



Journal of the Senate

Number 23

Friday, May 25, 1984

REPORTS OF COMMITTEES

The Committee on Appropriations recommends the following pass: SB 181

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

The Committee on Appropriations recommends the following pass: CS for CS for SB 550

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

The Committee on Appropriations recommends the following pass: SB 221, CS for SB 783, CS for SB 646, CS for SB 32, CS for SB 201 with 4 amendments, CS for CS for SB 326 with 1 amendment, SB 718 with 6 amendments, CS for SB 746 with 1 amendment, SB 756 with 1 amendment

The bills were placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

May 25, 1984

The Committee on Agriculture requests an extension of 15 days for consideration of the following: Senate Bills 190, 397, 622, 915; House Bill 1169

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following: Senate Bills 246, 533

The Committee on Education requests an extension of 15 days for consideration of the following: Senate Bills 771, 779, 800, 825, 845, 873, 895; House Bills 157, 217, 256

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: Senate Bills 7, 22, 267, 297, 314, 455, 492, 518, 542, 703, 704, 808, 859, 887, 904

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: Senate Bills 829, 840, 841, 842, 901; HB 857

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following: Senate Bills 3, 17, 20, 21, 69, 95, 107, 112, 120, 122, 139, 165, 212, 213, 244, 290, 305, 308, 313, 322, 331, 340, 416, 434, 435, 443, 475, 499, 509, 535, 592, 603, 637, 638, 675, 680, 722, 740, 828, 865, 866, 877, 974, 1067; House Bills 29, 139, 160, 173, 222, 238, 258, 278, 391, 511, 540, 548, 674, 676, 682, 926, 927, 945, 966, 1159, 1160, 1161

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following: Senate Bills 264, 285, 294, 302, 414, 566, 657, 485, 794, 798, 926; HB 28

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: Senate Bills 661, 769, 809, 1052, 1128, 1132; HB 1246

The Special Master for Claims requests an extension of 15 days for consideration of the following: SB 631

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives

has passed CS for HB 7, HB 495, CS for HB 282, CS for HB 764, HB's 63, 1223, 1314, 81, 654, 1252, 300, 937, 1156, CS for HB 340, CS for HB 813, HB's 757, 108, CS for HB 370, CS for HB 936, CS for HB 16, CS for HB 570, HB 1225, CS for HB 624, CS for HB 1032, CS for HB 299; and has passed as amended HB's 184, 1234, 909, CS for HB 20, HB 30, CS for HB 269, HB 250, CS for HB 997, HB's 1069, 996; and has adopted HCR 1285, HCR 1232; and has passed as amended by the required Constitutional three-fifths vote of the membership of the House HJR 37, HJR 452 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative M. E. Hawkins—

CS for HB 7—A bill to be entitled An act relating to worthless checks and drafts; amending s. 832.05, F.S.; prohibiting use of a debit card where sufficient funds to cover the order are not available; defining "debit card"; providing penalties; amending s. 817.58, F.S., redefining "credit card"; providing an effective date.

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

By Representative Upchurch and others—

HB 495—A bill to be entitled An act relating to education; creating s. 240.535, F.S.; creating the Florida School of the Arts; providing for the administration of the school; establishing the Council for the Florida School of the Arts and providing for legislative review and repeal of such council in accordance with the Sundown Act; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Education, K-12 and Representatives Stewart and Reddick—

CS for HB 282—A bill to be entitled An act relating to education; amending s. 232.425, F.S.; prescribing standards for student participation in interscholastic extracurricular activities; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Higher Education and Representative Hazouri—

CS for HB 764—A bill to be entitled An act relating to community colleges; providing that any internal auditor employed by a community college shall be hired by and report to the board of trustees; providing an effective date.

—was referred to the Committee on Education.

