



Journal of the Senate

Number 19

Thursday, May 17, 1984

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

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

Excused: Senators Dunn and Meek

Prayer by the Rev. Danny Stringer, Pastor, Lakeview Baptist Church, Tallahassee:

Our Father, we pray that your name would be kept holy and that you would receive the honor that's due your name. We do confess that the earth is yours and all it contains.

We acknowledge that you are the source of all truth and wisdom. Our prayer is that your will be done in and with this body and that you would grant your wisdom to these senators so that the laws and the decisions that are made will be righteous ones. And our prayer is made in the name of Jesus. Amen.

On motion by Senator Hill, the following remarks were published in the Journal:

Mr. President: Senators, this morning our pages are distributing to each of you a very important book. We're having our pages hand deliver this book to you to stress the impact it will have on them as children in Florida. This is the winter 1984 issue of the *Nova Law Journal*, and it has been dedicated to various articles dealing solely with legal, legislative, and funding concerns regarding the children of our state. This issue was organized by Judge Hugh S. Glickstein who is chairman of The Florida Bar's Special Committee for the Needs of Children, and you should note, Senators, that in these journals are bookmarks which were made by the students of W. T. Moore Elementary School here in Tallahassee. These bookmarks say "Kids are Special" and open up to a congratulatory letter by Governor Bob Graham.

At a time when we in the Florida Legislature are seeking excellence in education for the best possible opportunities for our children, certainly the emphasis which The Florida Bar has placed upon the needs of our children should be recognized. We congratulate Judge Glickstein, as well as all the contributors of these fine articles in the winter 1984 issue of the *Nova Law Journal*, on a job truly well done and long overdue!

On motion by Senator Henderson, by two-thirds vote SR 1135 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Henderson—

SR 1135—A resolution commending John Satterfield for his accomplishments in attaining the office of Potentate of Morocco Temple.

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

Yeas—35

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

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

Nays—None

Vote after roll call:

Yea—Gersten, Thomas

The President requested Senators Henderson, Carlucci and Representative Frank Williams to escort Mr. Satterfield to the rostrum. The President presented a copy of the resolution to Mr. Satterfield who addressed the Senate briefly.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 17, 1984: CS for SB 728, SB 893, CS for SB 296, CS for SB 303, SB 441, SB 376, CS for SB's 387 and 1047, CS for SB 87, CS for SB 427, SB 388, SB 430, SB 594, SB 789

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Thursday, May 17, 1984: CS for SB 442, CS for SB's 387 and 1047, CS for SB 228, CS for SB 860, SB 1053, SB 309, CS for SB 191, CS for SB 1057, SB 428, CS for CS for SB 262, CS for SB 343, SB 376, SB 132, SB 742, SB 281, SB 695, SB 37, SB 781, SB 488, SB 677, SB 321, SB 682, SB 594, CS for SB 36, SB 525, SB 126, SB 581, HB 335, SB 826, CS for SB's 410 and 269, CS for SB 1001, SB 567, CS for SB 490, CS for SB 371, CS for SB 626, SB 833, CS for SB 109, SB 645

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Judiciary-Criminal recommends the following pass: SB 683, SB 1064 with 1 amendment

The bills were referred to the Committee on Appropriations under the original reference.

The Committee on Commerce recommends the following pass: SB 42, SB 777 with 1 amendment

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

The Committee on Judiciary-Criminal recommends the following pass: SB 1018 with 1 amendment

The bill was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Judiciary-Criminal recommends the following pass: SB 851 with 1 amendment

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

The Committee on Commerce recommends the following pass: SB 1076

The Committee on Judiciary-Criminal recommends the following pass: CS for SB 143, HB 799

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

The Committee on Judiciary-Criminal recommends the following not pass: SB 1049

The bill was laid on the table.

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 812

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

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 213

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

The Committee on Transportation recommends a committee substitute for the following: SB 944

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

REQUESTS FOR EXTENSION OF TIME

May 17, 1984

The Committee on Appropriations requests an extension of 15 days for consideration of the following: Senate Bills 11, 15, 19, 134, 141, 201, 255, 258, 268, 373, 413, 470, 633, 651, 656, 717, 718, 734, 735, 750, 773, 799, 832, 855, 896, 898, 947, 1059, 1070; House Bill 400

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senators Castor and Beard—

SB 1136—A bill to be entitled An act relating to Hillsborough County Hospital Authority; reviving and readopting s. 8, chapter 80-510, Laws of Florida, as amended, relating to pension and retirement benefits and providing that authority employees are subject to Hillsborough County civil service laws notwithstanding the provisions of s. 2, chapter 82-299, Laws of Florida, as amended; providing a retroactive effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Henderson—

SCR 1137—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 Deratany—

SB 1138—A bill to be entitled An act relating to Indian River County, Indian River County hospital district; adding section 1.1 to chapter 61-2275, Laws of Florida, as amended, to define certain terms; amending section 2 of chapter 61-2275, Laws of Florida, as amended by chapter 71-688, Laws of Florida, substituting "health facilities in or through which the district provides health and medical services" for "hospitals, clinics, nursing homes, parking facilities, ambulance services, billing and collection services and the like," empowering the board of trustees to lease, as lessee or lessor, and to expend district funds for any purpose related to or supportive of the activities of the district and providing that the powers granted to the board of trustees by the act are in addition to those granted by the general law of the state; adding section 2.1 to chapter 61-2275, Laws of Florida, as amended, empowering the board of trustees to enter into contracts or agreements for the purpose of operating and managing a health facility in or through which the district provides health and medical services, to enter into financing agreements and to lease health facilities in or through which the district provides health and medical services for any land or property of the district, to sell such rights in real or personal property as the district determines are no longer useful in connection with health facilities and to enter into interlocal agreements pursuant to the Florida Interlocal Cooperation Act of 1969; amending section 4 of chapter 61-2275, Laws of Florida, as amended by chapters 63-1432 and 67-1515, Laws of Florida, empowering the board of trustees to lease, as lessee or lessor, sell and convey by financing agree-

ment, lease, deed, or other instrument of conveyance real and personal property; authorizing the board to provide for the management of health facilities and the employment of personnel and providing that the powers granted to the board of trustees by the act are in addition to those granted by the general law of the state; amending section 11 of chapter 61-2275, Laws of Florida, as amended by chapter 71-688, Laws of Florida, substituting revised terminology for the terms "hospital and facilities" and "hospital or facilities"; amending subsection (3) of section 12 of chapter 61-2275, Laws of Florida, as amended by chapter 76-387, Laws of Florida, empowering the board to grant or refuse, revoke or suspend membership on the medical staff, or any privileges attendant to such membership, so that the best interests of the district may at all times be best served, and deleting certain provisions concerning such medical staff privileges; amending subsections (1), (3), (5) and (7) of section 13 of chapter 61-2275, Laws of Florida, as amended by chapters 71-688 and 76-387, Laws of Florida, substituting "health facilities" for previous terminology, providing for the investment of district surplus funds pursuant to chapter 218, Florida Statutes, providing for an increase in the dollar amount of the purchases or contracts for purchase of supplies, equipment and materials and leasing of equipment which must be submitted to public bid, providing for an increase in the dollar amount of contracts for construction of buildings or other improvements to health facilities owned and operated by the district authorized under this act which must be submitted to public bid, providing that such bids shall not be opened by the district until after the time at which all bids to be considered are required to be received by the district, empowering the district to participate in group bidding, providing for the procedures to participate in such group bidding and providing that the board of trustees may adopt an alternate bidding procedure which would not require the board of trustees to comply with the bidding procedures of section 13; adding section 13.1 to chapter 61-2275, Laws of Florida, as amended, providing that the board of trustees may require dual bidding in the submission of public bids for contracts for any construction, improvement or repair to any health facility wherein the district will provide health and medical services itself; amending section 14 of chapter 61-2275, Laws of Florida, as amended by chapter 72-568, Laws of Florida, reorganizing the structure of section 14, providing that the ad valorem bonds to be secured by the levy of ad valorem taxes are the bonds authorized by section 17, authorizing use of tax funds to lease health facilities and pay other expenses reasonably related to or supportive of the authorized activities of the district, substituting "health facilities" for "hospitals, clinics, nursing homes, parking facilities, ambulance services, billing and collection services and the like," and providing for the board to have the discretion to provide for the payment of expenses of medically indigent patients transferred to institutions outside the district; adding section 14.1 to chapter 61-2275, Laws of Florida, as amended, authorizing the district to fix rates, rents, fees and charges for the use of health facilities and for the health and medical services furnished in each health facility, and contract with any entity with respect thereof, and requiring the district to fix and adjust such rates, rents, fees and charges so as to provide funds at least sufficient with other revenues and money to (a) pay the cost of maintaining, repairing and operating a health facility, (b) pay principal and interest on outstanding revenue bonds of the district, and (c) create reserves required by any resolution authorizing, or trust agreement securing, such revenue bonds of the district; amending section 15 of chapter 61-2275, Laws of Florida, as amended, providing for the delivery of resolutions of the board which authorize taxes of the district to the Property Appraiser and Tax Collector of Indian River County and the Department of Revenue of the State of Florida, among others, within the time as may be specified by the laws of the State of Florida, and substituting "Property Appraiser" for "Tax Assessor"; amending section 16 of chapter 61-2275, Laws of Florida, as amended by chapter 71-688, Laws of Florida, to provide for interest rates not exceeding the maximum rate permissible under Florida Law; adding section 16.1 to chapter 61-2275, Laws of Florida, as amended, empowering the board of trustees of the district, in order to acquire and finance the acquisition of capital assets in the form of personal property, to borrow money from specified lenders, or as part of a pooled financing from designated lenders, to secure such borrowing by executing such security instruments or lease instruments as permitted by law or pledging as security the equipment acquired through such borrowing and requiring that any amounts so borrowed shall be repaid solely and exclusively from nontax revenues and shall not be within the limitations of section 16; adding section 16.2 to chapter 61-2275, Laws of Florida, as amended, providing for the issuance by the district of negotiable revenue bonds which do not pledge the faith and credit or the taxing power of the state or any political subdivision thereof or of the district, but are payable solely out of revenues and other funds of the district legally available therefor, and

revenue bond anticipation notes to pay or refinance any of the cost of any health facility; amending section 17 of chapter 61-2275, Laws of Florida, as amended by chapters 71-688 and 74-499, Laws of Florida, classifying the bonds authorized by this section as "ad valorem" bonds, substituting "health facilities for the provision of such health and medical services" for "hospitals, clinics, nursing homes, parking facilities, ambulance services, billing and collection services and the like," providing for interest rates not exceeding the maximum rate permissible under Florida Law, deleting the ceiling on the maximum amount of ad valorem bonds which may be outstanding at any one time, providing for the issuance by the district of bonds in registered form pursuant to the Registered Public Obligations Act of Florida, increasing the maximum length of maturity to forty (40) years and providing that any ad valorem bonds issued by the district shall have all the quality of negotiable instruments under the Florida Uniform Commercial Code-Investment Securities; adding section 17.1 to chapter 61-2275, Laws of Florida, as amended, providing for the issuance by the district of negotiable refunding bonds; adding section 26.1 to chapter 61-2275, Laws of Florida, as amended, empowering the district to provide insurance and other benefits for its officers and employees; amending section 27 of chapter 61-2275, Laws of Florida, as amended by chapter 71-688, Laws of Florida, providing for an increase in the dollar amount of borrowing authorized under section 27 and providing for interest rates not exceeding the maximum rate permissible under Florida Law; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committees on Appropriations and Judiciary-Civil and Senators Fox, Carlucci and Castor—

CS for CS for SB 159—A bill to be entitled An act relating to retired judges; amending s. 25.073, F.S.; providing an increase in the compensation of retired judges assigned to temporary duty; deleting the authority for certain judges over 70 to be appointed to serve the remainder of a term at full salary; providing an effective date.

By the Committee on Judiciary-Civil and Senator Rehm—

CS for SB 213—A bill to be entitled An act relating to compensation for victims of crimes; amending s. 960.03, F.S.; providing definitions; amending s. 960.05, F.S.; providing responsibilities of the Bureau of Crimes Compensation; amending s. 960.06, F.S.; changing powers and duties of the Division of Workers' Compensation of the Department of Labor and Employment Security; amending s. 960.07, F.S.; providing procedures for filing claims; providing for notification of claims to law enforcement agencies; amending s. 960.13, F.S.; providing for reduction of awards in certain situations; providing for determination of serious financial hardship; providing for payment of awards from funds collected in the circuit where the crime occurred; amending s. 960.17, F.S.; requiring repayment of a debt owed to the state as a condition of probation, parole, or employment in prison; amending s. 960.20, F.S.; providing for a range of additional costs that may be imposed; providing for imposition of costs when indigency is found to exist; amending s. 960.21, F.S.; providing for maintenance of separate accounts within the Crimes Compensation Trust Fund; amending s. 960.28, F.S.; providing for payment of initial physical examinations in sexual battery cases from circuit accounts; providing for establishment of separate accounts within the trust fund on certain dates; providing for development of a plan to locate representatives in each judicial circuit; authorizing the establishment of an advisory committee within the division; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senators Rehm, Castor, Hair, Thurman, Myers, Jenne, Malchon, Jennings, Henderson, D. Childers, Johnston, Carlucci, Meek, Grant, Frank, Grizzle, Vogt, Margolis, Girardeau, Dunn, Weinstein, Beard, Stuart, Deratany, McPherson, Hill, W. D. Childers, Gersten, Neal, Fox, Kirkpatrick, Crawford, Mann and Peterson—

CS for SB 333—A bill to be entitled An act relating to educational facilities construction and funding; amending s. 236.25, F.S.; restricting the type of projects which can be funded by the discretionary 2-mill capital outlay levy; providing for continuation of said section as amended; providing for legislative review of said section; providing for future repeal of said section; providing an effective date.

By the Committees on Appropriations and Governmental Operations and Senators Dunn, Neal, Henderson, Stuart, Margolis, Hair, Girardeau and Gersten—

CS for CS for SB 601—A bill to be entitled An act relating to state public facilities; providing legislative findings and intent; providing for a comprehensive capital facilities planning and budgeting process; providing for needs assessment; providing for an inventory of current facilities; providing for an assessment of certain trends and conditions; providing for legislative adoption of state goals and objectives; providing for assessment of facility needs; providing for policy statements guiding public facility development to be adopted by the Governor, the Administration Commission, and the Legislature; providing for monitoring and evaluation; amending s. 255.25, F.S.; providing for approval of certain financing techniques; amending s. 255.29, F.S.; providing for adoption of procedures for entering into performance based contracts; providing appropriations; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senators Vogt and Deratany—

CS for SB 649—A bill to be entitled An act relating to ad valorem taxation; creating s. 193.012, F.S.; providing an additional method for assessing certain leasehold interest; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Carlucci—

CS for SB 812—A bill to be entitled An act relating to kidnapping and false imprisonment; amending s. 827.03, F.S.; clarifying the definition of aggravated child abuse; providing for crimes involving kidnapping and false imprisonment of children under the age of 13; providing penalties; providing an effective date.

By the Committee on Transportation and Senator Beard (by request)—

CS for SB 944—A bill to be entitled An act relating to public transportation; creating the "Florida High Speed Rail Transportation Commission Act"; providing legislative findings, statement of policy, purpose, and intent; providing definitions; providing for the creation of the Florida High Speed Rail Transportation Commission; providing general and special powers and duties thereof; providing for the sole and exclusive determination of need for high speed rail transportation systems; providing for service designation and system termini; providing for bonds and project financing; providing a penalty; prohibiting the pledge of full faith and credit by the state; providing for franchises and audits; providing for the powers and duties of the Department of Transportation; providing for the powers and duties of the Governor and Cabinet sitting as a siting board with respect to high speed rail lines; providing for the powers and duties of the Department of Environmental Regulation and the Department of Community Affairs; providing for the applicability of the act and for franchises and certification components; providing for requests for proposals; providing for franchise applications; providing fees; providing for notice of intent; providing for a franchise and environmental review committee; providing for the powers and duties of hearing officers; providing for local government hearings; providing for reports and studies; providing for notice, proceedings, parties, and participants; providing for alternate corridors; providing for the final disposition of certification applications; providing for modification of a franchise; providing for the assessment of the franchise component; providing for conditions precedent to the award of a franchise; providing for the effect of a franchise; providing for the recording of notice of a certified corridor route; providing for revocation or suspension of a franchise; providing for enforcement; providing for superseded laws, regulations, and certification power; providing that certification is admissible in eminent domain proceedings; providing for participation by women and socially and economically disadvantaged individuals; providing for review and repeal; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senator Thurman—

CS for SB 998—A bill to be entitled An act relating to municipal service taxing units; providing certain bases for levying special assessments in municipal service taxing units; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Neal, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to meet May 18 from 11:30 a.m. until 12:00 noon to take up motions to reconsider.

On motion by Senator Johnston, the rules were waived and the Committee on Appropriations was granted permission to meet May 22 from 2:00 until 6:00 p.m.

On motion by Senator Margolis, the rules were waived and by two-thirds vote SB 777 was withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Rehm, by two-thirds vote SB 330 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Henderson, by two-thirds vote SB 640 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Gordon, the rules were waived and the Committee on Education was granted permission to consider SB 1065 and SB 98 on May 18.

On motion by Senator Jenne, the rules were waived and by two-thirds vote CS for SB 420 was withdrawn from the Committee on Judiciary-Criminal.

Senator Gordon announced cancellation of the meeting of the Committee on Education scheduled for Tuesday, May 22.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 522, 635 and 152 which became law on May 17.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 984, and has passed CS for SB 1077.

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 to House amendments and passed as further amended SB 219.

Allen Morris, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment to CS for HB 795 and passed as amended.

Allen Morris, Clerk

SPECIAL ORDER

CS for SB 728—A bill to be entitled An act relating to dental insurance and dental service corporations; creating s. 627.6577, F.S., requiring employers, groups, and organizations offering certain dental coverage to enable insureds to select their dentist; providing for notice; limiting application of provisions; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote CS for SB 728 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Margolis

Vote after roll call:

Yea—Weinstein

Yea to Nay—Gersten

On motion by Senator Girardeau, the rules were waived and CS for SB 728 was ordered immediately certified to the House.

Disclosure Pursuant to Rule 1.39

Pursuant to Rule 1.39 of the Florida Senate, please be advised of a potential conflict of interest with CS for SB 728, sponsored by me.

This bill relates to dental insurance, and my profession is dentistry. However, my interest in this situation is one of promoting consumer protective legislation.

Arnett E. Girardeau, 7th District

Consideration of SB 893 was deferred.

