Protection Agency, the procedures set forth in s. 403.804(2) shall be followed; provided, no department rule shall be more stringent than federal regulations promulgated pursuant to the Resource Conservation and Recovery Act of 1976, Pub. L. No. 94-580, as amended. However, the Environmental Regulation Commission, pursuant to a finding of compelling need, may adopt by rule a stricter standard than the federal regulation. Additionally, upon a finding by the Environmental Regulation Commission that a hazardous waste not regulated by the United States Environmental Protection Agency poses an imminent hazard to the public health, safety, and welfare or to the environment, the Environmental Regulation Commission may adopt a rule regulating such hazardous waste. In either case, the Governor and Cabinet shall review the rule and shall accept, reject, or modify the rule, or remand the rule for further proceedings, within 60 days from its submission. In either case, such rules shall not be effective until final action by the Governor and Cabinet.* The department shall not, however, adopt hazardous waste rules for solid waste for which special studies are required under the Resource Conservation and Recovery Act, as amended, until the studies are completed by the United States Environmental Protection Agency and the information is available to the department for consideration in adopting its own rule.

Section 30. Subsections (1) and (2) of section 403.707, Florida Statutes, 1982 Supplement, are amended, and subsection (5) is added to said section, to read:

403.707 Permits.—

(1) After January 1, 1975, no resource recovery and management facility or site shall be operated, maintained, constructed, expanded, or modified, or closed without an appropriate and currently valid permit issued by the department.

(2) *Except as provided in s. 403.722(6)*, no permit under this section shall be required for the following activities, provided no public nuisance or any condition adversely affecting the environment or public health is created, and provided the activity does not violate other state or local laws, ordinances, rules, regulations, or orders:

(a) Disposal by persons of solid waste resulting from their own activities on their own property. *However, the department may by rule require any such person to file a written notification to the department of the type of solid waste being disposed of, the location of disposal, and methods of solid waste management being performed.*

(b) Normal farming operations.

(c) Solid waste disposal areas limited solely to the disposal of construction and demolition debris.

(5) *The department shall not issue a construction permit pursuant to this part for a new sanitary landfill within 3,000 feet of Class I surface waters.*

Section 31. Section 403.7261, Florida Statutes, is created to read:

403.7261 Amnesty Days.—Amnesty Days is authorized by the state for the purpose of purging small quantities of hazardous waste, free of charge, from the possession of homeowners, farmers, schools, state agencies and small businesses. These entities have no appropriate economically feasible mechanism for disposing of their hazardous waste at the present time. In order to raise public awareness on this issue, provide an education process, accommodate those entities who have a need to dispose of small quantities of hazardous waste, and preserve the waters of the state, Amnesty Days shall be carried out in the following manner:

(1) The Department of Environmental Regulation shall administer and supervise Amnesty Days, and shall contract with a department approved, bonded, waste handling company for implementation. The waste collected from the entities named in this section shall be transported out of the state for proper disposal at a federally approved facility.

(2) The department shall establish maximum amounts of hazardous waste to be accepted from any one entity during Amnesty Days. Amnesty Days shall continue, at no cost to participants, until funds appropriated by the Legislature for this purpose have been exhausted; however, the project shall be completed by July 1, 1984.

(3) The department shall be authorized to use up to 5 percent of the funds appropriated for Amnesty Days for administrative costs and up to 5 percent of the funds appropriated for public education related to Amnesty Days.

Section 32. Subsections (3) and (4) of section 403.727, Florida Statutes, 1982 Supplement, are amended to read:

403.727 Violations; defenses, penalties, and remedies.—

(3) Violations of the provisions of this act shall be punishable as follows:

(a) Any person who violates the provisions of this act, the rules or orders of the department, or the conditions of a permit shall be liable to the state for any damages specified in s. 403.141 and for a civil penalty of not more than \$50,000 \$35,000 for each day of continued violation, *except as otherwise provided.* The department may revoke any permit issued to the violator.

(b) Any person who knowingly:

1. Transports any hazardous waste listed pursuant to this act to a facility which does not have a permit under s. 403.722;

2. Disposes of, treats, or stores hazardous waste at any place but a hazardous waste facility which has a current and valid permit pursuant to s. 403.722; or

3. Makes any false statement or representation in any hazardous waste application, label, manifest, record, report, permit, or other document required by this act

shall, upon conviction, be guilty of a felony of the third degree, punishable for the first such conviction by a fine of not more than \$50,000 for each day of violation or imprisonment not to exceed 5 years, or both, and for any subsequent conviction by a fine of not more than \$100,000 per day of violation or imprisonment of not more than 10 years, or both upon the first conviction, be subject to a fine of not more than \$25,000 for each day of violation or to imprisonment not to exceed 1 year, or both, and, upon any subsequent conviction, shall be subject to a fine of not more than \$50,000 per day of violation or to imprisonment for not more than 2 years, or both.

(4) The following defenses shall be available to a person alleged to be in violation of this act, who shall plead and prove that the alleged violation was solely the result of any of the following or combination of the following:

(a) An act of war.

(b) An act of government, either state, federal, or local, *unless the person claiming the defense is a governmental body, in which case this defense is available only by acts of other governmental bodies.*

(c) An act of God, which means only an unforeseeable act exclusively occasioned by the violence of nature without the interference of any human agency.

(d) An act or omission of a third party other than an employee or agent of the defendant or other than one whose act or omission occurs in connection with a contractual relationship existing, directly or indirectly, with the defendant, except when the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail, if the defendant establishes by a preponderance of the evidence that:

1. The defendant exercised due care with respect to the hazardous waste concerned, taking into consideration the characteristics of such hazardous waste, in light of all relevant facts and circumstances; and

2. The defendant took precautions against foreseeable acts or omissions of any such third party and against the consequences that could foreseeably result from such acts or omissions.

Section 33. Section 501.082, Florida Statutes, is created to read:

501.082 Management of hazardous substances by governmental agencies.—

(1) All local, state and other governmental agencies and institutions of the State University System that utilize hazardous substances or that generate hazardous waste shall:

(a) Notify the Department of Environmental Regulation of the types of annual quantities of each hazardous material, substance or waste that is used or generated.

(b) Notify the department of the management practice used for their materials or wastes, including transportation, storage, treatment and disposal.

(2) Each such agency shall develop written plans for the management of hazardous materials, substances or wastes in conjunction with guidelines developed by the department.

(3) Each such agency shall develop plans for spill prevention control and countermeasures for hazardous materials incidents.

Section 34. Siting of a multipurpose hazardous waste facility by the state.—

(1) The Legislature recognizes the need for a multipurpose facility in the state in order to properly manage Florida's hazardous waste. For the purposes of this section, a "multipurpose hazardous waste facility" means a hazardous waste management facility which stores or treats hazardous waste. Therefore, the following procedure shall be used to provide a coordinated effort to site this facility in order to protect the public health, safety, and welfare.

(2) Within 18 months after the effective date of this act, the Department of Environmental Regulation shall develop and adopt, pursuant to the provisions of chapter 120, Florida Statutes, criteria for the siting of a multipurpose hazardous waste facility in the state. Such criteria shall be designed to prevent any significant adverse transportation, land use, and economic impacts resulting from the location or operation of this hazardous waste facility and shall be based on the identified needs in the state. The department shall also develop a list of potential state hazardous waste facility sites. The department shall seek information from interested persons, including the waste management industry, in order to properly develop and adopt the criteria.

(3) Upon development of siting criteria and a potential site list by the department as described in subsection (2), such criteria shall be sent to known qualified hazardous waste facility owners or operators in the nation with an inquiry relative to their interest in operating a multipurpose facility in the state. Those interested parties shall be requested to participate by selecting sites on which they would propose to locate and operate a facility in the state, and submitting those sites to the department for consideration.

(4) As expeditiously as possible, the Environmental Regulation Commission shall adopt, pursuant to the provisions of chapter 120, Florida Statutes, a site designation for a multipurpose hazardous waste facility in accordance with the siting criteria developed pursuant to subsections (2) and (3). Preference shall be given by the commission to publicly owned land which meets the criteria established pursuant to subsections (2) and (3).

(5) It is the intent of the Legislature that contracts for the necessary construction and operation of the hazardous waste facility shall be entered into expeditiously.

(6) The commission shall select a contractor to build and operate the facility. Within 6 months of this selection, such contractor shall file an application with the department pursuant to s. 403.722, Florida Statutes. If the contractor is denied a permit by the department, the commission, by a majority vote of the quorum present shall select another contractor within 30 days of the denial. This process shall continue until a contractor is granted a permit by the department for the construction and operation of a multipurpose hazardous waste facility.

(7) If a contractor is granted a permit for the construction and operation of a multipurpose hazardous waste facility, such contractor may begin construction immediately.

(8) In order to pay the cost for the construction of a multipurpose hazardous waste facility, state bonds may be issued pursuant to s. 403.1834, Florida Statutes.

Section 35. Prohibition of hazardous waste landfills.—

(1) As used in this section, "hazardous waste landfill" means a disposal facility or part of a facility at which hazardous waste is placed in or on land, including an injection well, and which is not a land treatment facility.

(2) The Legislature declares that, due to the permeability of the soil and high water table in Florida, any future hazardous waste landfills shall be prohibited. Therefore, the Department of Environmental Regulation shall not issue a permit pursuant to s. 403.722, Florida Statutes, for a newly constructed hazardous waste landfill. However, if by executive order the Governor declares a hazardous waste management emergency, the department may issue a permit for a temporary hazardous waste landfill. Any such landfill shall be used only until such time as an appropriate alternative disposal method can be derived and implemented. In no event shall such a permit be issued for a period exceeding 6 months without a further declaration from the Governor.

Section 36. Section 768.1315, Florida Statutes, is created to read:

768.1315 Hazardous spills, Good Samaritan, immunity from liability.—

(1) For the purpose of this section:

(a) "Spill" shall include the accidental spilling, leaking, pumping, pouring, emitting, or dumping of hazardous wastes or materials, which creates an emergency hazardous situation or is expected to create an emergency hazardous situation.

(b) "Hazardous materials" shall include all materials and substances which are now designated or defined as hazardous by Florida or federal law or by the rules or regulations of Florida or any Federal Government agency.

(c) "Emergency hazardous situation" exists whenever there is an imminent and substantial threat to public health and safety.

(2) Notwithstanding any provision of the law to the contrary, no person who provides assistance or advice in immediately containing or treating or attempting to contain, treat, or prevent an actual or threatened spill shall be subject to civil liabilities or penalties of any type. Except for the immediate response to the spill or threatened spill, all activities to prevent, contain, clean up, and dispose of, or to attempt to prevent, contain, clean up, and dispose of, the hazardous materials shall be in accordance with applicable state and federal law.

(3) The immunities provided in subsection (2) shall not apply to any person:

(a) Whose act or omission causes in whole or in part such actual or threatened discharge and who would otherwise be liable therefor; or

(b) Who receives compensation other than reimbursement for out-of-pocket expenses for services in rendering such assistance or advice; or

(c) Who fails to act as an ordinary reasonably prudent person would have acted under the same or similar circumstances; or

(d) Who fails to comply with the lawful instruction of an on-scene, governmentally supervised, operational emergency response team whose duty is to prevent, contain or clean up the spill.

(4) Nothing in subsection (2) shall be construed to limit or otherwise affect the liability of:

(a) Any person for damages resulting from such person's gross negligence, or from such person's reckless, wanton, or intentional misconduct; or

(b) Any person for the improper management of the hazardous waste or material after the emergency spill response activities are completed.

Section 37. Responsibilities of the department.—Nothing in this act shall be construed to limit or remove any present powers and responsibilities of the Department of Environmental Regulation with regard to hazardous waste management.

Section 38. Section 403.729, Florida Statutes, as created by chapter 80-302, Laws of Florida, is hereby repealed.

Section 39. There is hereby appropriated from the Site Restoration Trust Fund \$1 million to the Department of Environmental Regulation for the purpose of funding local hazardous waste management assessments, regional hazardous waste management assessments, and storage area or site selections pursuant to this act. The amount of \$750,000 of this appropriation shall be distributed equally between the Tampa Bay Regional Planning Council, the South Florida Regional Planning Council, the Northeast Florida Regional Planning Council, and the East Central Florida Regional Planning Council. The amount of \$250,000 shall be retained by the department for the purpose of developing guidelines for the local and regional hazardous waste assessments and for the purpose of providing contingency funds for regions which demonstrate that their funding needs are greater than the original appropriation.

Section 40. There is hereby appropriated from the Site Restoration Trust Fund \$900,000 for the purpose of funding Amnesty Days as described in this act.

PART VII
POLLUTANT SPILL PREVENTION AND CONTROL
PART I

Section 41. Part I of chapter 376, Florida Statutes, shall consist of sections 376.011, 376.021, 376.031, 376.041, 376.051, 376.06, 376.07, 376.09, 376.10, 376.11, 376.12, 376.13, 376.14, 376.15, 376.16, 376.165, 376.17, 376.18, 376.19, 376.20, 376.205, and 376.21, Florida Statutes, and s. 376.011, Florida Statutes, is amended to read:

376.011 Short title.—*Part I of this* This chapter shall be known as the "Pollutant Spill Prevention and Control Act."

Section 42. Subsection (6) is added to section 376.051 to read:

376.051 Powers and duties of the department.—

(6) *Within 120 days of the effective date of this subsection, the department shall adopt rules providing for the coordination of the respective duties of the Department of Environmental Regulation and the Department of Natural Resources with respect to the implementation of part I of this chapter. Such rules shall specifically establish procedures that determine which of the two agencies should respond in the case of specific types of pollutant spill incidents, and establish minimum criteria for response times. The rules shall also specify criteria and procedures for the expenditure of Coastal Protection Trust Fund moneys for pollution incidents that require action by the Department of Environmental Regulation.*

Section 43. Part II of chapter 376, Florida Statutes, consisting of sections 376.30, 376.32, 376.35, 376.40, 376.45, 376.50, 376.55, 376.60, 376.65, 376.70, 376.75, 376.80, 376.85, and 376.90, Florida Statutes, is created to read:

PART II

376.30 Legislative intent.—

(1) The Legislature finds and declares that the preservation of groundwater is a matter of the highest urgency and priority, and that such use can only be served effectively by maintaining the quality of inland waters as close to a pristine condition as possible, taking into account multiple use accommodations necessary to provide the broadest possible promotion of public and private interests.

(2) The Legislature further finds and declares that:

(a) The transfer of pollutants within the jurisdiction of the state and state inland waters is a hazardous undertaking;

(b) Spills, discharges, and escapes of pollutants occurring as a result of procedures taken by private and government entities involving the storage of such products pose threats of great danger and damage to the environment of the state, to citizens of the state and other interests deriving livelihood from the state;

(c) Such hazards have occurred in the past, are occurring now, and present future threats of potentially catastrophic proportions, all of which are expressly declared to be inimical to the paramount interests of the state as herein set forth; and

(d) Such state interests outweigh any economic burdens imposed by the Legislature upon those engaged in storing pollutants as defined herein and related activities.

(3) The Legislature intends by the enactment of this part to exercise the police power of the state by conferring upon the department the power to:

(a) Deal with the hazards and threats of danger and damage posed by such transfers and related activities;

(b) Require the prompt containment and removal of product occasioned thereby; and

(c) Establish a fund to provide for the inspection and supervision of such activities and guarantee the prompt payment of reasonable damage claims resulting therefrom.

(4) The Legislature further finds and declares that the preservation of groundwater quality is of prime public interest and concern to the state in promoting its general welfare, preventing diseases, promoting health, and providing for the public safety and that the state's interest in such preservation outweighs any burdens of liability imposed by the Legislature upon those engaged in storing pollutants and related activities.

(5) The Legislature further declares that it is the intent of this part to support and complement applicable provisions of the Federal Water Pollution Control Act, as amended, specifically those provisions relating to the national contingency plan for removal of pollutants.

376.32 Definitions.—When used in this part, unless the context clearly requires otherwise:

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

(2) "Secretary" means the secretary of the Department of Environmental Regulation.

(3) "Barrel" means 42 U.S. gallons at 60 degrees Fahrenheit.

(4) "Discharge" shall include, but not be limited to, any spilling, leaking, seeping, pouring, emitting, emptying, or dumping of any pollutant which occurs and affects lands and the surface and groundwaters of the state not regulated by part I of chapter 376.

(5) "Fund" means the Florida Site Restoration Trust Fund.

(6) "Pollutants" shall include oil of any kind and in any form gasoline, pesticides, ammonia, chlorine, and derivatives thereof, not including liquified petroleum gas.

(7) "Pollution" means the presence on the land or in waters of the state of pollutants, in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(8) "Facility" means a location containing a stationary storage tank or tanks which contain pollutants and which have a storage capacity greater than 500 gallons and which are not covered by part I.

(9) "Owner" means any person owning a facility.

(10) "Operator" means any person operating a facility, whether by lease, contract, or other form of agreement.

(11) "Person in charge" means the person on the scene who is in direct, responsible charge of a facility from which pollutants are discharged, when the discharge occurs.

(12) "Person" means any individual, partner, joint venture, corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity.

376.35 Pollution prohibited; pollution of waters and lands of the state prohibited.—The discharge of refined petroleum products upon any waters and lands of the state in the manner defined by this part is prohibited.

376.40 Powers and duties of the department.—The department shall have the power and the duty to:

(1) Establish rules to implement the intent of this part and to regulate underground and above ground facilities and their onsite integral piping systems not covered by part I, including but not limited to construction standards, permitting of tanks, maintenance and installation standards, and removal or disposal standards.

(2) Provide for the development and implementation of criteria and plans to prevent and meet pollution occurrences of various degrees and kinds.

(3) Establish requirements that any registrant covered by this act be subject to a complete and thorough inspection at reasonable times. Any registrant causing or permitting the discharge of a pollutant in violation of provisions of this part shall be fully and carefully monitored by the department to insure that such discharges shall not continue to occur.

(4) Promulgate rules providing for registration certificates required under this part subject to such terms and conditions as are set forth in this part and as set forth in rules and regulations promulgated by the department as authorized herein.

