



Journal of the Senate

Number 21

Wednesday, May 23, 1984

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

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

Excused: Senator Myers; Senator Stuart until 11:00 a.m.; Senator Barron, from 2:00 to 3:00 p.m. to work on cost of health care delivery.

Prayer by the Rev. James M. Proctor, Pastor, St. Paul A. M. E. Church, Jacksonville:

Almighty God, thou great governor of the world: We pray for all who hold public office and power, and for the life, welfare, and virtue of all the people who are in their hands.

O Lord, strengthen the sense of duty in our political life. Grant that the Senators of the State of Florida may feel ever more deeply that any diversion of their public powers for selfish ends is a betrayal of their office. Purge our state and nation of the deep causes of corruption which have so often made wrong profitable and rightness hard. Give our leaders new vision and set their hearts on fire with large resolves. Grant them sound judgement to build a better government based on just laws, good education, simplicity and justice in our relationships one with another.

O God, above all give us a spirit of service which abolishes pride of place and inequality of opportunity. Amen.

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

Votes Recorded

Senator Crawford was recorded as voting yea on the following: SB 219, CS for SB 241, and CS for HB 150 which were considered May 15; SR 1129 and SB 474 which were considered May 16; and CS for SB 860 and House Bills 359, 677 and 611 which were considered May 17.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 23, 1984: CS for SB's 923, 836, 1081 and 884; CS for SB 937, CS for SB 265, SB 315, CS for SB 598, SB 629, SB 130, SB 496, CS for SB 296, CS for SB 192, SB 194, CS for SB 929, SB 955, SB 1073, SB 802, CS for SB 876, SB 271, CS for SB 341, SB 153, SB 207, SB 44, SB 336, CS for SB 519

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Wednesday, May 23, 1984: SB 589, SB 849, SB 987, SB 1088, SB 1084, SB 1092, SB 1093, SB 1105, SB 1111, SB 1112, SB 1122, SB 1123, SB 1133, SB 1136, SB 1138, SB 1139, HB 476, HB 496, HB 512, HB 517, HB 655, HB 935, HB 947, HB 949, HB 952, HB 975, HB 989, HB 1016, HB 1026, HB 1073, HB 1075, HB 1076, HB 1077, HB 1079, HB 1080, HB 1083, HB 1085, HB 1086, HB 1088, HB 1091, CS for HB 1092, HB 1098, HB 1099, HB 1105, HB 1117, HB 1130, HB 1140, HB 1141, HB 1143, HB 1209, HB 1241, HB 1279, HB 1289

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Claims Calendar for Wednesday, May 23, 1984: SB 349, SB 350, SB 351, SB 406, SB 778, SB 882, SB 1101

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Health and Rehabilitative Services recommends the following pass: SB 830

The Committee on Judiciary-Criminal recommends the following pass: CS for SB 775 with 4 amendments

The Committee on Natural Resources and Conservation recommends the following pass: SB 757

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 823, SB 1024, HB 120

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

The Committee on Appropriations recommends the following pass: SB 980

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 900 with 1 amendment, SB 1032 with 4 amendments

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

The Committee on Health and Rehabilitative Services recommends the following pass: SB 675, HB 238 with 1 amendment

The bills were referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Commerce recommends the following pass: SB 1014

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

The Committee on Health and Rehabilitative Services recommends the following pass: SB 854 with 2 amendments

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

The Committee on Appropriations recommends the following pass: CS for SB 255, SB 279, CS for SB 329, SB 339, SB 462, SB 487, CS for Senate Bills 504 and 681, CS for SB 569, CS for SB 700, SB 741, SB 898, SB 908, CS for SB 943, CS for SB 1025, SB 373 with 1 amendment, SB 584 with 1 amendment, SB 995 with 1 amendment, CS for CS for HB 1187 with 2 amendments

The Committee on Commerce recommends the following pass: CS for SB 342, HB 822

The Committee on Economic, Community and Consumer Affairs recommends the following pass: HB 1150

The Committee on Health and Rehabilitative Services recommends the following pass: SB 240, HB 1046 with 5 amendments

The Committee on Judiciary-Criminal recommends the following pass: HB 856

The Committee on Natural Resources and Conservation recommends the following pass: CS for HB 798 with 2 amendments, HB 898 with 2 amendments

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

The Committee on Natural Resources and Conservation recommends the following not pass: SB 790

The bill was laid on the table.

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 924

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

The Committee on Agriculture recommends a committee substitute for the following: CS for SB 326

The Committee on Commerce recommends a committee substitute for the following: CS for SB 982

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 62, SB 440, SB 983, SB 628, SB 636, CS for SB 1045

The Committee on Personnel, Retirement and Collective Bargaining recommends committee substitutes for the following: SB 922, SB 357

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

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 902

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

The Committee on Commerce recommends a committee substitute for the following: SB 831

The bill with committee substitute attached was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 881

The bill with committee substitute attached was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 212, SB 740

The Committee on Transportation recommends a committee substitute for the following: CS for Senate Bills 469, 698, 239 and 380

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

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: SB 1102

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

The Committee on Appropriations recommends a committee substitute for the following: SB 923, CS for SB 836, and CS for Senate Bills 1081 and 884

The Committee on Commerce recommends committee substitutes for the following: SB 752, CS for SB 532

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 97, SB 230, SB 231, SB 242, SB 797, SB 852

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 748, CS for SB 754

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 673

The Committee on Transportation recommends a committee substitute for the following: SB 767

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

REQUESTS FOR EXTENSION OF TIME

May 21, 1984

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following: Senate Bills 23, 45, 89, 103, 145, 168, 169, 203, 310, 316, 323, 328, 337, 372, 389, 419, 450, 456, 464, 491, 493, 516, 520, 534, 543, 560, 585, 605, 624, 642, 648, 736, 786, 791, 834, 838, 856, 888, 894, 917, 928, 945, 951, 962, 964, 965, 973, 1056, 1062, 1072, 1074, 1078, 1096; House Bills 401, 538, 1056

May 23, 1984

The Committee on Agriculture requests an extension of 15 days for consideration of the following: Senate Bills 670, 679; HB 137

The Committee on Appropriations requests an extension of 15 days for consideration of the following: Senate Bills 9, 10, 30, 32, 56, 68, 101, 123, 137, 146, 181, 202, 221, 222, 235, 238, 253, 276, 280, 291, 292, 300, 301, 318, 334, 338, 375, 379, 384, 391, 400, 403, 411, 421, 454, 484, 486, 494, 497, 506, 508, 513, 526, 602, 646, 652, 691, 700, 749, 751, 753, 756, 760, 783, 785, 847, 875, 909, 943, 966

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

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: Senate Bills 793, 1007, 1010, 1026, 1046; HB 1050

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: SB 727; HB 171

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: Senate Bill 738; House Bills 255, 399, 873

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

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: Senate Bills 610, 739, 1008, 1121; House Bills 220, 1211, 1212

The Committee on Transportation requests an extension of 15 days for consideration of the following: Senate Bills 39, 382, 613, 674, 690, 765, 772, 817, 851, 910, 914, 938, 940, 958, 960, 961, 993, 996, 1016, 1033, 1075; House Bills 3, 142, 1068

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Grant—

SB 1141—A bill to be entitled An act relating to Taylor County; repealing chapter 79-576, Laws of Florida, relating to the creation, powers, and duties of the Taylor County Recreation Board; transferring assets and obligations of the board to the City of Perry; 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 Committee on Health and Rehabilitative Services and Senator McPherson—

CS for SB 62—A bill to be entitled An act relating to bottled water plants; creating s. 381.265, F.S.; providing legislative intent; providing definitions; requiring an annual operating permit for bottled water plants and water dealers; providing for fees; providing for rules to be adopted by the Department of Health and Rehabilitative Services; providing for right of entry; providing penalties; providing an effective date.

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

CS for SB 97—A bill to be entitled An act relating to medical assistants; creating s. 458.349, F.S.; defining "medical assistant"; providing for duties; providing for certification; providing an effective date.

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

CS for SB 212—A bill to be entitled An act relating to child support; amending s. 409.2564, F.S.; providing criteria for the Department of Health and Rehabilitative Services to undertake actions for determination of paternity and obligations of support; amending s. 409.2572, F.S.; providing standing for the department to collect certain child support payments; providing that a noncooperating parent may be dropped as a party to certain proceedings; amending s. 409.2574, F.S., relating to income deductions; providing for the continuation of income deductions when the affected party changes employers; amending s. 409.2577, F.S., relating to the parent locator service; requiring employers to make certain information available to the department; amending s. 742.011, F.S.; providing for suits to establish paternity of minor children; amending s. 742.041, F.S.; providing uniform support guidelines in each judicial circuit; amending s. 742.10, F.S.; providing for the establishment of paternity; creating s. 742.12, F.S.; providing for scientific testing to determine paternity; creating s. 742.15, F.S.; providing for temporary support pending trial; providing an effective date.

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

CS for SB 230—A bill to be entitled An act relating to the care of dependent children; amending s. 409.175, F.S.; substantially revising provisions relating to regulation by the Department of Health and Rehabilitative Services of agencies and facilities providing for the care and placement of dependent children; providing definitions; providing for licensure of certain persons and agencies; specifying licensing requirements; prohibiting departmental rules relating to certain religious instruction; providing for licensing studies; providing for provisional licenses; authorizing inspections; providing for denial, revocation, and suspension of licenses; providing for injunctive proceedings; providing for corrective actions in the event of violations; prohibiting certain activity without a license and providing penalties therefor; authorizing the removal of children from persons in violation of certain provisions; providing for foster parent training; requiring the department to adopt rules; creating s. 409.170, F.S.; providing for the registration of residential child-caring agencies; providing for inspections; providing licensure exemptions; providing classifications for licensed and registered facilities; requiring certain contracts; providing for denial, suspension, and revocation of registration; providing for injunctive relief; prohibiting certain acts and providing penalties; providing severability; saving s. 409.175, F.S., from scheduled sunset repeal on October 1, 1984, and providing for future repeal and review of ss. 409.170, 409.175, F.S.; providing an effective date.

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

CS for SB 231—A bill to be entitled An act relating to midwifery; reviving and readopting, notwithstanding the Regulatory Sunset Act, ch. 467, F.S.; amending ss. 467.003, 467.004, 467.007, 467.008, 467.205, 467.209, F.S.; changing the name of an advisory committee; adding a pediatrician and a lay midwife to the advisory council; increasing license fees; requiring successful completion of an examination for licensure; limiting the number of schools of lay midwifery; providing a savings clause; providing for future repeal and legislative review; providing an effective date.

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

CS for SB 242—A bill to be entitled An act relating to radiologic technologists; creating s. 468.29, F.S., entitling part V of chapter 468, F.S., as the "Radiologic Technologist Certification Act"; amending s. 468.30, F.S., modifying policy and declaring intent; amending s. 468.301, F.S., modifying definitions; amending s. 468.302, F.S., updating terminology and specifying categories and scope of practice; amending s. 468.304, F.S., providing a cap on examination fees and modifying qualifications for admission to examination; amending s. 468.305, F.S., updating terminology; amending s. 468.306, F.S., modifying requirements for examina-

tions and providing reexamination and endorsement fees; providing for certification by endorsement; amending s. 468.307, F.S., modifying provisions relating to issuance, possession, and display of certificates; providing for temporary certificates; amending s. 468.308, F.S., providing qualifications necessary for certification based upon prior experience or training; providing a cap on the application fees; providing for other qualifications; restricting certification of limited computed tomographers; amending s. 468.309, F.S., modifying provisions relating to renewal of certificate and providing a cap on renewal fees; authorizing continuing education requirements; providing for automatic reversion of a certificate to inactive status under certain conditions; amending s. 468.31, F.S., providing for placement of a certificate in inactive status; providing for reactivation upon payment of a fee and meeting certain other requirements; amending s. 468.311, F.S., relating to violations and penalties; creating s. 468.3115, F.S., providing for injunctive relief; amending s. 468.312, F.S., providing for deposit of fees in the Radiation Protection Trust Fund; creating s. 468.313, F.S., specifying grounds for discipline and providing administrative penalties; creating s. 468.314, F.S., establishing the Advisory Council on Radiation Protection and providing for membership, terms, meetings, and responsibilities thereof; providing for review and repeal of said council; saving part V of chapter 468, F.S., from sunset repeal scheduled October 1, 1984; providing for review and repeal of said part on October 1, 1994; providing an effective date.

By the Committees on Agriculture and Commerce and Senators Malchon, Castor, Jenne, Meek, Frank, Gersten, Stuart, Weinstein, Johnston, Vogt, Margolis, Gordon, Hill, Beard, Dunn, McPherson, Plummer, Grizzle, Hair, Rehm, Scott, Myers and Crawford—

CS for CS for SB 326—A bill to be entitled An act relating to toxic substances; providing legislative intent; providing definitions; providing for liability and responsibility of contractors to employees; providing for the determination of the Florida Substance List; creating the Toxic Substances Advisory Council; providing for membership, terms, and meetings of the council; providing for annual review of the Florida Substance List; providing notice requirements; providing employee education and training requirements; providing for employee rights; providing for protection of trade secrets; providing for notice to fire departments, emergency medical service providers, and law enforcement agencies; providing recordkeeping requirements; providing for annual evaluation reports; providing penalties; prohibiting local standards; providing an appropriation; providing for review and repeal; providing effective dates.

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

CS for SB 357—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052, F.S.; increasing contributions by employers for members of the Elected State Officers' Class; amending s. 121.071, F.S.; increasing contributions by employers for regular and special risk members; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senators Rehm and Deratany—

CS for SB 440—A bill to be entitled An act relating to public assistance; providing legislative intent; providing for establishment of workfare pilot projects in up to five counties, to be implemented only under certain circumstances; providing conditions related to registration of recipients of food stamps, criteria and procedures under which recipients are to be assigned to perform certain public work, operation of the workfare pilot projects, determination of hours in accordance with certain wage rates, and loss of eligibility for food stamps; providing for resolution of state/federal conflicts; providing for promulgation of rules; permitting persons exempt from workfare to volunteer for assignments; providing for an evaluation; providing an appropriation; providing an effective date.

By the Committees on Transportation and Judiciary-Criminal and Senators Jenne, Weinstein, Langley, Dunn, Rehm, Castor and Fox —

CS for CS for SB's 469, 698, 239 and 380—A bill to be entitled An act relating to highway safety; amending ss. 316.193, 316.1931, 316.1932, 316.1933, 316.1934, 316.650, 322.261, 322.264, 322.271, 322.28, 322.282, 901.15, F.S.; specifying elements of the crime of driving under the influence; providing that convictions of former s. 316.028, F.S., count as previous convictions; providing that out-of-state convictions count as previous convictions; providing for community service in lieu of a fine; providing penalties; specifying elements of the crime of driving while intoxicated; increasing the penalties for causing certain injuries to another by the operation of a motor vehicle while intoxicated; expanding

provisions relating to certain damage caused by a person operating a motor vehicle while under the influence of certain chemical substances; providing penalties; providing circumstances for blood tests; authorizing specified persons to withdraw blood; providing for admissibility of results of such test; providing limited immunity from liability for conducting such test; providing an exemption from confidentiality laws; providing for jury trials in certain circumstances; providing for preparation of traffic citation in certain circumstances; limiting issues to be considered with respect to refusal to submit to such test; defining "habitual traffic offender"; providing conditions for reinstatement of a driver's license; providing circumstances for permanent revocation; providing that an appeal does not stay a suspension or revocation of driving privilege; expanding authority for warrantless arrests for driving while under the influence of alcoholic beverages or chemical or controlled substances or while intoxicated; providing an effective date.

By the Committees on Commerce and Agriculture and Senator Gordon—

CS for CS for SB 532—A bill to be entitled An act relating to farm labor; amending s. 450.29, F.S.; limiting exclusions from farm labor registration; creating s. 450.345, F.S.; providing definitions; providing intent regarding exemptions; requiring farm labor contractors, agricultural employers, and agricultural associations to make certain disclosures to migrant or seasonal agricultural workers; requiring maintenance of certain records; prohibiting false information; creating s. 450.375, F.S.; providing private right of action for violations by such contractors, employers, and associations; barring such action under certain circumstances; authorizing appointment of counsel; providing for damage awards; amending s. 450.38, F.S.; providing penalties, administrative fines, and injunctive relief; repealing chapter 77-25, Laws of Florida, deleting the conditional repeal of part III of chapter 450, F.S., relating to farm labor registration; providing an effective date.

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

CS for SB 628—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19, F.S.; specifying membership, terms, powers, and duties of statewide and district human rights advocacy committees; providing investigative powers; requiring adoption of certain procedures; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senators Malchon, Jenne, Gordon and Meek—

CS for SB 636—A bill to be entitled An act relating to nursing homes; amending s. 400.022, F.S.; providing indigent persons a limited right of admission to nursing homes; amending s. 400.071, F.S.; changing conditions relating to indigent persons upon licensure of nursing homes; amending s. 400.111, F.S.; imposing certain conditions relating to indigent persons upon licensure of nursing homes; providing an exception; providing an effective date.

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

CS for SB 673—A bill to be entitled An act relating to the Florida Resource Recovery and Management Act; amending s. 403.707, F.S.; deleting a temporary operating permit time frame; specifying certain requirements for solid waste areas and facilities; amending s. 403.702, F.S.; requiring certain economic, cost-effective, and environmental considerations; amending s. 403.704, F.S.; requiring landfill construction and closure research, a review committee, and a report; authorizing certain variances; providing an appropriation; providing an effective date.

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

CS for SB 726—A bill to be entitled An act relating to health care costs; amending s. 381.494, F.S.; providing for the assessment of reasonable attorneys fees and expenses against nonprevailing petitioners in certificate of need administrative proceedings; providing an effective date.

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

CS for SB 740—A bill to be entitled An act relating to mental health; amending s. 394.471, F.S.; restoring certain persons to competence and requiring a court order for continued involuntary placement of such persons; requiring new voluntary placement orders for certain previously involuntarily placed persons; providing an effective date.

By the Committee on Judiciary-Civil and Senators Gordon, Meek and Girardeau—

CS for SB 748—A bill to be entitled An act relating to trial jury; amending s. 913.08, F.S.; decreasing the number of peremptory challenges; providing an effective date.

By the Committee on Commerce and Senator Rehm—

CS for SB 752—A bill to be entitled An act relating to special officers for carriers; amending s. 354.01, F.S., clarifying language and a statutory reference with respect to special officers; eliminating reference to the Governor as the employing agency with respect to special officers; amending s. 354.05, F.S., eliminating reference to the Governor as having authority to revoke the commission of any special officer who is decertified by the Criminal Justice Standards and Training Commission; providing an effective date.

By the Committees on Judiciary-Civil and Economic, Community and Consumer Affairs and Senators Langley, Neal, Peterson, Myers, Mann, Henderson, Rehm, Jennings, Grizzle, Thurman, Castor, Vogt, Grant, Crawford, Beard, Kirkpatrick, Jenne, Gordon, Frank, Dunn, Weinstein, Stuart, D. Childers and Deratany—

CS for CS for SB 754—A bill to be entitled An act relating to mobile homes; creating chapter 720, F.S., the "Florida Mobile Home Act"; providing rights with respect to mobile home tenancies and mobile home associations; providing for injunctive relief; creating provisions with respect to mobile home park restrictions, sale of mobile home parks and park owners' obligations, mobile home rental agreements, eviction proceedings and mobile home subdivisions; providing for regulation by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation; providing for an annual fee to be paid by mobile home park owners; providing for certain disclosure with respect to contracts for the rental of a mobile home lot; restricting certain types of advertising; amending s. 20.16, F.S., redesignating the Division of Florida Land Sales and Condominiums as the Division of Florida Land Sales, Condominiums, and Mobile Homes; directing the Statutory Revision Division of the Joint Legislative Management Committee to make appropriate changes in the Florida Statutes; amending s. 73.072, F.S., correcting a statutory cross-reference; repealing s. 83.750, F.S., relating to the short title of the "Florida Mobile Home Landlord and Tenant Act"; repealing s. 83.751, F.S., relating to the application of the act; repealing s. 83.752, F.S., relating to definitions; repealing s. 83.753, F.S., relating to rental agreements as an obligation of good faith; repealing s. 83.754, F.S., relating to unconscionable lot rental agreements; repealing s. 83.755, F.S., relating to prohibited or unenforceable provisions in mobile home lot rental agreements; repealing s. 83.756, F.S., relating to attorney's fees; repealing s. 83.757, F.S., relating to the mobile home park owner's access to mobile home and mobile home lot; amending s. 83.758, F.S., relating to the obligation of mobile home and mobile home park owners; repealing s. 83.759, F.S., relating to the grounds for eviction from a mobile home park and proceedings with respect thereto; repealing s. 83.7594, F.S., relating to the termination of a lease agreement; repealing s. 83.7597, F.S., relating to the removal of a mobile home owner; repealing s. 83.760, F.S., relating to the mobile home lease; repealing s. 83.7605, F.S., relating to the content of a mobile home park lease with respect to zoning; repealing s. 83.761, F.S., relating to civil remedies; repealing s. 83.762, F.S., relating to disclosure; repealing s. 83.763, F.S., relating to defenses to an action for rent or possession; repealing s. 83.764, F.S., relating to fees and rules; repealing s. 83.765, F.S., relating to restrictions on the disposal of a mobile home; repealing s. 83.795, F.S., relating to the right of mobile home owners to peaceably assemble; repealing s. 83.796, F.S., relating to the right of a mobile home owner to invite public officers or candidates for public office to the park; repealing s. 83.797, F.S., relating to injunctive relief; repealing s. 715.301, F.S., relating to tenant's right of first refusal with respect to the sale of a mobile home park; repealing ss. 715.302 and 715.303, relating to mobile home homeowners' associations and the bylaws thereof; amending s. 418.304, F.S.; revising conditions under which fees may be charged for use of recreational facilities by mobile home park recreation districts; amending s. 215.22, F.S., relating to creation of the Mobile Home Trust Fund; providing effective dates.

By the Committee on Transportation and Senator Crawford—

CS for SB 767—A bill to be entitled An act relating to tax on sales of motor and special fuel; amending s. 207.005, F.S.; providing for refunds to be made for tax credits on special fuel or motor fuel tax paid; amending s. 212.63, F.S.; revising the definition of gasohol and extending the exemption therefor; repealing said section on July 1, 1987, and providing for legislative review prior to that date; providing an effective date.

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

CS for SB 797—A bill to be entitled An act relating to mental health; amending ss. 381.494, 394.453, 394.457, and 394.4573, F.S., and amending s. 394.455, F.S., and repealing subsections (6) and (7) thereof, relating to mental health boards and board districts, to conform references; providing that receiving facilities shall not include county jails; amending s. 394.459, F.S., reducing the number of days a jail may be used as an emergency facility in certain cases; providing for treatment; modifying provisions relating to right to, and quality of, treatment; providing for disclosure of clinical records in certain cases; expanding provisions governing transportation of patients; amending s. 394.461, F.S., clarifying acceptance limitations; conforming references and providing for transport and processing of mentally ill persons in law enforcement custody; amending s. 394.463, F.S., modifying criteria which must be met prior to involuntary examination; providing for transportation; providing conditions upon release during the examination period; amending s. 394.467, F.S., modifying criteria which must be met prior to involuntary placement; modifying admission and continued placement procedures to provide for advice of counsel; amending s. 394.65, F.S., retitling part IV of chapter 394, F.S., as "The Community Alcohol, Drug Abuse, and Mental Health Services Act"; amending s. 394.66, F.S., modifying legislative intent; amending s. 394.67, F.S., reordering and modifying definitions; creating s. 394.675, F.S., providing for an Alcohol, Drug Abuse, and Mental Health Service System and defining terms for purposes thereof; creating s. 394.715, F.S., providing for establishment of district and subdistrict alcohol, drug abuse, and mental health planning councils; providing for staff assistance; providing for membership, organization, terms, and expenses thereof; requiring an annual report; providing for advertised meetings with certain groups; restricting council membership; providing for appointment of nominating committees and providing for membership, organization, and duties thereof; amending s. 394.73, F.S., providing for joint service programs; amending s. 394.74, F.S., authorizing the Department of Health and Rehabilitative Services, rather than the mental health boards, to contract for services; clarifying contractual provisions; amending s. 394.75, F.S., providing for district alcohol, drug abuse, and mental health plans to be prepared biennially and reviewed annually; modifying requirements and providing duties of district administrators with respect thereto; limiting certain authority of governing bodies; amending s. 394.76, F.S., clarifying and modifying financial provisions; authorizing local governing bodies to appropriate moneys for certain purposes, subject to audit requirements; restricting the requirement of additional local matching funds in certain cases; amending s. 394.77, F.S., relating to control of costs, to remove a departmental requirement; amending s. 394.78, F.S., providing for a standardized audit procedure and for monitoring of service providers; amending s. 394.79, F.S., providing for preparation of a biennial state plan; providing requirements pursuant thereto; amending ss. 396.042, 396.072, 396.102, and 916.11, F.S., conforming references; creating the Task Force on Public Psychiatry; providing for membership, meetings, and expenses thereof; requiring a report to the Legislature; providing for expiration of the task force; repealing ss. 394.69, 394.70, 394.71, and 394.72, F.S., relating to district mental health boards and their method of appointment, duties, and staff; repealing s. 394.81, F.S., relating to priority given in consideration for funding; providing for future review and repeal of the planning councils pursuant to the Sundown Act; providing effective dates.

By the Committee on Commerce and Senator Henderson—

CS for SB 831—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.20, F.S.; providing special alcoholic beverage licenses for certain public fairs or expositions and civic center authorities; amending s. 565.02, F.S.; providing special licenses for certain nonprofit theaters; providing license taxes; providing an effective date.

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

CS for SB 852—A bill to be entitled An act relating to juveniles; providing for the sale of training schools; creating the Juvenile Delinquents Trust Fund; stating purpose for trust fund; providing for the deposit of proceeds from the sale of a training school into the Juvenile Delinquents Trust Fund; providing an effective date.

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

CS for SB 881—A bill to be entitled An act relating to respiratory care; creating part VI of chapter 468, F.S.; providing purpose and intent; entitling the part as the "Respiratory Care Act"; providing definitions; creating the Advisory Council on Respiratory Care under the Board of Medical Examiners within the Department of Professional Regulation; providing for rules, membership, terms, organization, meetings, and quorum thereof; providing regulatory powers and duties of the board; providing qualifications for eligibility for certification as a respiratory therapy technician or registration as a respiratory therapist; providing for temporary certification; providing for certification by examination; providing for certification or registration by endorsement; restricting use of certain titles and abbreviations associated with the delivery of respiratory care services; providing for renewal of certificate or registration; providing for reversion to inactive status; providing for reactivation; providing for automatic expiration; providing for the promulgation of rules; providing for fees and for the disposition thereof; protecting hospitals from liability for costs of compliance; providing grounds for disciplinary action and providing administrative penalties therefor; providing criminal penalties for certain activities; providing for injunctive relief; providing for approval of educational programs; providing continuing education requirements; providing exemptions; providing for future review and repeal; providing an effective date.

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

CS for SB 902—A bill to be entitled An act relating to medical malpractice; amending s. 768.45, F.S.; prescribing guidelines for qualifying as an expert witness; providing an effective date.

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

CS for SB 922—A bill to be entitled An act relating to state government; amending s. 110.109, F.S.; providing a state training policy and providing for its implementation; amending s. 110.203, F.S.; providing a definition of "performance standard"; amending s. 110.205, F.S.; exempting certain positions from the Career Service System; creating s. 110.2175, F.S.; providing for a performance evaluation system applicable to career service employees; creating s. 110.218, F.S.; establishing a probationary period for career service employees and specifying criteria for completion of probation; amending s. 110.402, F.S.; clarifying the criteria for membership in the Senior Management Service; creating part VI of chapter 110, F.S.; establishing the Selected Professional Service; providing a declaration of policy; specifying coverage, pay, and benefits; providing for suspension, dismissal, and other actions affecting employees; and providing for rules, records, and performance appraisal; amending s. 112.24, F.S.; authorizing the interchange of employees between state agencies and including public officers under the employee interchange provisions; amending s. 447.203, F.S.; designating the Governor as the employer of Selected Professional Service employees for purposes of collective bargaining; repealing s. 112.24(6), F.S.; deleting obsolete provisions relating to a study; repealing ss. 112.25, 112.26, 112.27, 112.28, 112.29, 112.30, and 112.31, F.S.; deleting obsolete and redundant provisions relating to the interchange of personnel between governments; providing for the transfer of accumulated annual leave credits applicable to employees exempted from the Career Service System and retained in the Selected Professional Service by the provisions of the act; providing for the adoption of transition rules; creating the Administrative Law Commission; providing for membership; providing for the appointment and confirmation of an executive director of the commission; transferring the powers, duties, functions, personnel, and funds of the Division of Administrative Hearings to the Administrative Law Commission; abolishing the Division of Administrative Hearings of the Department of Administration; deleting the exemption from the provisions of ch. 216, F.S.; transferring the powers, duties, and functions of the Career Service Commission within the Department of Administration to the Administrative Law Commission and abolishing the Career Service Commission; transferring the powers, duties, and functions of the State Retirement Commission to the Administrative Law Commission and abolishing the State Retirement Commission; providing that rules of the agencies involved shall remain in effect until specifically altered; providing continuation of pending proceedings; amending various provisions of the Florida Statutes; providing conforming language; repealing s. 20.31(2)(a), F.S., abolishing the Division of Administrative Hearings; repealing s. 110.301, F.S., relating to the creation of the Career Service Commission; repealing s. 121.22, F.S., relating to the creation of the Florida Retirement Commission; providing severability; providing an effective date.