CS for SB 296—A bill to be entitled An act relating to youthful offenders; amending s. 958.03, F.S.; providing definitions; amending s. 958.04, F.S.; authorizing the court to designate certain persons as youthful offenders; changing the categories of persons who may be so designated; providing for judicial disposition of youthful offenders; providing circumstances for early termination of probation, community control, or sentence; amending s. 958.09, F.S.; providing for the adoption of rules on extensions of the limits of confinement; amending s. 958.11, F.S.; restricting youthful offender programs, institutions, and community facilities to eligible youthful offenders; authorizing the Department of Corrections to assign certain youthful offenders to institutions not designated for their care and supervision in certain circumstances; authorizing the department to assign certain inmates to the youthful offender program; amending s. 958.12, F.S.; expanding the activities in which a youthful offender may be required to participate; amending s. 958.14, F.S., relating to violations of probation or community control; providing methods of release from incarceration for certain youthful offenders; repealing s. 958.05, F.S., relating to judicial disposition of youthful offenders; repealing s. 958.10, F.S., relating to the term of confinement in the community control program for youthful offenders; providing an effective date.

—was read the second time by title.

Senator D. Childers moved the following amendment:

Amendment 1—On page 3, line 17, strike "24" and insert: 21

Further consideration of CS for SB 296 with pending amendment was deferred.

Consideration of CS for SB 303 was deferred.

SB 441—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; postponing the repeal of the exemption for solar energy systems and components; 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 Margolis and adopted:

Amendment 1—On page 1, line 28, insert:

Subsection 2. Subsection (19) 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:

(19) "Solar energy system" means equipment and requisite hardware which provide and are used for the collection, transfer, storage, and use of incident solar energy for water heating, space heating, cooling, or other application which would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity. This subsection is repealed effective June 30, 1989 1984.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 3, strike “s.” and insert: ss. 212.02 and

On motion by Senator Mann, by two-thirds vote SB 441 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
Barron	Gersten	Johnston	Scott
Beard	Girardeau	Kirkpatrick	Stuart
Carlucci	Gordon	Langley	Thomas
Castor	Grant	Malchon	Thurman
Childers, D.	Grizzle	Mann	Vogt
Childers, W. D.	Hair	Margolis	Weinstein
Crawford	Henderson	McPherson	
Deratany	Hill	Myers	
Fox	Jenne	Neal	

Nays—None

Vote after roll call:

Yea—Rehm

On motion by Senator Barron, by two-thirds vote CS for SB 333 was placed first on the consent calendar.

SB 376—A bill to be entitled An act relating to drivers' licenses; providing intent; amending s. 322.12, F.S., requiring driver's license examination of persons licensed in another state or country; increasing the initial examination fee for a driver's license; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 24 and 25 and insert: fee of \$5 \$3 for each such examination; however, any person required to submit

On motion by Senator Gersten, by two-thirds vote SB 376 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	Gersten	Kirkpatrick	Scott
Beard	Girardeau	Malchon	Stuart
Carlucci	Gordon	Mann	Thomas
Castor	Grizzle	Margolis	Thurman
Childers, D.	Hair	McPherson	Vogt
Crawford	Henderson	Myers	Weinstein
Deratany	Hill	Neal	
Fox	Jennings	Plummer	
Frank	Johnston	Rehm	

Nays—3

Childers, W. D. Grant Langley

Vote after roll call:

Yea—Jenne

Nay—Barron

Yea to Nay—Beard, Scott, Thomas

On motion by Senator Gersten, the rules were waived and SB 376 after being engrossed was ordered immediately certified to the House.

On motions by Senator W. D. Childers, by two-thirds vote HB 5 was withdrawn from the Committees on Transportation and Appropriations.

On motions by Senator W. D. Childers—

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.

—a companion measure, was substituted for CS for SB's 387 and 1047 and read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 5 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hair

CS for SB's 387 and 1047 was laid on the table.

On motion by Senator Beard, the rules were waived and HB 5 was ordered immediately certified to the House.

CS for SB 87—A bill to be entitled An act relating to solicitation of contributions; amending s. 496.01, F.S.; providing a short title; amending s. 496.02, F.S.; providing definitions; amending s. 496.021, F.S.; prescribing powers and duties of the Department of State; amending s. 496.03, F.S.; providing for registration of charitable organizations and sponsors; transferring, renumbering, and amending s. 496.30, F.S.; providing for reciprocal agreements; amending s. 496.04, F.S.; providing exemptions from registration and from registration fees; amending s. 496.045, F.S.; providing for registration of professional solicitors and professional solicitor employees; creating s. 496.046, F.S.; prescribing fees; transferring and renumbering s. 496.285, F.S., as amended by ch. 83-243, Laws of Florida; providing for the disposition of fees; amending s. 496.06, F.S.; providing a limitation on the activities of charitable organizations; providing that certain annual drives shall be construed as special events as same appears in s. 339.301, F.S.; creating s. 496.065, F.S.; requiring disclosure; amending s. 496.09, F.S.; requiring the keeping of accurate fiscal records; providing an exemption from the provisions of s. 119.07, F.S., the public records law; amending s. 496.095, F.S.; providing for public records; amending s. 496.105, F.S.; providing for designation of the Department of State as agent for service of process for nonresidents; transferring, renumbering, and amending s. 496.31, F.S.; prohibiting certain acts; providing criminal penalties; amending s. 496.13, F.S.; providing for enforcement and penalties; transferring, renumbering, and amending s. 496.335, F.S.; providing remedies for the unlawful solicitation of contributions; amending s. 496.132, F.S.; providing that more stringent local provisions shall not be preempted; amending s. 496.40, F.S.; providing for certain restrictions on solicitation of funds within public transportation facilities; providing for suspension or revocation of permits; amending s. 943.14, F.S.; relating to operation of private criminal justice training schools; providing that ch. 496, F.S., shall not stand repealed, but that such chapter, as amended, is revived and readopted, except that ss. 496.05, 496.11, 496.20, 496.21, 496.22, 496.23, 496.235, 496.24, 496.25, 496.26, 496.27, 496.28, 496.29, 496.32, 496.33, and 496.34, F.S., shall stand repealed; providing for future repeal and review; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 2, after line 28, strike everything after the enacting clause and insert:

Section 1. Section 496.01, Florida Statutes, is amended to read:

496.01 Short title; Solicitation of Charitable Contributions Funds Act.—This part ~~act shall be known and~~ may be cited as the “Solicitation of Charitable Contributions Funds Act.”

Section 2. Section 496.02, Florida Statutes, is amended to read:

496.02 Definitions.—As used in this part ss. ~~496.01-496.132:~~

(1)(a) "Charitable organization" means a group which is or holds itself out to be a benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary organization or any person who solicits or obtains contributions solicited from the public for charitable purposes after the effective date of this chapter. The term includes a chapter, branch or, area, office, or similar affiliate, or any person soliciting contributions within the state for a charitable organization which has its principal place of business outside the state ~~shall be a charitable organization for the purposes of ss. 496.01-496.132.~~

(b) This definition shall not be deemed to include bona fide religious institutions which are defined and limited as follows:

1. "Religious institutions" means churches, ecclesiastical or denominational organizations, or established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on and ~~includes shall also include~~ those bona fide religious groups which do not maintain specific places of worship.

2. "Religious institutions" shall also include such separate groups or corporations which form an integral part of those institutions described in subparagraph 1. which are exempt from federal income tax as exempt organizations under the provision of s. 501(c)(3) of the Internal Revenue Code of 1954, ~~or of a corresponding section of any subsequently enacted Federal Revenue Act,~~ and which are not primarily supported by funds solicited outside its own membership or congregation.

(2)(4) "Charitable purpose" means any charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose for religion, health, education, social welfare, arts and humanities or civic and public interests.

(3)(2) "Contributions" means the donation, ~~promise,~~ or grant of any money or property of any kind or value, except money or property received from any governmental authority.

(4) "Cost of fundraising" means all legitimate and reasonable expenses incurred in soliciting contributions, including, but not limited to, costs of goods sold or services purchased and expenses incurred for employee salaries, printed materials, office space, phones, and advertising, and for the services of a professional solicitor.

(5) "Department" means the Department of State.

(6) "Federated fundraising organization" means a federation of independent charitable organizations which have voluntarily joined together, including, but not limited to, a united fund or community chest, for purposes of raising and distributing money for and among themselves and where membership does not confer operating authority and control of the individual agencies upon the federated group organization.

~~(10) "Gross contributions" and "cost of fundraising" shall be determined in accordance with a recognized uniform system of accounting which shall be prescribed or approved by the department.~~

~~(5) "Income" means the gross amount of contributions received from the public by an organization during its fiscal year.~~

(7)(9) "Parent organization" means that part of a charitable organization which coordinates, supervises, or exercises control over policy, fundraising, or expenditures, or assists or advises one or more chapters, branches, or affiliates in the state.

(8)(7) "Person" means any individual, organization, trust, foundation, group, association, partnership, corporation, society, or any combination of them.

(9)(8) "Professional solicitor" means any person who, for a financial or other consideration, solicits contributions for, or on behalf of, a charitable organization, whether such solicitation is performed personally or through his agents, servants, or employees or through agents, servants, or employees specially employed by or for a charitable organization, who are engaged in the solicitation of contributions under the direction of such person; or a person who, for a financial or other consideration, plans, conducts, manages, carries on, or advises a charitable organization in connection with the solicitation of contributions; however, no agent, servant, or employee of a professional solicitor shall be deemed to be a professional solicitor. A bona fide salaried officer or employee of a charitable organization maintaining a permanent establishment within the state shall not be deemed to be a professional solicitor. However, any bona fide salaried officer or employee of a charitable organization, other than a parent organization or federated fundraising organization, which officer

or employee, for a financial or other consideration, that engages in the solicitation of contributions in any manner for more than one charitable organization, shall be deemed a professional solicitor. No attorney, investment counselor, accountant, or banker who, in the conduct of his profession, advises a any person to make a contribution to a charitable organization shall be deemed, as a result of such advice, to be a professional solicitor.

(10) "Professional solicitor employee" means any person employed by a professional solicitor for the purpose of making, supervising, or participating in any solicitation in this state and who is paid by a professional solicitor, whether by salary or commission, who works under the direct supervision and control of a professional solicitor, and who is authorized to hire employees and sign contracts in the name of a professional solicitor. This definition shall not include employees making only telephone solicitations if those solicitations are made under the direct supervision of a registered professional solicitor or registered professional solicitor employee.

(11)(2) "Solicit" and "solicitation" mean the request directly or indirectly for money, credit, property, financial assistance, or other thing of value on the plea or representation that such money, credit, property, financial assistance, or other thing of value will be used for a charitable purpose as those purposes are defined in this section, and include the following methods of securing such money, credit, property, financial assistance, or other thing of value:

(a) Any oral or written request.

(b) The making of any announcement to the local press, over the radio or television, or by telephone or telegraph, concerning a local appeal or campaign to which requests the public is requested to make a contribution for any charitable purpose connected therewith.

(c) The distribution, circulation, posting, or publishing of any handbill, written advertisement, or other local publication which directly or by implication seeks to obtain contributions public support.

(d) The sale of, offer of, or attempt to sell any advertisement, advertising space, book, card, tag, coupon, device, magazine, membership, merchandise, subscription, flower, ticket, candy, cookies, or other tangible item in connection with which any appeal is made for any charitable purpose, or when the name of any charitable person is used or referred to in such an appeal as an inducement or reason for making any such sale for any charitable purpose, or when, in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will be donated to any charitable purpose.

Solicitation shall be deemed to have taken place when the request is made, whether or not the person making the request receives any contribution.

Section 3. Section 496.021, Florida Statutes, is amended to read:

496.021 Powers and duties of the Department of State.—

(1) The Department of State is ~~authorized hereby vested with the power, jurisdiction, and authority to issue, deny, suspend, and revoke certificates of registration to organizations which solicit obtain contributions solicited from the public for charitable purposes and to professional solicitors and professional solicitor employees who, for financial or other consideration, solicit contributions for, or on behalf of, a charitable organization. The department is authorized to adopt shall have the power, jurisdiction, and authority to promulgate reasonable rules and regulations pursuant to chapter 120, to prescribe necessary forms for registration or other purposes, to make effective such rules, regulations, and procedures, and, when necessary, to hold hearings and make adjudications as provided in this part, ss. 496.01-496.132 and make recommendations to the appropriate authority prosecuting attorney for enforcement of this part ss. 496.01-496.132. The department may impose fines as provided in s. 496.13.~~

(2) ~~In addition to the authority granted The department by ss. 496.01-496.132, it may commence and maintain in a court of competent jurisdiction all proper and necessary actions and proceedings to enjoin and abate any act prohibited by this part or to enforce any requirement imposed by this part ss. 496.01-496.132.~~

(3) The department shall make such individual investigations of each applicant all applicants for a certificate certificates of registration as it may deem necessary.

~~(4) All financial records of any professional solicitor or charitable organization which records pertain to the solicitation and expenditure of contributions received shall, upon demand, be available to the department for inspection and investigation. However, names, addresses, and identities of contributors and amounts contributed by them shall be exempt from the provisions of s. 119.07(1), the public records law, shall not be disclosed by the department; and shall be removed from the records and the custody of the department at such time that such information is no longer necessary for the enforcement of ss. 496.01-496.132 and shall not be disclosed by the department.~~

~~(5) The Department of State may enter into reciprocal agreements with the appropriate federal or state authority for the purpose of exchanging information with respect to charitable organizations. Pursuant to such agreements, the Department of State may accept information filed by a charitable organization with the appropriate authority of another state in lieu of the information required to be filed in accordance with the provisions of ss. 496.01-496.132, if such information is substantially similar to the information required under ss. 496.01-496.132. The Department of State shall also grant exemption from the requirement for the filing of annual registration statement to charitable organizations organized under the laws of another state having their principal place of business outside the state whose funds are derived principally from sources outside the state and which have been granted exemption from the filing of registration statements by the state under whose laws they are organized if such state has a statute similar in substance to the provisions of ss. 496.01-496.132.~~

~~(4)(6) For purposes of enforcing the provisions of this part ss. 496.01-496.132 and in making investigations under this part, relating to any violation thereof, for purposes of investigating the character, competence, or integrity of any organization, and for purposes of investigating practices and business methods thereof, the department shall have the power to subpoena and bring before it any person in the state and may require the production of any papers it deems necessary and administer oaths and take depositions of any such person so subpoenaed. Failure or refusal of any person duly subpoenaed organization, professional solicitor, or professional solicitor employee, or any duly subpoenaed officer, employee, or agent of any such organization or professional solicitor to be examined or to answer any legal or pertinent question as to such organization, professional solicitor, or professional solicitor employee under investigation shall be grounds for revocation of the a certificate of registration of the organization, professional solicitor, or professional solicitor employee or refusal to issue such certificate of registration, as the case may be. The testimony of witnesses in any such proceeding shall be under oath before the department or its agent, and any person who willfully swears falsely in such proceedings shall be subject to the penalties for perjury.~~

Section 4. Section 496.03, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 496.03, F.S., for present text.)

496.03 Registration of charitable organizations.—

(1) Each charitable organization shall, prior to any solicitation, file a registration application with the department upon prescribed forms. The registration application shall contain the following information:

(a) The name of the organization and the purpose for which it was organized.

(b) The principal mailing and street address of the organization and the mailing and street addresses of any offices in this state.

(c) The names and mailing and street addresses of any subsidiary or subordinate chapters, branches, or affiliates in this state.

(d) The place where and the date when the organization was legally established, the form in which it is organized, and a reference to any determination of its tax-exempt status, if any, under the United States Internal Revenue Code.

(e) The names and mailing and street addresses of the officers, directors, trustees, and the principal salaried executive staff officer.

(f) The name and mailing and street address of the person having custody of its financial records.

(g) The names of the individuals or officers of the organization who will have responsibility for the custody of the contributions.

(h) The names of the individuals or officers of the organization who will have responsibility for the distribution of the contributions.

(i) The names of the individuals or officers of the organization who will have responsibility for the conduct of solicitation activities.

(j) The names under which the organization intends to solicit contributions.

(k) The general purposes for which the contributions to be solicited shall be used.

(l) A statement indicating whether the organization intends to solicit contributions directly or have such done on its behalf by others, and naming any professional solicitor the organization intends to use.

(m) A statement indicating whether the organization is authorized by any other governmental authority to solicit contributions and whether it is or has ever been enjoined by any court from soliciting contributions.

(n) The cost of fundraising incurred or anticipated to be incurred by the organization, including a breakdown of all expenses and a statement of such costs as a percentage of contributions received.

(o) A financial statement covering complete disclosure of all of the fiscal activities of the organization during the preceding year. Any organization whose contributions were no more than \$50,000 during its preceding fiscal year may submit its statement on forms approved by the department, signed by the chief executive officer, verified under oath, and attested to by the chief fiscal officer or may submit a review by an independent certified public accountant or an audit with an opinion by an independent certified public accountant. Any organization whose contributions were more than \$50,000 but not more than \$100,000 during its preceding fiscal year may submit either a review by an independent certified public accountant or an audit with an opinion by an independent certified public accountant. Any organization whose contributions were more than \$100,000 during its preceding fiscal year shall submit an audit with an opinion by an independent certified public accountant. The financial statement, review, or audit shall specifically identify the amount of contributions raised and all costs and expenses incidental thereto, all publicity costs, and costs of allocation or disbursement of contributions raised and shall conform to the standards established by the Florida Board of Accountancy. Any governmental organization may file a copy of the Auditor General's report or a similar report approved by a governmental agency in lieu of a financial statement, review, or audit. The department may grant an extension, not to exceed 60 days, to a charitable organization that, as a result of the amount of contributions received, is required to submit a review or audit by an independent certified public accountant. This extension shall only be granted for good cause as determined by the department and such extension shall only apply to the submission of the review or audit.

(2) A chapter, branch, affiliate, or independent member agency, upon mutual agreement with the parent organization or federated fundraising organization, may submit its application for registration or renewal to its parent organization or federated fundraising organization for transmittal to the department along with the application for registration or renewal submitted by the parent organization or federated fundraising organization. The financial statement of the parent organization or federated fundraising organization shall reflect the financial activities of those chapters, branches, affiliates, and independent member agencies which submit applications for registration or renewal through the parent organization or federated fundraising organization.

(3) Each chapter, branch, affiliate, or independent member agency of a parent organization or federated fundraising organization which solicits or receives contributions from any source other than the parent organization or federated fundraising organization or a governmental agency shall, if such contributions are not reported through the parent organization or federated fundraising organization, apply for registration independently.

(4) Each applicant for registration shall submit the registration fee prescribed in s. 496.046, upon approval of the application.

(5) Each application for registration shall be signed by the chief executive officer and shall be verified under oath.