(5) It shall be the duty of the department to keep an accurate record of costs and expenses incurred for the removal of prohibited discharges and thereafter diligently to pursue the recovery of any sums so incurred from the person responsible or from the Government of the United States under any applicable federal act.

(6) The department may bring an action on behalf of the state to enforce the liabilities imposed by this part. The provisions of ss. 403.121, 403.131, 403.141, and 403.161 shall apply to enforcement under this part.

(7) The powers and duties of the department under this part shall extend to the land mass of the state not described in part I.

376.45 Operation without registration prohibited.—

(1) No person shall operate or cause to be operated a facility without a current valid registration certificate.

(2) Registration certificates shall be issued on an annual basis, subject to such terms and conditions as the department may determine are necessary to carry out the purposes of this part.

(3) As a condition precedent to the issuance or renewal of a registration certificate, the department shall require satisfactory evidence that the applicant has implemented, or is in the process of implementing, state regulations for prevention, control, and abatement of pollution from any pollutants as defined herein.

(4) The department shall require, in connection with the issuance of a facility registration certificate, the payment of a reasonable fee for processing applications for registration certificates. This fee shall be in addition to other taxes imposed by this part. The fee shall be reasonably related to the administrative costs of verifying data submitted pursuant to obtaining the certificates and reasonable inspections; however, the fee shall not exceed \$75 per facility per year. Such fees shall be deposited in the Florida Site Restoration Trust Fund which may be used by the department for personnel and equipment to administer this part. In the event the department contracts with another party to perform any duties under this part such fees deposited in the trust fund may be used to cover such reasonable expenses incurred by that party.

(5) No later than October 1, 1984, the owner or operator of a facility, with a storage capacity of 5,000 gallons or greater of pollutants, shall obtain a registration certificate. Provided, however, all storage facilities, regardless of size, owned or operated by the state or any other political subdivision, shall be registered by July 1, 1984. All other facilities, not exempted by this part, shall obtain a registration certificate no later than October 1, 1985. The department shall issue a registration certificate upon the showing that the registrant can provide proof of compliance with the department's rules.

(6) Subsequent to the dates established in subsection (5) above, no person shall operate or cause to be operated any facility without a registration certificate issued by the department. No registration certificate shall be valid for more than 1 year unless revalidated by the department. Each applicant for a registration certificate shall pay the registration certificate application fee to the department, describing the barrel or other measurement capacity of the facility.

376.55 Removal of prohibited discharges.—

(1) Any person discharging pollutants as prohibited by this part shall immediately undertake to contain, remove, and abate the discharge to the department's satisfaction. Notwithstanding the above requirement, the department may undertake the removal of the discharge and may contract and retain agents who shall operate under the direction of the department.

(2) If the person causing a discharge, or the person in charge of facilities at which a discharge has taken place, fails to act, immediately the department may arrange for the removal of the pollutant, except that if the pollutant was discharged into or upon the navigable waters of the United States, the department shall act in accordance with the national contingency plan for removal of such pollutant as established pursuant to the Federal Water Pollution Control Act, as amended, and the costs of removal incurred by the department shall be paid in accordance with the applicable provisions of said law. Federal funds provided under said act shall be used to the maximum extent possible prior to the expenditure of state funds.

(3) No action taken by any person to contain or remove a discharge, whether such action is taken voluntarily or at the request of the department or its designee, shall be construed as an admission of liability for the discharge.

(4) No person who, voluntarily or at the request of the department or its designee, renders assistance in containing or removing pollutants shall be liable for any civil damages to third parties resulting solely from acts or omissions of such person in rendering such assistance, except for acts or omissions amounting to gross negligence or willful misconduct.

(5) Nothing in this part shall affect the right of any person to render assistance in containing or removing any pollutant or any rights which that person may have against any third party whose acts or omissions in any way have caused or contributed to the discharge of the pollutant.

(6) Any person who renders assistance in containing or removing any pollutant may be eligible for reimbursement of the cost of containment or removal, provided prior approval for such reimbursement is granted by the department. The department may, upon petition and for good cause shown, waive the prior-approval prerequisite.

376.60 Florida Site Restoration Trust Fund.—

(1) The purpose of this section is to provide a mechanism to have financial resources immediately available for cleanup and rehabilitation after a pollutant has been discharged, to prevent further damage by the pollutant, and to pay for damages. It is the legislative intent that this section be liberally construed to effect the purposes set forth, such interpretation being especially imperative in light of the danger to the environment and resources.

(2) Further it is the purpose of this section to provide a mechanism through which the State of Florida could immediately respond to short-term emergencies involving a threat to or an actual contamination of the groundwater. It is the intent of the Legislature that the department provide not only technical assistance when responding to these short-term emergencies, but also financial resources to respond to emergencies which pose an immediate environmental or public health threat.

(3) The Trust Fund shall be utilized to enable the department to respond on an emergency basis to incidents which threaten the environment or public health when otherwise responsible parties do not adequately respond. The department shall adopt rules for the purposes of this section.

(4) Fund money shall be expended in a manner which is consistent with s. 114(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 94 Stat. 2767, as it relates to cleanup of hazardous waste sites which resulted from contamination by pollutants, as defined herein and hazardous waste as defined by department rule.

(5) The Florida Site Restoration Trust Fund is established, to be used by the department as a nonlapsing revolving fund for carrying out the purposes of this part and part VI relating to hazardous waste management. To this fund shall be credited all excise taxes, penalties, judgments, and other fees and charges related to this part, and part VI relating to hazardous waste management. Charges against the fund shall be in accordance with this section.

(6)(a) There is hereby levied, to be collected from and paid by each registrant, excluding municipalities, counties, the state and its political subdivisions, an excise tax upon each registrant for the privilege of operating a facility handling pollutants, the amount of which is to be determined by the department as measured by the volume transferred to or from the registrant.

(b) The excise tax shall be 2 cents per barrel coming to rest in Florida until the balance in the fund equals or exceeds \$10 million. The fiscal year immediately following the year in which the balance in the fund equals or exceeds \$10 million, no excise tax shall be levied unless:

1. The balance in the fund is less than or equal to \$3 million. The fiscal year immediately following the year in which the balance in the fund is less than or equal to \$3 million, the excise tax shall be and shall remain 2 cents per barrel coming to rest in Florida until the fund again equals or exceeds \$10 million. The fiscal year immediately following the year in which the fund again is equal to or exceeds \$10 million, the excise tax and fund shall be controlled as when the fund first was equal to or exceeded \$10 million.

2. The fund is unable to pay any proven claims against the fund at the end of the fiscal year. Notwithstanding any other provision of this section, the fiscal year following the year in which the fund is unable to pay any proven claims against the fund at the end of the fiscal year, the excise tax shall be and shall remain 5 cents per barrel until all outstanding proven claims have been paid and the fund again equals or exceeds \$1.5 million then the excise tax shall be 2 cents per barrel until the fund again equals or exceeds \$10 million. The fiscal year immediately following the year in which the fund, after levy of the 5-cent excise tax, again is equal to or exceeds \$10 million, the excise tax and fund shall be controlled in accordance with subparagraph 1., unless otherwise provided.

3. In the event that the excise tax is being levied simultaneously to replenish both the Coastal Protection Trust Fund and the Florida Site Restoration Trust Fund, both funds shall receive an equal distribution of the revenue generated from the excise tax.

4. The fund has had appropriated to it by the Legislature, but not yet repaid, state funds from the General Revenue Fund. In such event, the excise tax shall continue in effect until all such funds are repaid to the General Revenue Fund.

(c) The excise tax provided for in this section shall be collected monthly by the Department of Revenue on the basis of records certified to the Department of Revenue and Department of Environmental Regulation and shall be credited to the fund. However, for the purposes of this section, the excise tax on each barrel of the pollutant shall be imposed only once, at the first transfer of the specific pollutant. Each tax barrel of the refined petroleum product shall only be considered once for the purpose of this excise tax. This excise tax shall be in addition to all other taxes imposed upon or paid by the registrant. However, any facility with a storage capacity of 250 barrels or less shall report and pay the excise tax semiannually.

(d) Except for the 3-percent collection allowance, the same duties and privileges imposed by chapter 212 respecting the remission of tax; the making of returns; penalties and interest; the keeping of books, records, and accounts; and the compliance with the rules of the Department of Revenue in the administration of that chapter shall apply to and be binding on all registrants who are subject to this section, except for the provisions of s. 212.12(1).

(e) The Department of Revenue shall maintain records indicating the amount of taxes collected. These records shall be confidential, as provided in s. 213.072.

(f) The Department of Revenue shall promulgate rules, establish audit procedures for the audit of registrants under this section, assess for delinquencies, and prescribe and publish such forms as may be necessary to effectuate the purposes of this section.

(g) The Department of Revenue, according to the applicable rules of the Career Service Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature.

(7) Moneys in the fund also may be disbursed for administrative expenses of the department related to the enforcement of this part.

(8) Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its responsibilities under this part

shall be deposited with the Treasurer to the credit of the fund and may be invested in such manner as is provided for by statute. Interest received on such investment shall be credited to the fund.

(9) The department shall recover to the use of the fund from the person or persons causing the discharge or from the Federal Government, jointly and severally, all sums owed or expended therefrom, pursuant to s. 376.65(4), except that recoveries resulting from damage due to a discharge of a pollutant or other similar disaster shall be apportioned between the fund and the General Revenue Fund so as to repay the full costs to the General Revenue Fund of any sums disbursed therefrom as a result of such disaster. Requests for reimbursement to the fund for the above costs, if not paid within 30 days of demand, shall be turned over to the Department of Legal Affairs for collection.

376.65 Liabilities and defenses of facilities.—

(1) Because it is the intent of this part to provide the means for rapid and effective cleanup and to minimize damages, when a discharge of pollutants occurs from an inland terminal facility, recovery of costs of abatement and cleanup shall be limited to an amount not to exceed \$8 million; from a local bulk plant facility, recovery costs of abatement and cleanup shall be limited to an amount not to exceed \$2 million; from a retail facility, recovery costs of abatement and cleanup shall be limited to an amount not to exceed \$1 million; and from an end-user recovery, cost of abatement and cleanup shall be limited to the following amounts: 1,500 gallons but less than 30,000 gallons shall be limited to \$500,000 and 30,000 gallons or more shall be limited to \$1 million. However, when a discharge of pollutants occurs from a facility with less than a 1,500 gallon capacity recovery of costs of abatement and cleanup shall be limited to \$250,000. When the department can show that such discharge was the result of willful or gross negligence or willful misconduct within the privity or knowledge of the owner or operator, such owner or operator shall be liable to the fund for the full amount of such sums expended. In addition to the foregoing costs of cleanup, facilities shall be liable to the fund for all damages in accordance with the terms of subsections (2), (3) and (4) and s. 376.60(6).

(2) Any person claiming to have suffered damages as a result of a discharge of pollutants prohibited by s. 376.35, may, within 180 days after the date of such discharge, apply to the department for reimbursement from the fund. The department shall give notice of the claim for damages to the person responsible for the discharge. It shall be the responsibility of the claimant to provide the department with the required documentation concerning the damages suffered as a direct result of the discharge. The department shall prescribe appropriate forms and details for such application, which application shall include a provision requiring the applicant to make a sworn verification of the damage claim to the best of his knowledge. The secretary of the department may, upon petition and for good cause shown, waive the 180-day limitation for filing damage claims.

(a) The secretary shall establish the amount of damage award and shall certify the amount of the award and the name of the claimant to the treasurer, who shall pay the award from the fund, subject to the provisions of subsection (5). If the claimant agrees with the established amount of damage, the settlement shall be binding upon both parties as to all issues and cannot be further attached, collaterally or by separate action, in the future. If the total amount of such awards exceeds the amount available to any claimant or claimants from the fund, such claimant or claimants shall have the right to a pro rata share of all funds available in the fund until the total amount of awards is paid to the claimant or claimants.

(b) If either the claimant or the person determined by the secretary to be responsible for the discharge disagrees with the amount of the damage award, such person may request a hearing pursuant to s. 120.57. If a hearing is requested, the final order shall be issued by the secretary of the department.

(c) Each person's damage claims arising from a single occurrence shall be stated in one application. Damages omitted from any claim at the time the award is made shall be deemed waived.

(d) If a person damaged by a discharge of pollutant chooses to make a claim against the fund and accepts payment from, or a judgment against, the fund, then the department shall be subrogated to any cause of action that the claimant may have had, to the extent of such payment or judgment, and shall diligently pursue recovery on that cause of action pursuant to subsection (4) and s. 376.60(6). In any such action, the

amount of damages shall be proved by the department by submitting to the court a written report of the amount paid or owed from the fund to claimants. Such written report shall be admissible in evidence, and the amounts paid from or owed by the fund to the claimants stated therein shall be irrebuttably presumed to be the amount of damages.

(e) The fund is absolutely liable for all proven damages against the fund as provided for in this section.

(f) The department shall be a necessary party to all administrative hearings and court proceedings under this section.

(2) It shall be the duty of the department in administering the fund diligently to pursue the reimbursement to the fund of any sum expended from the fund for cleanup, abatement, and damages in accordance with the provisions of this part. In any suit to enforce claims of the fund under this part, it shall not be necessary for the department in administering the fund to plead or prove negligence in any form or manner. The department in administering the fund need only plead and prove that the prohibited discharge or other polluting condition occurred. The only defenses of a person alleged to be responsible for the discharge to an action for damages, costs, and expenses of cleanup, or abatement, shall be to plead and prove that the occurrence was solely the result of any of the following or any combination of the following:

(a) An act of war.

(b) An act of government, either state, federal, or municipal.

(c) An act of God, which means only an unforeseeable act exclusively occasioned by the violence of nature without the interference of any human agency.

(d) An act or omission of a third party, other than an employee or agent of the defendant or other than one whose act or omission occurs in connection with a contractual relationship existing, directly or indirectly, with the defendant, except when the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail, if the defendant establishes by a preponderance of the evidence that:

1. The defendant exercised due care with respect to the hazardous waste concerned, taking into consideration the characteristics of such hazardous waste, in light of all relevant facts and circumstances; and

2. The defendant took precautions against foreseeable acts or omissions of any such third party and against the consequences that could foreseeably result from such acts or omissions.

(4) In the event the total awards against the fund shall exceed the present balance of the fund, the claimants shall be paid from the future income of the fund.

(5) In the event the total awards for a specific occurrence exceed the current balance of the fund, the immediate award shall be paid on a prorated basis, and all claimants paid on a prorated basis shall be paid a pro rata share of all funds received by the fund until the total amount of the proven damages is paid to the claimant or claimants. However, amounts collected by the fund from the prosecution of causes of action pursuant to paragraph (2)(d) and subsection (4) shall be utilized to satisfy the claims as to which such prosecutions relate to the extent theretofore unsatisfied.

376.70 Facilities, financial responsibility.—

(1) Each owner or operator of a facility shall be required to establish and maintain evidence of financial responsibility. Such evidence of financial responsibility shall be the only evidence required by the department that such registrant has the ability to meet the liabilities which may be incurred under this part.

(2) Any claim brought pursuant to this part may be brought directly against the bond, the insurer, or any other person providing a facility with evidence of financial responsibility.

(3) Each owner or operator of a facility subject to the provisions of this part shall designate a person in the state as his legal agent for service of process under this part, and such designation shall be filed with the Department of State. In the absence of such designation, the Secretary of State shall be the designated agent for purposes of service of process under this part.

376.75 Enforcement and penalties.—

(1) The penalty provisions of this section shall not apply to any discharge promptly reported and removed by a registrant in accordance with the rules, regulations and orders of the department.

(2) Penalties assessed herein for a discharge shall be in accordance with the provisions administered by the department in chapter 403.

376.80 County and municipal ordinances; powers limited.—Nothing in this part shall be construed to deny any county or municipality authority to exercise police powers by ordinance or law under any general or special act, and laws and ordinances adopted in furtherance of the intent of this part to promote the general welfare, public health, and public safety shall be valid unless in direct conflict with the provisions of this part or any rule, regulation, or order of the department adopted under authority of this part. However, in order to avoid unnecessary duplication, no county, municipality, or other political subdivision of the state may adopt or establish a similar program of licensing and fees for the accomplishment of the purposes of this part.

376.85 Individual cause of action for damages.—The remedies in this part shall be deemed to be cumulative and not exclusive. Nothing in this part shall require pursuit of any claim against the fund as a condition precedent to any other remedy. Notwithstanding any other provision of law, nothing contained herein shall prohibit any person from bringing a cause of action in a court of competent jurisdiction for all damages resulting from a discharge or other condition of pollution covered by this part. In any such suit, it shall not be necessary for the person to plead or prove negligence in any form or manner. Such person need only plead and prove the fact of the prohibited discharge or other pollutive condition and that it occurred. The only defenses to such cause of action shall be those specified in s. 376.65(3). In addition to any other remedy, the injured party shall be entitled to recover costs of the action and reasonable attorneys' fees.

376.90 Construction.—This part, being necessary for the general welfare and the public health and safety of the state and its inhabitants, shall be liberally construed to effect the purposes set forth under this part and Federal Water Pollution Control Act, as amended.

Section 44. Paragraph (b) of subsection (4) of section 376.11, Florida Statutes, is amended to read:

376.11 Florida Coastal Protection Trust Fund.—

(4)

(b) The excise tax shall be 2 cents per barrel transferred until the balance in the fund equals or exceeds \$30 \$35 million. The fiscal year immediately following the year in which the balance in the fund equals or exceeds \$30 \$35 million, no excise tax shall be levied unless:

1. The balance in the fund is less than or equal to \$25 \$30 million. The fiscal year immediately following the year in which the balance in the fund is less than or equal to \$25 \$30 million, the excise tax shall be and shall remain 2 cents per barrel transferred until the fund again equals or exceeds \$30 \$35 million. The fiscal year immediately following the year in which the fund again is equal to or exceeds \$30 \$35 million, the excise tax and fund shall be controlled as when the fund first was equal to or exceeded \$30 \$35 million.

2. There is a discharge of catastrophic proportions, the results of which could significantly reduce the balance in the fund. In the event of such a catastrophic occurrence, the Governor and Cabinet as the head of the Department of Natural Resources may, by rule, levy the excise tax in an amount not to exceed 10 cents per barrel for a period of time sufficient to maintain the fund at a balance of \$30 \$35 million, after payment of the costs and damages related to the catastrophic discharge.

