



# Journal of the Senate

Number 17

Tuesday, May 15, 1984

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

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

Excused: Senator Barron at 9:30 a.m. for the purpose of working on CS for SB 1022 relating to medical malpractice

Prayer by Senator Carlucci:

Lord, in Psalm 121 we find the words, "I will lift up mine eyes unto the hills from whence cometh my help."

We know, Lord, that you made those hills.

People in Florida look up to their elected officials, from whom their laws come. We know, too, that you made those officials.

It is our prayer then, that you mold the minds of these lawmakers to do your will in accordance with your word.

And all the people said. . . "Amen."

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

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 15, 1984: CS for SB 1029, SB 963, CS for HB 795, SJR 76, SB 2, SB 500, SB 361, SB 108, CS for CS for SB 60, CS for SB 408, SB 693, CS for SB 911, SB 846, HB 585, SB 632, CS for SB 63, HB 69, CS for SB 241, CS for SB 251, CS for CS for SB's 189 and 480, SB 171, SB 676, SB 686, CS for SB 489, SB 503, SB 396, SB 315, CS for CS for SB 86, CS for SB 596, SB 710, SB 711, CS for SB 438, SB 149, CS for SB 1077

Respectfully submitted,  
*Dempsey J. Barron, Chairman*

The Committee on Rules and Calendar submits the following bills for introduction pursuant to Rule 4.6:

A bill relating to the Florida Keys Aquatic Preserve by Senator Neal. (SB 1126)

A bill relating to the Florida National Guard by Senator Carlucci. (SB 1127)

The Committee on Commerce recommends the following pass: SB 398

The Committee on Education recommends the following pass: CS for SB 899

The Committee on Health and Rehabilitative Services recommends the following pass: SB 909

The Committee on Judiciary-Civil recommends the following pass: CS for SB 273 with 1 amendment, CS for SB 495 with 3 amendments

The Committee on Transportation recommends the following pass: SB 819 with 2 amendments, SB 869 with 1 amendment, SB 948 with 2 amendments, SB 994, SB 995, SB 1071

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

The Committee on Judiciary-Civil recommends the following pass: SB 955

The Committee on Transportation recommends the following pass: SB 908 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SJR 1052 with 2 amendments

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Agriculture recommends the following pass: SB 975 with 3 amendments

The Committee on Commerce recommends the following pass: SB 663

The Committee on Health and Rehabilitative Services recommends the following pass: HB 431

The Committee on Judiciary-Civil recommends the following pass: SB 719

The Committee on Transportation recommends the following pass: SB 774 with 3 amendments, HB 423 with 2 amendments, SB 1073 with 4 amendments, SB 1053 with 2 amendments

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

The Committee on Education recommends the following not pass: SB 978

The bill was laid on the table.

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 501

The Committee on Education recommends committee substitutes for the following: Senate Bills 1081 and 884, Senate Bills 1069 and 906, SB 511, SB 953

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 529, SB 782, SB 875

The Committee on Personnel, Retirement and Collective Bargaining recommends committee substitutes for the following: SB 526, SB 700, SB 760, SB 762, SB 943, SB 568

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

The Committee on Agriculture recommends a committee substitute for the following: SB 532

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

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 245

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 877

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

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 420

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

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 550

**The bill with committee substitute attached was referred to the Committee on Natural Resources and Conservation under the original reference.**

The Committee on Appropriations recommends a committee substitute for the following: SB 954

The Committee on Commerce recommends a committee substitute for the following: SB 1022

The Committee on Economic, Community and Consumer Affairs recommends committee substitutes for the following: SB 415, SB 709, SB 1057

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 234, CS for SB 422

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 182

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

#### REQUESTS FOR EXTENSION OF TIME

May 11, 1984

The Committee on Agriculture requests an extension of 15 days for consideration of the following: Senate Bills 326, 670, 679; House Bill 95

The Committee on Commerce requests an extension of 15 days for consideration of the following: Senate Bills 8, 34, 42, 49, 51, 64, 83, 217, 261, 370, 385, 472, 479, 510, 536, 537, 539, 627, 685, 687, 689, 712, 933, 970, 971, 1004, 1014, 1015; House Bills 274, 698, 727

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following: Senate Bill 634; House Bills 11, 1150, 1151

The Committee on Education requests an extension of 15 days for consideration of the following: Senate Bills 1002, 1003, 1012, 1021; House Bills 178, 261

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: Senate Bills 336, 649, 1006, 1007, 1010, 1026, 1044, 1046; House Bill 1050

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: House Bill 132

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: Senate Bills 738, 740, 1011; House Bills 231, 238

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following: Senate Bills 3, 17, 20, 21, 58, 69, 75, 95, 107, 112, 120, 122, 139, 157, 165, 206, 244, 259, 263, 287, 290, 305, 308, 313, 322, 331, 340, 416, 434, 435, 443, 475, 499, 509, 535, 541, 570, 592, 603, 625, 637, 638, 680, 684, 722, 748, 754, 828, 850, 865, 866, 883, 913, 918, 931, 974, 990, 1055, 1067; House Bills 139, 173, 222, 248, 258, 278, 324, 380, 391, 487, 508, 540, 618, 619, 966, 1159, 1160, 1161, 1205

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following: Senate Bills 683, 688, 720, 1005, 1018, 1049; House Bill 36

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 378, 673, 747, 1020, 1036

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: Senate Bills 610, 739, 1105, 1111; House Bills 220, 655

May 14, 1984

The Committee on Appropriations requests an extension of 15 days for consideration of the following: Senate Bills 26, 147, 260, 266, 383, 540, 553, 569, 584, 586, 733, 836, 844, 1025, 1027, 279, 462, 591, 644, 654, 668, 706, 941, 1017; House Bills 252, 456

#### INTRODUCTION AND REFERENCE OF BILLS

##### First Reading

By Senator Thurman—

**SB 1123**—A bill to be entitled An act relating to Citrus County; providing legislative findings; providing definitions; authorizing the Board of County Commissioners of Citrus County to levy special assessments against certain taxable real property in an unrecorded subdivision for the purpose of making road and drainage improvements; authorizing the county to go upon certain land to make such road and drainage improvements; providing that the powers granted to the board by this act are in addition to any powers previously granted; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Appropriations—

**SB 1124**—A bill to be entitled An act relating to state government; implementing and administering the General Appropriations Act for fiscal year 1984-1985; providing authority for the Administration Commission to approve certain transfers related to reorganization; 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; restricting expenditure of certain funds available as a result of litigation against oil companies and refineries; providing that specific appropriations in the General Appropriations Act may be advanced as provided; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of said restrictions; 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 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; modifying procedure for determining annual allocations to school districts; directing the Commissioner of Education to conduct certain enrollment estimating conferences, and to report the results thereof; providing for establishment of enrollment ceilings by program groups; providing for inclusion of certain students in educational alternative programs; delaying effective date of certain provisions relating to required local effort; requiring agencies to first solicit state funded educational institutions for contractual training needs; providing for continuation of certain programs in the event of federal funding; prohibiting use of certain funds for relocation of certain railroads; placing restrictions on transfer of or use of services of agency personnel by another agency; prescribing salary of workers' compensation deputy commissioners and the chief commissioner; repealing section 8, chapter 83-348 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.

By the Committee on Appropriations—

**SB 1125**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1984, and ending June 30, 1985, 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 referred to the Committee on Appropriations.

By Senator Neal—

**SB 1126**—A bill to be entitled An act relating to aquatic preserves; amending s. 258.39, F.S.; designating and specifying the boundaries of the Florida Keys-Monroe County Aquatic Preserve; providing an effective date.

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

By Senator Carlucci—

**SB 1127**—A bill to be entitled An act relating to the Florida National Guard; amending s. 250.40, F.S.; providing for deposit of certain National Guard Armory funds in local banking institutions; providing for establishment of rules by the Armory Board; prescribing purposes for which such funds may be spent; providing an effective date.

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

By Senator Henderson—

**SCR 1128**—A concurrent resolution commending Edith Hughes Smith, Florida's 1985 Teacher of the Year.

—was referred to the Committee on Rules and Calendar.

By Senator Thomas—

**SR 1129**—A resolution recognizing the members of the Baker High School Varsity Football Team of Baker, Florida, for winning the Class "A" State Football Championship.

—was referred to the Committee on Rules and Calendar.

By Senator Stuart—

**SR 1130**—A resolution honoring Donald T. Senterfitt on the occasion of his election as President-Elect of the American Bankers Association.

—was referred to the Committee on Rules and Calendar.

#### FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Commerce and Senator Fox—

**CS for SB 96**—A bill to be entitled An act relating to firefighters; creating s. 440.155, F.S.; providing workers' compensation for permanent bodily disfigurement suffered by firefighters due to accident suffered during actual performance of the duties which a firefighter is trained or certified to perform; providing that such compensation shall be in addition to certain compensation presently provided by law; amending s. 440.25, F.S.; limiting the authority of deputy commissioners to revise ratings with respect to permanent disfigurement of firefighters; providing an effective date.

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

**CS for SB 234**—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.162, F.S.; specifying funds and property that must be maintained in trust; providing for handling of funds and property of deceased residents; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senators Meek, Henderson, Grizzle, Dunn, Frank and Malchon—

**CS for SB 245**—A bill to be entitled An act relating to the Fair Housing Act; amending ss. 760.22, 760.23, 760.24, 760.25, F.S.; prohibiting certain housing discrimination against the handicapped; amending s. 760.29, F.S.; providing exemptions; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senator Frank—

**CS for SB 415**—A bill to be entitled An act relating to public housing; amending s. 421.05, F.S.; requiring at least one of the commissioners of a public housing authority to be a public housing resident; providing an exception; amending s. 421.06, F.S.; providing a conflict of interest exemption for such commissioners; providing an effective date.

By the Committees on Health and Rehabilitative Services; and Commerce and Senator Jenne—

**CS for CS for SB 422**—A bill to be entitled An act relating to insurance; creating s. 626.9545, F.S.; authorizing health insurance improper charge identification incentive programs; amending s. 627.410, F.S.; requiring the filing of certain health insurance rating manuals, schedules, manual changes, schedule changes, and rates and rate changes; providing exemptions; creating s. 627.4115, F.S.; authorizing examination of health insurers by the Department of Insurance; providing for the acceptance of similar examination reports; creating s. 627.4231, F.S.; requiring health insurance policies and health care services plans to contain certain cost containment measures; amending s. 627.4235, F.S.; requiring coordination among group coverages; permitting the coordination of other health insurance coverages; making other changes with respect to the coordination of benefits; creating s. 627.429, F.S.; requiring certain health insurance policies to provide out-of-hospital coverage equal to in-hospital coverage under certain circumstances; creating s. 627.916, F.S.; requiring health insurers to file annual reports with the Department of Insurance regarding the implementation of cost containment measures; providing for rules and the analysis of data reported; providing for review and repeal; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senator Kirkpatrick—

**CS for SB 501**—A bill to be entitled An act relating to housing; amending ss. 420.20, 420.201, 420.202, 420.203, 420.204, 420.205, 420.206, 420.211, F.S.; revising and renaming the "Florida Housing Land Acquisition and Site Development Act of 1979;" limiting the use to rural areas; providing grant authority; including nonprofit organizations as eligible recipients; changing the name of the Revolving Land Acquisition and Site Development Trust Fund; amending ss. 420.402, 420.403, 420.404, 420.405, 420.406, 420.407, 420.413, F.S.; expanding the available financial resources for farmworker housing; redefining the term "local public body"; clarifying eligibility requirements; extending the life of the Farmworker Housing Assistance Trust Fund; extending the life of the Farmworker Housing Assistance Act; transferring the powers, duties, and functions of the Executive Office of the Governor, relating to the "Farmworker Housing Assistance Act" to the Department of Community Affairs; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining and Senator Hill—

**CS for SB 526**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.071, F.S.; requiring employee contributions by special risk members; amending s. 121.091, F.S.; increasing the retirement credit for special risk members; providing an effective date.

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

**CS for SB 529**—A bill to be entitled An act relating to trauma centers and emergency and nonemergency medical services; amending s. 395.031, F.S.; providing standards for verification of trauma centers; amending ss. 401.21, 401.211, 401.23, 401.24, 401.25, 401.255, 401.26, 401.27, 401.281, 401.30, 401.31, 401.33, 401.34, 401.35, 401.411, F.S.; creating ss. 401.321, 401.414, F.S.; providing short title, intent, and definitions; providing for a state plan; providing for licensure and regulation by the Department of Health and Rehabilitative Services; providing for vehicle permits; providing personnel standards; providing for records; providing for inspection and examination; providing for transfer and assignment of license; providing exemptions; providing for rules; providing for discipline; repealing s. 401.413, F.S., relating to administrative fines; providing an effective date.