(6) The department shall examine each application and, if the department finds the application to be in conformity with the requirements of this part and all relevant rules, it shall issue the certificate of

registration. No charitable organization shall be eligible for a certificate of registration if its principal salaried executive staff officer or any person described in paragraphs (1)(g)-(i) has been convicted within the past 5 years of a violation of any provision of this part or has been convicted of a felony in this or any other state if his civil rights have not been restored.

(7) All certificates of registration issued to charitable organizations shall expire on the last day of the 6th month following the month in which the fiscal year of the charitable organization ends.

(8) Each charitable organization shall, prior to the expiration of its certificate of registration, file with the department a registration renewal form prescribed and furnished by the department, provided that information required in such renewal form shall not exceed that required in the original application and shall provide appropriate financial information for the prior fiscal year and shall pay the annual registration fee prescribed in s. 496.046.

(9) In addition to the requirements stated above, a registrant who fails to file a renewal application prior to the expiration of its certificate of registration must renew its registration by paying a late fee equal to the amount of the annual registration fee.

(10) No certificate of registration shall be renewed 6 months or more after its expiration date unless the organization submits a new application and the respective fees. Such an organization may be subject to all the requirements of an initial application.

Section 5. Section 496.035, Florida Statutes, is created to read:

496.035 Reciprocal agreements.—The department may enter into reciprocal agreements with the appropriate state authority for the purpose of exchanging information with respect to charitable organizations. Pursuant to such agreements, the department may accept information filed by a charitable organization with the appropriate authority of another state in lieu of the information required to be filed in accordance with the provisions of this part, if such information is substantially similar to the information required under this part. The department shall also grant exemption from the requirement for the filing of annual registration statement to charitable organizations organized under the laws of another state having their principal place of business outside the state whose funds are derived principally from sources outside the state and which have been granted exemption from the filing of registration statements by the state under whose laws they are organized if such state has a statute similar in substance to the provisions of this part.

Section 6. Section 496.04, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 496.04, F.S., for present text.)

496.04 Exemptions from registration and from registration fees.—

(1) The following are exempt from the registration provisions of this part:

(a) A charitable organization which does not receive contributions in excess of \$10,000 during its fiscal year and which does not use the services of a professional solicitor. Nevertheless, if the contributions raised are in excess of \$10,000, the charitable organization shall, within 30 days after the date it shall have received contributions in excess of \$10,000, register with the department as required by this part.

(b) A charitable organization which does not receive contributions from more than 100 persons, if all of its functions, including fundraising activities, are performed by persons who are unpaid for their services, if no part of its assets or income inures to the personal benefit of, or is paid to, any officer or member, and if it does not use the services of a professional solicitor.

(c) A charitable organization which solicits only within its membership by the membership thereof. The term "membership" does not include those persons who are granted a membership upon making a contribution as the result of solicitation.

(d) A person soliciting contributions for the relief of any individual specified by name at the time of the solicitation, if all of the contributions collected, without any deductions, are turned over to the named beneficiary or promptly dedicated to the use of the named beneficiary.

(e) A public educational institution comprising a part of the State University System or operated by a community college board of trustees under statutory authority and rules of the State Board of Education or by

a district school board, and a direct support organization authorized pursuant to s. 240.299 or s. 240.331 and any parent-teacher organization recognized by the educational institution.

(f) A private educational institution accredited by the Southern Association of Colleges and Schools.

Any charitable organization granted an exemption pursuant to this subsection may surrender such exemption; provided, however, that any such surrender shall be construed to be a waiver of all exemptions, present and future. Any charitable organization granted an exemption shall automatically surrender such exemption upon employment of a professional solicitor. If such an exemption is surrendered, the charitable organization shall pay the fees as prescribed in s. 496.046.

(2) The following are exempt from the registration fee provisions of this part.

(a) All little league baseball organizations affiliated with the parent organization which holds a certificate of federal charter as enacted by the Congress of the United States under Pub. L. No. 88-378.

(b) Every scholarship fund which solicits and raises funds solely for the purpose of providing scholarships, if all of the fund's functions, including fundraising activities, are carried on by persons who are unpaid for their services and if no part of its assets or income inures to the benefit of, or is paid to, any officer or member.

Section 7. Section 496.045, Florida Statutes, is amended to read:

496.045 Registration of professional solicitors and professional solicitor employees.—

(1) No person shall act as a professional solicitor for a charitable organization subject to the provisions of ss. 496.01-496.132 unless he has first registered with the department of State and received a certificate of registration. Application for registration shall be in writing under oath or affirmation in the form prescribed by the department of State and shall contain the principal mailing and street address of the place where the professional solicitors financial records are kept and such other information as the department of State may require. No person who has been convicted within the past 5 years for a violation of any provision part of this part ss. 496.01-496.132 and no person convicted of a felony in this or any other state shall be eligible for a certificate of registration or shall serve as an employee, member, officer, or agent of any professional solicitor until his civil rights have been restored.

(2) Every person shall, before being employed within this state by a professional solicitor for the purpose of making, supervising, or participating in any solicitation, make application to the department of State for a certificate of registration as a professional solicitor an employee. However, no such application is required for employees making only telephone solicitations if such solicitations are made under the direct supervision of a professional solicitor who has a current certificate of registration or an employee who holds a current certificate as an employee. The Such application shall be in writing under oath or affirmation and in the form prescribed by the department and contain such information as the department may require. the same manner and shall require the same qualifications as set forth in subsection (1). The annual fee for an employee certificate shall be \$10. If the department of State declines to issue the certificate to such employee, the employment of such person shall be terminated.

(3) Each applicant for registration as a professional solicitor or professional solicitor employee shall submit a full set of fingerprints along with the application. The department shall conduct a fingerprint check of all applicants for registration under this section.

(4) Each applicant for registration as a professional solicitor or professional solicitor employee shall submit the appropriate registration fee as prescribed in s. 496.046.

(5)(3) The applicant for registration as a professional solicitor shall, at the time of making application, file with and have approved by the department of State, a bond in which the applicant shall be the principal obligor in the sum of \$10,000 with one or more sureties, satisfactory to the department of State, whose liability in the aggregate as such sureties will at least equal that the said sum and maintain the said bond in effect so long as a registration is in effect. Such bond may be secured by cash, or its equivalent, such as certificates of deposit, pursuant to rule adopted by the department. The bond shall be payable to the State of Florida for

the use of the department of State and any person who prevails in an ~~may have a cause of action against the obligor of the said bonds for any losses resulting from malfeasance, nonfeasance, or misfeasance in the conduct of solicitation activities.~~ An individual, partnership or corporation, which is a professional solicitor, may file a consolidated bond on behalf of all its members, officers, and employees. A certificate of registration issued to a professional solicitor shall be automatically suspended on the date of expiration or cancellation of his surety bond, unless evidence of renewal or replacement is provided prior to the expiration or cancellation.

(6)(4) ~~The annual registration fee for every person who is a professional solicitor in this state shall be \$500. The annual registration shall expire one year after issuance at midnight on December 31 of each year.~~

(7) Each professional solicitor and professional solicitor employee shall, prior to the expiration of his certificate of registration, file with the department a registration renewal form prescribed and furnished by the department and shall pay the annual registration fee prescribed in s. 496.046.

(8) In addition to the requirements stated above, a registrant who fails to file a renewal application prior to the expiration of its certificate of registration must renew its registration by paying a late fee equal to the amount of the annual registration fee.

(9) No certificate of registration shall be renewed 6 months or more after its expiration date unless the applicant submits a new application and the respective fees. Such an applicant may be subject to all the requirements of an initial application.

Section 8. Section 496.046, Florida Statutes, is created to read:

496.046 Fees.—

(1) Each application for registration as a charitable organization shall be accompanied by a \$10 application fee.

(2) Each application for registration as a professional solicitor or professional solicitor employee shall be accompanied by a \$25 application fee.

(3) Each charitable organization which received \$25,000 or less in contributions during its prior fiscal year shall pay an annual registration fee of \$10.

(4) Each charitable organization which received in excess of \$25,000 in contributions during its prior fiscal year shall pay an annual registration fee of \$50.

(5) Each professional solicitor shall pay an annual registration fee of \$500.

(6) Each professional solicitor employee shall pay an annual registration fee of \$10.

Section 9. Section 496.047, Florida Statutes, is created to read:

496.047 Division of Licensing Trust Fund.—All moneys required to be paid under this part shall be collected by the department and shall be deposited into the Division of Licensing Trust Fund to be used to pay the costs incurred in administering and enforcing the provisions of this part.

Section 10. Section 496.06, Florida Statutes, is amended to read:

496.06 Limitation on activities of charitable organization.—

(1) No charitable organization subject to *this part ss. 496.01-496.132* shall expend funds raised for charitable purposes for noncharitable purposes.

(2) Annual drives, conducted on behalf of charitable organizations registered under *this part and under s. 501(c)(3) of the Internal Revenue Code, which involve solicitation on state-maintained roads and rights-of-way shall be construed to fall within the meaning of the phrase "special event" as that phrase appears in s. 339.301, and shall be subject to the regulations pertaining to same.*

Section 11. Section 496.065, Florida Statutes, is created to read:

496.065 Disclosures.—

(1) Each charitable organization shall, upon request by any person from whom it solicits a contribution, provide a written statement disclosing the following information:

(a) The estimated contributions to be received; the percentage of the contributions to be paid to a professional solicitor if one is used; the estimated additional costs of fundraising to be incurred; and the estimated contributions which will actually be used for the stated purpose for which the contribution was solicited.

(b) The purposes of the organization.

(c) The general purposes for which contributions are to be used after paying the costs of fundraising.

(2) Each charitable organization shall ensure that persons who solicit contributions on behalf of the charitable organization have proper identification. Professional solicitors and their employees shall be required to have and produce or display, on demand, identification indicating that the solicitor has been authorized by the charitable organization for which he is soliciting. Such identification shall include, but not be limited to, the name of the holder of the identification and the name and number of the certificate of registration of the charitable organization, if applicable.

Section 12. Section 496.09, Florida Statutes, is amended to read:

496.09 Records to be kept by charitable organizations.—~~Each Every~~ charitable organization and professional solicitor subject to the provisions of *this part ss. 496.01-496.132* shall, in accordance with the rules and regulations prescribed by the department and in such form as will enable it accurately to provide the information required by *this part of State, keep accurate true* fiscal records as to its activities in this state as may be covered by *this part*, including, but not limited to, records of all income and expenses, within the purview of *this part ss. 496.01-496.132*, as to its activities in Florida as may be covered by *ss. 496.01-496.132* in such form as will enable it accurately to provide the information required by *ss. 496.01-496.132*. Upon demand, such records shall be made available to the department of State or an appropriate authority prosecuting attorney for inspection. However, names, addresses, and identities of contributors and amounts contributed by them shall be exempt from the provisions of s. 119.07(1), the public records law; shall not be disclosed by the department; shall be removed from the records and the custody of the department at such time that such information is no longer necessary for the enforcement of *this part ss. 496.01-496.132*; and shall not be disclosed by the department. Such records shall be retained for a period of at least 3 years after the end of the period of registration to which they relate.

Section 13. Section 496.095, Florida Statutes, is amended to read:

496.095 Information filed to become public records.—Except as otherwise provided in *this part ss. 496.01-496.132*, registration statements and applications, reports, and all other documents and information required to be filed under *this part ss. 496.01-496.132* or by the department of State shall become public records in the office of the department of State, and shall be open to the general public for inspection at such times and under such conditions as the department of State may prescribe. In addition, after approval and renewal of certificates, the department shall, upon request, send to any appropriate agency a supplemental list of registrants under *ss. 496.01-496.132*.

Section 14. Section 496.105, Florida Statutes, is amended to read:

496.105 Nonresident charitable organizations, designation of Department Secretary of State as agent for service of process; notice of such service to organization.—

(1) Any charitable organization or professional solicitor which has its principal place of business without the state, or which is organized under and by virtue of the laws of a foreign state, and which solicits contributions within from people in this state, shall be subject to the provisions of *this part ss. 496.01-496.132* and shall be deemed to have irrevocably appointed the Department Secretary of State as its agent upon whom may be served any summons, subpoena, subpoena duces tecum, or other process directed to such charitable organization or professional solicitor or any partner, principal officer, or director thereof in any action or proceeding brought under the provisions of *this part ss. 496.01-496.132*.

(2) Service of such process upon the Department Secretary of State shall be made by personally delivering to and leaving with the department him a copy thereof at the capitol in Tallahassee. Such service shall be sufficient service provided that notice of such service and a copy of such process are forthwith sent to such charitable organization or professional solicitor by registered or certified mail with return receipt requested at its office, as set forth in the registration form required to be filed with the Department of State pursuant to *this part ss. 496.01-496.132* or, in default of the filing of such forms, at the last address known.

Section 15. Section 496.11, Florida Statutes, is amended to read:

496.11 Prohibited acts; required acts; criminal penalties.—

(1) A charitable organization, professional solicitor, or professional solicitor employee who is required to register under this part and who is not registered or who fails to file with the department any application, statement, report, or other information required to be shall not solicit contributions.

(2) It is unlawful for any person to file with the department any application, statement, report, or other information required to be filed which he knows to contain a false or misleading statement.

(3) No charitable organization or person acting on behalf of a charitable organization shall employ in any solicitation of contributions any device, scheme, or artifice to defraud or to obtain a contribution by means of any false pretense, misrepresentation, or false promise.

(4)(1) No organization, and no person soliciting contributions on behalf of an organization, subject to the provisions of ss. 406.01-406.132 shall use or exploit the fact of registration in a manner which would lead a reasonable person so as to lead the public to believe that such registration in any manner constitutes an endorsement or approval by the state. ~~;~~ provided, however, that the use of the following statement in connection with solicitations by or on behalf of an organization registered under this part shall not be deemed a prohibited exploitation: "Registered with the Florida Department of State as required by law. Registration does not imply endorsement of a public solicitation for contribution."

(5)(2) No person shall, in connection with the solicitation of contributions for or the sale of goods or services of a person other than a charitable organization, misrepresent to or mislead another person anyone by any manner, means, practice, or device which would lead a reasonable person whatsoever, to believe that the person on whose behalf such solicitation or sale is being conducted is a charitable organization or that the proceeds or any part of the proceeds of such solicitation or sale will be used for charitable purposes, if such is not the fact.

(6)(3) No person shall, in connection with the solicitation of contributions or the sale of goods or services for charitable purposes, misrepresent to or mislead another person represent to or lead anyone by any manner, means, practice, or device which would lead a reasonable person whatsoever, to believe that any other person sponsors or endorses such solicitation of contributions or; sale of goods or services for charitable purposes or approves of such charitable purposes or a charitable organization connected therewith when such person has not given written consent to the use of his name for these purposes. Any member of the board of directors or trustees of a charitable organization or any other person who has agreed either to serve or to participate in any voluntary capacity in the campaign shall be deemed thereby to have given his consent to the use of his name in the said campaign.

(7)(4) No person shall make any representation that he is soliciting contributions for or on behalf of a charitable organization or shall use or display any emblem, device, or printed matter belonging to or associated with a charitable organization for the purpose of soliciting or inducing contributions from the public without first being authorized in writing to do so by the charitable organization.

(8)(5) No professional solicitor or his agent, servant, or employee, or any other person shall solicit in the name of or on behalf of any charitable organization unless:

(a) The professional Such solicitor has first obtained written authorization of two officers of such organization on a form approved by the department of State, a copy of which authorization shall be filed with the department of State. Such written authorization shall bear the signature of the solicitor and shall expressly state on its face the period for which it is valid, which shall not exceed 1 year from the date issued.

(b) The professional Such solicitor or his agent, servant, or employee carries such authorization with him when making solicitations and exhibits the same on request to persons solicited or police officers or other law enforcement officials or agents of the department of State, or, if such solicitations are made by telephone, the professional such solicitor has, in his application for registration required pursuant to s. 406.045(1), expressly stated his intention to make telephone solicitations and has attached to the application the proposed text of any such telephone solicitations and all such solicitations are made substantially in accordance with the proposed text. Professional solicitors shall also submit a copy of any literature or written material used in solicitation.

(e) Prior to beginning any solicitation, such professional solicitor has filed with the Department of State a true copy of any written agreement or contract which may have been entered into between a charitable organization and the professional solicitor. If the agreement or contract is not in writing, a written statement of the agreement setting forth the terms and conditions of the agreement, including the solicitor's compensation, shall be filed with the Department of State within 10 days after the contract agreement and prior to beginning any solicitation. Within 24 hours after any change, modification, or termination of any agreement, notice of such change, modification, or termination shall be filed with the Department of State along with a true copy of any written change or modification or a statement in writing setting forth the terms and conditions of any change or modification not in writing.

(9)(6) No person shall use the words "charity" or "charitable" as a part of its name, unless licensed or exempt under this part ss. 406.01-406.132.

(10)(7) No A professional solicitor or any his agent, servant, or employee thereof shall not solicit any person for a charitable contribution without identifying himself as a professional solicitor or an his agent, servant, or employee of a professional solicitor to the person so solicited.

(8) A professional solicitor's total fee shall not be in excess of 25 percent of the gross contributions which he solicits; all fundraising costs shall be included in such gross contributions.

(11)(9) No person shall, in connection with the solicitation of contributions or the sale of goods, magazines, newspaper advertising, or any other service, use the name "POLICE," "LAW ENFORCEMENT," "FIREFIGHTER," or "FIREMEN," unless properly authorized by a bona fide police, law enforcement, or firefighter organization or police or fire department or law enforcement agency. Such authorization must bear the signatures of two bona fide members of the organization, department, or agency.

(12) It is unlawful for any person to willfully and knowingly leave this state for the purpose of avoiding prosecution for the violation of any of the provisions of this part.

(13) The department may refuse to authorize the use of a name which is so similar to that of a public officer or agency, or of that used by another registrant that the public may be confused or misled thereby, except that the department shall authorize the use of such name if the applicant has provided to the department written permission from the public officer or agency, or registrant.

(14) In addition to any other penalty which may be imposed pursuant to this part, any person who willfully and knowingly violates any provisions of this part, or who shall willfully and knowingly give false or incorrect information to the department in filing statements or reports required by this part, whether such report or statement is verified or not, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for the first offense and, for the second and any subsequent offense, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, any person who willfully and knowingly leaves this state for the purpose of avoiding prosecution for the violation of any of the provisions of this part shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 16. Section 496.13, Florida Statutes, is amended to read:

496.13 Enforcement and penalties.—

(1) No charitable organization or professional solicitor which fails to file any registration application, statement, report, or other information required to be filed with the Department of State under ss. 406.01-406.132 as a prerequisite to registration shall engage in any of the activities permitted duly registered persons or organizations under the provisions of ss. 406.01-406.132. No organization or professional solicitor shall engage in charitable solicitation without a current registration certificate.