By Representatives Watt and Selph—

HB 63—A bill to be entitled An act relating to elections; amending s. 99.012(2) and (3), Florida Statutes, as amended, and adding a new subsection (4) thereto; providing that the resignation of an individual from public office under the resign-to-run law shall take effect no later than the day of qualifying for office; providing for filling of vacancies; providing that violators shall not be entitled to have their names printed on the ballot; amending s. 106.18(1), Florida Statutes, providing for omission of a candidate's name from the ballot; adding a new subsection (2) to s. 106.25, Florida Statutes, empowering the Florida Elections Commission to investigate violations of the resign-to-run law; amending s. 106.26(12), Florida Statutes, providing duties of the commission with respect to enforcement of the resign-to-run law; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Judiciary and Representative Upchurch—

HB 1223—A bill to be entitled An act relating to the judiciary; amending ss. 26.031 and 34.022, F.S., to provide for additional judges in specified circuit and county courts, and providing for their election to office; providing an effective date.

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

By Representative Peeples—

HB 1314—A bill to be entitled An act relating to Charlotte County; relating to the Charlotte County Development Authority; amending section 3 of chapter 65-1357, Laws of Florida, as amended, clarifying the powers of the development authority; amending section 6 of chapter 65-1357, Laws of Florida, relating to the election of chairman, vice chairman, secretary-treasurer, and assistant secretary-treasurer; amending section 8 of chapter 63-1357, Laws of Florida, relating to compensation and travel expenses for authority members; amending section 10 (12), (13), (14), (17), and (22)(b) of chapter 65-1357, Laws of Florida, and repealing section 10(7) of said chapter, eliminating the power of the authority to construct, establish, or improve harbors within the county; eliminating the power of the authority to regulate harbor facilities; eliminating the authority to contract with the state or federal government for any harbor and navigation improvements; repealing section 13 of chapter 65-1357, Laws of Florida, which relates to the applicability of chapter 315, Florida Statutes, Port Facilities Financing, to the Charlotte County Development Authority; repealing section 14 of chapter 65-1357, Laws of Florida, relating to negotiations by the authority for the transfer of islands and submerged lands belonging to the state; amending section 19 of chapter 65-1357, Laws of Florida, ratifying previous actions; amending section 22 of chapter 65-1357, Laws of Florida, as amended, relating to expenditure of funds; repealing chapter 67-923, Laws of Florida, eliminating the authority to jointly engage in projects with the Lee County port authority; repealing HB 990 (1984), to conform to the intent of the act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representatives Stewart and Smith—

HB 81—A bill to be entitled An act relating to the Department of Education; amending s. 20.15(2)(a) and (4)(b), Florida Statutes; assigning responsibility for adult and community education to the Division of Vocational Education; changing the name of the division to the Division of Vocational, Adult, and Community Education; directing that changes in terminology in the Florida Statutes be made; providing an effective date.

—was referred to the Committee on Education.

By Representative Brantley—

HB 654—A bill to be entitled An act relating to law enforcement officers; amending ss. 943.10, 943.12, 943.14, 943.23, and 943.25, F.S.; providing a definition of "auxiliary correctional officer"; including auxiliary correctional officers within the jurisdiction of the Criminal Justice Standards and Training Commission; providing an effective date.

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

By the Committee on Regulated Industries and Licensing—

HB 1252—A bill to be entitled An act relating to pari-mutuel wagering; amending, transferring, repealing, and revising provisions in chapter 550, F.S. (Dogracing and Horseracing), and chapter 551, F.S. (Frontons), and consolidating all pari-mutuel wagering provisions into chapter 550, F.S., entitled the "Florida Pari-mutuel Law"; providing legislative intent; providing for the effect on existing permits and licenses; providing definitions; providing for the general regulatory powers of the Division of Pari-mutuel Wagering of the Department of Business Regulation and of the Florida Pari-mutuel Commission; providing for permits and licenses; providing for pari-mutuel performances; providing for pari-mutuel pools, purses, and awards; providing for the transfer and conversion of permits; repealing s. 20.16(5), F.S., relating to the authority of the director of the division to approve changes in racing dates; repealing chapter 551, F.S., in its entirety, and reinstating its provisions in chapter 550, F.S.; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Governmental Operations—

HB 300—A bill to be entitled An act relating to the Department of General Services; amending s. 272.161, F.S., relating to fees collected for rental of parking spaces; providing for accounting of certain revenues and expenditures; providing for use of certain revenues; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Agriculture—

HB 937—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 20.14, F.S., removing statutory references to bureaus and authorizing the department to establish same as provided by law; amending ss. 487.159, 570.30, 570.32, 570.36, 570.40, 570.44, 570.46, 570.48, 570.50, 570.53, and 570.548, F.S., prescribing powers and duties of divisions; providing an effective date.