By the Committee on Agriculture and Senator Gordon—

**CS for SB 532**—A bill to be entitled An act relating to farm labor; amending s. 450.29, F.S.; limiting exclusions from farm labor registration; creating s. 450.345, F.S.; providing definitions; requiring farm labor con-

tractors, agricultural employers, and agricultural associations to make certain disclosures to migrant or seasonal agricultural workers; requiring maintenance of certain records; prohibiting false information; creating s. 450.375, F.S.; providing private right of action for violations by such contractors, employers, and associations; authorizing appointment of counsel; providing for damage awards; amending s. 450.38, F.S.; providing penalties, administrative fines, and injunctive relief; repealing chapter 77-25, Laws of Florida, deleting the conditional repeal of part III of chapter 450, F.S., relating to farm labor registration; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senators Dunn, Neal, Mann, McPherson, Stuart, Myers, Frank, Jennings, Henderson, Castor, Malchon, Jenne, Hair, Meek, Gersten, Margolis, Carlucci, Kirkpatrick, Hill, Weinstein and D. Childers—

**CS for SB 550**—A bill to be entitled An act relating to state and regional planning; providing a short title; creating s. 23.01, F.S., providing legislative findings and intent; amending s. 23.0112, F.S., providing definitions; creating s. 23.01131, F.S., granting certain powers and responsibilities relating to state and regional planning to the Executive Office of the Governor; amending s. 23.0114, F.S., providing for the preparation of the state comprehensive plan and providing certain content thereof; providing restrictions upon capital outlay recommendations to the Legislature; amending s. 23.013, F.S., requiring the Executive Office of the Governor to prepare a proposed state comprehensive plan and providing for its adoption; providing for legislative implementation and for administrative action in the absence of legislative action; providing for implementation of the plan; creating s. 23.0131, F.S., requiring state agencies to adopt state agency functional plans; creating s. 23.0132, F.S., requiring state agencies to prepare state agency functional plans consistent with the state comprehensive plan; providing for review thereof; providing for resolution of disputes; amending s. 23.015, F.S., changing the purposes of the Governor's annual report of the state's economic condition; amending s. 160.01, F.S., requiring county membership in regional planning councils; amending s. 160.07, F.S., changing requirements and adoption procedures for comprehensive regional policy plans; creating s. 160.072, F.S., requiring certain review of such plans prior to adoption; creating s. 160.074, F.S., providing for the mediation of conflicts; creating s. 160.076, F.S., providing for periodic evaluation of such plans; creating the Growth Management Trust Fund and providing its purposes; repealing ss. 23.0115, 23.012, 23.0125, 23.014, 23.016, 23.0161, and 23.017, F.S., deleting provisions relating to the specification of data in the state comprehensive plan, to certain general powers and duties of the Executive Office of the Governor, to the development of certain environmental data, and to the preparation of the annual development program; deleting provisions relating to certain special reports of the Executive Office of the Governor and to required annual progress reports on state and regional planning; deleting authority to contract for assistance in preparation of reports; repealing s. 160.003(6), F.S., deleting the definition of the Department of Community Affairs in provisions relating to regional planning councils; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining and Senator Beard—

**CS for SB 568**—A bill to be entitled An act relating to retirement; amending ss. 112.05, 121.091, 122.16, 238.181, F.S.; allowing retired members of state-administered retirement systems to be reemployed after retirement and to receive their retirement benefits in addition to employment compensation; creating s. 321.203, F.S.; providing that retired members may not be reemployed with any agency participating in the Florida Retirement System for a 12-month period immediately subsequent to the date of retirement and receive retirement benefits during this period; providing for suspension of retirement benefits; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining and Senator W. D. Childers—

**CS for SB 700**—A bill to be entitled An act relating to group insurance for retired public employees; amending s. 112.0801, F.S.; adding state agencies to the list of public employers that are required to provide their retirees continued participation in such employer's group insurance programs if such programs are offered to active employees; providing for retroactivity; prescribing the level and cost of coverage for retired employees; requiring commingling of claims experience under certain circumstances; providing notification, acceptance, or rejection procedures; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senator Henderson—

**CS for SB 709**—A bill to be entitled An act relating to local government financial matters; creating s. 218.335, F.S.; authorizing units of local government to charge interest on payments overdue from another unit of local government; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining and Senators Thomas, Grant and Meek—

**CS for SB 760**—A bill to be entitled An act relating to state employment; creating s. 110.141, F.S., establishing a tuition refund program for state employees; providing eligibility requirements and restrictions; providing for rules; providing effective dates.

By the Committee on Personnel, Retirement and Collective Bargaining and Senator Margolis—

**CS for SB 762**—A bill to be entitled An act relating to firefighters; amending s. 633.382, F.S., creating a trust fund for the payment of supplemental compensation for qualifying firefighters; providing for payment to special fire service taxing districts from the trust fund; providing authorization to expend funds; providing an effective date.

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

**CS for SB 875**—A bill to be entitled An act relating to developmental disabilities; amending s. 20.19, F.S.; providing a definition; creating the Florida Developmental Disabilities Planning Council; providing for duties of the council; providing for assignment of the council within the office of the Secretary of Health and Rehabilitative Services for certain purposes only; authorizing the council to appoint an executive director; authorizing the executive director to employ personnel; providing for the composition of the council; providing for a chairman and vice-chairman; providing for meetings; providing for committees; authorizing the Governor to remove members of the council for cause; providing powers of the council; providing for bylaws; allowing the council to receive state and federal funds for certain developmental disabilities programs; requiring the Governor to designate the administering agency for the Developmental Disabilities Program; amending s. 393.066, F.S., relating to the responsibility of the Department of Health and Rehabilitative Services with respect to the Developmentally Disabled Assistance and Bill of Rights Act; providing for review and repeal; providing an effective date.

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

**CS for SB 782**—A bill to be entitled An act relating to birth centers; creating the "Birth Center Licensure Act"; providing legislative intent; providing a partial exemption for certain facilities; providing definitions; providing for the issuance, renewal, denial, and revocation of licenses to conduct birth centers by the Department of Health and Rehabilitative Services; providing for license applications, fees, and expenses; providing for administration; providing requirements for birth center facilities; providing for client selection; providing for informed consent; providing for client education and orientation; providing for prenatal care; providing for confidentiality; limiting surgical services; providing for laboratory services, within limits; providing for intrapartum care; limiting administration of analgesia and anesthesia; providing for postpartum care; providing for consultation; providing for transportation and transfers; providing for records and reports; providing for clinical records; providing for confidentiality; providing for audits; providing for statistical analyses; providing for standards, rules, and enforcement; providing for inspections and inspection fees; providing for furnishing of inspection reports, upon payment of a reasonable charge; providing for criminal and administrative penalties, injunctions, emergency orders, and moratoriums; providing for a trust fund; providing an effective date.

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

**CS for SB 877**—A bill to be entitled An act relating to abuse of children and other persons; creating s. 39.4055, F.S.; providing for issuance of injunction pending disposition of petition for detention or dependency; providing for reasonable cause; providing for notice; providing purpose; providing conditions; providing for dissolution or modification; providing for delivery; providing a penalty; providing for emergency injunction; amending s. 39.407, F.S.; providing for psychological or psychiatric evaluation of parents or guardians or other person requesting custody in cer-

tain cases; amending s. 90.803, F.S., relating to exceptions to the hearsay rule, to except certain statements made by a victim of child abuse or neglect; providing limits; amending s. 230.23, F.S., relating to powers and duties of the school board, to post in each school a notice informing all employees or agents of the district school board of their responsibility to report actual and suspected child abuse cases and comply with child protection investigations; amending s. 395.005, F.S., relating to regulation of hospitals, to provide for the reporting by general and appropriate specialty hospitals and county public health units of child abuse or neglect and the designation, by same, of a staff physician as a liaison in child abuse or neglect cases; providing a penalty; amending s. 415.104, F.S.; modifying notice requirements in cases of abuse, neglect, or exploitation of aged or disabled persons; amending s. 415.503, F.S.; defining "child protection team," "guardian ad litem," and "sexual abuse of a child," and modifying definitions of "harm," "institutional child abuse or neglect," and "other person responsible for a child's welfare"; amending s. 415.504, F.S., relating to expungement of certain abuse or neglect records; amending s. 415.505, F.S., relating to child protective investigations and institutional child abuse or neglect investigations; modifying reporting and notice procedures; requiring state attorney to report his findings; providing for notification of human rights advocacy committees; creating s. 415.5055, F.S.; expanding provisions relative to the development of child protection teams; specifying services which such teams shall be capable of providing; specifying cases eligible for referral thereto; providing for avoidance of duplication; amending s. 415.508, F.S., relating to appointment of guardian ad litem for an abused or neglected child, to clarify; amending s. 415.51, F.S., relating to access to child abuse or neglect records and search of abuse registry files; providing for notice to reporters of abuse or neglect; providing for a review of child protection teams by the department; providing for a report; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining and Senators Barron and Thomas—

**CS for SB 943**—A bill to be entitled An act relating to health care coverage for certain retirees under state administered retirement systems; authorizing the Division of Retirement of the Department of Administration to contract with private health insurance carriers or with federal agencies to provide medical coverage to certain retired persons; providing an appropriation; providing an effective date.

By the Committee on Appropriations and Senator Johnston—

**CS for SB 954**—A bill to be entitled An act relating to educational funding; providing appropriations for certain projects in the public school system, community colleges, and the state university system; authorizing the Board of Regents and the University of Florida to accept certain funds for the construction of a museum of fine arts; authorizing the Board of Trustees of Pasco-Hernando Community College and the Board of Trustees of Seminole Community College to acquire certain property; authorizing the Board of Regents acting on behalf of the University of Florida to accept an academic building subject to certain conditions; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senator Deratany—

**CS for SB 1057**—A bill to be entitled An act relating to municipalities; creating s. 166.045, F.S., prohibiting municipalities from refusing to provide or discontinuing utility services to the owner or tenant of a rental unit under certain circumstances; prohibiting described liens; providing an effective date.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Carlucci, the rules were waived and the Committee on Economic, Community and Consumer Affairs was granted permission to consider SB 1127 on May 16.

On motions by Senator Margolis, the rules were waived and by two-thirds vote Senate Bills 908 and 955 were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Johnston, the rules were waived and by two-thirds vote Senate Bills 538, 563, 805, 809, 868, CS for SB 192 and CS for SB 706 were withdrawn from the Committee on Appropriations.

On motion by Senator Johnston, the rules were waived and the Committee on Appropriations was granted permission to consider CS for SB 700 this day.

On motions by Senator Beard, by two-thirds vote SB 483 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Castor, by two-thirds vote SB 936 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Barron, the rules were waived and by two-thirds vote CS for SB 920, SB 481 and CS for SB 816 were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Jenne, the rules were waived and the Committee on Judiciary-Criminal was granted permission to consider SB 683 on May 16.

On motion by Senator D. Childers, the rules were waived and by two-thirds vote SB 525 was withdrawn from the Committee on Transportation.

On motions by Senator Gersten, by two-thirds vote SB 211 was withdrawn from the committee of reference and indefinitely postponed.

#### MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 80, 85, 164 and 446 which became law on May 10, 1984.

The following Executive Order was filed with the Secretary:

#### EXECUTIVE ORDER NUMBER 84-101

(Executive Order of Suspension)

WHEREAS, JAMES WILLIAM ARROWSMITH is presently serving as a duly elected City Commissioner of the City of Apopka, Orange County, Florida, and

WHEREAS, on May 3, 1984, the Grand Jury, United States District Court, Middle District of Florida, Orlando Division, returned an indictment charging JAMES WILLIAM ARROWSMITH with one count of conspiracy to defraud the United States Department of the Treasury and two counts of defrauding the United States Department of the Treasury, and

WHEREAS, it is in the best interest of the citizens of the State of Florida that JAMES WILLIAM ARROWSMITH be suspended from the public office that he now holds, upon the constitutional grounds hereinafter set forth;

NOW, THEREFORE, I, BOB GRAHAM, Governor of Florida, pursuant to the Constitution and laws of the State of Florida do hereby find, determine, and allege as follows:

A. JAMES WILLIAM ARROWSMITH is, and at all times material hereto was, a duly elected City Commissioner of the City of Apopka, Orange County, Florida.

B. JAMES WILLIAM ARROWSMITH is an elected municipal officer within the meaning of Article IV, Section 7, Florida Constitution.

C. On May 3, 1984, the Grand Jury, United States District Court, Middle District of Florida, Orlando Division, returned an indictment, a copy of which is attached and hereby incorporated by reference as if fully set forth in this Executive Order, charging JAMES WILLIAM ARROWSMITH with violations of the criminal laws of the United States of America.

D. This action by the Grand Jury constitutes an indictment for crime as used in Article IV, Section 7, Florida Constitution.

E. The interest of the residents of the City of Apopka, Florida, and the citizens of the State of Florida can best be served by the immediate suspension of JAMES WILLIAM ARROWSMITH from the public office which he now holds.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is hereby promulgated, effective immediately:

#### Section 1.

JAMES WILLIAM ARROWSMITH is hereby suspended from the public office which he now holds, to-wit: City Commissioner of the City of Apopka, Orange County, Florida.

Section 2.

JAMES WILLIAM ARROWSMITH is hereby prohibited from performing any official act, duty, or function of public office, from receiving any pay or allowances, and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further executive order, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 8th day of May, 1984.

Bob Graham  
GOVERNOR

ATTEST:  
George Firestone  
SECRETARY OF STATE

(Copy of Indictment was filed in the office of the Secretary of the Senate.)

[Referred to the Committee on Executive Business.]

Appointments Subject to Confirmation by the Senate:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Division of Administrative Hearings, Director Smith, Sharyn Lynn, Tallahassee	Pleasure of Administration Commission
Board of Trustees, Miami-Dade Community College, Member Pina, Ileana L., Coral Gables	5/31/87
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools, Member Izquierdo, Maria R., Miami	7/1/86
South Florida Regional Planning Council, Region Eleven, Member Crumpton, Charles L., Miami Shores	10/1/86
Unemployment Appeals Commission, Member Baskin, Delois, Miami	6/30/87

[Referred to the Committee on Executive Business.]