(1)(2) The department of State, upon its own motion or upon complaint of any person, may, if it has reasonable ground to suspect a violation, investigate any person, charitable organization, or professional solicitor, or professional solicitor employee, to determine whether such person, or organization, or professional solicitor, or any agent, servant, or employee thereof, has violated any provision of this part the provisions of ss. 406.01-406.132 or has filed any application or other information

required under ss. 496.01-496.132 which contains false or misleading statements. If the department of State finds that any application or other information contains false or misleading statements, or that person, whether registered a registrant under this part or not ss. 496.01-496.132, or an agent, servant, or employee thereof, has violated a provision of this part the provisions hereof, it may take one or more of the following actions:

- (a) Issue a reprimand;
- (b) Deny any application for registration;
- (c) Place the registrant on probation for such period of time and subject to such conditions as the department may specify;
- (d) Suspend a certificate of registration;
- (e) Revoke a certificate of registration; or
- (f) Impose an administrative fine not to exceed \$1,000 for each violation; provided, however, that a certificate of registration shall be automatically suspended upon final affirmation of an administrative fine until the fine is paid or until the normal expiration date of the certificate of registration move to suspend or cancel such registration.

(2)(3) The department shall revoke or suspend the certificate of registration of any charitable organization, or professional solicitor, or professional solicitor employee who knowingly makes knowingly making a false or misleading statement in any registration application, or statement, report, or other information required to be filed by the department of State or under this part to be filed or to be furnished to persons from whom contributions are solicited and shall revoke or suspend the certificate of registration of any organization against whom any civil penalty is imposed pursuant to this section ss. 496.01-496.132 shall be revoked or suspended.

(3) Upon suspension or revocation of a certificate of registration, the registrant shall forthwith return the certificate of registration to the department.

(4) In addition to initiating proceedings for the suspension or revocation of a certificate of registration, if the department has reason to believe that a crime may have been committed, it shall refer the matter to the appropriate state attorney; and, if the department has reason to believe that contributions may have been unlawfully solicited, it shall refer the matter to the Department of Legal Affairs.

(5) The department, within 15 days after deciding what action to take under this section with respect to any complaint, shall notify the complainant in writing of its decision.

(6)(4) All proceedings under this part ss. 496.01-496.132 shall be conducted in accordance with the Administrative Procedure Act and all adjudications shall be subject to review and appeal as provided therein.

(5) In addition to the foregoing, any person who willfully and knowingly violates any provisions of ss. 496.01-496.132, or who shall willfully and knowingly give false or incorrect information to the Department of State in filing statements or reports required by ss. 496.01-496.132, whether such report or statement is verified or not, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for the first offense and, for the second and any subsequent offense, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, any person who willfully and knowingly leaves this state for the purpose of avoiding prosecution for the violation of any of the provisions of ss. 496.01-496.132 shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) In the event the Department of State or any prosecuting attorney shall have probable cause to believe that:

(a) Any charitable organization or professional solicitor is operating in violation of the provisions of ss. 496.01-496.132 or has knowingly and willfully made any false statements, report, or other information required to be filed by ss. 496.01-496.132,

(b) Any charitable organization or professional solicitor has failed to file a registration statement or other information required by ss. 496.01-496.132,

(c) There is employed or is about to be employed in any solicitation or collection of contributions for a charitable organization any device, scheme, or artifice to defraud or to obtain money or property by means of any false pretense, representation, or promise,

(d) The officers or representatives of any charitable organization or professional solicitor have refused or failed after notice to produce any records of such organization, or

(e) The funds raised by solicitation activities are not devoted or will not be devoted to the charitable purposes of the charitable organization, an action shall be brought by the department or any prosecuting attorney against such charitable organization or professional solicitor and its officers, or any other person who has violated ss. 496.01-496.132 or who has participated or is about to participate in any solicitation or collection by employing any device, scheme, artifice, false representation, or promise, to defraud or obtain money or other property, to enjoin such charitable organization or other person from continuing such violation, solicitation or collection, or engaging therein, or doing any acts in furtherance thereof and for such other relief as to the court seems appropriate.

(7) The department of State or its designee may appear before any court of competent jurisdiction empowered to issue warrants of arrest in criminal cases and request the issuance of a warrant; and upon presentation of probable cause, the said court shall issue a warrant directed to any sheriff, deputy sheriff, or police officer.

Section 17. Section 496.1315, Florida Statutes, is created to read:

496.1315 Contributions unlawfully solicited; remedies.—

(1) Contributions are unlawfully solicited if:

(a) They are solicited by a charitable organization, professional solicitor, or other person who is regulated by this part and who has failed to comply with any material requirement of this part;

(b) There has been employed in the solicitation of contributions by or on behalf of a charitable organization any device, scheme, or artifice to defraud or to obtain contributions by means of any false pretense, misrepresentation, or false promise; or

(c) The contributions solicited by or on behalf of a charitable organization are not devoted to the purposes stated in the registration statement filed with the department or distributed in accordance with the representations made to persons solicited.

(2)(a) If, after investigating any matter referred to it by the Department of State pursuant to this part, the Department of Legal Affairs finds that contributions have been unlawfully solicited, it may bring an action against the violator, or against the charitable organization or professional solicitor for whom the violator is acting, or both, to impose a civil penalty and for damages and such other relief as the court deems appropriate. If the court finds that any person has unlawfully solicited contributions, it may impose a civil penalty against such person, or against the charitable organization or professional solicitor for whom such person is acting, or both, in an amount not to exceed \$10,000.

(b) The Department of Legal Affairs may bring an action to obtain a declaratory judgment that an act or practice constitutes the unlawful solicitation of contributions.

(c) The Department of Legal Affairs may bring an action on behalf of one or more persons to recover contributions unlawfully solicited and for damages.

(3) Upon motion by the Department of Legal Affairs or any interested party in an action brought under subsection (2), the court may make appropriate orders, including appointment of a master or receiver or sequestration of assets, to reimburse persons from whom contributions have been unlawfully solicited, to carry out the distribution of solicited contributions in accordance with the purposes stated in the registration statement filed with the Department of State or in accordance with the representations made to persons solicited, or to grant other appropriate relief.

(4) The Department of Legal Affairs may conduct any investigation necessary to bringing an action under this section and, in furtherance thereof, may subpoena any person and require the production of papers, administer oaths, and take depositions.

(5) Any civil penalty, court costs, and attorney's fees recovered under this section shall be deposited into the Division of Licensing Trust Fund.

Section 18. Section 496.132, Florida Statutes, is amended to read:

496.132 More stringent local provisions not preempted.—*Provisions in this part Sections 496.01-496.132 shall not be construed to preempt any more stringent county or municipal provisions or to restrict local units of government from adopting more stringent provisions, and, in such case, such provisions shall be complied with if the registrant desires to solicit within the geographic district of the local unit of government.*

Section 19. Section 496.20, Florida Statutes, is amended to read:

496.20 Short title; Law Enforcement and Emergency Service Solicitation of Contributions Funds Act.—*This part Sections 496.20-496.34 may be cited as the "Law Enforcement and Emergency Service Solicitation of Contributions Funds Act."*

Section 20. Section 496.21, Florida Statutes, is amended to read:

496.21 Definitions.—As used in *this part ss. 496.20-496.34*:

(1)(2) "Contributions" means the *donation promise or grant of any money or property of any kind or value, except money or property received from any governmental authority.*

(2)(7)(a) ~~"Gross contributions" means the grants and written pledges of money or property received directly from contributors or nonaffiliated organizations.~~

(b) "Cost of fundraising" means all legitimate and reasonable expenses incurred in soliciting contributions, including, but not limited to, costs of goods sold or services purchased and expenses incurred for employee salaries, printed materials, office space, phones, and advertising, and for the services of a professional solicitor.

(c) ~~"Gross contributions" and "cost of fundraising" shall be determined in accordance with a uniform system of accounting which shall be prescribed or approved by the Department of State.~~

(3)(8) "Department" means the Department of State.

(4)(3) "Emergency service employee" means any employee who is a firefighter, as defined in s. 633.30, or ambulance driver, emergency medical technician, or paramedic, as defined in s. 401.23.

(5)(4) "Law enforcement officer" means any person who is elected, appointed, or employed by any municipality or the state or any political subdivision thereof and:

(a) Who is vested with authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state; or

(b) Whose responsibility includes supervision, protection, care, custody, or control of inmates within a correctional institution.

(6) "Parent organization" means that part of a sponsor which coordinates, supervises, or exercises control over policy, fundraising, or expenditures, or assists or advises one or more chapters, branches, or affiliates in the state.

(7)(5) "Person" means any individual, organization, trust, foundation, group, association, partnership, corporation, society, or any combination of them.

(8)(6) "Professional solicitor" means any person who, for a financial or other consideration, solicits contributions for, or on behalf of, a sponsor, whether such solicitation is performed personally or through his agents, servants, or employees or through agents, servants, or employees specially employed by or for a sponsor, who are engaged in the solicitation of contributions under the direction of such person; or a person who, for a financial or other consideration, plans, conducts, manages, carries on, or advises a sponsor in connection with the solicitation of contributions; however, no agent, servant, or employee of a professional solicitor shall be deemed to be a professional solicitor; ~~nor shall an attorney, accountant, or banker who, in the conduct of his profession, advises a sponsor or advises a person to make a contribution to a sponsor be deemed, as a result of such advice, to be a professional solicitor.~~ A bona fide salaried officer or employee of a sponsor ~~maintaining a permanent establishment within the state shall not be deemed a professional solicitor.~~

tor. However, any bona fide salaried officer or employee of a sponsor, other than a parent organization, which officer or employee, for a financial or other consideration, ~~that also~~ engages in the solicitation of contributions in any manner for more than one sponsor, ~~one or more other sponsors shall be deemed a professional solicitor, if the total financial or other consideration received by such officer or employee in any year from all such other sponsors is more than \$1,500.~~ No attorney, investment counselor, accountant, or banker who, in the conduct of his profession, advises a sponsor or advises a person to make a contribution to a sponsor shall be deemed, as a result of such advice, to be a professional solicitor. "Professional solicitor" does not include a bona fide salaried officer or employee of an organization established and operated by a Florida nonprofit organization for the purpose of providing homes and care for needy and underprivileged children.

(9) "Professional solicitor employee" means any person employed by a professional solicitor for the purpose of making, supervising, or participating in any solicitation in this state and who is paid by a professional solicitor, whether by salary or commission, who works under the direct supervision and control of a professional solicitor, and who is authorized to hire employees and sign contracts in the name of a professional solicitor. This definition shall not include employees making only telephone solicitations if those solicitations are made under the direct supervision of a registered professional solicitor or registered professional solicitor employee.

(10) "Solicit" and "solicitation" mean the request directly or indirectly for money, credit, property, financial assistance, or other thing of value, and include the following methods of securing such money, credit, property, financial assistance, or other thing of value:

(a) Any oral or written request.

(b) The making of any announcement to the local press, over the radio or television, or by telephone or telegraph, concerning a local appeal or campaign which requests a contribution.

(c) The distribution, circulation, posting, or publishing of any handbill, written advertisement, or other local publication which directly or by implication seeks to obtain contributions.

(d) The sale of, offer of, or attempt to sell any advertisement, advertising space, book, card, tag, coupon, device, magazine, membership, merchandise, subscription, flower, ticket, candy, cookies, or other tangible item in connection with which any appeal is made for a contribution, or when the name of any person is used or referred to in such an appeal as an inducement or reason for making any such sale.

Solicitation shall be deemed to have taken place when the request is made, whether or not the person making the request receives any contribution.

(11)(4) "Sponsor" means a group or person which is or holds itself out to be soliciting contributions from the public by the use of any name which implies that the group or person is in any way affiliated with or organized for the benefit of emergency service employees or law enforcement officers. The term includes a chapter, branch or area office, similar affiliate, or agent of a sponsor which has its principal place of business outside the state, if such chapter, branch or area office, similar affiliate, or agent solicits or holds itself out to be soliciting contributions in this state. *The term does not include a Florida nonprofit or charitable organization or its parent organization which nonprofit or charitable organization is established for the primary purpose of operating a licensed child-care facility in this state.*

Section 21. Section 496.22, Florida Statutes, is amended to read:

496.22 Powers and duties of the Department of State.—

(1) The Department of State is ~~authorized hereby vested with the power, jurisdiction, and authority to issue, deny, suspend, and or revoke certificates of registration to sponsors and to professional solicitors and professional solicitor employees a sponsor's or a professional solicitor's certificate of registration.~~ The department is authorized to ~~shall~~ adopt rules pursuant to chapter 120, to ~~and~~ prescribe necessary forms, to hold hearings and make adjudications as provided in this part, ~~necessary to administer ss. 496.20-496.34 and may make recommendations to the appropriate authority for enforcement of this part ss. 496.20-496.34.~~ The department may impose fines as provided in s. 496.33.

(2) The department may commence and maintain in a court of competent jurisdiction all proper and necessary actions and proceedings to enjoin and abate any act prohibited by *this part ss. 496.20-496.34* or to enforce any requirement imposed by *this part ss. 496.20-496.34*.

(3) The department shall make such investigations of each applicant for a certificate of registration as it may deem necessary.

(4) For purposes of enforcing the provisions of *this part ss. 496.20-496.34* and in making investigations under *this part ss. 496.20-496.34*, the department shall have the power to subpoena and bring before it any person in the state and may require the production of any papers it deems necessary and administer oaths and take depositions of any such person so subpoenaed. Failure or refusal of any duly subpoenaed sponsor, or professional solicitor, or professional solicitor employee or any duly subpoenaed officer, employee, or agent of any such sponsor or professional solicitor, to be examined or to answer any legal or pertinent question questions as to any such sponsor, or professional solicitor, or professional solicitor employee under investigation is grounds for revocation of the certificate of registration of the sponsor, or professional solicitor, or professional solicitor employee or refusal to issue such certificate, as the case may be. The testimony of witnesses in any such proceeding shall be under oath before the department or its agent.

Section 22. Section 496.23, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 496.23, F.S., for present text.)

496.23 Registration of sponsors.—

(1) Each sponsor shall, prior to any solicitation, file a registration application with the department upon prescribed forms. The registration application shall contain the following information:

(a) The name of the sponsor and the purpose for which it was organized.

(b) The principal mailing and street address of the sponsor and the mailing and street addresses of any offices in this state.

(c) The names and mailing and street addresses of any subsidiary or subordinate chapters, branches, or affiliates in this state.

(d) The place where and the date when the sponsor was legally established, the form in which it is organized, and a reference to any determination of its tax-exempt status, if any, under the United States Internal Revenue Code.

(e) The names and mailing and street addresses of the officers, directors, trustees, and the principal salaried executive staff officer.

(f) The name and mailing and street address of the person having custody of its financial records.

(g) The names of the individuals or officers of the sponsor who will have responsibility for the custody of the contributions.

(h) The names of the individuals or officers of the sponsor who will have responsibility for the distribution of the contributions.

(i) The names of the individuals or officers of the sponsor who will have responsibility for the conduct of solicitation activities.

(j) The names under which the sponsor intends to solicit contributions.

(k) The general purposes for which the contributions to be solicited shall be used.

(l) A statement indicating whether the sponsor intends to solicit contributions directly or have such done on its behalf by others, and naming any professional solicitor the sponsor intends to use.

(m) A statement indicating whether the sponsor is authorized by any other governmental authority to solicit contributions and whether it is or has ever been enjoined by any court from soliciting contributions.

(n) The cost of fundraising incurred or anticipated to be incurred by the sponsor, including a breakdown of all expenses and a statement of such costs as a percentage of contributions received.

(o) A financial statement covering complete disclosure of all of the fiscal activities of the sponsor during the preceding year. Any sponsor whose contributions were no more than \$50,000 during its preceding

fiscal year may submit its statement on forms approved by the department, signed by the chief executive officer, verified under oath, and attested to by the chief fiscal officer or may submit a review by an independent certified public accountant or an audit with an opinion by an independent certified public accountant. Any sponsor whose contributions were more than \$50,000 but no more than \$100,000 during its preceding fiscal year may submit either a review by an independent certified public accountant or an audit with an opinion by an independent certified public accountant. Any sponsor whose contributions were more than \$100,000 during its preceding fiscal year shall submit an audit with an opinion by an independent certified public accountant. The financial statement, review, or audit shall specifically identify the amount of contributions raised and all costs and expenses incidental thereto, all publicity costs, and costs of allocation or disbursement of contributions raised and shall conform to the standards established by the Florida Board of Accountancy. Any governmental organization may file a copy of the Auditor General's report or a similar report approved by a governmental agency in lieu of a financial statement, review, or audit. The department may grant an extension, not to exceed 60 days, to a sponsor that, as a result of the amount of contributions received, is required to submit a review or audit by an independent certified public accountant. This extension shall only be granted for good cause as determined by the department and such extension shall only apply to the submission of the review or audit.

(2) A chapter, branch, or affiliate, upon mutual agreement with the parent organization, may submit its application for registration or renewal to its parent organization for transmittal to the department along with the application for registration or renewal submitted by the parent organization. The financial statement of the parent organization shall reflect the financial activities of those chapters, branches, and affiliates which submit applications for registration or renewal through the parent organization.

(3) Each chapter, branch, or affiliate of a parent organization which solicits or receives contributions from any source other than the parent organization or a governmental agency shall, if such contributions are not reported through the parent organization, apply for registration independently.

(4) Each applicant for registration shall submit the registration fee prescribed in s. 496.235, upon approval of the application.

(5) Each application for registration shall be signed by the chief executive officer and shall be verified under oath.

(6) The department shall examine each application and, if the department finds the application to be in conformity with the requirements of this part and all relevant rules, it shall issue the certificate of registration. No sponsor shall be eligible for a certificate of registration if its principal salaried executive staff officer or any person described in paragraphs (1)(g)-(i) has been convicted within the past 5 years of a violation of any provision of this part or has been convicted of a felony in this or any other state if his civil rights have not been restored.

(7) All certificates of registration issued to sponsors shall expire on the last day of the 6th month following the month in which the fiscal year of the sponsor ends.

(8) Each sponsor shall, prior to the expiration of its certificate of registration, file with the department a registration renewal form prescribed and furnished by the department, provided that information required in such renewal form shall not exceed that required in the original application and shall provide appropriate financial information for the prior fiscal year and shall pay the annual registration fee prescribed in s. 496.235.

(9) In addition to the requirements stated above, a registrant who fails to file a renewal application prior to the expiration of its certificate of registration must renew its registration by paying a late fee equal to the amount of the annual registration fee.