3. The fund is unable to pay any proven claims against the fund at the end of the fiscal year. Notwithstanding any other provision of this section, the fiscal year following the year in which the fund is unable to pay any proven claims against the fund at the end of the fiscal year, the excise tax shall be and shall remain 5 cents per barrel transferred until all outstanding proven claims have been paid and the fund again equals or exceeds \$10 million. The fiscal year immediately following the year in which the fund, after levy of the 5-cent excise tax, again is equal to or exceeds \$10 million, the excise tax and fund shall be controlled in accordance with subparagraph 1., unless otherwise provided.

4. The Florida Coastal Protection Trust Fund has had appropriated to it by the Legislature, but not yet repaid, state funds from the General Revenue Fund. In such event, the excise tax shall continue in effect until all such funds are repaid to the General Revenue Fund.

Section 45. The sum of \$11 million is hereby appropriated from the Florida Coastal Protection Trust Fund to the Florida Site Restoration Trust Fund for use in accordance with this part. This appropriation is comprised of \$5 million from the fund's principal and the remaining amount is from the interest accumulations.

PART VIII
ONSITE SEWAGE DISPOSAL

Section 46. Section 381.272, Florida Statutes, 1982 Supplement, is amended to read:

(Substantial rewording of section. See s. 381.272, F.S., 1982 Supp., for present text.)

381.272 Onsite sewage disposal systems; installations; conditions.—

(1) The Legislature declares that it is the policy of this state to require that all onsite sewage disposal systems, except approved onsite graywater systems, developed under the provisions of this act connect to a publicly-owned or investor-owned sewerage system within 365 days after notification that such a system is available. Where a publicly-owned or investor-owned sewerage system is not available, the Department of Health and Rehabilitative Services may issue permits for the construction or installation of onsite sewage disposal systems under conditions as described in this section. Provisions shall be made, such as the inclusion of sewer utility easements and rights-of-way in a subdivision, to assure the eventual construction and utilization of a sewerage system in said subdivision. The developer of any lot that is developed under the provisions of this section shall provide advance notice of this requirement to the purchaser of such lot.

(2) Subdivisions and lots where each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a private potable well and onsite sewage disposal system, provided the projected daily domestic sewage flow does not exceed an average of 1,500 gallons per acre, and provided satisfactory drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules promulgated hereunder can be met.

(3) Subdivisions and lots with a public water system may utilize onsite sewage disposal systems, provided there are no more than four lots per acre, provided the projected daily domestic sewage flow does not exceed an average of 2,500 gallons per acre, and provided that all distance and setback, soil condition, water table elevation, and other related requirements which are generally applicable to the use of onsite sewage disposal systems are met.

(4) Notwithstanding the provisions of subsections (2) and (3), where a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the Department of Health and Rehabilitative Services, that a central water system will be installed by a regulated public utility based on a density formula, then private potable wells may be used on a temporary basis with onsite sewage disposal systems until the agreed upon densities are reached. In subdivisions regulated by this subsection, the average daily domestic sewage flow shall not exceed 2,500 gallons per acre. This section shall not affect the validity of existing prior agreements.

(5) Subsections (2) and (3) shall not apply to areas where a municipally owned or investor-owned public sewerage system is available contiguous to the proposed subdivision or within one-fourth mile thereof with public right-of-way accessibility.

(6) Onsite sewage disposal systems shall be placed no closer than the minimum distances indicated for the following:

- (a) Seventy-five feet from a private potable well.
- (b) Two hundred feet from a public potable well.
- (c) Seventy-five feet from surface waters.

(7) All provisions of this section and rules promulgated hereunder relating to soil condition, water table elevation, distance, and other setback requirements shall be equally applied to all lots regardless of the date of platting. Provided, however, lots platted prior to 1972 shall be subject to a 50 foot minimum surface water setback and shall not be subject to lot size requirements. The projected daily sewage flow for domestic on site sewage disposal systems for lots platted before 1972 shall not exceed:

(a) 2,500 gallons per acre per day for lots served by public water systems.

(b) 1,500 gallons per acre per day for lots served by private wells.

(8) The Department of Health and Rehabilitative Services may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. No variance shall be granted pursuant to this section until the Department of Health and Rehabilitative Services is satisfied that:

(a) The hardship was not caused intentionally by the action of the applicant;

(b) No reasonable alternative exists for the treatment of the sewage; and

(c) Discharge from the individual sewage disposal system will not adversely affect the health of the applicant or other members of the public or significantly degrade the ground or surface waters. Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration shall be given to those lots platted prior to 1972. The department shall appoint an advisory review variance board which shall meet monthly to recommend agency action on variance requests. The board shall be comprised of the following:

1. A representative from the Department of Health and Rehabilitative Services' Health Program Office.
2. A representative from the county health units.
3. A representative from the home building industry.
4. A representative from the septic tank industry.
5. A representative from the Department of Environmental Regulation.

Review group members shall be appointed for a period of 3 years with such appointments being staggered so that no more than two members' terms expire on any one year.

(9) Organic chemical solvents shall not be advertised, sold, or used in the state for the purpose of degreasing or declogging onsite sewage disposal systems.

(10) No permit shall be issued for an onsite sewage disposal system in areas zoned for industrial or manufacturing use, or its equivalent, where possible use is to dispose of toxic or hazardous chemicals. Where business enterprises currently use onsite sewage disposal systems to dispose of toxic or hazardous chemicals, alternative disposal systems shall be used within 3 years of the enactment of this act.

(11)(a) As used in this subsection:

1. "Blackwater" means all residential waste carried off by toilet and kitchen drains and sewers.

2. "Graywater" means all residential waste not described in subparagraph 1. and includes bath, lavatory, sink (but not kitchen sink), and laundry wastes.

3. "Individual graywater disposal system" means a system of piping, a tank or treatment device, and a subsurface absorption bed or drainfield for handling and treating graywater where blackwater is treated by a central sewerage system.

(b) The Department of Health and Rehabilitative Services is authorized to approve on a limited and experimental basis the installation of individual graywater disposal systems.

(c) The general requirements of chapter 10D-6, Florida Administrative Code, governing the installation of individual sewage disposal facilities, shall apply for installation of individual graywater disposal systems except for the following:

1. The required septic tank or interceptor shall not be less than 250 gallons in capacity.

2. The required drainfield or absorption bed shall not be less than 100 square feet in area.

(12) With respect to the installation of experimental onsite sewage disposal systems, the department is authorized to issue a temporary permit, provided the permitholder maintains such monitoring equipment and makes and files such records and reports as the department deems necessary to evaluate the effect of such systems on public health and receiving waters. The department may issue permanent permits when it is satisfied the systems do not pose a health hazard.

(13) For those parts of any Florida county in which more than 60 percent of the surface and subsurface soils consist of Key Largo limestone and to those islands in the state in which more than 60 percent of the surface and subsurface soils consist of Miami limestone, the department shall promulgate a special rule authorizing the installation of onsite sewage treatment systems which take into consideration these unique soil conditions and which consider water table elevations, densities and setback requirements. Until such time as a rule to address the provisions of this subsection is promulgated by the department, all department rules regarding septic tanks as they now exist shall apply to the areas described herein.

Section 47. Section 381.273, Florida Statutes, is created to read:

381.273 Fees.—The Department of Health and Rehabilitative Services is authorized to collect fees for services provided under this part. Notwithstanding the provisions of s. 154.06, it is the intent of the Legislature that total fees assessed under this part shall be in an amount sufficient to meet the cost of carrying out the provisions of this part.

(1) The fee schedule for fiscal year 1983-1984 shall be the following minimum fees provided in this section and such schedule shall remain in effect until the effective date of a fee schedule promulgated by rule by the Department of Health and Rehabilitative Services:

(a) Permitting, including plan reviews, issuance of permits, and final inspection of new system -- a fee of not less than \$30, nor more than \$50.

(b) Site evaluation -- a fee of not less than \$20, nor more than \$40.

(c) Research -- an additional \$3 fee shall be added to each permit issued during fiscal years 1983-1988 to be used for septic tank research to determine whether high density installation of systems, installation of systems under certain soil and water table conditions, and current methods of system installation are polluting Florida's groundwater. The research shall be supervised by the department.

The funds collected pursuant to paragraphs (a), (b), and (c) shall be deposited in a trust fund administered by the Department of Health and Rehabilitative Services to be used for the purposes stated herein.

(2) Until January 1, 1991, an additional \$7 fee for each permit issued on or after the effective date of this act to be used to fund the accelerated soil survey program for the state.

Section 48. (1) The sum of \$1,216,200 for fiscal year 1983-1984 and the sum of \$1,330,225 for fiscal year 1984-1985 are hereby appropriated from the Professional Regulation Trust Fund out of moneys deposited to the credit of the Construction Industry Licensing Board to the Department of Agriculture and Consumer Services to be used for the 10-year Accelerated Soil Survey Program.

(2) The additional permit fee collected pursuant to s. 381.273(2), Florida Statutes, shall be paid annually to the Department of Professional Regulation to be deposited in the Professional Regulation Trust Fund to the credit of the Construction Industry Licensing Board to reimburse such board for the moneys appropriated by subsection (1).

Section 49. Section 47 of this act is repealed on October 1, 1993, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

PART IX SEWAGE TREATMENT

Section 50. Section 403.1821, Florida Statutes, is amended to read:

403.1821 Water pollution control and sewage treatment.—Sections 403.1821-403.1832 ~~403.1833~~ shall be known and cited as the "Florida Water Pollution Control and Sewage Treatment Plant Grant Act of 1970."

Section 51. Section 403.1822, Florida Statutes, is amended to read:

403.1822 Definitions for ss. 403.1821-403.1832 ~~403.1833~~.—As used in ss. 403.1821-403.1832 ~~403.1833~~:

(1) "Local governmental agencies" refers to any municipality, county, district, or authority, or any agency thereof, or a combination of two or more of the foregoing, acting jointly in connection with a ~~an~~ eligible project, having jurisdiction over *collection, transmission, treatment, or disposal* of sewage, industrial wastes, or other wastes.

(2) "Department" refers to the Department of Environmental Regulation.

(3) "Grants," "grant," "state grants," or "state grant" refer to disbursements from the State Water Pollution Control Trust Fund pursuant to s. 403.1825.

(4) "Project" means all or part of a sewage treatment or disposal facility, or other cost-effective alternative, and may include the construction or reconstruction of existing sewage collection or transmission lines.

Section 52. Section 403.1823, Florida Statutes, is amended to read:

403.1823 Department of Environmental Regulation to administer; develop rules and regulations.—The department shall:

(1) Promulgate rules and regulations to carry out the purposes of ss. 403.1821-403.1832 ~~403.1833~~.

(2) Administer and control all funds appropriated to or received by the department for the purposes of ss. 403.1821-403.1832 ~~403.1833~~.

Section 53. Section 403.1824, Florida Statutes, is amended to read:

403.1824 Establish fund.—A trust fund to be known as the State Water Pollution Control Trust Fund is established in the State Treasury to be used for state grants to local governmental agencies for the construction or reconstruction of sewage *collection, transmission, treatment or disposal facilities or cost-effective alternatives*. All funds received by the department to carry out the purposes of ss. 403.1821-403.1832 ~~403.1833~~ shall be deposited in this fund, *provided, however, that at least 25 percent of the funds received by the department and deposited in this fund shall be transferred to the Small Community Sewer Construction Assistance Trust Fund. The department may expend up to 2 percent of the trust fund to cover the costs of reviewing and acting upon grant applications by a local governmental agency and the cost of surveillance and other field services associated with the application.*

Section 54. Section 403.1826, Florida Statutes, is amended to read:

403.1826 Grants, requirements for eligibility —

(1) Grants shall be made under ss. 403.1821-403.1832 ~~403.1833~~ *only for projects eligible for federal grants under Public Law 84-660, as amended, or other applicable federal law, as provided in rules of the department. Only those projects constructed after the effective date of this act shall be eligible for a grant pursuant to this act.*

(2) No grant shall be made for any ~~project sewage treatment facility~~ unless such ~~project facility~~ and the plans and specifications therefor are approved by the department, ~~and such facility is constructed in accordance with a time schedule of the department, and~~ subject to such requirements as the department shall impose. *The costs for advanced waste treatment facilities, or portions thereof, required for discharge to surface waters or groundwater protection or protection of public health shall be eligible for funding. If the department requires that the facility be approved by the Federal Water Quality Administration, such grant shall be conditioned upon the local governmental agency complying with all of the requirements of said water pollution control administration.*

(3) No grant shall be made until the local governmental agency has available to it ~~agreed to provide~~ that part of the total cost of the *project facility* which is in excess of the applicable ~~grant state and federal grants~~.

(4) *The department shall require local governmental funds in the amount of 45 percent of eligible project costs as determined by rules of the department. The grant to each local governmental agency shall not exceed 25 percent of that portion of the project cost that is eligible for a federal grant. The department is authorized to establish a maximum amount for a grant pursuant to this act.*

(5) Grants made under ss. 403.1821-403.1832 ~~403.1833~~ shall be paid to the local governmental agency as provided by ~~department rule in partial payments similar to the time schedule that such payments are provided to the local governmental agency by the Federal Water Quality Administration.~~

(6) No grant shall be made unless the local governmental agency assures the department of the proper and efficient operation and maintenance of the ~~project sewage treatment facility~~ after construction. ~~Revenue sufficient to ensure that the facility will be self-supporting shall be generated from sources, including, but not limited to, service charges and connection fees and shall reflect the amortized capital investment in existing facilities as well as the cost of the facility for which the grant is sought.~~

(7) No grant shall be made unless the local governmental agency has filed properly executed forms and applications prescribed by the department.

(8) Any local government agency receiving assistance under ss. 403.1821-403.1832 ~~403-1833~~ shall keep such records as the department shall prescribe, including records which fully disclose the amount and disposition by the recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with such assistance given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The department and the Auditor General or any of their duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipient that are pertinent to grants received under ss. 403.1821-403.1832 ~~403-1833~~.

(9) ~~Any project satisfactorily planned and designed in accordance with the United States Environmental Protection Agency requirements shall be eligible for funding under this act. Effective July 1, 1971, a grant shall not be made until the local governmental agency's governing body has adopted and submitted to the department a comprehensive long-range plan for the control of water pollution in the area within its jurisdiction, hereinafter referred to as the official plan. If more than one local governmental agency has authority to provide service for sewage treatment in the same area, the required plan may be submitted jointly by the local governmental agencies concerned or by one local governmental agency with the concurrence of the others. The official plan shall:~~

(a) ~~Provide for a timely construction of sewage treatment facilities which will prevent the discharge of untreated or inadequately treated sewage or other wastes as defined by this chapter into the waters of the state.~~

(b) ~~Provide for adequate planning, zoning, population projections, and engineering and economic studies to delineate with all practicable precision those portions of the area which public sewerage systems may reasonably be expected to serve within 10 years and within 20 years, and any areas in which the provision of such services is not reasonably foreseeable.~~

(c) ~~Be in compliance with the state pollution control plan required by Public Law 84-660, as amended, or other applicable federal law.~~

(d) ~~Set forth a time schedule and proposed method of financing, construction, and operation of the water pollution control system.~~

(e) ~~Be reviewed by the official planning agencies having jurisdiction within the local governmental agency, and by the regional planning agency, if any, for consistency with programs of planning for the area and region, which reviews shall be transmitted to the department with the plan.~~

Section 55. Section 403.1829, Florida Statutes, is amended to read:

403.1829 Funding of projects; priorities.—Eligible projects shall be funded according to priorities ~~in descending order of their priority as established by the department rule. Such priorities shall be established according to the extent each project is intended to remove or mitigate adverse effects on surface or groundwater quality and public health. Advanced waste treatment facilities or portions thereof which are required for discharge to surface waters or groundwater protection or protection of public health, which are required by the department, and which are determined to be ineligible for federal funding shall be eligible for supplemental state funding under this act. until the State Water Pollution Control Fund is exhausted. The priority list as established by the Department of Health and Rehabilitative Services as agent of the board for the fiscal year beginning July 1, 1969, is ratified and confirmed. If funds available for the last project so funded are less than the amount of the grant to which the project is entitled, the balance due on such grant shall be paid from receipts of the fund in the next succeeding fiscal year before any other projects are so funded.~~

Section 56. Section 403.1832, Florida Statutes, is amended to read:

403.1832 Department to accept federal aid.—The department is designated as the administrative agency of the state to apply for and accept any funds or other aid and to cooperate and enter into contracts and agreements with the federal government relating to the planning, ~~design, construction, operation, maintenance and enforcement activities developing, maintaining, and enforcing~~ of the program to provide clean water and pollution abatement of the waters of the state or to any other related purpose which the Congress of the United States has authorized or may authorize. The department is authorized in the name of the state to make such applications, sign such documents, give such assurances, and do such other things as are necessary to obtain such aid from or cooperate with the United States Government or any agency thereof. The department may consent to enter into contracts and agreements and cooperate with any other state agency, local governmental agency, person, or other state when it is necessary to carry out the provisions of ss. 403.1821-403.1832 ~~403-1833~~.

Section 57. Subsection (3) of section 403.804, Florida Statutes, is amended to read:

403.804 Environmental Regulation Commission; powers and duties.—

(3) The Commission shall *establish priorities and have final state approval on applications for, and disbursements of, federal and state grants for the construction of waste-water or water treatment works. In establishing priorities for state grants under this act, an application shall not receive a lower priority solely because the proposed project includes reserve capacity for which the incremental costs will be paid by the applicant in accordance with s. 403.1826(2).*

Section 58. Sections 403.1836, 403.1837, and 403.1838, Florida Statutes, are created to read:

403.1836 Sections 403.1836-403.1838 may be cited as the Small Community Sewer Construction Assistance Act.

403.1837 Trust fund.—

(1) There is established within the Department of Environmental Regulation the Small Community Sewer Construction Assistance Trust Fund.

(2) The funds shall be used by the department to assist small communities with their needs for adequate sewer facilities. "Small community" means an incorporated municipality with a population of 25,000 or less, according to the latest decennial census.