—was referred to the Committees on Agriculture, Governmental Operations and Appropriations.

By the Committee on Agriculture—

HB 1156—A bill to be entitled An act relating to plant industry; amending ss. 581.011, 581.031, 581.071, 581.101, 581.141, 581.211, 581.212, and 586.09, F.S., updating and clarifying terminology; modifying powers and duties of the Department of Agriculture with respect to regulation of nurseries and nursery stock; modifying provisions relating to quarantine and prohibiting certain acts relative thereto; renaming the "Nursery Inspection Fee Fund" and the "Nursery Inspection Trust Fund" as the "Plant Industry Trust Fund"; providing penalties; providing an effective date.

—was referred to the Committees on Agriculture and Appropriations.

By the Committee on Corrections, Probation and Parole and Representative Locke and others—

CS for HB 340—A bill to be entitled An act relating to parole; amending s. 947.175, F.S., requiring the Parole and Probation Commission to provide notification of parole date to original judge, state attorney, and arresting agency; requiring the state attorney to notify victim upon request; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

By the Committee on Health and Rehabilitative Services and Representative R. M. Johnson and others—

CS for HB 813—A bill to be entitled An act relating to health facilities and health services planning; amending s. 381.495, F.S., restricting the price charged for transfers of certificates of need; providing penalties; providing an effective date.

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

By Representatives Danson and Shackelford—

HB 757—A bill to be entitled An act relating to community colleges; amending section 2 of chapter 78-94, Laws of Florida, relating to the Manatee County Community College District; providing membership residency requirements for the board of trustees of the district; providing an effective date.

—was referred to the Committee on Education.

By Representative Sample and others—

HB 108—A bill to be entitled An act relating to clerks of the circuit courts; amending s. 83.49(1)(c), Florida Statutes, 1982 Supplement, as amended, and ss. 559.917(1)(a) and 718.201(2), Florida Statutes, requiring the clerk's approval of certain surety bonds and authorizing the collection of a fee of \$5 for such approval; authorizing the clerk to collect a fee for the issuance of certain certificates; providing an effective date.

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

By the Committee on Criminal Justice and Representative Deutsch and others—

CS for HB 370—A bill to be entitled An act relating to alcohol and substances abuse; directing the Florida Highway Patrol to establish a statewide system for the reporting of persons who appear to be violating laws relating to driving while intoxicated or while under the influence of alcohol or other substances; providing an exemption from liability; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committees on Finance and Taxation and Agriculture—

CS for HB 936—A bill to be entitled An act relating to health studio services; amending s. 501.012, F.S., requiring a fee upon filing of surety bond or documentation of financial responsibility with the Department of Agriculture and Consumer Services; requiring the deposit of fee proceeds in the General Inspection Trust Fund; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Regulatory Reform and Representative Clark—

CS for HB 16—A bill to be entitled An act relating to fire prevention and control; amending s. 633.021, F.S., defining the term "contractor IV"; amending s. 633.524, F.S., providing renewal fees for such contractors; amending s. 633.557, F.S., removing an exemption from the requirement of obtaining a certificate from the State Fire Marshal for certain property owners; creating s. 633.60, F.S., requiring persons who act as contractors of automatic fire sprinkler systems for one-family and two-family dwellings and mobile homes to be certified; providing a penalty; providing for review and repeal; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Natural Resources and Representative Hodges—

CS for HB 570—A bill to be entitled An act relating to aquatic plants; amending s. 369.25, F.S.; providing definitions; prohibiting certain activities involving aquatic plants without a permit or exemption by the Department of Natural Resources; providing the department with powers to regulate aquatic plants, including, in part, rulemaking power and power to seize and destroy certain aquatic plants without compensation in specified circumstances; providing penalties; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Judiciary-Criminal; and Appropriations.