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 77**—A bill to be entitled An act relating to mortgage escrow accounts; amending s. 501.137, Florida Statutes, requiring lenders of money whose loans are secured by mortgages on Florida real estate, and who receive funds for the payment of property taxes and hazard insurance premiums, to make payments with respect to such funds from escrow accounts; establishing liability for neglecting to pay taxes or insurance premiums when due; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

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

Section 1. Section 501.137, Florida Statutes, is amended to read:

501.137 *Mortgage lenders Mortgagees, tax and insurance* payments from escrow accounts; duties.—All lenders of money, whether natural persons or artificial entities, whose loans are secured by mortgages on real estate located within the state and who receive ~~colle~~ funds incidental

thereto or in connection therewith for the payment of property taxes or hazard insurance premiums when said funds are held in escrow by or on behalf of the lender, shall promptly pay such taxes or insurance premiums when they ~~said~~ taxes become due and adequate escrow funds are deposited, so that the maximum tax discount available may be obtained with regard to the taxable property and so that insurance coverage on the property does not lapse. If the escrow account for said taxes or insurance premiums is deficient, the lender shall notify the property owner depositor within 15 days after the lender receives the notification of taxes due from the county tax collector or notification from the insurer that a premium is due. If the lender, as a result of neglect, fails to pay any taxes or insurance premiums when due when there are sufficient escrow funds on deposit to pay the same and the property owner suffers a loss as a result of such failure, then the lender shall be liable for such loss, provided, however, that with respect to any loss which would otherwise have been insured, the extent of such liability shall not exceed the coverage limits of any insurance policy which has lapsed. At the expiration of the annual accounting period, the lender mortgagee shall issue to the property owner mortgagee an annual statement of the escrow account.

Section 2. In any case where a mortgage on real estate located within the state contains an error in either the mortgage deed or mortgage note the person or entity responsible for the preparation of such mortgage deed or note shall be legally liable for any damage caused as a result of any such error.

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

**Amendment 2**—On page 1 in the title, lines 3-11 strike all of said lines and insert:

A bill to be entitled An act relating to mortgages; amending s. 501.137, F.S., requiring lenders of money whose loans are secured by mortgages on Florida real estate, and who collect funds for the payment of property taxes and hazard insurance premiums, to make payments with respect to such funds from escrow accounts; establishing liability for neglecting to pay taxes or insurance premiums when due; providing an effective date.

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

SB 77 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The bill was ordered engrossed and then enrolled.

*The Honorable Curtis Peterson, President*

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

**SB 219**—A bill to be entitled An act relating to speech pathology and audiology; reviving and readopting, notwithstanding the Regulatory Sunset Act and the Sundown Act, ss. 468.139-468.149, F.S.; amending ss. 455.01, 468.139, 468.140, 468.141, 468.142, 468.1425, 468.143, 468.144, 468.145, 468.146, 468.148, 624.33, F.S.; changing the term “speech pathology” to “speech-language pathology”; providing definitions; revising registration requirements and procedures; deleting obsolete language; providing for fees; removing an exemption; providing an additional exemption; providing for future repeal and legislative review; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 10, lines 5-30 and on page 11, lines 1-8 strike all of said lines and insert:

Section 10. Section 468.146, Florida Statutes, is amended to read: (Substantial rewording of section. See s. 468.146, Florida Statutes, for present text.)

468.146 Fees.—

(1) The department shall, by rule, establish fees for the described purposes and within the ranges specified herein:

- (a) Application fee: Not less than \$25, nor more than \$50.
- (b) Examination fee: Not less than \$25, nor more than \$100.
- (c) Initial license fee: Not less than \$25, nor more than \$100.
- (d) Provisional license fee: Not less than \$25, nor more than \$100.
- (e) Aide registration fee: Not less than \$25, nor more than \$50.
- (f) Renewal of license fee: Not less than \$25, nor more than \$100.
- (g) Late renewal license fee: Not less than \$25, nor more than \$50.
- (h) Nonactive license fee: Not less than \$10, nor more than \$25.

(2) Fees established pursuant to subsection (1) shall be based on actual costs incurred by the department in carrying out its licensure and other related responsibilities under this Act. Fees are to be set for a period not to exceed two years.

(3) Until the department adopts rules establishing fees under subsection (1), the lower amount in each range shall apply.

(4) There is created in the State Treasury the Speech Pathology and Audiology Trust Fund. Fees collected under this section shall be deposited to the credit of the Speech-Language Pathology and Audiology Trust Fund and shall be applied solely for salaries and expenses of the department incurred in implementing and enforcing this act.

**Amendment 2**—On page 1, after line 18 insert new Section 1, to read:

Section 1. Subsection (35) is added to section 215.22, Florida Statutes, to read:

215.22 Certain moneys and certain trust funds enumerated.—The following described moneys and income of a revenue nature deposited in the following described trust funds, by whatever name designated, shall be those from which the deductions authorized by s. 215.20 shall be made:

(35) *The Speech-Language Pathology and Audiology Trust Fund established pursuant to s. 468.146.*

The enumeration of the above moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 said money or trust fund should be exempt herefrom, as it is the purpose of this law to exempt all trust funds from its force and effect where, by the operation of this law, federal matching funds or contributions to any trust fund would be lost to the state.

(Renumber subsequent sections.)

**Amendment 3**—On page 9, lines 6-29 strike all of said lines and insert:

(1) ~~Applicants who are, on July 9, 1969, actively engaged in the practice of speech pathology or audiology, or who purport to be engaged in the practice of speech pathology or audiology, in the state upon proof of bona fide practice presented to the department in the manner prescribed in the department's regulations. The application of any such applicant shall be filed with the department on or before December 31, 1969.~~

(1)(2) Applicants who present proof of current certification or licensure in a state which has standards at least equal to those for registration in Florida.

(2)(3) Applicants who have received the certificate of clinical competence of the American Speech-Language and Hearing Association.

(3)(4)(a) Applicants who are certified by the State of Florida to teach speech-language pathology and audiology, were so certified as of July 9, 1969, and were actively engaged in such teaching under their certificate as of July 9, 1969.

**Amendment 4**—On page 1 in the title, lines 1-16 strike all of said lines and insert:

A bill to be entitled An act relating to speech-language pathology and audiology; amending s. 215.22, F.S., applying the General Revenue Fund service charge to proceeds deposited in the Speech-Language Pathology and Audiology Trust Fund; amending s. 455.01, F.S., renaming the Florida State Advisory Council of Speech Pathology and Audiology as the Florida State Advisory Council of Speech-Language Pathology and Audiology; amending ss. 468.139, 468.140, 468.141, 468.142, 468.1425, 468.143, 468.144, 468.145, 468.146, and 468.148, F.S., relating to the regulation of the practice of speech-language pathology and audiology; clarifying and updating terminology to conform to current usage within the profession; clarifying definitions and defining "provisional registrant" and "nonactive registrant"; modifying eligibility requirements with respect to education and experience; providing for provisional registration; requiring continuing education; providing for determination of fees by the State Board of Education within certain guidelines; creating the Speech-Language Pathology and Audiology Trust Fund; removing an exemption; amending s. 624.33, F.S., to conform; saving sections 468.139 through 468.149, F.S., from Sunset repeal scheduled October 1, 1984; providing for review and repeal of said sections on October 1, 1994; saving s. 468.144, F.S., from Sundown repeal scheduled October 1, 1984, and rescheduling the advisory council for review and repeal on October 1, 1994; providing an effective date.

Senator Gordon offered the following amendment to House Amendment 1 which was moved by Senator Castor and adopted:

**Amendment 1**—On page 2, line 1, strike "Speech" and insert: Speech-Language

Senator Gordon offered the following amendment to House Amendment 4 which was moved by Senator Castor and adopted:

**Amendment 1**—In title, on page 1, line 18, strike "State Board" and insert: Department

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

SB 219 passed as amended and the action of the Senate was 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	McPherson	Vogt
Deratany	Hill	Meek	Weinstein
Dunn	Jenne	Myers	
Fox	Jennings	Neal	

Nays—None

*The Honorable Curtis Peterson, President*

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

**SB 175**—A bill to be entitled An act relating to solicitation of funds for the blind; reviving, readopting, and amending, notwithstanding the Regulatory Sunset Act, s. 413.061, F.S.; providing for regulation by the Department of State, rather than the Department of Education; repealing s. 413.069, F.S., relating to an exemption; allowing to stand repealed under the Regulatory Sunset Act ss. 413.062-413.068, F.S., relating to regulatory procedures; providing for legislative review; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 16, strike all language after the enacting clause and insert:

Section 1. Section 413.061, Florida Statutes, is amended to read:

413.061 Solicitation of funds; prohibition; exceptions.—The solicitation of funds or anything of value, by any means, including the sale of merchandise or any form of entertainment, for the use and benefit of blind persons is prohibited unless prior approval for such solicitation is obtained as prescribed in ss. 413.061-413.068; ~~provided, these sections shall not apply to civic clubs of international affiliation, one of the main objects of which is the conservation of vision and service to the blind.~~

Section 2. Section 413.064, Florida Statutes, is amended to read:

413.064 Rules and regulations.—~~By January 1, 1985, the Department State Board of Education shall adopt all necessary rules and regulations pertaining to the conduct of solicitations for the benefit of blind persons, including criteria for approval of an application for a permit and shall determine the amount of compensation and expense money which may be retained by any person or organization from the proceeds of any solicitation within the meaning of ss. 413.061-413.068.~~

Section 3. Section 413.066, Florida Statutes, is amended to read:

413.066 Revocation of permit.—Any failure on the part of any person or organization holding a permit under the provisions of ss. 413.061-413.068 to comply with the law or with all rules and regulations promulgated by the *Department of Education Division of Blind Services* as authorized by s. 413.064 shall constitute grounds for a revocation of said permit by the Division of Blind Services.

Section 4. Section 413.067, Florida Statutes, is amended to read:

413.067 Penalty.—Any person who violates the provisions of ss. 413.061-413.068 or any rule or regulation promulgated by the *Department of Education Division of Blind Services* pursuant to the authority hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, sections 413.061, 413.062, 413.063, 413.064, 413.065, 413.066, 413.067, and 413.068, Florida Statutes, shall not stand repealed on October 1, 1984, and shall continue in full force and effect as amended herein.

Section 6. Sections 413.061, 413.062, 413.063, 413.064, 413.065, 413.066, 413.067, 413.068, and 413.069, Florida Statutes, are repealed on October 1, 1994, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes, the Regulatory Sunset Act.

Section 7. This act shall take effect October 1, 1984.

**Amendment 2**—On page 1, in the title, lines 1 through 12, strike all said lines and insert: A bill to be entitled An act relating to the blind services program; amending ss. 413.061, 413.064, 413.066, and 413.067, F.S., relating to regulation by the Division of Blind Services of the solicitation of funds for the blind; removing exemptions granted generally to certain "civic clubs of international affiliation," which exemptions are specifically granted elsewhere; providing that the Department of Education, rather than the State Board of Education, shall have rulemaking authority pertaining to such solicitations; deleting regulatory authority with respect to determination of the amount of money which may be withheld from proceeds of solicitation; correcting and updating terminology;

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

SB 175 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Malchon	Myers	Stuart	Weinstein
Mann	Neal	Thomas	
McPherson	Rehm	Thurman	
Meek	Scott	Vogt	

Nays—None

Vote after roll call:

Yea—Plummer

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 CS for SB's 176 and 697, CS for CS for SB 424, Senate Bills 152, 299, 431, 512, 574, 578, 737, 743, 815, 848, 1098, 1099 and 1100.

*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 House of Representatives has concurred in Senate amendments and passed House Bills 679, 919, 594 and 986, as amended.

*Allen Morris, Clerk*

**First Reading**

*The Honorable Curtis Peterson, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 5, HB 120, HB 898, HB 1012, HB 1013, HB 359, CS for CS for HB 312, HB 677, HB 157, CS for HB 1153, HB 864, HB 254, HB 769, HB 822, HB 276, CS for HB 798, HB 163; and has passed HB 857, CS for HB 387, CS for HB 603, HB 305, HB 384, HB 1185, CS for CS for HB 127, CS for HB 160, HB 511, HB 611, HB 1189, HB 1169, HB 28, HB 856, HB 1131; and has adopted HCR 1246 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Kelly and others—

**HB 5**—A bill to be entitled An act relating to transportation services; reenacting ss. 427.011, 427.013, 427.014, 427.015, 427.016, and 427.017, Florida Statutes, and s. 427.012, Florida Statutes, as amended, relating to the Coordinating Council on the Transportation Disadvantaged; reenacting and amending s. 427.018, Florida Statutes; providing that chapter 427, Florida Statutes, relating to transportation services, shall be subject to review and repeal pursuant to the Sundown Act; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By Representative Silver—

**HB 120**—A bill to be entitled An act relating to law enforcement officers and firefighters; amending sections 2 and 3 of chapter 83-115, Laws of Florida, extending to July 1, 1980, the time period for the claiming of certain educational benefits payable by the state for the children of deceased law enforcement officers or firefighters; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

By Representative Watt—

**HB 898**—A bill to be entitled An act relating to the Florida Resource Recovery and Management Act; amending s. 403.707, F.S.; specifying conditions under which a permit for a sanitary landfill or resource recovery and management facility shall be issued; providing an effective date.

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

By the Committee on Regulatory Reform—

**HB 1012**—A bill to be entitled An act relating to land surveyors; amending s. 472.017, F.S., providing for mandatory continuing education

prior to license renewal; s. 472.013(2)(d) is repealed; providing effective dates.