403.1838 Grants to small communities.—

(1) The department may provide grants to small communities. Grants shall be made from the Small Community Sewer Construction Assistance Trust Fund in accordance with rules adopted by the Environmental Regulation Commission. No grant shall exceed \$10 million.

(2) The commission shall:

(a) Require a 45 percent nonstate match, except that grants of less than \$50,000 may be funded 100 percent by the department, and the commission may waive all or a part of the matching requirement:

1. Where water quality standards have been exceeded by an amount that constitutes an immediate health hazard; or

2. In communities where the gross per capita income is below the state average, as determined by the U.S. Department of Commerce, where sewer systems have failed to meet department standards.

(b) Require appropriate user charges and connection fees sufficient to ensure the long-term operation and maintenance of the facility to be constructed under any grant.

(c) Require compliance with all water quality standards.

(d) Establish a system to determine eligibility and relative priority for applications for grants by small communities.

(e) Require applications for grants to be submitted on appropriate forms with appropriate supporting documentation, require construction to be in accordance with plans approved by the department, and require recordkeeping.

(f) Any project satisfactorily planned and designed in accordance with the United States Environmental Protection Agency requirements shall be eligible for funding under this act.

Section 59. Sections 403.1827, 403.1828, 403.1830, 403.1831, and 403.1833, Florida Statutes, are hereby repealed.

Section 60. Subsection (23) is added to section 212.02, Florida Statutes, 1982 Supplement, as amended by Chapter 83-3, Laws of Florida, to read:

212.02 Definitions.—The following terms and phrases when used in this chapter shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(23) "Estimated tax liability" for any month equals 66 percent of the tax remitted pursuant to part I of this chapter by a dealer for the taxable sales occurring during the corresponding month of the preceding calendar year. The department is empowered to establish the estimated tax liability in cases where a dealer was not registered for sales tax purposes during said month.

Section 61. Subsection (1) of section 212.11, Florida Statutes, is amended to read:

212.11 Tax returns and regulations.—

(1)(a)1. Any estimated monthly tax liability of \$2,500 or more shall be due, payable, and remitted by the 20th of the month for which said liability applies. The difference between the estimated tax liability paid and the actual amount and taxes due under this part for said month shall become due and payable by the first day of the following month and shall be remitted by the 20th day thereof.

2. For any dealer who has an estimated monthly tax liability of less than \$2,500 the taxes levied pursuant to this part hereunder upon rentals, admissions, and sales of tangible personal property shall be due and payable monthly on the first day of each month following the month during which the dealer collects the tax, and

(b) For the purpose of ascertaining the amount of tax payable under this chapter, it shall be the duty of all dealers to make a return, on or before the 20th day of the month, to the department, upon forms prepared and furnished by it, showing the rentals, admissions, gross sales, or purchases, as the case may be, arising from all leases, rentals, admissions, sales, or purchases taxable under this chapter during the preceding calendar month.;

(c) However, the department may authorize a quarterly return and payment when the tax remitted by the dealer for the preceding quarter did not exceed \$100 and may authorize a semiannual return and payment when the tax remitted by the dealer for the preceding 6 months did not exceed \$200.

(d) The department shall accept returns as timely if postmarked on or before the 20th day of the month; if the 20th day falls on a Saturday, Sunday, or federal or state legal holiday, returns shall be accepted as timely if postmarked on the next succeeding workday. Any dealer who operates two or more places of business for which returns are required to be filed with the department, and who maintains records for such places of business in a central office or place, shall have the privilege on each reporting date of filing a consolidated return for all such places of business in lieu of separate returns for each such place of business; however, such consolidated returns must clearly indicate the amounts collected within each county of the state. Each dealer shall file a return for each tax period even though no tax is due for such period.

Section 62. Subsection (5) of section 212.12, Florida Statutes, 1982 Supplement, as amended by Chapter 81-178, Laws of Florida, is hereby repealed, and subsection (2) of said section is amended to read:

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

(2)(a) When any person, firm, or corporation required hereunder to make any return or to pay any tax imposed by this chapter fails to timely file such return or fails to pay the tax due within the time required hereunder, in addition to all other penalties provided herein and by the laws of Florida in respect to such taxes, a specific penalty shall be added to the tax in the amount of 5 percent of any unpaid tax if the failure is for not more than 30 days, with an additional 5 percent of any unpaid tax for

each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed, however, a total penalty of 25 percent, in the aggregate, of any unpaid tax. In no event shall the penalty be less than \$5 for failure to timely file a tax return required by s. 212.11. In the case of a false or fraudulent return or a willful intent to evade payment of any tax imposed under this chapter, in addition to the other penalties provided by law, the person making such false or fraudulent return or willfully attempting to evade the payment of such a tax shall be liable to a specific penalty of 50 percent of the tax bill and for fine and punishment as provided by law for a conviction of a misdemeanor of the second degree.

(b) In addition to the penalties imposed pursuant to paragraph (a), when any person, firm, or corporation fails to timely remit the proper estimated payment required under s. 212.11, a specific penalty shall be added in an amount equal to 20 percent of any unpaid estimated tax.

Section 63. The sum of \$135.3 million is hereby appropriated from the General Revenue Fund for fiscal year 1983-1984 to the State Water Pollution Control Trust Fund created pursuant to s. 403.1823, Florida Statutes, and the sum of \$20 million is hereby appropriated from the General Revenue Fund for fiscal year 1983-1984 to the Public Education Capital Outlay Fund. This section shall take effect November 1, 1983.

Section 64.

(1) Funds appropriated to the Water Pollution Control Trust Fund pursuant to this part shall be deposited with the Treasurer to the credit of the fund and shall be invested in such manner as is provided for by statute. The principal on which interest is earned shall not be used for distribution until allocations for federal grants to local governments have been made pursuant to Public Law 84-660, as amended, for federal fiscal years 1984 and 1985, or November 1984, whichever occurs first. The amount of principal shall be used to provide supplemental funding for the list of projects eligible for federal funding pursuant to Public Law 84-660, as amended. Priority shall be given to providing funding of projects on the state project list developed pursuant to chapter 17-50, F.A.C., for federal fiscal year 1985 before any other projects are considered for funding from these funds, except for projects receiving funds from the Small Community Sewer Construction Assistance Trust Fund, which shall have a separate priority list approved by the Environmental Regulation Commission.

(2) Interest earnings on the moneys in the Water Pollution Control Trust Fund until the principal is exhausted shall be transferred to the Site Restoration Trust Fund on a monthly basis, and may be used for such purposes as prescribed by law.

PART X ENVIRONMENTAL REORGANIZATION

Section 65. Section 403.802, Florida Statutes, is amended to read:

403.802 Declaration of policy.—Reasserting the policies policy of the Governmental Reorganization Act of 1969 and the Florida Environmental Reorganization Act of 1975 which recognize as stated in s. 20.02, that structural reorganization should be a continuing process, and recognizing that many 6 years have passed since the passage of said acts 1969 reorganization, it is the intent of the Legislature to promote more the efficient, effective, and economical operation of certain environmental agencies by transferring decision-making authority to environmental district centers and delegating to the water management districts water quality related permitting functions centralizing authority over, and pinpointing responsibility for the management of, the environment by authorizing the delegation of substantial decisionmaking authority to the district level and by consolidating compatible administrative, planning, permitting, enforcement, and operational activities. Further, it is the intent of this act to promote proper administration of Florida's landmark environmental laws.

Section 66. Section 403.803, Florida Statutes, is amended to read:

403.803 Definitions.—When used in this act the term, phrase, or word:

- (1) "Commission" means the Environmental Regulation Commission.
- (2) "Department" means the Department of Environmental Regulation.

(3) "Headquarters" means the physical location of the offices of the secretary and the division directors of the department.

(4)(3) "Environmental district center" means the facilities and personnel which are centralized in each district for the purposes of carrying out the provisions of this act.

(5)(4) "District" or "environmental district" means one of the geographical areas, the boundaries of which are established pursuant to this act.

(6)(5) "Manager" means the head of an environmental district or branch office who shall supervise all environmental functions of the department within such environmental district or branch office.

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

(8)(7) "Branch office" "~~Subdistrict~~" means a geographical area, the boundaries of which may be established as a part of a district.

(9)(8) "Channel" is a trench, the bottom of which is normally covered entirely by water, with the upper edges of its sides normally below water.

(10)(9) "Canal" is a manmade trench, the bottom of which is normally covered by water with the upper edges of its sides normally above water.

(11)(10) "Drainage ditch" or "irrigation ditch" is a manmade trench dug for the purpose of draining water from the land or for transporting water for use on the land and is not built for navigational purposes.

(12)(11) "Swale" is a manmade trench which:

(a) Has a top width-to-depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than 3 feet horizontal to 1 foot vertical;

(b) Contains contiguous areas of standing or flowing water only following a rainfall event;

(c) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and

(d) Is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge ~~only contains contiguous areas of standing or flowing water following the occurrence of rainfall or flooding.~~

(13)(12) "Standard" means any rule of the Department of Environmental Regulation relating to air and water quality, noise, and solid-waste management. The term "standard" does not include rules of the department which relate exclusively to the internal management of the department, the procedural processing of applications, the administration of rulemaking or adjudicatory proceedings, the publication of notices, the conduct of hearings, or other procedural matters.

Section 67. Section 403.805, Florida Statutes, is amended to read:

403.805 Secretary; powers and duties.—The secretary shall have the powers and duties of heads of departments set forth in chapter 20, including the power to adopt rules under chapters 403, 253, and 373, except that the Environmental Regulation Commission shall exercise the exclusive standard-setting authority of the department pursuant to s. 403.804. The secretary shall employ legal counsel to represent the department in matters affecting the department. Except for appeals on permits specifically assigned by this act to the Governor and Cabinet, and unless otherwise prohibited by law, the secretary may delegate the authority assigned to the department by this act to the assistant secretary, division directors, and district and branch office ~~subdistrict~~ managers, and to the water management districts.

Section 68. Section 403.807, Florida Statutes, is amended to read:

403.807 Division of Environmental Programs; powers and duties.—

(1) The Division of Environmental Programs shall perform duties including, but not limited to:

(a) Processing construction grants for wastewater treatment projects.

(b) Coordinating water restoration programs.

(c) Coordinating the state public works program.

(d) Coordinating solid and hazardous waste management programs.

(e) Developing water quality-based effluent limitations.

(f) Reviewing environmental impact statements.

(g) Coordinating the air pollution control program.

(h) Coordinating and overseeing department laboratory functions.

(i) Coordinating the designation of outstanding Florida waters.

(2) No permits required under chapters 253, 373, or 403, other than those for major air pollution sources, shall be processed or issued by the Division of Environmental Programs, ~~administration, coordination, and supervision of programs relating to planning, grants, air quality, water quality and quantity, noise, and solid waste management.~~

Section 69. Section 403.808, Florida Statutes, is amended to read:

403.808 Division of Environmental Permitting; powers and duties.—The Division of Environmental Permitting shall perform duties including, but not limited to, the following:

(1) Processing of applications for powerplant or transmission line site certifications pursuant to part II, *which applications shall be processed at headquarters.*

(2) Processing applications for variances under s. 403.201.

(3)(2) Processing of ~~those~~ other classifications of permits, licenses, and certificates which the secretary may designate.

(4)(3) Establishing uniform procedures and forms for the orderly determination of decisions relating to permits, licenses, certificates, and exemptions.

(5)(4) Providing the necessary technical and legal support to carry out enforcement functions of the department.

(6)(5) Supervising and directing all district operations.

Section 70. Subsection (29) is added to section 403.061, Florida Statutes, 1982 Supplement, to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules and regulations adopted and promulgated by it, and for this purpose to:

(29) *Adopt by rule special criteria to protect Class II shellfish harvesting waters. Rules previously adopted by the department in section 17-4.28(8)(d), Florida Administrative Code, are hereby ratified and determined to be a valid exercise of delegated legislative authority and shall remain in effect unless amended by the Environmental Regulation Commission.*

Section 71. Section 403.809, Florida Statutes, is amended to read:

403.809 Environmental districts; establishment; managers; functions.—

(1) The secretary shall establish environmental districts. *The boundaries of the environmental districts shall coincide with the boundaries of the water management districts and a water management district may be divided into more than one environmental district. The secretary shall have the authority to adjust the environmental district boundaries upon a determination that exceptional circumstances require such adjustment in order to more properly serve the needs of the public or the environment. The environmental districts shall be collocated with the water management districts to the maximum extent practicable. The secretary shall have the authority to adjust the environmental district boundaries to best serve the purposes of this act.* The secretary may establish subdistricts with one branch offices office in each, for the purpose of making services more accessible to the citizens of each district. *In the Suwannee River Water Management District, a branch office may serve as the environmental district center. By July 1, 1984, the department shall collocate part of its permitting operations with each of the central offices of the water management districts and the water management districts shall collocate part of their permitting operations with each of the department's district offices.*

(2) There shall be a manager for each environmental district who shall be appointed by, and serve at the pleasure of, the secretary. The

district manager shall maintain his office in the environmental district center, which shall be collocated with an the office of a water management district to the maximum extent practicable. Each branch office shall have a branch office manager who shall be appointed by and serve at the pleasure of the secretary. The water management districts are encouraged to collocate part of their permitting operations with the department's branch offices to the maximum extent practicable.

(3)(a) Under the supervision of the Division of Environmental Permitting, all field services and inspections required in support of the decisions of the department relating to the issuance of permits, licenses, certificates, or exemptions shall be accomplished at the environmental district center level to the maximum extent practicable.

(b) The processing of all applications for permits, licenses, certificates, and exemptions shall be accomplished at the district center or the branch office, except for those applications specifically assigned to the Division of Environmental Permitting or to the water management districts under s. 403.812 and those applications assigned by interagency agreement as provided in this act, provided, however, the secretary, as head of the department, may not delegate to district or subdistrict managers, water management districts, or any unit of local government, the authority to act on the following types of permit applications:

1. Certification of NPDES permits pursuant to Public Law 92-500, Section 401;
2. Construction and operation of major air pollution sources;
3. Certifications under the Power Plant Siting Act or Transmission Line Siting Act.

Section 72. Section 403.812, Florida Statutes, is amended to read:

403.812 Delegation of functions to water management districts.—

(1) By October 1, 1984, the department shall delegate, to those water management districts that it finds to be financially and technically capable of implementing the delegation, its powers and duties pertaining to the administration of the department's "Regulation of Storm-water Rule." Provided, however, no later than October 1, 1984, the department shall delegate such powers and duties to the South Florida Water Management District and the Southwest Florida Water Management District.

(2) In addition to any function delegated under subsection (1), when the secretary determines that a water management district has the financial and technical capability to carry out water quality and other functions of the department, those powers, duties, and functions, or parts thereof, may be contracted or delegated to such water management district. This may include, but shall not be limited to, planning, regulation, and permitting of point sources and nonpoint sources of pollution and other field services. Any powers, duties, and functions so delegated shall be carried out in accordance with the rules, regulations, and standards of the department and shall follow the uniform procedures and forms established by the Division of Environmental Permitting. Nothing contained in this act shall be construed to adversely affect or divest any water management district of the power to levy ad valorem taxes.

(3) Delegations pursuant to this section may be rescinded only if the secretary determines that such delegations are not being carried out in accordance with the rules of the department.

Section 73. Subsection (1) of section 403.813, Florida Statutes, 1982 Supplement, is amended to read:

403.813 Permits issued at district centers; exceptions.—

(1) The secretary is authorized to adopt procedural rules providing for a short-form application for, and issuance at the district center of, permits for certain activities. These activities shall include the following and any others established by rule:

- (a) Projects not exceeding 10,000 4,000 cubic yards of material placed in or removed from the navigable waters of the state;
- (b) Dockage or marina facilities not exceeding 30,000 20,000 square feet of submerged lands;
- (c) New seawalls or similar structures not exceeding 500 300 linear feet of shoreline;

(d) The installation of buoys, signs, fences, ski ramps, and fish attractors by the Florida Game and Fresh Water Fish Commission;

(e) The installation of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of waters of the state carrying water, electricity, communication cables, oil, and gas, except as exempted by paragraph (m) or paragraph (n) of subsection (2); and

(f) The performance, for 10 years from the issuance of the original permit, of maintenance dredging of permitted navigation channels, port harbors, turning basins, and harbor berths. The Trustees of the Internal Improvement Trust Fund may fix and recover from the permittee an amount equal to the difference between the fair market value and the actual cost of the maintenance dredging for material removed during such maintenance dredging. However, no charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority. The removing party may subsequently sell such material. However, proceeds from such sale that exceed the costs of maintenance dredging shall be remitted to the state and deposited in the Internal Improvement Trust Fund.

Section 74. Subsection (2) of section 373.016, Florida Statutes, is amended to read:

373.016 Declaration of policy.—

(1) The waters in the state are among its basic resources. Such waters have not heretofore been conserved or fully controlled so as to realize their full beneficial use.

(2) It is further declared to be the policy of the Legislature:

(a) To provide for the management of water and related land resources;

(b) To promote the conservation, development, and proper utilization of surface and ground water;

(c) To develop and regulate dams, impoundments, reservoirs, and other works and to provide water storage for beneficial purposes;

(d) To prevent damage from floods, soil erosion, and excessive drainage;

(e) To preserve natural resources, fish and wildlife;

(f) To promote the public policy set forth in s. 403.021.

(g)(f) To promote recreational development, protect public lands, and assist in maintaining the navigability of rivers and harbors; and

(h)(g) Otherwise to promote the health, safety, and general welfare of the people of this state.

(3) The Legislature recognizes that the water resource problems of the state vary from region to region, both in magnitude and complexity. It is therefore the intent of the Legislature to vest in the Department of Environmental Regulation or its successor agency the power and responsibility to accomplish the conservation, protection, management, and control of the waters of the state and with sufficient flexibility and discretion to accomplish these ends through delegation of appropriate powers to the various water management districts. The department may exercise any power herein authorized to be exercised by a water management district; however, to the greatest extent practicable, such power should be delegated to the governing board of a water management district.