By the Committee on Governmental Operations and Representative Dunbar—

HB 1225—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.54, F.S., providing that an emergency rule may be renewed during a challenge; amending s. 120.57, F.S., relating to decisions which affect substantial interest; prohibiting certain agencies from taking further action with respect to formal proceedings, except as a party litigant, under certain circumstances; prohibiting agencies from reducing or increasing recommended penalties, under certain circumstances; authorizing the award of costs and attorney's fees to any prevailing party in appeals of formal administrative hearings; amending s. 120.58, F.S., relating to agency proceedings for a rule or order; authorizing the imposition of certain sanctions; authorizing the court to award to the prevailing party costs and attorney's fees, under certain circumstances; amending s. 120.68, F.S., providing that any order of a hearing officer is immediately reviewable if review of the final agency decision would not provide an adequate remedy; providing for a remand of the case to an agency under certain circumstances; providing an effective date.

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

By the Committee on Criminal Justice and Representative Selph—

CS for HB 624—A bill to be entitled An act relating to law enforcement and correctional officers; 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; providing an effective date.

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

By the Committee on Regulatory Reform and Representative R. M. Johnson—

CS for HB 1032—A bill to be entitled An act relating to physical therapy practice; amending s. 486.021, F.S.; authorizing the performance of physical therapy assessments by physical therapists; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Health and Rehabilitative Services.

By the Committees on Regulatory Reform and Governmental Operations—

CS and HB 299—A bill to be entitled An act relating to private investigators; amending s. 493.30, F.S., providing definitions; amending s. 493.304, F.S., providing additional classes of licenses; amending s. 493.305, F.S., limiting eligibility to reapply for license as appropriate; amending s. 493.306, F.S., requiring certain qualifications for approval as a firearms instructor; amending s. 493.313, F.S., specifying required hours of range training for license renewal; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Corrections, Probation and Parole—

HB 184—A bill to be entitled An act relating to inspection of state buildings and premises; amending s. 633.021, F.S., defining "high-hazard occupancy"; amending s. 633.085, F.S., requiring all construction, renovation, alteration, or change of occupancy of any new or existing state-owned or state-leased space to comply with the uniform firesafety standards of the State Fire Marshal; authorizing inspections and orders to force compliance; amending s. 255.25, F.S., providing for certain agency assurance of compliance with uniform firesafety standards prior to leasing certain privately owned space; amending s. 255.24, F.S., changing duties of the Division of Building Construction and Property Management of the Department of General Services relating to emergencies; creating s. 255.244, F.S.; providing for the management responsibility of the electronic and firesafety system located in the Capitol and any system associated therewith; amending s. 281.02, F.S., changing duties of the Division of Security; amending s. 281.03, F.S., changing security investigations procedures; providing an effective date.

—was referred to the Committees on Governmental Operations, Commerce and Appropriations.

By the Committee on Regulatory Reform—

HB 1234—A bill to be entitled An act relating to infectious waste disposal; amending s. 395.0101, F.S.; providing requirements for offices of licensed health professionals relating to infectious waste; creating s. 395.0102, F.S.; providing penalties for violations of infectious waste disposal requirements by hospitals, ambulatory surgical centers, and licensed health professionals; amending s. 403.7045, F.S.; providing requirements for offices of licensed health professionals relating to disposal of infectious waste; providing an effective date.

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

By Representative Locke—

HB 909—A bill to be entitled An act relating to automobile race meets; amending s. 549.04, F.S., authorizing the sheriff to require persons holding automobile race meets to post a bond; providing fees for the sheriff for policing the event; creating s. 549.07, F.S., providing exceptions; providing an effective date.

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

By the Committee on Corrections, Probation and Parole and Representative Hollingsworth and others—

CS for HB 20—A bill to be entitled An act relating to corrections; amending s. 946.002, F.S., requiring the Department of Corrections to require certain inmates to work for political subdivisions; amending s. 946.40, F.S., requiring the department to use prisoners in public works; providing that political subdivisions need not reimburse the department for such services; requiring supervision of certain inmates by the department; providing an additional cost in criminal cases for deposit in an

Inmate Work Trust Fund created to fund the act; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By Representatives Crotty and Drage—

HB 30—A bill to be entitled An act relating to suspension, removal, or retirement of public officers; creating s. 112.501, Florida Statutes; providing for suspension or removal from office of municipal board members; providing procedure; providing grounds; providing for discretionary reinstatement; providing for filling of vacancy; limiting authority while under suspension; providing for mandatory reinstatement; providing for reimbursement for pay and other allowances withheld during the period of suspension; providing for application in the absence of a charter provision; amending s. 112.51, Florida Statutes, relating to suspension or removal from office of municipal officers by the Governor, to expand the Governor's authority with respect thereto; providing an effective date.