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

By the Committee on Regulatory Reform—

**HB 1013**—A bill to be entitled An act relating to psychological services; creating s. 490.0055, F.S., requiring approval of continuing education providers, programs, and courses by the Department of Professional Regulation or the Board of Psychological Examiners; requiring the department and the board to adopt rules relating to continuing education; authorizing specified fees; providing for psychologist the right to practice hypnosis; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Appropriations.

By Representatives Bell and Shelley—

**HB 359**—A bill to be entitled An act relating to the Senior Management Service System; amending s. 110.403, F.S.; authorizing the Department of Administration to contract with persons to conduct executive searches to recruit applicants for the Senior Management Service under certain conditions; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

By the Committees on Finance and Taxation; and Commerce and Representative Simon and others—

**CS for CS for HB 312**—A bill to be entitled An act relating to international trade and finance; providing for the creation of one or more International Currency and Barter Exchanges for certain purposes; providing for a committee to write a constitution and bylaws for the Exchange; providing requirements with respect to the self-regulation thereof; providing for certain tax exemptions and providing an exception; providing for application of the securities laws; providing for limitations on investments in Exchange members; providing an effective date.

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

By Representative Mackenzie and others—

**HB 677**—A bill to be entitled An act relating to insurance; amending s. 624.404, F.S., providing an additional exception to certain eligibility requirements for foreign or alien insurers to transact business in the state; amending s. 624.406, F.S., providing additional insuring powers for life and health insurers; amending s. 629.401, F.S., authorizing an insurance exchange to underwrite surplus lines insurance in other states; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Lehtinen and others—

**HB 157**—A bill to be entitled An act relating to the district school system; creating s. 230.107, Florida Statutes; providing alternate procedures whereby district school boards may adopt and submit to the electors for approval, or electors may petition to have placed on the ballot, a proposition calling for the nonpartisan election of district school board members or school superintendents; prohibiting the calling of a special election; providing for a return to the existing system at the district's option; providing for the effect of the act upon districts with existing nonpartisan election of school board members or superintendents of schools; providing for the effect of the act upon existing board members and superintendents of schools; providing an effective date.

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

By the Committees on Appropriations and Growth Management—

**CS for HB 1153**—A bill to be entitled An act relating to state and regional planning; providing a short title; amending s. 11.60, F.S., increasing the membership of the Administrative Procedures Committee and requiring the committee to review the state comprehensive plan, and changes therein, and to make recommendations to the Legislature; creating s. 23.01, F.S., providing legislative findings and intent; amending s. 23.0112, F.S., providing definitions; creating s. 23.01131, F.S., granting certain powers and responsibilities relating to state and regional planning

to the Executive Office of the Governor; amending s. 23.0114, F.S., providing for the preparation of the state comprehensive plan and providing certain content thereof; providing restrictions upon capital outlay recommendations to the Legislature; amending s. 23.013, F.S., requiring the Executive Office of the Governor to prepare a proposed state comprehensive plan and providing for its adoption; providing for legislative implementation and for administrative action in the absence of legislative action; providing for implementation of the plan; creating s. 23.0131, F.S., requiring state agencies to adopt state agency functional plans; creating s. 23.0132, F.S., requiring state agencies to prepare state agency functional plans consistent with the state comprehensive plan; providing for review thereof; providing for resolution of disputes; amending s. 23.015, F.S., changing the purposes of the Governor's annual report of the state's economic condition; amending s. 160.01, F.S., requiring county membership in regional planning councils; amending s. 160.07, F.S., changing requirements and adoption procedures for comprehensive regional policy plans; creating s. 160.072, F.S., requiring certain review of such plans prior to adoption; creating s. 160.074, F.S., providing for the mediation of conflicts; creating s. 160.076, F.S., providing for periodic evaluation of such plans; creating the Growth Management Trust Fund and providing its purposes; repealing ss. 23.0115, 23.012, 23.0125, 23.014, 23.016, 23.0161, and 23.017, F.S., deleting provisions relating to the specification of data in the state comprehensive plan, to certain general powers and duties of the Executive Office of the Governor, to the development of certain environmental data, and to the preparation of the annual development program; deleting provisions relating to certain special reports of the Executive Office of the Governor and to required annual progress reports on state and regional planning; deleting authority to contract for assistance in preparation of reports; repealing s. 160.003(6), F.S., deleting the definition of the Department of Community Affairs in provisions relating to regional planning councils; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; Natural Resources and Conservation; Appropriations; and Rules and Calendar.

By Representative C. Brown—

**HB 864**—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.515, F.S., providing maximum length limitations for automobile carrier semitrailers; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Abrams and others—

**HB 254**—A bill to be entitled An act relating to the celebration of the 500th Anniversary of the Discovery of America and to hemispheric trade; creating s. 288.3475, F.S.; creating the Columbus Hemispheric Trade Commission; providing for members and their duties; providing for a report; providing for future repeal; providing an effective date.

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

By Representative Martin—

**HB 769**—A bill to be entitled An act relating to farm tractor warranties; creating the "Farm Tractor Warranty Enforcement Act"; providing legislative intent; providing definitions; requiring new farm tractors to conform to all applicable express warranties; providing requirements for the manufacturer when a new farm tractor does not conform to applicable express warranties; providing for an informal dispute settlement procedure; providing penalties for bad faith claims; providing an effective date.

—was referred to the Committees on Commerce; and Economic, Community and Consumer Affairs.

By Representative Gustafson—

**HB 822**—A bill to be entitled An act relating to insurance; amending s. 627.331, F.S., exempting commercial inland marine risks from filing requirements; amending s. 627.4145, F.S., exempting mortgage guaranty insurance policies from the readable language requirements of the insurance code; amending s. 635.031, F.S., requiring that mortgage guaranty insurance with respect to real estate located in this state be written through a licensed Florida resident agent and at an office located in this state; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Carlton—

**HB 276**—A bill to be entitled An act relating to aquatic weed control finance; amending s. 212.69, F.S.; increasing the amount of fuel tax transferred to the Department of Natural Resources for aquatic weed control; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

By the Committee on Natural Resources and Representative Thompson—

**CS for HB 798**—A bill to be entitled An act relating to saltwater fisheries; amending s. 125.01 and s. 370.027, F.S., authorizing governing bodies of counties to regulate fishing gear in residential, manmade saltwater canals; amending section 2 of chapter 83-134, Laws of Florida; advancing the repeal date with respect to certain local laws pertaining to saltwater fishing; amending sections 6, 7 and 8 of chapter 83-134, Laws of Florida, specifying that certain subdivisions of statutes scheduled for repeal under said act shall remain in force; providing an effective date.

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

By Representative Lehtinen and others—

**HB 163**—A bill to be entitled An act relating to the district school system; creating s. 230.105, Florida Statutes; providing alternate procedures whereby district school boards may adopt and submit to the electors for approval, or electors may petition to have placed on the ballot, a proposition calling for single-member representation within the residence areas of the district; providing alternatives; prohibiting the calling of a special election; providing for a return to the existing system at the district's option; providing for the effect of the act upon existing board members; providing an effective date.

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

By Representative Burnsed—

**HB 857**—A bill to be entitled An act relating to dependent and delinquent children; repealing chapters 414 and 416, F.S., relating to county aid to poor mothers with dependent children and to county detention homes and schools for delinquent children; providing an effective date.

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

By the Committee on Regulated Industries and Licensing—

**CS for HB 387**—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.15, F.S., allowing certain regulated companies to have licenses issued in the name of the operator of the beverage business; granting the Division of Alcoholic Beverages and Tobacco discretion to allow corporations to hold alcoholic beverage licenses despite certain criminal convictions if certain conditions are met; creating s. 561.181, F.S., providing for the issuance of temporary initial licenses; providing for license fees; providing for cash only purchases of alcoholic beverages by certain vendors; amending s. 561.321, F.S., providing for cash only purchases of alcoholic beverages by certain vendors; providing for the issuance of a temporary license to applicants for a change of location; amending s. 561.422, F.S., authorizing civic organizations to purchase alcoholic beverages from distributors or vendors; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Community Affairs and Representative Davis—

**CS for HB 603**—A bill to be entitled An act relating to local government financial matters; creating s. 218.335, F.S.; authorizing units of local government to charge interest on payments overdue from another unit of local government; providing an effective date.

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

By Representative Hill—

**HB 305**—A bill to be entitled An act relating to the Municipal Annexation or Contraction Act; amending s. 171.031(11), Florida Statutes; providing that the separation of territory by certain lands shall not prevent the annexation of such territory; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Judiciary-Civil.

By the Committee on Regulated Industries and Licensing—

**HB 384**—A bill to be entitled An act relating to water and sewer systems; creating s. 367.0415, F.S., providing procedures for deletion of territory; amending s. 367.061, F.S., providing notice procedures for extension of service; authorizing commencement of construction; amending s. 367.081, F.S., prohibiting water and sewer utilities from increasing rates under certain circumstances; providing that combined applications or simultaneously filed applications shall be considered as one application for a rate adjustment; authorizing the Florida Public Service Commission to order certain refunds with interest; creating s. 367.0822, F.S., authorizing the commission, upon petition or by its own motion, to conduct certain limited proceedings; amending s. 367.141, F.S., providing fees for applications for deletion of territory; creating s. 367.163, F.S., authorizing the commission to impose certain penalties; amending s. 367.165, F.S., increasing the notice period required prior to abandonment of water or sewer service; providing for review and repeal; providing an effective date.

—was referred to the Committees on Commerce; Economic, Community and Consumer Affairs; and Appropriations.

By the Committee on Regulatory Reform—

**HB 1185**—A bill to be entitled An act relating to plumbing; creating s. 553.055, F.S.; authorizing certain cities to establish a board of examiners of plumbers; amending s. 553.10, F.S.; revising penalty for violation of part I of chapter 553; repealing chapter 469 and s. 553.11(3), F.S., relating to regulation of plumbing in certain cities; providing an effective date.

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

By the Committees on Judiciary; and Health and Rehabilitative Services and Representative Combee and others—

**CS for CS for HB 127**—A bill to be entitled An act relating to life-prolonging procedures; providing intent and definitions; providing a procedure for declarations by competent adults that life-prolonging procedures may be withheld or withdrawn; providing a form; providing for revocations; providing a procedure in absence of a declaration; providing for patient transfers; providing immunity from liability; prohibiting destruction, concealment, or forging of declarations or revocations; providing penalties; providing for the effect of the act; providing for the effect of declarations on insurance matters; exempting patients who are pregnant under certain circumstances; preserving existing rights; providing an effective date.

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

By the Committee on Judiciary and Representative Drage—

**CS for HB 160**—A bill to be entitled An act relating to judiciary; amending ss. 26.012 and 924.08, F.S., and creating s. 34.195, F.S., providing for certain discretionary review of county court decisions by district courts of appeal; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representative Wallace—

**HB 511**—A bill to be entitled An act relating to the disposition of small trusts; amending s. 737.402, F.S.; providing trustees of certain small trusts discretionary authority to distribute trust property to the beneficiaries; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representatives Bronson and Harris—

**HB 611**—A bill to be entitled An act relating to school buses; amending ss. 234.211 and 316.2397, F.S.; authorizing school buses to display flashing white strobe lights; providing an effective date.

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

By the Committee on Judiciary—

**HB 1189**—A bill to be entitled An act relating to probate; amending s. 193.052, F.S., requiring fiduciaries to serve inventories of certain decedent's estates, trusts, or guardianships on the Department of Revenue;

amending s. 731.111, F.S., providing that the Department of Revenue may file a claim against the estate of a decedent within 30 days after service of the inventory, and amended or supplementary inventory, on the department; amending s. 731.302, F.S., permitting interested persons, subsequent to the filing of a Petition for Administration, to waive the filing of any right, notice, or any document, exhibit, or schedule required to be filed; amending s. 733.604, F.S., relating to inventory, providing for the preparation and service of a verified copy of an inventory on the surviving spouse, each heir of an intestate estate, and each residuary beneficiary of a testate estate; providing for the preparation and service of an amended or supplementary inventory on each person on whom an inventory was served; providing for the court, upon good cause shown, to require the inventory, or any amended or supplementary inventory, to be filed in court; amending s. 733.702, F.S., providing for the filing of a claim by the Department of Revenue within 30 days after the service of the amended or supplementary inventory on the department; repealing s. 733.606, F.S., relating to supplementary inventory; providing an effective date.

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

By the Committee on Agriculture—

**HB 1169**—A bill to be entitled An act relating to the University of Florida; naming the new horticultural sciences and plant pathology facility at the University of Florida the "Williard M. Fifield Hall"; providing an effective date.

—was referred to the Committee on Agriculture.

By Representatives Hazouri and Danson—

**HB 28**—A bill to be entitled An act relating to public retirement systems; creating s. 112.3176, Florida Statutes, providing legislative intent; providing definitions; requiring the forfeiture of certain benefits under any public retirement system by any officer or employee convicted of a felony involving the use of such office or employment or other specified offense; providing for notice of such conviction; providing for a forfeiture hearing and for appeal from a forfeiture order; providing for the return of certain benefits; providing that said forfeiture provisions shall be supplemental to any other forfeiture provisions of law; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

By Representative L. R. Hawkins—

**HB 856**—A bill to be entitled An act relating to gambling; creating s. 849.0935, F.S., authorizing certain charitable nonprofit organizations to conduct drawings by chance; providing definitions; requiring certain notice with respect to such drawings; prohibiting operators from engaging in certain activity with respect to such drawings; providing a penalty; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representative Rochlin and others—

**HB 1131**—A bill to be entitled An act relating to health insurance; amending s. 627.651, F.S.; requiring multiple-employer welfare arrangements to provide certain coverage; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Ward and others—

**HCR 1246**—A concurrent resolution in recognition and commendation of the Emerald Coast of Florida.

—was referred to the Committee on Rules and Calendar.