By the Committee on Appropriations and Senators Gordon, Peterson, Neal, Kirkpatrick, Mann, Grant, Vogt, Hair, Johnston, Thomas, Castor, Jennings, Meek, Girardeau, Gersten, Jenne, Stuart and Thurman—

CS for SB's 923, 836, 1081 and 884—A bill to be entitled An act relating to education; defining "credit" for purposes of graduation requirements; amending s. 228.041, F.S.; defining "school day"; providing a definition of intensive English language instruction; requiring a credit in world geography for promotion to the ninth grade; requiring an approved program of study; amending s. 229.57, F.S.; providing for state-wide and district assessment programs; creating the Florida Language Proficiency Act; providing for funding for language instruction; amending s. 232.246, F.S.; providing standards for graduation from high school; requiring passage of a state test; amending s. 236.081, F.S.; providing for calculation of full-time equivalent memberships; amending s. 231.613, F.S.; authorizing college credit for inservice institute participation; amending s. 232.245, F.S.; providing standards for promotion from the third, fifth, and eighth grades; providing for programs to reduce the number of dropouts; amending s. 236.088, F.S.; changing compensatory education eligibility requirements; providing testing criteria; authorizing dropout education programs; amending s. 229.053, F.S.; providing powers of the State Board of Education; requiring dropout reports; directing the State Board of Education to adopt parity standards for bilingual students; amending s. 229.512, F.S.; providing duties of the Commissioner of Education with respect to dropouts; creating s. 230.2314, F.S.; providing for teachers serving as advisors; amending s. 229.565, F.S.; providing for reading diagnostic evaluation; providing for an analyses of pupil progression; amending s. 231.615, F.S.; providing employment status and compensation of visiting school scholars; amending s. 236.089, F.S.; redefining student development services; amending s. 231.251, F.S.; providing conditions of employment for adjunct instructors; amending s. 231.532, F.S.; creating district quality school incentives programs; specifying the school as the unit for increasing student performance; authorizing the Quality Instruction Incentives Council to review and approve program plans; specifying program standards; deleting provisions for individual personnel incentives; providing a funds distribution procedure; requiring a procedure for selecting award winning schools; amending s. 236.081, F.S.; creating a cost factor for intensive English language instruction in the Florida Education Finance Program; establishing certain sections as the "Disadvantaged and Minority Student Educational Enhancement Act"; creating s. 230.2316, F.S.; establishing the Teachers-as-Tutors program; amending s. 231.17, F.S.; providing an additional certification requirement; amending s. 232.246, F.S., relating to high school graduation requirements; amending s. 232.2465, F.S.; relating to Florida Academic Scholars; amending s. 236.0811, F.S.; providing for multi-ethnic inservice training for teachers; creating s. 240.107, F.S.; providing definitions; amending s. 240.117, F.S.; providing conditions for college preparatory instruction offered in community colleges; providing an exception; creating s. 240.1171, F.S.; establishing a support services program for the college-level communication and computation skills testing program; amending s. 240.118, F.S.; providing for postsecondary feedback on bilingual students; creating s. 240.120, F.S.; authorizing a secondary and higher education sharing plan; providing for the sharing of faculty, facilities and equipment; creating s. 240.127, F.S.; establishing the college reach-out program; creating s. 240.128, F.S.; creating the college mentor work-study program; amending s. 240.209, F.S.; providing that recruitment of minorities be an additional criteria in the evaluation of university presidents; requiring the Board of Regents to prepare legislative budget request; requiring 50 percent of financial aid funds to be based on need; requiring review and approval of comprehensive plans for state universities; providing for the establishment of an academic advisement policy and pilot projects; amending s. 240.227, F.S.; providing for university budget request to be submitted to the Board of Regents; requiring universities to develop comprehensive plans; amending s. 240.235, F.S.; providing an amount for tuition and fees; creating s. 240.238, F.S.; requiring a plan to expand the university summer enrichment program; amending s. 240.301, F.S.; providing for certain postsecondary adult instruction; amending s. 240.247, F.S.; providing for a minority recruitment program; amending s. 240.301, F.S.; providing for certain postsecondary adult instruction; amending s. 240.311, F.S.; providing for an annual report from each community college; providing guidelines; providing for distribution of reports; requiring the State Board of Community Colleges to adopt rules relating to salary and benefit policies and travel by community college officials and employees; providing for the development of rules regarding outside employment policies for community college full-time personnel; providing for the development of an educational training program for members of boards of trustees; providing for an

annual administrative review of each community college to identify any disproportionate administrative costs; providing for review and approval of courses offered by a community college outside of its district; authorizing the establishment of direct support organizations; providing for approval of comprehensive plans for community colleges; directing the State Board of Community Colleges to coordinate and assist community colleges in providing support instruction for the college-level communication and computation skills testing program; amending s. 240.313, F.S.; providing for mileage of board members; amending s. 240.319, F.S.; relating to community college boards of trustees; providing that recruitment of minority faculty and administrators be an additional criteria in the evaluation of community college presidents; requiring that salaries and benefits of employees and contracts with the president conform to rules of the state board; requiring reporting of inventory and security of property; requiring reporting of out-of-state travel expenses of administrative staff and faculty; requiring a reporting of the names of persons receiving certain motor vehicles; requiring development and submission of comprehensive plans; providing for rules of community college boards of trustees to be submitted to state board of community colleges for approval; amending s. 240.335, F.S.; providing for a minority recruitment program; amending s. 240.35, F.S.; directing the state board of community colleges to establish matriculation and tuition fees for certain categories; requiring 50 percent of financial aid funds to be based on need; providing certain conditions; providing that rules of community college boards of trustees be submitted to the state board for approval; amending s. 240.323, F.S.; providing that the State Board of Community Colleges may prescribe content and custody of student records; amending s. 240.325, F.S.; requiring the State Board of Community Colleges to prescribe minimum standards, definitions, and guidelines; amending s. 240.327, F.S.; providing that the construction of community college facilities be in accordance with chapter 235, F.S., and the rules of the State Board of Education and the State Board of Community Colleges; amending s. 240.331, F.S., relating to direct-support organizations; providing for release of certain information; providing restrictions upon contracts and agreements for purchase or sale; providing for expenditure approval and reporting; amending s. 240.335, F.S.; requiring the boards of trustees of community colleges to include, in their reports to the state board on their programs to eradicate discrimination in employee salaries, provisions to give equal pay for equal work; amending s. 240.337, F.S.; providing that rules of the State Board of Community Colleges shall prescribe the content and custody of limited access records of employees of community colleges; amending s. 240.339, F.S.; providing that contracts with staff be as established by rule of the State Board of Community Colleges; amending s. 240.347, F.S.; providing that moneys in the State Community College Program Fund shall be distributed as established by law and regulations of the State Board of Education and the State Board of Community Colleges; creating s. 240.362, F.S., prohibiting certain expenditures; amending s. 240.404, F.S.; providing for certain students to continue to receive state financial assistance; amending s. 240.409, F.S.; extending the time allowed for students to receive an award; amending s. 240.424, F.S.; providing for a review and analysis of the impact of financial aid; creating s. 240.50, F.S.; establishing the Virgil Hawkins Fellowship Trust Fund; amending s. 228.072, F.S.; broadening the definition of "adult general education"; providing for service priorities and delivery; requiring that certain courses be evaluated and funded in separate categories; providing for the assessment of student fees; amending s. 228.074, F.S.; changing the length of terms of lay members of regional coordinating councils for vocational education, adult education, and community instructional services; amending s. 228.075, F.S.; requiring regional coordinating councils to compile certain information; authorizing district school boards or community college boards of trustees to contract to provide certain vocational education programs or facilities; creating s. 229.556, F.S.; providing legislative intent regarding a uniform coordinated system of vocational education; creating s. 229.557, F.S.; providing for a vocational education management information system; creating s. 229.558, F.S.; providing vocational education reporting requirements; amending s. 229.551, F.S.; providing for the Department of Education to evaluate public vocational education programs; providing criteria for ineligibility of such programs for state funding; providing for an automated system to match the social security numbers of persons completing vocational programs with Unemployment Insurance Wage Reports and Workers' Compensation Reports; requiring the State Board of Education to adopt rules relating to the transfer of course credit from proprietary to public vocational programs; creating s. 229.559, F.S.; establishing the Florida State Advisory Council for Vocational Education; amending s. 240.355, F.S.; expanding requirements for the content of rules related to community college comprehensive vocational education programs; creating s. 240.410, F.S.; creating the

State Vocational Education Grant Fund; providing eligibility standards for grantees and for participating institutions; providing for renewal, transferral, payment, and refund of grants; providing restrictions on participants; providing for a feasibility study of a "Student Choice— Post-secondary Vocational Program"; amending s. 230.645, F.S.; establishing guidelines for establishing postsecondary vocational fees and restricting fee waiver; providing for vocational student financial aid; amending s. 240.60, F.S.; expanding the eligibility for the college career work experience program and amending the employer's percent-wage requirement; amending s. 240.601, F.S.; allowing certain graduate students to be in the work experience program; providing for a feasibility study of state post-secondary accreditation; amending s. 231.62, F.S.; amending "critical teacher shortage area" to delete high priority location areas; amending s. 240.4064, F.S.; allowing critical teacher shortage tuition reimbursement for a specified number of hours per term; creating the Critical Teacher Shortage Trust Fund; amending s. 240.4062, F.S.; deleting certain extra credit for payment for teacher scholarship loans; creating s. 240.116, F.S.; allowing certain proprietary educational institutions to participate in the statewide common course numbering system; creating the Adult Literacy Act; stating the goal of the act; providing for the administration, evaluation, and funding of literacy instruction; amending s. 20.15, F.S.; establishing the Division of Vocational, Adult, and Community Education; creating the Latin American and Caribbean Basin Scholarship Program; establishing the Department of Education direct-support organization, a not-for-profit corporation organized and established to receive, hold, invest, and administer property and make expenditures for the benefit of public prekindergarten through 12th-grade education; allowing such organization to use property, facilities, and personal services of the department, subject to rules adopted by the State Board of Education; providing for a board of directors and annual audits to be reviewed by the Auditor General and the State Board of Education; exempting certain organization records from ch. 119, F.S.; creating s. 231.172, F.S.; establishing an experimental alternative certification program for secondary education teachers; providing certification requirements; amending s. 231.17, F.S.; providing certain education requirements for certification of elementary school teachers; modifying the current teacher certification examination to include the College Level Academic Skills Test in certain circumstances, to upgrade the professional skills part of the examination, and to include a specific subject area test; requiring the Department of Education to report on the impact of modifications to certification requirements; amending s. 231.545, F.S.; revising the makeup of the Education Standards Commission; amending s. 231.546, F.S.; requiring such commission to recommend certain new standards to the State Board of Education; amending s. 240.245, F.S.; requiring the Board of Regents to establish a system for evaluating a faculty members' service to public schools; creating s. 240.1175, F.S.; requiring assessment of the basic skills of vocational students; providing an effective date.

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

CS for SB 924—A bill to be entitled An act relating to the management and storage of surface waters; creating s. 403.913, F.S.; providing for agricultural activities; providing an effective date.

By the Committees on Commerce; Economic, Community and Consumer Affairs; Senators Myers and Stuart—

CS for CS for SB 982—A bill to be entitled An act relating to home equity conversion; amending s. 420.011, F.S.; defining the terms "home equity conversion mortgage" and "consortium" for the purposes of the "Florida Housing Act of 1972"; amending s. 420.101, F.S.; authorizing the Housing Development Corporation of Florida to make, service, and manage home equity conversion mortgages; amending s. 402.507, F.S.; authorizing the Florida Housing Finance Agency to review and approve home equity conversion mortgage agreements; creating part VII of chapter 420, the "Florida Home Equity Conversion Act"; providing definitions; providing duties of the Department of Community Affairs; providing an appropriation to the department; creating a home equity conversion mortgage guaranty fund to be administered by the Florida Housing Finance Agency; authorizing the State Board of Administration to make investigations and studies and promulgate rules, in conjunction with the Housing Finance Agency; providing an appropriation to the agency; providing for payments from the fund; providing for investments of the fund; authorizing the agency to issue insurance on home equity conversion mortgages and providing for eligibility therefor; providing legislative intent; providing for a home equity mortgage consortium; providing powers of the department; providing for an annual report by the

department to the Legislature; providing for future repeal of s. 420.604, F.S., relating to certain duties of the Department of Community Affairs; providing an effective date.

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

CS for SB 983—A bill to be entitled An act relating to the Florida Drug and Cosmetic Act; amending ss. 499.003, 499.007, 499.015, 499.018, 499.03, F.S.; authorizing the Department of Health and Rehabilitative Services to issue certificates of free sale for registered products; correcting references; requiring certain manufacturers and repackagers which have a facility located in Florida to register their products; providing for licensure of manufacturers and registration of products previously licensed and registered under s. 402.36, F.S.; amending s. 499.05, F.S.; authorizing the department to adopt certain packaging rules; amending ss. 499.011, 499.028, F.S.; revising certain fee schedules; repealing ss. 402.36, 499.082, F.S., relating to cancer therapeutic research and immunologic augmentative therapy blood fractions; providing an effective date.

By the Committees on Health and Rehabilitative Services; and Corrections, Probation and Parole—

CS for CS for SB 1045—A bill to be entitled An act relating to treatment amenable sex offenders; creating ss. 917.40-917.60, F.S.; providing definitions; providing for certification of sex offender treatment programs and treatment personnel; providing procedures for certifying a defendant for hearing; providing for appointment of experts; providing for reports by experts; providing for procedures for hearings; providing sentencing alternatives; providing procedures for commitment of a defendant; providing periodic examination, discharge proceedings, and recommencement of civil proceedings; providing for the continuing jurisdiction of the committing court; providing for recommencement of criminal proceedings and duties of the court upon the discharge of an offender from a sex offender treatment program; providing for probation; providing for a training program for outpatient therapists; providing for community reintegration programs; providing for credit for time served in treatment programs on any subsequent sentence to be served; providing for a clinical record and maintenance of confidentiality; providing for information, documentation, and responsibility of the court upon commitment of an offender to the Department of Health and Rehabilitative Services; providing for civil proceedings; providing for assessment of costs; providing for designation of mental health research and treatment centers; providing for research and treatment programs; providing for donations and grants; providing for rule promulgation by the Department of Health and Rehabilitative Services; creating s. 794.0221, F.S., providing for video-taped testimony by a minor in sex offense cases; amending s. 794.022, F.S., providing for a pretrial in camera proceeding on the admissibility of evidence on prior consensual sexual activity; repealing ss. 917.011, 917.012, 917.014, 917.016, 917.017, 917.018, 917.019, and 917.021, F.S., relating to treatment amenable sex offenders; amending s. 395.003, F.S., to provide an exemption from hospital licensure; providing for a report on sex offender programs to the Legislature; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining and Senators Neal, Henderson, Jennings and Peterson—

CS for SB 1102—A bill to be entitled An act relating to state government; creating the "Governmental Efficiency Reorganization Act"; creating the Administrative Law Commission; providing for membership; providing for the appointment and confirmation of an executive director of the commission; transferring the powers, duties, functions, personnel, and funds of the Division of Administrative Hearings to the Administrative Law Commission; abolishing the Division of Administrative Hearings of the Department of Administration; deleting the exemption from the provisions of ch. 216, F.S.; creating within the Department of General Services, the Division of Personnel Management; transferring the Division of Human Resource Management and the Division of Personnel of the Department of Administration to the Department of General Services to be assigned to the Division of Personnel Management; transferring the Division of Retirement of the Department of Administration to the Department of General Services; transferring the Division of Veterans' Affairs of the Department of Administration to the Executive Office of the Governor; transferring the Florida Commission on Human Relations to the Department of Community Affairs; deleting members' honorariums; providing for fiscal responsibility; transferring the Office of Labor Relations of the Department of Administration to the Executive Office of the Governor; transferring the powers, duties, and functions of the Career

Service Commission within the Department of Administration to the Administrative Law Commission and abolishing the Career Service Commission; transferring the powers, duties, and functions of the State Retirement Commission to the Administrative Law Commission and abolishing the State Retirement Commission; providing that rules of the agencies involved shall remain in effect until specifically altered; providing for continuation of proceedings; amending various provisions of the Florida Statutes; providing conforming language; repealing s. 20.31, F.S., relating to the establishment of the Department of Administration; repealing s. 110.301, F.S., relating to the creation of the Career Service Commission; repealing s. 121.22, F.S., relating to the creation of the Florida Retirement Commission; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Johnston, the rules were waived and the Committee on Appropriations was granted permission to meet May 24 from 1:30 p.m. until 3:30 p.m.

Senator Gordon moved that the Senate take up CS for SB's 923, 836, 1081 and 884 and CS for SB 937 at 2:00 p.m. The motion was adopted.

On motion by Senator Hill, the rules were waived and by two-thirds vote SB 200 was withdrawn from the Committee on Executive Business.

On motion by Senator Rehm, the rules were waived and by two-thirds vote HB 142 was withdrawn from the Committee on Transportation.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for CS for SB's 176 and 697 which became law with his signature on May 18.

The Governor advised that he had filed with the Secretary of State CS for SB's 140 and 237, CS for SB 353 and CS for CS for SB 424 which became law with his signature on May 21.

Appointments Subject to Confirmation by the Senate:

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

<i>Office and Appointment</i>	<i>For Term Ending</i>
Public Employees Relations Commission	
Renovitch, Patricia A., Tallahassee, Chairman	1/1/88
Grizzard, Vernon Townes, Tallahassee, Member	1/1/86

[Referred to the Committee on Executive Business.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives requests the return of SB 848.

Allen Morris, Clerk

On motion by Senator Grant, SB 848 was recalled from Enrolling and returned to the House as requested.

The Honorable Curtis Peterson, President

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

SB 619—A bill to be entitled An act relating to recording conveyances of real property; amending s. 695.03, F.S.; providing that authentication or legalization by a civil law notary or notary public of a foreign country is sufficient as an acknowledgment; deleting the requirement that certain commissioners of deeds reside in foreign countries; providing a definition of a civil law notary; amending ss. 695.04, 695.09, F.S.; providing certain exceptions for instruments authenticated or legalized; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 5, after the period "." insert the following and renumber subsequent section:

Section 4. Section 117.10, Florida Statutes, is created to read:

117.10 Law enforcement officers and correctional officers.—Law enforcement officers and correctional officers, as defined in s. 943.10, are notaries public for the purpose of notarizing, certifying, or attesting to documents in connection with the performance of official duties. Sections 117.01, 117.04, 117.05, 117.07 and 117.08 shall not apply to the provisions of this section. An officer may not notarize his own signature.

Section 5. Section 925.095, Florida Statutes, as created by chapter 83-147, Laws of Florida, is hereby repealed.

Amendment 2—On page 1 in the title, line 12, after the semicolon (;) insert:

, creating s. 117.10, F.S., providing that law enforcement and correctional officers are notaries public for certain purposes in connection with performance of official duties; repealing s. 925.095, F.S., relating to the authority of law enforcement and correctional officers to administer oaths;

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

SB 619 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

The bill was ordered engrossed and then enrolled.

Senator Langley presiding

The Honorable Curtis Peterson, President

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

SB 126—A bill to be entitled An act relating to 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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 31, insert:

Section 2. Paragraph (b) of subsection (2) of section 231.40, Florida Statutes, is amended to read:

231.40 Sick leave.—

(2) PROVISIONS GOVERNING SICK LEAVE.—The following provisions shall govern sick leave:

(b) Claim must be filed.—Any district school board employee who finds it necessary to be absent from his duties because of illness, as defined in this section, shall notify his immediate supervisor, if possible, before the beginning of the workday on which he must be absent or during that day, except for emergency reasons recognized by the school board as valid. Any district school board employee shall, before claiming and receiving compensation for the time absent from his duties while absent because of sick leave as prescribed in this section, make and file *within 5 working days by the end of the school month* following his return from such absence with the superintendent of the district in which he is so employed a written certificate which shall set forth the day or days absent, that such absence was necessary, and that he is entitled or

not entitled to receive pay for such absence in accordance with the provisions of this section; however, the school board of any district may prescribe regulations under which the superintendent may require a certificate of illness from a licensed physician or from the county health officer.

Section 3. Subsection (2) of section 231.41, Florida Statutes, is amended to read:

231.41 Illness-in-line-of-duty leave.—Any district school board employee shall be entitled to illness-in-line-of-duty leave when he has to be absent from his duties because of a personal injury received in the discharge of duty or because of illness from any contagious or infectious disease contracted in school work. The following requirements shall be observed:

(2) CLAIMS.—Any district school board employee who has any claim for compensation while absent because of illness contracted or injury incurred as prescribed herein shall file a claim in the manner prescribed in s. 231.40(2)(b) within 5 working days following his return from such absence by the end of each month during which such absence has occurred. The school board of the district in which such person is employed shall approve such claims and authorize the payment thereof if the board is satisfied that the claim correctly states the facts and that such claim is entitled to payment in accordance with the provisions of this section.

Amendment 2—On page 1 in the title, line 6 after the semicolon “,” insert:

amending ss. 231.40 and 231.41, F.S., adjusting the filing time requirement for a written certificate of absence;

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

SB 126 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

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

SB 473—A bill to be entitled An act relating to telephone company regulation; amending s. 364.02, F.S.; excluding certain entities from the meaning of “telephone company”; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 21, after the period (.) insert: However, radio common carriers and cellular radio telecommunications carriers shall each continue to be liable for the taxes, if any, imposed pursuant to chapters 203 and 212.

On motion by Senator Hill, the Senate concurred in the House amendment.

SB 473 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Beard	Crawford	Girardeau	Hair
Carlucci	Deratany	Gordon	Henderson
Childers, D.	Dunn	Grant	Hill
Childers, W. D.	Frank	Grizzle	Jenne

Jennings	Mann	Plummer	Thurman
Johnston	Margolis	Rehm	Vogt
Langley	McPherson	Scott	Weinstein
Malchon	Meek	Thomas	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

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

SB 575—A bill to be entitled An act relating to legislative review of regulatory programs and functions and legislative review of advisory bodies, commissions, and boards of trustees adjunct to executive agencies; providing for future repeal and review by the Legislature of certain provisions of law relating to regulatory programs and functions and to advisory bodies, commissions, and boards of trustees adjunct to executive agencies; amending s. 11.611, F.S., as amended by chapter 83-265, Laws of Florida; removing certain provisions of law from those scheduled for future repeal and review; repealing various provisions of the Laws of Florida which repeal various laws relating to regulatory programs and functions and which require such laws to be reviewed pursuant to the Regulatory Sunset Act; repealing ss. 23.152, 23.153, F.S., relating to the Florida Council on Criminal Justice; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, after line 9, insert:

Section 3. (1) Sections 626.88-626.899, Florida Statutes, relating to insurance, are repealed October 1, 1990 and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes, the Regulatory Sunset Act.

(2) Sections 624.33 and 624.436-624.440, Florida Statutes, relating to insurance, are repealed October 1, 1991 and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes, the Regulatory Sunset Act.

(3) Sections 627.4265, 627.4615, 627.6406, 627.6574, 627.6375, and 627.6695, Florida Statutes, relating to insurance, are repealed October 1, 1992 and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes, the Regulatory Sunset Act.

Section 4. Sections 460.4095 and 460.4104, Florida Statutes, relating to chiropractic physicians, are repealed on October 1, 1986, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes, the Regulatory Sunset Act.

(Renumber subsequent sections.)

Amendment 2—On page 2, line 28, strike “1988” and insert 1990

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

SB 575 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

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

SB 257—A bill to be entitled An act relating to insurance; amending s. 626.321, F.S.; providing for issuance of limited licenses to certain employees of businesses engaged in the business of vehicle rentals as agents for baggage insurance; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 28, after the period (.) insert: *The purchaser of baggage insurance shall be provided written information disclosing that the insured's homeowners policy may provide coverage for loss of personal effects and that the purchase of such insurance is not required in connection with the purchase of tickets or in connection with the lease or rental of a motor vehicle.*

Amendment 2—On page 1 in the title, line 6 after the semicolon (;) insert: requiring disclosure in connection with sale of baggage insurance;

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

SB 257 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

The bill was ordered engrossed and then enrolled.

The President presiding

The Honorable Curtis Peterson, President

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

SB 214—A bill to be entitled An act relating to workers' compensation, amending s. 440.15, F.S.; providing a maximum weekly benefit; making employers responsible for supplemental permanent total benefits in certain cases; creating s. 440.515, F.S.; providing for confidentiality of certain records; repealing s. 440.45(4), F.S., relating to salaries of deputy commissioners; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, lines 1 and 2, strike all of said lines and renumber subsequent section:

Amendment 2—On page 2, line 31, insert the following and renumber subsequent sections:

Section 2. Paragraph (a) of subsection (12) of section 440.20, Florida Statutes, is amended to read:

440.20 Payment of compensation.—

(12)(a) It is the stated policy for the administration of the workers' compensation system that it is in the best interests of the injured worker that he receive disability or wage-loss payments periodically. Lump-sum payments in exchange for the employer's or carrier's release from liability for future payments of compensation, death benefits, and rehabilitation expenses other than for medical expenses, shall be allowed only under special circumstances, as when the claimant can demonstrate that lump-sum payments will definitely aid in his rehabilitation or are otherwise clearly in his best interests and that lump-sum payments will avoid undue expense or undue hardship to any party, or that such claimant has removed himself or is about to remove himself from the state. In no case may a lump-sum payment be allowed in exchange for the release of an employer's or carrier's liability for future medical expenses. In no case may a lump-sum settlement be allowed until 6 months after the date of maximum medical improvement has been reached; *provided that such 6-month period shall be waived with respect to non-resident aliens of the United States or Canada. However, no such alien thus exempted shall be eligible for a lump-sum settlement under this exception more than one time in any 48-month period*

Amendment 3—On page 1 in the title, line 6, after "cases;" insert: amending s. 440.385, F.S., providing for final adjudication of insolvency;

Amendment 4—On page 1 in the title, lines 8 and 9, strike all of said lines and insert: records; providing

Amendment 5—On page 1 in the title, line 6, after the first semi-colon insert: amending s. 440.20, F.S.; providing an exception to certain restrictions upon lump-sum settlements for non-resident aliens of the United States or Canada;

Amendment 6—On page 1, line 14 through page 3, line 30, strike all of said lines and insert:

Section 1. Paragraph (e) is added to subsection (18) of section 440.02, Florida Statutes, to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(18) "Self-insurer" means:

(e) *Any local government pool established pursuant to s. 440.575.*

Section 2. Paragraph (e) of subsection (1) of section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(1) PERMANENT TOTAL DISABILITY.—

(e)1. In case of permanent total disability resulting from injuries which occurred subsequent to June 30, 1955, and for which the liability of the employer for compensation has not been discharged under the provisions of s. 440.20(12), the injured employee shall receive ~~from the division~~ additional weekly compensation benefits equal to 5 percent of the injured employee's weekly compensation rate, as established pursuant to the law in effect on the date of his injury, multiplied by the number of calendar years since the date of injury. *The weekly compensation payable and the additional benefits payable pursuant to this paragraph when combined shall not exceed the maximum weekly compensation rate in effect at the time of payment as determined pursuant to s. 440.12(2) and subject to the maximum weekly compensation rate set forth in s. 440.12(2). These supplemental benefits shall be paid by the division out of the Workers' Compensation Administration Trust Fund when the injury occurred subsequent to June 30, 1955 and prior to July 1, 1984. These supplemental benefits shall be paid by the employer when the injury occurred on or after July 1, 1984. Supplemental benefits are not payable for any period prior to October 1, 1974. Such additional benefits shall be paid out of the Workers' Compensation Administration Trust Fund. This applies to payments due after October 1, 1974.*

2.a. The division shall provide by rule for the periodic reporting to the division of all earnings of any nature and social security income by the injured employee entitled to or claiming additional compensation under subparagraph 1. Neither the division nor the employer or carrier shall make any payment of those additional benefits provided by subparagraph 1. for any period during which the employee willfully fails or refuses to report upon request by the division in the manner prescribed by such rules.

b. The division shall provide by rule for the periodic reporting to the employer or carrier of all earnings of any nature and social security income by the injured employee entitled to or claiming benefits for permanent total disability. The employer or carrier shall not be required to make any payment of benefits for permanent total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by such rules.

Section 3. Paragraph (d) is added to subsection (1) of section 440.38, Florida Statutes, to read:

440.38 Security for compensation; insurance carriers and self-insurers.—

(1) Every employer shall secure the payment of compensation under this chapter:

(d) *By entering into an interlocal agreement with other local governmental entities to create a local government pool pursuant to s. 440.575.*

Section 4. Paragraph (a) of subsection (3) of section 440.385, Florida Statutes, is amended to read:

440.385 Florida Self-Insurers Guaranty Association, Incorporated.—

(3) POWERS AND DUTIES.—

(a) Upon creation of the Insolvency Fund pursuant to the provisions of subsection (4), the association shall be obligated to the extent of covered claims existing prior to the *final* adjudication of insolvency and arising within 30 days after the determination of insolvency, *provided the which* claims occur during the year in which such insolvent member is a member of the guaranty fund and was assessable pursuant to the plan of operation. Such obligation shall include only that amount due the injured worker or workers of the insolvent member under this chapter. In no event shall the association be obligated to a claimant in an amount in excess of the obligation of the insolvent employer. The association shall be deemed the insolvent employer to the extent of its obligation on the covered claims and, to such extent, shall have all rights, duties, and obligations of the insolvent employer as if the employer had not become insolvent. However, in no event shall the association be liable for any penalties or interest.

Section 5. Section 440.515, Florida Statutes, is created to read:

440.515 Confidentiality.—The division shall maintain the reports filed in accordance with s. 440.51(6)(b) as confidential reports. The reports shall be released only for bona fide research purposes or educational purposes or after receipt of consent from the employer.

Section 6. Section 440.575, Florida Statutes, is created to read:

440.575 Local government pools.—Any two or more local governmental entities may enter into interlocal agreements for the purpose of securing the payment of benefits under this chapter, provided the local government pool created shall:

- (1) Have annual normal premiums in excess of \$5 million;
- (2) Maintain a continuing program of excess insurance coverage and reserve evaluation to protect the financial stability of the fund in an amount and manner determined by a qualified and independent actuary;
- (3) Submit annually an audited fiscal year-end financial statement by an independent certified public accountant within 6 months after the end of the fiscal year; and
- (4) Have a governing body which is comprised entirely of local elected officials.

Any local government pool which meets the requirements of this section shall not be subject to the provisions of s. 440.57 and shall not be required to file any report with the division pursuant to s. 440.38(2)(b) which report is uniquely required of group self-insurer's funds qualified under s. 440.57. If any of the requirements of this section are not met, the local government pool shall be subject to the requirements of s. 440.57.

(Renumber subsequent sections.)

Amendment 7—On page 1 in the title, lines 3-8, strike all of said lines and insert: amending s. 440.02, F.S.; defining "self-insurer"; amending s. 440.15, F.S.; providing a maximum weekly benefit; making employers responsible for supplemental permanent total benefits in certain cases; amending s. 440.38, F.S.; providing for securing of payment of compensation by local government entities; amending s. 440.385, F.S., relating to powers and duties of the Florida Self-Insurers Guaranty Association, Incorporated; creating s. 440.515, F.S.; providing for confidentiality of certain records; creating s. 440.575, F.S.; establishing separate self-insurance requirements for local government pools;

Senators Hair, Johnston and Neal offered the following amendment to House Amendment 1 which was moved by Senator Hair and adopted:

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

Section 4. Notwithstanding s. 440.45(4), Florida Statutes, each full-time deputy commissioner shall receive a salary equal to that paid to a full-time county court judge payable out of the fund established in s. 440.50. The Chief Commissioner shall receive a salary of \$1,000 more per year than that paid to a full-time deputy commissioner. Provided, however, the salary of a deputy commissioner fulfilling the individual's current term of office shall not be reduced or increased until the current term has expired.

Senators Hair, Johnston and Neal offered the following amendment to House Amendment 4 which was moved by Senator Hair and adopted:

Amendment 2—In title, on page 1, strike all of lines 2 and 3 and insert: records; providing for salaries of deputy commissioners; providing

On motions by Senator Vogt, the Senate concurred in House Amendments 2, 5, 6 and 7 and in House Amendments 1 and 4 as amended and the House was requested to concur in the Senate amendments.

On motion by Senator Vogt, the Senate refused to concur in House Amendment 3 and the House was requested to recede.

SB 214 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 346, 466, 362, 870, CS for SB 425, CS for SB 427, SB 531, CS for SB 63, Senate Bills 188, 355, 561, CS for SB 692; and has adopted SCR 787.

Allen Morris, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 677, CS for HB 487, CS for HB 132, CS for HB 899, and CS for HB 312.

Allen Morris, Clerk

First Reading

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 257, HB 1265; and has passed as amended CS for HB 210, CS for HB 530, HB's 1166, 1264, 761, 744, 87, CS for HB 146 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative Wetherell—

CS for HB 257—A bill to be entitled An act relating to the Council on Organized Crime; amending s. 27.37, F.S.; expanding subpoena power; providing for enforcement of subpoena in circuit court; providing an effective date.

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

By the Committee on Judiciary and Representative Lehtinen and others—

HB 1265—A bill to be entitled An act relating to open government laws; amending s. 20.19, F.S.; clarifying duties of Department of Health and Rehabilitative Services regarding confidentiality of client information; amending ss. 106.25 and 106.26, F.S.; specifying when certain records and proceedings of the Division of Elections and the Florida Elections Commission become public; amending s. 112.324, F.S., relating to the Commission on Ethics; providing for public access to all complaints upon dismissal; creating s. 155.50, F.S.; providing that any organization owned or controlled by a county, district or municipal hospital shall be subject to chapter 119 and s. 286.011, F.S.; amending s. 195.027, F.S.; specifying access to certain nonhomestead property tax records; amending s. 213.053, F.S., relating to confidentiality and information sharing by

the Department of Revenue; amending s. 230.23, F.S.; providing that expulsion hearings for public school students may be exempt from s. 286.011, F.S.; amending s. 240.253, F.S.; providing for limited access records on certain university and Board of Regents employees; amending ss. 316.066 and 324.051, F.S.; removing confidentiality of motor vehicle accident reports; amending s. 320.05, F.S., relating to public inspection of motor vehicle registration records; amending s. 322.20, F.S.; providing for removal of accident entries from driver history records upon proof of acquittal; amending ss. 327.03 and 327.30, F.S.; removing confidentiality of boat accident reports; amending s. 624.319, F.S.; authorizing the Department of Insurance to withhold investigation reports until completion of the investigation; amending s. 626.989, F.S.; providing for confidentiality of Division of Insurance Fraud investigation information until completion of the investigation; amending s. 627.371, F.S.; providing for confidentiality of certain noncompliance notices to insurers; repealing s. 627.912(3), F.S.; removing confidentiality of reports of professional liability claims made to the Department of Insurance; amending ss. 633.111 and 633.175, F.S.; providing that investigation records of the State Fire Marshal and information relating to fraudulent fire insurance claims be confidential until completion of the investigation; repealing s. 742.09, F.S.; removing penalty for publication of names of parties to paternity actions; amending s. 960.15, F.S., relating to records regarding victims of crimes; removing reference to confidentiality by regulation; providing an effective date.

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

By the Committee on Regulated Industries and Licensing and Representative Crotty and others—

CS for HB 210—A bill to be entitled An act relating to bingo; amending s. 849.093, F.S., defining the term "charitable, nonprofit, or veterans' organizations"; requiring such organizations involved in the conduct of or sponsoring any bingo game to be located in the county or within a 15-mile radius of where the game is located; requiring a sponsoring organization to designate a member who will be present at the sponsored bingo game; requiring posting of notice of sponsoring organization and designated member; limiting the number of days during which bingo games may be conducted at any one location to 2 days per week; providing legislative intent; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Commerce and Representative Bell and others—

CS for HB 530—A bill to be entitled An act relating to insurance; creating s. 626.9545, F.S., authorizing health insurance improper charge identification incentive programs; amending s. 627.410, F.S., requiring the filing of certain health insurance rating manuals, schedules, manual changes, schedule changes, and rates and rate changes; providing exemptions; creating s. 627.4115, F.S., authorizing examination of health insurers by the Department of Insurance; providing for the acceptance of similar examination reports; creating s. 627.4231, F.S., requiring health insurance policies and health care services plans to contain certain cost containment measures; amending s. 627.4235, F.S., requiring coordination among group coverages; permitting the coordination of other health insurance coverages; making other changes with respect to the coordination of benefits; eliminating gender-based coordination provisions; creating s. 627.429, F.S., requiring certain health insurance policies to provide out-of-hospital coverage equal to in-hospital coverage under certain circumstances; amending s. 627.659, F.S., including certain policies or contracts within the term blanket health insurance; creating s. 627.916, F.S., requiring health insurers to file annual reports with the Department of Insurance regarding the implementation of cost containment measures; providing for rules and the analysis of data reported; providing for review and repeal; providing an effective date.