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

By the Committee on Health and Rehabilitative Services and Representatives Burnsed and Lippman—

CS for HB 269—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, and 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 and 499.028, F.S.; revising certain fee schedules; repealing ss. 402.36 and 499.082, F.S., on July 1, 1984; providing an effective date.

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

By Representative Armstrong—

HB 250—A bill to be entitled An act relating to uniform traffic control; amending s. 316.1956, F.S.; revising requirements for signs indicating parking spaces for disabled persons; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Regulatory Reform and Representative Rochlin—

CS for HB 997—A bill to be entitled An act relating to medical practitioners; amending ss. 458.331, 459.015, 461.013, 462.14, and 466.028, F.S.; providing that the prescribing, procuring, ordering, dispensing, administering, supplying, selling, or giving of certain drugs to or for any person, for the purpose of muscle building or to enhance athletic performance, shall be grounds for suspension or revocation of licensure as a physician, osteopathic physician, podiatrist, naturopath, or dentist, and for issuance of a reprimand, restriction of practice, or imposition of a fine; providing for a presumption of legitimacy; providing an effective date.

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

By Representatives Cosgrove and Murphy—

HB 1069—A bill to be entitled An act relating to fraudulent practices; adding subsection (3) to s. 817.36, Florida Statutes, prohibiting the fraudulent creation of admission tickets and tokens; providing a penalty; amending s. 817.58(2), Florida Statutes, and adding subsection (7) thereto, redefining the term "credit card" and defining the term "counterfeit credit card" for the purposes of the State Credit Card Crime Act; amending s. 817.60(6)(a) and (b), Florida Statutes, prohibiting persons from falsely altering a purported credit card; providing that possession of one or more items defined as "counterfeit credit cards" is prima facie evidence of intent to fraudulently use or counterfeit a credit card; providing a penalty; providing an exception; amending ss. 817.60(1), (2), (3), (4), and (7), 817.61, 817.62(2), 817.64, and 817.645, Florida Statutes, increasing to a third degree felony the penalty for certain crimes relating to credit cards; creating s. 817.646, Florida Statutes, providing that it is unlawful for certain persons to make credit card account lists or portions thereof available to third parties; providing exceptions; providing a penalty; creating s. 817.564, F.S., providing certain preconditions to the issuance or sale or offer for issuance or sale of identification cards; providing a penalty for violation; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Corrections, Probation and Parole—

HB 996—A bill to be entitled An act relating to corrections; amending s. 944.516, F.S., requiring the Department of Corrections to document certain expenditures of inmates placed on extended limits of confinement; amending s. 945.091, F.S., requiring documentation of disciplinary reports relating to such inmates; authorizing fines against such inmates; amending s. 945.215, F.S., restricting donations to the Inmate Welfare Trust Fund; adding subsections (3) and (4) to section 958.09, F.S., extending limits of confinement; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By Representative R. M. Johnson and others—

HCR 1285—A concurrent resolution commending Edith Hughes Smith, Florida's 1985 Teacher of the Year.

—was referred to the Committee on Rules and Calendar.

By Representative Williams—

HCR 1232—A resolution commending the Freemasons and Robert L. Goldsmith for their contributions to the citizens of the state.

—was referred to the Committee on Rules and Calendar.

By Representative Titone—

HJR 37—A joint resolution proposing an amendment to Section 8 of Article V of the State Constitution, relating to eligibility for the office of judge, to require that a county court judge be a member of the bar of Florida for the 5 years preceding his qualification.

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

By Representative Reddick and others—

HJR 452—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution relating to counties.

—was referred to the Committees on Judiciary-Civil; and Rules and Calendar.