#### SPECIAL ORDER

**CS for SB 1029**—A bill to be entitled An act relating to trust funds; requiring an annual report from the Comptroller to the Legislature; providing procedures for legislative review of trust funds; abolishing trust funds of various agencies of state government on specified dates; requiring legislative budget request to include certain schedules; amending s. 216.031, F.S.; requiring the head of each state agency to submit certain

information regarding certain trust funds; providing for legislative review of certain charges and fees; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote CS for SB 1029 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

#### Senator Thomas presiding

**SB 963**—A bill to be entitled An act relating to the Legislature; requiring the Legislature annually to issue a report summarizing collections, operations, and expenditures of state government and other information; specifying duties of the Joint Legislative Management Committee; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 963 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**CS for HB 795**—A bill to be entitled An act relating to banking; creating s. 658.295, F.S.; creating the "Regional Reciprocal Banking Act of 1984"; providing definitions; authorizing bank holding companies whose operations are principally conducted in certain states to acquire banks and bank holding companies located in Florida; providing certain conditions and limitations; requiring divestiture in certain circumstances; providing applicable law and regulatory supervision; providing for nonseverability of provisions; amending s. 658.73, F.S.; providing for an application fee; providing for conditional repeal; providing for sunset review and repeal; providing effective dates.

—was taken up with pending Amendment 9 which was withdrawn.

Senator Henderson moved that the Senate reconsider the vote by which Amendment 8 was adopted.

#### Point of Order

Senator Gordon raised a point of order that a motion to reconsider Amendment 8 was not available as the motion by Senator Stuart on May 10 to reconsider Amendment 7 pertained to both amendments. The chair ruled that the reconsideration on May 10 related to Amendment 7 only, and the point not well taken.

The motion by Senator Henderson was adopted and the Senate reconsidered. The question recurred on Amendment 8 and the amendment failed.

#### The President presiding

On motion by Senator Hair, by two-thirds vote CS for HB 795 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Gordon

CS for SB 409 was laid on the table.

On motion by Senator Scott, the rules were waived and CS for HB 795 was ordered immediately certified to the House.

**SJR 76**—A joint resolution proposing an amendment to Section 2 of Article III of the State Constitution, relating to legislative privilege for speech or debate.

—was read the second time by title.

Senators Girardeau and Barron offered the following amendment which was moved by Senator Girardeau and adopted:

**Amendment 1**—On page 1, line 27, strike “*matters or*”

Senator Girardeau moved the following amendment which was adopted:

**Amendment 2**—On page 2, line 8, strike “*matters or*”

On motion by Senator Girardeau, by two-thirds vote SJR 76 as amended was read the third time in full as follows:

**SJR 76**—A joint resolution proposing an amendment to Section 2 of Article III of the State Constitution, relating to legislative privilege for speech or debate.

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

That the following amendment to Section 2 of Article III of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1984:

ARTICLE III  
LEGISLATURE

SECTION 2. Members; officers; legislative privilege.—

(a) Each house shall be the sole judge of the qualifications, elections, and returns of its members, and shall biennially choose its officers, including a permanent presiding officer selected from its membership, who shall be designated in the senate as President of the Senate, and in the house as Speaker of the House of Representatives. The senate shall designate a Secretary to serve at its pleasure, and the house of representatives shall designate a Clerk to serve at its pleasure.

(b) *Members of the senate and the house of representatives shall in all cases be privileged with regard to any speech or debate relating to legislative duties, and they shall not be questioned in any other place with respect thereto.*

(c) The legislature shall appoint an auditor to serve at its pleasure who shall audit public records and perform related duties as prescribed by law or concurrent resolution.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT  
ARTICLE III, SECTION 2

**SPEECH OR DEBATE PRIVILEGE.**—Proposing an amendment to the State Constitution to provide that legislators’ speech or debate relating to legislative duties is privileged and that legislators shall not be questioned in any other place with respect thereto.

—and as amended passed by the required constitutional three-fifths vote of the membership, was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Mr. President	Girardeau	Johnston	Neal
Beard	Gordon	Kirkpatrick	Plummer
Childers, D.	Grant	Malchon	Rehm
Childers, W. D.	Grizzle	Mann	Stuart
Deratany	Hair	Margolis	Thurman
Dunn	Hill	McPherson	Vogt
Fox	Jenne	Meek	Weinstein
Gersten	Jennings	Myers	

Nays—6

Carlucci	Crawford	Henderson
Castor	Frank	Langley

Vote after roll call:

Yea—Scott

Yea to Nay—Jennings, Rehm

On motion by Senator Girardeau, the rules were waived and SJR 76 after being engrossed was ordered immediately certified to the House.

**Explanation of Vote**

I voted “no” on this bill simply because it is a bad and unnecessary piece of legislation.

It could easily be described as undeserving.

This bill provides “legislative privilege” for Florida legislators. The truth is, we don’t need it. No one in the Legislature has been sued. No one has had any legitimate problem warranting this legislation.

As elected officials, we are not the average person on the street. In theory, we are looked up to by the person on the street because we have a responsibility to represent that person in public matters.

It is my strong belief that all elected officials have an obligation to maintain a standard of care far and above that which should be maintained by their constituents. We need to take extreme care in what we do and say in our roles as members of the Senate. The lack of legislative privilege should help us bear in mind what our responsibility is.

Looking at the other side of the coin, I note the potential failure to take due care. Sometimes, when folks are knowledgeable of certain protection available to them, they tend to become careless or reckless, intentionally or not. I do not want to see that occur in the Florida Senate.

This bill actually takes away a person’s right to seek damages from a legislator who has caused that person damage.

Finally, we need to evaluate what happened to “Proposition One”. It is true that the Florida Supreme Court essentially took the Proposition off the ballot. And we are not the court, we are a part of the legislature. Thus, we can say “We didn’t do it,” and that would be true. But, let’s look at what else we didn’t do. We have not, to this date, given the public any tax limiting measure to voice their opinion on at the ballot box. By this constitutional amendment to provide “legislative privilege” we are, on the other hand, asking the public to give us something. I don’t think they should or will buy that scheme.

*Joe Carlucci, 8th District*

**SB 2**—A bill to be entitled An act relating to alcohol abuse; amending s. 396.161, Florida Statutes; providing findings; authorizing a county or municipality to adopt an ordinance prohibiting a person from being publicly intoxicated after having left an alcohol treatment program under certain circumstances or from causing or participating in a public disturbance while intoxicated; providing penalties; requiring separate minimum security incarceration; requiring alcohol education programs; authorizing local governments to jointly construct and operate facilities; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendments which were adopted:

**Amendment 1**—On page 2, lines 3-31, and on page 3, lines 1-16, strike all of said lines and insert:

(2)(a) *The Legislature finds that the problem of chronic public intoxication has, in several areas of the state, reached such epidemic proportions that it infringes on the legitimate and important social and economic interests of the general public. The Legislature further finds that the Myers Act, by decriminalizing public intoxication, represents the correct approach to alcoholism in the vast majority of cases, but that in the minority of cases where the alcoholic repeatedly rejects offers of voluntary assistance, more stringent measures are necessary. The Legislature further finds that even in those cases where more stringent measures are necessary, a person should be subjected to treatment in a secure facility reserved only for this purpose. The Legislature further finds that the decision as to whether to impose measures that go beyond the Myers Act should rest with local governing bodies, subject to the limitations herein imposed. It is therefore the intent of the Legislature to authorize counties and municipalities to establish alternative systems of treatment for certain alcohol abusers.*

(b) *Notwithstanding the provisions of subsection (1), any county or municipality may adopt an ordinance providing:*

1. *For the construction and funding, either individually or jointly with other counties or municipalities, of a secure facility to be used exclusively for the detention and treatment of persons described in subparagraph 2.;*

2. *That the county or municipality, through an officer or agent specified in the ordinance, shall petition the circuit court for a determination in an in camera hearing that an individual:*

a. *Was intoxicated in a public place;*

b. *Appeared to be incapacitated at the time of such public intoxication;*

c. *Based on records which shall be furnished to the court by the department or a treatment resource administrator for examination in camera, has left a treatment resource prior to completion of an alcohol treatment program after being admitted pursuant to s. 396.072, s. 396.092, or s. 396.102 two or more times during the preceding 12 months; and*

d. *That, by virtue of the individual's dependence on alcohol, he is a danger to himself or others, or is unable to appreciate his need for care;*

3. *That, upon determination by the court that an individual meets the criteria specified in subparagraph 2., the individual shall be detained for treatment and education at the secure facility established pursuant to subparagraph 1. for a period of up to 60 days as determined by the court, and that while so detained, the individual shall participate in an alcohol abuse treatment and education program approved by the department;*

4. *That if a person voluntarily enters a treatment program under s. 396.082 upon release from detention pursuant to s. 396.072(2), the original admission under s. 396.072 shall not count towards the minimum number of admissions required under subparagraph 2.; and*

5. *That an individual reasonably suspected of meeting the criteria of subparagraph 2. may be detained at a treatment resource or at the secure facility for up to 96 hours for the purpose of preparation and filing of the petition.*

(c) *If a petition filed under the ordinance authorized by paragraph (b) alleges a reasonable suspicion that the individual meets the criteria of sub-subparagraph (b)2.c., the department or any treatment resource administrator having relevant information shall, pursuant to 42 C.F.R., part 2, furnish the court with all information necessary to determine whether the allegation is accurate.*

(d) *Circuit courts are hereby granted jurisdiction to make determinations under subparagraph (b)2. The court shall hear the petition on an emergency basis as soon as practicable after filing.*

(e) *Nothing in this subsection shall be construed to preclude the operation under contract of a secure facility or treatment and education programs at such facility by a private or public entity other than the county or municipality.*

**Amendment 2**—In title, on page 1, strike all of lines 4-14 and insert: providing legislative intent; authorizing a county or a municipality to adopt an ordinance providing for detention and treatment of certain alcohol abusers in a secure facility; providing for construction, funding, and operation of such facility; providing for hearing and determination by the circuit court; specifying duties of the Department of Health and Rehabilitative Services and of treatment resources; providing an effective date.

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

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Scott

On motion by Senator Beard, the rules were waived and SB 2 after being engrossed was ordered immediately certified to the House.

**SB 500**—A bill to be entitled An act relating to presidential preference primary elections; repealing s. 103.101(9), F.S., which provides an alternative method for election of delegates to national political party conventions; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 500 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crawford

On motions by Senator Carlucci, the rules were waived and by two-thirds vote CS for HB 186 was withdrawn from the Committee on Appropriations.

On motion by Senator Carlucci—

**CS for HB 186**—A bill to be entitled An act relating to missing children; creating s. 937.033, F.S., establishing a Missing Children Information Clearinghouse within the Department of Law Enforcement; providing duties of the clearinghouse; requiring notification of children located; providing for the purging of information; creating s. 937.034, F.S., restricting the release of fingerprints; providing for the destruction of fingerprints; providing an effective date.

—a companion measure, was substituted for SB 361 and read the second time by title. On motion by Senator Carlucci, by two-thirds vote CS for HB 186 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Malchon

SB 361 was laid on the table.

On motions by Senator Thurman, the rules were waived and by two-thirds vote HB 265 was withdrawn from the Committee on Appropriations.

On motion by Senator Thurman—

**HB 265**—A bill to be entitled An act relating to quarter horse racing; amending s. 550.262, F.S.; providing restrictions on the use of moneys in the Florida Quarter Horse Racing Promotion Trust Fund; amending s. 550.265, F.S.; providing for deposit of registration fees into said fund; restricting the use of such deposited fees; providing an effective date.

—a companion measure, was substituted for SB 108 and read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 265 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Scott

SB 108 was laid on the table.

**CS for CS for SB 60**—A bill to be entitled An act relating to public education; creating s. 228.083, F.S.; providing that neither students nor public education employees shall be discriminated against on the basis of race, sex, national origin, marital status, or handicap by an educational institution that receives federal or state financial assistance; providing a definition; providing for rulemaking authority; providing penalties for failure to report certain data; providing civil remedies; providing for attorney fees; providing severability; providing an effective date.

—was read the second time by title.

Senator Fox moved the following amendment which was adopted:

**Amendment 1**—On page 6, line 26, strike “for civil damages and”

On motion by Senator Fox, by two-thirds vote CS for CS for SB 60 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	Castor	Crawford	Fox
Beard	Childers, D.	Deratany	Frank
Carlucci	Childers, W. D.	Dunn	Gersten

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

Nays—None

**Senator Johnston presiding**

**CS for SB 408**—A bill to be entitled An act relating to the tax on sales of motor and special fuels; amending s. 212.67, F.S., providing for refunding said tax to nonpublic schools; providing for time of effect of certain permits for refunds; providing a 90-day period within which certain farmers and fishermen may file for a refund of taxes paid in 1983; amending s. 212.02, F.S.; providing that compressed natural gas is not a special fuel; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote CS for SB 408 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

**SB 693**—A bill to be entitled An act relating to county, district, and municipal hospitals; amending s. 155.40, F.S.; providing for reorganization of such hospitals as a not-for-profit corporation; providing an effective date.

—was read the second time by title.

Senator Grizzle moved the following amendment which was adopted:

**Amendment 1**—In title, on page 1, strike all of lines 1-6 and insert: A bill to be entitled An act relating to county, district, and municipal hospitals; amending s. 155.40, F.S.; providing for reorganization of such hospitals as a not-for-profit corporation; requiring reorganized hospital to become qualified under s. 501(c)(3), internal revenue code; providing for return of facility to the county, municipality, or district upon dissolution; providing for abolition of existing governing board and establishment of a new board under certain circumstances; providing an effective date.