—was referred to the Committees on Commerce; and Health and Rehabilitative Services.

By the Committee on Agriculture and Representative C. F. Jones—

HB 1166—A bill to be entitled An act relating to pesticides; amending s. 487.021, F.S., adding definitions; amending s. 487.041, F.S., providing for emergency exemptions; providing data requirements for registration of pesticides; conforming provisions relating to hearing requests to provisions of the Administrative Procedure Act; clarifying special local need registration requirements; providing notification procedures; creating s. 487.055, F.S., providing antisiphon requirements; amending

487.071, F.S., including rules adopted under chapter 487 and labeling requirements within provisions relating to enforcement, inspection, sampling, and analysis; amending s. 487.091, F.S., establishing an administrative fine and providing for criminal penalties; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Agriculture; and Appropriations.

By the Committee on Judiciary and Representative Lehtinen and others—

HB 1264—A bill to be entitled An act relating to professional regulation; amending s. 455.225, F.S., relating to the confidentiality of disciplinary proceedings and related records; removing such confidentiality provisions under certain circumstances; providing for tape recording of probable cause panel proceedings; amending s. 476.224, F.S., conforming to the act provisions relating to complaints against barbers; requiring the Department of Professional Regulation to submit an annual report to the Legislature; providing an effective date.

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

By Representatives Morgan and Kelly—

HB 761—A bill to be entitled An act relating to barbering; creating s. 246.222, F.S., requiring the Department of Professional Regulation to inspect barber schools; providing a fee; providing for suspensions and fines; creating s. 246.224, F.S., authorizing cosmetologists to teach at barber schools under certain circumstances; amending s. 476.194, F.S., prohibiting certain ownership or operation of barbershops or use of a suspended or revoked barber's license; providing a penalty; amending s. 476.214, F.S., expanding the disciplinary action which the Barbers' Board may take against licensees and the grounds therefor; repealing s. 476.204, F.S., deleting a civil penalty for certain violations; providing an effective date.

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

By Representative Martin—

HB 744—A bill to be entitled An act relating to contractual services; amending s. 287.012, F.S., excluding certain prevention services relating to mental health from the definition of "contractual services" for purposes of purchasing requirements; amending s. 287.059, F.S., providing for initial and final approval of agency requests for private legal services; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Representatives Tobin and Lippman—

HB 87—A bill to be entitled An act relating to public employee collective bargaining; amending s. 447.403, F.S., authorizing public employers and employee bargaining agents to jointly waive the appointment of a special master for the resolution of impasses; providing for resolution by the appropriate legislative body; amending s. 447.205, F.S., clarifying provisions relating to the terms of office of the members of the Public Employees Relations Commission; providing an effective date.

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

By the Committee on Appropriations and Representative Hodges—

CS for HB 146—A bill to be entitled An act relating to farmworker housing; amending s. 420.20, F.S., creating the "rural housing land acquisition and site development act"; amending s. 420.201, F.S., relating to declaration of necessity; amending s. 420.202, F.S., providing definitions; amending s. 420.203, F.S., creating the rural housing land acquisition and site development trust fund; amending s. 420.204, F.S., relating to grants and loans; amending s. 420.205, F.S., providing for terms of loan agreements; amending ss. 420.402, 420.403, 420.404, 420.405, 420.406, 420.407, and 420.413, F.S.; expanding the available financial resources for farmworker housing; redefining the term "local public body"; transferring the program from the Office of the Governor to the Department of Community Affairs and modifying definitions and terminology to conform; extending the life of the Farmworker Housing Assistance Trust Fund; clarifying eligibility requirements; extending the life of the Farmworker Housing Assistance Act; providing for transfer of powers, duties, functions, records, property, etc.; providing an effective date.

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

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

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.

—as amended passed May 17.

Senator Castor moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 14, after the semicolon (;) insert: amending s. 336.67, F.S.; providing that s. 336.505, F.S., applies to certain road and bridge districts;

SB 430 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

On motion by Senator Castor, the rules were waived and SB 430 after being engrossed was ordered immediately certified to the House.

On motion by Senator D. Childers, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator D. Childers, the rules were waived and by two-thirds vote SB 881 was withdrawn from the Committee on Health and Rehabilitative Services.

SPECIAL ORDER

CS for SB 265—A bill to be entitled An act relating to education; creating s. 240.535, F.S.; creating the South Florida School for the Performing and Visual Arts; providing for the administration and governance of the school; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for SB 265 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Rehm

On motion by Senator Gordon, the rules were waived and CS for SB 265 was ordered immediately certified to the House.

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

—was taken up with pending amendment 2 which was withdrawn.

Amendments were adopted to SB 315 to conform the bill to CS for HB 588.

Pending further consideration of SB 315, on motion by Senator Vogt, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 588 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representatives Selph and Grindle—

CS for HB 588—A bill to be entitled An act relating to domestic animals; amending s. 828.05, F.S.; redefining "officer"; authorizing officers to destroy injured or diseased animals in certain circumstances; providing procedure to be followed by an officer upon finding an injured or diseased animal; prohibiting an owner of an injured or diseased animal from bringing a civil or criminal action against certain persons responsible for the destruction of the animals; providing that no court order is necessary to comply with said section; providing guidelines for euthanasia of dogs and cats by certain facilities; prohibiting certain methods of euthanasia; providing an exception; providing for injunctions; providing penalties; providing an effective date.

—was read the first time by title.

SPECIAL ORDER, continued

On motions by Senator Vogt, by two-thirds vote CS for HB 588, a companion measure, was substituted for SB 315 and by two-thirds vote read the second time by title. On motion by Senator Vogt, by two-thirds vote CS for HB 588 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Fox	Hill	Rehm
Beard	Frank	Jennings	Scott
Castor	Gersten	Johnston	Thomas
Childers, D.	Girardeau	Kirkpatrick	Vogt
Childers, W. D.	Grant	Malchon	Weinstein
Crawford	Grizzle	McPherson	
Deratany	Hair	Meek	
Dunn	Henderson	Neal	

Nays—2

Langley Thurman

Vote after roll call:

Yea—Mann, Jenne

SB 315 was laid on the table.

CS for SB 598—A bill to be entitled An act relating to counterfeit trademarks; amending s. 506.09, F.S., expanding civil remedies against persons who manufacture, use, display, or sell counterfeit labels, trademarks, etc.; providing for seizure and destruction of goods bearing counterfeit trademarks; providing liability for wrongful seizure; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote CS for SB 598 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Margolis Neal Thomas
McPherson Rehm Thurman
Meek Scott Vogt

Nays—None

Vote after roll call:

Yea—Weinstein

On motion by Senator Scott, the rules were waived and CS for SB 598 was ordered immediately certified to the House.

SB 629—A bill to be entitled An act relating to the Department of Commerce; amending s. 20.17, F.S., renaming the Motion Picture and Television Advisory Council as the Motion Picture, Television, and Recording Industry Advisory Council; providing for membership and terms; providing for council responsibilities; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 629 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 130—A bill to be entitled An act relating to drivers' licenses; amending s. 322.251, F.S.; providing methods of delivery of orders of cancellation, suspension, or revocation; amending s. 120.60, F.S.; exempting delivery of orders of cancellation, suspension, or revocation of driver licenses from certain notice requirements of the Administrative Procedure Act; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 22 and 23, insert:

Section 3. Subsection (1) of section 322.29, Florida Statutes, is amended to read:

322.29 Surrender and return of license.—

(1) The department, upon suspending or revoking a license, shall require that such license be surrendered to ~~and be retained by the department, except that~~ At the end of the period of suspension such license so surrendered shall be returned, *or a duplicate license issued*, to the licensee after the applicant has successfully passed the *vision, signs, and traffic law examinations. In addition, pursuant to s. 322.221, the department may require the licensee to successfully complete a driving examination.* The department is prohibited from requiring the surrender of a license except as authorized by this chapter.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 9, after the semicolon (;) insert: amending s. 322.29, F.S.; revising certain procedures for the surrender or revocation and return of drivers licenses;

On motion by Senator Beard, by two-thirds vote SB 130 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	Crawford	Girardeau	Jenne
Beard	Deratany	Gordon	Johnston
Carlucci	Dunn	Grant	Kirkpatrick
Castor	Fox	Grizzle	Langley
Childers, D.	Frank	Hair	Malchon
Childers, W. D.	Gersten	Hill	Mann

Margolis Neal Scott
McPherson Plummer Thomas
Meek Rehm Thurman Vogt
Weinstein

Nays—None

Vote after roll call:

Yea—Jennings

Senator Mann presiding

On motions by Senator Girardeau, the rules were waived and by two-thirds vote HB 864 was withdrawn from the Committee on Transportation.

On motion by Senator Girardeau—

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

—a companion measure, was substituted for SB 496 and read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 864 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Jenne

SB 496 was laid on the table.

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 taken up with pending Amendment 1 which was adopted.

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

Amendment 2—On page 9, line 19, after "958.04" insert: *or*

On motion by Senator Hair, by two-thirds vote CS for SB 296 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Beard	Childers, D.	Deratany	Frank
Carlucci	Childers, W. D.	Dunn	Gersten
Castor	Crawford	Fox	Girardeau

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

Nays—None

Vote after roll call:

Yea—Jenne

CS for SB 192—A bill to be entitled An act relating to the Department of Corrections; amending ss. 944.09, 944.17, 944.19, 945.04, 945.25, F.S.; requiring adoption of rules; providing duties of the department; providing for recordkeeping; providing for cooperative agreements; providing for commitments, classifications, and transfers; providing for job training and placement programs; providing for seal; providing for use of inmate labor; requiring the department to maintain certain information; providing for confidentiality; repealing ss. 944.13, 944.15, 944.16, 944.18, 944.25, 944.551, 944.57, 945.031, 945.081, 945.09, 945.10, 945.21, 945.26, 946.001, F.S., relating to supervision of offenders, annual report, receiving of prisoners, information transmitted to the department, registry of prisoners, vocational programs, seal, inmate labor, classification rules, classification and commitment of prisoners, confidentiality, register of institutional violations, and duties with respect to parolees and probationers; amending s. 948.01, F.S.; providing that only circuit courts may place defendants on probation under the supervision of the department; amending s. 948.03, F.S.; providing terms and conditions of probation or community control; amending s. 921.231, F.S.; providing for presentence investigation reports in misdemeanor cases; deleting certain specific requirements for the format of presentence investigation reports; providing severability; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 2, line 26, insert:

(f) The development of a staffing formula for security positions in its residential facilities, taking into account the factors of leave time, security needs, and training requirements.

(Reletter subsequent paragraphs.)

Amendment 2—On page 13, between lines 24 and 25, insert:

(5)(a) *If the court imposes a period of residential treatment or incarceration as a condition of probation or community control, the residential treatment or incarceration shall be restricted to the following facilities:*

1. *A Department of Corrections probation and restitution center;*
2. *A community residential facility which is owned and operated by any public or private entity, excluding community correctional centers as defined in s. 944.026, or*
3. *A county-owned facility.*

(b) *It is the intent of the Legislature that a county jail be used as the last available alternative for placement of an offender as a condition of probation. However, this shall not create a right of placement for the probationer nor shall it restrict judicial discretion in ordering such treatment or incarceration.*

(c) *Prior to admission to such a facility, the court shall obtain an individual assessment and recommendation on the appropriate treatment needs pursuant to the Community Control Implementation Manual which shall be considered by the court in ordering such placements. Placement in such a facility or center shall not exceed 364 days. Early termination of placement shall be recommended to the court, when appropriate, by the facility or center supervisor. The Department of Corrections is authorized to contract with appropriate agencies for provision of services.*

Amendment 3—On page 16, between lines 12 and 13, insert:

Section 1. Section 951.02, Florida Statutes, is amended to read:

951.02 Duty of prison inspectors for state prisoners.—Prison inspectors for state prisoners shall inspect and supervise all county ~~prison camps~~ and municipal detention facilities under the direction of the Department of Corrections. *As part of these inspections, the facility shall provide and the Department of Corrections shall compile data on prisoners confined in the facilities.* The prison inspectors shall make written reports to the Secretary of Corrections and shall send duplicate copies of said reports to the board of county commissioners of the county ~~or~~ and to the city commissioners of the municipality *where the detention facility is located in which said prisoners so inspected were sentenced,* which reports shall at all times be open to public inspection.

(Renumber subsequent sections.)

Senator Peterson moved the following amendments which were adopted:

Amendment 4—On page 16, between lines 22 and 23, insert:

Section 11. Subsection (8) of section 921.001, Florida Statutes, is amended to read:

921.001 Sentencing Commission.—

(8) A person convicted of crimes committed on or after October 1, 1983, or any other person sentenced pursuant to sentencing guidelines adopted under this section shall be released from incarceration only:

- (a) Upon expiration of his sentence;
- (b) Upon expiration of his sentence as reduced by accumulated gain-time; or
- (c) As directed by an executive order granting clemency.

The provisions of chapter 947 shall not be applied to such person, *except as a condition of post-release supervision under s. 944.291 or s. 944.30.*

Section 12. Section 940.03, Florida Statutes, is amended to read:

940.03 Application for executive clemency.—

(1) When any person intends to apply for remission of any fine or forfeiture or the commutation of any punishment, he shall submit an application to the board of pardons. The application shall be in writing accompanied by a copy of the indictment or information upon which the conviction was had, a statement of the facts testified to at the trial, and such other information as shall be required by the board of pardons. A copy of the application complete with all attachments shall be furnished to the prosecuting attorney of the court in which the applicant was convicted and to the presiding judge of said court.

(2) *When the Parole and Probation Commission recommends pursuant to s. 944.30 that the sentence of a prisoner be commuted, the commission shall report to the Board of Pardons the facts, circumstances, criminal records, and social, physical, mental, and psychiatric condition and history of the prisoner.*

Section 13. Section 944.291, Florida Statutes, is amended to read:

944.291 Prisoner released by reason of gain-time allowances.—

(1) A prisoner who has served his term or terms, less allowable statutory gain-time deductions and extra good-time allowances, as provided by law, ~~may shall not~~, upon release, be under ~~the further~~ supervision and control of the department and shall ~~not~~ be subject to ss. 947.181-947.25, ~~any statute~~ relating to parole. *The Commission shall enter its order establishing terms and conditions of such release which shall be binding upon the prisoner. In no event shall such supervision extend beyond 2 years or the remainder of the prisoner's sentence whichever is less as determined by the Parole and Probation Commission.* However, any such released prisoner *who is not required to be under supervision* shall be eligible, on a voluntary basis, for any assistance available to him through any parole or probation office under the department.

(2) *The provisions of this section shall not apply to a prisoner who,*

at the time of sentence, could not have earned at least 180 days' gain-time.

Section 14. Section 944.30, Florida Statutes, is amended to read:
(Substantial rewording of section. See s. 944.30, F.S., for present text.)

944.30 Review and recommendations for commutation of sentence.—

(1) The sentence of any prisoner who is sentenced under s. 921.001, to life imprisonment or to a term of 20 years or more and who has actually served 10 years shall be reviewed by the Parole and Probation Commission as to the appropriateness of a favorable recommendation to the Board of Pardons for a commutation of sentence.

(2) This review shall take place biennially.

(3) Unless otherwise ordered by the Board of Pardons, a prisoner released due to a favorable recommendation under this section shall be under the supervision and control of the department and shall be subject to ss. 947.181-947.25, relating to parole. The Commission shall enter its order establishing terms and conditions of such release which shall be binding upon the prisoner. In no event shall such supervision extend beyond 10 years or the remainder of the prisoner's sentence whichever is less as determined by the Parole and Probation Commission.

(4) The sentence of a prisoner who was sentenced to life imprisonment prior to the enactment of s. 921.001 shall be eligible for review under this section.

(Renumber subsequent section.)

Amendment 5—On page 8, line 8, through page 12, line 13, strike all of said lines and insert:

Section 5. Subsection (1) of section 947.01, Florida Statutes, is amended to read:

947.01 Parole and Probation Commission; creation; number of members.—

(1)(a) A Parole and Probation Commission is created to consist of nine members who are residents of the state.

(b) Effective July 1, 1987, ~~1985~~, the membership of the commission shall be reduced to seven members.

Senator Hair moved the following amendment which was adopted:

Amendment 6—On page 8, lines 8-30, through page 12, line 13, strike all of said lines and renumber subsequent sections.

Senator Peterson moved the following amendments which were adopted:

Amendment 7—In title, on page 1, line 25, after "probationers;" insert: amending s. 947.01, F.S.; providing that membership of the Parole and Probation Commission will not be reduced to seven members until 1987;

Amendment 8—In title, on page 2, line 3, after the semicolon (;) insert: amending ss. 921.001, 944.291, F.S.; providing that a prisoner who is released before the end of his sentence by reason of gain-time allowances shall remain under the supervision and control of the department; providing an exception; amending s. 944.30, F.S.; requiring the Parole and Probation Commission to review the sentence of certain prisoners for the purpose of recommending a commutation of sentence to the Board of Pardons; providing for the release of such prisoners subject to certain conditions; prescribing those prisoners eligible for release; amending s. 940.03, F.S.; requiring the commission to provide the Board of Pardons with certain information when it recommends a sentence be commuted;

Senator Hair moved the following amendments which were adopted:

Amendment 9—In title, on page 1, line 13, strike "providing for confidentiality;"

Amendment 10—In title, on page 1, line 16, strike "945.10,"

Amendment 11—In title, on page 1, line 30, after "control;" insert: amending s. 951.02, F.S.; providing for collection of data on local detention facilities;

On motion by Senator Hair, by two-thirds vote CS for SB 192 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	Frank	Jennings	Neal
Carlucci	Gersten	Johnston	Plummer
Castor	Girardeau	Kirkpatrick	Rehm
Childers, D.	Gordon	Langley	Scott
Childers, W. D.	Grant	Malchon	Vogt
Crawford	Grizzle	Mann	Weinstein
Deratany	Hair	Margolis	
Dunn	Henderson	McPherson	
Fox	Jenne	Meek	

Nays—None

Vote after roll call:

Yea—Hill

On motion by Senator Barron, the Senate proceeded to consideration of—

LOCAL CALENDAR

On motions by Senator Thurman, the rules were waived and by two-thirds vote CS for HB 984 was withdrawn from the Committees on Appropriations and Rules and Calendar.

On motion by Senator Thurman—

CS for HB 984—A bill to be entitled An act relating to Pasco County; providing for the issuance of licenses for gill net fishing in the county by the Department of Natural Resources; providing a permit fee and providing for the use of funds derived therefrom; requiring the display of permit numbers; providing a penalty; providing for the use of similar licenses; providing an effective date.

—a companion measure, was substituted for SB 589 and read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for HB 984 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 589 was laid on the table.

On motion by Senator Grant—

HB 1143—A bill to be entitled An act relating to the Baker County Hospital Authority; amending section 3 of chapter 28887, Laws of Florida, 1953, as amended, providing for the election of directors of the authority and expanding the number of directors; amending section 6 of chapter 28887, Laws of Florida, 1953, providing a salary; providing the authority with the power to dispose of real property or facilities; providing an effective date.

—a companion measure was substituted for SB 849 and read the second time by title. On motion by Senator Grant, by two-thirds vote HB 1143 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Meek	Scott	Thurman
Plummer	Stuart	Vogt
Rehm	Thomas	Weinstein

Nays—None

SB 849 was laid on the table.

SB 987—A bill to be entitled An act relating to Manatee County; providing for the issuance of licenses for gill net fishing in the county by the Department of Natural Resources; providing a permit fee and providing for the use of funds derived therefrom; requiring the display of permit numbers; providing a penalty; providing for the use of similar licenses; providing for future repeal; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote SB 987 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Consideration of SB 1088 was deferred.

SB 1084—A bill to be entitled An act relating to the Manatee County Civic Center Authority; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation to issue a beverage license to the Manatee County Civic Center Authority, or its assigns, for use within the Manatee County Civic Center; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote SB 1084 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motions by Senator Deratany, the rules were waived and by two-thirds vote HB 500 was withdrawn from the Committees on Commerce and Rules and Calendar.

On motion by Senator Deratany—

HB 500—A bill to be entitled An act relating to Indian River County; providing for the issuance of a club alcoholic beverage license to the Marsh Island Harbour Club, Inc., of Indian River County; providing an effective date.

—a companion measure, was substituted for SB 1092 and read the second time by title. On motion by Senator Deratany, by two-thirds vote HB 500 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Dunn	Hair	Malchon	Stuart
Fox	Henderson	Mann	Thurman
Frank	Hill	Margolis	Thurman
Gersten	Jenne	McPherson	Vogt
Girardeau	Jennings	Meek	Weinstein
Gordon	Johnston	Plummer	
Grant	Kirkpatrick	Rehm	
Grizzle	Langley	Scott	

Nays—None

SB 1092 was laid on the table.

On motion by Senator Deratany, the rules were waived and HB 500 was ordered immediately certified to the House.

On motions by Senator Deratany, the rules were waived and by two-thirds vote HB 501 was withdrawn from the Committees on Commerce and Rules and Calendar.

On motion by Senator Deratany—

HB 501—A bill to be entitled An act relating to Indian River County; providing for the issuance of a club alcoholic beverage license to the Sea Oaks Bath and Tennis Club, Inc., of Indian River County; providing an effective date.

—a companion measure, was substituted for SB 1093 and read the second time by title. On motion by Senator Deratany, by two-thirds vote HB 501 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 1093 was laid on the table.

On motion by Senator Deratany, the rules were waived and HB 501 was ordered immediately certified to the House.

SB 1105—A bill to be entitled An act relating to Manatee County; providing for the creation of the Manatee County Airport Authority; providing definitions; providing that the membership shall consist of the Board of County Commissioners of Manatee County; authorizing the use of other resources of county government by the Authority; defining powers; authorizing certain bonding powers; providing for contracts for borrowing of money; providing for trust agreements or resolutions; providing for bonds and legal investments; providing for action by resolution; providing for contributions of certain political subdivisions; providing for remedies; providing for refunding bonds; providing definition as an additional method; providing severability; providing for liberal construction; providing that inconsistent laws shall be declared inapplicable; providing for a tax exemption; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote SB 1105 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Henderson

SB 1111—A bill to be entitled An act relating to the Trailer Estates Fire Control District, Manatee County; amending s. 8, chapter 63-1587, Laws of Florida; expanding the purposes for which such district's funds may be spent; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote SB 1111 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 1112—A bill to be entitled An act relating to Broward County and the South Broward Hospital District; amending s. 4, ch. 24415, Laws of Florida, 1947, as amended; stating, prescribing, and broadening the powers of the Board of Commissioners of the South Broward Hospital District; amending s. 6, ch. 24415, Laws of Florida, 1947, as amended; authorizing and empowering the board of commissioners to establish, construct, operate, and maintain such hospital or hospitals and other health facilities as in its opinion is necessary for the use of the people of the district; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 1112 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Consideration of SB 1122 was deferred.

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

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 1123 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motions by Senator Deratany, the rules were waived and by two-thirds vote HB 1108 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Deratany—

HB 1108—A bill to be entitled An act relating to St. Lucie County; authorizing and providing for the establishment of water districts in St. Lucie County by referendums; providing definitions; authorizing and empowering such water districts to acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate waterworks and sewerage facilities, either within or without or partly within and partly without such districts; prescribing the powers and duties of such districts; providing for paying the whole or a part of the cost of waterworks and sewerage facilities by the issuance of bonds payable from water rates and sewer service charges or from such rates or charges and special assessments, and, to the extent necessary if approved by referendum, ad valorem taxes; providing for the imposition and collection of water rates and sewer service charges, and for the levy of special assessments and taxes, and for the application of the proceeds thereof; granting to such water districts the power to acquire necessary real and personal property, and to exercise the power of eminent domain; authorizing acceptance of grants and contributions in aid of the purposes of the act; authorizing the issuance of refunding bonds; prescribing the powers and duties of the board of county commissioners of said county in relation to the foregoing; repealing any conflicting laws; providing an effective date.

—a companion measure, was substituted for SB 1133 and read the second time by title.

Senator Deratany moved the following amendments which were adopted:

Amendment 1—On page 2, line 5, strike everything after the enacting clause and insert:

Section 1. Short title.—This act shall be known and may be cited as the "St. Lucie County Water District Act."

Section 2. Definitions.—As used in this act, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

(a) The word "county" means the County of St. Lucie, in the State of Florida.

(b) The word "board" or the term "board of county commissioners" means the Board of County Commissioners of St. Lucie County, Florida.

(c) The word "district" or the term "water district" means any water district created and established pursuant to the provisions of this act.

(d) The word "municipality" means any city or town in the county, whether incorporated by special act of the Legislature or under the general laws of the state, and includes any authority or district created or operated under the powers of a municipality.

(e) The word "council" means the city or town council or commission or other board or body in which the general legislative powers of a municipality shall be vested.

(f) The term "waterworks facilities" includes water supply systems, water distribution systems, and any integral part thereof, and shall include, but shall not be limited to, reservoirs, wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filter stations, purification plants, hydrants, meters, valves, and all necessary appurtenances and equipment, and all property, rights, easements, and franchises relating thereto and deemed necessary or convenient for the operation thereof.

(g) The term "sewerage facilities" includes sanitary sewer systems, sewage disposal systems, and any integral part thereof, and includes, but shall not be limited to, sewer mains and laterals, intercepting sewers, pressure lines, pumping stations, outfalls, treatment plants, and all necessary appurtenances and equipment, and all property rights, easements, and franchises relating thereto and deemed necessary or convenient for the operation thereof.

(h) The word "construction" includes construction, reconstruction, improvement, extension, enlargement, equipment, and repair.

(i) The word "cost" as applied to either waterworks facilities or sewerage facilities includes the cost of acquisition or construction, the cost of

all labor, materials, machinery, and equipment, the cost of all lands, property, rights, easements, and franchises acquired, financing charges, interest prior to and during construction and for 1 year after completion of construction, cost of plans and specifications, surveys and estimates of cost and of revenues, cost of engineering and legal services, all expenses necessary or incident to determining the feasibility or practicability of such acquisition or construction, administrative expense, and such other expenses as may be necessary or incident to the acquisition or construction or the financing thereof herein authorized. Any obligation or expense, heretofore or hereafter incurred by the county or a district in the connection with any of the foregoing items of cost may be regarded as part of such cost and reimbursed to the county or the district out of the proceeds of bonds issued under the provision of this act.

Section 3. Creation of district.—

(a) The board by resolution or by petition of not less than 10 percent of the qualified electors residing in the area described in the petition may file in the office of the secretary to the board for the formation of a water district. Such resolution or petition shall set forth the name of the proposed district, the name of any municipality to be included in whole or in part in such district, a brief and general description of the waterworks facilities or sewerage facilities proposed to be acquired or constructed, and an estimate of the cost of such facilities.

(b) As soon as reasonably possible after such resolution or petition has been filed, the board, if it shall deem it necessary and advisable to create and establish such proposed district, shall first cause a preliminary report to be made, which report, together with any relevant or pertinent matters, shall include at least the following:

- (1) A general description of the proposed improvements to be made in such district;
- (2) A general estimate of the cost of the proposed improvements;
- (3) The present condition of water and sewerage facilities in the area comprising such proposed district; and
- (4) Findings with respect to the necessity or reasonableness of the inclusion of lands proposed to be included within the district with reference to the benefits to be derived or able to be derived by such included lands from such proposed improvements, and the necessity or reasonableness of the exclusion of lands adjacent to or within such proposed district with reference to such benefits.

Such report shall be filed in the office of the clerk of the circuit court and shall be open for the inspection of any taxpayer, property owner, qualified elector, or any other interested or affected person.

(c) Upon submission of such preliminary report, the board shall hold a public hearing upon such report and the question of the creation of such district, giving at least 20 days' notice of such hearing by advertisement in a newspaper published in the county and circulating in the area of the proposed district.

(d) At such hearing any taxpayer, property owner, qualified elector, or other interested or affected person may make written objections to the creation of such proposed district or the exclusion of any lands therefrom, or the inclusion of any land therein, the desirability or the feasibility of such proposed improvements, or to any matter, which objections, if any, together with any evidence submitted therewith shall be given full and open consideration by the board.

(e) If upon due consideration of such preliminary report, any such objection, and any other pertinent matter, the board shall be satisfied that the construction and acquisition of the proposed improvements is feasible and desirable and of benefit to all lands included in such proposed district, or that certain lands shall be included or excluded, and that the creation of such district is necessary in the public interest, it shall so determine and record such findings and determination, together with an accurate description of the proposed boundaries of the proposed district and the proposed name of such district, by ordinance duly adopted. Neither the whole nor any part of any municipality shall be included in such district unless, prior to the adoption of such ordinance, the council of such municipality shall have adopted an ordinance consenting to such inclusion.

(f) If the board shall after such hearing deem the creation of such proposed district inadvisable and not in the public interest, it shall make such a finding and determination and no further proceeding shall be

taken for the creation of the proposed district under such petition; provided, however, that such finding and determination shall not be deemed to bar the creation of any proposed district at any future time in the manner provided in this act upon the filing of a new petition therefor as provided in this act.

(g) If the board shall deem that the creation of the proposed district is necessary in the public interest, it shall call an election for the purpose of submitting to the qualified electors residing in such proposed district the question of the establishment of such district. Such election shall be held not less than 30 days from the date of the first publication of the notice thereof and such notice shall be published once a week for 4 successive weeks in a newspaper published in the county and circulating in the area of the proposed district.

(h) Except as otherwise provided in this act, such election shall be held and conducted pursuant to the general laws of the state applicable thereto.

(i) Such call for election of the qualified electors and notice thereof shall include a description of the proposed boundaries of said district, which need not be by metes and bounds but shall be in such detail as to give a reasonable and accurate description thereof, and shall further specifically recite that such district, if created, shall be authorized:

(1) To construct or acquire a sewerage system or water system or both for such district and any improvement, addition, and extension thereto and to have exclusive control and jurisdiction thereof;

(2) To finance the cost of such construction or acquisition of such improvements by the issuance of either its revenue bonds, general obligation bonds, or assessment bonds, as defined in this act, or any combinations thereof; and

(3) To levy ad valorem taxes without limitation of rate or amount to secure payment of any of its general obligation bonds.

(j) The board may also submit at a separate election to be held at the same time, to the qualified electors residing in the proposed district, the question of the issuance of general obligation bonds of such district to pay all or part of the cost of the proposed improvements. If the question of the issuance of general obligation bonds is to be voted upon, the election thereon shall conform to the applicable provisions of the constitution and statutes of Florida.

(k) Such elections may be held at any time, including the dates upon which general or primary elections are held.

(l) The inspectors and clerks for such election or elections shall be appointed by and the ballots to be voted shall be prepared and furnished by the board, which shall designate the polling place or places at which such election or elections shall be held. The inspectors and clerks shall make returns to the board.

(m) Immediately after such election or elections the board shall hold a meeting and shall canvass the votes cast at such election or elections and declare the results thereof by resolution.

(n) If a majority of the qualified electors who vote in such election on the creation of such district shall vote in favor of creation of such district, the board shall by ordinance declare the district duly created, and forthwith cause an estoppel notice to be published one time in a newspaper published in the county and circulating in the district. Such notice shall recite the due creation of such district pursuant to this act and the affirmative vote of the majority of the qualified electors voting thereon at such election duly called and held; and shall further recite the substance of the provisions of such notice of election, and that all of the proceedings had and actions taken in the creation of such district, the holding of such election, and an accurate description of such district are on file in the office of the clerk of the circuit court open to public inspection.

(o) If the qualified electors who vote in such election on the creation of such district shall vote against the creation of such proposed district, a new petition pertaining to any part of the same area just considered by the board shall not be acted upon by the board until after the expiration of 9 months from the date of the election defeating the creation of such proposed district unless 25 percent of the qualified electors of the area petition to have an election.

(p) The preliminary expenses for the creation of any such district, including election expenses and expenses for legal, financial, or other services in connection with the preliminary report, may be paid out of general county funds.

Section 4. Enlargement of district.—

(a) The board by resolution or by petition of not less than 15 percent of the qualified electors residing in any area proposed to be added to any water district created under the provisions of this act may file a resolution or petition in the office of the secretary of the board of county commissioners requesting that such district shall be enlarged and its boundaries extended to include such area.

(b) As soon as reasonably possible after such resolution or petition has been filed, the board, if it shall deem it necessary and advisable to enlarge such district, shall first cause a preliminary report to be made, which report, together with any other relevant or pertinent matters, shall include at least the following:

- (1) A general description of any additional improvement to be made in such district;
- (2) A general estimate of the cost of the proposed improvements;
- (3) The present condition of water and sewer facilities in the area proposed to be added to the district; and
- (4) Findings with respect to the necessity or reasonableness of the inclusion of additional lands proposed to be included within the district with reference to the benefits to be derived or able to be derived by such included lands from such proposed improvements.

Such report shall be filed in the office of the clerk of the circuit court and shall be open for the inspection of any taxpayer, property owner, qualified elector, or any other interested or affected person.