(10) No certificate of registration shall be renewed 6 months or more after its expiration date unless the applicant submits a new application and the respective fees. Such an applicant may be subject to all the requirements of an initial application.

Section 23. Section 496.235, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 496.235, F.S., for present text.)

496.235 Fees.—

- (1) Each application for registration shall be accompanied by a \$25 application fee.
- (2) Each sponsor shall pay an annual registration fee of \$300.
- (3) Each professional solicitor shall pay an annual registration fee of \$1,500.
- (4) Each professional solicitor employee shall pay an annual registration fee of \$10.

Section 24. Section 496.24, Florida Statutes, is amended to read:

496.24 Registration of professional solicitors and professional solicitor employees.—

(1) No person shall act as a professional solicitor for a sponsor unless he has first registered with the department and received a certificate of registration. Application for registration shall be in writing under oath or affirmation in the form prescribed by the department and shall contain the principal mailing address and street address of the place where the professional solicitor's financial records are kept and such other information as the department may require. No person who has been convicted within the past 5 years for a violation of any provision of *this part chapter* and no person convicted of a felony in this or any other state shall be eligible for a certificate of registration or shall serve as an employee, member, officer, or agent of any professional solicitor until his civil rights have been restored.

(2) Each person shall, before being employed within this state by a professional solicitor for the purpose of making, supervising, or participating in any solicitation, make application to the department for a certificate of registration as a professional solicitor an employee. ~~However, no such application is required for employees making only telephone solicitations if such solicitations are made under the direct supervision of a professional solicitor who has a current certificate of registration or an employee who holds a current certificate of registration as an employee. The~~ Such application shall be in writing under oath or affirmation and in the form prescribed by the department and contain such information as the department may require. ~~the same manner and shall require the same qualifications as set forth in subsection (1). The annual fee for an employee certificate of registration shall be \$10. If the department declines to issue the certificate of registration to such employee, the employment of such person shall be terminated.~~

(3) Each applicant for registration as a professional solicitor or professional solicitor employee shall submit a full set of fingerprints along with the application. The department shall conduct a fingerprint check of all applicants for registration under this section.

(4) Each applicant for registration as a professional solicitor or professional solicitor employee shall submit the appropriate registration fee as prescribed in s. 496.235.

(5)(3) The applicant for registration as a professional solicitor shall, at the time of making application, shall file with, and have approved by, the department, a bond in which the applicant shall be the principal obligor in the sum of \$50,000 with one or more sureties, satisfactory to the department, whose liability in the aggregate as such sureties will at least equal that sum and shall maintain the bond in effect so long as a certificate of registration is in effect. Such bond may be secured by cash, or its equivalent, such as certificates of deposit, pursuant to rule adopted promulgated by the department. The bond shall be payable to the State of Florida for the use of the department and any person who prevails in an a cause of action against the obligor of the said bonds for any losses resulting from malfeasance, nonfeasance, or misfeasance in the conduct of solicitation activities. An individual, partnership, or corporation, which is a professional solicitor, may file a consolidated bond on behalf of all its members, officers, and employees. A certificate of registration issued to a professional solicitor shall be automatically suspended on the date of expiration or cancellation of his surety bond, unless evidence of renewal or replacement is provided prior to the expiration or cancellation.

(6)(4) ~~The annual registration fee for every person who is a professional solicitor in this state shall be \$1,500. The annual registration shall expire 1 year after issuance.~~

(7) Each professional solicitor and professional solicitor employee shall, prior to the expiration of his certificate of registration, file with

the department a registration renewal form prescribed and furnished by the department and shall pay the annual registration fee prescribed in s. 496.235.

(8) In addition to the requirements stated above, a registrant who fails to file a renewal application prior to the expiration of its certificate of registration must renew its registration by paying a late fee equal to the amount of the annual registration fee.

(9) No certificate of registration shall be renewed 6 months or more after its expiration date unless the applicant submits a new application and the respective fees. Such an applicant may be subject to all the requirements of an initial application.

Section 25. Subsections (1) and (2) of section 496.25, Florida Statutes, are amended to read:

496.25 Exemptions from registration.—

(1) The following are exempt from the registration provisions of *this part ss. 496.20-496.34*:

(a) A person soliciting contributions for the relief of any individual specified by name at the time of the solicitation, if all of the contributions collected, without any deductions, are turned over to the named beneficiary or promptly dedicated to the use of the named beneficiary.

(b) A sponsor which does not intend to solicit and receive and does not actually receive gross contributions from the public in excess of \$10,000 \$4,000 during its fiscal a calendar year, if all of its functions, including fundraising activities, are carried on by persons who are unpaid for their services and if no part of the sponsor's assets or income inures to the personal benefit of or is paid to any officer or member of the sponsor. Nevertheless, if the gross contributions raised are in excess of received from the public by the sponsor during the calendar year exceed \$10,000 \$4,000, the sponsor shall, within 30 days after the date it has received gross contributions in excess of \$10,000 \$4,000, register with and report to the department as required by *this part ss. 496.20-496.34*.

(c) An organization which solicits only within the membership of the organization by members thereof; however, the term "membership" does not include those persons who are granted a membership upon making a contribution as the result of solicitation.

(d) Any volunteer firefighter organization or any group of firefighters which uses only volunteer labor in a solicitation and which does not use the services of a professional solicitor if all of the funds collected are disbursed to or for the use of the fire service.

~~(e) Any nonprofit community club, civic club, garden club, women's club, or other similar civic group with no capital stock or salaried employee, officer, member, or agent, provided:~~

~~1. The organization does not use the services of a professional solicitor;~~

~~2. All of the funds collected, less reasonable expenses, are disbursed pursuant to the directions of the membership or the board of directors of the organization; and~~

~~3. None of the funds collected are paid to a nonexempt sponsor.~~

(2) The department Secretary of State may grant an exemption from *this part ss. 496.20-496.34* to any organization which is registered under and complies with the requirements of *part I ss. 496.01-496.133* and which complies substantially with the disclosure requirements of *this part ss. 496.20-496.34*.

Section 26. Section 496.265, Florida Statutes, is created to read:

496.265 Disclosure.—

(1) Each sponsor shall, prior to soliciting contributions, prepare a disclosure statement to be given or read to each person from whom contributions are solicited. The statement shall disclose:

(a) The estimated contributions to be received; the percentage of the contributions to be paid to a professional solicitor if one is used; the estimated additional costs of fundraising to be incurred; and the estimated contributions which will actually be used for the stated purpose for which the contribution was solicited.

(b) The purposes of the sponsor.

(c) The general purposes for which contributions are to be used after paying the costs of fundraising.

(d) That the sponsor is not a charitable organization.

(e) The capacity in which the sponsor represents law enforcement officers or emergency service employees.

(f) The fact that solicited persons are under no legal obligation to contribute.

(2) Each sponsor shall ensure that the disclosure statement is included with all correspondence and printed materials used to solicit or collect contributions and that each person who solicits on its behalf is furnished a copy of the disclosure statement.

(3) Each person who on behalf of a sponsor solicits or collects contributions in person shall, at the time of the solicitation or collection, furnish a written copy of the disclosure statement to the person from whom the contribution is solicited.

(4) Each person who on behalf of a sponsor solicits contributions by telephone shall, at the time of the solicitation, inform the person from whom a contribution is solicited that the sponsor is not a charitable organization.

(5) Each sponsor shall ensure that persons who solicit contributions on behalf of the sponsor have proper identification. Professional solicitors and their employees shall be required to have and produce or display, on demand, identification indicating that the solicitor has been authorized by the sponsor for which he is soliciting. Such identification shall include, but not be limited to, the name of the holder of the identification and the name and number of the certificate of registration of the sponsor, if applicable.

Section 27. Section 496.28, Florida Statutes, is amended to read:

496.28 Information filed to become public records.—Registration statements and applications, reports, and all other documents and information required to be filed under *this part ss. 496.20-496.34* or by the department shall become public records in the office of the department and shall be open to the general public for inspection at such times and under such conditions as the department may prescribe.

Section 28. Section 496.285, Florida Statutes, is amended to read:

496.285 Division of Licensing Trust Fund.—All moneys required to be paid under *this part chapter* shall be collected by the department and shall be deposited into the Division of Licensing Trust Fund to be used to pay the costs incurred in administering and enforcing the provisions of *this part chapter*.

Section 29. Section 496.29, Florida Statutes, is amended to read:

496.29 Records to be kept.—Each sponsor and each professional solicitor subject to the provisions of *this part ss. 496.20-496.34* shall, in accordance with the rules prescribed by the department and in such form as will enable it accurately to provide the information required by *this part ss. 496.20-496.34*, keep accurate fiscal records as to its activities in this state as may be covered by *this part ss. 496.20-496.34*, including, but not limited to, records of income and expenses within the purview of *this part ss. 496.20-496.34*. Upon demand, such records shall be made available to the department or appropriate authority for inspection. Such records shall be retained for a period of at least 3 years after the end of the period of registration to which they relate.

Section 30. Section 496.30, Florida Statutes, is amended to read:

496.30 Reciprocal agreements.—The department may enter into reciprocal agreements with the appropriate authority of any other state for the purpose of exchanging information with respect to sponsors. Pursuant to such agreements, the department may accept information filed by a sponsor with the appropriate authority of another state in lieu of the information required to be filed in accordance with the provisions of *this part, ss. 496.20-496.34* if such information is substantially similar to the information required under *this part ss. 496.20-496.34*. The department shall also grant exemption from the requirement for the filing of an annual registration statement to sponsors organized under the laws of another state having their principal place of business outside the state whose funds are derived principally from sources outside the state and which have been granted exemption from the filing of registration statements by the state under whose laws they are organized if such state has a statute similar in substance to the provisions of *this part ss. 496.20-496.34*.

Section 31. Section 496.31, Florida Statutes, is amended to read:

496.31 Prohibited acts; required acts; criminal penalties.—

(1) A sponsor, professional solicitor, or other person, who is required to register under *this part ss. 496.20-496.34* and who is not registered or who fails to file with the department any application, statement, report, or other information required to be filed, *shall may* not solicit contributions.

(2) It is unlawful for any person to file with the department any application, statement, report, or other information which is required to be filed and which he knows to contain a false or misleading statement.

(3) No sponsor, and no person soliciting contributions on behalf of a sponsor, shall use or exploit the fact of registration in a manner which would lead a reasonable person to believe that registration in any manner constitutes an endorsement or approval by the state. However, The use of the following statement in connection with solicitations by or on behalf of a sponsor registered under *this part ss. 496.20-496.34* shall not be deemed a prohibited exploitation: "Registered with the Florida Department of State as required by law. Registration does not imply endorsement of a public solicitation for contribution."

(4) No person shall, in connection with the solicitation of contributions for or on behalf of a sponsor, misrepresent to or mislead another person by any manner, means, practice, or device which would lead a reasonable person to believe that the sponsor on whose behalf such solicitation is being conducted is a charitable organization or that the proceeds or any part of the proceeds of such solicitation will be used for charitable purposes, if such is not the fact.

(5) No person shall, in connection with the solicitation of contributions for or on behalf of a sponsor misrepresent to or mislead another person by any manner, means, practice, or device which would lead a reasonable person to believe that any other person sponsors or endorses such solicitation of contributions or approves of the purposes of a sponsor connected therewith when such person has not given written consent to the use of his name for these purposes. Any member of the board of directors or trustees of a sponsor or any other person who has agreed either to serve or to participate in any voluntary capacity in the campaign shall be deemed thereby to have given his consent to the use of his name in *the* said campaign.

(6) No person shall make any representation that he is soliciting contributions for or on behalf of a sponsor or shall use or display any emblem, device, or printed matter belonging to or associated with a sponsor for the purpose of soliciting or inducing contributions ~~from the public~~ without first being authorized in writing to do so by the sponsor.

(7) No sponsor or person acting on behalf of a sponsor shall employ in any solicitation of contributions any device, scheme, or artifice to defraud or to obtain a contribution by means of any false pretense, misrepresentation, or false promise.

(8) It is unlawful for any person, in the solicitation of a contribution, to represent to another person that the donation of a contribution or the display of any sticker, emblem, or insignia offered to contributors will entitle such other person to any special treatment by emergency service employees or law enforcement officers in the performance of their official duties.

(9) No sponsor shall use the word "charity" or the word "charitable" as a part of its name.

(10) No professional solicitor or his agent, servant, or employee shall solicit in the name of or on behalf of a sponsor unless:

(a) The professional solicitor has first obtained written authorization of two officers of such sponsor on a form approved by the department, a copy of which authorization shall be filed with the department. Such written authorization shall expressly state on its face the period for which it is valid, ~~which shall not exceed 1 year from the date issued.~~

(b) The professional solicitor or his agent, servant, or employee carries evidence of such authorization with him when making solicitation and exhibits the same on request to persons solicited or police officers or other law enforcement officials or agents of the department or, if such solicitations are made by telephone, *the professional such* solicitor has, in his application for ~~a certificate of registration required pursuant to s. 496.23,~~ expressly stated his intention to make telephone solicitations and

has attached to the application the proposed text of any such telephone solicitations and all such solicitations are made substantially in accordance with the proposed text.

~~(c) Prior to beginning any solicitation, such professional solicitor has filed with the department a true copy of any written agreement or contract which may have been entered into between a sponsor and the professional solicitor. If the agreement or contract is not in writing, a written statement of the agreement setting forth the terms and conditions of the agreement, including the professional solicitor's compensation, shall be filed with the department prior to beginning any solicitation. Within 5 calendar days after any change, modification, or termination of any agreement, notice of such change, modification, or termination shall be filed with the department along with a true copy of any written change or modification or a statement in writing setting forth the terms and conditions of any change or modification not in writing.~~

(c)(d) Prior to beginning any solicitation, the professional solicitor has filed with the department a copy of a valid certificate of registration showing that he is registered as a dealer with the Department of Revenue for purposes of chapter 212.

(11) ~~No professional solicitor or any~~ An agent, servant, or employee thereof ~~of a professional solicitor shall not solicit any person for a contribution without identifying himself as a professional solicitor or an such~~ agent, servant, or employee of a professional solicitor to the person so solicited.

(12) No person may solicit contributions for the use or benefit of a sponsor under ~~this part ss. 496.20-496.34~~ while wearing the uniform of an emergency service employee or law enforcement officer. However, this prohibition does not apply to any ambulance driver, emergency medical technician, or paramedic who is not employed by a public entity.

(13) No emergency service employee or law enforcement officer may solicit contributions for the use or benefit of a sponsor under ~~this part ss. 496.20-496.34~~ while on duty. However, this prohibition does not apply to any ambulance driver, emergency medical technician, or paramedic who is not employed by a public entity.

(14) ~~It is unlawful for any person to willfully and knowingly leave this state for the purpose of avoiding prosecution for the violation of any of the provisions of this part.~~

(15) ~~The department may refuse to authorize the use of a name which is so similar to that of a public officer or agency, or of that used by another registrant that the public may be confused or misled thereby, except that the department shall authorize the use of such name if the applicant has provided to the department written permission from the public officer or agency, or registrant.~~

~~(16)~~(14) In addition to any other penalty which may be imposed pursuant to ~~this part ss. 496.20-496.34~~, any person who willfully and knowingly violates any provision of subsection (1), subsection (2), subsection (4), subsection (5), subsection (6), subsection (7), subsection (8), subsection (9), or subsection (14) (9) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for the first offense and, for the second or any subsequent offense, is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this section, any person who, on or after October 1, 1981, pleads guilty to, or is found guilty of, a violation of any provision of subsection (1), subsection (2), subsection (4), subsection (5), subsection (6), subsection (7), subsection (8), subsection (9), or subsection (14) (9) shall be considered to have been convicted of the offense, notwithstanding the fact that the sentence was suspended or adjudication of guilt was withheld. Any person who willfully and knowingly violates any provision of subsection (3), subsection (10), subsection (11), subsection (12), or subsection (13) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 32. Section 496.32, Florida Statutes, is amended to read:

496.32 Nonresidents; designation of department of State as agent for service of process; notice of such service.—

(1) Sponsors or professional solicitors which have their principal place of business without the state, or which are organized under and by virtue of the laws of a foreign state, and which solicit contributions from people in this state shall be subject to the provisions of ~~this part ss. 496.20-496.34~~ and shall be deemed to have irrevocably appointed the department of State as their agent upon whom may be served any sum-

mons, subpoena, subpoena duces tecum, or other process directed to such sponsor or professional solicitor or any partner, principal officer, or director thereof in any action or proceeding brought under the provisions of ~~this part ss. 496.20-496.34~~.

(2) Service of such process upon the Department of State shall be made by personally delivering to and leaving with the department a copy thereof at the Capitol in Tallahassee. Such service shall be sufficient service, provided that notice of such service and a copy of such process are forthwith sent to such sponsor or professional solicitor by registered or certified mail with return receipt requested at its office, as set forth in the registration statement filed with the department pursuant to ~~this part ss. 496.20-496.34~~ or, in default of the filing of such statement, at the last address known.

Section 33. Section 496.33, Florida Statutes, is amended to read:

496.33 Enforcement and penalties.—

(1) The department, upon its own motion or upon complaint of any person, may, *if it has reasonable ground to suspect a violation*, investigate any person, organization, or professional solicitor, or professional solicitor employee to determine whether such person, organization, or professional solicitor, or any agent, servant, or employee thereof, has violated any provision of ~~this part ss. 496.20-496.34~~.

(2) If the department finds that *any person, whether registered under this part or not a registrant*, or an agent, servant, or employee thereof, has violated a provision of ~~this part ss. 496.20-496.34~~, it may ~~suspend or revoke the certificate of registration after notifying the registrant by registered or certified mail, return receipt requested, and affording an opportunity for hearing. take one or more of the following actions:~~

(a) Issue a reprimand;

(b) Deny any application for registration;

(c) Place the registrant on probation for such period of time and subject to such conditions as the department may specify;

(d) Suspend a certificate of registration;

(e) Revoke a certificate of registration; or

(f) Impose an administrative fine not to exceed \$1,000 for each violation; provided, however, that a certificate of registration shall be automatically suspended upon final affirmation of an administrative fine until the fine is paid or until the normal expiration date of the certificate of registration.

(2) The department shall revoke or suspend the certificate of registration of any sponsor, or professional solicitor, or professional solicitor employee who knowingly makes a false or misleading statement in any application, statement, report, or other information required by the department or ~~under this part ss. 496.20-496.34~~ to be filed or to be furnished to persons from whom contributions are solicited and shall revoke or suspend the certificate of registration of any sponsor against whom any civil penalty is imposed pursuant to s. 496.335.