On motion by Senator Grizzle, by two-thirds vote SB 693 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

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

Nays—None

Vote after roll call:

Yea—Carlucci, Rehm

On motion by Senator Grizzle, the rules were waived and SB 693 after being engrossed was ordered immediately certified to the House.

**CS for SB 911**—A bill to be entitled An act relating to immunity of the State of Florida from suit in federal court; amending s. 768.28, F.S.; providing that the Florida Statutes shall not be construed to waive the immunity of the state or its agencies from suit in federal court; providing an effective date.

—was read the second time by title.

Senator Scott moved the following amendments which were adopted:

**Amendment 1**—On page 1, strike all of lines 11-15 and insert:

Section 1. Subsections (2) and (9) of section 768.28, Florida Statutes, as amended by House Bill 488 of the 1984 Regular Session of the Legislature, are amended, and subsection (15) is added to said section, to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions.—

(2) As used in this act, "state agencies or subdivisions" include the executive departments, the Legislature, the judicial branch, including public defenders, ~~special assistant public defenders, or private attorneys serving the state in a temporary capacity as court-appointed special public defenders,~~ and the independent establishments of the state; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities.

(9)(a) No officer, employee, or agent of the state or its subdivisions shall be held personally liable in tort or named as a party defendant in any action for any injuries or damages suffered as a result of any act, event, or omission of action in the scope of his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. However, such officer, employee, or agent of the state or its subdivisions shall be considered an adverse witness in a tort action for any injuries or damages suffered as a result of any act, event, or omission of action in the scope of his employment or function. The exclusive remedy for injury or damages suffered as a result of any act, event, or omission of an officer, employee, or agent of the state or any of its subdivisions or constitutional officers shall be by action against the governmental entity, or the head of such entity in his official capacity, or the constitutional officer of which the officer, employee, or agent is an employee, unless such act or omission was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. The state or its subdivisions shall not be liable in tort for the acts or omissions of an officer, employee, or agent committed while acting outside the course and scope of his employment or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(b) As used in this subsection, the term:

1. "Employee" includes any volunteer firefighter.

2. "Officer, employee, or agent" includes, but is not limited to, any public defender or his employees or agents, including, among others, ~~special assistant public defenders, private attorneys serving the state as court-appointed special public defenders,~~ and investigators.

(c) For purposes of waiver of sovereign immunity only, a member of the Florida National Guard is not acting within the scope of state employment when performing duty under the provisions of Title 10 or Title 32 of the United States Code or other applicable federal law; and neither the state nor any individual may be named in any action under this chapter arising from the performance of such federal duty.

**Amendment 2**—In title, on page 1, line 3, after "F.S." insert: as amended; specifically including public defender offices within the statutory definition of state agencies, and specifically including public defenders and their employees and agents within certain exemption from personal liability for acts or omissions in the course of their duties

On motion by Senator Hair, by two-thirds vote CS for SB 911 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Dunn	Hair	Margolis	Scott
Fox	Hill	McPherson	Stuart
Gersten	Jennings	Meek	Thomas
Girardeau	Kirkpatrick	Myers	Thurman
Gordon	Langley	Neal	Vogt
Grant	Malchon	Plummer	Weinstein
Grizzle	Mann	Rehm	

Nays—1

Frank

Consideration of SB 846 and HB 585 was deferred.

**SB 632**—A bill to be entitled An act relating to time limitations on criminal prosecutions; amending s. 775.15, F.S.; extending the statute of limitation for certain sex-related crimes against persons under the age of 18; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote SB 632 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**CS for SB 63**—A bill to be entitled An act relating to sales representatives; providing definitions; requiring a written contract between a sales representative and a principal when commissions are involved; requiring the principal to furnish the representative with a signed copy of the contract; providing for timely payment of commissions upon termination of certain agreements; providing for civil damages; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator Margolis and adopted:

**Amendment 1**—On page 2, line 16, strike "7 working" and insert: 30

Senator Margolis moved the following amendment which was adopted:

**Amendment 2**—On page 2, lines 18-22, strike all of subsection (4) and insert:

(4) In the event a principal fails to comply with the provisions of subsection (3) the sales representative shall have a cause of action for damages equal to double the amount of commission found to be due. The prevailing party in any such action shall be entitled to an award of reasonable attorney's fees and court costs.

On motion by Senator Margolis, by two-thirds vote CS for SB 63 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

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

Nays—None

On motion by Senator Margolis, the rules were waived and CS for SB 63 after being engrossed was ordered immediately certified to the House.

Consideration of HB 69 was deferred.

**CS for SB 241**—A bill to be entitled An act relating to the Florida Radiation Protection Act; amending s. 404.031, F.S., and repealing subsection (4) thereof; deleting the definition of "atomic energy" and providing additional definitions; amending s. 404.051, F.S.; revising powers and duties of the Department of Health and Rehabilitative Services with respect to sources of ionizing radiation, cooperation with, and rendering certain services to, other agencies, licensing and registration activities, approval of plans for certain installations and machines, decontamination, and acceptance of gifts; amending s. 404.061, F.S.; providing powers of department relating to licensing of naturally occurring, accelerator-produced, byproduct, source, and special nuclear materials; restricting license transfers and specifying when a new license is required; creating s. 404.0612, F.S.; authorizing the department to establish standards for land emitting radiation; amending s. 404.071, F.S.; revising departmental powers of inspection; providing for approval of certain training programs; amending s. 404.091, F.S.; revising powers relating to emergency orders; amending s. 404.101, F.S.; revising powers relating to impounding and disposal of radiation sources; amending s. 404.111, F.S., relating to surety requirements; establishing a Radiation Reclamation Fund; authorizing collection of fees for the Radiation Reclamation Fund; providing for bonds or securities; amending s. 404.121, F.S., relating to perpetual care trust funds; amending s. 404.131, F.S.; revising provisions relating to fees; authorizing collection of fees from certain solid mineral extraction industries, licensees, and nuclear power plants for certain environmental surveillance activities; repealing s. 404.151, F.S., relating to injunctive relief; amending s. 404.161, F.S.; correcting a reference; amending s. 404.162, F.S.; providing for administrative penalties and fines; providing for injunctive relief; providing for certain emergency orders; creating s. 404.166, F.S.; restricting local government regulation of radiation sources; amending s. 404.20, F.S.; revising a reference; providing for establishment of radiation monitoring systems at Department of Transportation weigh stations; amending s. 404.22, F.S.; revising provisions relating to inspection of certain radiation machines; saving said act from Sunset repeal and providing for future review and repeal; 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 10, line 3, after "dwellings" insert: *; public or private schools*

**Amendment 2**—On page 14, lines 28-31, strike "All moneys in such fund are hereby appropriated and may be expended by the department as necessary to pay for the purposes of this section."

On motion by Senator D. Childers, by two-thirds vote CS for SB 241 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Beard	Grant	Malchon	Rehm
Childers, D.	Grizzle	Mann	Scott
Childers, W. D.	Hair	Margolis	Stuart
Deratany	Henderson	McPherson	Thomas
Fox	Hill	Meek	Thurman
Frank	Jenne	Myers	Vogt
Gersten	Jennings	Neal	Weinstein
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Carlucci

**The President presiding**

On motion by Senator Scott, the rules were waived and by two-thirds vote SR 1113 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Scott —

**SR 1113**—A resolution commending the Senior Mentors for Creative Students program conceived by Selma Hopen.

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

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Beard, Carlucci, McPherson, Neal

On motion by Senator Thomas, the rules were waived by unanimous consent and the Senate reverted to Introduction and Reference of Bills for the purpose of introducing the following resolution out of order:

**INTRODUCTION AND REFERENCE OF BILLS**

By Senator Thomas—

**SR 1131**—A resolution commending Chuck Duggar of Marianna, Southern Region Vice President of the Future Farmers of America, for bringing honor and credit to his family, school, and organization and to this state.

—which was read the first time by title. On motion by Senator Thomas, SR 1131 was read the second time in full and adopted. The vote on adoption was:

Yeas—34

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

Nays—None

**SPECIAL ORDER, continued**

**HB 585**—A bill to be entitled An act relating to energy appropriations; creating s. 377.704, F.S.; 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 an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Mann and adopted:

**Amendment 1**—On page 1, line 27, strike "by the Legislature." and insert: appropriated in the General Appropriations Act or other subsequent specific appropriation by law.

On motion by Senator Mann, by two-thirds vote HB 585 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

**CS for SB 251**—A bill to be entitled An act relating to spouse abuse; amending s. 415.602, F.S., modifying and providing definitions; amending s. 415.603, F.S., changing certain duties of the Department of Health and Rehabilitative Services; amending s. 415.605, F.S., changing certification requirements for spouse abuse centers; authorizing certification denials, suspensions, and revocations; changing the state funding formula; providing an effective date.

—was read the second time by title. On motion by Senator Castor, by two-thirds vote CS for SB 251 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**CS for CS for SB's 189 and 480**—A bill to be entitled An act relating to convention development taxes; amending ss. 212.057 and 212.0305, F.S., which authorize the levy of such tax by certain charter and consolidated counties; providing that certain charter county municipalities may prohibit levy of the tax; providing the governing bodies of certain municipalities with certain powers; revising the rental period subject to such taxes; specifying applicability of exemptions; providing procedures for collection, distribution, and administration; providing penalties; providing for the distribution of proceeds collected prior to the effective date of this act; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendments which were adopted:

**Amendment 1**—On page 8, line 11, after "(12)" insert: *Except as otherwise provided by law,*

**Amendment 2**—On page 8, between lines 21 and 22, insert:

Section 3. The provisions of s. 212.0305(12), Florida Statutes, shall not apply to the distribution to the county of any convention development tax revenues necessary to repay principal of or interest on any bonds issued before the effective date of this act pursuant to s. 212.0305(3)(a), Florida Statutes.

(Renumber subsequent sections.)

Senator Dunn moved the following amendments which were adopted:

**Amendment 3**—On page 8, between lines 21 and 22, insert:

Section 4. Any county which was chartered under Art. VIII of the Florida Constitution and which levies a tourist advertising or promotion tax as an ad valorem levy under a special taxing district in that county shall be authorized to levy and impose a convention development tax pursuant to s. 212.057, Florida Statutes. With respect to the adoption, levy, and imposition of the tourist development tax by such county, the provision of s. 212.057(3), Florida Statutes, shall not be applicable, and the "authority" provided for in subsection (4) of that section shall be appointed by the county from qualified persons who reside in the special taxing district. The maximum rate of tax which may be levied and imposed shall be 1 percent of each dollar and major fraction of each dollar of the total consideration, notwithstanding the provisions of s. 212.0305, Florida Statutes. The county may adopt, impose, and levy the tourist development tax as prescribed herein, provided that the tax shall only be made applicable within the special taxing district, the county shall have no power to levy and impose an ad valorem tax in such district

on or after January 1 of the year following the date of the adoption of the tourist development tax, and the purposes for which the tourist development tax may be expended and used shall include the purposes for which tax revenue may be lawfully expended under the enabling legislation of the special taxing district. The provisions of s. 212.057, Florida Statutes, relating to administration, collection, and enforcement of taxes shall be applicable to taxes levied pursuant to this section.

(Renumber subsequent sections.)

**Amendment 4**—In title, on page 1, line 15, after the semicolon (;) insert: authorizing the levy, within certain special districts, of a tourist development tax by certain counties in lieu of ad valorem taxes;

Senator Hair moved the following amendment which was adopted:

**Amendment 5**—In title, on page 1, line 13, after the semicolon (;) insert: providing a limitation on certain distributions;

On motion by Senator Hair, by two-thirds vote CS for CS for SB's 189 and 480 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Beard

Vote after roll call:

Nay to Yea—Beard

**SB 171**—A bill to be entitled An act relating to municipalities; amending s. 166.261, F.S., increasing the authority of municipalities to invest surplus funds; providing an effective date.

—was read the second time by title.

Three amendments were adopted to SB 171 to conform the bill to CS for HB 150.

Pending further consideration of SB 171, on motions by Senator Weinstein, the rules were waived and by two-thirds vote CS for HB 150 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

On motion by Senator Weinstein—

**CS for HB 150**—A bill to be entitled An act relating to local government; amending ss. 125.31 and 166.261, F.S., increasing the authority of counties and municipalities to invest surplus funds; providing an effective date.

—a companion measure, was substituted for SB 171 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 150 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 171 was laid on the table.

On motions by Senator Jenne, the rules were waived and by two-thirds vote HB 317 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Jenne—

**HB 317**—A bill to be entitled An act relating to veterans' guardianship; amending chapters 293 and 294, F.S., reorganizing and transferring provisions relating to veterans' guardianship to chapter 744, F.S., relating to guardianship; providing scope of the act and definitions; changing procedures for the appointment of guardians; authorizing dependents of wards to petition for support from the guardian; exempting benefits from claims of creditors; increasing certain fees; amending s. 394.467, F.S., transferring to the "Florida Mental Health Act" provisions relating to commitment of veterans; amending s. 694.14, F.S., to correct a cross-reference; creating s. 192.123, F.S., requiring certain ad valorem tax related notification to guardians; repealing ss. 293.04, 293.19, and 294.01, F.S., to remove restrictions upon the number of wards for whom a guardian may act and provisions which limit court costs for small estates; directing that part VIII of chapter 744, F.S., be created; providing an effective date.

—a companion measure, was substituted for SB 676 and read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 317 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 676 was laid on the table.