(c) Upon submission of such preliminary report, the board shall hold a public hearing upon such report and question of the enlargement of such district, giving at least 20 days' notice of such hearing by advertisement in a newspaper published in the county and circulating in the area proposed to be added to the district.

(d) At such hearing any taxpayer, property owner, qualified elector, or other interested or affected person may make written objections to the enlargement of such district, the desirability or the feasibility of such proposed improvements, or to any other matter, which objections, if any, together with any evidence submitted therewith shall be given full and open consideration by the board.

(e) If upon due consideration of such preliminary report, any such objection, and any other pertinent matter, the board shall be satisfied that the construction and acquisition of any additional improvement is feasible and desirable and of benefit to all lands included in such district, and that the enlargement of such district is necessary in the public interest, it shall so determine and record such findings and determination, together with an accurate description of the proposed boundaries of the area to be added to such district, by resolution duly adopted. Neither the whole nor any part of any municipality shall be included in the area to be added to such district unless, prior to the adoption of such resolution, the council of such municipality shall have adopted a resolution consenting to such inclusion.

(f) If the board shall after such hearing deem the enlargement of such proposed district inadvisable and not in the public interest, it shall make such a finding and determination and no further proceeding shall be taken for the enlargement of the district under such petition; provided, however, that such finding and determination shall not be deemed to bar the enlargement of such district at any future time in the manner provided in this act upon the filing of a new petition therefor as provided in this act.

(g) If the board shall deem that the enlargement of the proposed district is necessary in the public interest, it shall call an election for the purpose of submitting to the qualified electors residing in the area to be added to such district the question of the enlargement of such district. Such election shall be held not less than 30 days from the date of the first publication of the notice thereof and such notice shall be published once a week for 4 successive weeks in a newspaper published in the county and circulating in the area proposed to be added to such district.

(h) Except as otherwise provided in this act, such election shall be held and conducted pursuant to the general laws of the state applicable thereto.

(i) Such call for election of the qualified electors and notice thereof shall include a description of the area to be added to such district, which

need not be by metes and bounds but shall be in such detail as to give a reasonable and accurate description thereof, and shall further specifically recite that such district is authorized:

- (1) To construct or acquire a sewerage system or water system or both for such district and any improvement, addition, and extension thereto and to have exclusive control and jurisdiction thereof;
 - (2) To finance the cost of such construction or acquisition of such improvements by the issuance of either its revenue bonds, general obligation bonds, or assessment bonds, as defined in this act, or any combinations thereof; and
 - (3) To levy ad valorem taxes without limitation of rate or amount to secure payment of any of its general obligation bonds.
- (j) The provisions of section 3 concerning a separate election on the question of the issuance of general obligation bonds of such district; the date of holding such elections; election officials, ballots, and polling places; and election results shall apply to any proceeding had under the provisions of this section.

(k) If a majority of the qualified electors who vote in such election on the enlargement of such district shall vote in favor of enlargement of such district, the board shall by resolution declare the district duly enlarged, and forthwith cause an estoppel notice to be published one time in a newspaper published in the county and circulating in the district. Such notice shall recite the due enlargement of such district pursuant to this act and the affirmative vote of the majority of the qualified electors voting thereon at such election duly called and held; and shall further recite the substance of the provisions of such notice of election, and that all of the proceedings had and actions taken in the enlargement of such district, the holding of such election, and an accurate description of such district are on file in the office of the clerk of the circuit court open to public inspection.

(l) If the qualified electors who vote in such election on the enlargement of such district shall vote against the enlargement of such district, a new petition pertaining to any part of the same area just considered by the board shall not be acted upon by the board until after the expiration of 9 months from the date of the election defeating the enlargement of such district unless 25 percent of the qualified electors of the area petition to have an election.

(m) The preliminary expenses for the enlargement of any such district, including election expenses and expenses for legal, financial, or other services in connection with the preliminary report, shall be payable out of general county funds.

(n) Nothing in any proceeding enlarging a district under the provisions of this section shall be construed to limit or adversely affect the rights and interests of any holder of bonds theretofore issued by or on behalf of such district, and such proceeding shall expressly preserve and protect such rights and interests.

Section 5. Merger of districts.—Any two or more contiguous districts created under the provisions of this act may be merged into a single district by an ordinance adopted by the board of county commissioners upon petition of the board or of a majority of the registered electors residing in each of the districts proposed to be so merged and hearing thereon as provided in this section.

Immediately after such petition shall have been filed with the clerk of the board, the board shall set a time for hearing on said petition and shall publish a notice once each week for 4 consecutive weeks in a newspaper published in the county and of general circulation in each of the districts named in said petition, the first such publication to be at least 30 days prior to the date of such hearing, which notice shall be substantially in the following form:

Notice of Petition to Merge the . . . Water District and the . . . Water District into a single district to be known as the . . . Water District.

Notice is hereby given to all persons interested that a petition has been filed with the Board of County Commissioners of St. Lucie County, Florida, for the merger of the . . . Water District and the . . . Water district into a single district to be known as the . . . Water District, and districts comprising the following areas:

. . . Water District

(Here describe the area of said district)

. . . Water District

(Here describe the area of said district)

You and each of you are hereby notified that a hearing on said petition will be held before the board in the City of Fort Pierce, St. Lucie County, Florida, at . . . o'clock . . . M. on . . . , 19. . . , at which anyone interested may appear and show cause, if any there be, why said petition should not be granted and said . . . Water District and said . . . Water District merged into a single district to be known as the . . . Water District.

Board of County Commissioners
St. Lucie County, Florida

At the hearing pursuant to said notice, which hearing may be adjourned from time to time, the board shall hear any person or party interested and if after such hearing the board determines that the merger of said districts into a single district will be for the advantage of the residents and property owners in each of the districts to be merged or will be in the interest of the public health, convenience, or welfare, the board shall adopt an ordinance merging said district into a single district and designating the name by which such single district shall be known. The clerk of the board shall record a certified copy of such ordinance in the public records of St. Lucie County.

The affidavit of the publisher or any agent or employee of the publisher, with a copy of said notice attached, showing that said notice was published as required by this act, shall be sufficient evidence of such publication.

No appeal from any action of the board of county commissioners had under this act shall be permitted to act as supersedeas or to delay any action or the prosecution of any work begun under the provisions of this act.

In any proceeding pursuant to the provisions of this section, the board shall make and enter such ordinance as it shall deem equitable and proper concerning the combination of any funds on hand to the credit of each of the districts merged or to be merged into a single district and the levying of taxes and assessments and the fixing of water rates or sewer service charged in the consolidated district for the purpose of this act. However, any such ordinance shall preserve and protect the rights and interests of the holders of any outstanding bonds, whose rights and interests shall not be limited or affected by any of the provisions of this section.

Section 6. Dissolution of district.—Any water district created under the provisions of this act that has no outstanding bonds, debts, or other obligations remaining unpaid may be dissolved by an ordinance adopted by the board of county commissioners upon the petition of the board or a majority of registered electors residing in the district proposed to be so dissolved and a hearing thereon as provided in this section.

Immediately after such petition shall have been filed with the clerk of the board, the board shall set a time for hearing on said petition and shall publish a notice once each week for 4 consecutive weeks in a newspaper published in the county and of general circulation in said district, the first such publication to be at least 30 days prior to the date of such hearing, which notice shall be substantially in the following form:

Notice of Petition to Dissolve the . . . Water District.

Notice is hereby given to all persons interested that a petition has been filed with the Board of County Commissioners of St. Lucie County, Florida, for the dissolution of the . . . Water District, said district comprising the following area:

(Here describe the area of said district)

You are hereby notified that a hearing on said petition will be held before the board in the City of Fort Pierce, St. Lucie County, Florida, at . . . o'clock . . . M. on . . . , 19. . . , at which anyone interested may appear and show cause, if any there be, why said petition should not be granted and said . . . Water District dissolved.

Board of County Commissioners
St. Lucie County, Florida

At the hearing pursuant to said notice, which hearing may be adjourned from time to time, the board shall hear any person or party

interested, and if upon such hearing the board determines that the continuance of said district will not be for the advantage of the residents and property owners in said district and will not be in the interest of the public health, convenience, or welfare, and finds that said district has no outstanding bonds, debts, or other obligations remaining unpaid, the board may adopt an ordinance dissolving said district and providing for such disposition of any funds or any property of said district as it may deem proper and in the interest of the residents and property owners in said district. The clerk of the board shall thereafter record a certified copy of such order, in the public records of St. Lucie County.

The provisions of section 5 concerning evidence of publication of the notice of hearing shall apply to any proceeding pursuant to the provisions of this section.

Section 7. Governing board of district.—The board of county commissioners shall constitute the governing board of any district created under the provisions of this act. The commissioners shall not draw any salary or per diem for their services in such capacity, but a majority of the board may authorize the payment of necessary traveling expenses and per diem while attending meetings on behalf of the governing board.

Section 8. Powers of board.—The board of county commissioners as the governing body of any district created under the provisions of this act, is hereby authorized and empowered:

(a) To acquire in the name of the district either by purchase or the exercise of the right of eminent domain, or to construct, and to reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate waterworks or sewerage facilities, either within or without, or partly within and partly without, the territorial limits of the district, except that the right of eminent domain may not be exercised against the facilities of any municipality.

(b) To issue bonds of the district, payable from water rates or sewer service charges or from such rates or charges and special assessments, and, to the extent necessary, ad valorem taxes, to pay all or a part of the cost of waterworks or sewerage facilities; provided, however, that ad valorem taxes shall not be levied in the district and general obligation bonds shall not be issued unless the issuance of such bonds shall be approved by vote of the electors residing in the district.

(c) To fix and collect rates and charges for water furnished by any district waterworks facility, and to fix and collect charges for making connections with any district waterworks facility.

(d) To fix and collect sewer service charges for the service furnished by any district sewerage facility, and to fix and collect charges for making connections with any district sewerage facility.

(e) To acquire in the name of the district, either by purchase or the exercise of the right of eminent domain, such lands and rights and interests therein, including lands under water and riparian rights, and to acquire such personal property, as it may deem necessary in connection with the construction or operation of waterworks or sewerage facilities, and to hold and dispose of all real and personal property under its control.

(f) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including, but not limited to, a trust agreement or trust agreements securing any bonds issued hereunder, and interlocal agreements with other governmental agencies.

(g) To employ such consulting and other engineers, superintendents, managers, construction and accounting experts, and attorneys, and such employees and agents as may, in the judgment of the board, be deemed necessary and to fix their compensation provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this act.

(h) To exercise jurisdiction, control, and supervision over any waterworks facility and any sewerage facility owned, operated, or maintained by it and to make and enforce such rules and regulations for the maintenance and operation of such facilities as may in its judgment be necessary or desirable for the efficient operation thereof and for accomplishing the purposes of this act.

(i) To enter on any lands, water, or premises located within or without the district to make surveys, borings, soundings, or examinations for the purpose of this act.

(j) To construct and operate sewer and water mains, laterals, conduits, pipelines and all necessary appurtenances thereto, in, along and/or under any street, alley, highway or other public place within or without the district.

(k) To restrain, enjoin or otherwise prevent, within the limits of the district, the violation of any provision of this or any other act related to water quality, or any resolution, regulation, or rule adopted pursuant to the powers granted by such act.

(l) Subject to such provisions and restrictions as may be set forth in any resolution or trust agreement authorizing or securing any bonds issued under the provisions of this act, to enter into contracts with the Federal Government or the State of Florida or any agency or instrumentality of either thereof, or with any municipality, district, private corporation, copartnership, association, or individual providing for or relating to waterworks facilities or the purchase or sale of water or providing for or relating to sewerage facilities or the collection or disposal of sewerage.

(m) To receive and accept from any authorized agency of the Federal Government loans or grants for the planning, construction, improvement, extension, enlargement, reconstruction, or equipment of any waterworks or sewerage facility and to enter into agreement with such agency respecting any such loan or grant and receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such loan, grant, or contribution may be made.

(n) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

Section 9. Issuance of bonds.—The board of county commissioners, acting for and on behalf of any district, is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of special obligation bonds of the district payable from water rates or sewer service charges or from such rates or charges and special assessments levied as hereinafter provided, or general obligation bonds of the district payable from such rates or charges, or from such rates or charges and special assessments, and to the extent necessary ad valorem taxes levied as hereinafter provided, for the purpose of paying all or part of the cost of any waterworks or sewerage facilities; provided, however, that ad valorem taxes shall not be levied in the district and general obligation bonds shall not be issued unless the issuance of such bonds shall be approved by vote of the electors residing in the district. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding the maximum set by law, shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the board, and may be made redeemable before maturity, at the option of the board, at such price or prices and under such terms and conditions as may be fixed by the board prior to the issuance of bonds. The principal of and the interest on such bonds may be made payable in any lawful medium. The board shall determine the form of the bonds, including any interest coupons to be attached thereon, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. In any case any officer whose signature or a facsimile of whose signature shall appear on any bond or coupon shall cease to be such officer before the delivery of such bond, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The bonds may be issued in coupon or in registered form or both, as the board may determine and provide for the registration of any coupon bond as to principal alone and also as to both principal and interest and for the reconversion into coupon bond of any bond registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitation or condition contained in any other law, and the board may sell such bonds in such manner, either at public or private sale, and for such price as it may determine to be for the best interests of the district, but no such sale shall be made at a price so low as to require the payment of interest on the money received thereof at more than the maximum set by law, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding however, from such computation the amount of any premium to be paid on redemption of any bond prior to maturity. Prior to the preparation of definitive bonds, provision may be made for the issuance of interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when

such bonds have been executed and are available for delivery. Provisions may also be made for the replacement of any bond that has become mutilated or has been destroyed or lost.

Bonds may be issued under the provisions of this act without obtaining the consent of any commission, board, bureau, or agency of the state, and without any other proceeding or the happening of any other condition or thing than those proceedings, conditions or things that are specifically required by this act; subject to the provisions of part I of chapter 159, Florida Statutes. The proceeds of such bonds shall be used solely for the payment of the cost of the waterworks or sewerage facilities for the acquisition or construction of which such bonds shall have been authorized, and shall be disbursed in such manner and under such restrictions, if any, as the board may provide in the authorizing resolution or in any trust agreement securing such bonds. If the proceeds of such bonds, by error of estimates or otherwise, shall be less than such costs, additional bonds may in like manner be issued to provide the amount of such deficit, and unless otherwise provided in the authorizing resolution or such trust agreement, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of any bonds issued shall exceed the amount required for the purpose for which such bonds shall have been issued, the surplus shall be paid into the fund provided under the provisions of this act for the payment of the principal of and the interest on such bonds. Any resolution authorizing the issuance of bonds under the provisions of this act may provide for the execution of a trust agreement securing such bonds, and such resolution or trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the district and of the board in relation to the acquisition or construction of waterworks or sewerage facilities and provisions for the custody, safeguarding, and application of all moneys, and for the employment of consulting engineers in connection with such acquisition, construction, or operation. Such resolution or trust agreement may set forth the rights and remedies of the bondholders as is customary in trust agreements or trust indentures. In addition to the foregoing, such resolution or trust agreement may contain such other provisions as the board may deem reasonable and proper for the security of bondholders. Except as otherwise provided in this act, the board may provide for the payment of the proceeds of the sale of the bonds and the revenues of the waterworks or sewerage facilities to such officer, board, or depository as it may designate for custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be entreated as a part of the cost of operation.

Any resolution or trust agreement providing for the issuance of or securing bonds hereunder payable in whole or in part from the proceeds of water rates or sewer service charges may also contain such limitations upon the issuance of additional bonds payable in whole or in part from such rates or charges as the board may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution or trust agreement.

Section 10. Water rates and sewer service charges.—

(a) The board of county commissioners may fix and revise from time to time rates and charges for water furnished by any district waterworks facility and sewer service charges for the services furnished by any district sewerage facility, and charge and collect the same. All such rates and charges shall be so fixed and revised as to provide funds, with other district funds available for such purpose, sufficient at all times to:

(1) Pay the cost of maintaining, repairing, and operating the waterworks and sewerage facilities of the district, and to provide reserves therefor and for replacements and depreciation and necessary extensions and enlargements.

(2) Pay the principal of and the interest on all outstanding bonds for the payment of which such rates and charges are pledged as the same shall become due and provide reserves therefor.

(3) Provide a margin of safety for making such payments and providing such reserves.

(b) Such rates and charges shall not be subject to supervision or regulation by any commission, board, bureau, or agency of the state or of any political subdivision of the state.

(c) Such rates and charges shall be just and equitable. Sewer service charges may be based or computed upon the quantity of water used or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises connected with the sewerage facilities or upon the average number of persons residing or working in or otherwise connected with such premises or upon the type or character of such premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors. When the character of the sewage from any manufacturing or industrial plant, building, or premises is such that it imposes an unreasonable burden upon any sewerage facility, an additional charge may be made therefor, or the board may, if it deems it advisable, compel such manufacturing or industrial plant, building, or premises to treat such sewage in such manner as shall be specified by the board before discharging such sewage into any sewer line owned or maintained by the district.

Section 11. Collection of rates and charges.—The board of county commissioners may provide in the resolution authorizing the issuance of bonds under this act or in any trust agreement securing such bonds that any sewer service charge shall be included in bills rendered for water used on the premises and that if any water rate or sewer service charge shall not be paid within 30 days from the rendition of any such bill, the district shall discontinue furnishing water to such premises and may disconnect the same from the waterworks facilities. Any such resolution or trust agreement may include any or all of the following provisions, and may require the board to adopt such resolutions or to take such other lawful action as shall be necessary to effectuate such provisions and the board is hereby authorized to adopt such resolution and to take such other action.

(a) The district may require the owner, tenant, or occupant of each lot or parcel of land within the district who is obligated to pay water rates or sewer service charges to the district to pay a reasonable deposit with the district in advance to ensure the payment of such rates or charges and to be subject to application to the payment thereof if and when delinquent.

(b) If any water rate or sewer service charge payable to the district shall not be paid within 30 days after the same shall become due and payable, the district may at the expiration of such 30-day period disconnect the premises from the waterworks or sewerage facilities, and the district may proceed to recover the amount of any such delinquent rate or charge, with interest, in an action of assumpsit.

(c) If any sewer service charge for the use of any sewerage facility by or in connection with any premises not served by any waterworks facility of the district shall not be paid within 30 days after the same shall become due and payable, the owner, tenant, or occupant of such premises shall cease to dispose of sewage or industrial wastes originating from or on such premises by discharge thereof directly or indirectly into the sewerage facilities of the district until such sewer service charges, with interest, shall be paid; that if such owner, tenant, or occupant shall not cease such disposal at the expiration of such 30-day period it shall be the duty of any public or private corporation, board, body, or person supplying water to or selling water for use on such premises within 5 days after the receipt of notice of such delinquency from the district; and that if such corporation, board, body, or person does not, at the expiration of such 5-day period, cease supplying water to or selling water for use on such premises, then the district may, unless it has theretofore contracted to the contrary, shut off the supply of water to such premises.

Upon construction of waterworks facilities pursuant to the provisions of this act, the owner, tenant, or occupant of each lot or parcel of land within the district that abuts upon a street or other public way containing a water main as a part of such waterworks facilities or a water main served or that may be served by such waterworks facilities and upon which lot or parcel a building shall have been constructed for residential, commercial, or industrial use, shall, if so required by the regulations and rules or a resolution of the board, connect with such building such water main within 30 days, and shall cease to use any other method for the provision of potable water upon such lot or parcel. Upon the construction of sewerage facilities pursuant to the provisions of this act, the owner, tenant, or occupant of each lot or parcel of land within the district that abuts upon a street or other public way containing a sanitary sewer as a part of such sewerage facilities or a sanitary sewer served or that may be served by such sewerage facilities and upon which lot or parcel a building shall have been constructed for residential, commercial, or industrial use, shall, if so required by the regulations and rules, or a resolution of the board, connect with such building such sanitary sewer within 30 days, and shall cease to use any other method for the disposal of sewage waters

or other polluting matter. All such connections shall be made in accordance with rules and regulations that shall be adopted from time to time by the board, which rules and regulations may provide for a charge for making any such connection in such reasonable amount as the board may fix and establish.

(d) Rules and regulations adopted by the board shall include a method for establishing time payments for any mandatory connection fee.

Section 12. Special assessments.—The board of county commissioners may, in any resolution providing for the issuance of bonds hereunder or in a separate resolution passed prior to the issuance of such bonds, find and declare that the construction of water mains as a part of any waterworks facility or of any sanitary sewer main as a part of any sewerage facility is a special benefit to all property abutting upon such mains. The board is hereby authorized, in such event, to provide for the levying of special assessments upon such benefited property under the following provisions of this section:

(a) The initial proceeding, which may be either before or after the issuance of such bonds, shall be the passage of a resolution:

(1) Ordering the construction of such water mains or sanitary sewer mains under and subject to the provisions of this section.

(2) Indicating the locations of such mains by terminal points and routes.

(3) Giving either a description of each main by its material, nature, character, and size or giving two or more such descriptions with the direction that the material, nature, character, and size shall be subsequently determined in conformity with one of the descriptions.

(4) Setting forth the portion of the cost of the mains that is to be specially assessed. Such mains need not be continuous and may be in more than one locality or street. The resolution ordering the construction of any such main may give any short and convenient designation to the main so ordered to be constructed, and the property against which assessments are to be made for the cost of such main shall be designated as a special assessment district, followed by a letter or number or name to distinguish it from other special assessment districts, after which it shall be sufficient to refer to such main and property by such designation in all proceedings and assessments, except in the notice provided from subsections (c) and (h).

(b) As soon as practicable, after the passage of any such resolution, the engineer for the district shall prepare in duplicate plans and specifications of each water main and sanitary sewer main the construction of which is ordered thereby, and an estimate of the cost thereof. Such cost shall include, in addition to the items of cost defined in section 2(i), the cost of relaying streets or roadways and sidewalks necessarily torn up or damaged and the following items of incidental expense: printing and publishing of notices and proceedings, cost of abstracts of title, and any other expense necessary or proper in conducting the proceedings and work provided for in this section. If the resolution shall provide alternative description of material, nature, character, and size, such estimate shall include an estimate of the cost of the mains of each such description. The engineer shall also prepare in duplicate a tentative apportionment of the estimated cost as between the district and each lot or parcel of land subject to special assessment under the resolution, such apportionment to be made in accordance with the provisions of the resolution and the provisions of subsection (g) in relation to apportionment of cost in the preliminary assessment roll. One of the duplicates of such plans, specifications, and estimate and such tentative apportionment shall be filed with the board and the other duplicate shall be retained by the engineer in his files, all thereof to remain open to public inspection.

(c) Upon the filing of such plans, specifications, estimate and tentative apportionment of cost, the board shall publish once in a daily newspaper published in the county and of general circulation in the district a notice stating that at a meeting of the board to be held on a certain day and hour, not earlier than 10 days from such publication, the board will hear objections of all interested persons to the confirmation of such resolution, which shall state in brief and general terms a description of the proposed water or sewer mains with the locations thereof, and the portion of the cost thereof to be specially assessed, and shall also state that plans, specifications, estimate, and tentative apportionment of cost thereof are on file in the office of the board. The board shall keep a record in which shall be inscribed, at the request of any person, firm, or corporation

having or claiming to have any interest in any lot or parcel of land, the name and post office address of such person, firm, or corporation, together with a brief description or designation of such lot or parcel, and it shall be the duty of the board to mail a copy of such notice to such person, firm, or corporation at such address, at least 10 days before the time for the hearing as stated in such notice, but the failure of the board to keep such record or so to inscribe any name or address or to mail any such notice shall not constitute a valid objection to holding the hearing as provided in this section or to any other action taken under the authority of this section.

(d) At the time named in such notice, or to which an adjournment may be taken by the board, the board shall receive any objection of an interested person and may then and thereafter repeal or confirm such resolution with such amendments, if any, as may be desired by the board and that do not cause any additional property to be specially assessed or do not increase the portion of the cost to be specially assessed.

(e) All objections to any such resolution on the grounds that it contains items that cannot be properly assessed against property, or that it is, for any default or defect in the passage or character of the resolution, or the plans or specifications or estimate, void or voidable in whole or in part, or that it exceeds the power of the board, shall be made in writing, in person, or by attorney, and filed with the board at or before the time or adjourned time of such hearing. Any objection against the construction of water or sewer mains as provided in such resolution not so made shall be considered as waived, and, if any objection shall be made and overruled or shall not be sustained, the confirmation of the resolution shall be the final adjudication of the issues presented unless proper steps shall be taken in a court of competent jurisdiction to secure relief within 10 days.

(f) As soon as practicable after the confirmation of any such resolution, the board shall publish once in a daily newspaper published in the county and of general circulation in the district and, if the estimated cost exceeds \$10,000, in a newspaper published and of general circulation in the state, a notice calling for sealed bids to be received by the board on a date not earlier than 15 days from the first publication, for the construction of the work. The notice shall refer in general terms to the extent and nature of the water or sewer mains to be constructed, and may identify the same by the short designation indicated in the initial resolution and by reference to the plans and specifications on file. If the initial resolution contains two or more alternative descriptions of the work as to its material, nature, character, and size, and if the board shall not have theretofore determined upon a definite description, the notice shall call for bids upon each of such descriptions. Bids may be requested for the work as a whole or for any part thereof separately and bids may be asked for any one or more water or sewer mains authorized to be constructed by the same or different resolutions, but any bid covering work upon water or sewer mains bearing different designations shall be in such form as to permit a separation of cost as to the work bearing such designation. The notice shall require bidders to file with their bids either a certified check upon an incorporated bank or trust company for 5 percent of the amount of their respective bids or a bid bond in like amount with a corporate surety licensed to do a general surety business in the State of Florida, to ensure the filing, at the making of such contract, of a bond in the amount of the contract price with corporate sureties conditioned for the performance of the work in accordance with such contract. The board shall have the right to reject any or all bids and if all bids are rejected the board may readvertise.

(g) Promptly after the completion of the work, the engineer for the district shall prepare a preliminary assessment roll and file the same with the board, which roll shall contain the following:

(1) A description of the lots and parcels of land within the special assessment district, which shall include the lots and parcels that abut upon both sides of that part of any street in which water or sewer mains, except a curb sewer, shall have been constructed. Such lots and parcels shall include the property of the county and of any municipality, school district, or political subdivision. There may also be given, in the discretion of the engineer, the name of the owner of record or each lot or parcel, where practicable, and in all cases there shall be given a statement of the number of feet of property so abutting, which number of feet shall be known as the frontage.

(2) The total cost of the work, and the amount of incidental expense.

(3) An apportionment as between the district and property, to be computed as follows, of the cost of such work, incidental expense to be apportioned in the same proportion:

a. To each lot or parcel of land, to the property or curb line of which a water or sewer lateral shall have been laid, shall be apportioned the cost of that lateral;

b. To abutting property shall be apportioned according to frontage in the initial resolution adopted under the provisions of subsection (a), or, if such provision shall be amended as may be provided, in the confirmatory resolution adopted under the provisions of subsection (d); provided, however, that in the case of lots or parcels that abut on more than one street or alley or that have irregular shapes or unusual depths or that are served or are to be served by such water or sewer mains, although not abutting upon either side of the street or alley, in which such mains are to be constructed the apportionment shall be made under such rules and regulations as the board shall deem to be fair and equitable; and

c. To the district shall be apportioned the remaining cost of the work.

(h) The preliminary roll shall be advisory only and shall be subject to the action of the board as hereinafter provided. Upon the filing with the board of the preliminary assessment roll, the board shall publish once in a daily newspaper, published in the county and of general circulation in the district, a notice stating that, at a meeting of the board to be held on a certain day and hour, not less than 12 days from the date of such publication, which meeting may be a regular, adjourned, or special meeting, all interested persons may appear and file written objections to the confirmation of such roll. Such notice shall state whether water or sewer mains have been constructed and the location thereof.

(i) At the time and place stated in such notice the board shall meet and receive the objections in writing of all interested persons as stated in such notice. The board may adjourn the hearing from time to time, and after the completion thereof the board shall either annul or sustain or modify in whole or in part the prima facie assessment as indicated on such roll, either by confirming the prima facie assessment against any or all lots or parcels described therein, or by canceling, increasing, or reducing the same, according to the special benefits that the board decides each such lot or parcel has received or will receive on account of the construction of such water or sewer mains. If any property that may be chargeable under this section shall have been omitted from the preliminary roll or if the prima facie assessments shall not have been made against it, the board may place on such roll an apportionment to such property. The board shall not confirm any assessment in excess of the special benefits to the property assessed and the assessments so confirmed shall be in proportion to the special benefits. Forthwith after such confirmation such assessment roll shall be delivered to the tax collection office of the county. The assessment so made shall be final and conclusive as to each lot or parcel assessed, unless proper steps be taken within 10 days in a court of competent jurisdiction to secure relief. If the assessment against any property shall be sustained or reduced or abated by the court, the tax collector shall note that fact on the assessment roll opposite the description of the property affected thereby. The amount of the special assessment against any lot or parcel that may be abated by the court, unless the assessment upon the entire special assessment district is abated or the amount of such assessment is so reduced, may by resolution of the board be made chargeable against the district at large; or in the discretion of the board, a new assessment roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll.

(j) Any assessment may be paid at the office of the tax collector of the county within 30 days after the confirmation thereof, without interest. Thereafter all assessments shall be payable in equal annual installments, with interest at 12 percent per annum from the expiration of said 30 days in each of the succeeding 20 calendar years at the time or times in each year at which general county taxes are payable; provided, however, that the board may, in the initial resolution passed pursuant to subsection (a) or in the confirmatory resolution passed pursuant to subsection (d), fix a shorter period of payment for any assessment; and provided, further, that any assessment may be paid at any time before due, together with interest accrued thereon to the day of payment.

(k) All assessments shall constitute a lien upon the property so assessed from the date of the confirmation of the resolution ordering the work, and any assessment or installment not paid when due shall be collectible in the same manner and at the same time as such county taxes are or may be collectible, with the same attorney's fee, interest, and penalties and under the same providing as to forfeiture and the right of the county to purchase the property assessed as are or may be provided by law in the case of county taxes. However, no such sale of any property for

general county taxes or for an installment or installments of any such assessment and no perfecting of title under any such sale shall divest the lien on any installment of such assessment not due at the time of the sale. Collection of such assessments, with such interest and with a reasonable attorney's fee and costs, but without penalties, may also be made by the district by proceedings in a court of equity to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the state; provided, that any such proceedings to foreclose shall embrace all installments of principal remaining unpaid with accrued interest thereon, which installment shall, by virtue of the institution of such proceedings, immediately become due and payable. Nevertheless, if, prior to any sale of the property under decree of foreclosure in such proceedings, payment be made of the installment or installments that are shown to be due pursuant to the provisions of subsection (j), with interest as required by said subsection (j) and by this subsection, and all costs, including attorney's fee, such payment shall have the effect of restoring the remaining installments to their original maturities under and pursuant to subsection (j) and the proceedings shall be dismissed. It shall be the duty of the district to enforce the prompt collection of assessments by one or the other of the means herein provided, and such duty may be enforced at the suit of any holder of bonds issued under this act and payable in part from the proceeds of such special assessments, in a court of competent jurisdiction by mandamus or other appropriate proceedings or action. Not later than 30 days after the annual sale of property for delinquent taxes of the county, it shall be the duty of the board to direct the attorney whom the board shall then designate to institute actions within 3 months after such direction to enforce the collection of all special assessments made under this section and remaining due and unpaid at the time of such direction. Such action shall be prosecuted in the manner and under the conditions that mortgages are foreclosed under the laws of the state. It shall be lawful to join in one action the collection of assessments against any or all property assessed by virtue of the same assessment roll unless the court shall deem such joinder prejudicial to the interest of any defendant. At any sale pursuant to decree in any such action, the district may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by the district, including the certificate of sale thereof, may be sold or otherwise disposed of, for cash or upon terms, the proceeds of such disposition to be placed in the special fund provided for by subsection (p). However, no sale or other disposition thereof shall be made unless notice calling for bids therefor to be received at a stated time and place shall have been published in a daily newspaper of general circulation published in the county once in each of 4 consecutive weeks prior to such disposition.

(l) The county and each municipality, school district, and other political subdivision wholly or partly within the district shall possess the same power and be subject to the same duties and liabilities in respect of assessments under this section affecting the real estate of the county or such municipality, district, or other subdivision that private owners of real estate possess or are subject to hereunder, and such real estate of the county or of any such municipality, school district, or political subdivision shall be subject to liens for said assessments in all cases in which the same property would be subject had it at the time the lien attached been owned by a private owner.

(m) In any action to foreclose a special assessment the costs shall be taxed as in any other civil action.

(n) Wherever any real estate or portion thereof is in the possession or enjoyment of a tenant for life, and an assessment is made on said property, the amount so assessed for such purposes, or a portion of the amount so assessed in case only a portion of the real estate is so possessed, shall be paid by the tenant for life, and the remaindermen after the life estate pro rata their respective interests in said real estate. If the assessment, after same shall be made, shall all be paid by the tenant for life or by a remainderman, the part payment therefor for his pro rata share of the same shall have the right to maintain an action in the nature of a suit for contribution against the delinquent party to recover from his pro rata share of such assessment, with interest thereon from the date of such payment, and be subrogated to the right of the district to a lien on such property for the same.