(3) ~~Upon suspension or revocation of a certificate of registration, the registrant shall forthwith return the certificate of registration to the department.~~

~~(4)~~(3) In addition to initiating proceedings for the suspension or revocation of a certificate of registration, if the department has reason to believe that a crime may have been committed, it shall refer the matter to the appropriate state attorney; and, if the department has reason to believe that contributions may have been unlawfully solicited, it shall refer the matter to the Department of Legal Affairs.

~~(5)~~(4) The department, within 15 days after deciding what action to take under this section with respect to any complaint, shall notify the complainant in writing of its decision.

~~(6)~~(5) All proceedings under ~~this part ss. 496.20-496.34~~ shall be conducted in accordance with the Administrative Procedure Act, and all adjudications shall be subject to review and appeal as provided therein.

Section 34. Paragraphs (a) and (c) of subsection (1) and paragraph (a) of subsection (2) of section 496.335, Florida Statutes, is amended to read:

496.335 Contributions unlawfully solicited; remedies.—

(1) Contributions are unlawfully solicited if:

(a) They are solicited by a sponsor, professional solicitor, or other person who is regulated by *this part* ~~ss. 496.20-496.34~~ and who has failed to comply with any material requirement of *this part* ~~ss. 496.20-496.34~~;

(c) The contributions solicited by or on behalf of a sponsor are not devoted to the purposes stated in the registration statement filed with the department of State or distributed in accordance with the representations made to persons solicited.

(2)(a) If, after investigating any matter referred to it by the Department of State pursuant to *this part* ~~s. 496.33~~, the Department of Legal Affairs finds that contributions have been unlawfully solicited, it may bring an action against the violator, or against the sponsor or professional solicitor for whom the violator is acting, or both, to impose a civil penalty and for damages and such other relief as the court deems appropriate. If the court finds that any person has unlawfully solicited contributions, it may impose a civil penalty against such person, or against the sponsor or professional solicitor for whom such person is acting, or both, in an amount not to exceed \$10,000.

Section 35. Section 496.34, Florida Statutes, is amended to read:

496.34 More stringent local provisions not preempted.—*The provisions of this part* ~~Sections 496.20-496.34~~ shall not be construed to preempt any more stringent county or municipal provisions or to restrict local units of government from adopting more stringent provisions, and, in such case, such provisions shall be complied with if the registrant desires to solicit within the geographic district of such local unit of government.

Section 36. Paragraph (b) of subsection (1), and subsections (3), (9), and (10) of section 496.40, Florida Statutes, are amended to read:

496.40 Solicitation of funds within public transportation facilities.—

(1) As used in this section:

(b) "Facility" means any public transportation facility, including, but not limited to, a railroad ~~stations station~~, bus ~~stations station~~, ship ~~ports port~~, ferry ~~terminals terminal~~, roadside welcome ~~stations station~~, highway service ~~plazas plaza~~, airports ~~airport~~ served by scheduled passenger service, or highway rest ~~stations station~~.

(3) The authority shall promptly issue the permit upon receipt, and any necessary verification, of proper application. *The authority may effectuate appropriate restrictions on the hours and location of such activities and the number of solicitors involved, in keeping with the intended operation of the facility.* ~~The permit shall specify the area or areas in which the proposed activities may be conducted and shall specifically designate the area or areas where solicitation of funds is permitted.~~ Such permit shall be valid for a period of 1 year, *except as otherwise provided in subsection (10).* Any appeal from a denial of an application shall be handled on an expedited basis.

(9) This section shall not be deemed to repeal, modify, or affect in any way rules, adopted by authorities prior to October 1, 1981, relative to access to public areas at airports by persons seeking to solicit funds. Such authorities shall be relieved from complying with the provisions hereof.

(10) *The authority may suspend or revoke the permit held by any person for good cause shown. Such good cause shall include, but not be limited to:*

- (a) *Violation of any material restrictions imposed by the authority.*
- (b) *Continued substantial complaints from the public of harassment.*
- (c) *Any action which would adversely affect the health or safety of the public.*
- (d) *Fraud or misrepresentation in any application.*

Any person who *solicits funds in violation of* ~~violates~~ any of the provisions ~~provision~~ of this section is guilty of a misdemeanor of the second degree, punishable by fine as provided in s. 775.083. Upon a second or subsequent conviction, such person is guilty of a misdemeanor of the first degree, punishable by fine as provided in s. 775.083. *No suspension shall exceed a period of 6 months. If a permit has been revoked, a new permit may not be issued to the person or organization for 6 months after said revocation. Any hearing on a suspension or revocation shall be held within 60 days after request for such a hearing.*

Section 37. Subsection (9) of section 943.14, Florida Statutes, is amended to read:

943.14 Criminal justice training programs; private criminal justice training schools; certificates and diplomas; exemptions; injunction proceedings.—

(9) No person registered by the Department of State pursuant to the Law Enforcement and Emergency Service Solicitation of Contributions Funds Act, *part II of chapter 496* ~~ss. 496.20-496.34~~, shall operate a private criminal justice training school.

Section 38. Sections 496.01 through 496.132, Florida Statutes, are hereby designated as part I of chapter 496, to be entitled "Solicitation of Charitable Contributions Funds," sections 496.20 through 496.34, Florida Statutes, are hereby designated as part II of chapter 496, to be entitled "Law Enforcement and Emergency Service Solicitation of Contributions Funds," and section 496.40, Florida Statutes, is hereby designated as part III of chapter 496, to be entitled "Solicitation of Funds, Generally."

Section 39. Sections 496.05, 496.26, and 496.27, Florida Statutes, are repealed.

Section 40. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, chapter 496, Florida Statutes, shall not stand repealed on October 1, 1984, and shall continue in full force and effect as amended herein.

Section 41. Chapter 496, Florida Statutes, is repealed on October 1, 1994, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes, the Regulatory Sunset Act.

Section 42. This act shall take effect October 1, 1984.

Amendment 2—In title, on pages 1 and 2, strike everything through line 26 on page 2 and insert: A bill to be entitled An act relating to solicitation of contributions; amending s. 496.01, F.S.; providing a short title; amending s. 496.02, F.S.; providing definitions; amending s. 496.021, F.S.; prescribing powers and duties of the Department of State; amending s. 496.03, F.S.; providing for registration of charitable organizations; creating s. 496.035, F.S.; providing for reciprocal agreements; amending s. 496.04, F.S.; providing exemptions from registration and from registration fees; amending s. 496.045, F.S.; providing for registration of professional solicitors and professional solicitor employees; creating s. 496.046, F.S.; prescribing fees; creating s. 496.047, F.S.; providing for the disposition of fees; amending s. 496.06, F.S.; providing a limitation on the activities of charitable organizations; providing that certain annual drives shall be construed as special events as same appears in s. 339.301, F.S.; creating s. 496.065, F.S.; requiring disclosure; amending s. 496.09, F.S.; requiring the keeping of accurate fiscal records; providing an exemption from the provisions of s. 119.07, F.S., the public records law; amending s. 496.095, F.S.; providing for public records; amending s. 496.105, F.S.; providing for designation of the Department of State as agent for service of process for nonresidents; amending s. 496.11, F.S.; prohibiting certain acts; providing criminal penalties; amending s. 496.13, F.S.; providing for enforcement and penalties; creating s. 496.1315, F.S.; providing remedies for the unlawful solicitation of contributions; amending s. 496.132, F.S.; providing that more stringent local provisions shall not be preempted; amending s. 496.20, F.S.; providing a short title; amending s. 496.21, F.S.; providing definitions; amending s. 496.22, F.S.; prescribing powers and duties of the Department of State; amending s. 496.23, F.S.; providing for registration of sponsors; amending s. 496.235, F.S., prescribing fees; amending s. 496.24, F.S.; providing for registration of professional solicitors and professional solicitor employees; amending s. 496.25, F.S.; providing exemptions from registration; creating s. 496.265, F.S.; requiring disclosure; amending s. 496.28, F.S.; providing for public records; amending s. 496.29, F.S.; requiring the keeping of accurate fiscal records; amending s. 496.30, F.S.; providing for reciprocal agreements; amending s. 496.31, F.S.; prohibiting certain acts; providing criminal penalties; amending s. 496.32, F.S.; providing for designation of the Department of State as agent for service of process for nonresidents; amending s. 496.33, F.S.; providing for enforcement and penalties; amending s. 496.335, F.S.; providing remedies for the unlawful solicitation of contributions; amending s. 496.34, F.S.; providing that more stringent local provisions shall not be preempted; amending s. 496.40, F.S.; providing for certain restrictions on solicitation of funds within public transportation facilities; providing for suspension or revocation of permits; amending s. 943.14, F.S.; relating to operation of private criminal justice training schools; dividing ch. 496, F.S., into three parts; providing that ch. 496, F.S., shall not stand

repealed, but that such chapter, as amended, is revived and readopted, except that ss. 496.05, 496.26, and 496.27, F.S., shall stand repealed; providing for future repeal and review; providing an effective date.

On motion by Senator Henderson, by two-thirds vote CS for SB 87 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

On motion by Senator Henderson, the rules were waived and CS for SB 87 after being engrossed was ordered immediately certified to the House.

CS for SB 427—A bill to be entitled An act relating to trains; amending s. 351.03, F.S.; requiring the emission of an audible warning with respect to trains approaching within a certain distance of public at-grade crossings; providing exceptions; providing that liability provisions of law are not nullified; amending s. 318.18, F.S.; increasing the penalty for moving violations relating to train signals; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote CS for SB 427 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

McPherson

On motion by Senator Hill, the rules were waived and CS for SB 427 was ordered immediately certified to the House.

On motions by Senator Carlucci, the rules were waived and by two-thirds vote HB 425 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Carlucci—

HB 425—A bill to be entitled An act relating to county boundaries; amending ss. 7.10 and 7.54, F.S.; providing for inclusion within Clay County of certain lands in Putnam County; providing an effective date.

—a companion measure, was substituted for SB 388 and read the second time by title. On motion by Senator Carlucci, by two-thirds vote HB 425 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Malchon

SB 388 was laid on the table.

Senator W. D. Childers presiding

SB 430—A bill to be entitled An act relating to special road and bridge districts; creating s. 336.505, F.S.; providing for appointment of a receiver under certain circumstances of district bond default; providing duties of the receiver; authorizing the receiver to levy, assess, and collect district taxes under certain circumstances; providing for discharge of the receiver; providing for survival of bondholder claims under certain circumstances; authorizing application of such provisions to certain receivers appointed under other provisions of law; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendments which were moved by Senator Castor and adopted:

Amendment 1—On page 1, line 29, after "tax" insert: or special assessment

Amendment 2—On page 2, line 1, strike "197.291" and insert: 197.271

Amendment 3—On page 2, between lines 10 and 11, insert:

Section 3. Section 336.67, Florida Statutes, is amended to read:

336.67 Provisions of sections applicable.—All provisions of ss. 336.36, 336.45, 336.48, 336.49, 336.50, 336.505, 336.51, 336.52, 336.53, 336.55 and 336.58, shall be applicable to the road and bridge districts created under ss. 336.61-336.67.

(Renumber subsequent section.)

On motion by Senator Castor, by two-thirds vote SB 430 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	Frank	Jennings	Neal
Carlucci	Gersten	Johnston	Rehm
Castor	Girardeau	Kirkpatrick	Scott
Childers, D.	Grant	Langley	Stuart
Childers, W. D.	Grizzle	Malchon	Thurman
Crawford	Hair	Mann	Vogt
Deratany	Henderson	McPherson	Weinstein
Fox	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Hill, Thomas

SB 594—A bill to be entitled An act relating to agriculture; creating the Formosan Termite Coordinating Council; providing for membership and duties; providing an appropriation; providing effective and expiration dates.

—was read the second time by title.

The Committee on Agriculture recommended the following amendments which were moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 1, line 14, after "members" strike the remainder of the subsection and insert: . Each appointment to the council shall be made by the Commissioner of Agriculture from recommendations submitted by the department head of each of the following agencies:

- (a) The Department of Agriculture and Consumer Services.
- (b) The Department of Health and Rehabilitative Services.
- (c) The Department of Environmental Regulation.
- (d) The Department of Community Affairs.
- (e) The Office of the Vice-President for Agricultural Affairs of the University of Florida.

Amendment 2—On page 1, line 27, after the period (.) insert: The chairman shall be the member representing the Commissioner of Agriculture.

On motion by Senator Kirkpatrick, by two-thirds vote SB 594 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

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

Nays—None

Vote after roll call:

Yea—Gersten

SB 789—A bill to be entitled An act relating to the state highway system; amending s. 316.003, F.S.; defining the term "bicycle path"; amending s. 316.091, F.S.; prohibiting the operation of certain vehicles upon a limited access facility; authorizing the operation of a bicycle upon such facilities in certain circumstances; amending s. 316.1995, F.S.; prohibiting the operation of certain vehicles upon a bicycle path; amending s. 316.304, F.S.; prohibiting a person from operating a vehicle while wearing a headset or certain other listening devices; providing penalties; amending s. 335.065, F.S.; providing for the planning and construction of bicycle paths and pedestrian ways along state transportation facilities; repealing s. 316.2075, F.S., relating to the prohibition against operating a motor vehicle on bicycle trails and footpaths; providing an effective date.

—was read the second time by title.

Senator Malchon moved the following amendments which were adopted:

Amendment 1—On page 4, lines 1-31, and on page 5, lines 1-7, strike all of said lines and insert:

335.065 Bicycle trails and pedestrian ways footpaths along state roads and transportation ways.—

(1)(a) Bicycle trails and pedestrian ways footpaths shall be given full consideration in the planning and development of transportation facilities, including the incorporation of such ways into state, regional, and local transportation plans and programs. Bicycle and pedestrian ways shall be established in conjunction with the construction, reconstruction, or other change of any state transportation facility, and special emphasis shall be given to projects in or within 5 miles of an urban area. road or any portion of the state highway system at such locations as shall be determined by the Department of Transportation in cooperation with the Division of Recreation and Parks of the Department of Natural Resources.

(b) Notwithstanding the provisions provision of paragraph (a), bicycle trails and pedestrian ways footpaths are not required to be established:

1. Where the establishment of such ways trails and paths would be contrary to public safety.
2. If the cost of establishing such trails and paths ways would be excessively disproportionate to the need or probable use.
3. Where other available ways or other factors indicate an absence of any need for such trails and paths ways.

(2) The Department of Transportation shall establish construction standards for bicycle trails and pedestrian ways footpaths, provide a uniform system of signing bicycle trails and pedestrian ways footpaths pursuant to this act, and adopt reasonable rules and regulations necessary for the maintenance and use of such bicycle trails and pedestrian ways footpaths. The department of Transportation, in cooperation with the Division of Recreation and Parks of the Department of Natural Resources, shall establish a statewide integrated system of bicycle trails and pedestrian ways footpaths in such a manner as to take full advantage of any bicycle trails or pedestrian ways

Amendment 2—In title, on page 1, line 16, strike "paths"

On motion by Senator Malchon, by two-thirds vote SB 789 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

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	Myers	Weinstein
Fox	Jenne	Neal	
Frank	Johnston	Plummer	

Nays—None

On motions by Senator Stuart, the rules were waived and by two-thirds vote SR 1130 was withdrawn from the Committee on Rules and Calendar.

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

Yeas—36

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
Fox	Hill	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Jenne

CONSENT CALENDAR

Consideration of CS for SB 333 was deferred.

CS for SB 442—A bill to be entitled An act relating to homestead exemption; amending ss. 196.011, 196.111, and 196.131, F.S.; authorizing the property appraiser to grant exemption to late homestead exemption applicants under certain conditions; requiring the adoption of rules by the Department of Revenue; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote CS for SB 442 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Rehm

CS for SB 228—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting a person from withholding certain information from a practitioner; prohibiting the possession of certain prescription forms by any person who is not authorized to possess

such forms; providing for increased penalties for certain violations of s. 893.13(2)(a), F.S.; adding delivery of controlled substances by law enforcement officers to exceptions to s. 893.13(1)-(3), F.S.; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Girardeau and adopted:

Amendment 1—On page 4, lines 30 and 31, and on page 5, lines 1 and 2, strike all of said lines and insert:

8. *To withhold information from a practitioner from whom he seeks to obtain a controlled substance or a prescription for a controlled substance that such person has within the last 30 days received a controlled substance or a prescription for a controlled substance of like therapeutic use from another practitioner.*

On motion by Senator Carlucci, by two-thirds vote CS for SB 228 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

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Rehm

CS for SB 860—A bill to be entitled An act relating to land and water management; amending s. 380.06, F.S.; authorizing developers to submit an areawide development plan for review; providing definitions; providing for powers and duties of the state land planning agency; providing for powers and duties of local governments; providing for powers and duties of regional planning agencies; providing for the property owner's consent and for withdrawal of consent; providing an effective date.

—was read the second time by title. On motion by Senator Castor, by two-thirds vote CS for SB 860 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Carlucci, Kirkpatrick, Rehm

Yeas—36

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
Fox	Hill	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Jenne

CONSENT CALENDAR

Consideration of CS for SB 333 was deferred.

CS for SB 442—A bill to be entitled An act relating to homestead exemption; amending ss. 196.011, 196.111, and 196.131, F.S.; authorizing the property appraiser to grant exemption to late homestead exemption applicants under certain conditions; requiring the adoption of rules by the Department of Revenue; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote CS for SB 442 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Rehm

CS for SB 228—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting a person from withholding certain information from a practitioner; prohibiting the possession of certain prescription forms by any person who is not authorized to possess such forms; providing for increased penalties for certain violations of s. 893.13(2)(a), F.S.; adding delivery of controlled substances by law enforcement officers to exceptions to s. 893.13(1)-(3), F.S.; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Girardeau and adopted:

Amendment 1—On page 4, lines 30 and 31, and on page 5, lines 1 and 2, strike all of said lines and insert:

8. *To withhold information from a practitioner from whom he seeks to obtain a controlled substance or a prescription for a controlled substance that such person has within the last 30 days received a controlled substance or a prescription for a controlled substance of like therapeutic use from another practitioner.*

On motion by Senator Carlucci, by two-thirds vote CS for SB 228 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

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Rehm

CS for SB 860—A bill to be entitled An act relating to land and water management; amending s. 380.06, F.S.; authorizing developers to submit an areawide development plan for review; providing definitions;

providing for powers and duties of the state land planning agency; providing for powers and duties of local governments; providing for powers and duties of regional planning agencies; providing for the property owner's consent and for withdrawal of consent; providing an effective date.

—was read the second time by title. On motion by Senator Castor, by two-thirds vote CS for SB 860 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Carlucci, Kirkpatrick, Rehm

SB 1053—A bill to be entitled An act relating to expressway authorities; repealing part V of chapter 348, F.S.; abolishing the Palm Beach County Expressway Authority; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 8, strike everything after the enactment clause and insert:

Section 1. Subsection (2) of 348.772, Florida Statutes, is amended to read:

348.772 Palm Beach Expressway Authority.—

(2) The governing body of the authority shall consist of five members. Each member of the governing body shall be a permanent resident of Palm Beach County at all times during his term of office.