**HB 69**—A bill to be entitled An act relating to theft and related crimes; amending s. 812.035(7), Florida Statutes; limiting civil damages to three-fold actual damages; limiting liability to certain persons; clarify language; providing an effective date.

—was read the second time by title.

Senator Dunn moved the following amendment:

**Amendment 1**—On page 1, line 17, strike "against any person" and all of lines 18, 19 and 20 through "guilty"

On motion by Senator Hair, further consideration of HB 69 was deferred.

**SB 686**—A bill to be entitled An act relating to financial matters; amending s. 215.47, F.S., and repealing paragraph (2)(b) thereof; revising provisions relating to investment of state funds in savings accounts and certificates of deposit; amending s. 197.0168, F.S.; correcting a cross-reference; amending ss. 218.407 and 218.409, F.S.; revising provisions relating to investment of local government surplus funds and duties of the State Board of Administration with respect to the Local Government Surplus Funds Trust Fund; providing that local governments may hold funds in deposit accounts with savings institutions; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Malchon and adopted:

**Amendment 1**—On page 3, strike all of lines 24 and 25 and insert:

Section 5. Subsection (1) of section 215.535, Florida Statutes is amended to read:

215.535 Treasurer; powers and duties in the investment of certain funds.—

(1) The Treasurer, acting with the approval of a majority of the State Board of Administration, shall invest all the trust funds and all agency funds of each state agency, as defined in s. 216.011, except for the funds required to be invested pursuant to ss. 215.44-215.53, by the procedure and in the authorized securities prescribed in s. 18.10. *In addition, securities or investments purchased or held under the provisions of this section and s. 18.10, may be loaned to securities dealers, and may be registered by the Treasurer in the name of a third-party nominee in order to facilitate such loans, provided the loan is collateralized by cash or United States government securities having a market value of at least 100 percent of the market value of the securities loaned.* The Treasurer shall keep a separate account, designated by name and number, of each fund. Individual transactions and totals of all investments, or the share belonging to each fund, shall be recorded in the accounts.

Section 6. This act shall take effect upon becoming a law.

**Amendment 2**—In title, on page 1, line 15, after the semicolon (;) insert: amending s. 215.535, F.S.; authorizing the Treasurer to lend securities;

On motion by Senator Malchon, by two-thirds vote SB 686 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	Frank	Jennings	Plummer
Beard	Gersten	Johnston	Rehm
Carlucci	Girardeau	Langley	Stuart
Castor	Gordon	Malchon	Thomas
Childers, D.	Grant	Mann	Thurman
Childers, W. D.	Grizzle	Margolis	Vogt
Crawford	Hair	McPherson	Weinstein
Deratany	Henderson	Meek	
Dunn	Hill	Myers	
Fox	Jenne	Neal	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Scott

On motion by Senator Malchon, the rules were waived and SB 686 after being engrossed was ordered immediately certified to the House.

**CS for SB 489**—A bill to be entitled An act relating to qualifications for license for life insurance agents; amending s. 626.785, F.S.; authorizing funeral directors or employees of funeral establishments holding certificates of authority pursuant to s. 639.09, F.S., to become licensed life insurance agents to sell life insurance policies covering final expenses; providing that insurance policies sold pursuant to this act shall not exceed \$5,000; providing an effective date.

—was read the second time by title. On motion by Senator Plummer, by two-thirds vote CS for SB 489 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**Abstention from Voting**

Although I don't believe voting on this issue would constitute a conflict of interest for me, I abstain from voting on issues that directly or indirectly relate to my profession in order to avoid even the appearance of conflict.

Larry Plummer, 39th District

**SB 503**—A bill to be entitled An act relating to Murphy Act lands; transferring and renumbering ss. 197.361, 197.366, F.S.; creating s. 253.82, F.S.; providing for release of the state's interest in certain Murphy Act lands; providing for recording certain certificates of tax payment and providing that the certificates are conclusive evidence of payment extinguishing certain claims and liens against such lands; providing for enforcement of certain claims or interests; providing exceptions; renumbering and amending s. 197.391, F.S.; providing for construction of recodification; repealing ss. 197.371, 197.376, 197.381, 197.386, 197.387, 197.401, 197.406, 197.411, 197.421, 197.426, 197.431, 197.441, F.S., relating to Murphy Act lands; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 3, between lines 23 and 24, insert:

Section 4. Subsection (5) of section 253.034, Florida Statutes, is amended to read:

(5) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, and which Murphy Act lands, the title to which is held by the state, are of no benefit to the public and shall dispose of such lands pursuant to law.

(a) No later than July 1, 1984, and at least every 5 years thereafter, in a form and manner prescribed by rule by the board, each state agency shall indicate to the board those lands which the agency manages which are not being used for the purpose for which they were originally leased. Such lands shall be reviewed by the Land Management Advisory Committee for its recommendation as to whether such lands shall be disposed of by the board.

(b) Lands owned by the board which are not actively managed by any state agency or for which a land-management plan has not been completed pursuant to subsection (4) shall be reviewed by the Land Management Advisory Committee for its recommendation as to whether such lands shall be disposed of by the board.

(c) In reviewing lands owned by the board pursuant to paragraphs (a) and (b), the Land Management Advisory Committee shall consider whether such lands would be more appropriately owned or managed by the county or other unit of local government in which the land is located. The committee shall recommend to the board whether a sale, lease, or other conveyance to a local government would be in the best interests of the state and local government. The provisions of this paragraph shall in no way limit the provisions of ss. 253.111 and 253.115.

(d) After reviewing the recommendations of the Land Management Advisory Committee, the board shall determine whether lands identified in paragraphs (a) and (b) shall be held for other public purposes or whether such lands are of no benefit to the public. The board may require an agency to release its interest in such lands. Lands determined to be of no benefit to the public shall be disposed of pursuant to law. The proceeds from the disposal of such lands shall be placed in the Internal Improvement Conservation and Recreation Lands Trust Fund.

(Renumber subsequent sections.)

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

**Amendment 2**—On page 3, between lines 23 and 24, insert:

Section 4. Subsection (5) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(5) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, and which Murphy Act lands, the title to which is held by the state, are of no benefit to the public and shall dispose of such lands pursuant to law.

(a) No later than July 1, 1984, and at least every 5 years thereafter, in a form and manner prescribed by rule by the board, each state agency shall indicate to the board those lands which the agency manages which are not being used for the purpose for which they were originally leased. Such lands shall be reviewed by the Land Management Advisory Committee for its recommendation as to whether such lands shall be disposed of by the board.

(b) Lands owned by the board which are not actively managed by any state agency or for which a land-management plan has not been completed pursuant to subsection (4) shall be reviewed by the Land Management Advisory Committee for its recommendation as to whether such lands shall be disposed of by the board.

(c) In reviewing lands owned by the board pursuant to paragraphs (a) and (b), the Land Management Advisory Committee shall consider whether such lands would be more appropriately owned or managed by the county or other unit of local government in which the land is located. The committee shall recommend to the board whether a sale, lease, or other conveyance to a local government would be in the best interests of the state and local government. The provisions of this paragraph shall in no way limit the provisions of ss. 253.111 and 253.115.

(d) After reviewing the recommendations of the Land Management Advisory Committee, the board shall determine whether lands identified in paragraphs (a) and (b) shall be held for other public purposes or whether such lands are of no benefit to the public. The board may require an agency to release its interest in such lands. Lands determined to be of no benefit to the public shall be disposed of pursuant to law. The proceeds from the disposal of such lands shall be placed in the Internal Improvement Conservation and Recreation Lands Trust Fund.

(Renumber subsequent sections.)

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

**Amendment 2A**—On page 2, line 21, strike "*Internal Improvement Conservation and Recreation Lands*" and insert: Conservation and Recreation Lands

Amendment 2 as amended was adopted.

Senator McPherson moved the following amendment which was adopted:

**Amendment 3**—On page 2, line 2, after "1964" insert: or on which ad valorem taxes have been paid for at least 20 years preceding the year in which title is being claimed

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

**Amendment 4**—In title, on page 1, line 14, after the word "recodification," insert: amending s. 253.034, F.S., providing for disposal of certain lands;

On motion by Senator McPherson, by two-thirds vote SB 503 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gordon, Kirkpatrick

**SB 396**—A bill to be entitled An act relating to driver's licenses and identification cards; amending s. 322.212, F.S., providing for the unauthorized use or possession of identification cards in the same manner as

driver's licenses; providing penalties; providing penalties for the use of fraud and for giving a false age in applying for a driver's license or an identification card; repealing s. 322.32(5), F.S., relating to fraud in an application for a driver's license; providing an effective date.

—was read the second time by title. On motion by Senator Gersten, by two-thirds vote SB 396 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Gersten, the rules were waived and SB 396 was ordered immediately certified to the House.

**SB 315**—A bill to be entitled An act relating to domestic animals; amending s. 828.05, F.S.; authorizing certain persons to destroy injured or diseased animals in certain circumstances; prohibiting an owner of an injured or diseased animal from bringing a civil or criminal action against certain persons responsible for the destruction of the animals; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendment which was moved by Senator Vogt:

**Amendment 1**—On page 1, line 11, strike everything after the enacting clause and insert:

Section 1. Section 828.05, Florida Statutes, is amended to read:

828.05 Killing an injured or diseased domestic animal.—

(1) The purpose of this section is to provide a swift and merciful means whereby domestic animals which are suffering and imminently near death from injury or disease may be destroyed without unconscionable delay.

(2) As used in this section, "officer" means ~~and includes~~ any law enforcement officer, *any veterinarian*, and any officer, ~~or agent or his designee~~ of any municipal or county animal control unit or of any society or association for the prevention of cruelty to animals.

(3) Whenever any domestic animal is so injured or diseased ~~on a public right-of-way~~ as to appear useless and is in a suffering condition, and it shall reasonably appear to an officer that such animal is imminently near death and cannot be cured or rendered fit for service and the officer shall have made a reasonable and concerted, *but unsuccessful* effort to locate the owner, the owner's agent, or a veterinarian, then such officer, acting in good faith and upon reasonable belief, may immediately destroy such animal *by shooting the animal or injecting it with a barbituate drug. If the officer locates the owner or the owner's agent, he shall notify him of the animal's location and condition. If the officer locates only a veterinarian, the officer shall destroy the animal only upon the advice of the veterinarian.*

(4) No officer or veterinarian acting pursuant to this section ~~subsection (3)~~ shall be liable either criminally or civilly for such act, nor shall any civil or criminal liability attach to the employer of the officer or veterinarian.

(5) A court order shall not be necessary to carry out the provisions of this section.

Section 2. This act shall take effect upon becoming a law.

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

**Amendment 1A**—On page 2, line 8, after "acting" insert: *in good faith and with due care*

Amendment 1 as amended was adopted.

Senator Dunn moved the following amendment:

**Amendment 2**—On page 2, between lines 14 and 15, insert:

Section 2. Paragraph (a) of subsection (2) and subsections (1), (3), and (4) of section 828.122, Florida Statutes, are amended to read:

828.122 Fighting or baiting animals; penalties.—

(1) This act ~~shall be known and~~ may be cited as "The Animal Fighting Act ~~of 1976.~~"

(2) As used in this section:

(a) "Animal" means any bull, bear, *fowl*, or dog.

(3) Any person who commits any of the following acts is guilty of a *felony misdemeanor* of the ~~third first~~ degree, punishable by a term of imprisonment not exceeding 1 year, and, in addition to or in lieu of such imprisonment, by a fine not exceeding \$5,000 for a violation of paragraph (a) ~~as provided in s. 775.082~~ or by a fine of not less than \$5,000 ~~\$1,000~~ and not more than \$10,000 for a violation of paragraph (b) or paragraph (c) ~~\$5,000, or both.~~

(a) Baiting, or using any animal for the purpose of fighting or baiting any other animal.

(b) Knowingly owning, managing, or operating any facility kept or used for the purpose of fighting or baiting any animal.

(c) Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals.

(4) Any person who willfully commits any of the following acts is guilty of a misdemeanor of the ~~first second~~ degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or both:

(a) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or

(b) Attending the fighting or baiting of animals.

(Renumber subsequent subsection.)

Senator Langley raised a point of order that Amendment 2 was not germane to the bill which relates to euthanasia and the amendment relates to a different matter and a different section of the statutes. Further consideration of SB 315 with pending amendment was deferred.

**CS for CS for SB 86**—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.15, F.S.; providing circumstances under which a license may be placed solely in the name of the operator; granting the Division of Alcoholic Beverages and Tobacco discretion to allow corporations to hold alcoholic beverage licenses despite certain criminal convictions if certain conditions are met; creating s. 561.181, F.S.; providing for issuance of temporary initial licenses to applicants for alcoholic beverage licenses; amending s. 561.19, F.S.; providing for an application filing fee for initial application for a quota beverage license; amending s. 561.321, F.S.; providing for cash only purchases of alcoholic beverages by certain vendors; providing for issuance of temporary license to applicants for change of location; amending s. 561.422, F.S.; authorizing beverage purchases by specified civic organizations; amending s. 561.65, F.S.; providing for the sale of a foreclosed license by the clerk of the circuit court rather than the Division of Alcoholic Beverages and Tobacco; changing the time for payment by the bidder; authorizing distributors to purchase licenses at foreclosure sales; providing an effective date.

—was read the second time by title.