Any one of several tenants in common, or joint tenants, or copartners shall have the right to pay the whole or any part of the special assessments assessed or due upon the real estate held jointly or in common and all sums by him so paid in excess of his share of such special assessments,

interest, cost, and amounts required for resumption, shall constitute a lien upon the shares of his cotenant or associates, payment whereof, with interest and costs, he may enforce in proceedings for partition, or in any other appropriate judicial proceedings; provided, the lien herein provided for shall not be effective against an innocent purchaser for value.

(o) When any special assessment has been made against any property as authorized by this section and it is desirable that said assessment be apportioned among subdivisions of said property, the board shall have authority, upon petition of the owner of said property, to apportion said assessment fairly among said subdivisions. Thereafter, each of said subdivisions shall be relieved of any part of such original assessment except the part hereof apportioned to said subdivisions; and the part of said original assessment apportioned to any such subdivision shall be of the same force and effect as the original assessment.

(p) All special assessments on the property in any special assessment district shall, when collected, be placed in the fund provided for the payment of the principal of and the interest on the bonds for the payment of which such special assessments shall have been pledged; provided, that any or all such special assessments shall have been set aside in a reserve account in such fund in accordance with and subject to the provisions of the resolution providing for the issuance of said bonds.

Section 13. Levy of taxes.—The board of county commissioners is hereby authorized and required to levy annually a tax upon all taxable property within any district the general obligations bonds of which shall have been issued under the provisions of this act, sufficient to pay the principal of and the interest on such bonds as the same shall respectively become due and payable; provided, however, that ad valorem taxes shall not be levied in the district and general obligation bonds shall not be issued unless the issuance of such bonds shall be approved by vote of the electors residing in the district. If there shall be pledged to the payment of such bonds the proceeds of water rates or sewer service charges or the proceeds of such rates or charges and special assessments, as hereinabove provided, the amount of the annual tax levy may be reduced in any year by so much of the amount of such proceeds and special assessments then on deposit to the credit of the special fund for the payment of such principal and interest during the year for which such tax shall be levied, but any such proceeds and special assessments on deposit to the credit of any reserve account in such special fund shall not be taken into account in determining the amount of such tax levy. The proceeds of such tax levy shall when collected be paid into such special fund and used for no other purpose than the payment of such principal and interest.

The board of county commissioners is further authorized and required to levy annually a tax upon all taxable property within any district in which special assessments shall have been levied under the provisions of section 12, sufficient to pay the annual installments of any such special assessments apportioned to the district.

Section 14. Trust funds.—All moneys received pursuant to the authority of this act shall be deemed to be trust funds, to be held and applied solely as provided in this act. Any resolution authorizing the issuance of bonds shall provide that any officer to whom, or any bank, trust company, or other fiscal agent to which, such moneys shall be paid shall act as trustee of such moneys and shall hold and apply the same for the purposes thereof, subject to such regulations as this act and such resolution may provide.

Section 15. Remedies.—Any holder of bonds issued under the provisions of this act or of any of the coupons appertaining thereto, except to the extent the rights herein given may be restricted by the resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the State of Florida or granted hereunder or under such resolution, and may enforce and compel the performance of all duties required by this act or by such resolution to be performed by the district or by the board of county commissioners or by any officer thereof, including the fixing, charging, and collecting of water rates and sewer service charges and levying and collecting of any special assessments.

Section 16. Refunding bonds.—The board of county commissioners is hereby authorized to provide by resolution for the issuance of refunding bonds of the district for the purpose of refunding any bonds then outstanding and issued under the provisions of this act. The board of county commissioners is further authorized to provide by resolution for the issuance of bonds of the district for the combined purposes of:

(a) Paying the cost of any extension, addition, or reconstruction of waterworks or sewerage facilities, and

(b) Refunding bonds of the district that shall theretofore have been issued under the provisions of this act and shall then be outstanding and that shall then have matured or be subject of such bonds, and the maturities and other details thereof.

The rights and remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the district and of the board with respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

Section 17. Declaration of public necessity.—The Legislature declares that proper facilities for the supply and disposal of sewage are essential for the health of the inhabitants of a district and for its industrial and commercial development, and that the exercise of the powers conferred by this act to effect such purposes constitutes the performance of essential public functions, and that the waterworks and sewerage facilities of a district will constitute public property used for public purposes.

Section 18. Alternative method.—This act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing. This act, being necessary for the welfare of the inhabitants of the county, shall be liberally construed to effect the purposes thereof.

Section 19. Provisions of act severable.—The provisions of this act are severable, and it is the intention to confer the whole or any part of the powers herein provided for, if any of the provisions of this act shall be held unconstitutional by any court of competent jurisdiction, and the decision of such court shall not affect or impair any of the remaining provisions of the act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Section 20. Repeal of conflicting laws.—All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict, except that nothing herein shall be construed to repeal any provision of the charter of any existing municipality.

Section 21. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to St. Lucie County; authorizing and providing for the establishment of water districts in St. Lucie County by referendums; providing definitions; authorizing and empowering such water districts to acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate waterworks and sewerage facilities, either within or without or partly within and partly without such districts; prescribing the powers and duties of such districts; providing for paying the whole or a part of the cost of waterworks and sewerage facilities by the issuance of bonds payable from water rates and sewer service charges or from such rates or charges and special assessments, and, to the extent necessary and if approved by referendum, ad valorem taxes; providing for the imposition and collection of water rates and sewer service charges, and for the levy of special assessments and taxes, and for the application of the proceeds thereof; granting to such water districts the power to acquire necessary real and personal property, and to exercise the power of eminent domain; authorizing acceptance of grants and contributions in aid of the purposes of the act; authorizing the issuance of refunding bonds; prescribing the powers and duties of the board of county commissioners of said county in relation to the foregoing; repealing any conflicting laws; providing an effective date.

On motion by Senator Deratany, by two-thirds vote HB 1108 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Malchon	Meek	Stuart	Weinstein
Mann	Plummer	Thomas	
Margolis	Rehm	Thurman	
McPherson	Scott	Vogt	

Nays—None

SB 1133 was laid on the table.

On motion by Senator Deratany, the rules were waived and HB 1108 was ordered immediately certified to the House.

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.

—was read the second time by title. On motion by Senator Castor, by two-thirds vote SB 1136 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

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 agreement, 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 pro-

vide 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.

—was read the second time by title.

Senator Deratany moved the following amendment which was adopted:

Amendment 1—On page 35, strike line 15 and insert: and shall be exempt from all state, county, and city taxation to the extent provided by general law.

On motion by Senator Deratany, by two-thirds vote SB 1138 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	Rehm
Beard	Gersten	Johnston	Scott
Carlucci	Girardeau	Kirkpatrick	Stuart
Castor	Gordon	Langley	Thomas
Childers, D.	Grant	Malchon	Thurman
Childers, W. D.	Grizzle	Mann	Vogt
Crawford	Hair	Margolis	Weinstein
Deratany	Henderson	McPherson	
Dunn	Hill	Meek	
Fox	Jenne	Plummer	

Nays—None

On motion by Senator Deratany, the rules were waived and SB 1138 after being engrossed was ordered immediately certified to the House.

Consideration of SB 1139 was deferred.

HB 476—A bill to be entitled An act relating to the East Mulloch Drainage District, Lee County; amending section 6(2) of chapter 63-930, Laws of Florida; increasing the "maintenance tax" rate; providing an effective date; providing for a referendum.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 476 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 496—A bill to be entitled An act relating to Lee County; amending section 5 of chapter 76-414, Laws of Florida, as amended, relating to the Bayshore Fire Protection and Rescue Service District; increasing from \$1.50 per \$1,000 of net taxable assessed valuation to \$2.50 per \$1,000 of net taxable assessed valuation, the authorized limit within which the Board of the District may levy millage tax to provide for funds for the District; providing for a referendum.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 496 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

HB 512—A bill to be entitled An act relating to the Estero Fire Protection and Rescue Service District, Lee County; amending section 2(2) of chapter 76-408, Laws of Florida, as amended, changing the boundaries of the district to include additional lands in Lee County; providing a referendum.

—was taken up, having been reconsidered May 8. On motion by Senator D. Childers, HB 512 was read by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 517—A bill to be entitled An act relating to Lee County; prohibiting the taking of saltwater fish, except by hook and line or handheld cast net or with no more than five blue-crab traps, within any manmade saltwater canal on Greater Pine Island, Lee County, Florida; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 517 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 655—A bill to be entitled An act relating to the St. Lucie County-Fort Pierce Fire District; authorizing said district to provide certain types of group insurance coverage to retired employees; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendment which was adopted:

Amendment 1—On page 1, line 30, and on page 2, lines 2 and 3, strike "The provisions of this section shall not be negotiable or bargainable under the provisions of part II of chapter 447, Florida Statutes."

On motion by Senator D. Childers, by two-thirds vote HB 655 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

HB 935—A bill to be entitled An act relating to Manatee County; amending subsection (2) of section 3 and sections 5 and 6 of chapter 70-799, Laws of Florida; prohibiting anyone from possessing certain nets, seines, or traps upon certain waters in Manatee County; providing exceptions; providing that law enforcement officers may inspect catches under certain circumstances; providing for the seizure and forfeiture of nets, seines, and traps under certain circumstances; providing for the seizure and forfeiture of illegally taken catch; providing for the disposition of funds; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 935 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 947—A bill to be entitled An act relating to the Ellenton Fire Control District, Manatee County; amending section 1 and adding section 20 to chapter 59-1539, Laws of Florida, as amended; extending the boundaries of the Ellenton Fire Control District; providing for impact fees on new construction within the district to defray the cost of improvements required to provide fire and emergency service to such new construction; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 947 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 949—A bill to be entitled An act relating to Charlotte County; amending section 7 of chapter 78-485, Laws of Florida, providing that a special assessment may be levied against lots within a canal maintenance district in lieu of an ad valorem tax; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 949 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Malchon	Meek	Stuart	Weinstein
Mann	Plummer	Thomas	
Margolis	Rehm	Thurman	
McPherson	Scott	Vogt	

Nays—None

Consideration of SB 952 was deferred.

HB 975—A bill to be entitled An act relating to animal control in Charlotte County; repealing chapters 61-1981 and 65-1364, Laws of Florida; providing for an animal control agency and operating procedures for said agency; providing definitions; proscribing running at large; requiring an owner to exercise control over his animal; prohibiting interference with an animal control officer; providing a procedure for complaints about problem animals; providing for license certificate and tags; providing for a fee; providing for the administration of rabies vaccine; providing exceptions; providing for enforcement and impoundment of animals and the disposition of impounded animals; providing for impounding fees; prohibiting animals in certain designated areas; providing for the disposition of dead animals; providing for record keeping; providing for the reporting of animal bites; prohibiting the unnecessary killing and removal of animals suspected of having rabies; providing for the disposition of animals exposed to rabies; providing for the responsibility of the county health officer; providing for the disposition of the carcasses of animals suspected of having rabies; providing that a violation of this act shall be punishable as a criminal offense and misdemeanor; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 975 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 989—A bill to be entitled An act relating to the Halifax Hospital Medical Center, Volusia County; amending ss. 2(1), 3, 5, 7, 8(1), (6), 10, 13, chapter 79-577, Laws of Florida; providing for staggered terms of members of the Board of Commissioners; authorizing the district to establish corporations; authorizing the district to enter both capital and operating leases; authorizing the district to foster community redevelopment; authorizing the district to accept promissory notes and voluntary liens; authorizing the board to grant or deny medical staff privileges; authorizing the establishment of certain health care facilities; authorizing the district to borrow money for a period of up to 3 years; providing for referendums for certain bond issues; providing for negotiated or public sale of bonds; providing for identification of and segregation of ad valorem tax revenues; providing for accounting records for public funds; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 989 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1016—A bill to be entitled An act relating to East Naples Fire Control District, Collier County; amending section 1 of chapter 61-2034, Laws of Florida, as amended, by correcting the legal description of the boundaries of the district; adding section 24 to chapter 61-2034, Laws of Florida, as amended, to provide for reimbursement of the county for referendum expenses; providing an effective date.

—was read the second time by title.

Senator Mann moved the following amendment which was adopted:

Amendment 1—In title, on page 1, line 9, after the semicolon (;) insert: designating commission seats for purposes of election;

On motion by Senator D. Childers, by two-thirds vote HB 1016 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1026—A bill to be entitled An act relating to Hillsborough County; creating and establishing the Hillsborough County Environmental Protection Commission for the purpose of controlling and regulating pollution of air, water, soil, property, and noise; providing legislative intent; providing method and manner of appointing members of the commission; providing for its powers, functions, privileges, duties, and responsibilities; providing for its adoption of rules and regulations; providing for appointment of a hearing officer and an environmental director and their respective powers and duties; providing for appeals; providing for reporting of pollution sources; providing for issuance of permits; providing for sampling and testing; prohibiting open burning; providing for issuance of citation and emergency orders; prohibiting nuisances, pollution, and violation of an order; declaring a violation to be a misdemeanor; providing enforcement procedure and remedies; providing for additional liability and damages; creating a pollution recovery fund; providing for appropriation of funds; repealing chapters 67-1504, 69-1149, 71-681 and 73-496, Laws of Florida, relating to the Hillsborough County Environmental Protection Commission; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendment which was adopted:

Amendment 1—In title, on page 1, line 27, before “and” insert: , 72-563,

On motion by Senator Beard, by two-thirds vote HB 1026 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1073—A bill to be entitled An act relating to Okaloosa County; amending sections 1(1) and 8(6) of chapter 74-543, Laws of Florida, renaming the Southwest Okaloosa County Fire Control District as the Florosa Fire Control District; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1073 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1075—A bill to be entitled An act relating to Santa Rosa County; amending section 1(11) and (26), section 3, section 4(1), section 5(2) and section 25(2) of chapter 79-561, Laws of Florida, relating to the Civil Service System for certain employees of Santa Rosa County; redefining the term “department” to eliminate reference to the Jay Hospital Department; redefining the term “unclassified service” to eliminate reference to hospital administrators and secretarial assistants thereto; deleting reference to the Jay Hospital Department throughout the act; revising election dates for the board; clarifying language with respect to certain disciplinary actions; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1075 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1076—A bill to be entitled An act relating to Alachua County; amending sections 3 and 10 of chapter 67-1078, Laws of Florida, as amended; providing a definition for “conditional zoning” and authorizing the county to adopt such zoning, subject to certain standards; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 1076 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1077—A bill to be entitled An act relating to Palm Beach County; amending chapter 67-1876, Laws of Florida, as amended, relating to the Palm Beach County Construction Industry Licensing Board, amending the scopes of general, building, and residential building contractors; amending the experience prerequisites of specialty contractors; changing revenue depository; amending notification of change in status procedures by business organizations; expanding cause for disciplinary action; providing specified application; providing an effective date.

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

Yeas—37

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

Nays—None

HB 1079—A bill to be entitled An act relating to Palm Beach County; relating to Lake Worth Drainage District, a body corporate existing under the Laws of the State of Florida and existing and operating in Palm Beach County, Florida, pursuant to chapter 61-1747, Laws of Florida, as amended; adding an unnumbered paragraph to section 1 of Article II of said chapter, to exclude certain lands in Section 5, Township 44 South, Range 43 East, Palm Beach County, Florida, from the territorial boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1079 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1080—A bill to be entitled An act relating to the South Lake Worth Inlet District, Palm Beach County; amending section 23 of chapter 7080, Laws of Florida, 1915, as amended; providing the compensation, including expenses, which members of the Board of Commissioners shall receive for attendance at each official (regular or special) workshop, committee or other authorized or approved meeting; providing for effect and severability; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1080 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1083—A bill to be entitled An act relating to the North Palm Beach Heights Water Control District, Palm Beach County; authorizing the board of supervisors of the district to levy special assessments on the basis of parcels benefited to pay for engineering studies for a water and sanitary sewage improvement program and to pay for the construction, maintenance, improvement, and repair of said water and sanitary sewage system; authorizing the board of supervisors to expend funds of the district for the purchase of equipment and other facilities to be used for the

purpose of construction, maintenance, improvement, and repair of said water and sanitary sewage system; authorizing the board of supervisors to proceed in accordance with the provisions of chapter 298, F.S.; granting the district engineer the additional authority to formulate a water and sanitary sewage plan with different taxing areas within the taxing district based upon benefits received; granting the board of supervisors the additional authority to authorize the construction of the improvements outlined in the water and sanitary sewage plan with different taxing areas according to the benefits received; authorizing the board of supervisors to exercise all powers, in addition to chapter 298, F.S., for the implementation of the water and sanitary sewage system as well as drainage; prohibiting the board of supervisors from constructing a water and sanitary sewage system within the district until there has first been an affirmative showing that the owners of a majority of the parcels represented in the voting desire such water and sanitary sewage system to be constructed or approved; providing that the Supervisor of Elections of Palm Beach County shall receive and count all of the ballots, shall report and certify to the board of supervisors the results of the counting as soon as practicable, and shall safeguard all of the ballots so that any interested landowner may examine the ballots under the supervision of the supervisor of elections within a 7-day period; requiring the board of supervisors to cease constructing, improving, or maintaining the water and sanitary sewage system within the district in the event that any governmental entity elects to construct, improve, or maintain any water or sanitary sewage system within the district, provided a majority of the landowners within the district as a whole or a majority of the landowners within the area to be benefited are in favor of said election; authorizing the board of supervisors to issue bonds at a rate of interest not to exceed the maximum rate permitted by general law; defining the term "parcel"; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1083 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1085—A bill to be entitled An act relating to Palm Beach County; pertaining to the Palm Beach County Solid Waste Authority; amending section 4 of chapter 75-473, Laws of Florida, as amended, to provide that the annual appropriations of the Board of County Commissioners to the Authority shall cease October 1, 1983; providing further that moneys advanced to the Authority by the County shall be considered repaid in full upon the Authority's assumption of financial responsibility for all existing County landfills in Palm Beach County; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1085 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1086—A bill to be entitled An act relating to Palm Beach County; pertaining to the Palm Beach County Solid Waste Authority; amending subsection (2) of section 2 of chapter 75-473, Laws of Florida, as amended, to provide a coordinated countywide program for the management of hazardous waste and control of solid waste processing and disposal; amending subsection (1) of section 6 of chapter 75-473, Laws of Florida, as amended, redefining "Authority" as the Palm Beach County Solid Waste Authority, a local governmental agency within the meaning of chapter 403, F.S.; amending subsection (8) of section 6 of chapter 75-473, Laws of Florida, as amended, adding "septage" to the definition of "Solid Waste"; adding subsection (18) to section 6 of chapter 75-473, Laws of Florida, as amended, defining "Hazardous Wastes"; amending subsection (9) of section 7 of chapter 75-473, Laws of Florida, as amended, to provide that the authority shall have the power to conduct studies, develop programs, provide continuing management and monitoring of waste projects, programs and facilities directly or indirectly affecting the solid waste management system in Palm Beach County, and contract for such periods as may be agreed upon by the parties with governmental agencies, public or private corporations, municipalities, or any other person in carrying out the purposes of this act; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1086 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1088—A bill to be entitled An act relating to Palm Beach County; amending section 16, West Palm Beach Police Pension and Relief Fund, subsection 17 Investments; section 17, West Palm Beach Firemen Pension Fund, subsection (4)(b) Investment of Monies, of Chapter 24981, Laws of Florida, 1947, as amended; repealing all laws in conflict herewith; providing for recodification; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1088 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1091—A bill to be entitled An act relating to Bay County; providing permanent status for certain employees of the Bay County Sheriff; specifying rights of employees; providing procedures for appeal of disciplinary actions and complaints against employees; providing for the appointment of a board to hear appeals and procedures with respect thereto; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1091 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for HB 1092—A bill to be entitled An act relating to Bay County; providing a short title; providing definitions; providing a declaration of state policy; creating the Bay County Bridge Authority; authorizing the county to construct, acquire, maintain, operate, or contract with persons, firms, or corporations for the construction, operation, and maintenance of a bridge project over North Bay in Bay County, to operate or contract to operate such bridge project, to fix, assess and collect tolls for the use of such bridge project, and to finance in whole or in part the construction, acquisition, or improvement of such bridge project by any means allowed by law, including the issuance of bonds, revenue certificates, and other obligations of indebtedness; authorizing the use of rights-of-way, easements, and other similar property rights of the state and its local agencies; providing penalties for refusal to pay tolls; requiring an annual audit of the bridge project; allowing acceptance of grants, loans, and contributions; allowing the governing body of the county to name any bridge constructed pursuant to this act; declaring the act a contract; providing that all other prior inconsistent laws are superseded; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote CS for HB 1092 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Consideration of House Bills 1098 and 1099 was deferred.

HB 1105—A bill to be entitled An act relating to Alachua County; authorizing Alachua County to obtain repayment of public assistance funds from recipients thereof; providing that the county may require recipients to execute liens in favor of the county on their real and personal property or interest therein; providing for the satisfaction, settlement, or enforcement of such liens; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 1105 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1117—A bill to be entitled An act relating to Leon County; providing for alternative methods of annexation of real property by the City of Tallahassee; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1—On page 4, between lines 26 and 27, insert:

(4) Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.

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

Yeas—37

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

Nays—None

HB 1130—A bill to be entitled An act relating to Jackson County; amending sections 2.01, 8.01, and 8.05 of chapter 83-434, Laws of Florida; revising the boundaries of the proposed City of Jacob City; revising the dates for the referendum on said act and for the initial election and terms of city council members; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1130 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1140—A bill to be entitled An act relating to Hardee County, amending section 10 of chapter 65-1607, Laws of Florida, as amended, providing that the Hospital District Board of Hardee County may incur indebtedness, long or short term, on behalf of the district, in an amount to be determined by the board, and at a rate of interest pursuant to general law; adding section 10A to chapter 65-1607, Laws of Florida, authorizing the Hospital District Board of Hardee County to finance by any commercially reasonable means, including the issuance of industrial development or revenue bonds, the construction of additional medical facilities, the purchase of medical care related equipment and other classes of property in furtherance of the district's purposes; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 1140 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1141—A bill to be entitled An act relating to the City of Belle Glade; amending chapter 61-1880, Laws of Florida, as amended, City Charter, City of Belle Glade; deleting the freeholder requirement for candidacy to the City Commission; deleting election boroughs and borough residency requirements of City Commissioners and candidates for City Commissioner; amending qualifications of electors; creating an at-large non-borough system of electing City Commissioners; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1141 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Consideration of House Bills 1143 and 1209 was deferred.

HB 1241—A bill to be entitled An act relating to Polk County; consolidating the various acts relating to the Polk County Historical Commission; increasing membership of the commission; ratifying previous acts of the commission and appointment of members thereto; repealing chapter 18810, Laws of Florida, 1937, chapter 31192, Laws of Florida, 1955, and chapter 69-1504, Laws of Florida, relating to the Polk County Historical Commission, and all acts or parts of acts inconsistent with the provisions of this act; providing an effective date.

—was read the second time by title. On motion by Senator Crawford, by two-thirds vote HB 1241 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Consideration of HB 1279 was deferred.

HB 1289—A bill to be entitled An act relating to Sarasota County; amending Section 8 of Chapter 26468, Laws of Florida, Special Acts of Extraordinary Session of 1949, as amended, the Sarasota County Public Hospital Board Enabling Legislation, relating to powers of the Hospital Board; enabling the Hospital Board to create subsidiary corporations for specified purposes; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1289 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Malchon	Meek	Stuart	Weinstein
Mann	Plummer	Thomas	
Margolis	Rehm	Thurman	
McPherson	Scott	Vogt	

Nays—None

The President presiding

CLAIM BILLS

SB 349—A bill to be entitled An act for the relief of Jane Anthony and her husband, Gordon Anthony; providing an appropriation to compensate them for personal injuries she received in an automobile accident caused by substandard roadway markings, lighting, signs, and improperly designed and maintained drainage ditch existing in the City of Davie, County of Broward, Florida; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Scott and adopted:

Amendment 1—On page 3, strike all of lines 11-24 and insert:

WHEREAS, Jane Anthony and Gordon Anthony have been unable to collect the remaining \$550,000 which they need to provide Jane with medical care and treatment, and

WHEREAS, Broward County had, for valid consideration, undertaken to indemnify the Town of Davie for certain claims, NOW THEREFORE, Be It Enacted by the Legislature of the State of Florida:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The Board of County Commissioners of Broward County is directed to pay to Jane and Gordon Anthony the amount of \$550,000 for injuries and damages sustained by them as a result of the negligence of Broward County.

On motion by Senator Scott, by two-thirds vote SB 349 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

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

Nays—None

Vote after roll call:

Yea—Hill

Nay—Jenne

SB 350—A bill to be entitled An act relating to Duval County; providing for the relief of Wilson Thomas, widower of Jeanette Thomas; providing an appropriation to compensate him for the death of Jeanette Thomas; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 350 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 351—A bill to be entitled An act relating to the City of Jacksonville, a body politic and corporate; providing for the relief of Clarence Hughes and Jean L. Hughes, as duly appointed guardians of the property of Sean Michael Raulerson, a minor, and Sean Michael Raulerson, a minor, to compensate them for the partial loss of sight in the left eye of Sean Michael Raulerson, a minor; providing for payment by the City of Jacksonville; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 351 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 406—A bill to be entitled An act relating to Sarasota County; providing for the relief of Edward A. Korkigian; authorizing and directing the City of Sarasota, Florida, to compensate him for personal injuries suffered by him due to the negligence of the city; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 406 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Langley

SB 778—A bill to be entitled An act relating to Cooper City, Florida, a municipal corporation; providing for the relief of Diana Tirado, to compensate her for injuries due to the negligence of a city police officer while operating a city-owned motor vehicle; providing for payment by the City of Cooper City; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator McPherson and adopted:

Amendment 1—On page 2, strike all of lines 1-10 and insert: the sum of \$30,000 per year as of June 1, 1984, and each succeeding year thereafter for four years for a total of \$150,000 payable to Diana Tirado to compensate her for her loss.

Section 3. The City of Cooper City shall draw a warrant in favor of Diana Tirado in the sum of \$30,000 per year as of June 1, 1984, and each succeeding year thereafter for four years for a total of \$150,000 upon funds of the City not otherwise appropriated.

Section 4. This act shall take effect upon becoming a law.

On motion by Senator McPherson, by two-thirds vote SB 778 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	Fox	Jenne	Meek
Beard	Frank	Jennings	Neal
Carlucci	Gersten	Johnston	Plummer
Castor	Girardeau	Kirkpatrick	Rehm
Childers, D.	Grant	Langley	Stuart
Childers, W. D.	Grizzle	Malchon	Thomas
Crawford	Hair	Mann	Thurman
Deratany	Henderson	Margolis	Vogt
Dunn	Hill	McPherson	Weinstein

Nays—None

SB 882—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Caroline Elizabeth Hofmeister; authorizing and directing the Sheriff of Palm Beach County to compensate her for personal injuries suffered due to the negligence of an employee of the Sheriff of Palm Beach County; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Johnston and adopted:

Amendment 1—On page 2, line 18, strike "\$8,800.00" and insert: \$6,628.65

On motion by Senator Johnston, by two-thirds vote SB 882 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	Fox	Jenne	Meek
Beard	Frank	Jennings	Neal
Carlucci	Gersten	Johnston	Plummer
Castor	Girardeau	Kirkpatrick	Rehm
Childers, D.	Gordon	Langley	Stuart
Childers, W. D.	Grant	Malchon	Thomas
Crawford	Grizzle	Mann	Thurman
Deratany	Hair	Margolis	Vogt
Dunn	Hill	McPherson	Weinstein

Nays—None

SB 1101—A bill to be entitled An act relating to the City of Lake Worth; requiring the city to appropriate funds for the relief of Souheil Nicolas to compensate him for personal injuries suffered as a result of the negligence of the city; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote SB 1101 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Johnston, the rules were waived and by two-thirds vote SB 56, SB 68, CS for SB 272, CS for SB 273, SB 411, HB 456, CS for SB 529, SB 568, SB 777, CS for SB 812, SB 844, SB 858, SB 896, CS for SB 651 and CS for SB 875 were withdrawn from the Committee on Appropriations.

On motions by Senator Margolis, the rules were waived and by two-thirds vote Senate Bills 980, 831 and 42 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Barron, the rules were waived and the Senate recessed at 11:59 a.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Thomas at 2:00 p.m. A quorum present—37:

Mr. President	Frank	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	Meek	
Dunn	Jenne	Neal	
Fox	Jennings	Plummer	

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Henderson, the rules were waived and by two-thirds vote SB 1011 was withdrawn from the Committee on Governmental Operations.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has recalled from the Senate, reconsidered passage, amended and passed with amendments—

SB 848—A bill to be entitled An act relating to Baker County; amending section 10 of chapter 57-1338, Laws of Florida, as amended, increasing the terms of office of councilmen of the town of Glen Saint Mary; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, strike lines 15 and 16 and insert: two councilmen from among those candidates running for election from Groups four and five, the councilmen who

Amendment 2—On page 1, strike all of lines 19-21 and insert: the first Monday in September, 1985, three councilmen from among those candidates running for election from Groups one, two, and three shall be elected to serve for a period of 4 years from

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

SB 848 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Vote after roll call:

Yea—D. Childers, Deratany, Stuart

The bill was ordered engrossed and then enrolled.

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

SB 1105—A bill to be entitled An act relating to Manatee County; providing for the creation of the Manatee County Airport Authority; providing definitions; providing that the membership shall consist of the Board of County Commissioners of Manatee County; authorizing the use of other resources of county government by the Authority; defining powers; authorizing certain bonding powers; providing for contracts for

borrowing of money; providing for trust agreements or resolutions; providing for bonds and legal investments; providing for action by resolution; providing for contributions of certain political subdivisions; providing for remedies; providing for refunding bonds; providing definition as an additional method; providing severability; providing for liberal construction; providing that inconsistent laws shall be declared inapplicable; providing for a tax exemption; providing an effective date.

—passed this day.

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

Amendment 1—On pages 1-16, strike everything after the enacting clause and insert:

Section 1. Short title. This act shall be known and may be cited as the "Manatee County Airport Authority Act."

Section 2. Definitions.

(1) "Authority" means the Manatee County Airport Authority as created by this act.

(2) "Airport property" means property acquired or held by the Authority to anticipate, prepare for, or facilitate the eventual establishment of an airport or aviation facility, or property acquired or held otherwise in connection with the purposes of this act.

Section 3. Creation and membership of Authority; administration.

(1) There is hereby created a body politic and corporate to be known as the "Manatee County Airport Authority" for the purpose of preparing for and facilitating the eventual establishment of an airport or aviation facility, and otherwise exercising the rights and performing the functions described herein; provided, that this provision and the other provisions of this act shall not be operative or effective until the Board of County Commissioners shall have adopted a resolution declaring that this act is operative and in effect. Such resolution shall be subject, without qualification, to repeal by the Board of County Commissioners.

(2) The Authority shall consist of the members of the Board of County Commissioners of Manatee County, as the same shall be elected or appointed from time to time, or appointees of such Board. Members shall serve during their respective terms on the Board of County Commissioners or for terms otherwise stipulated by the Board. In the event any member ceases to be a member of the Board of County Commissioners before his term expires, that position shall be vacant and he shall be replaced by his successor on the Board of County Commissioners.

Section 4. Powers of the Authority. The Authority is hereby authorized and empowered:

(1) To prescribe and promulgate necessary rules and regulations for the regulation of its affairs and the conduct of its business consistent with the provisions of this act.

(2) To adopt an official seal and alter the same at pleasure.

(3) To maintain an office at such place or places as it may designate within Manatee County.

(4) To sue and be sued in its own name, plead and be impleaded.

(5) To lease as lessor for any purposes or to sell or otherwise dispose of any property prior to the time such property is needed for airport purposes, or after determining that such property is no longer used or useful as airport property.

(6) To coordinate its planning and programs with those of appropriate municipal, county, and state agencies or other political subdivisions of the State.

(7) To acquire property in the name of the Authority by gift, by purchase, or by the exercise of the right of eminent domain in accordance with the laws of the State of Florida which may be applicable to the exercise of such powers by counties or municipalities, including (without limitation) the leasehold interest of lessees under leases made by the Authority as lessor, and to acquire such personal property, as it may deem necessary in connection with the acquisition, holding, management, or maintenance of any airport property, and to hold and dispose of all such real and personal property under its control. The power of eminent domain hereby granted is limited to lands located within Manatee County.

(8) To make or cause to be made such studies, analyses, reports or the like of or on location options, environmental or other impacts, airport operation, land use, or any other appropriate matter.

(9) To take whatever actions or measures are deemed advisable or convenient to anticipate, prepare for, and facilitate the eventual establishment upon airport property of an airport or aviation facility of any type.

(10) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ such consulting and other engineers, managers, accountants and attorneys, and such employees and agents as may, in the judgment of the Authority, be deemed necessary.

(11) To accept grants of money or materials or property and to provide any required local matching funds of any kind for the acquisition, holding, management, or maintenance of airport property, or the facilitation or preparation for the eventual establishment of an airport or aviation facility, from any federal or state agency, political subdivision or other public body or from any private agency or individual, upon such terms and conditions as may be imposed and to enter into contracts and grants agreements with the Federal Aviation Agency, or any successor or successors thereof, or any other federal agency, or with the State of Florida or any of its agencies, in the capacity of sponsor or cosponsor of any airport development project involving the acquisition, holding, management, or maintenance of any airport property.