Section 75. Subsection (7) of section 373.026, Florida Statutes, is amended to read:

373.026 General powers and duties of the department.—The Department of Environmental Regulation, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, the department may enter into interagency agreements with any other state agency conducting programs related to or materially affecting the water resources of the state. All such interagency agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department is authorized:

(7) To exercise general supervisory authority over all water management districts. The department may exercise any power herein authorized to be exercised by a water management district. ~~The department shall review, and may rescind or modify, any policy, rule, regulation, or~~

~~order of a water management district, except those policies, rules, or regulations which involve only the internal management of the district, to insure compliance with the provisions and purposes of this chapter. Such review may be initiated at any time either by the department or by an interested person aggrieved by such policy, rule, regulation, or order by filing a request for such review with the department and serving a copy on the water management district. Such request for review is not a precondition to the effectiveness of such policy, rule, regulation, or order, or to the seeking of judicial review as otherwise provided.~~

Section 76. Section 373.106, Florida Statutes, is amended to read:

373.106 Permit required for construction involving underground formation.—

(1) No construction may be begun on a project involving artificial recharge or the intentional introduction of water into any underground formation except as permitted in chapter 377, without the written permission of the governing board of any water management district within which the construction will take place. Such application shall contain the detailed plans and specifications for the construction of the project.

(2) *Each water management district shall have the exclusive authority to process and issue permits under this section and permits and licenses delegated under s. 403.812, except permits required by the department pursuant to 42 U.S.C., s. 300(1) until delegated by the department to the districts.*

(3)(2) A water management district may do any act necessary to replenish the ground water of said district. The district may, among other things, for the purposes of replenishing the ground water supplies within the district:

- (a) Buy water;
- (b) Exchange water;
- (c) Distribute water to persons in exchange for ceasing or reducing ground water extractions;
- (d) Spread, sink, and inject water into the underground;
- (e) Store, transport, recapture, reclaim, purify, treat, or otherwise manage and control water for the beneficial use of persons or property within the district; and
- (f) Build the necessary works to achieve ground water replenishment.

Section 77. Section 373.114, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 373.114, F.S., for present text)

373.114 Land and Water Adjudicatory Commission; review of district policies, rules, and orders.—

(1) Except as provided in subsection (2), the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, shall have the exclusive authority to review any order or rule of a water management district, other than rules relating to internal procedures of the district, to insure consistency with the provisions and purposes of this chapter.

(a) Such review may be initiated by the department or by a party to the proceedings by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the department and on any person named in the rule or order, within 20 days after adoption of the rule or rendering of the order; provided, however, where the rule or order to be reviewed has statewide or regional significance, as determined by the Land and Water Adjudicatory Commission within 60 days after receipt of a request for review, the commission may accept a request for review from any affected person within 30 days after adoption of the rule or the rendering of the order.

(b) Review by the Land and Water Adjudicatory Commission shall be appellate in nature and based on the record below. The matter shall be heard by the commission not more than 60 days after receipt of the request for review or the commission's determination that the rule or order has statewide or regional significance, whichever is later.

(c) If the Land and Water Adjudicatory Commission determines that a rule or order is not consistent with the provisions and purposes of this chapter, it may, in the case of a rule, require the water management district to initiate rulemaking proceedings to amend or repeal the rule, or in

the case of an order, rescind or modify the order or remand the proceeding to the water management district for further action consistent with the order of the Land and Water Adjudicatory Commission.

(d) Request for review under this section shall not be a precondition to the seeking of judicial review pursuant to s. 120.68 or the seeking of an administrative determination of rule validity pursuant to s. 120.56.

(2) The department shall have the exclusive authority to review rules of the water management districts, other than rules relating to internal management of the districts, to insure consistency with the state water policy as set forth in the rules of the department. Within 30 days after adoption or revision of any water management district rule, the department shall initiate a review of such rule pursuant to this section.

(a) Within 30 days after adoption of a rule, any affected person may request that a hearing be held before the secretary of the department at which evidence and argument may be presented relating to the consistency of the rule with state water policy by filing a request for hearing with the department and serving a copy on the water management district.

(b) If the department determines that the rule is inconsistent with the state water policy, it may order the water management district to initiate rulemaking proceedings to amend or repeal the rule.

(c) An order of the department requiring amendment or repeal of a rule may be appealed to the Land and Water Adjudicatory Commission by the water management district or any other party to the proceeding before the secretary.

Section 78. Subsection (1) of section 373.116, Florida Statutes, is amended to read:

373.116 Procedure for water use and impoundment construction permit applications.—

(1) Applications for water use permits, under part II of this chapter, and for permits for construction or alteration of dams, impoundments, reservoirs, and appurtenant works, under part IV of this chapter, *and for permits under s. 403.812*, shall be filed with the water management district on appropriate forms provided by the governing board.

Section 79. Subsection (6) of section 373.303, Florida Statutes, is amended to read:

373.303 Definitions.—As used in this part:

(6) "Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater, but such term does not include ~~sand point wells as herein defined~~, or any well for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying, for inserting media to dispose of oil brines or to repressure oil-bearing or natural gas-bearing formation, or for storing petroleum, natural gas, or other products, *or for temporary dewatering of subsurface formations for mining, quarrying, or construction purposes.*

Section 80. Subsection (9) of section 373.303, Florida Statutes, is hereby repealed.

Section 81. Subsections (1) and (2) of section 373.308, Florida Statutes, are amended, and subsection (4) is added to said section, to read:

373.308 Implementation of programs for regulating water wells.—

(1) The department *shall* ~~may~~ authorize the governing board of a water management district to implement a program for the issuance of permits for the location, construction, repair, and abandonment of water wells.

(2) The department *shall* ~~may~~ authorize the governing board of a water management district to exercise any power authorized to be exercised by the department under ss. 373.309, 373.313, 373.316, 373.319, 373.323, 373.326, 373.329, and 373.333 and *shall encourage the district to fully exercise such powers as soon as practicable* ~~may withhold from delegation such power as the department chooses not to delegate.~~

(4) *Delegations pursuant to subsections (1) and (2) and ss. 373.323 and 373.333 may be rescinded only if the secretary determines that such delegations are not being carried out in accordance with the rules of the department*

Section 82. Section 373.323, Florida Statutes, is amended to read:

373.323 Licenses; driller and drilling equipment registration.—

(1) LICENSES AUTHORIZED.—

(a) Every person who wishes to engage in business as a water well contractor shall obtain from the *water management district department* a license to conduct such business.

(b)(2) The department may adopt and from time to time amend rules and regulations governing applications for water well contractor licenses. The *water management district department* shall license as a water well contractor any person properly making application therefor who is an adult for all legal purposes, has knowledge of rules and regulations adopted under this part, and has had not less than 2 years' experience in the work for which he is applying for a license. The department shall prepare an examination which each such applicant must pass in order to qualify for such license.

~~(3) This section shall not apply to any person who performs labor or services at the direction and under the supervision of a licensed water well contractor.~~

(c)(4) A political subdivision engaged in well-drilling shall be licensed under this part but shall be exempt from paying the license fees for the drilling done by regular employees of, and with equipment owned by, it.

(d)(5) Licenses issued pursuant to this section are not transferable and shall expire on July 1 of each year. A license may be renewed without examination for an ensuing year by making application not later than 30 days after the expiration date and paying the applicable fee. Such application shall have the effect of extending the validity of the current license until a new license is received or the applicant is notified by the department that it has refused to renew his license. After July 31 of each year, a license will be renewed only upon application and payment of the applicable fee plus a penalty of \$50.

(e)(6) Whenever the department or *water management district* determines that the holder of any license issued pursuant to this section has violated any provision of this part or any rule or regulation adopted pursuant thereto, the department or *water management district* is authorized to suspend or revoke any such license. Any order issued pursuant to this subsection shall become effective 30 days after service thereof unless a written petition requesting hearing under the procedure provided in chapter 120 is filed sooner.

(f)(7) No application for a license issued pursuant to this section may be made within 1 year after revocation thereof.

(g) *No later than October 1, 1984, the department shall delegate to the water management districts the powers and duties relating to processing and issuing water well contractor licenses. A license issued by any water management district shall be valid anywhere in the state.*

(2) DRILLER AND DRILLING EQUIPMENT REGISTRATION.—

(a) *Every person who operates drilling equipment for the purpose of constructing wells shall register with each water management district in which construction activity takes place. The governing board shall, as minimum conditions of such registration, require:*

1. *Written recommendation from a licensed water well contractor verifying status of the driller as an employee of the contractor.*

2. *Demonstration of sufficient experience and practical knowledge needed to operate drilling equipment of the type to be used in actual well construction.*

3. *Written examination as considered appropriate by the board designed to verify the driller's knowledge of commonly accepted drilling practices and applicable rules of the district and department.*

(b) *It shall be the responsibility of each licensed water well contractor to annually notify the governing board of the district in which he resides or in which his principal place of business is located of all registered drillers in his employ. In addition, a licensed contractor shall notify the board in a timely manner if a registered driller ceases to be an employee.*

(c) *The licensed water well contractor shall register with the governing board each piece of drilling equipment he owns, leases, or operates. Upon registration, the water well contractor's license number shall be prominently displayed on the equipment.*

Section 83. Section 373.333, Florida Statutes, is amended to read:

373.333 Enforcement.—

(1) Whenever the *water management district department* has reasonable grounds for believing that there has been a violation of this part or any rule or regulation adopted pursuant thereto, it shall give written notice to the person alleged to be in violation. Such notice shall identify the provision of this part or regulation issued hereunder alleged to be violated and the facts alleged to constitute such violation.

(2) Such notice shall be served in the manner required by law for the service of process upon persons in a civil action ~~and~~ or by registered *United States mail to the last known address of the person. Notice alleging violations of rules setting minimum standards for the location, construction, repair, or abandonment of wells shall be accompanied by an order of the department requiring described remedial action which, if taken within the time specified in such order, will effect compliance with the requirements of this part and regulations issued hereunder. Such order shall become final unless a request for hearing as provided in chapter 120 is made within 30 days from the date of service of such order.*

PART XI

EMINENT DOMAIN FOR WATER SUPPLY

Section 84. Subsection (1) of section 127.01, Florida Statutes, is amended to read:

127.01 Counties delegated power of eminent domain; ~~limitations recreational purposes, issue of necessity of taking.—~~

(1) All counties of the state are delegated authority to exercise the right and power of eminent domain; that is, the right to appropriate property, except state or federal, for any *public county* purpose; *provided that a county seeking to exercise the power of eminent domain outside its territorial boundaries for the purpose of water supply or seeking to privately purchase property for water supply outside its territorial boundaries shall apply for a consumptive use permit from the water management district exercising consumptive use authority in the area to be condemned. No order of taking for water supply may be entered until the condemnor has a valid consumptive use permit. The circuit court of the county wherein the property to be condemned is located shall, upon motion of the petitioner, grant access to the subject property for the purpose of allowing tests necessary to complete the consumptive use permit application. Nothing herein shall be construed to alter or amend the standards or criteria for issuance of a consumptive use permit as provided in chapter 373 or rules promulgated thereunder. However, the consumptive use permit may be conditioned upon acquisition of fee simple or lesser interest in the subject property by the applicant. and The absolute fee simple title to all property so taken and acquired shall vest in such county, unless the county seeks to condemn a particular right or estate in such property.*

Section 85. Section 166.401, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 166.401, F.S., for present text.)

166.401 Right of eminent domain.—All municipalities of the state are delegated authority to exercise the right and power of eminent domain; that is, the right to appropriate property, except federal or state property, for any public purpose. A municipality seeking to exercise the power of eminent domain outside its territorial boundaries for the purpose of water supply shall apply for a consumptive use permit from the water management district exercising consumptive use authority in the area to be condemned. No order of taking for water supply may be entered until the condemnor has a valid consumptive use permit. The circuit court of the county wherein the property to be condemned is located shall, upon motion of the petitioner, grant access to the subject property for the purpose of allowing tests necessary to complete the consumptive use permit application. Nothing herein shall be construed to alter or amend the standards or criteria for issuance of a consumptive use permit as provided in chapter 373 or rules promulgated thereunder. However, the consumptive use permit may be conditioned upon acquisition of fee simple or lesser interest in the subject property by the applicant.

Section 86. Amendments to sections of the Florida Statutes enacted by this act shall not operate to repeal or otherwise negate amendments to the same sections which may have been enacted at the 1983 Regular Session of the Florida Legislature and which are not indicated herein, and full effect shall be given to each, if that is possible. If provisions of this act are in direct conflict with amendments enacted at the 1983 Regular Session of the Legislature, the provisions of this act shall control.

Section 87. This act shall take effect July 1, 1983, or upon becoming a law, whichever occurs later.

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

Amendment 1A—On page 20, lines 5-7, strike “a pesticide industry scientific representative, to be recommended by the Commissioner of Agriculture, and” and insert: an independent scientific research consultant with experience in both government and industry, to be

Amendment 1B—On page 28, line 28, strike the period (.) and insert: or if such activity is exempt from permitting under federal or state law.

Amendment 1C—On page 30, line 4, strike “June” and insert: July

Amendment 1D—On page 32, lines 16 and 17, strike “which is operated for compensation”

Amendment 1E—On page 33, after line 12, insert: The primary host local government is responsible for regulating, controlling, administering, and enforcing the provision of this section.

Amendment 1F—On page 34, line 24, strike “plan” and insert: assessments

Amendment 1G—On page 39, line 18, insert: , according to a department prescribed format,

Amendment 1H—On page 43, line 16, strike “or designations” and insert: or area and site designations

Amendment 1I—On page 45, line 28, strike the period (.) and insert: , which generates 250 lbs or greater of hazardous waste per month.

Amendment 1J—On page 50, line 15, strike the period (.) and insert: herein.

Amendment 1K—On page 51, between lines 8 and 9, insert:

(4) *In addition to any other liability under this section, and subject only to the defenses set forth in subsection (5), the following persons shall be liable for all costs of removal or remedial action incurred by the department under this section and damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from the release of a hazardous substance as defined in the Comprehensive Environmental Response Compensation and Liability Act of 1980, Pub. L. No. 95-510:*

(a) *The owner and operator of a facility;*

(b) *Any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of;*

(c) *Any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person or by any other party or entity, at any facility owned or operated by another party or entity and containing such hazardous substances; and*

(d) *Any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities or sites selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance.*

(Renumber subsequent sections.)

Amendment 1L—On page 59, lines 9 and 30, strike “transfers” and insert: storage

Amendment 1M—On page 68, line 30, strike “tax”

Amendment 1N—On page 69, lines 11 and 12, strike “except for the provisions of s. 212.12(1)”

Amendment 1O—On page 69, line 15, strike “213.072” and insert: 213.053

Amendment 1P—On page 94, line 26, after the period (.) insert: *Any overpayment may be carried forward to reduce any subsequent tax liability this part.*

2. No local option sales taxes shall be included in determining any estimated tax liability.

Amendment 1Q—On page 95, line 1, after “months,” strike remainder of sentence and insert: *and shall be remitted by the 20th day thereof.*

Amendment 1R—On page 97, line 4, strike “135.3” and insert: 100.3

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

Amendment 1S—On pages 102 and 103, strike all of Section 70 and renumber subsequent sections

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

Amendment 1T—On page 97, line 8, strike “20” and insert: 55

Amendment 1U—On page 120, line 7, strike the period (.) and insert: , except Sections 60, 61 and 62 shall take effect November 1, 1983.

Amendment 1 as amended was adopted.

Senator Neal moved the following amendment which was adopted:

Amendment 2—In title, on page 9, line 22, strike everything before the enacting clause and insert: A bill to be entitled An act relating to water resources; amending s. 373.026, Florida Statutes, expanding duties of the Department of Environmental Regulation with respect to collecting and monitoring data relating to water resources; creating s. 403.063, Florida Statutes, requiring the department to establish a groundwater quality monitoring network and providing criteria therefor; requiring regional and local governments to sample and test groundwater as directed by the department; requiring the department to develop a program of inspecting package sewage treatment facilities; amending s. 403.855, Florida Statutes, expanding duties of the department relating to imminent hazards in water supplies; adding subsections to s. 373.203, Florida Statutes, providing definitions; amending s. 373.206, Florida Statutes, expanding the authority of the department to plug hazardous artesian wells; creating s. 373.207, Florida Statutes, requiring water management districts to adopt plans for plugging abandoned artesian wells; providing for review of plans by the department; creating s. 487.0615, Florida Statutes; establishing the Pesticide Review Council; providing for membership; providing powers and responsibilities; providing for rule-making petition; providing reimbursement for travel; creating s. 487.043, Florida Statutes, providing for the testing of restricted-use pesticides; providing duties of the Pesticide Review Council, the Department of Agriculture and Consumer Services, and the Department of Environmental Regulation; providing for future review and repeal of ss. 487.0615 and 487.043, Florida Statutes; creating an agriculture policy for the state; adding subsection (4) to s. 570.44, Florida Statutes, adding a fourth bureau to the Division of Inspection and providing for certain positions; repealing s. 487.061, Florida Statutes, 1982 Supplement, abolishing the Pesticide Technical Council; amending s. 208.001, Florida Statutes, establishing a fee on generation of hazardous wastes; amending s. 208.002, Florida Statutes, providing exemptions from fee; amending s. 208.003, Florida Statutes, providing for reports by generators and providing penalties for failure to file reports; amending s. 208.004, Florida Statutes, providing for the collection of fees; amending s. 208.005, Florida Statutes, relating to disposition of proceeds if proceeds from fees; amending s. 208.006, Florida Statutes, establishing a tax on commercial hazardous waste facilities; creating s. 220.184, Florida Statutes, relating to a tax credit for hazardous waste facilities; amending s. 403.702(2)(c), Florida Statutes; providing legislative intent; adding subsections to s. 403.704, Florida Statutes; providing additional powers and duties of the Department of Environmental Regulation; amending s. 403.722(9) and (10), Florida Statutes, 1982 Supplement; specifying certain requirements in certain permitting processes; creating s. 403.7225, Florida Statutes; providing for the preparation of local hazardous waste management assessments; providing duties of the counties, regional planning councils, and the department relative to such assessments; amending s. 403.723, Florida Statutes; requiring counties to complete a hazardous waste needs assessment and to choose a site for a hazardous waste storage facility; providing duties of the Governor and Cabinet; requiring counties to notify small quantity generators of their responsibilities annually; requiring such generators to disclose certain information to the county; provid-

ing for verification of such generators' management practices; providing penalties; requiring counties to furnish information on the assessment and the notification program to the department; amending s. 403.703(18), Florida Statutes, redefining the "closure" of a resource recovery and management facility; amending s. 403.704(16), Florida Statutes, changing procedures for the review of department rules stricter than those of the United States Environmental Protection Agency relating to resource recovery and management; amending s. 403.707(1) and (2), Florida Statutes, 1982 Supplement, and adding a subsection; requiring resource recovery and management facilities and sites which are closed to be permitted; changing exceptions from certain permit requirements; restricting the permitting of certain new sanitary landfills; creating s. 403.726, Florida Statutes, establishing Amnesty Days for the purging of small quantities of hazardous wastes; creating s. 403.7261, Florida Statutes, authorizing amnesty days for small generators of hazardous waste; amending s. 403.727(3) and (4), Florida Statutes, 1982 Supplement, increasing penalties for violations of provisions relating to hazardous wastes; restricting the ability of government entities to interpose a defense to such liability; creating s. 501.082, Florida Statutes; requiring specified governmental agencies and institutions of the State University System to notify the department regarding hazardous materials and management practices; requiring written plans for management and spill control; providing for siting of a multipurpose hazardous waste facility by the state; providing for adoption of siting criteria by the department; providing for adoption of a site designation by the Environmental Regulation Commission; directing the commission to contract for construction and operation of the facility; requiring permitting of the facility; authorizing the issuance of state bonds; prohibiting hazardous waste landfills and the issuance of permits therefor; providing for emergency temporary permits; creating s. 768.1315, Florida Statutes, providing immunity from liability for persons who assist in cleaning up any discharge of hazardous materials; providing exceptions; providing responsibilities of the department; repealing s. 403.729, Florida Statutes, abolishing the State Hazardous Waste Policy Advisory Council; providing an appropriation for hazardous waste surveys and assessments by regional planning councils; providing an appropriation for amnesty days; creating part I of chapter 376, Florida Statutes, relating to pollutant spill prevention and control; amending s. 376.051, Florida Statutes, relating to powers and duties of the Department of Natural Resources; creating part II of chapter 376, Florida Statutes, relating to pollution spill cleanup and site restoration; creating s. 376.30, Florida Statutes, relating to legislative intent; creating s. 376.32, Florida Statutes, providing definitions; creating s. 376.35, Florida Statutes, relating to the prohibition of pollution; creating s. 376.40, Florida Statutes, specifying powers and duties of the Department of Environmental Regulation; creating s. 376.45, Florida Statutes, prohibiting operation of facilities without registration; creating s. 376.55, Florida Statutes, relating to procedures for removal of discharges; creating s. 376.60, Florida Statutes, establishing the Florida Site Restoration Trust Fund and specifying purposes; creating s. 376.65, Florida Statutes, relating to liabilities and defenses of facilities; creating s. 376.70, Florida Statutes, requiring financial responsibility; creating s. 375.75, Florida Statutes, specifying enforcement and penalties; creating s. 376.80, Florida Statutes, relating to powers of county and municipal ordinances; creating s. 376.85, Florida Statutes, relating to individual cause of action for damages; creating s. 376.90, Florida Statutes, relating to construction and interpretation; amending paragraph (b) of subsection (4) of s. 376.11, Florida Statutes, relating to the Florida Coastal Protection Trust Fund; providing an appropriation from the Florida Coastal Protection Trust Fund to the Florida Site Restoration Trust Fund; amending s. 381.272, Florida Statutes, 1982 Supplement, providing for the regulation of onsite, rather than individual, sewage disposal systems; changing the types of subdivisions which may use certain systems; restricting the location of such systems; providing for equal application of restrictions and rules; changing the circumstances in which variances may be granted and the procedures therefor; prohibiting certain uses of organic chemical solvents; prohibiting issuance of permits in certain areas; authorizing temporary permits for experimental systems; deleting provisions relating to organic waste composting systems; providing for a special rule in certain cases; creating s. 381.273, Florida Statutes, authorizing the Department of Health and Rehabilitative Services to collect fees for regulating such systems and for certain research; increasing fees to fund the accelerated soil survey program in the Department of Agriculture and Consumer Services; providing appropriations; amending ss. 403.1821-403.1824, 403.1826, 403.1829, Florida Statutes; providing a short title; providing definitions; specifying eligible uses of the State Water Pollution Trust Fund; providing for the Department of Environmental Regulation to make rules with respect to project priorities and certain other matters;

providing for transfer of funds from the State Water Pollution Control Trust Fund to the Small Community Sewer Construction Assistance Trust Fund; providing for restrictions on the use of grant money; providing for transfer of funds from the State Water Pollution Control Trust Fund to the Small Community Sewer Construction Assistance Trust Fund; providing guidelines for local governmental contributions to projects; requiring projects to be self-sufficient with respect to operation, maintenance, and replacement costs; providing funding priorities; amending s. 403.1832, Florida Statutes; designating the department as the state agency to contract with the federal government on certain activities; amending s. 403.804(3), Florida Statutes; providing duties of the Environmental Regulation Commission; creating ss. 403.1836-403.1839, Florida Statutes; creating the Small Community Sewer Construction Assistance Trust Fund in the department; providing for grants from the fund; providing duties of the department regarding such grants; repealing ss. 403.1827, 403.1828, 403.1830, 403.1831, 403.1833, Florida Statutes, relating to administering federal grants for water pollution control and sewage treatment; adding subsection (23) to s. 212.02, Florida Statutes, 1982 Supplement, as amended by chapter 83-3, Laws of Florida, relating to definition of estimated tax liability; amending subsection (1) of s. 212.11, Florida Statutes, relating to sales tax returns and regulations; amending subsection (2) of s. 212.12, Florida Statutes, as amended by chapter 81-178, Laws of Florida, specifying penalties for late remittance; repealing subsection (5) of s. 212.12, Florida Statutes, relating to tax collections; providing an appropriation; specifying how funds in the Water Pollution Control Trust Fund are to be handled; amending s. 403.802, Florida Statutes, providing legislative policy; amending s. 403.803, Florida Statutes, providing definitions; amending s. 403.805, Florida Statutes, authorizing the Secretary of the Department of Environmental Regulation to delegate certain powers and duties to the water management districts; amending s. 403.807, Florida Statutes, providing powers and duties of the Division of Environmental Programs of the department; amending s. 403.808, Florida Statutes, providing duties of the Division of Environmental Permitting of the department; adding a subsection to s. 403.061, Florida Statutes, authorizing the Department of Environmental Regulation to adopt rules protecting certain shellfish harvesting waters; amending s. 403.809, Florida Statutes, providing for boundaries and management personnel of environmental districts; amending s. 403.812, Florida Statutes; providing for delegating certain departmental powers and duties to the water management districts; providing limitations on such powers and duties; amending s. 403.813(1), Florida Statutes, 1982 Supplement, providing criteria for certain projects for which a permit is required; amending s. 373.016(2), Florida Statutes, providing legislative policy; amending s. 373.026(7), Florida Statutes, providing for powers and duties of the department; amending s. 373.106, Florida Statutes, granting the water management districts exclusive authority to issue certain permits; amending s. 373.114, Florida Statutes; providing for review by the department of certain water management district rules; providing procedures for such review; amending s. 373.116(1), Florida Statutes; providing for filing certain permit applications with the districts; amending s. 373.303(6), Florida Statutes, modifying the definition of "well"; repealing s. 373.303(9), Florida Statutes; eliminating the exemption of sand-point wells from well regulations; amending s. 373.308(1) and (2), Florida Statutes, requiring the department to authorize water management districts to exercise certain powers; amending s. 373.323, Florida Statutes, providing for water well contractor's licenses to be issued by the water management districts; amending s. 373.333, Florida Statutes, providing for enforcement; amending ss. 127.01(1) and 166.401, Florida Statutes, requiring counties or municipalities which seek to exercise the power of eminent domain outside of their territorial boundaries for the purpose of water supply to apply for a consumptive use permit from the water management district exercising authority over the area to be condemned; providing for access to such property; prohibiting taking without a consumptive use permit; providing effective dates.

On motion by Senator Neal, by two-thirds vote HB 47-B as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

| | | | |
|-----------|---------|--------|-----------|
| McPherson | Neal | Scott | Thurman |
| Meek | Plummer | Stuart | Vogt |
| Myers | Rehm | Thomas | Weinstein |

Nays—None

The Honorable Curtis Peterson, President

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

SB 6-B—A bill to be entitled An act relating to education; amending s. 228.041(16), (22), Florida Statutes, 1982 Supplement; providing definitions; increasing the number of hours of instruction in public high schools; amending s. 229.814(4), Florida Statutes; establishing age requirements for taking high school equivalency diploma examination; providing for exceptions; creating s. 229.89, Florida Statutes; providing for Florida Teacher of the Year award; creating the Quality Instruction Incentives Program; amending s. 230.03(2), (3), Florida Statutes; expanding powers of school boards; amending s. 230.23(6)(a), Florida Statutes, 1982 Supplement; providing for policies relating to classroom performance; creating s. 232.2455, Florida Statutes; providing for programs of remediation; amending s. 232.246, Florida Statutes; providing general requirements for high school graduation; amending s. 232.2465(1)(a), Florida Statutes, 1982 Supplement; increasing the number of credits required to qualify as a Florida Academic Scholar; requiring high school curriculum frameworks; requiring adoption of student performance standards; adding s. 233.057(4), Florida Statutes; providing for allocations to high schools that employ reading resource specialists; amending s. 236.013(2), Florida Statutes; redefining “full-time student” and “full-time equivalent student”; amending s. 236.02(2), Florida Statutes, adding new subsections (3), (4), to said section and renumbering existing subsections; increasing minimum term of operation of schools; requiring student performance standards for FEFP participation; amending s. 236.081(1), Florida Statutes; revising funding formula; amending s. 236.0811, Florida Statutes; providing restriction on inservice training programs, authorizing master inservice plans for nonpublic schools under certain conditions; creating s. 240.134, Florida Statutes; providing for postsecondary remedial and developmental instruction; amending s. 240.233(1), (2), Florida Statutes, 1982 Supplement; establishing minimum requirements for university enrollment; amending s. 240.321, Florida Statutes; restricting admission to Associate of Arts degree programs; providing for a vocational education management information system; requiring reports; providing for establishment of vocational education planning regions; providing for regional vocational coordinating councils; providing powers and duties; creating s. 240.4081, Florida Statutes; providing for the Student Loan Forgiveness Program and creating a trust fund; creating the Teacher Scholarship Loan Trust Fund; providing for award of scholarship loans from the fund; providing for summer inservice institutes for instructional personnel; requiring universities and community colleges to report certain information to high schools; establishing standards for student participation in extracurricular activities; requiring study and report on the minimum competency program; providing for establishment of a visiting school scholars program; providing for certification of adjunct instructors; authorizing universities and community colleges to offer academic courses on high school sites; amending s. 240.60, Florida Statutes, 1982 Supplement; establishing priorities for the college career work experience program; requiring a study of vocational job preparatory programs; repealing s. 233.064, Florida Statutes, relating to a required course in Americanism vs. Communism; amending s. 231.17(1), (2), (3), Florida Statutes, 1982 Supplement; limiting the number of teacher education courses required for teacher certification extending the time to meet examination requirements for certain vocational teachers; requiring the beginning teacher programs for all newly hired teachers without a regular certificate; authorizing participation in a consortium on instructional materials; requiring feasibility study of modifying teacher certification examination; providing for a study of collective bargaining; amending s. 231.608, Florida Statutes; providing for content of evaluation reports; providing for the reenactment of the Teacher Center Act; providing for the sunset of the Teacher Center Act; amending s. 229.555(2), Florida Statutes; providing criteria for action necessary to carry out the intent of the Legislature for management information systems; adding s. 229.565(2)(h), Florida Statutes; providing criteria for periodic evaluation of data collection and documentation requirements; amending s. 229.8041(1), Florida Statutes; providing a statement of policy to reduce data collection requirements; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 5, strike everything after the enactment clause and insert:

PART I
STANDARDS OF STUDENT ACHIEVEMENT

Section 1. Section 232.246, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 232.246, F.S., for present text.)

232.246 General requirements for high school graduation.—

(1) Beginning with the 1984-1985 school year and each year thereafter, successful completion of a minimum of 22 academic credits in grades 9 through 12 shall be required for graduation. The 22 credits shall be distributed as follows:

(a) Four credits in English, with major concentration in composition and literature.

(b) Three credits in mathematics.

(c) Three credits in science, 2 of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided that the district submits a capital outlay plan to provide adequate facilities and makes funding of this plan a priority objective of the school board.

(d) One credit in American history.

(e) One credit in world history.

(f) One-half credit in economics.

(g) One-half credit in American government.

(h) One-half credit in practical arts vocational education or exploratory vocational education.

(i) One-half credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture.

(j) One-half credit of life management skills to include nutrition, drug education, and consumer education.

(k) One-half credit in physical education to include assessment improvement and maintenance of personal fitness.

(1) Seven elective credits.

(2) District school boards may require specific courses and programs of study within the minimum credit requirements for high school graduation and are authorized to modify courses and programs to meet graduation requirements for exceptional students as provided for in the district pupil progression plan, in accordance with rules established by the state board. District school boards are authorized and encouraged to establish credit requirements for high school graduation in excess of the minimum credit requirements.

(3) Each district school board shall establish standards for graduation from its schools which shall include:

(a) Mastery of the minimum performance standards in reading, writing, and mathematics for the 11th grade, established pursuant to ss. 229.565 and 229.57, determined in the manner prescribed after a public hearing and consideration by the state board;

(b) Demonstrated ability to successfully apply basic skills to everyday life situations as measured by a functional literacy examination developed and administered in a manner prescribed after a public hearing and consideration by the state board;

(c) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 232.245; and

(d) Effective for the 1984-1985 school year and each year thereafter, a cumulative grade point average of 1.5 on a 4.0 scale, or its equivalent, for nonselective required courses for graduation.

(4) No student shall be granted credit toward high school graduation for enrollment in the following courses or programs:

(a) More than two elective credits in remedial programs as provided for in s. 236.0841 and compensatory and remedial programs as provided for in s. 236.088

(b) More than one-half credit in exploratory vocational courses as defined in s. 228.041(22)(b).

(c) More than three credits in home economics classes as defined in s. 228.041(22)(d).

(5) The standards required in subsection (3), and any subsequent modifications thereto, shall be reprinted in the Florida Administrative Code even though said standards are not defined as rules.

(6) The state board, after a public hearing and consideration, shall make provision for appropriate modification of testing instruments and procedures for students with identified handicaps or disabilities in order to ensure that the results of the testing represent the student's achievement, rather than reflecting the student's impaired sensory, manual, speaking, or psychological process skills, except when such skills are the factors the test purports to measure.

(7) A student who meets all requirements prescribed in subsections (1), (2), and (3) shall be awarded a standard diploma in a form prescribed by the state board; however, a school board may, in lieu of the standard diploma, award differentiated diplomas to those exceeding the prescribed minimums. A student who completes the minimum number of credits and other requirements prescribed by subsections (1) and (2), but who is unable to meet the standards of paragraph (3)(a) or paragraph (3)(b), shall be awarded a certificate of completion in a form prescribed by the state board. However, any student who is otherwise entitled to a certificate of completion may elect to remain in the secondary school on either a full-time or a part-time basis for up to 1 additional year and receive special instruction designed to remedy his identified deficiencies. This special instruction shall be funded from the district's state compensatory education funds.

(8) The public hearing and consideration required in paragraphs (a) and (b) of subsection (3) and in subsection (6) shall not be construed to amend or nullify the requirements of security relating to the contents of examinations or assessment instruments and related materials or data as prescribed in s. 232.248.

Section 2. The introductory paragraph and paragraph (a) of subsection (1) of section 232.2465, Florida Statutes, 1982 Supplement, are amended to read:

232.2465 Florida Academic Scholars' Program.—For the purpose of recognizing and rewarding outstanding performance and academic achievement on the part of public and nonpublic school students and developmental research school students, the Commissioner of Education shall award to each high school graduate who meets the requirements specified herein and as further specified by the State Board of Education a special certificate recognizing and designating the graduate as a Florida Academic Scholar.

(1) In order to qualify as a Florida Academic Scholar, a student must:

(a) *Effective with the 1983-1984 school year*, complete a program of at least 2 more credits than the minimum credits required for high school graduation in ~~22 credits~~ of advanced-level studies in grades 9 through 12 as prescribed by the State Board of Education, including as a minimum:

1. Four years of progressively advanced instruction in language arts, including courses in English composition ~~grammar, writing~~, and literature;

2. Four years of progressively advanced instruction in science, including laboratory courses in biology, chemistry, and physics *where laboratory facilities are available*;

3. Four years of progressively advanced instruction in mathematics, including courses in algebra *and*, geometry; and *calculus or trigonometry*;

4. Two years of sequential foreign ~~progressively advanced instruction~~ in a foreign language;

5. One year of instruction in art and music or in either art or music;

6. Three years of instruction in social studies, including courses in American history and government, ~~and~~ world history, *and comparative political and economic systems*; and

7. One year of instruction in health and physical education *to include assessment, improvement, and maintenance of personal fitness*.