Senator Gersten moved the following amendment which was adopted:

**Amendment 1**—On page 3, line 28, after "division" insert: *, in a public hearing under s. 120.57,*

Senator Margolis moved the following amendment which was adopted:

**Amendment 2**—On page 4, line 9, strike "person, including a"

On motion by Senator McPherson, by two-thirds vote CS for CS for SB 86 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—3

Carlucci Childers, D. Langley

Vote after roll call:

Yea—Kirkpatrick, Scott

Consideration of CS for SB 596 was deferred.

**SB 710**—A bill to be entitled An act relating to the Department of Revenue; amending s. 20.21, F.S.; reassigning, within the department, responsibilities for investigative services; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 710 to conform the bill to HB 1040.

Pending further consideration of SB 710, on motion by Senator Henderson, 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 HB 1040 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Governmental Operations and Representative Hanson—

**HB 1040**—A bill to be entitled An act relating to the Department of Revenue; amending s. 20.21, F.S., transferring investigative functions within the department from the Office of the Assistant Executive Director to the Division of Collection and Enforcement; providing an effective date.

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

**SPECIAL ORDER, continued**

On motions by Senator Henderson, by two-thirds vote HB 1040, a companion measure, was withdrawn from the Committee on Governmental Operations and substituted for SB 710. On motion by Senator Henderson, by two-thirds vote HB 1040 was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

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

Section 1. Present subsection (5) of section 72.011, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to said section, to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; deposits.—

(5) *This section shall also apply to notices of assessments of transferee liability and to any notices or billings made by the Department of Revenue.*

Section 2. Present subsection (4) of section 212.10, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to said section, to read:

212.10 Sale of business; liability for tax, procedure, penalty for violation.—

(4) *After notice by the department of a transferee liability under this section, the dealer shall have 60 days within which to file an action as provided in chapter 72.*

Section 3. Section 207.021, Florida Statutes, is amended to read:

207.021 ~~No Settlement or compromise of penalties or interest for less than amounts actually due.—The department may shall have no right, power, or authority to settle or compromise, pursuant to s. 213.21, penalties or interest imposed under this chapter with any motor carrier, retail dealer, or distributor of special fuel or motor fuel any claim of the state accruing under this chapter for a sum less than the full amount due, in conformity with this chapter.~~

Section 4. Paragraph (d) of subsection (3) of section 212.02, Florida Statutes, is amended 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:

(3)

(d) The term "gross sales" means the sum total of all retail sales of tangible personal property as defined herein, without any deduction whatsoever of any kind or character, except as provided in this chapter.

Section 5. Subsection (3) of section 212.12, Florida Statutes, 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.—

(3) When any dealer, or other person charged herein, fails to remit the tax, or any portion thereof, on or before the day when such tax is required by law to be paid, there shall be added to the amount due interest at the rate of 1 percent per month of the amount due from the date *the tax becomes delinquent due* until paid.

Section 6. Section 212.66, Florida Statutes, is amended to read:

212.66 Applicability of specified sections of chapter 206.—The provisions of ss. 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.19, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.28, 206.41(2), 206.425, 206.426, 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.87(2)(a) and (3)(f), (g), and 206.94, and 206.945 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part.

Section 7. Subsections (2) and (7) of section 213.053, Florida Statutes, are amended to read:

213.053 Confidentiality and information sharing.—

(2) Except as provided in subsections (3), (4), (5), (6), (7), and (8), all information contained in returns, reports, accounts, or declarations received by the department, including investigative reports and information, is confidential except for official purposes. Any officer or employee, or former officer or employee, of the department who divulges any such information in any manner, except for such official purposes or in accordance with the provisions of subsection (3), subsection (4), subsection (5), subsection (6), subsection (7), or subsection (8), is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) The provisions of this section apply to all sections of:

(a) Chapter 206, motor and other fuel taxes, except for s. 206.27, records and files as public records, and s. 206.28, exchange of information among the states; and

(b) Chapter 207, the Florida Special Fuel and Motor Fuel Use Tax Act of 1981, except for s. 207.025, exchange of information.

However, nothing in this section shall prevent the department from providing information relative to ~~chapter 208, chapter 211, chapter 376, or chapter 377, or s. 376.11~~ to the proper state agency in the conduct of its official duties or from providing information relative to chapter 212 to the Department of Business Regulation, Division of Alcoholic Beverages and Tobacco, in the conduct of its official duties. Such state agencies shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 8. Paragraph (b) of subsection (3) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(3)

(b) Any taxpayer who fails to report and *timely* pay any installment of tax, or who estimates any installment of tax to be less than 80 percent of the amount finally shown to be due in any quarter, or who fails to report and *timely* pay any tax due on the final return, shall be deemed to be in violation of this section and be subject to a penalty of 10 percent on any underpayment or delinquent of taxes due and payable for that quarter, or delinquent taxes due and payable for the final return. Any taxpayer paying, for each installment required herein, 27 percent of the amount of the annual tax reported on his return for the preceding year shall not be subject to the penalty provided by this section.

Section 9. Subsection (2) of section 72.011, Florida Statutes, is amended to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; depositions.—

(2) No action may be brought to contest an assessment of any tax, interest, or penalty assessed under a chapter specified in subsection (1) after 60 days from the date the assessment becomes final. The department shall establish by rule when an assessment becomes final for purposes of this section and a procedure by which a taxpayer shall be notified of the assessment. *It shall not be necessary for the Department of Revenue to file or docket any assessment with the agency clerk in order for such assessment to become final for purposes of actions initiated pursuant to this chapter or chapter 120.*

Section 10. Subsection (10) of section 120.52, Florida Statutes, is amended to read:

120.52 Definitions.—As used in this act:

(10) "Order" means a final agency decision which does not have the effect of a rule and which is not excepted from the definition of a rule, whether affirmative, negative, injunctive, or declaratory in form. An agency decision shall be final when reduced to writing and filed with the person designated by the agency as clerk. The clerk shall indicate the date of filing on the order. *This subsection is not applicable to assessments of tax, penalty, or interest made by the Department of Revenue. Assessments by the Department of Revenue shall be deemed final as provided in rules and statutes governing assessment and collection of taxes.*

Section 11. Paragraph (a) of subsection (1) of section 120.54, Florida Statutes, and subsection (2) of said section are amended to read:

120.54 Rulemaking; adoption procedures.—

(1) Prior to the adoption, amendment, or repeal of any rule not described in subsection (9), an agency shall give notice of its intended action, setting forth a short and plain explanation of the purpose and effect of the proposed rule, the specific legal authority under which its adoption is authorized, and a summary of the estimate of the economic impact of the proposed rule on all persons affected by it.

(a) Except as otherwise provided in this paragraph, the notice shall be mailed to the committee, to all persons named in the proposed rule, and to all persons who have made requests of the agency for advance notice of its proceedings at least 14 days prior to such mailing. The agency shall also give such notice as is prescribed by rule to those particular classes of persons to whom the intended action is directed. Notice of intent by an educational unit to adopt, amend, or repeal any rule not described in subsection (9) shall be made:

1. By publication in a newspaper of general circulation in the affected area;
2. By mail to all persons who have made requests of the educational unit for advance notice of its proceedings and to organizations representing persons affected by the proposed rule; and
3. By posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.

*Notice of intent by the Department of Revenue to adopt, amend, or repeal any rule not described in subsection (9) shall be sufficient by publication in the Florida Administrative Weekly and by posting the text of the rule and the Notice of Hearing in a prominent place in the area offices of the department. Taxpayers who request copies of each rule noticed may receive such copies upon payment of a fee determined by the department by rule. Such publication, mailing, and posting of notice shall occur at least 14 days prior to the intended action.*

(2)(a) Each agency, prior to the adoption, amendment, or repeal of any rule, shall provide information on its proposed action by preparing a detailed economic impact statement. The economic impact statement shall include:

1. An estimate of the cost to the agency of the implementation of the proposed action, including the estimated amount of paperwork;
2. An estimate of the cost or the economic benefit to all persons directly affected by the proposed action;
3. An estimate of the impact of the proposed action on competition and the open market for employment, if applicable; and
4. A detailed statement of the data and method used in making each of the above estimates.

(b) If an economic impact statement is required before an agency takes action on an application or petition by any person, the statement shall be prepared within a reasonable time after the application is made or the petition is filed.

(c) The failure to provide an adequate statement of economic impact is a ground for holding the rule invalid; however, beginning October 1, 1978, no rule shall be declared invalid for want of an adequate statement of economic impact unless the issue is raised in an administrative or judicial proceeding within 1 year of the effective date of the rule to which the statement applies.

(d) *The Department of Revenue shall be exempted from compliance with the requirements of this subsection, with the exception of subparagraphs (a)1. and 4., when a rule adopted by the department is designed solely to implement taxes imposed by law.*

Section 12. Paragraphs (d) and (f) of subsection (3) of section 20.21, Florida Statutes, are amended to read:

20.21 Department of Revenue.—There is created a Department of Revenue.

(3)

(d) The responsibilities of the Division of Collection and Enforcement shall include tax collection and enforcement activities. The functions of this division shall include, but are not limited to, *investigative services and* central and field operations.

(f) The following functions shall be under the assistant executive director: tax research, planning and policy development, *and* legal services, ~~and investigative services.~~

**Amendment 2**—In title, on page 1, strike all of lines 2-7 and insert:

An act relating to taxation; amending s. 72.011, F.S.; providing for applicability of certain provisions to notice of assessment of transferee liability and to certain notices or billings made by the Department of Revenue; amending s. 212.10, F.S.; providing a procedure for filing certain actions with the Department of Revenue; amending s. 207.021, F.S.; authorizing the department to compromise certain penalties or interest; amending s. 212.02, F.S.; redefining "gross sales"; amending s. 212.12, F.S.; providing for charging interest to certain dealers under certain circumstances; amending s. 212.66, F.S.; providing cross-references for purposes of applying certain sections of chapter 212, F.S., to certain sections of chapter 206, F.S.; amending s. 213.053, F.S.; providing for confidentiality of certain department employees under certain circumstances; providing an exception; amending s. 624.509, F.S.; providing penalties; amending s. 72.011, F.S.; providing that certain assessments need not be filed with the agency clerk in order to become final; amending s. 120.52, F.S.; providing that assessments by the Department of Revenue will become final as provided in rules and statutes governing the assessment and collection of taxes; amending s. 120.54, F.S.; providing procedures for notice of certain proposed rules or rule changes by the Department of Revenue; providing exemptions concerning preparation of economic impact statements by the department; providing for fees; amending s. 20.21, F.S.; reassigning, within the Department of Revenue, responsibilities for investigative services; providing an effective date.

On motion by Senator Henderson, by two-thirds vote HB 1040 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 710 was laid on the table.

Consideration of SB 711 was deferred.

**CS for SB 438**—A bill to be entitled An act relating to state agencies; providing a short title; providing definitions; providing for the award of attorney's fees and costs to certain businesses in actions initiated by state agencies; providing exceptions; providing for enforcement and review; providing for agency reports; providing for applicability; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendments which were adopted:

**Amendment 1**—On page 3, line 10, before "An" insert: *Unless otherwise provided by law*

**Amendment 2**—On page 5, line 4, after "rule." insert: *or to any action sounding in tort.*

On motion by Senator Stuart, by two-thirds vote CS for SB 438 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Dunn, Kirkpatrick, Scott

**SB 149**—A bill to be entitled An act relating to the purchase of United States securities by public officers and employees; amending s. 215.28, F.S.; transferring to the Florida Retirement System Trust Fund interest earned on certain moneys prior to the accumulation of the purchase price of the security; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 149 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**CS for SB 1077**—A bill to be entitled An act relating to motor vehicle manufacturers, distributors, importers, and dealers; amending s. 320.60, F.S., providing definitions; amending s. 320.61, F.S., requiring certain licensing; amending s. 320.63, F.S., relating to application for license; creating s. 320.632, F.S., relating to franchise agreements; amending s. 320.64, F.S., providing additional grounds for denial, suspension, or revocation of a license; amending s. 320.641, F.S., relating to unfair cancellation of franchise agreements; creating s. 320.6415, F.S., relating to changes in plans or systems of distribution; amending s. 320.643, F.S., relating to transfer, assignment, or sale of franchise agreements; creating s. 320.644, F.S., relating to change of executive management control; creating s. 320.645, F.S., restricting ownership of a motor vehicle dealership by licensees; amending s. 320.697, F.S., providing for civil damages; providing for application of this act to existing and future agreements; providing for future repeal and review; providing effective dates.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote CS for SB 1077 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Jenne, the rules were waived and CS for SB 1077 was ordered immediately certified to the House.

Senator Hair moved that the Senate reconsider the vote by which CS for SB's 189 and 480 passed this day.

The motion was placed on the calendar for consideration May 16.

## ENROLLING REPORTS

CS for CS for SB's 140 and 237, CS for CS for SB 424, SB 152 and CS for SB 353 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 14, 1984.

*Joe Brown, Secretary*

CS for CS for SB's 176 and 697 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 11, 1984.

*Joe Brown, Secretary*

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 10 was corrected and approved.

The Journal of April 18 was further corrected and approved as follows: Page 134, column 2, line 21, strike "without" and insert: with

## CO-INTRODUCERS

Senator Hair—SB 963, CS for CS for SB's 176 and 697; Senators Crawford, Peterson, Kirkpatrick, Mann—CS for SB 333; Senator Beard—CS

**May 15, 1984**

**JOURNAL OF THE SENATE**

**275**

for SB 387; Senator D. Childers—CS for SB 550; Senators Dunn, Hill,  
Myers—SB 657; Senators Grant, Vogt—SB 943

**ADJOURNMENT**

On motion by Senator Scott, the Senate adjourned at 11:27 a.m. to  
reconvene at 9:00 a.m. Wednesday, May 16.