(12) To pay debts and disburse funds for any lawful purpose.

(13) To do all acts and things necessary or convenient to carry out the powers granted by this act.

Section 5. Action by resolution. All action required or authorized to be taken under the provisions of this law by the Authority may be by resolution or duly recorded motion, which resolution or motion may be adopted or approved at the meeting of the Authority at which the same is introduced, and the action thereby taken shall be effective immediately unless otherwise provided. Except as otherwise provided by law, no resolution or other action under this section need be published or posted, nor shall any resolution or motion require for its approval more than a majority vote at a duly convened and held meeting of the Authority, unless the rules of the Authority otherwise provide.

Section 6. Contributions of certain political subdivisions. The respective governing bodies of Manatee County and counties adjacent to Manatee County, and the municipalities located therein, are hereby expressly authorized to make, in their sole discretion, grants of money to the Authority and to lease, lend, grant, or convey to the Authority, with or without consideration, real or personal property, for use by the Authority for the purposes set forth herein; provided, however, that if the approval of such grant of money at an election by the qualified electors of any such municipality or county shall be required by the constitution of the state, such election shall be called, noticed, and conducted, and the result thereof determined and declared, in the manner required by the Florida Election Code, Title IX, Florida Statutes, as from time to time amended, or any successor statute.

Section 7. Tax exemption. The Authority as a public body corporate shall be deemed a political subdivision within the meaning of the exemptions granted under s. 196.199, Florida Statutes.

Section 8. Additional method. This act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred now or in the future by other laws, including without limitation chapter 125, Florida Statutes, and any charter that may be hereafter adopted for Manatee County. This act shall not be regarded as in derogation of or as repealing any powers now existing under any other law, whether general, special or local.

Section 9. Provisions of act severable. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions.

Section 10. Liberal construction. This act, being necessary for the welfare of the inhabitants of the state, shall be liberally construed to effect the purposes thereof.

Section 11. Inconsistent laws inapplicable. All other special or local laws or parts thereof inconsistent herewith are hereby declared to be inapplicable to the provisions of this act.

Section 12. This act shall take effect upon becoming a law.

Senator Neal moved the following amendment which was adopted:

Amendment 2—In title, on page 1, lines 1-21, strike everything before the enacting clause and insert: A bill to be entitled An act relating to Manatee County; providing for the creation of the Manatee County Airport Authority; providing definitions; providing that the membership shall consist of the Board of County Commissioners of Manatee County or its appointees; defining powers; providing for contracts; providing for action by resolution; providing for contributions of certain political subdivisions; providing for a tax exemption; providing definition as an additional method; providing severability; providing for liberal construction; providing that inconsistent laws shall be declared inapplicable; providing an effective date.

SB 1105 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Beard	Frank	Jenne	Plummer
Carlucci	Girardeau	Jennings	Scott
Castor	Gordon	Kirkpatrick	Stuart
Childers, D.	Grant	Mann	Thomas
Childers, W. D.	Grizzle	McPherson	Thurman
Crawford	Hair	Meek	Vogt
Dunn	Hill	Neal	Weinstein

Nays—1

Henderson

Vote after roll call:

Yea—Deratany, Fox

SPECIAL ORDER, continued

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

CS for SB's 923, 836, 1081 and 884—A bill to be entitled An act relating to education; defining "credit" for purposes of graduation requirements; amending s. 228.041, F.S.; defining "school day"; providing a definition of intensive English language instruction; requiring a credit in world geography for promotion to the ninth grade; requiring an approved program of study; amending s. 229.57, F.S.; providing for statewide and district assessment programs; creating the Florida Language Proficiency Act; providing for funding for language instruction; amending s. 232.246, F.S.; providing standards for graduation from high school; requiring passage of a state test; amending s. 236.081, F.S.; providing for calculation of full-time equivalent memberships; amending s. 231.613, F.S.; authorizing college credit for inservice institute participation; amending s. 232.245, F.S.; providing standards for promotion from the third, fifth, and eighth grades; providing for programs to reduce the number of dropouts; amending s. 236.088, F.S.; changing compensatory education eligibility requirements; providing testing criteria; authorizing dropout education programs; amending s. 229.053, F.S.; providing powers of the State Board of Education; requiring dropout reports; directing the State Board of Education to adopt parity standards for bilingual students; amending s. 229.512, F.S.; providing duties of the Commissioner of Education with respect to dropouts; creating s. 230.2314, F.S.; providing for teachers serving as advisors; amending s. 229.565, F.S.; providing for reading diagnostic evaluation; providing for an analyses of pupil progression; amending s. 231.615, F.S.; providing employment status and compensation of visiting school scholars; amending s. 236.089, F.S.; redefining student development services; amending s. 231.251, F.S.; providing conditions of employment for adjunct instructors; amending s. 231.532, F.S.; creating district quality school incentives programs; specifying the school as the unit for increasing student performance; authorizing the Quality Instruction Incentives Council to review and approve program plans; specifying program standards; deleting provisions for individual personnel incentives; providing a funds distribution procedure; requiring a procedure for selecting award winning schools; amending s. 236.081, F.S.; creating a cost factor for intensive English language instruction in the Florida Education Finance Program; establishing certain sections as the "Disadvantaged and Minority Student Educational Enhancement Act"; creating s. 230.2316, F.S.; establishing the Teachers-as-Tutors program; amending s. 231.17, F.S.; providing an additional certification requirement; amending s. 232.246, F.S., relating to high school graduation requirements; amending s. 232.2465, F.S.; relating to Florida Academic Scholars; amending s. 236.0811, F.S.; providing for multi-ethnic inservice training for teachers; creating s. 240.107, F.S.; providing definitions; amending s. 240.117, F.S.; providing conditions for college preparatory

instruction offered in community colleges; providing an exception; creating s. 240.1171, F.S.; establishing a support services program for the college-level communication and computation skills testing program; amending s. 240.118, F.S.; providing for postsecondary feedback on bilingual students; creating s. 240.120, F.S.; authorizing a secondary and higher education sharing plan; providing for the sharing of faculty, facilities and equipment; creating s. 240.127, F.S.; establishing the college reach-out program; creating s. 240.128, F.S.; creating the college mentor work-study program; amending s. 240.209, F.S.; providing that recruitment of minorities be an additional criteria in the evaluation of university presidents; requiring the Board of Regents to prepare legislative budget request; requiring 50 percent of financial aid funds to be based on need; requiring review and approval of comprehensive plans for state universities; providing for the establishment of an academic advisement policy and pilot projects; amending s. 240.227, F.S.; providing for university budget request to be submitted to the Board of Regents; requiring universities to develop comprehensive plans; amending s. 240.235, F.S.; providing an amount for tuition and fees; creating s. 240.238, F.S.; requiring a plan to expand the university summer enrichment program; amending s. 240.301, F.S.; providing for certain postsecondary adult instruction; amending s. 240.247, F.S.; providing for a minority recruitment program; amending s. 240.301, F.S.; providing for certain postsecondary adult instruction; amending s. 240.311, F.S.; providing for an annual report from each community college; providing guidelines; providing for distribution of reports; requiring the State Board of Community Colleges to adopt rules relating to salary and benefit policies and travel by community college officials and employees; providing for the development of rules regarding outside employment policies for community college full-time personnel; providing for the development of an educational training program for members of boards of trustees; providing for an annual administrative review of each community college to identify any disproportionate administrative costs; providing for review and approval of courses offered by a community college outside of its district; authorizing the establishment of direct support organizations; providing for approval of comprehensive plans for community colleges; directing the State Board of Community Colleges to coordinate and assist community colleges in providing support instruction for the college-level communication and computation skills testing program; amending s. 240.313, F.S.; providing for mileage of board members; amending s. 240.319, F.S.; relating to community college boards of trustees; providing that recruitment of minority faculty and administrators be an additional criteria in the evaluation of community college presidents; requiring that salaries and benefits of employees and contracts with the president conform to rules of the state board; requiring reporting of inventory and security of property; requiring reporting of out-of-state travel expenses of administrative staff and faculty; requiring a reporting of the names of persons receiving certain motor vehicles; requiring development and submission of comprehensive plans; providing for rules of community college boards of trustees to be submitted to state board of community colleges for approval; amending s. 240.335, F.S.; providing for a minority recruitment program; amending s. 240.35, F.S.; directing the state board of community colleges to establish matriculation and tuition fees for certain categories; requiring 50 percent of financial aid funds to be based on need; providing certain conditions; providing that rules of community college boards of trustees be submitted to the state board for approval; amending s. 240.323, F.S.; providing that the State Board of Community Colleges may prescribe content and custody of student records; amending s. 240.325, F.S.; requiring the State Board of Community Colleges to prescribe minimum standards, definitions, and guidelines; amending s. 240.327, F.S.; providing that the construction of community college facilities be in accordance with chapter 235, F.S., and the rules of the State Board of Education and the State Board of Community Colleges; amending s. 240.331, F.S., relating to direct-support organizations; providing for release of certain information; providing restrictions upon contracts and agreements for purchase or sale; providing for expenditure approval and reporting; amending s. 240.335, F.S.; requiring the boards of trustees of community colleges to include, in their reports to the state board on their programs to eradicate discrimination in employee salaries, provisions to give equal pay for equal work; amending s. 240.337, F.S.; providing that rules of the State Board of Community Colleges shall prescribe the content and custody of limited access records of employees of community colleges; amending s. 240.339, F.S.; providing that contracts with staff be as established by rule of the State Board of Community Colleges; amending s. 240.347, F.S.; providing that moneys in the State Community College Program Fund shall be distributed as established by law and regulations of the State Board of Education and the State Board of Community Colleges; creating s. 240.362, F.S., prohibiting certain expenditures;

amending s. 240.404, F.S.; providing for certain students to continue to receive state financial assistance; amending s. 240.409, F.S.; extending the time allowed for students to receive an award; amending s. 240.424, F.S.; providing for a review and analysis of the impact of financial aid; creating s. 240.50, F.S.; establishing the Virgil Hawkins Fellowship Trust Fund; amending s. 228.072, F.S.; broadening the definition of "adult general education"; providing for service priorities and delivery; requiring that certain courses be evaluated and funded in separate categories; providing for the assessment of student fees; amending s. 228.074, F.S.; changing the length of terms of lay members of regional coordinating councils for vocational education, adult education, and community instructional services; amending s. 228.075, F.S.; requiring regional coordinating councils to compile certain information; authorizing district school boards or community college boards of trustees to contract to provide certain vocational education programs or facilities; creating s. 229.556, F.S.; providing legislative intent regarding a uniform coordinated system of vocational education; creating s. 229.557, F.S.; providing for a vocational education management information system; creating s. 229.558, F.S.; providing vocational education reporting requirements; amending s. 229.551, F.S.; providing for the Department of Education to evaluate public vocational education programs; providing criteria for ineligibility of such programs for state funding; providing for an automated system to match the social security numbers of persons completing vocational programs with Unemployment Insurance Wage Reports and Workers' Compensation Reports; requiring the State Board of Education to adopt rules relating to the transfer of course credit from proprietary to public vocational programs; creating s. 229.559, F.S.; establishing the Florida State Advisory Council for Vocational Education; amending s. 240.355, F.S.; expanding requirements for the content of rules related to community college comprehensive vocational education programs; creating s. 240.410, F.S.; creating the State Vocational Education Grant Fund; providing eligibility standards for grantees and for participating institutions; providing for renewal, transferral, payment, and refund of grants; providing restrictions on participants; providing for a feasibility study of a "Student Choice—Postsecondary Vocational Program"; amending s. 230.645, F.S.; establishing guidelines for establishing postsecondary vocational fees and restricting fee waiver; providing for vocational student financial aid; amending s. 240.60, F.S.; expanding the eligibility for the college career work experience program and amending the employer's percent-wage requirement; amending s. 240.601, F.S.; allowing certain graduate students to be in the work experience program; providing for a feasibility study of state postsecondary accreditation; amending s. 231.62, F.S.; amending "critical teacher shortage area" to delete high priority location areas; amending s. 240.4064, F.S.; allowing critical teacher shortage tuition reimbursement for a specified number of hours per term; creating the Critical Teacher Shortage Trust Fund; amending s. 240.4062, F.S.; deleting certain extra credit for payment for teacher scholarship loans; creating s. 240.116, F.S.; allowing certain proprietary educational institutions to participate in the statewide common course numbering system; creating the Adult Literacy Act; stating the goal of the act; providing for the administration, evaluation, and funding of literacy instruction; amending s. 20.15, F.S.; establishing the Division of Vocational, Adult, and Community Education; creating the Latin American and Caribbean Basin Scholarship Program; establishing the Department of Education direct-support organization, a not-for-profit corporation organized and established to receive, hold, invest, and administer property and make expenditures for the benefit of public prekindergarten through 12th-grade education; allowing such organization to use property, facilities, and personal services of the department, subject to rules adopted by the State Board of Education; providing for a board of directors and annual audits to be reviewed by the Auditor General and the State Board of Education; exempting certain organization records from ch. 119, F.S.; creating s. 231.172, F.S.; establishing an experimental alternative certification program for secondary education teachers; providing certification requirements; amending s. 231.17, F.S.; providing certain education requirements for certification of elementary school teachers; modifying the current teacher certification examination to include the College Level Academic Skills Test in certain circumstances, to upgrade the professional skills part of the examination, and to include a specific subject area test; requiring the Department of Education to report on the impact of modifications to certification requirements; amending s. 231.545, F.S.; revising the makeup of the Education Standards Commission; amending s. 231.546, F.S.; requiring such commission to recommend certain new standards to the State Board of Education; amending s. 240.245, F.S.; requiring the Board of Regents to establish a system for evaluating a faculty members' service to public schools; creating s. 240.1175, F.S.; requiring assessment of the basic skills of vocational students; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 18, line 12, strike “Subsections (1), (5), and (8)” and insert: Subsection (5)

Amendment 2—On page 18, lines 16-31; page 19, lines 1-26; page 20, lines 24-31, and page 21, lines 1-10, strike all of said language.

Amendment 3—On page 21, between lines 10 and 11, insert:

Section 8. Remedial and compensatory courses taken in grades 9 through 12 may only be counted as elective credit as provided in s. 232.246(1)(b)(a), Florida Statutes.

(Renumber subsequent sections.)

Amendment 4—On page 21, between lines 10 and 11, insert:

Section 8. Courses in any art form, in addition to painting or sculpture, which require manual dexterity may be taken to satisfy the high school graduation requirement for one-half credit in performing fine arts pursuant to s. 232.246(1)(b)(a).

(Renumber subsequent sections.)

Amendment 5—On page 22, between lines 27 and 28, insert:

5. Any course provided by a district for non-exceptional students to satisfy the 15 non-elective credits required for high school graduation as provided in s. 232.246 shall be funded at the appropriate level for a basic education program course.

Senator Langley moved the following amendment which failed:

Amendment 6—On page 23, lines 5-9, strike all underscored language.

Senator Gordon moved the following amendments which were adopted:

Amendment 7—On page 37, line 24, after the word “contact” insert: the parents or guardians of

Amendment 8—On page 39, lines 10-31, and on page 40, lines 1-15, strike all of said lines and insert:

Section 16. Paragraphs (i) and (j) are added to present subsection (3) of section 229.565, Florida Statutes, which is renumbered as subsection (4), present subsection (4) is renumbered as subsection (5), and a new subsection (3) is added to said section to read:

229.565 Educational evaluation procedures.—

(3) **READING DIAGNOSTIC EVALUATION.**—*The State Board of Education shall approve a single state reading assessment program which shall enable districts to certify that students entering the ninth grade possess a level of reading skills sufficient to enable them to perform satisfactorily in academic courses at the high school level. Any student not meeting criteria established by the state board shall be provided additional diagnosis, instruction and other necessary remedial assistance in reading under the supervision of a reading resource specialist until the student attains the established reading performance level or earns 2 high school credits in remedial reading, which shall not be considered as part of the 4 credits in English required by chapter 83-324, Laws of Florida. The commissioner shall report to the State Board of Education and the Legislature no later than November 30, 1984, recommendations for the criteria for selection of suitable commercially developed evaluation instruments or present plans, including timelines and procedures, for developing and implementing a program utilizing assessment instruments to meet the intent of the reading diagnostic evaluation program.*

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

(i) *An analysis of the impact of district pupil progression programs and state criteria for placement in exceptional and alternative education programs on minority and disadvantaged students, such analysis to be reported to the Legislature.*

(j) *The extent to which the instructional materials in use complement the district's instructional program.*

Senator Hill moved the following amendment which was adopted:

Amendment 9—On page 40, strike all of lines 16-18 and insert:

Section 17. Subsections (2), (4), (5), and (7) of section 231.615, Florida Statutes, are amended to read:

231.615 Visiting School Scholars Program.—

(2) The following persons are eligible to participate in the Visiting School Scholars Program:

(a) Any candidate for a doctor of philosophy degree in the biological sciences, chemistry, physics, mathematics, or statistics who has completed all degree requirements except for a dissertation.

(b) Any person who has been awarded a doctor of philosophy degree in English, anthropology, biological sciences, geography, linguistics, philosophy, sociology, political science, history, chemistry, physics, mathematics, statistics, *economics*, or a foreign language; provided, however, that the degree was conferred not more than 2 years prior to the person's participation in the Visiting School Scholars Program.

(c) *A person who has been awarded a Juris Doctor degree, provided that the degree was conferred not more than 2 years prior to the person's participation in the Visiting School Scholars Program.*

Senator Gordon moved the following amendments which were adopted:

Amendment 10—On page 41, line 21, after “elementary” insert: *and high school*

Amendment 11—On page 45, line 26, strike “*sscoring*” and insert: *scoring*

Amendment 12—On page 46, between lines 25 and 26, insert:

e. Elementary schools, middle schools, and junior high schools may select two alternate standards for this category.

Amendment 13—On page 51, lines 6 and 8, after the period (.) on line 6 through the period (.) on line 8, strike all of said language

Senator Jenne moved the following amendment which was adopted:

Amendment 14—On page 52, line 5, insert: a new Section 21

Section 21. Paragraph (b) of subsection (1) of section 231.533, Florida Statutes, is amended to read:

231.533 Florida Meritorious Instructional Personnel Program.—There is established the Florida Meritorious Instructional Personnel Program, the purpose of which is to recognize superior ability among Florida's instructional personnel and to provide an economic incentive to such personnel to continue in public school instruction. A person may participate in the program as an associate master teacher or as a master teacher; such participation will be voluntary.

(1) To qualify as an associate master teacher, a person must:

(b) Document completion of a master's degree in field, as defined by rules of the State Board of Education, in the subject area in which the majority of teaching duties occur. The master's degree must be obtained from an institution accredited by an agency holding membership in the Council on Postsecondary Accreditation ~~and two-thirds of the courses required for completion of the degree must be offered by full-time faculty members.~~ For a teacher holding a master's degree out-of-field on July 12, 1983, 15 semester hours at the graduate level in field, as defined by rules of the state board, must be successfully completed for eligibility.

(Renumber subsequent sections.)

Senator Gordon moved the following amendment which was adopted:

Amendment 15—On page 73, line 17, after “fee” insert: *, on a per credit hour basis*

Senator Jennings moved the following amendment which failed:

Amendment 16—On page 76, lines 1-23, strike all of Section 39 and insert:

Section 39. The recruitment and employment of minority faculty, professional, and noninstructional personnel in the State University System and the State Community College System, at each institution and in the respective systems as a whole, should follow established guidelines related to the percentage of specific minorities in the appropriate labor pools. Increased emphasis should be placed on the preparation and training of minority faculty and administrators in Florida's colleges and universities.

Senator Langley moved the following amendment which was adopted:

Amendment 17—On page 76, line 17, strike "minority" and after the period (.) insert: *The goal for minority*

Senator Gordon moved the following amendment which was adopted:

Amendment 18—On page 84, lines 25-29, after the period (.) on line 25 through the period (.) on line 29, strike all of said language.

Senator Hair moved the following amendments which were adopted:

Amendment 19—On page 85, line 25, strike "all of the" and insert: *vocational*

Amendment 20—On page 85, line 30, strike "specified" and insert: *vocational*

Amendment 21—On page 86, line 9, after the period (.) insert:

Fees for college preparatory and vocational preparatory instruction shall be charged as provided in section 59 of this act. When both types of students are enrolled in the same class section for the college or vocational preparatory instruction, a community college may charge a single fee to both types of students. For 1984-1985, no college shall be required to increase or decrease the fees charged for college and vocational preparatory programs in 1983-1984.

Senator Meek moved the following amendment which was adopted:

Amendment 22—On page 88, strike line 24 and insert: *overall grade point average of 3.0 on a 4.0 scale or the*

Senator Hair moved the following amendment which was adopted:

Amendment 23—On page 93, line 12, after the period (.) insert: *Beginning with the 1985-87 Legislative Budget Request, the prior year June 30 salary rate and adjusted expenditure data base for salaries and benefits shall be included in the budget request for the Community College Program Fund within the following categories: Instructional with subcategories including Faculty, Nonfaculty, Faculty Other Personal Services, and Nonfaculty Other Personal Services; and Noninstructional with subcategories including Administrative, Professional, Nonprofessional and Noninstructional Other Personal Services. Within the above categories and subcategories, the following shall be reported: Salaries; and Employer contributions for Retirement, Social Security, Health Insurance, Life Insurance, and other employer paid personnel benefits.*

Senator Gordon moved the following amendments which were adopted:

Amendment 24—On page 97, line 24, strike "or enhance"

Amendment 25—On page 99, line 10, strike "community colleges and"

Amendment 26—On page 99, line 14, after the word "program" insert: *up to 1990*

Amendment 27—On page 101, strike lines 30 and 31 and insert:

Section 61. Paragraph (b) of subsection (2) of section 228.075, Florida Statutes, is amended and a new paragraph (e) is added to said section, present subsection (3)

Amendment 28—On page 102, between lines 10 and 11, insert:

(b) As a result of this review, develop agreements which provide for the assignment of fiscal and programmatic responsibility to either the local community college board of trustees, one or more of the school boards in the planning region, or a shared arrangement between the local community college and a school board or boards specifically agreed to by the council for the delivery of programs in the following areas: vocational education at the secondary level and below that level; vocational education at the postsecondary level; community instructional

services; and adult basic and high school education. This provision shall not prevent a board-assigned responsibility for one or more of these programs from developing joint programs or contracting for specific instructional services with another board or agency, subject to review by the regional coordinating council. However, in order to maintain accountability in each of these programs, all related enrollment projections, FTE reports, cost analyses, and other elements required for the allocation of funds shall be the sole responsibility of the assigned board or boards. Any course or program offered by a designated area vocational education school administered by a district school board or a community college board of trustees outside of that school's regional coordinating council service area for vocational education, adult general education, and community instructional services, must be approved by the regional coordinating council with responsibility for the service area in which the course or program is to be offered.

Amendment 29—On page 116, lines 21-24, after the period (.) on line 21 through the period (.) on line 24, strike all of said language.

Senator Jennings moved the following amendment which was adopted:

Amendment 30—On page 128, between lines 14 and 15, insert:

(5) FLORIDA DISTRICT SCHOOL SYSTEM ENDOWMENT TRUST FUND FOR DISTINGUISHED TEACHERS.—Among its other powers and duties, the direct-support organization shall solicit, hold, invest, and distribute contributions on behalf of the various public school districts within the state. Such contributions shall be deposited into distinct trust accounts for each district, but such funds may be combined and commingled with other funds held by the direct-support organization for purposes of investment. Such contributions and the earnings thereon shall be accumulated for the purpose of establishing endowments for distinguished teachers in the high schools of the state. When any school district accumulates \$60,000 in contributions from a business or private endowment and earnings, the principal amount may be transferred to that district, provided that a matching amount of at least \$40,000 shall have been designated from a public fund by law for the district. The sum of \$100,000 thus accumulated shall be invested and used by the district to establish an endowment to provide a salary supplement for one or more distinguished teachers in a high school in the district. Such teachers shall be selected on the basis of seniority, defined as number of years as a teacher in an educational system; comparative student test scores; team evaluations; and the holding of a master's or a doctorate degree. A distinguished teacher shall be appointed for a period of 3 years and for each of those years shall receive bonus pay in the amount of \$10,000 derived from interest accruing to \$100,000 in trust fund moneys. Such bonus shall be in addition to his regular compensation as set by district salary schedules. Reappointment as a distinguished teacher after 3 years shall be based on administrative evaluation, which evaluation shall take into account the recommendations of the selection committee. No award shall be made from the trust fund principal.

Senator Gordon moved the following amendments which were adopted:

Amendment 31—On page 89, line 2, strike "or state board rule"

Amendment 32—On page 117, lines 19 and 20, strike "or by rule of the State Board of Education"

Amendment 33—On page 130, line 13, after "(2)" insert: and paragraph (a) of subsection (3)

Senator Castor moved the following amendments which were adopted:

Amendment 34—On page 131, line 3, strike "upper division"

Amendment 35—On page 131, line 5, strike "The" and insert: *Effective August 1, 1986, the*

The President presiding

Senator Gordon moved the following amendments which were adopted:

Amendment 36—On page 136, between lines 13 and 14, insert:

Section 92. Paragraph (c) of subsection (2) of section 236.013, Florida Statutes, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms shall be defined as follows for the purpose of this act:

(2) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c) A "full-time equivalent student" is:

1. A full-time student in any one of the programs listed under the cost factors in s. 236.081(1)(c); or

2. A combination of full-time or part-time students in any one of the programs listed under the cost factors in s. 236.081(1)(c) which is the equivalent of one full-time student based on the following calculations:

a. A full-time student, except postsecondary and adult students and senior high school students enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed under the cost factors in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per week for which he is a member, divided by 25; the difference between that fraction or sum of fractions and twenty-five twenty-fifths of the week for each full-time student shall be presumed to be the balance of the student's time not spent in said special education programs and shall be recorded as time in the appropriate basic program.

b. A student in the basic half-day kindergarten program of not less than 12½ net hours shall earn one-half of a full-time equivalent membership.

c. A half-day kindergarten student in a combination of programs listed under the cost factors in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per week for which he is a member divided by 25; the difference between that fraction and twelve and one-half twenty-fifths of the week for each full-time student in membership in a half-day kindergarten program shall be presumed to be the balance of the student's time not spent in said special education programs and shall be recorded as time in the appropriate basic program.

d. A part-time student, except postsecondary and adult, shall be a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per week for which he is a member, divided by 25.

e. All postsecondary and adult students and senior high school students enrolled in adult education when such courses are required for high school graduation shall be a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he is a member, divided by 900.

f. A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed under the cost factors in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each regular or special program equal to the number of net hours per week times the number of weeks for which he is a member, divided by 900.

3. A student in membership in a program scheduled for more or less than 180 school days shall be a fraction of a full-time equivalent membership equal to the number of days more or less in proportion thereto times the applicable computations set forth in subparagraphs 1. and 2.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days shall be limited to:

- a. Special programs for exceptional students;
- b. Special vocational-technical programs;
- c. Special adult general education programs;
- d. Alternative education programs provided for students in Department of Health and Rehabilitative Services residential care facilities;
- e. The Florida Primary Education Program or an approved alternative, as provided in s. 230.2312, for those students who were receiving the preventative instructional strategies for all of the last 45 days of the 180-day term and in need of such additional instruction;
- f. Basic programs of educational alternatives for those students who were in membership in an educational alternative program for all of the last 30 days of the 180-day term and in need of such additional instruction; and
- g. Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and

h. ~~Membership in programs scheduled for less than 180 days may include membership in programs~~ Programs which modify the school year

to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided that such programs are approved by the commissioner.

(Renumber subsequent section.)

Amendment 37—On page 136, between lines 13 and 14, insert:

Section 92. Subsections (1) and (3) of section 242.62, Florida Statutes, are amended to read:

242.62 Appropriation to first accredited medical school.—

(1) ~~Subject to the provisions hereinafter set forth, the Legislature shall provide an annual appropriation to the first accredited medical school. Such payments shall be made semi-annually at the beginning of the first and third quarters. Unless otherwise provided for in the annual appropriations act and subject to the provisions hereinafter set forth, the state shall pay the first accredited and approved medical school established in the state the sum of \$6,500 per year for each student admitted and enrolled in the 4-year medical doctorate curriculum in such institution and the sum of \$8,500 per year for each student admitted and enrolled in a medical doctorate curriculum of not more than 3 years' duration in such institution. Such payments shall be made in semiannual installments.~~

(3) The Department of Education shall, within 60 days of the receipt of the student enrollment of said medical school, pay to the school, each year, the amount appropriated ~~sum provided in subsection (1) for students each student~~ accepted and approved for enrollment in such medical institution, provided ~~each~~ the medical student is a legal resident of the state or, if the student is not of legal age, his parents or legal guardian are residents of the state at the time of the student's acceptance and approval as a medical student; ~~and provided the enrollment of the first accredited medical school shall consist of not more than 470 such Florida residents, unless otherwise provided for in the annual appropriations act.~~ In the event any student resigns or is dismissed from such medical institution for any reason whatsoever before the end of a school year, then the medical institution shall, within 30 days from such dismissal or resignation, remit to the state, through the Department of Education, a pro rata amount of the sum before paid by the state to the medical institution, said amount to be computed by dividing the total number of days in the school year into the sum paid for that student and multiplying the result by the total number of days remaining in such school year after such resignation or dismissal.

(Renumber subsequent sections.)

Senator Gordon moved the following amendment:

Amendment 38—On page 136, between lines 13 and 14, insert:

Section 92. Paragraph (b) of subsection (7) of section 230.23, Florida Statutes, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(7) COURSES OF STUDY AND OTHER INSTRUCTIONAL AIDS.—Provide adequate instructional aids for all children as follows and in accordance with the requirements of chapter 233.

(b) Textbooks.—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all textbooks and other books furnished by the state and furnish such other textbooks and library books as may be needed. *The school board shall be responsible for assuring that instructional materials used in the district are consistent with district goals and objectives and curriculum frameworks approved by the State Board of Education, as well as state and district performance standards provided for in ss. 229.565 and 232.2454.*

Section 93. Subsections (1) and (4) of section 233.07, Florida Statutes, are amended to read:

233.07 State instructional materials councils; appointment; term; compensation.—

(1) Each school year, not later than April 15, the Commissioner of Education shall appoint state instructional materials councils composed of persons actively engaged in teaching or in the supervision of teaching in the public elementary or secondary schools and representing the major fields and levels in which instructional materials are used in the public

schools of the state and, in addition, lay citizens not professionally connected with education. There shall be councils for the recommendation of instructional materials for the elementary and secondary grades as may be found necessary by the Commissioner of Education. *Council members shall receive training pursuant to s. 233.095 in competencies related to the evaluation and selection of instructional materials.*

(a) There shall be nine members on each council: Four shall be classroom teachers who are certified in an area directly related to the academic area or level being considered for adoption, two shall be lay persons, one shall be a school board member, and two shall be supervisors of teachers. *Personnel designated as associate master teachers or master teachers, pursuant to s. 231.533, or selected as a teacher of the year at the school, district, regional, or state level pursuant to the provisions of the program conducted by the Department of Education, shall be encouraged to serve on instructional materials councils.*

(b) The commissioner shall determine annually the areas in which instructional materials shall be submitted for adoption. One of the factors upon which he shall base his decision shall be the desires of the school districts. He shall also determine the number of titles to be adopted in each area, not to exceed 15.

(4) For purposes of this chapter, "instructional materials" are defined as items that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hard or softbacked textbooks, consumables, learning laboratories, slides, films and filmstrips, computer software, recordings, manipulatives, and other commonly accepted instructional tools.

Section 94. Subsections (3) and (4) of section 233.09, Florida Statutes, are amended to read:

233.09 Duties of each state instructional materials council.—The duties of each state instructional materials council shall be:

(3) CRITERIA AND PROCEDURES.—To adopt criteria and procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption. Included in these criteria and procedures shall be the following minimum standards:

(a) Provisions which afford each publisher or manufacturer or his representative an opportunity to present to members of the state instructional materials councils the merits of each instructional material submitted in each adoption;

(b) Forms on which a district superintendent or his designee shall submit the results of the district instructional materials council's recommendations; and

(c) Guidelines for district instructional materials councils, professional associations, and individuals for evaluating instructional materials for state adoption; however, the following minimum standards shall apply:

1. No district instructional materials council shall consist of fewer than six persons. Two shall be lay persons and three shall be teachers, it being the intent of the Legislature that councils of six or more persons include at least one-third lay persons and one-half teachers as a part of their total membership. *Teachers serving on district instructional materials councils shall be certified in an area directly related to the academic area or level being considered for adoption. Personnel designated as associate master teachers or master teachers pursuant to s. 231.533, or selected as a teacher of the year at the school, district, regional, or state level pursuant to the provisions of the program conducted by the Department of Education, shall be encouraged to serve on instructional materials councils.*

2. No district instructional materials council shall deny any publisher or manufacturer or his representative time to present his product equal to that time given any other publisher or manufacturer or his representative.