Section 3. Section 232.425, Florida Statutes, is created to read:

232.425 Student standards for participation in interscholastic extracurricular student activities.—*In order for a student to be eligible to participate in interscholastic extracurricular student activities he must maintain a 1.5 grade point average on a 4.0 scale, or its equivalent, for the semester immediately preceding participation. Such student shall also be progressing satisfactorily toward graduation as provided for in the district's approved pupil progression plan and shall meet such other requirements for participation as may be established by the school district.*

Section 4. Subsection (4) of section 229.814, Florida Statutes, is amended to read:

229.814 Secondary Level Examination Program.—

(4) Any candidate ~~for a high school who is awarded an~~ equivalency diploma shall be *at least 18 years of age on the date of the examination, except that in extraordinary circumstances as determined and approved by the Department of Education or by the superintendent of the district in which the candidate resides or attends school, said candidate may take the examination after reaching the age of 16* ~~exempted from the compulsory school attendance requirements of s. 232.01.~~

Section 5. Section 232.247, Florida Statutes, is amended to read:

232.247 Special high school graduation requirements for certain exceptional students.—A student who has been properly classified, in accordance with rules established by the state board, as "educable mentally ~~handicapped retarded~~," "trainable mentally *handicapped retarded*," "deaf," "specific learning disabled," "physically handicapped whose ability to communicate orally or in writing is seriously impaired," or "emotionally handicapped" shall not be required to meet all requirements of s. 232.246 and shall, upon meeting all applicable requirements prescribed by the school board pursuant to s. 232.245, be awarded a special diploma in a form prescribed by the state board; provided, however, that such special graduation requirements prescribed by the school board shall include minimum graduation requirements as prescribed by the state board. Any such student who meets all special requirements of the district school board for his exceptionality, but is unable to meet the appropriate special state minimum requirements, shall be awarded a special certificate of completion in a form prescribed by the state board. *A student who has been properly classified as profoundly handicapped and who meets the special requirements of the district school board shall be awarded a special certificate of completion in a form prescribed by the state board.* Nothing provided in this section, however, shall be construed to limit or restrict the right of an exceptional student solely to a special diploma *or special certificate of completion*. Any such student shall, upon proper request, be afforded the opportunity to fully meet all requirements of s. 232.246 through the standard procedures established therein and thereby qualify for a standard diploma upon graduation.

PART II EDUCATIONAL MANAGEMENT

Section 6. Section 229.95, Florida Statutes, is created to read:

229.95 Florida High Technology and Industry Council.—

(1) *It is the intent of the Legislature to further promote development of the Florida economy by coordinating, through joint efforts of the Department of Education, public and private postsecondary education institutions, the Executive Office of the Governor, other executive agencies, the Department of Commerce, and leaders in high technology business and industry, the needs of such industry with state government programs. It is the intent that such cooperative efforts shall seek to serve the needs of the citizens of Florida and meet the technical and professional demands of new and existing technology, as well as demonstrate to such business and industry leaders that Florida can meet such demands.*

(2)(a) *There is created a not for profit corporation, pursuant to the provisions of chapter 617, that shall be named the Florida High Technology and Industry Council. The council is created for the purpose of planning, coordinating, assisting and making recommendations for policy decisions and directing activities for carrying out the intent of this section. As soon as practicable, the Governor shall appoint 13 mem-*

bers to the council who shall be Florida leaders in high technology or related business and industry. The Governor shall solicit nominations from leading business and industry organizations or other organizations interested in the economic growth of the state. Representation on the council shall reflect the different geographic areas of the state. It is the intent of the Legislature that women and minorities be fairly and adequately represented on the council. Council membership shall also include the Governor or his designee, the Secretary of the Department of Commerce or his designee, the Secretary of the Department of Labor and Employment Security or his designee, the Secretary of the Department of Community Affairs or his designee, the Commissioner of Education or his designee, and the Chairman of the Florida Council of 100 or his designee. Members shall serve 4-year staggered terms and all vacancies shall be filled by appointment by the Governor. As soon as practicable following the initial appointments, the Governor shall call an organizational meeting of the council. From among the 13 representatives of business and industry, the membership of the council shall elect a chairman whose term of office shall be for 1 year. There shall be no limitation on successive appointments to the council or terms as chairman. The council shall adopt internal organizational procedures or bylaws as may be necessary for efficient operation of the council.

(b) The council shall have the following powers and duties:

1. To advise the Governor, the Legislature, the Commissioner of Education, the State Board of Education and the State Board of Vocational Education regarding needed policy changes as related to the intent of this section and the council's responsibilities.

2. To make recommendations to the Governor, the Legislature, the Commissioner of Education, the State Board of Education and the State Board of Vocational Education for coordinating the delivery of resources with meeting needs, including assisting in establishing priorities for programs and services, and the allocation of resources according to the priorities.

3. To carry out a feasibility study regarding the establishment of a single state school, a Florida School for Applied and High Technology, which would be designated as the state school of high technology for talented high school and college students. The results and recommendations of the study would be presented to the President of the Senate and the Speaker of the House of Representatives by March 1, 1984. In performing the study, the following concepts should be considered:

a. The kinds of curriculum, innovations, and inventor programs that might be conducted in such a school.

b. The opportunities for teacher education programs to be carried out by such a school.

c. The teaching of industrial relations to students and citizens in such a school.

d. The governing authority and membership for such a school, which would include the Commissioner of Education, the director of the Division of Community Colleges and the Chancellor of the State University System, and members from private businesses within the high technology fields.

e. Strategies for funding such a school, and recommendations as to the levels of funding, state support, support by the private sector, and possible sources of federal funding.

4. To accept gifts, grants, donations, expenses, in-kind services, or other valued goods or services for carrying out its purposes and to expend such funds or assets in any legal manner according to terms and conditions of acceptance, without interference, control, or restraint by the state. However, such funds or assets shall not be commingled in any way with funds appropriated by the state.

5. To keep full, detailed, and accurate records and accounts of all proposals, acts, proceedings, orders, determinations, receipts, disbursements, and expenditures made by or under the authority of the council, all of which shall be kept open for public inspection and review at all reasonable times. The council shall from time to time publish the details of its activities in such form as shall be deemed best calculated to serve the purpose of giving full publicity to all transactions by the council or proposed to the council for its approval. The council shall make an annual report to the Governor, the Legislature, the Commissioner of Education, and the Secretary of Commerce setting forth in appropriate detail the business transacted during the year and the condition of the

council at the close of the year. The council shall furnish such additional reports and information as may from time to time be required to further the intentions of this act.

(c) Members of the council shall not be required to file financial disclosure statements in accordance with provisions of chapter 112, unless they are otherwise required to do so by law.

(d) Similar authority as that granted to universities in connection with patents, trademarks, and copyrights under the provisions of chapter 240 is granted to the council and its subsidiary entities as appropriate to the intent of this section.

(3) The council shall designate staff to assist the council in the performance of its duties, and shall give special emphasis to:

(a) Assisting the efforts of private organizations, including the Florida High Technology and Industry Council, and other governmental entities which are concerned with the establishment of high technology and industry training programs in Florida.

(b) Insuring that the efforts of the various state agencies which are concerned with the development of applied and high technology and industry training programs are mutually reinforcing and supportive of state objectives related to this section.

(c) Assisting in efforts to develop programs to ensure employee needs are met in new emerging applied and high technology occupations.

(d) Coordinating the delivery of resources with meeting state needs, including assisting the council in developing recommendations for the State Board of Education concerning priorities for programs and services, and the allocation of resources according to the priorities.

Section 7. Section 229.89, Florida Statutes, is created to read:

229.89 Florida Teacher of the Year award.—In order to recognize and reward superior performance by teachers, there is hereby established a monetary award system to be given in conjunction with the Teacher of the Year award.

(1) Teachers selected as a district, regional, or state Teacher of the Year in accordance with procedures developed by the Department of Education and the Council of Chief State School Officers shall each receive monetary awards. Teachers employed at developmental research schools may qualify for these awards.

(a) District Teacher of the Year award recipients shall each receive \$500

(b) Regional Teacher of the Year award recipients shall each receive \$750.

(c) The State Teacher of the Year award recipient shall receive \$1000.

(2) Regional Teacher of the Year award recipients and spouses shall each receive an expense-paid trip to Tallahassee for an award ceremony and reception. Expenses shall be paid by the Department of Education as provided in s. 112.061.

(3) The State Teacher of the Year award recipient shall serve as one of the five teacher members of the Board of Advisors for Educational Research and Development as provided in s. 229.561(2)(a)1.

(4) The commissioner shall annually submit budget requests for the purpose of funding this program.

Section 8. Section 230.03, Florida Statutes, is amended to read:

230.03 Management, control, operation, administration, and supervision.—The district school system shall be managed, controlled, operated, administered, and supervised as follows:

(1) DISTRICT SYSTEM.—The district school system shall be considered as a part of the state system of public education. All actions of district school officials shall be consistent and in harmony with state laws and with rules and minimum standards of the state board. District school officials, however, shall have the authority to provide additional educational opportunities, as desired, which are authorized, but not required, by law or by the district school board.

(2) SCHOOL BOARD.—In accordance with the provisions of s. 4(b) of Art. IX of the State Constitution, district school boards shall operate, control, and supervise all free public schools in their respective districts and may exercise any power *except as expressly prohibited by the State Constitution or general law. for educational purposes except as otherwise provided by the State Constitution or law. For purposes of this section, "educational purposes" means any activity or power exercised in the establishment and maintenance of courses, classes, institutions, and services adequate to meet the educational needs of all citizens of the district.*

(3) SUPERINTENDENT.—Responsibility for the administration and management of the schools and for the supervision of instruction in the district shall be vested in the superintendent as the secretary and executive officer of the school board, as provided by law.

(4) PRINCIPAL OR HEAD OF SCHOOL.—Responsibility for the administration of any school or schools at a given school center and for the supervision of instruction therein shall be delegated to the principal or head of the school or schools as hereinafter set forth and in accordance with rules established by the school board.

Section 9. Paragraph (m) of subsection (4) of section 230.23, Florida Statutes, 1982 Supplement, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, as follows:

(m) Exceptional students.—Provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the state board as acceptable, including provisions that:

1. The school board provide the necessary professional services for diagnosis and evaluation of exceptional students.

2. The school board provide the special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved nonpublic schools or community facilities which meet standards established by the state board.

3. The school board submit annually to the department its proposed procedures for the provision of special instruction and services for exceptional students.

4. No student be given special instruction or services as an exceptional student until after he has been properly evaluated, classified, and placed in the manner prescribed by rules of the state board. The parent or guardian of an exceptional student evaluated and placed or denied placement in a program of special education shall be notified of each such evaluation and placement or denial. Such notice shall contain a statement informing the parent or guardian that he is entitled to a due process hearing on the identification, evaluation, placement, or lack thereof. Such hearings shall be exempt from the provisions of ss. 120.57 and 286.011 to the extent that the state board adopts rules establishing other procedures. The hearing shall be conducted by a hearing officer ~~who shall not be an officer or employee of the school board involved in the education or care of the child or have a personal or professional interest which would conflict with the objectivity of the hearing. The parent shall have the right to request that the hearing officer be from the Division of Administrative Hearings, Department of Administration. The decision of the hearing officer shall be final, except that any party aggrieved by the finding and decision rendered by the hearing officer shall have the right to request an impartial review of the hearing officer's order by the district court of appeal as provided by s. 120.68. Notwithstanding any law to the contrary, during the pendency of any proceedings conducted pursuant to this section, unless the district school board and the parents or guardian otherwise agree, the child shall remain in the then current educational assignment of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents or guardian, be assigned in the public school program until all such proceedings have been completed. Commissioner of Education. The review by the commissioner shall examine the entire hearing record, ensure that the procedures at the hearing were consistent with the requirements of due process, seek additional evidence if necessary, make an independent decision upon completion of the review, and give a copy of written findings and decision to the parties. Any aggrieved party shall have the right to file a petition for judicial review in the appropriate court of jurisdiction.~~

5. In providing for the education of exceptional students, the superintendent, principals, and teachers shall utilize the regular school facilities and adapt them to the needs of exceptional students whenever this is possible. No student shall be segregated and taught apart from normal students until a careful study of the student's case has been made and evidence obtained which indicates that segregation would be for the student's benefit or is necessary because of difficulties involved in teaching the student in a regular class.

6. The principal of the school in which the student is taught shall keep a written record of the case history of each exceptional student showing the reason for the student's withdrawal from the regular class in the public school and his enrollment in or withdrawal from a special class for exceptional students. This record shall be available for inspection by school officials at any time.

7. The district school board shall establish the amount to be paid by the district school board for each individual exceptional student contract with a nonpublic school.

Section 10. Paragraphs (a) and (d) of subsection (3) of section 231.36, Florida Statutes, 1982 Supplement, are amended to read:

231.36 Contracts with instructional staff, supervisors, and principals.—

(3)(a) The school board of each district shall provide a professional service contract as prescribed herein. Each member of the instructional staff who completes the following requirements prior to July 1, 1984, shall be entitled to and shall be issued a continuing contract in the form prescribed by rules of the state board pursuant to s. 231.36, Florida Statutes, 1981. Each member of the instructional staff who completes the following requirements on or after July 1, 1984, shall be entitled to and shall be issued a professional service contract in the form prescribed by rules of the state board as provided herein, ~~excluding supervisors and principals, in each district school system who is employed with an effective date of initial employment subsequent to July 1, 1982, who:~~

1. Holds a regular certificate as prescribed by s. 231.17 and rules of the State Board of Education;

2. Has completed 3 years of probationary service in the district, 1 year of which shall be the beginning teacher program where required, during a period not in excess of 5 successive years, such service being continuous except for leave duly authorized and granted; and

3. Has been recommended by the superintendent for such ~~professional service~~ contract and reappointed by the school board based on successful performance of duties and demonstration of professional competence.

~~shall be issued a professional service contract in such form as may be prescribed by rules of the state board.~~

(d) A school board may issue a continuing contract prior to July 1, 1984, and may issue a professional service contract subsequent to July 1, 1984, to any employee who has previously held a professional service contract or continuing contract in the same or another district within this state. Any employee who holds a continuing contract may, but shall not be required to, exchange such continuing contract for a professional service contract in the same district.

Section 11. Paragraph (b) of subsection (2) of section 234.211, Florida Statutes, is amended to read:

234.211 Use of school buses for public purposes.—

(2)

(b) Corporations not for profit, established or identified pursuant to Pub. L. No. 89-73, as amended, and providing transportation services for the transportation disadvantaged without compensation, and nonprofit corporations and nonprofit civic organizations and groups, shall provide liability insurance coverage in the amounts specified in s. 234.03. ~~of:~~

1.—\$100,000 liability per single party suit;

2.—\$300,000 liability per joint party suit;

3.—\$50,000 liability per property damage suit; and

4.—\$100 deductible collision, upset loss, or damage to each vehicle.

Section 12. Subsection (2) and paragraph (b) of subsection (3) of section 237.34, Florida Statutes, are amended to read:

237.34 Cost accounting and reporting.—

(2) COST REPORTING.—

(a) Each district shall report on a district-aggregate basis expenditures for inservice training pursuant to s. 236.081(3)(4), and for categorical programs as provided in s. 236.081(5)(6).

(b) Each district shall report on a school-by-school and on an aggregate district basis expenditures for each program set forth in s. 236.081(1)(c). Prior to submission the report shall be reviewed by district program specialists to assure that appropriate costs have been attributed to the programs.

(c) The commissioner shall present to the Legislature, 30 90 days prior to the opening of the regular session each year, a district-by-district report. This report shall contain: of

1. The expenditures reported pursuant to paragraphs (a) and (b) including ~~the report shall include~~ total expenditures, a detailed analysis showing expenditures for each program, and such other data as may be useful for management of the educational system.

2. The expenditures for the grade 4-8 base as well as expenditures for all programs selected for review under the School-Site Program Cost Review, as provided in s. 237.37.

3. ~~Recommended~~ ~~The commissioner shall also compute~~ cost factors for each selected program district reflecting reported expenditures and actual expenditures reported in subparagraphs 1. and 2. relative to the base student allocation for each of the programs as provided in s. 236.081(1)(e).

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(b) Funds for inservice training established in s. 236.081(3) and for categorical programs established in s. 236.081(5) shall be expended for the costs of the identified programs in accordance with the rules of the state board; ~~however, in addition to the \$5 per full-time equivalent student required for inservice training pursuant to s. 236.081(3), the following may be expended for inservice training and used in meeting the expenditure requirements of this section, notwithstanding any requirements set forth in ss. 231.600-231.610 relating to the administration of and expenditure of funds for teacher education center activities:~~

1. ~~Up to \$6 per kindergarten through grade 3 full-time equivalent unweighted student for fiscal year 1979-1980.~~

2. ~~Up to \$4 per kindergarten through grade 3 full-time equivalent unweighted student for fiscal year 1980-1981.~~

3. ~~Up to \$2 per kindergarten through grade 3 full-time equivalent unweighted student for fiscal year 1981-1982.~~

Section 13. Section 237.37, Florida Statutes, is created to read:

237.37 School-Site Program Cost Review.—

(1) Beginning in fiscal year 1983-84, the Commissioner of Education shall annually conduct a School-Site Program Cost Review for the purpose of determining actual expenditures in quality programs. In order to insure that cost factors are computed relative to the base student allocation, the base program shall be reviewed annually. Other program areas identified in s. 236.081(1)(c) shall be reviewed on a 4-year cyclical basis in the following order:

(a) Basic programs.

(b) Special programs for exceptional students part-time.

(c) Special programs for exceptional students full-time.

(d) Special adult general education programs and special vocational-technical programs.

(2) The Commissioner of Education shall develop a procedure for conducting the School-Site Program Cost Review. Such procedure shall provide for a preliminary cost factor conference at which time modifications or additions to the schedule provided in subsection (1) may be recommended.

(3) Inservice training shall be provided for all participants in the School-Site Program Cost Review.

(4) The Commissioner of Education shall annually submit requests to the Governor and the Legislature for adequate funding to meet the purpose of this section.

Section 14. Section 233.61, Florida Statutes, is created to read:

233.61 Out-of-school learning activities.—The Commissioner of Education is authorized to promote academic out-of-school learning activities to provide recognition of significant accomplishments for such learning through soliciting the cooperation of schools and civic and other community organizations which may act as volunteer sponsors of such activities. The focus of such activities shall be academic areas, with an emphasis on mathematics and science and their applications.