(a) Four members shall be appointed by the Governor, and one member shall be appointed by the Board of County Commissioners of Palm Beach County. A member so appointed, other than the appointee of the board of county commissioners, may not be an elected official at the time of his appointment or at any time during his term of office. Any appointee of the Board of County Commissioners shall be a county commissioner during the full term of his membership on the authority. If such continuance in elective office is not so maintained, the appointee's membership on the authority shall be terminated prior to expiration of his term of office. Two of the members of the authority who are first appointed by the Governor shall be designated to serve for terms expiring January 3, 1985, and the other two members who are first appointed by the Governor shall be designated to serve for terms expiring January 3, 1987. The member of the authority appointed by the board of county commissioners shall serve for a term expiring January 3, 1986. Thereafter, the term of each appointed member shall be for 4 years. A vacancy occurring during a term shall be filled only for the balance of the unexpired term. Each of the original appointments shall be made within 30 days of the effective date of this part. Any member of the authority is eligible for reappointment.

(b) Each member of the authority, before entering upon his official duties, shall take and subscribe to an oath, before some official authorized by law to administer oaths, that he will faithfully, honestly, and impartially perform the duties devolving upon him in office as a member of the governing body of the authority and that he will not neglect any duty imposed upon him by this part.

Section 2. Subsection (3) of section 348.773, Florida Statutes, is amended to read:

348.773 Purposes and powers.—

(3) Any provision in this part or any other provision of law to the contrary notwithstanding, the consent of any municipality is not necessary

for any project of the authority, whether or not the project lies in whole or in part within the boundaries of the municipality. However, the officials and residents of any municipality in which any project of the authority is to be located, in whole or in part, shall be given ample opportunity to discuss the project and advise the authority as to their positions thereon at a duly advertised public hearing. *The authority shall hold a public hearing to discuss the location of any proposed project or the expenditure of any public funds in conjunction with a proposed project.*

Advertisement of the public hearing shall be by way of a newspaper published in Palm Beach County and circulated in the affected municipality. The legal notice and display advertisement shall be published at least 2 weeks before the public hearing and shall contain the time and place of the public hearing and a short description of the subject to be discussed. The public hearing may be adjourned from time to time and set for a time and place certain without the necessity of further advertisement. In routing and locating any expressway or its interchanges in or through a municipality, the authority shall give due regard to the effect of such location on the municipality as a whole and shall not unreasonably split, divide, or otherwise separate areas of the municipality one from the other.

Section 3. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 1, strike all of lines 3-5 and insert: amending s. 348.772(2), F.S.; provides that an appointee of the Board of County Commissioners shall be a County Commissioner for the full term of his office and must vacate membership on the authority if he does not continue in office; amending s. 348.773(3), F.S.; providing that the authority shall hold a public hearing to discuss the location of any proposed project or the expenditure of any public funds in conjunction with a proposed project; providing an effective date.

On motion by Senator D. Childers, by two-thirds vote SB 1053 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick, Langley, Rehm

On motion by Senator D. Childers, the rules were waived and SB 1053 after being engrossed was ordered immediately certified to the House.

SB 309—A bill to be entitled An act relating to postsecondary education; amending s. 240.533, F.S., relating to women's intercollegiate athletics, to provide for distribution of state funds with respect thereto; providing an effective date.

—was read the second time by title.

One amendment was adopted to SB 309 to conform the bill to CS for HB 261.

Pending further consideration of SB 309, on motions by Senator Gordon, the rules were waived and by two-thirds vote CS for HB 261 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Gordon—

CS for HB 261—A bill to be entitled An act relating to postsecondary education; amending s. 240.533, F.S., relating to women's intercollegiate athletics, to provide for distribution of state funds with respect thereto; providing an effective date.

—a companion measure, was substituted for SB 309 and read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for HB 261 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Rehm

SB 309 was laid on the table.

On motion by Senator Gordon, the rules were waived and CS for HB 261 was ordered immediately certified to the House.

CS for SB 191—A bill to be entitled An act relating to commercial feed; amending s. 580.061, F.S.; providing exemptions from the inspection fee imposed on the distribution of commercial feed; repealing said section on October 1, 1985; providing an effective date.

—was read the second time by title. On motion by Senator Crawford, by two-thirds vote CS for SB 191 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Rehm

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.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote CS for SB 1057 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Rehm

On motion by Senator Deratany, the rules were waived and CS for SB 1057 was ordered immediately certified to the House.

On motions by Senator Fox, by two-thirds vote CS for CS for HB 312 was withdrawn from the Committees on Commerce; Finance, Taxation and Claims; and Rules and Calendar.

On motions by Senator Fox—

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.

—a companion measure, was substituted for CS for CS for SB 262 and read the second time by title.

Senator Fox moved the following amendment which was adopted:

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

Section 1. International Currency and Barter Exchange.—

(1) There may be created one or more International Currency and Barter Exchanges, with one or more offices each, upon a determination by the Secretary of the Department of Commerce that each such Exchange can operate in an economic and beneficial manner. This determination shall be based on the results of a feasibility study concerning the possible structure, operation, the scope of activities and transactions, and regulation of each such Exchange, to be carried out under the supervision of the Secretary of the Department of Commerce. Nothing in this section, however, shall be construed to require the expenditure of state funds for the purpose of conducting any such feasibility study. For the purposes of this section, the term "Exchange" shall apply to any such international currency and barter exchange proposed or created under this section.

(2) The initial central office of the first exchange shall be located in Dade County. This exchange may enter into cooperative working arrangements with the Insurance Exchange of the Americas or the Greater Miami Foreign Trade Zone. Such cooperative arrangements may include, but need not be limited to, the sharing of physical facilities, personnel, and information. The initial exchange may relocate its central office and may establish additional offices as provided in subsection (3). This section shall not be construed to prohibit the formation of other exchanges if the initial exchange located in Dade County is not created by October 1, 1987.

(3) Each exchange created under this section may locate its central office in any area of the state and may have additional offices around the state as the exchange deems necessary. The Comptroller shall determine whether such locations or such additional offices will be in the public interest.

(4) The purpose of the Exchange is to provide a marketplace for the negotiation, arrangement, exchange, sale, purchase, brokerage, syndication, underwriting, and all activities incidental thereto, of foreign currency and exchange, and of services, goods, commodities, raw materials, and interests therein, in an institutionalized, and, to the maximum extent possible, self-regulated fashion.

(5) Within 30 days following a determination by the Secretary of the Department of Commerce that the Exchange could operate in an economic and beneficial manner, a committee shall be appointed to write the constitution and bylaws of the Exchange. The committee shall consist of 15 members, 11 to be appointed by the Governor, 2 to be appointed by the Speaker of the House of Representatives, and 2 to be appointed by the President of the Senate. A chairman shall be elected from the members of the committee by a majority of the committee. The committee shall submit such proposed constitution, bylaws, and other recommendations to the Comptroller for approval no later than 90 days following the first meeting of the committee. In reviewing the constitution and the bylaws of the Exchange, as well as any other recommendations made to the Comptroller by the committee, the Comptroller shall consider whether such constitution, bylaws, and recommendations are consistent with the public interest and the efficient functioning of the Exchange. The Comptroller shall approve the constitution and bylaws of the Exchange based upon a finding that they describe the types of activity and transactions the Exchange will conduct, that such business activities do not violate state or federal law, that the form of the business organization of the Exchange complies with statutory requirements, and that the interest of the members of the Exchange and their customers would be adequately protected. The Comptroller shall have 30 days within which to approve or reject such constitution and bylaws. The Comptroller shall

have the authority to promulgate rules allowing for review of recommendations made from time to time by the committee. The Comptroller shall work closely with the committee on the development of the constitution and bylaws of the Exchange.

(6) The Exchange shall have full authority to function 60 days after its constitution and bylaws are approved by the Comptroller. The initial board of governors of the Exchange shall consist of the members of the committee who shall serve until the first election of the Board of Governors by the members of the Exchange pursuant to the constitution and bylaws. In the event that the constitution and bylaws are disapproved by the Comptroller, the committee, in consultation with the Comptroller, shall have 60 days from the date of such disapproval within which to submit an alternative constitution and bylaws. The Comptroller shall have 30 days within which to approve or reject such alternative constitution and bylaws.

(7) The constitution and bylaws of the Exchange shall include provision that:

(a) There shall be no less than 9 nor more than 15 governors of the Exchange, at least one-third of whom shall not be members of the Exchange.

(b) The principal offices of the Exchange and the principal offices of its members shall be located within this state for the purpose of conducting the type of business described in subsection (4).

(c) All members and applicants for membership on the Exchange shall submit all financial information reasonably required by the Comptroller.

(d) The Comptroller shall require each member of the Exchange who holds custody of any funds or property belonging to any person or entity, other than a member, which person or entity is transacting business through the Exchange, to post a security bond for the protection of all such transacting persons or entities. The amount of the security bond shall be determined by the Comptroller by rule. The security bond shall be in a form acceptable to the Comptroller and the surety for the bond shall be a surety company authorized to do business in the state. In lieu of the security bond, the Comptroller may require another form of protection or insurance, provided that the amount of that protection or insurance does not exceed the amount imposed for a security bond. Nothing in this section prohibits any transacting person or entity from reaching an agreement with a member of the Exchange, as a matter of contract, for the posting of additional security or protection.

(e) The Exchange shall adopt rules including, but not limited to, requirements prescribing eligibility for membership and the voting power, duties, and rights to participate in the conduct and management of the affairs of the Exchange by the members thereof, such rights and duties to include the manner and form of conducting business, financial stability requirements, dues, membership fees, resolution of dispute mechanisms, and all other matters necessary or appropriate to conduct any business permitted herein.

(f) Elections to the board of governors of the Exchange by the members of the Exchange shall be held once every 2 years, with those persons receiving the greatest number of votes cast being elected thereto.

(8) Any amendments to the constitution and bylaws shall be subject to the approval of the Comptroller.

(9) The Exchange formed under the provisions of this section shall not be subject to any state or local taxes or fees which taxes or fees are measured by income, transaction amounts, or gross receipts, nor shall it have any reporting requirements in respect to such income or transactions under state and local law. Nothing herein shall be construed to give the members of the Exchange any tax exemption. The exemption granted by this subsection shall not apply to any tax imposed under chapter 220, Florida Statutes, or under part II of chapter 212, Florida Statutes.

(10) The Exchange or any member thereof shall reimburse the Comptroller for the actual costs incurred by the Comptroller in connection with the regulation and supervision of the Exchange. The Comptroller shall adopt rules specifying the procedures for reimbursement. As used in this section, "actual costs" means all direct and indirect costs and expenses incurred by the Comptroller in connection with the regulation and supervision of the Exchange, including general administrative costs, travel expenses, and salaries involved in the regulation and supervision of the Exchange. The Comptroller may require the Exchange or any members to pay interim assessments related to estimated final assessments.

(11) The Florida securities laws and rules shall apply to the Exchange and to its members.

(12) The Comptroller may by rule establish limitations on investments in members of the Exchange by any person or company, consistent with the public interest and the efficient functioning of the Exchange.

(13) The Comptroller may adopt reasonable rules necessary to implement this section.

Section 2. This act shall take effect October 1, 1984.

On motion by Senator Fox, by two-thirds vote CS for CS for HB 312 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Castor	Gersten	Jennings	Myers
Childers, D.	Girardeau	Johnston	Plummer
Childers, W. D.	Gordon	Langley	Scott
Crawford	Grant	Malchon	Stuart
Deratany	Grizzle	Mann	Thurman
Fox	Hair	Margolis	Vogt
Frank	Henderson	McPherson	Weinstein

Nays—None

Vote after roll call:

Yea—Hill, Kirkpatrick, Rehm, Thomas

CS for CS for SB 262 was laid on the table.

On motions by Senator Frank, the rules were waived and by two-thirds vote CS for CS for HB 127 was withdrawn from the Committees on Judiciary-Civil and Judiciary-Criminal.

On motion by Senator Frank—

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.

—a companion measure, was substituted for CS for SB 343 and read the second time by title. On motion by Senator Frank, by two-thirds vote CS for CS for HB 127 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Rehm

CS for SB 343 was laid on the table.

The President presiding

On motions by Senator Girardeau—

SCR 787—A concurrent resolution proclaiming "Junior Olympics Week."

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

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Stuart

Consideration of SB 132 was deferred.

SB 742—A bill to be entitled An act relating to unemployment compensation; amending s. 443.091, F.S., modifying benefit eligibility conditions; amending s. 443.111, F.S., modifying the formula for determining the total amount of benefits to which a claimant may be entitled and restricting conditions under which extended benefits are payable; providing an effective date.

—was read the second time by title.

Further consideration of SB 742 was deferred.

On motion by Senator Thomas, the rules were waived and the Senate immediately reconsidered the vote by which SB 376 passed this day. Further consideration of SB 376 was deferred.

On motions by Senator Grant, the rules were waived and by two-thirds vote HB 359 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Grant—

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.

—a companion measure, was substituted for SB 281 and read the second time by title. On motion by Senator Grant, by two-thirds vote HB 359 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Carlucci, Kirkpatrick, Rehm, Stuart

SB 281 was laid on the table.

SB 695—A bill to be entitled An act relating to driver's licenses; amending s. 322.03, F.S.; prohibiting any person from operating a motorcycle or motor-driven cycle unless he possesses a driver's license which authorizes such operation; amending s. 322.12, F.S.; exempting certain persons from the motorcycle skills test; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of line 18 and insert: *authorizes such operation, except that a Florida driver's license issued prior to October 1, 1984, shall permit the licensee to operate a motorcycle or motor-driven cycle until the expiration of the license.*

Amendment 2—In title, on page 1, strike all of line 6 and insert: *authorizes such operation; providing that licenses issued prior to October 1, 1984, shall permit the operation of a motorcycle or motor-driven cycle until expiration; amending s. 322.12,*

On motion by Senator Grizzle, by two-thirds vote SB 695 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Rehm, Stuart

On motions by Senator Hair, the rules were waived and by two-thirds vote CS for HB 132 was withdrawn from the Committees on Governmental Operations and Appropriations.

On motion by Senator Hair—

CS for HB 132—A bill to be entitled An act relating to the Historic St. Augustine Preservation Board of Trustees; creating s. 266.08, F.S.; defining a direct support organization; permitting a board approved direct-support organization to raise funds, request and receive grants, receive, hold, invest, and administer property, and to make expenditures to or for the board; authorizing use of property, facilities, and personal services of the board by such organization; providing requirements and restrictions; requiring an annual audit to be reviewed by the Auditor General and the board; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for SB 37 and read the second time by title.

Senator Hair moved the following amendment which was adopted:

Amendment 1—On page 3, line 9, strike "1987" and insert: 1990

On motion by Senator Hair, by two-thirds vote CS for HB 132 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Rehm, Stuart

SB 37 was laid on the table.

On motion by Senator Henderson, the rules were waived and by two-thirds vote HB 677 was withdrawn from the Committee on Commerce.

On motion by Senator Henderson—

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.

—a companion measure, was substituted for SB 781 and read the second time by title.

Senator Henderson moved the following amendment which was adopted:

Amendment 1—On page 3, strike all of line 21 and insert: Section 4. This act shall take effect upon becoming a law.

On motion by Senator Henderson, by two-thirds vote HB 677 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

SB 781 was laid on the table.

On motion by Senator Hill, the rules were waived and by two-thirds vote HB 747 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Hill—

HB 747—A bill to be entitled An act relating to electrical standards; amending s. 553.19, F.S.; prescribing minimum electrical standards; providing an effective date.

—a companion measure, was substituted for SB 488 and read the second time by title. On motion by Senator Hill, by two-thirds vote HB 747 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

SB 488 was laid on the table.

On motion by Senator Jenne, the rules were waived and by two-thirds vote HB 969 was withdrawn from the Committee on Education.

On motion by Senator Jenne—

HB 969—A bill to be entitled An act relating to education; amending s. 231.17, F.S., requiring fingerprinting for teacher certification; providing for fingerprinting of substitute teachers; amending s. 231.28, F.S., relating to the Education Practices Commission, to require superintendents to report persons convicted of certain offenses; providing an effective date.

—a companion measure, was substituted for SB 677 and read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 969 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

SB 677 was laid on the table.

SB 321—A bill to be entitled An act relating to consumer loans; amending s. 516.031, F.S.; providing that the limitation on charges received by a consumer finance company shall apply only to charges received as a condition to the grant of a loan; authorizing charges for the premium payable for insurance in lieu of perfecting a security interest; authorizing the imposition of a bad check charge; authorizing the inclusion in the principal of a new loan of the accrued interest on a prior loan used as consideration for such loan; amending s. 516.15, F.S.; deleting the requirement that consumer finance licensees furnish borrowers a copy of s. 516.031, F.S.; authorizing licensees to furnish borrowers an annual statement in lieu of a receipt for each payment except for cash payments; amending s. 516.20, F.S.; limiting the definition of "interest;" amending s. 687.08, F.S.; authorizing a lender to furnish an annual statement to a borrower in lieu of a receipt for each payment except for cash payments; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 321 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 682—A bill to be entitled An act relating to health insurance; amending ss. 627.641 and 627.6575, F.S., expanding mandated coverage for newborn children in individual, group, blanket, and franchise health insurance policies; reenacting s. 627.6515(2), F.S., to incorporate the amendment to s. 627.6575, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 23 and 24 and insert: the insured or subscriber, or covered family member of the insured or subscriber, from the moment of birth. However, with respect to a newborn child of a covered family member of the insured or subscriber, the coverage for the newborn child shall terminate eighteen months after the birth of the newborn child.

Amendment 2—On page 2, strike all of lines 19 and 20 and insert: the certificateholder or subscriber, or covered family member of the certificateholder or subscriber, from the moment of birth. However, with respect to a newborn child of a covered family member of the certificateholder or subscriber, the coverage for the newborn child shall terminate eighteen months after the birth of the newborn child.

On motion by Senator Johnston, by two-thirds vote SB 682 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	Gersten	Jennings	Neal
Beard	Girardeau	Johnston	Plummer
Carlucci	Gordon	Kirkpatrick	Rehm
Childers, D.	Grant	Langley	Scott
Childers, W. D.	Grizzle	Malchon	Stuart
Crawford	Hair	Mann	Thomas
Deratany	Henderson	Margolis	Thurman
Fox	Hill	McPherson	Vogt
Frank	Jenne	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Castor

CS for SB 36—A bill to be entitled An act relating to the Florida Retirement System; creating s. 121.1121, F.S.; authorizing elected state officers whose terms have been or may be shortened by reapportionment to pay into the system trust fund the amount of contributions that would have been made on their behalf, plus interest, after the term of office to which elected is completed and to receive service credit therefor; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote CS for SB 36 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Stuart

On motion by Senator D. Childers, by two-thirds vote HB 611 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator D. Childers—

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.