3. Evaluations by district instructional materials councils, professional associations, and individuals shall be submitted in such form and manner as shall be prescribed by the state council. Each instructional material shall be ranked numerically as to its choice in relation to all other materials of the same type evaluated, and no two materials in the same subject area may receive the same numerical rating.

4. District instructional materials councils, professional associations, and individuals who evaluate instructional materials and submit their findings and recommendations to the state council shall do so in accordance with the provisions of subsection (4).

(4) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate carefully all instructional materials submitted, to ascertain which instructional materials, if any, submitted for consideration best implement the curricular objectives included within applicable curriculum frameworks approved by the State Board of Education and the state and district performance standards provided for in ss. 229.565 and 232.2454 of the schools of the state. The councils shall file with the Commissioner of Education a written statement of the criteria and procedures used in the evaluation of instructional materials, and certified copies of such statements shall be made available to the public upon request. The state instructional materials councils shall be prohibited from conducting their assigned duties until such written statements are on file with the Commissioner of Education.

(a) When recommending instructional materials for use in the schools, each council shall include only instructional materials which, in its determination, accurately portray the cultural and racial diversity of our society, including men and women in professional, vocational, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of Florida and the United States.

(b) When recommending instructional materials for use in the schools, each council shall include only materials which accurately portray, whenever appropriate, man's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

(c) When recommending instructional materials for use in the schools, each council shall require such materials as it deems necessary and proper to encourage thrift, fire prevention, and humane treatment of people and animals.

(d) When recommending instructional materials for use in the schools, each council shall require, when appropriate to the comprehension of pupils, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. No instructional materials shall be recommended by any council for use in the schools which, in its determination, contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, or occupation.

(e) All instructional materials recommended by each council for use in the schools shall be, to the satisfaction of each council, accurate, objective, and current and suited to the needs and comprehension of pupils at their respective grade levels. *No instructional materials councils shall recommend for statewide adoption any material which, by its design, is written for pupils who function below grade level, unless such materials are to be used to provide instruction to students in compensatory and remedial programs pursuant to ss. 236.0841 and 236.088 or to exceptional students as defined in s. 228.041.*

(f) When recommending instructional materials for use in the schools, each council shall have the recommendations of all districts which submit evaluations on more than half the materials submitted for adoption in that particular subject area aggregated and presented to the members to aid them in the selection process; however, such aggregation shall be weighted in accordance with the full-time equivalent student percentage of each district. No instructional materials shall be evaluated or recommended for adoption unless each of the district councils shall have been loaned the specified number of samples.

(g) In addition to relying on statements of publishers or manufacturers of instructional material, any council may conduct, or cause to be conducted, an independent investigation as to the compliance of submitted materials with the requirements of this section.

(h) In the event that, after good faith acquisition of instructional materials by a district school board, the instructional materials are found to be not in accordance with the requirements of this subsection and the school board is unable to acquire other instructional materials which meet the requirements of this subsection in time for them to be used as intended, the school board may use the acquired materials, but only for that academic year.

Section 95. Section 233.095, Florida Statutes, is created to read:

233.095 Training programs for instructional materials councils members.—The Department of Education shall develop a training program, to be provided through summer inservice institutes, for persons selected to serve on state and district instructional materials councils. The program shall be structured to assist council members in developing the skills necessary to make valid and objective decisions regarding the content and rigor of instructional materials. Effective July 1, 1985, all persons on instructional materials councils shall have completed this training program prior to beginning the review and selection process.

Section 96. Paragraph (b) of subsection (1) of section 233.165, Florida Statutes, is amended to read:

233.165 Standards for selection.—

(1) In the selection of instructional materials textbooks, library books, and other reading material used in the public school system, the standards used to determine the propriety of the material shall include:

(b) The educational purpose to be served by the material. *In considering instructional materials for classroom use, priority shall be given to the selection of materials which encompass the state and district performance standards provided for in ss. 229.565 and 232.2454 and which include the instructional objectives contained within the curriculum frameworks approved by the State Board of Education, to the extent that appropriate curriculum frameworks have been approved by the board.*

Section 97. Subsection (1) of section 233.17, Florida Statutes, is amended to read:

233.17 Term of adoption for instructional materials.—

(1) The term of adoption of any instructional materials shall be for a 6-year period beginning on April 1 following the adoption, unless the contract is extended as prescribed in s. 233.16(2). *However, the State Board of Education may approve, by rule, terms of adoption of less than 6 years for materials in content areas which require more frequent revision.*

Section 98. Section 233.25, Florida Statutes, is amended to read:

233.25 Duties, responsibilities, and requirements of publishers and manufacturers of instructional materials.—Publishers and manufacturers of instructional materials, or their representatives, shall:

(1) Comply with all provisions of this section.

(2) Loan copies of such printed materials in quantities to be determined by the Department of Education to those districts participating in preadoption evaluations or in lieu thereof, in the case of nonprint instructional materials, descriptions and representative selections therefrom. At the conclusion of the review process, if the district does not return such nonprint instructional materials to the publishers and manufacturers, at their expense, the publishers and manufacturers shall be entitled to reimbursement by the district for the retail value of such materials.

(3) Submit, at a time designated in s. 233.14, the following information:

(a) Detailed specifications of the physical characteristics of such material. The publisher or manufacturer shall comply with such specifications if the material is adopted and purchased in completed form.

(b) Written proof of the use of the learner-verification and revision process during prepublication development and postpublication revision of the material in question. For purposes of this section, "learner verification" is defined as the empirical process of data gathering and analysis by which a publisher of curriculum material has improved the instructional effectiveness of that product before it reaches the market and then continues to gather data from learners in order to improve the quality and reliability of that material during its full market life. ~~Failing such proof, if the publisher wishes to submit material for adoption, he must satisfy the state instructional materials council that he will systematically gather and utilize learner-verification data to revise the material in question to better meet the needs of learners throughout the state.~~ Such text revision should be interpreted as including specific revision of the materials themselves, revision of the teachers' materials, and revision of the teachers' skill through retraining, it being the intent of the Legislature that learner-verification and revision data shall include data gathered directly from learners; may include the results of criterion-referenced and group-normed tests, direct learner comments, or information gathered

from written questionnaires from individual or small group interviews; and may not preclude the use of secondary data gathered from teachers, supervisors, parents, and all appropriate participants and observers of the teaching-learning process.

(4) *Effective, June 1, 1985, by August 1 of the year that a council is considering a specific academic area for adoption, all publishers or manufacturers shall submit to the council a written description of how materials meet each of the criteria statements adopted by the council pursuant to s. 233.09(3). The description shall include an explanation of the function and goals of the instructional materials program, including the rationale for the program's design, and the relationship between each of the components comprising the program. Such reports shall be made available to each school district.*

(5)(4) Make available for purchase by any district board any diagnostic, criterion-referenced, or other tests that they may develop.

(6)(5) Furnish the instructional materials offered by them at a price in the state which, including all costs of transportation to their depositories, shall not exceed the lowest price at which they offer said instructional materials for adoption or sale to any state or school district in the United States.

(7)(6) Reduce automatically the price of said instructional materials to any governing board to the extent that reductions are made elsewhere in the United States.

(8)(7) Provide any instructional materials free of charge in the state to the same extent as that received by any state or school district in the United States.

(9)(8) Guarantee that all copies of any instructional materials sold in Florida shall be at least equal in quality to the copies of such instructional materials that are sold elsewhere in the United States and shall be kept revised, free from all errors, and up-to-date as may be required by the state board.

(10)(9) Agree that any supplementary material developed at the district or state level does not violate the author's or publisher's copyright, provided such material is developed in accordance with the doctrine of fair use.

(11)(10) Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, nor enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in the state.

(12)(11) Maintain, or contract with, a depository in the state and maintain there an inventory sufficient to receive and fill orders for instructional materials.

(13)(12) Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the Department of Education or its agencies for the reproduction of textbooks and supplementary materials in Braille or large print or in the form of sound recordings, for use by visually handicapped students.

(14)(13) Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the state board in the amount of 3 times the total sum which the publisher or manufacturer was paid in excess of the price required under subsections (5) and (6) and (7) and in the amount of 3 times the total value of the instructional materials and services which the district board is entitled to receive free of charge under subsection (8) (7).

Section 99. Subsections (2) and (4) of section 233.34, Florida Statutes, are amended to read:

233.34 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—

(2) Each school district shall use the annual allocation for the purchase of instructional materials included on the state-adopted list. *No less than 50 percent of the annual allocation shall be used to purchase items which will be used to provide instruction to students enrolled at the grade level or levels for which the materials are designed.* However, up to 50 percent of the annual allocation may be used for the purchase of instructional materials, including library and reference books, not included on the state-adopted list and for the repair and renovation of textbooks and library books. *The Department of Education shall period-*

ically survey districts which have selected materials which are not on the state adopted list, in order to determine the rationale for each material's selection. The Commissioner of Education shall provide this information to the appropriate state and district instructional materials adoption councils. The State Board of Education shall adopt rules relating to the frequency and content of the survey.

(4) District school boards are authorized to issue purchase orders subsequent to March 15 in an aggregate amount not to exceed 20 percent of the current year's allocation, and subsequent to May 1 in an aggregate amount not to exceed 90 percent of the current year's allocation, for the purpose of expediting the delivery of instructional materials which are to be paid for from the ensuing year's allocation.

Section 100. Section 233.37, Florida Statutes, is amended to read:

233.37 Schools to continue to use instructional materials until unserviceable.—When a change of instructional materials has been made for any subject by action of the State Board of Education, the superintendent of each district shall submit to the Commissioner of Education an implementation plan for utilizing these new materials in each school. If old materials continue to be used in the subject, for 3 years beyond the date of the expiration of the most recent adoption, the superintendent shall submit justification for doing so, pursuant to rules adopted by the State Board of Education. ~~each superintendent shall designate which schools of his district shall use the old instructional materials which he has on hand or in the schools of his district, and all such instructional materials shall continue to be used until they are in such physical condition as to make them unsuitable for further use or until the content is obsolete. The superintendent shall not requisition copies of newly adopted instructional materials for those pupils for whom copies of old instructional materials are available. Under rules of the state board, or rules of the district school board which have been approved by the commissioner, the district school board may dispose of the instructional materials of the old adoption when they have become unserviceable, upon such terms and conditions as shall yield their fair salvage value.~~

Section 101. Section 233.43, Florida Statutes, is amended to read:

233.43 Duties of superintendent relating to instructional materials.—The duties and responsibilities of each superintendent for the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials shall be prescribed by policies of the district school board, and such policies shall also provide for an evaluation of any instructional materials to be requisitioned that have not been used previously in the schools of the district. *The superintendent shall compile any comments made by classroom teachers regarding the instructional materials in use in the school pursuant to s. 233.46(1). These comments shall be submitted annually to the Commissioner of Education, on forms provided for this purpose by the department, pursuant to rules adopted by the State Board of Education. The commissioner shall provide these reports to state and district instructional materials adoption councils.*

Section 102. Present subsections (1), (2), (3), (4), (5), and (6) of section 233.46, Florida Statutes, are renumbered as subsections (2), (3), (4), (5), (6), and (7), respectively, and a new subsection (1) is added to said section to read:

233.46 Duties of principals.—The duties and responsibilities of principals for instructional materials ~~textbook~~ management and care shall include:

(1) **INSTRUCTIONAL MATERIALS.**—

(a) *The principal shall be responsible for assuring that instructional materials are used to provide instruction to students enrolled at the grade level or levels for which the materials are designed, pursuant to policies of the school board.*

(b) *The principal shall provide the instructional staff with the opportunity to offer annual written comments, on forms provided for the purpose by the Department of Education, concerning instructional materials in use in the school and shall submit all such comments to the superintendent.*

(Renumber subsequent section.)

Senator D. Childers moved the following amendment to Amendment 38 which failed:

Amendment 38A—On page 8, strike all of lines 3 and 4 and insert:

Section 96. Paragraph (b) of subsection (1) and subsection (2) of section 233.165, Florida Statutes, are amended to read:

(Substantial rewording of subsection (2). See s. 233.165(2), F.S., for present text.)

(2) No books or other material shall be used in the public school system of the State of Florida which:

(a) Contain hard-core pornography or material otherwise prohibited by s. 847.012.

(b) Teach or advocate atheism or indoctrinate toward a particular religious philosophy.

(c) Teach or advocate the philosophy that an individual should make choices of values or guides to behavior on the basis of individual tastes and preferences or on the basis that such choices make the individual "feel good."

(d) Teach or advocate the philosophy that an individual should make choices of values or guides to behavior without regard to the authority of parents or of local, state, and federal law.

Amendment 38 was adopted.

Senator Frank moved the following amendment which was adopted:

Amendment 39—On page 136, between lines 13 and 14, insert:

Section 92. Paragraph (e) is added to subsection (3) of section 230.2313, Florida Statutes, to read:

230.2313 Student services programs.—

(3) A "student services program" is defined as a coordinated effort which shall include, but not be limited to:

(e) *Health Services, as described in s. 402.32.*

(Renumber subsequent sections.)

Amendment 40 was withdrawn.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 41—On page 136, between lines 13 and 14, insert:

Section 92. Subsection (3) of section 240.402, Florida Statutes, is amended to read:

240.402 Florida Academic Scholars' Fund.—postmark of the application, in the following manner:

(3) The award to a student attending an institution with annual tuition and registration fees of \$2,000 or less shall be \$500. The award to a student attending an institution with annual tuition and registration fees above \$2,000 shall be \$750, or as otherwise provided for in the General Appropriations Act. This award may not be used in the determination of need for purposes of s. 240.409. Payment of an award shall be transmitted, on behalf of the student, to the president of the college, university, community college, or nursing diploma school which the recipient is attending or to his representative in advance of the registration period. If a recipient does not enroll or terminates his enrollment for any reason during the academic year, the unused portion of the award, as determined by policies and rules, shall be refunded within 60 days to the department, for the purposes of this section, by the president of the college, university, community college, or nursing diploma school or by his representative.

(Renumber subsequent section.)

Senators Jenne, Scott, Dunn and McPherson offered the following amendment which was moved by Senator Jenne and adopted:

Amendment 42—On page 136, line 13, insert: a new Section 92.

Section 92. Section 246.128, Florida Statutes, as created by chapter 82-203, Laws of Florida, is hereby repealed.

Senator Gordon moved the following amendments which were adopted:

Amendment 43—On page 76, between lines 23 and 24, insert:

(3) For the purposes of s. 240.247 minority is defined to mean Black, Hispanic, Asian, Pacific Islander, American Indian, Alaskan Native, and handicapped.

Amendment 44—On page 84, between lines 10 and 11, insert:

(4) For the purpose of s. 240.335(33) minority is defined to mean Black, Hispanic, Asian, Pacific Islander, American Indian, Alaskan Native, and handicapped.

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

Amendment 45—On page 136, between lines 13 and 14, insert:

Section 92. For the purpose of providing housing for students attending Chipola Junior College, an educational institution located in Marianna, Jackson County, Florida, the Board of Trustees of Chipola Junior College is authorized to operate that certain dormitory which was constructed in 1964 and is located on or adjacent to the campus of that college and owned by Chipola Dormitory Authority, a public corporation created by chapter 61-2286, Laws of Florida.

Section 93. The Board of Trustees of Chipola Junior College and the Chipola Dormitory Authority are authorized to enter into agreements in effectuation of the above purpose, and past agreements for that purpose are hereby validated.

Section 94. For the purpose of providing housing for students attending Lake City Community College, an educational institution located in Lake City, Columbia County, Florida, the Board of Trustees of Lake City Community College is authorized to operate Granger Hall, a dormitory which was in operation at the time the college was created and is located on the college campus, and to operate Foundation Hall, a dormitory which was acquired by lease or purchase dated May 1, 1974, from the Lake City Community College Foundation, Inc., and is located in the vicinity of the college campus.

Section 95. The Board of Trustees of Lake City Community College is authorized to enter into agreements in effectuation of the above purpose, and past agreements for that purpose are hereby validated.

(Renumber subsequent section.)

Senator Langley moved the following amendment which was adopted:

Amendment 46—On page 23, line 6, strike "Black" and insert: *economically disadvantaged*

Senator Hair moved the following amendments which were adopted:

Amendment 47—On page 83, line 6, strike ", for approval,"

Amendment 48—On page 79, lines 19-31, and on page 80, lines 1-28, strike all of said lines and insert:

(o) Shall conduct an annual administrative review of each community college to identify any disproportionate administrative costs. Such review shall include, but not be limited to, the administrator to faculty ratio, percent of funds for administrative costs in the total budget, percent of funds in support programs compared to the percent of funds in instructional programs, and may include such other indicators of quality as are necessary. The results of the administrative review shall be forwarded to the local board of trustees for appropriate action. The local board of trustees shall notify the State Board of Community Colleges of actions taken in response to the report. Both the administrative review and the local board response shall be considered public records for the purposes of chapter 119.

(p) Review and approve all courses offered by a community college outside of its district. Courses outside of the home district which are not approved by the State Board of Community Colleges shall not be counted for funding purposes or to meet enrollment assignments.

(q) Establish direct support organizations as provided for in s. 240.331.

(r) Review and approve community college academic advisement plans.

(s) Coordinate and assist the efforts of community colleges in providing college preparatory courses, college academic support services, and make-up instruction for the college-level communication and com-

putation skills testing program by conducting research; serving as a clearinghouse of programs, curriculum, and instructional materials; and coordinating staff development efforts.

(t) Review and approve comprehensive plans for enhancing the participation of disadvantaged and minority students in postsecondary education.

Amendment 49—On page 77, strike line 29 and insert: (n), (o), (p), (q), (r), (s) and (t) are added to

Amendment 50—On page 80, lines 29 and 30, and on page 81, lines 1-8, strike all of said lines and renumber subsequent sections.

Amendment 51—On page 79, lines 14 and 17, strike "rules" and insert: *guidelines*

Amendment 52—On page 80, line 17, strike "and approve"

Amendment 53—On page 81, strike lines 9-12 and insert:

Section 43. Paragraph (a) of subsection (3) of section 240.319, Florida Statutes, is amended and subsections (s) and (t) are added to said subsection to read:

Amendment 54—On page 81, lines 28-31; page 82, lines 1-31; and page 83, lines 1-12, strike all of said lines and insert:

(s) Each board of trustees shall submit to the State Board of Community Colleges, for approval, a comprehensive plan pursuant to s. 240.1171, and an academic advisement and support plan.

(t) Each board of trustees shall report annually to the State Board of Community Colleges the amount of funds paid for out-of-state travel expenses of administrative staff and faculty of the community college.

Amendment 55—On page 90, line 21, strike "and (5) are" and insert: is

Amendment 56—On page 91, lines 12-16, strike all of said language and renumber subsequent subsection.

Amendment 57—On page 93, between lines 12 and 13, insert: new Section 54

Section 54. Paragraph (d) of subsection (3) of section 240.359, Florida Statutes, is amended to read:

240.359 Procedure for determining state financial support and annual apportionment of state funds to each community college district.

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(d) If the actual enrollment for any community college is from 0 to 5 percent or 100 full-time equivalent students, whichever is greater, less than the assigned enrollment for any fiscal year, the college shall receive full funding as allocated. If the actual enrollment is more than 5 percent below the assigned enrollment for any fiscal year, the allocation of the college for direct instructional cost shall be reduced proportionately to the difference between 5 percent and the actual percentage reduction in enrollment for any fiscal year. If actual enrollment of a college exceeds the assigned enrollment, there shall be no increased allocation. All such reductions in allocations shall be reallocated to all community colleges by the State Board of Community Colleges in the third quarter of the fiscal year on a proportional basis based on actual enrollment not including actual enrollment in excess of the assigned enrollment.

(Renumber subsequent sections.)

Senator Gordon moved the following amendment which was adopted:

Amendment 58—In title, on page 11, line 7, after "students," insert: amending s. 230.23, F.S.; clarifying powers and duties of school boards relating to textbooks; amending s. 233.07, F.S., relating to membership on state instructional materials councils; providing staff development for council members, including computer software in the definition of instructional materials; amending s. 233.09, F.S.; providing for qualifications of teachers serving on councils; providing for evaluation criteria; prohibiting adoption of certain materials; creating s. 233.095, F.S.; requiring the Department of Education to develop training programs for council members; amending s. 233.165, F.S.; requiring selection standards to relate to curriculum frameworks and performance standards; amending s. 233.17, F.S.; providing for shortened textbook adoption terms; amending

s. 233.25, F.S.; deleting certain provisions which allow textbook publishers to postpone the submission of proof of learner verification; requiring publishers to submit a description of their instructional materials program goals; amending s. 233.34, F.S.; requiring that a portion of each school district's materials allocation be spent on materials meeting specified criteria; authorizing school districts to issue purchase orders equal to a specified percentage of their instructional materials allocation; amending s. 233.37, F.S.; requiring a district instructional materials implementation plan; amending s. 233.43, F.S.; clarifying duties of the superintendent relating to instructional materials; amending s. 233.46, F.S.; clarifying duties of the principal relating to instructional materials;

Senator Hair moved the following amendments which were adopted:

Amendment 59—In title, on page 7, line 5, after the semicolon (;) insert: amending s. 240.359, F.S.; providing for the reallocation of reductions in the Community College Program Fund;

Amendment 60—In title, on page 4, lines 19-24, after the semicolon (;) on line 19, strike all of said lines and insert: providing for

Amendment 61—In title, on page 4, lines 22-24, strike "providing for the development of an educational training program for members of boards of trustees;"

Amendment 62—In title, on page 4, line 17, strike "rules" and insert: guidelines

Amendment 63—In title, on page 4, line 31, strike "approval" and insert: review

Amendment 64—In title, on page 5, lines 6 and 7, strike "amending s. 240.313, F.S.; providing for mileage of board members."

Amendment 65—In title, on page 5, lines 12-24, after the semicolon (;) on line 12, strike all of said lines and insert: requiring reporting of out-of-state travel expenses of administration staff and faculty; requiring development and submission of comprehensive plans;

Amendment 66—In title, on page 6, strike all of lines 16 and 17 and insert: information;

Senator Gordon moved the following amendments which were adopted:

Amendment 67—In title, on page 11, line 7, after the semicolon (;) insert: amending s. 242.63, F.S.; providing for appropriation to the first accredited medical school;

Amendment 68—In title, on page 11, line 7, after the semicolon (;) insert: amending s. 240.402, F.S.; authorizing an increase in the amount of the academic scholar's award;

Amendment 69—In title, on page 10, line 26, after the semicolon (;) insert: modifying Beginning Teacher Program requirements for experienced teachers;

Amendment 70—In title, on page 10, line 15, before "creating" insert: authorizing the establishment of a Florida District School System Endowment Trust Fund for Distinguished Teachers;

Amendment 71—In title, on page 5, line 26, after "program;" insert: providing a definition;

Amendment 72—In title, on page 4, line 10, after the semicolon (;) insert: providing a definition;

Senator Jenne moved the following amendments which were adopted:

Amendment 73—In title, on page 11, line 7, after the semicolon (;) insert: repealing s. 246.128, Florida Statutes, created by chapter 82-203, Laws of Florida, regarding review and authorization of branch operations of accredited nonpublic colleges;

Amendment 74—In the title, on page 2, line 21, after the semicolon (;) insert: amending s. 231.533, F.S., deleting the requirement that two-thirds of the courses required for completion of the degree in the Florida Meritorious Instructional Personnel Program must be offered by full-time faculty members;

Senator Hair moved the following amendment which was adopted:

Amendment 75—In title, on page 7, line 5, after the semicolon (;) insert: prescribing format for submission of budget requests for Community College Program Fund;

Senator Gordon moved the following amendments which were adopted:

Amendment 76—In title, on page 1, line 14, after the semicolon (;) insert: providing for granting of credit for graduation for remedial and compensatory courses;

Amendment 77—In title, on page 2, line 6, after the word "progression;" insert: requiring districts to demonstrate the relationship between instructional programs and instructional materials;

Senator Fox moved the following amendment which was adopted:

Amendment 78—In the title, on page 11, line 7, after the semicolon (;) insert: creating s. 230.105, Florida Statutes; providing alternate procedures whereby district school boards may adopt and submit to the electors for approval, or electors may petition to have placed on the ballot, a proposition calling for single-member representation within the residence areas of the district; providing alternatives; prohibiting the calling of a special election; providing for a return to the existing system at the district's option; providing for the effect of the act upon existing board members;

Senator Frank moved the following amendment which was adopted:

Amendment 79—In title, on page 11, line 7, after the semicolon (;) insert: amending s. 230.2313, F.S.; including health services programs within student services program;

Senator Hill moved the following amendment which was adopted:

Amendment 80—In title, on page 2, line 7, after the semicolon (;) insert: specifying persons who are eligible to participate in the Visiting School Scholars Program;

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 81—In title, on page 11, line 7, after the semicolon (;) insert: amending s. 240.402, F.S.; authorizing an increase in the amount of the academic scholar's award;

On motion by Senator Gordon, the rules were waived and CS for SB's 923, 836, 1081 and 884 after being engrossed was retained on second reading to be considered at 3:00 p.m., May 24.

On motion by Senator Henderson, the rules were waived and by two-thirds vote SCR 1137 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Henderson—

SCR 1137—A concurrent resolution commending Edith Hughes Smith, Florida's 1985 Teacher of the Year.

—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—36

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

Nays—None

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

INTRODUCTION AND REFERENCE OF BILLS

By Senator Hill—

SR 1145—A resolution commending Eastern Explorer Post #1 of the Boy Scouts of America on its 35th anniversary.

—which was read the first time by title. On motion by Senator Hill, SR 1145 was read the second time in full and adopted. The vote on adoption was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Malchon

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 526 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representatives Lehtinen and Danson—

CS for HB 526—A bill to be entitled An act relating to bail; amending chapter 648, F.S., creating a Bail Bond Regulatory Board within the Department of Insurance to assist the department in the regulation of bail bondsmen and runners; providing membership and duties of the board; authorizing the board to certify applicants for licensure and to review bail bond rate filings; changing residency requirements for licensure; increasing license fees; providing a penalty for intentional noncompliance or fraudulent compliance with reporting requirements imposed upon insurers and bail bondsmen; authorizing insurers to allow their former agents to attempt the arrest or surrender of defendants under certain circumstances; providing additional restrictions upon persons who may engage in the bail bond business; providing penalties; providing a penalty for unlawful furnishing of supplies to unlicensed bail bondsmen and for violating provisions relating to the receipt or conversion of collateral security by bail bondsmen or insurers; requiring the department to suspend the license of a licensee charged with certain offenses; substantially revising procedures for disciplinary action against licensees; repealing s. 648.56, F.S., to remove the exemption from licensure requirements for certain general lines insurance agents; creating s. 903.011, F.S., defining "bail" and "bond"; amending s. 903.02, F.S., expanding the circumstances in which a judge may remove a condition of bail or reduce the amount of bond; amending s. 903.035, F.S., prohibiting persons from giving false material information or omitting material information in applications for bail or modification of bail; providing a penalty; amending s. 903.046, F.S., requiring the court to consider specified criteria for purposes of bail determinations; expanding such criteria; creating s. 903.047, F.S., requiring the imposition of certain conditions of bail; authorizing modification; amending s. 903.09, F.S., to conform to the act; amending s. 903.27, F.S., requiring sureties to pay the amount of a judgment to the clerk of court pending either a motion to set aside or stay the judgment; amending s. 903.28, F.S., increasing the amount of forfeiture which may be remitted to the surety upon the apprehension or surrender of the defendant; expanding the circumstances in which such remission may be granted; amending s. 903.29, F.S., expanding the period in which a surety may arrest the principal after the date of forfeiture of bond; reenacting s. 907.041(4)(b), F.S., to incorporate the amendment to s. 903.046, F.S., in a reference thereto; providing for repeal and review of chapter 648, F.S., relating to bail bondsmen and runners; providing an effective date.

—was read the first time by title.

On motion by Senator Thomas, by unanimous consent CS for HB 526 was taken up out of order. On motions by Senator Thomas, by two-thirds vote CS for HB 526 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. *The vote on passage was:*

Yeas—38

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

Nays—None

SPECIAL ORDER, continued

On motions by Senator Grant, the rules were waived and by two-thirds vote HB 220 was withdrawn from the Committees on Rules and Calendar and Appropriations.

On motion by Senator Grant—

HB 220—A bill to be entitled An act relating to the Department of Corrections; amending s. 944.516, F.S., authorizing the department to replace stolen, lost or misappropriated inmate funds under certain circumstances; providing an effective date.

—a companion measure, was substituted for SB 194 and read the second time by title.

Senator Grant moved the following amendments which were adopted:

Amendment 1—On page 2, line 4, strike "Auditor General" and insert: *internal auditor of the department*

Amendment 2—On page 2, strike all of lines 7-9 and insert: *missing funds. If the internal auditor of the department concludes that the department is at fault, the loss shall be replaced out of the department's funds; however, the interest from the inmate trust fund cannot be used to replace said loss.*

On motion by Senator Grant, by two-thirds vote HB 220 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Hill, Mann

SB 194 was laid on the table.

On motion by Senator Grant, the rules were waived and HB 220 was ordered immediately certified to the House.

CS for SB 929—A bill to be entitled An act relating to probation and community control; amending s. 948.06, F.S.; requiring probationers and offenders who assert inability to pay restitution and cost of supervision to prove inability by clear and convincing evidence; providing procedures and form for judicial hearings on persons arrested for violation of probation or community control; providing an effective date.

—was read the second time by title. On motion by Senator Rehm, by two-thirds vote CS for SB 929 was read the third time by title, passed and certified to the House. *The vote on passage was:*

Yeas—37

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

Nays—None

SB 955—A bill to be entitled An act relating to administration of estates; amending s. 193.052, F.S.; requiring certain inventories to be served on the Department of Revenue; amending s. 731.111, F.S.; extending the time within which the department may file a claim against an estate; amending s. 731.302, F.S.; permitting certain persons to waive certain filings; amending s. 733.604, F.S.; requiring a personal representative to serve an inventory, amended inventory, or supplementary inventory on certain persons; requiring the filing of proof of service; requiring all inventories to be verified; providing for the court to require such inventories be filed; limiting inspection of such inventories; amending s. 733.702, F.S.; extending the time for the department to file certain tax claims of an estate; repealing s. 733.606, F.S., relating to the filing of a supplementary inventory; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote SB 955 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

SB 1073—A bill to be entitled An act relating to traffic infractions; amending s. 318.12, F.S.; providing for decriminalization of certain violations in chapter 322, F.S., relating to drivers' licenses; amending s. 318.14, F.S.; providing for decriminalization of certain sections of chapter 322, F.S.; amending s. 318.18, F.S.; providing penalties for certain nonmoving traffic violations; amending s. 318.19, F.S.; increasing limits for property damages incurred in an automobile accident which would require a driver to make a court appearance; amending ss. 322.15, 322.19, and 322.39, F.S.; providing penalties for certain violations; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, strike all of lines 11 and 12 and insert: *penalty of \$2 shall be assessed for each mile per hour in excess of 25 miles per hour over the lawful*

Amendment 2—On page 5, between lines 12 and 13, insert:

Section 8. Subsection (4) of section 316.655, Florida Statutes, is amended, and subsection (5) is added to said section to read:

316.655 Penalties.—

(4) Any person convicted of a violation of s. 316.027, s. 316.061, s. 316.067, s. 316.072, s. 316.192, s. 316.193, s. 316.1931, or s. 316.1935 shall be punished as specifically provided in that section. If the court finds that a minor committed the offense, the court may impose one or more of the following sanctions in lieu of the sanctions provided under such section:

(a) The court may reprimand or counsel the minor and his parents or guardian.

(b) The court may suspend or revoke the minor's privilege to drive under stated conditions and limitations for a period not to exceed that authorized for a like suspension or revocation of an adult's license for a like offense.

(c) The court may require the minor to attend, for a reasonable period, a traffic school conducted by a public authority.

(d) The court may order the minor to remit to the general fund of the local governmental body a sum not exceeding the maximum fine applicable to an adult for a like offense.

(e) The court may order the minor to participate in public service or a community work project for a minimum number of hours. A minor who participates in such a work program shall be considered an employee of the state for the purposes of chapter 440.

(f) The court may impose a curfew or other restriction on the liberty of the minor for a period not to exceed 6 months.

However, under no circumstances shall a minor be placed in the same cell as an adult. The receiving facility shall have adequate staff to supervise and monitor the minor's activities at all times. Nothing in this paragraph shall prohibit the placing of two or more minors in the same cell.