Section 15. Section 232.04, Florida Statutes, is amended to read:

232.04 In kindergartens.—~~For the 1983-1984 school year and thereafter, children who will have attained the age of 5 years on or before September 1 of the date prescribed in this section during the school year shall be eligible for admission to public kindergartens during that school year under rules prescribed by the school board. For the school year 1980, the child must have attained the age of 5 on or before December 1, 1980. For the school year 1981, the child must have attained the age of 5 on or before November 1, 1981. For the school year 1982, the child must have attained the age of 5 on or before October 1, 1982. For the school year 1983 and thereafter, the child must have attained the age of 5 on or before September 1 of the school year. Any child who will attain the age of 5 years subsequent to the date prescribed in this section but prior to January 1 of the school year shall be admitted at the beginning of that school year or at any time during the first month of the school year, provided the child has demonstrated a readiness to enter kindergarten in accordance with criteria as established by the Department of Education.~~

Section 16. Paragraph (b) of subsection (6) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—The annual allocation from the Florida Education Finance Program to each district for operation of schools shall be determined as follows:

(6) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation shall be distributed periodically in the manner prescribed by regulations of the state board and shall be calculated as follows:

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. ~~If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interest of the state. No amount appropriated to fund the Florida Education Finance Program for fiscal year 1975-1976 shall be expended for any other prior year adjustment.~~

Section 17. Section 29 of chapter 82-242, Laws of Florida, is amended to read:

Section 29. Sections 231.600, 231.601, 231.602, 231.603, 231.605, 231.606, 231.607, 231.608, 231.609, 231.610, and 231.611, Florida Statutes, are repealed on October 1, 1985 1983, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 18. Section 234.071, Florida Statutes, is hereby repealed.

Section 19. Paragraph (d) of subsection (2) of section 231.17, Florida Statutes, 1982 Supplement, is amended to read:

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

(2)

(d) A person who meets all certification requirements which have been established by law or rule, other than the passing of the written

examination, may be issued an initial temporary certificate for the first year of employment in a public school district in this state. However, the State Board of Education shall adopt criteria for eligibility for the initial temporary certificate for nondegree teachers of vocational education. Such teachers may delay examination requirements specified in paragraphs (b) and (c) until professional educational requirements as established by law or rule are met; however, all examination requirements shall be met prior to the beginning of the ~~sixth~~ ^{fourth} year of employment.

PART III POSTSECONDARY EDUCATION

Section 20. Section 240.134, Florida Statutes, is created to read:

240.134 *Remedial and developmental instruction in community colleges and state universities.*—

(1) *Community college or state university students who have been identified as requiring remediation shall enroll in remedial courses to develop needed skills. These students shall be permitted to take courses concurrently in other curriculum areas for which they are qualified, while enrolled in remedial courses. Credit awarded for remedial courses shall not be counted towards fulfilling the number of credits required for a degree.*

(2) *By August 1, 1990, remedial education courses in community colleges shall be limited to:*

(a) *Education of older students wishing to enter the Associate of Arts program who are deficient in basic academic skills and who are five years or more out of sequence from high school graduation.*

(b) *Correcting academic deficiencies which prevent a student from benefiting from vocational instruction.*

(3) *By August 1, 1990, all postsecondary remedial education not authorized in subsection (2) shall be the responsibility of district school boards, pursuant to s. 232.2455.*

Section 21. Section 232.2455, Florida Statutes, is created to read:

232.2455 *Programs of remediation.*—

(1) *By August 1, 1990, programs of remediation shall primarily be the responsibility of the district school boards through their schools. This remediation shall provide students with enhancement or improvement of any basic skill in which the student is deficient. This remediation shall assist students in moving from one grade or level to another, including moving from secondary to postsecondary education, and shall assist residents of the district who request remedial assistance, including those with high school diplomas.*

(2) *The district school boards shall work with the community colleges in their districts in order to assure that the community college students have access to remedial education.*

(3) *Beginning August 1, 1983, the Department of Education shall submit an annual report to the Legislature outlining the progress being made in the school districts, community colleges, and state universities toward fulfilling the objectives of this section and s. 240.134.*

Section 22. Subsection (3) is added to section 240.529, Florida Statutes, 1982 Supplement, to read:

240.529 *Approved teacher education programs.*—

(2) *Effective July 1, 1982, continued approval of specific teacher education programs at each institution of higher learning within the state shall be contingent upon the passing of the state written examination required by s. 231.17(2) by at least 80 percent of the graduates of the program who take the examination.*

(3) *The State Board of Education may grant a waiver of the requirements of subsection (2) on an annual basis to an institution submitting a request for a waiver if such request includes a plan for fulfilling said requirements. No waiver may be granted beyond the 1985-1986 academic year. On request of an institution, the Department of Education shall provide an analysis of its graduates' performance on the competencies assessed by the examination required by s. 231.17.*

Section 23. Section 240.60, Florida Statutes, 1982 Supplement, is amended to read:

240.60 *College career work experience program.*—

(1) *There is established the college career work experience program, to be administered by the Department of Education. The purpose of the program is to introduce eligible students to work experience in their declared major areas of study. Such program shall be available to:*

(a)(1) *Any student attending a state university or community college authorized by Florida law; and*

(b)(2) *Any student attending a nonprofit Florida college or university which is accredited by a member of the Council on Postsecondary Accreditation, the credits of which are acceptable, without qualification, for transfer to a state university; which grants baccalaureate or associate degrees; which is not a pervasively sectarian institution; and which is located in and chartered by the state.*

(2) *Each participating university or college shall give priority to students who work as science laboratory assistants in high schools.*

(3) *Each participating university or college is empowered to enter into a contractual agreement with any private or public employer for the purpose of establishing a career work experience program. The public or private employer shall be responsible for furnishing 50 percent of the student's wages. The participating college or university shall furnish the remaining 50 percent of the student's wages from moneys which it receives from the trust fund established in s. 240.602.*

Section 24. Subsection (2) of section 246.021, Florida Statutes, 1982 Supplement, is amended to read:

246.021 *Definitions.*—As used in ss. 246.011-246.151, unless the context otherwise requires:

(2) *"Out-of-state college" or "college outside the state" means any college where the place of instruction, the legal place of residence, or the place of evaluation of instruction or work by correspondence is not within the legal boundaries of this state. The incorporation in Florida of a branch or center of an out-of-state college or university shall not cause the branch or center of the college or university to be considered an in-state institution.*

PART IV FLORIDA QUALITY EDUCATION STUDY COMMISSION

Section 25. Florida Quality Education Study Commission.—

(1) *There is created the Florida Quality Education Study Commission which shall be composed of 23 members to include the following: the Governor, who shall serve as chairman of the commission; the Commissioner of Education; the President of the Senate and 2 members of the Senate to be appointed by him; the Speaker of the House of Representatives and 2 members of the House of Representatives to be appointed by him; 4 businessmen appointed by the Council of 100 and 4 businessmen appointed by the State Chamber of Commerce; 2 teacher union representatives appointed by the Commissioner of Education; 1 school board member, 1 superintendent, 1 principal, 1 teacher, and 1 parent, each appointed by the Commissioner of Education.*

(2) *The commission shall have as its purpose the study of the Florida public education system, to include but not be limited to, study and recommendations for improvement of the following areas: education standards, assessment, and pupil progression; length of the school day and school year; teacher certification and recertification; collective bargaining; teacher merit pay; vocational education; and revenue sources for quality education. The commission shall make recommendations to the Legislature by March 1, 1984, and shall cease to exist after such date.*

Section 26. Subsection (2) of section 229.95, Florida Statutes, as created by this act, is repealed on July 1, 1993, and the Florida High Technology and Industry Council shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes, the Sundown Act.

Section 27. Amendments to sections of the Florida Statutes enacted by this act shall not operate to repeal or otherwise negate amendments to the same sections which may have been enacted at the 1983 Regular Session of the Florida Legislature and which are not indicated herein, and full effect shall be given to each, if that is possible. If provisions of this act are in direct conflict with amendments enacted at the 1983 Regular Session of the Legislature, the provisions of this act shall control.

Section 28. This act shall take effect July 1, 1983, except that section 1 shall take effect July 1, 1984.

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

A bill to be entitled An act relating to education; amending s. 232.246, Florida Statutes; substantially revising general requirements for high school graduation; requiring completion of specified credits; requiring mastery of performance standards; amending the introductory paragraph of s. 232.2465, Florida Statutes, 1982 Supplement, and paragraph (1)(a) thereof; including developmental research school students in the Florida Academic Scholars' Program; revising requirements for qualification; creating s. 232.425, Florida Statutes; providing student standards for participation in interscholastic extracurricular activities; amending s. 229.814(4), Florida Statutes; revising requirements for the secondary level examination program; amending s. 232.247, Florida Statutes, relating to special high school graduation requirements for exceptional students, revising terminology; providing for certificates of completion for profoundly handicapped students; creating s. 229.95, Florida Statutes; providing legislative intent to further economic development jointly through education, business, industry, and government; creating the Florida High Technology and Industry Council, a not for profit corporation; establishing powers and duties of the council; providing for a feasibility study for establishment of a Florida School for Applied and High Technology; exempting council members from financial disclosure; granting authority relating to patents, trademarks, and copyrights; providing for legislative review and repeal of the Florida High Technology and Industry Council in accordance with the Sundown Act; creating s. 229.89, Florida Statutes; establishing, on district, regional, and state levels, the Florida Teacher of the Year awards to recognize and reward superior performance; amending s. 230.03, Florida Statutes; providing for management of the district school system; amending s. 230.23(4)(m), Florida Statutes, 1982 Supplement, relating to powers and duties of school boards; revising provisions relating to hearings for identification, evaluation, or placement of exceptional students; amending s. 231.36(3)(a) and (d), Florida Statutes, 1982 Supplement; providing for issuance of professional service contracts after July 1, 1984; amending s. 234.211(2)(b), Florida Statutes; requiring the same amount of liability insurance coverage for buses transporting the transportation disadvantaged and certain school-age children as for buses transporting student membership; amending s. 237.34(2) and (3)(b), Florida Statutes, relating to cost accounting and reporting, to correct cross references; providing for review of reports; changing the date for presentation to the Legislature of the Commissioner of Education's report; revising contents of such report; deleting obsolete language; creating s. 237.37, Florida Statutes; requiring an annual School-Site Program Cost Review by the Commissioner of Education; creating s. 233.61, Florida Statutes; authorizing the Commissioner of Education to promote academic out-of-school learning activities; amending s. 232.04, Florida Statutes; deleting obsolete provisions and provisions authorizing early entrance to kindergarten; amending s. 236.081(6)(b), Florida Statutes; authorizing the Commissioner of Education to establish the amount of allocation adjustment under certain conditions; amending s. 29 of chapter 82-242, Laws of Florida; revising the date for repeal and review of the Teacher Education Center Act of 1973; repealing s. 234.071, Florida Statutes, relating to the requirement that school boards arrange for surveys of school transportation routes; amending s. 231.17(2)(d), Florida Statutes, 1982 Supplement; revising the date by which certification examination requirements must be met; creating s. 240.134, Florida Statutes, relating to remedial and developmental instruction in community colleges and state universities; limiting future remedial education courses in community colleges and providing for shift of responsibility for remedial education to district school boards; creating s. 232.2455, Florida Statutes; providing for development of programs of remediation by the district school boards; providing for access; providing for annual reports to the Legislature; adding subsection (3) to s. 240.529, Florida Statutes, 1982 Supplement, relating to requirements for approval of teacher education programs; authorizing waiver of specified requirements under certain conditions; providing for an analysis of graduate performance by the department on request; amending s. 240.60, Florida Statutes, 1982 Supplement; providing priorities with respect to the college career work experience program; amending s. 246.021(2), Florida Statutes, 1982 Supplement, relating to nonpublic postsecondary institutions; revising the definition of "out-of-state college"; creating the Florida Quality Education Study Commission to study the Florida public education system; providing for a report to the Legislature; providing effective dates.

On motions by Senator Maxwell, the Senate refused to concur in the House amendments and the House was requested to recede and in the event the House refused to recede a conference committee was requested. The action of the Senate was certified to the House.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed CS for HB 23-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Gallagher and others—

CS for HB 23-B—A bill to be entitled An act relating to mortgages; amending s. 95.281(1)(b) and (2)(b), Florida Statutes, permitting mortgages to record and secure obligations of more than 20 years when the original record of the obligation secured by a mortgage is not ascertainable from the record of it; amending ss. 199.052(7)(d), 201.08(1), and 201.09(3), Florida Statutes, 1982 Supplement, eliminating a requirement that certain mortgages be secured by a one-to-four family structure with respect to the law governing returns on intangible taxes and the law governing the documentary stamp tax on mortgages; amending s. 199.062(5)(a), Florida Statutes, and s. 199.062(6)(a), Florida Statutes, as amended; revising penalties for failure to file required information with the Department of Revenue or with stockholders; providing for application to the 1983 tax year; amending s. 665.0731(5), Florida Statutes, deleting a provision authorizing the mortgagor or his successor to file a notice limiting optional future advances; amending s. 697.04(1), Florida Statutes, permitting mortgagors or their successors in title to limit the principal amount secured by the mortgage and thereby preclude future advances; exempting negative amortization and construction loan agreements therefrom; amending s. 697.05(2), Florida Statutes, providing a method for calculating the final payment on an adjustable rate balloon mortgage; requiring disclosure; directing the Department of Community Affairs to conduct a study into the use of reverse annuity mortgages or similar instruments in this state; adding s. 697.05(5)(e), Florida Statutes, providing an exemption from balloon mortgage provisions, for mortgages in excess of \$500,000, requiring a written report to the Legislature; providing an effective date.

On motion by Senator Thomas, by the required constitutional two-thirds vote of the Senate CS for HB 23-B was admitted for introduction, and read the first time by title.

On motion by Senator Thomas, the rules were waived and by two-thirds vote CS for HB 23-B was placed on the special order calendar and by unanimous consent taken up instanter.

On motions by Senator Thomas, by two-thirds vote CS for HB 23-B 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—36

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

Nays—None

The Senate recessed at 6:02 p.m. to reconvene upon call of the President.

The Senate was called to order by the President at 7:30 p.m. A quorum present—33:

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to HB 47-B, requests the Senate to recede and in the event the Senate refuses to recede requests a Conference Committee. The Speaker has appointed Representatives Mills, T. C. Brown, Carpenter, Kutun and Patchett; alternates: Liberti, Martin and Hodges as conferees.

Allen Morris, Clerk

On motions by Senator Neal, the Senate refused to recede from the Senate amendments to HB 47-B and acceded to the request for a conference committee. The President appointed Senator Neal, chairman, Senators Kirkpatrick, Grizzle, Mann and Langley. The action of the Senate was certified to the House.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives acceded to the request of the Senate for a Conference Committee on SB 1-B. The Speaker has appointed Representatives Morgan, Pajcic, Bell, Thompson, Kutun, Easley, Gordon, Burnsed, Lippman, Gardner, Gallagher; alternates: Gustafson, Carpenter, Burrall, Ward, Martinez, Mills and Davis as the Conferees on the part of the House.

Allen Morris, Clerk

The President appointed Senator Johnston, chairman; Senators Thomas, Neal, Scott, Maxwell, Kirkpatrick, Vogt, Margolis; alternates, Senators Grant, Beard, Crawford. The action of the Senate was certified to the House.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 1 and 2 to SB 6-B, again requests the Senate to concur, and in the event the Senate refuses to concur, the House has acceded to the request of the Senate and the Speaker has appointed Representatives Carpenter, Bell, Mills, Gustafson, R. M. Johnson; alternates: Weinstock, Kutun and Hargrett as conferees.

Allen Morris, Clerk

On motions by Senator Maxwell, the Senate again refused to concur in the House amendments to SB 6-B and acceded to the request for a conference committee. The President appointed Senator Peterson, chairman; Senators Grant, Maxwell, Vogt, Hair, Barron; alternate, Senator Frank. The action of the Senate was certified to the House.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed with amendments SB 14-B and requests the concurrence of the Senate.

Allen Morris, Clerk

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 pro-

cedures; 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. 320.0806, Florida Statutes; clarifying language for ancient motor vehicle license plates; 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 manufacturers; 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 for the review and repeal of s. 320.10, Florida Statutes, in accordance with the Regulatory Sunset Act; providing an effective date.

Amendment 1—On page 99, strike all of section 57 and insert:

Section 57. Sections 320.0841 and 320.10, Florida Statutes, are repealed on October 1, 1985, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Amendment 2—On page 7, line 22, after "repeal of", strike: s. 320.10 and insert ss. 320.0841 and 320.10

Amendment 4—On page 27, line 21, after s. 319.32(2)(a) insert: *or s. 327.11 (1982 Supp.)*

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

SB 14-B passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

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 CS for HB 17-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representatives Gustafson and Gallagher—

CS for HB 17-B—A bill to be entitled An act relating to workers' compensation; amending s. 440.20(13)(d), Florida Statutes, as amended, relating to payment of compensation, to clarify; amending s. 440.51, Florida Statutes, modifying the current method of deriving administrative costs; lowering the maximum assessment rate; providing for payment of supplemental benefits; providing for use of a statistical organization; creating s. 440.515, Florida Statutes, providing for confidentiality of certain records; reenacting s. 440.56(6), Florida Statutes, to incorporate the amendment to s. 440.51, Florida Statutes, in a reference thereto; providing an effective date.

On motion by Senator Thomas, by the required constitutional two-thirds vote of the Senate, CS for HB 17-B was admitted for introduction and read the first time by title.

On motions by Senator Thomas, the rules were waived and by two-thirds vote CS for HB 17-B was placed on the special order calendar and by unanimous consent taken up instanter.

On motions by Senator Thomas, by two-thirds vote CS for HB 17-B was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed SB's 10-B, 23-B, 24-B, 11-B, 5-B, 8-B, 19-B, 33-B, 20-B, 17-B, 22-B, 12-B and 13-B.

Allen Morris, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the Speaker has appointed Representative Silver as a conferee on HB 47-B to replace Representative Kutun.

Allen Morris, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 15 was corrected and approved.

Senator Barron moved that the Senate stand in recess while the conference committees continued working toward the conclusion of the work product of the session, until Tuesday, June 21, at 10:00 a.m. or upon call of the President. The motion was adopted.

Pursuant to the motion by Senator Barron, the Senate recessed at 7:44 p.m. to reconvene at 10:00 a.m., Tuesday, June 21, or upon call of the President.