—a companion measure, was substituted for SB 525 and read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 611 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Gersten

SB 525 was laid on the table.

SB 126—A bill to be entitled An act relating to school personnel; amending s. 231.40, F.S.; authorizing collective bargaining agreements to change employee sick leave benefits with respect to a sick leave pool; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote SB 126 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Rehm

SB 581—A bill to be entitled An act relating to club licenses for the service or distribution of liquor; amending s. 561.20, F.S.; providing that qualified beach or cabana clubs may serve or distribute liquor upon payment of the club license tax; providing qualifications; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 581 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Beard	Girardeau	Jennings	Scott
Carlucci	Gordon	Johnston	Stuart
Castor	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Henderson	McPherson	Vogt
Deratany	Hill	Myers	Weinstein
Gersten	Jenne	Plummer	

Nays—6

Mr. President	Frank	Mann
Childers, D.	Langley	Neal

Vote after roll call:

Yea—Fox, Kirkpatrick, Rehm

The Senate resumed consideration of—

SB 376—A bill to be entitled An act relating to drivers' licenses; providing intent; amending s. 322.12, F.S., requiring driver's license examination of persons licensed in another state or country; increasing the initial examination fee for a driver's license; providing an effective date.

SB 376 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

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

Nays—2

Childers, W. D. Langley

Vote after roll call:

Yea—Kirkpatrick, Rehm

Nay—Grant

Yea to Nay—Scott

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

SPECIAL ORDER

SB 893—A bill to be entitled An act relating to labor; amending s. 448.07, F.S.; providing that said section and s. 725.07, F.S., relating to discrimination, do not apply to employers subject to the Federal Fair Labor Standards Act of 1938, as amended; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendments which were moved by Senator Castor and adopted:

Amendment 1—On page 3, strike all of lines 5-7 and insert: (4) Nothing in this section or in s. 725.07, relating to discrimination based on sex in providing equal pay for equal services performed, shall be applicable to any employer, labor organization or member thereof, or employee whose employer is subject to the Federal Fair Labor Standards Act of 1938, as amended;

Amendment 2—In title, on page 1, strike all of lines 5 and 6 and insert: not apply to employers or their employees or labor organizations or their members subject to the Federal Fair Labor Standards Act of 1938, as amended;

On motion by Senator Castor, by two-thirds vote SB 893 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Scott, the rules were waived and time of adjournment was extended until 12:30 p.m.

CONSENT CALENDAR, continued

HB 335—A bill to be entitled An act relating to home solicitation sales; amending ss. 501.025 and 501.031, F.S.; providing methods by which the buyer may cancel such a sale; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 335 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Rehm

SB 826—A bill to be entitled An act relating to education; providing that certain persons with specific learning disabilities shall not be required to take standardized college entrance aptitude tests to gain admittance as undergraduate students to any public institution of higher education in the state; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 826 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—3

Frank	Langley	Weinstein
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Vote after roll call:

Yea—Rehm

The Senate resumed consideration of—

SB 742—A bill to be entitled An act relating to unemployment compensation; amending s. 443.091, F.S., modifying benefit eligibility conditions; amending s. 443.111, F.S., modifying the formula for determining the total amount of benefits to which a claimant may be entitled and restricting conditions under which extended benefits are payable; providing an effective date.

On motion by Senator Gordon, by two-thirds vote SB 742 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Rehm

CS for SB's 410 and 269—A bill to be entitled An act relating to waterways development; amending s. 374.77, F.S.; providing that the directors of waterway special taxing districts shall receive per diem and traveling expenses for their duties; creating s. 374.781, F.S.; providing for the authority of the districts to address impacts of waterway development projects; repealing chapter 12026, Laws of Florida, 1927, as amended, relating to the Florida Inland Navigation District, and providing for review pursuant to s. 11.611, Florida Statutes; limiting certain Florida Inland Navigation District contracts; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote CS for SB's 410 and 269 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Hill, Rehm

CS for SB 1001—A bill to be entitled An act relating to ad valorem taxation; amending s. 192.001, F.S.; amending the definition of "floating structure" to include certain structures used for mining or mineral excavation and certain other structures; providing an effective date.

—was read the second time by title.

Senator Neal moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 22-28 and insert: property. *The term A "floating structure" includes, but is not limited to, entities may be used as a residence, place of business, office, hotel or motel, restaurant or lounge, clubhouse, meeting facility, storage or parking facility, mining platform, dredge, dragline, or similar facility or entity may be represented as such. Floating structures are expressly*

On motion by Senator Neal, by two-thirds vote CS for SB 1001 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	Frank	Johnston	Rehm
Beard	Gersten	Kirkpatrick	Scott
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	Myers	
Fox	Jennings	Neal	

Nays—None

On motion by Senator Crawford, by two-thirds vote HB 1131 was withdrawn from the Committee on Commerce.

On motion by Senator Crawford—

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.

—a companion measure, was substituted for SB 567 and read the second time by title. On motion by Senator Crawford, by two-thirds vote HB 1131 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Rehm

SB 567 was laid on the table.

On motions by Senator Plummer, the rules were waived and by two-thirds vote CS for HB 168 was withdrawn from the Committees on Governmental Operations and Appropriations.

On motion by Senator Plummer—

CS for HB 168—A bill to be entitled An act relating to historic preservation boards; amending ss. 266.01, 266.06, 266.101, 266.106, 266.110, 266.115, 266.201, 266.206, 266.301, 266.306, 266.401, 266.406, 266.501 and 266.506, F.S., relating to the Historic St. Augustine Preservation Board of Trustees, the Historic Pensacola Preservation Board of Trustees, the Historic Tallahassee Preservation Board of Trustees, the Historic Key West Preservation Board of Trustees, the Historic Boca Raton Preservation Board of Commissioners, the Historic Tampa-Hillsborough County Preservation Board of Trustees, and the Historic Broward County and Historic Volusia County and Flagler County Preservation Boards of Trustees; providing additional powers of the boards; providing an effective date.

—a companion measure, was substituted for CS for SB 490 and read the second time by title. On motion by Senator Plummer, by two-thirds vote CS for HB 168 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 490 was laid on the table.

On motion by Senator Scott, the rules were waived and by two-thirds vote CS for HB 487 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Scott—

CS for HB 487—A bill to be entitled An act relating to visitation rights; creating s. 61.1301, F.S., providing for visitation rights of grandparents; repealing s. 68.08, F.S., relating to visitation rights of grandparents; providing an effective date.

—a companion measure, was substituted for CS for SB 371 and read the second time by title.

Senator Scott moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 23-28 and renumber subsequent subsections.

On motion by Senator Scott, by two-thirds vote CS for HB 487 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Gersten

CS for SB 371 was laid on the table.

CS for SB 626—A bill to be entitled An act relating to ad valorem property tax exemptions; amending s. 196.1975, F.S.; providing that certain nonprofit housing projects are deemed to be used for charitable purposes; providing a method for valuation of portions of certain property; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendments which were adopted:

Amendment 1—On page 1, line 12, insert:

Section 1. Section 9 of chapter 83-71, Laws of Florida, is hereby repealed, and section 154.233, Florida Statutes, is reenacted and amended to read:

154.233 Tax exemption.—The exercise of the powers granted by this part will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions, and because the operation and maintenance of a project by a health facility will constitute the performance of an essential public function, neither the authority nor a hospital institution shall be required to pay any taxes or assessments upon or in respect of a project or any property acquired by the authority under the provisions of this part or upon the income therefrom, and any bonds issued under the provisions of this part, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state, the local agency, and municipalities and other political subdivisions in the state, except that such income shall be subject to the tax imposed pursuant to the provisions of chapter 220. Nothing in this section shall be construed as exempting from taxation or assessments the leasehold interest of any health facility organized for profit. If any project or any part thereof shall be occupied or operated by any health facility organized for profit pursuant to any contract or lease with the authority, the property interest created by such contract or lease shall be subject to taxation to the same extent as other privately owned property. *Homes for the aged, or life care communities, however designated, which are financed through the sale of health facilities authority bonds, whether on a sale-leaseback basis, a sale-repurchase basis, or other financing arrangement, shall be exempt from ad valorem taxation only in accordance with the provisions of s. 196.1975.*

(Renumber subsequent sections.)

Amendment 2—On page 2, line 15, after “1985” insert: , except that section 1 shall take effect upon becoming a law and shall operate retroactively to July 1, 1983

Amendment 3—In title, on page 1, strike all of lines 3-8 and insert: exemptions; repealing s. 9, chapter 83-71, Laws of Florida, and reenacting and amending s. 154.233, F.S.; reinstating provisions specifying tax-exempt status of health facility projects and bonds issued under said law; specifying status of homes for the aged with respect to ad valorem tax exemption; amending s. 196.1975, F.S.; providing that certain nonprofit housing projects are deemed to be used for charitable purposes; providing a method for valuation of portions of certain property; providing effective dates.

On motion by Senator Stuart, by two-thirds vote CS for SB 626 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gersten	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
Crawford	Henderson	McPherson	Weinstein
Deratany	Hill	Myers	
Fox	Jenne	Neal	
Frank	Jennings	Plummer	

Nays—None

SB 833—A bill to be entitled An act relating to the naming of state buildings; authorizing and directing the Board of Regents of the Division of Universities of the Department of Education to name the chemistry classroom building at Florida State University the “Katherine B. Hoffman Teaching Laboratory of Chemistry”; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 833 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

McPherson	Neal	Scott	Vogt
Meek	Plummer	Thomas	Weinstein
Myers	Rehm	Thurman	

Nays—1

Gordon

On motion by Senator Thurman, the rules were waived and by two-thirds vote CS for HB 266 was withdrawn from the Committee on Appropriations.

On motion by Senator Thurman—

CS for HB 266—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending ss. 581.031, 581.141, 581.212, and 586.09, F.S., providing for deposit of certain moneys received by the department into the Plant Industry Trust Fund; providing an effective date.

—a companion measure, was substituted for CS for SB 109 and read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for HB 266 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Thomas

CS for SB 109 was laid on the table.

SB 645—A bill to be entitled An act relating to fireworks; amending s. 791.01, F.S., modifying the definition of fireworks to include sparklers; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Vogt and adopted:

Amendment 1—On page 1, line 28, strike “*sparklers*,”

The Committee on Judiciary-Criminal recommended the following amendment:

Amendment 2—On page 2, line 1, strike *sparklers*,

Senator Vogt moved the following substitute amendment which was adopted:

Amendment 3—On page 2, line 1, strike “*sparklers*” and insert: *sparklers*

The Committee on Judiciary-Criminal recommended the following amendment:

Amendment 4—On page 2, line 10, insert:

(3) *The term “sparkler” shall mean a device consisting of a wire or stick which is coated with a non-explosive, combustible substance that when ignited will emit a shower of sparks. Such sparks shall not extend more than three feet from the point where the combustion is occurring. Any device that exceeds the limits specified in this subsection shall be classified as a firework.*

Senator Vogt moved the following substitute amendment which was adopted:

Amendment 5—On page 2, strike line 10 and insert:

(3) *The term “sparkler” shall mean a device which emits showers of sparks upon burning, does not contain any explosive compounds, does*

not detonate or explode, is hand held or ground based, and cannot propel itself through the air. Any sparkler that contains more than 100 grams of the chemical compound which produces sparks upon burning shall be classified as a firework, as defined by section 791.01.

Section 2. This act shall take effect on October 1, 1984.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Vogt and adopted:

Amendment 6—In title, on page 1, strike all of lines 1-5 and insert: A bill to be entitled An act relating to fireworks; amending s. 791.01, F.S., providing a definition of sparklers; providing an effective date.

On motion by Senator Vogt, by two-thirds vote SB 645 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	Gersten	Jennings	Plummer
Beard	Girardeau	Johnston	Rehm
Carlucci	Gordon	Kirkpatrick	Scott
Castor	Grant	Langley	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Mann	Thurman
Crawford	Henderson	Margolis	Vogt
Fox	Hill	Myers	Weinstein
Frank	Jenne	Neal	

Nays—None

On motion by Senator Jenne, the rules were waived and the Senate immediately reconsidered the vote by which—

CS for SB 728—A bill to be entitled An act relating to dental insurance and dental service corporations; creating s. 627.6577, F.S., requiring employers, groups, and organizations offering certain dental coverage to enable insureds to select their dentist; providing for notice; limiting application of provisions; providing an effective date.

—passed this day.

Senator Jenne moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 2, strike line 4 and insert:

Section 2. Subsection (4) of section 637.407, Florida Statutes, is amended to read:

637.407 Licenses; financial requirements; complaint review procedure.—

(4) No dental service plan corporation shall be permitted to operate unless the corporation proves to the department that it has adequate working capital in a minimum amount of \$100,000 in cash or United States Government securities or that the working capital is sufficient to carry all acquisition costs and operating expenses for a period of at least 6 months from the date of the issuance of the license, whichever is the greater amount. *However, no dental service plan corporation in existence on July 1, 1981, shall be permitted to operate unless the corporation proves to the department that it has adequate working capital in a minimum amount of \$100,000 in cash or United States Government securities or that the working capital is sufficient to carry all acquisition costs and operating expenses for a period of at least 6 months from the date of the issuance of the license, whichever is the lesser amount.* The sufficiency of the working capital shall be determined by the department by taking into account the area to be served, the anticipated number of persons to receive services or benefits under the plans, and the extent or scope of the services or benefits to be rendered. In lieu of or in conjunction with the working capital requirements, a dental service plan corporation may obtain reinsurance from an insurer licensed under chapter 624. Such reinsurance shall be in a form and in an amount determined by the department to be equivalent to the working capital requirements which would be required if such reinsurance were not in effect.

Section 3. Section 637.427, Florida Statutes, is amended to read:

637.427 Preexisting service plan corporations.—No nonprofit corporation, organized under the laws of this state prior to July 1, 1981, to operate a dental service plan in the state or any of the counties thereof,

the charter or certificate of incorporation of which has been approved or consented to by the Insurance Commissioner prior to July 1, 1981, shall be required to incorporate or reincorporate as provided in this part. However, every such corporation desiring to operate such a plan shall file with the Insurance Commissioner its acceptance of this part within 6 months from July 1, 1981; and every such corporation so accepting this part shall continue, shall have all the powers, authority, and exemptions of this part, and shall be subject to all the provisions of this part except as otherwise provided in this part. At the time of filing its acceptance, each such corporation must demonstrate to the satisfaction of the department that it is in compliance with the substantive provisions of this part and that it has the present ability to meet all current or contractual obligations to subscribers or to participating dentists. ~~All preexisting corporations shall have 2 years from July 1, 1981, to demonstrate compliance with s. 637.407(4), requiring minimum working capital of \$100,000.~~

In addition, each such corporation shall file an audited financial statement. Any such corporation may amend its charter to become a profit-making corporation with the prior approval of the department and subject to the provisions of chapter 607 and of this part.

Section 4. This act shall take effect October 1, 1984, except that sections 2 and 3 shall take effect July 1, 1984.

Senator Jenne moved the following amendment which was adopted:

Amendment 2—In title, on page 1, line 8, after "provisions;" insert: amending s. 637.407, F.S., providing for financial requirements for dental service plan corporations existing on July 1, 1981; amending s. 637.427, F.S., deleting language relating to financial requirements for dental service plan corporations existing prior to July 1, 1981;

CS for SB 728 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Gersten

Vote after roll call:

Yea—Kirkpatrick

Yea to Nay—Margolis

On motion by Senator Jenne, the rules were waived and CS for SB 728 was immediately certified to the House.

On motion by Senator Langley, the rules were waived and all bills passed on the consent calendar after being engrossed were ordered immediately certified to the House.

CS for SB 333—A bill to be entitled An act relating to educational facilities construction and funding; amending s. 236.25, F.S.; restricting the type of projects which can be funded by the discretionary 2-mill capital outlay levy; providing for continuation of said section as amended; providing for legislative review of said section; providing for future repeal of said section; providing an effective date.

On motion by Senator Rehm, by two-thirds vote CS for SB 333 was read the second time by title.

Senators Grizzle and Malchon offered the following amendment which was moved by Senator Grizzle and adopted:

Amendment 1—On page 2, line 13, strike "1986" and insert: 1987

On motion by Senator Rehm, by two-thirds vote CS for SB 333 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	Plummer
Barron	Frank	Jenne	Rehm
Beard	Gersten	Jennings	Scott
Carlucci	Girardeau	Johnston	Thomas
Castor	Gordon	Langley	Thurman
Childers, D.	Grant	Malchon	Vogt
Childers, W. D.	Grizzle	Margolis	Weinstein
Crawford	Hair	Myers	
Deratany	Henderson	Neal	

Nays—None

On motions by Senator Johnston, the rules were waived and by two-thirds vote CS for SB 210, SB 254, CS for SB 265, SB 448, CS for SB 501, SB 552, SB 553, CS for SB 554, SB 571, CS for SB 573, SB 582, SB 586, SB 644, SB 664, SB 702, CS for SB 716, CS for SB 733, CS for SB 762, SB 763, CS for SB 816, SB 861, CS for SB 885, SB 827, SB 916, SB 941, SB 948, CS for SB 952, CS for SB 986, SB 987, SB 992, SB 994, SB 1017, CS for CS for SB's 1040 and 788, CS for SB's 1069 and 906, CS for SB 96, SB 589 and SB 934 were withdrawn from the Committee on Appropriations.

Conferees

The President announced the following conferees for the general appropriations and education package and implementing bills:

Subcommittee A - Senator Neal, chairman; Senators Scott and Thomas; alternate Senator Beard.

Subcommittee B - Senator Hair, chairman; Senators Gordon and Castor; alternate Senator Kirkpatrick.

Subcommittee C - Senator Vogt, chairman; Senators Grizzle and Margolis; alternate Senator Crawford.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 16 was corrected and approved.

The Journal of May 15 was further corrected and approved as follows:

Page 274, column 1, line 31, after the period insert: An agency decision shall be final when reduced to writing and filed with

CO-INTRODUCERS

Senator Carlucci—CS for SB 1022; Senator Myers—SB 1032

ADJOURNMENT

Senator Barron moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Wednesday, May 23 at 10:00 a.m. The motion was adopted.

Pursuant to the motion by Senator Barron, the Senate recessed at 12:24 p.m. to reconvene at 10:00 a.m., Wednesday, May 23.