(5)(a) *If a person who is charged with a violation of any of the criminal offenses enumerated in subsection (4) or who is charged with the commission of any offense constituting a misdemeanor under chapters 320 or 322, fails to comply with all of the directives of the court within the time allotted by the court, the clerk of the traffic court shall mail to the person, at the address specified on the uniform traffic citation, a notice of such failure, notifying him that, if he does not comply with the court's directives within 30 days after the date of the notice, and pay a delinquency fee of \$10 to the clerk, his driver's license will be suspended. The notice shall be mailed no later than 5 days after such failure. The delinquency fee may be retained by the office of the clerk to defray the operating costs of the office.*

(b) *If the person fails to comply with the court's directives within the 30-day period, the clerk of the traffic court shall notify the department of such failure within 5 days. Upon receipt of the notice, the department shall immediately suspend the driver's license of the person.*

(c) *After suspension of the driver's license of a person pursuant to this subsection, the license may not be reinstated until the person complies with all court directives imposed upon him, including payment of the delinquency fee imposed by paragraph (a), presents certification of such compliance to a driver licensing office, and complies with the requirements of chapter 322.*

Section 9. Section 320.57, Florida Statutes, is amended to read:

320.57 Penalties for violations of this chapter.—

(1) Any person convicted of violating any of the provisions of this chapter is, unless otherwise provided herein, guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) *Any person charged with the commission of an offense constituting a misdemeanor under this chapter who fails to comply with all of the directives of the court, shall be subject to the provisions of s. 316.655(5).*

(3)(2) The owner of a truck-tractor and semitrailer combination the actual gross vehicle weight of which exceeds the declared weight for registration purposes is required to pay to the department the difference between the license tax amount paid and the required license tax due for the proper gross vehicle weight prescribed by s. 320.08(5), plus a civil penalty of \$50.

Section 10. Subsection (7) of s. 322.18, Florida Statutes, is amended to read:

322.18 Original applications, licenses, and renewals; expiration of licenses; delinquent licenses.—

(7) An expired Florida driver's license may be renewed any time within 12 months after the expiration date, with reexamination, if required, upon presenting to the department a valid certificate of eligibility and upon payment of the required delinquent fee or taking and passing the written examination. If the final date upon which a license may be renewed under this section falls upon a Saturday, Sunday, or legal holiday, the renewal period shall be extended to midnight of the next regular working day. The department may refuse to issue any license if:

(a) The department has reason to believe the licensee is no longer qualified to receive a license.

~~(b) The licensee has failed to answer a traffic summons involving a moving violation.~~

(b)(e) The records of the department reflect that the applicant's driving privilege is under suspension or revocation.

Section 11. Section 322.29, Florida Statutes, is amended to read:

322.29 Surrender and return of license.—

(1) The department, upon suspending or revoking a license, shall require that such license be surrendered to and be retained by the department, except that at the end of the period of suspension such license so surrendered shall be returned to the licensee after the applicant has successfully passed the complete examination. The department is prohibited from requiring the surrender of a license except as authorized by this chapter.

(2) The provisions of subsection (1) to the contrary notwithstanding, no examination shall be required for the return of a license suspended under s. 318.15 or under s. 316.655(5) unless an examination is otherwise required by this chapter. Every person applying for the return of a license suspended under s. 318.15 or under s. 316.655(5) shall present to the department certification from the court that he has complied with all obligations and penalties imposed on him pursuant to s. 318.15 or, in the case of suspension pursuant to s. 316.655(5), that he has complied with all directives of the court and the requirements of s. 316.655(5), and shall pay to the department a nonrefundable service fee of \$25; ~~However, except that~~ the service fee shall not be required if the person is required to pay a \$15 fee or \$35 fee under the provisions of s. 322.12(1).

Section 12. Subsection (3) is added to section 322.39, Florida Statutes, to read:

322.39 Penalties.—

(3) Any person charged with the commission of a misdemeanor under this chapter who fails to comply with all of the directives of the court, shall be subject to the provisions of s. 316.655(5).

(Renumber subsequent section.)

Amendment 3—On page 5, line 13, strike “October 1, 1984” and insert: January 1, 1985

Amendment 4—In title, on page 1, line 15, after the semicolon (;) insert: amending s. 316.655, F.S.; providing for suspension of the driver's license of persons charged with criminal traffic offenses under certain circumstances; providing a delinquency fee; providing for reinstatement upon certification that certain requirements have been met; amending s. 320.57, F.S.; specifying penalties; amending s. 322.18, F.S.; specifying when the department may refuse to issue a license; amending s. 322.29, F.S.; providing for reinstatement of the driver's license following suspension; amending s. 322.39, F.S.; specifying penalties;

On motion by Senator Scott, by two-thirds vote SB 1073 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	Fox	Jenne	Neal
Beard	Frank	Jennings	Plummer
Carlucci	Girardeau	Johnston	Rehm
Castor	Gordon	Kirkpatrick	Scott
Childers, D.	Grant	Langley	Stuart
Childers, W. D.	Grizzle	Malchon	Thomas
Crawford	Hair	Mann	Thurman
Deratany	Henderson	McPherson	Vogt
Dunn	Hill	Meek	Weinstein

Nays—None

On motion by Senator Scott, the rules were waived and SB 1073 after being engrossed was ordered immediately certified to the House.

SB 802—A bill to be entitled An act relating to the Florida panther; amending s. 372.671, F.S.; including the scientific designation for the Florida panther; prohibiting the killing of any member of the species of panther and providing penalties for conviction thereof; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote SB 802 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motion by Senator Neal, the rules were waived and SB 802 was ordered immediately certified to the House.

CS for SB 876—A bill to be entitled An act relating to vessels; amending s. 327.25, F.S.; providing procedures for registering and classifying vessels; providing for registration fees; amending s. 327.28, F.S.; providing for deposit and use of certain fees; increasing dealer registration fees; amending s. 328.01, F.S.; requiring title applications to be made to the county tax collector; providing procedures for acquiring a certificate of title of a vessel; requiring transfer of certificate of title upon selling, assigning, or transferring a vessel; requiring the filing of an application for a title transfer within 20 days after a change in vessel ownership; providing for an additional \$10 fee for late filings; authorizing the county tax collector to retain \$5 of such fee; providing procedure for obtaining a certificate of title for an undocumented vessel; amending s. 328.03, F.S.; providing for an additional fee under certain circumstances; providing for deposit of such fees; amending s. 328.11, F.S.; increasing fee for issuing a duplicate certificate; providing for expedited service in issuing a duplicate certificate and fees therefor; amending s. 327.13, F.S.; providing for special manufacturers' and dealers' numbers; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote CS for SB 876 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

On motion by Senator McPherson, the rules were waived and CS for SB 876 was ordered immediately certified to the House.

On motion by Senator Castor, the rules were waived and by two-thirds vote HB 324 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Castor—

HB 324—A bill to be entitled An act relating to adoption; amending s. 63.032, F.S., redefining the term “intermediary” with respect to the “Florida Adoption Act” to include child-placing agencies licensed in another state under certain circumstances; amending s. 63.097, F.S., correcting a cross reference; amending s. 63.162, F.S., providing that all non-identifying information pertaining to an adopted child shall be released upon request to an adoptive parent at any time; amending s. 63.207, F.S., clarifying existing language relating to out-of-state placement; amending s. 63.212, F.S., providing for out-of-state placement; providing exceptions; providing penalties for unlawful placements within the state; providing an exception; clarifying language pertaining to payment of care for natural mother and child; clarifying language pertaining to charging of fees for referrals; providing for advertising; providing exceptions; providing a penalty for advertising by all parties except those specified; providing an effective date.

—a companion measure, was substituted for SB 271 and read the second time by title. On motion by Senator Castor, by two-thirds vote HB 324 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Weinstein

SB 271 was laid on the table.

CS for SB 341—A bill to be entitled An act relating to medical practice; amending s. 458.303, F.S.; limiting the issuance of medical faculty certificates; amending s. 458.307, F.S.; permitting medical college physicians to be members of the board; amending ss. 458.311 and 458.313, F.S.; increasing maximum license fees; clarifying educational requirements for licensure; clarifying examination requirements for licensure by endorsement; amending s. 458.347, F.S.; changing exceptions to the requirements for programs for the education and training of physician's assistants; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, between lines 14 and 15, insert:

(j) The administration of non dental anesthesia by a person licensed to practice dentistry in this state who has completed a residency in anesthesiology at a school of medicine approved by the Board of Medical Examiners; provided, that the Board shall have jurisdiction to discipline a dentist practicing under this exemption

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 2—On page 2, strike line 25 and insert:

Section 3. Subsections (1), (4), and (5) of section 458.311,

Senators Kirkpatrick and Margolis offered the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 3—On page 3, line 15, after the period (.) insert:

(5) Each applicant who successfully passes the examination and meets the requirements of this chapter shall be entitled to be licensed as a physician, with rights as defined by law. The department shall not issue a license to any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of s. 458.301, s. 458.303, s. 458.305, s. 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.315, s. 458.317, s. 458.319, s. 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s. 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347. Upon completion of the investigation, the provisions of s. 458.331 shall apply. *Each applicant who is not a Florida resident shall pay a license fee of \$1,000 which shall be disbursed in the manner prescribed by rule of the department to provide assistance in quality improvement of Florida's public medical schools and the first accredited medical school at the University of Miami.*

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 4—On page 3, line 17, after "read" insert: and (6) is created to read:

Amendment 5—On page 4, line 10, insert: new section 5 to read
Section 5. Subsection (5) of section 458.319, is amended to read:

458.319 Renewal of license.—(1) The department shall renew a license upon receipt of the renewal application and fee. *Each licensee who is not a Florida resident shall pay a license fee of \$1000 which shall be disbursed in the manner prescribed by rule of the department to provide assistance in quality improvement of Florida's public medical schools and the first accredited medical school at the University of Miami.*

(Renumber subsequent sections.)

Amendment 6—On page 4, line 9, after the period (.) insert:

(6) *Each applicant who is not a Florida resident shall pay a license fee of \$1,000 which shall be disbursed in the manner prescribed by rule of the department to provide assistance in quality improvement of Florida's public medical schools and the first accredited medical school at the University of Miami.*

Senator Myers offered the following amendment which was moved by Senator Jennings and adopted:

Amendment 7—On page 3, line 31, insert:

Section 5. Section 458.349, Florida Statutes, is created to read:

458.349 Medical assistant.—

(1) **DEFINITION.**—As used in this section, "medical assistant" means a professional multiskilled person dedicated to assisting in all aspects of medical practice under the direct responsibility of a physician. This practitioner assists with patient care management, executes administrative and clinical procedures, and often performs managerial and supervisory functions. Competence in the field also requires that a medical assistant adhere to ethical and legal standards of professional practice, recognize and respond to emergencies, and demonstrate professional characteristics.

(2) **DUTIES.**—Under the direct responsibility of a licensed physician the duties of a medical assistant are to:

(a) Perform clinical procedures to include:

1. Performing aseptic procedures;
2. Taking vital signs;
3. Preparing patients for the physician's care;
4. Venipunctures and nonintravenous injections;
5. Observing and reporting patients' signs or symptoms.

(b) Administer basic first aid.

(c) Assist with patient examinations or treatments.

(d) Operate office medical equipment.

(e) Collect routine laboratory specimens as directed by the physician.

(f) Administer medication as directed by the physician.

(g) Perform basic laboratory procedures.

(h) Perform office procedures including all general administrative duties required by the physician.

(3) **CERTIFICATION.**—Medical assistants may be certified by the American Association of Medical Assistants or as a Registered Medical Assistant by the American Society of Medical Technologists.

(Renumber subsequent section.)

Senator D. Childers moved the following amendment which was adopted:

Amendment 8—On page 4, between lines 25 and 26, insert: a new Section 6 as follows

Section 6. Subsection (5) of section 381.494, Florida Statutes, is amended to read:

381.494 Health-related projects; certificate of need.—

(2) **OSTEOPATHIC ACUTE CARE HOSPITALS FACILITIES.**—When an application is made for a certificate of need to construct or to expand an osteopathic acute care hospital facility, the need for such hospital facility shall be determined on the basis of the need for and availability of osteopathic services and osteopathic acute care hospitals facilities in the district community.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 9—In title, on page 1, line 7, strike “and 458.313” and insert: , 458.313 and 458.319

Senator Neal moved the following amendment which was adopted:

Amendment 10—In title, on page 1, line 4, after “certificates;” insert: *permitting qualified dentists to administer nondental anesthesia;*

Senators Myers and Jennings offered the following amendment which was moved by Senator Jennings and adopted:

Amendment 11—In title, on page 1, line 11, after the semicolon (;) insert: creating s. 458.349, F.S.; defining “medical assistant”; providing for duties; providing for certification;

On motion by Senator Jennings, by two-thirds vote CS for SB 341 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

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Weinstein

On motions by Senator Scott, the rules were waived and by two-thirds vote CS for SB's 469, 698, 239 and 380 was withdrawn from the Committee on Judiciary-Civil.

SB 153—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term “military service”; amending s. 121.111, F.S.; specifying the procedure for claiming credit for military service; providing for the purchase of military leaves of absence; specifying when service granted and used under certain federal pension systems may be claimed under the Florida Retirement System; providing an effective date.

—was read the second time by title.

The Committee on Personnel, Retirement and Collective Bargaining recommended the following amendment which was moved by Senator Dunn and adopted:

Amendment 1—On page 3, line 12, strike “4 years” and insert: A total of 4 years, including any service claimed under s. 121.111(1)

Senator Frank moved the following amendment which was adopted:

Amendment 2—On page 3, between lines 29 and 30, insert:

Section 1. Paragraph (d) of subsection (6) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—

(6) OPTIONAL FORMS OF RETIREMENT BENEFITS AND DISABILITY RETIREMENT BENEFITS.—

(a) Prior to the receipt of his first monthly retirement payment, a member shall elect to receive the retirement benefits to which he is entitled under subsection (1), subsection (3), or subsection (4) in accordance with one of the following options:

1. The maximum retirement benefit payable to the member during his lifetime.

2. A decreased retirement benefit payable to the member during his lifetime and, in the event of his death within a period of 10 years after his retirement, the same monthly amount payable for the balance of such 10-year period to his beneficiary or, in case the beneficiary is deceased, in accordance with subsection (8) as though no beneficiary had been named.

3. A decreased retirement benefit payable during the joint lifetime of both the member and his joint annuitant and which, after the death of either, shall continue during the lifetime of the survivor in the same amount.

4. A decreased retirement benefit payable during the joint lifetime of the member and his joint annuitant and which, after the death of either, shall continue during the lifetime of the survivor in an amount equal to 66 2/3 percent of the amount which was payable during the joint lifetime of the member and his joint annuitant.

(d) A member who elects the option in subparagraph 3. or subparagraph 4. of paragraph (a) shall, on a form provided for that purpose, designate his spouse or other dependent to receive the benefits which continue to be payable upon the death of the member. Such person shall be the joint annuitant of the member. ~~If, After benefits have commenced under the option in subparagraph 3. or subparagraph 4., a retired member may change his designation of a joint annuitant only twice. If such a~~ the retired member desires to change his designation of a joint annuitant, ~~he may do so only if his first designated joint annuitant is alive and can show evidence of good health which shall be substantiated by a statement from a physician licensed in this state. A member desiring to change his designation of a joint annuitant shall file with the division a notarized “change of joint annuitant” form. Upon receipt of a completed change of joint annuitant form, the division shall adjust the member’s monthly benefit by the application of actuarial tables and calculations developed to ensure that the benefit paid is the actuarial equivalent of the present value of the member’s current benefit to which the member was otherwise entitled under the option in subparagraph 1. of paragraph (a), taking into consideration the benefits that have already been paid at the time the member elects to change his designation of a joint annuitant. The consent of a retired member’s first designated joint annuitant to any such change shall not be required.~~

Senator Langley moved the following amendments which were adopted:

Amendment 3—On page 3, between lines 29 and 30, insert:

Section 3. Section 121.1121, Florida Statutes, is created to read:

121.1121 Participation in system by any elected state officer whose term has been or may be shortened by legislative or judicial apportionment.—Any duly elected state officer whose term of office has been or may be shortened by legislative or judicial apportionment pursuant to the provisions of s. 16, Art. III of the State Constitution may pay into the system trust fund after the term of office to which he was elected is completed, the amount of contributions that would have been made by his employer on his behalf, plus 4 percent interest compounded annually until July 1, 1975, and 6.5 percent interest compounded annually thereafter, and may receive service credit for the length of time for which he would have served had such term not been shortened by apportionment.

(Renumber subsequent section.)

Amendment 4—In title, on page 1, line 10, after the semicolon (;) insert: 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;

Senator Frank moved the following amendment which was adopted:

Amendment 5—In title, on page 1, strike all of lines 10 and 11 and insert: under the Florida Retirement System; amending s. 121.091, F.S.; providing that a retired member who elects to receive benefits as a joint annuitant may change his designation of the other joint annuitant only twice; deleting the requirement that a replacement joint annuitant may be selected under the survivorship options only when the previous joint annuitant is alive; providing for the recalculation of benefits upon redesignation of a joint annuitant; providing a limitation; providing an effective date.

On motion by Senator Dunn, by two-thirds vote SB 153 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	Gersten	Jennings	Plummer
Carlucci	Girardeau	Johnston	Rehm
Castor	Gordon	Kirkpatrick	Stuart
Childers, W. D.	Grant	Langley	Thomas
Crawford	Grizzle	Malchon	Thurman
Deratany	Hair	Mann	Vogt
Dunn	Henderson	Margolis	Weinstein
Fox	Hill	McPherson	
Frank	Jenne	Meek	

Nays—None

On motion by Senator Dunn, the rules were waived and SB 153 after being engrossed was ordered immediately certified to the House.

On motion by Senator Langley—

HB 490—A bill to be entitled An act relating to eggs and poultry; amending s. 583.01, Florida Statutes, reordering, modifying, and adding definitions; amending s. 583.02, Florida Statutes; providing certain labeling requirements for the sale of eggs; prohibiting egg and poultry dealers from using the name, logo, or certificate or permit number of the Department of Agriculture and Consumer Services in their advertising or packaging without the department's approval; amending s. 583.022, Florida Statutes, modifying certain egg storage requirements; amending s. 583.03, Florida Statutes, specifying federal quality standards for eggs which the department shall not exceed; amending s. 583.04, Florida Statutes, relating to rulemaking authority of the department; amending s. 583.05, Florida Statutes; combining provisions relating to powers of the department to make inspections of places where eggs or poultry are processed, stored, or sold; authorizing the department to destroy certain eggs and poultry; creating s. 583.051, Florida Statutes; authorizing the department to collect money due it under any egg program; providing penalties for nonpayment; creating s. 583.052, Florida Statutes, authorizing the department to cooperate with state and federal agencies; amending s. 583.06, Florida Statutes, deleting a restriction upon the source of payment of assistants employed by the department; amending s. 583.09, Florida Statutes; combining provisions relating to the certification and permitting of egg and poultry dealers; authorizing suspension of certificates and permits; amending s. 583.10, Florida Statutes, requiring poultry dealers as well as egg dealers to keep certain records; amending s. 583.11, Florida Statutes, combining provisions relating to the exemption of interstate egg and poultry shipments from regulation; amending s. 583.13, Florida Statutes; changing the grades of dressed poultry; changing certain labeling and advertising restrictions with respect to dressed poultry; amending s. 583.17, Florida Statutes, specifying federal quality standards for fowls which the department shall not exceed; amending s. 583.181, Florida Statutes, to conform; amending s. 583.19, Florida Statutes, prohibiting the sale of fowl suspected to be unfit for human consumption; amending s. 583.20, Florida Statutes, authorizing the suspension of certificates and permits for violations of chapter 583, Florida Statutes, or rules thereunder; repealing s. 583.12, Florida Statutes, deleting certain classifications of live, dressed, and ready-to-cook poultry; repealing ss. 583.14, 583.16, and 583.18, Florida Statutes, to conform to the act; providing an effective date.

—a companion measure, was substituted for SB 207 and read the second time by title. On motion by Senator Langley, by two-thirds vote HB 490 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Langley

SB 207 was laid on the table.

On motion by Senator Johnston, the rules were waived and the Senate immediately reconsidered the vote by which SB 955 as amended passed this day.

On motions by Senator Johnston, the rules were waived and by two-thirds vote HB 1189 was withdrawn from the Committees on Judiciary-Civil and Finance, Taxation and Claims

On motion by Senator Johnston—

HB 1189—A bill to be entitled An act relating to probate; amending s. 193.052, F.S., requiring fiduciaries to serve inventories of certain decedent's estates, trusts, or guardianships on the Department of Revenue; amending s. 731.111, F.S., providing that the Department of Revenue may file a claim against the estate of a decedent within 30 days after service of the inventory, and amended or supplementary inventory, on the department; amending s. 731.302, F.S., permitting interested persons, subsequent to the filing of a Petition for Administration, to waive the filing of any right, notice, or any document, exhibit, or schedule required to be filed; amending s. 733.604, F.S., relating to inventory, providing for the preparation and service of a verified copy of an inventory on the surviving spouse, each heir of an intestate estate, and each residuary beneficiary of a testate estate; providing for the preparation and service of an amended or supplementary inventory on each person on whom an inventory was served; providing for the court, upon good cause shown, to require the inventory, or any amended or supplementary inventory, to be filed in court; amending s. 733.702, F.S., providing for the filing of a claim by the Department of Revenue within 30 days after the service of the amended or supplementary inventory on the department; repealing s. 733.606, F.S., relating to supplementary inventory; providing an effective date.

—a companion measure, was substituted for SB 955 and read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 1189 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

SB 955 was laid on the table.

On motion by Senator Johnston, the rules were waived and the Committee on Appropriations was granted permission to consider the following bills on May 24: SB 756, SB 718, SB 494, SB 221, SB 235, CS for SB 783, SB 181, CS for SB 775, SB 753, SB 746, CS for CS for SB 550, CS for CS for SB 326, CS for SB 201, CS for SB 646, CS for SB 32, SB 947, SB 513, CS for SB 357 and CS for SB 922.

On motion by Senator Barron, the rules were waived and the afternoon session for May 24 was scheduled from 3:00 p.m. until 5:00 p.m.

On motion by Senator Johnston, the rules were waived and by two-thirds vote SB 526 was withdrawn from the Committee on Appropriations.

SB 44—A bill to be entitled An act relating to animal industry; amending s. 585.65, Florida Statutes, relating to the charging of certain laboratory service fees by the Department of Agriculture and Consumer Services and the use of the revenue therefrom; establishing the Animal Industry Diagnostic Laboratory Account; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Thurman and adopted:

Amendment 1—On page 1, line 21, strike "fees for" and insert: *a fee of not more than \$5 for any one of*

Amendment 2—On page 1, line 23, after "requested," insert: *except that necropsy fees may be imposed in an amount not to exceed \$35,*

Senator Thurman moved the following amendment which was adopted:

Amendment 3—On page 1, line 28, after "Act" insert: *, except the first \$500,000 collected under the provisions of this section in Fiscal Year 1984-1985 may be used for addition to and renovation of the Osceola County Diagnostic Laboratory and is hereby appropriated for that purpose.*

On motion by Senator Thurman, by two-thirds vote SB 44 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Dunn	Henderson	Mann
Beard	Fox	Hill	Margolis
Carlucci	Frank	Jenne	McPherson
Castor	Gersten	Jennings	Meek
Childers, D.	Gordon	Johnston	Rehm
Childers, W. D.	Grant	Langley	Thurman
Crawford	Grizzle	Malchon	Vogt

Nays—None

Vote after roll call:

Yea—Hair, Kirkpatrick, Stuart, Thomas

On motion by Senator Thurman, the rules were waived and SB 44 after being engrossed was ordered immediately certified to the House.

SB 336—A bill to be entitled An act relating to a surtax on documents; amending chapter 83-220, Laws of Florida; expanding the purposes for which certain charter counties may levy a discretionary surtax on certain documents to include providing financial assistance for constructing, rehabilitating, or purchasing housing for certain families; providing for future repeal of such tax; providing effective and expiration dates.

—was read the second time by title.

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

Amendment 1—On page 3, line 7, after the period (.) insert: *For purposes of this section, authorized uses of the revenues shall include, but not be limited to, providing funds for first and second mortgages and acquiring property for the purpose of forming housing cooperatives. Special consideration shall be given toward utilizing the revenues in the neighborhood economic development programs of Community Development Corporations.*

Amendment 2—On page 3, line 7, after the period (.) insert: *No more than 50 percent of the revenues collected each year pursuant to this section may be used to help finance new construction as provided herein.*

Senator Frank moved the following amendments which were adopted:

Amendment 3—On page 4, between lines 11 and 12, insert:

Section 4. Discretionary tax; use of proceeds; administration, collection, and disbursement.—

(1)(a) The governing authority in each county which has a publicly owned regional referral hospital, as defined in s. 154.304(4), Florida Statutes, which hospital has an affiliation agreement with a state university medical school located in that county and which hospital would have received from the county more than it actually received for providing health care for resident indigent patients had 1982-1983 federal poverty guidelines been applied, is authorized to levy by ordinance, for the period January 1, 1985 through December 31, 1986, or any portion thereof, a discretionary additional tax on all transactions occurring in the county which are subject to the state tax imposed on transactions by part I of chapter 212, Florida Statutes. The additional tax, if levied, shall be at the rate of 1 cent for each \$4 of sale price or actual value received and for each fractional part of \$4 of the sales price or actual value received a tax according to the following schedule:

1. Up to \$1.99, no tax
2. Over \$1.99, but less than \$4, 1 cent.

(b) The transactions subject to the tax are those which are taxable under part I of chapter 212, Florida Statutes, and the regulations adopted pursuant thereto, except for any single sales transaction as defined in s. 212.02(2), Florida Statutes, in excess of \$1,000, but:

1. In the case of utility, communications, or wired television services billed for a cycle ending on or after the effective date of any tax levied pursuant to this section, the entire amount of the bill for utility, communications, or wired television services shall be subject to the tax imposed under this section. In the case of utility, communications, or wired television services billed for a cycle ending after the last day the tax authorized in this section is in effect, the entire amount of the bill for utility, communications, or wired television services shall not be subject to the tax authorized in this section. Charges for communications services which are subject to the state tax imposed pursuant to part I of chapter 212, Florida Statutes, which are billed to a location in a county levying the tax authorized in this section shall be subject to the tax authorized by this section; and

2. In the case of written contracts which are signed prior to the effective date of any tax authorized by this section for the construction of improvements to real property or for remodeling of existing structures, the contractor responsible for the performance of the contract shall pay any additional tax levied pursuant to this section. However, the contractor may apply for one refund of any such additional tax paid on materials necessary for the completion of such contract. Any application for refund shall be made no later than March 31, 1987. The application for this refund shall be in the manner approved by the Department of Revenue by rule. A completion application shall include proof of the written contract and of payment of the additional tax paid pursuant to an ordinance authorized by this section. The application shall contain a sworn statement, signed by the applicant or its representative, attesting to the validity of the application. The department shall, within 30 days after approval of a complete application, certify to the county information necessary for issuance of a refund to the applicant of the additional tax. The county shall pay any refunds from funds to the credit of the county in which the tax was paid in the trust fund established pursuant to subsection (6). Any person who fraudulently obtains or attempts to obtain a refund pursuant to this paragraph, in addition to being liable for repayment of any refund fraudulently obtained plus a mandatory penalty of 100 percent of the refund, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(2) For the purpose of this section, a transaction subject to the tax authorized in this section shall be deemed to have occurred in such county when:

- (a) The dealer is located in such county and delivery occurs in such county;
- (b) The event, for which an admission is charged, is located in such county;
- (c) The consumer of utility, communication, or wired television services is located in such county;
- (d) The user of tangible personal property imported into such county for use, consumption, distribution, or storage to be used or consumed in such county is located in such county; provided, however, that it shall be presumed that tangible personal property used outside such county for 6 months or longer before being imported into such county was not purchased for use in such county. The provisions of this paragraph shall not apply in respect to the use or consumption of tangible personal property for use or consumption, upon which a like tax equal to or greater than the amount imposed by this section has been lawfully imposed and paid outside such county;
- (e) The real property which is leased or rented is located in such county;
- (f) The transient rental transactions occur in such county; or
- (g) The delivery of tangible personal property is to a location in such county; however, the provisions of this paragraph shall not apply in respect to the use or consumption of tangible personal property upon which a like tax equal to or greater than the amount imposed by this section has been lawfully imposed and paid outside such county.

(3) The governing authority of any county levying the tax authorized by this section shall enact the ordinance levying the tax in accordance with the procedures prescribed in s. 125.66(2), Florida Statutes, and shall notify the Department of Revenue, within 10 days after the approval of the ordinance levying the tax, of that fact and of the time period during which the tax is to be levied.

(4) The ordinance shall set forth criteria for the selection of the providers of the health care services so as to assure that all health care providers in the county have an equal opportunity to provide health care to certified indigent patients and to be paid therefor from the proceeds of this tax.

(5) The department shall administer, collect, and enforce the tax authorized under this section pursuant to the same procedures used in the administration, collection, and enforcement of the tax otherwise imposed under the provisions part I of chapter 212, Florida Statutes, except the provisions of s. 212.11(1)(a), Florida Statutes, and except as herein provided. The provisions of part I of chapter 212, Florida Statutes, regarding interest and penalties on delinquent taxes shall apply to the tax authorized by this section. For the purposes of this section, the "proceeds" of the tax authorized in this section means all funds collected and received by the Department of Revenue pursuant to the section, including any interest and penalties on delinquent taxes.

(6) Notwithstanding the provisions of s. 212.20, Florida Statutes, the proceeds of the tax levied under this section for any authorizing county shall be deposited in an Indigent Health Care Tax Clearing Fund, less the costs of administration, but the amount deducted for the costs of administration shall not exceed a total of \$500,000 for all counties levying the tax authorized in this section. The amount deducted for the costs of administration shall be used only for those costs which are solely and directly attributable to the administration of all the taxes authorized in this section. Each county's share of costs shall be based on the ratio of the amount collected in that authorizing county from the tax to the total amount collected in all authorizing counties from the tax. The Department of Revenue shall disburse the moneys to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county, who shall maintain the moneys in an Indigent Health Care Trust Fund. Any funds on deposit in the trust fund created pursuant to this section shall be invested pursuant to general law.

(7) The moneys in an Indigent Health Care Trust Fund for an authorizing county and any interest thereon shall be expended within that county, or, in the case of a negotiated joint county agreement by that authorizing county with another county, within such other county, to provide health care to certified indigent patients as defined by s. 154.304(1), Florida Statutes, who are residents of the authorizing county.

(8) In enacting this section the Legislature expressly finds that it would be an unconstitutional use of the taxing power of the state for any holders of any hospital revenue obligation bonds to have a lien on any of the funds raised under this section until those funds are received by the health care provider for services rendered as provided. The moneys in an Indigent Health Care Trust Fund for an authorizing county, and any interest thereon shall remain the property of the State of Florida and shall be distributed by the Department of Revenue on a regular and periodic basis to the governing authority of the authorizing county, in trust, until they are paid to the account of the appropriate provider of health care services to certified indigent patients for services rendered after the effective date of this act, and the funds shall not be disbursed from the trust fund until the authorizing county has paid out of county funds for indigent health care a sum equal to the amount which the authorizing county paid for indigent health care out of county funds in the fiscal year preceding the adoption of the authorizing ordinance.

(Renumber subsequent section.)

Amendment 4—In title, on page 1, line 10, after the semicolon (;) insert: authorizing counties to levy a discretionary additional tax on sales, use, and other transactions for 2 years; creating a trust fund for deposit of proceeds; specifying the proceeds be used for indigent health care; providing a method of taxing certain services billed on a monthly cycle; providing for refund of additional tax paid by certain contractors; providing penalties; providing applicable tax formulas and for enforcement;

On motion by Senator Meek, by two-thirds vote SB 336 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	Carlucci	Childers, W. D.	Dunn
Barron	Castor	Crawford	Fox
Beard	Childers, D.	Deratany	Frank

Gersten	Henderson	Mann	Stuart
Girardeau	Jenne	Margolis	Thomas
Gordon	Jennings	McPherson	Vogt
Grant	Kirkpatrick	Meek	Weinstein
Grizzle	Langley	Neal	
Hair	Malchon	Plummer	

Nays—1

Hill

On motion by Senator Meek, the rules were waived and SB 336 after being engrossed was ordered immediately certified to the House.

CS for SB 519—A bill to be entitled An act relating to contracting; amending s. 489.103, F.S.; exempting the installation and maintenance of certain water conditioning units from provisions regulating contracting; prohibiting political subdivisions from regulating operators of water conditioning services; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote CS for SB 519 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Stuart

On motion by Senator Barron, the rules were waived and CS for SB 100 and SB 980 were added to the Special Order Calendar for May 24 following SB 29.

On motions by Senator Deratany, by two-thirds vote SB 1055 and SB 1134 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Margolis, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet May 24 from 12:00 noon until 1:30 p.m. to consider SB 1010 and SB 900.

On motions by Senator Margolis, the rules were waived and by two-thirds vote SB 1032 and SB 944 were withdrawn from the Committee on Finance, Taxation and Claims.

ENROLLING REPORTS

Senate Bills 77, 175, 299, 743, 431, 512, 574, 578, 737, 815, 1098, 1099 and 1100 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 22, 1984.

Joe Brown, Secretary

CS for SB 1077 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 23, 1984.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journals of May 21 and 17 were corrected and approved.

CO-INTRODUCERS

Senator Crawford—CS for SB 438; Senator Jenne—SB 943

Senator McPherson withdrew as co-introducer of SB 550.

Senator Hill withdrew as co-introducer of SB 657.

Senators Thurman, Stuart and Jenne withdrew as co-introducers of CS for SB's 923, 836, 1081 and 884.

ADJOURNMENT

The time of adjournment having arrived, the Senate adjourned at 5:00 p.m. to reconvene at 10:00 a.m., Thursday, May 24.