



Journal of the Senate

Number 24

Monday, May 28, 1984

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

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

Excused periodically: Mr. President and the following conferees and alternates on the General Appropriations Bill, the education package and implementing bill: Senators Neal, Scott, Thomas, Beard, Hair, Gordon, Castor, Kirkpatrick, Vogt, Grizzle, Margolis, Crawford

Prayer by Major Paul Kellner, The Salvation Army, Tampa:

Our Father, we thank you for this day. We thank you for life and we thank you for freedom with its privileges and responsibilities. We thank you for the meaning of this special time in which we memorialize those who gave their lives for this great country. We thank you for them and the quality of their commitment.

We pray for those who have accepted responsibility to lead us. We pray that you will bless our President, our Governor and the men and women of this legislative body. Give them wisdom and strength as they represent the people of Florida and give them guidance in the deliberations of this day.

We thank you for our state, especially for its beauty and its prosperity. Give us wisdom not to abuse, but to use well all that you have given us.

We thank you for our great country and we ask that you'll help us to lead the world to peace in the spirit of the Prince of Peace in whose name we pray. Amen

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

In commemoration of Memorial Day, the Senate stood for a moment of silent prayer.

Votes Recorded

Senator Crawford was recorded as voting yea on the following which were considered May 13: Senate Bills 575, 214, CS for SB 265 and House Bills 864 and 1189.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, May 28, 1984: SB 1127, CS for HB 142, SB 931, SB 957, SB 777, CS for SB 716, CS for SB 390, CS for SB 255, SB 259, SB 664, SB 102, SB 206, SB 232, CS for SB 35, CS for SB 223, CS for SB 242, CS for SB 278, SB 667, CS for SB 399, SB 476, SB 562, CS for SB 579, SB 665, CS for SB 706, CS for SB 707, CS for SB 709, SB 805, SB 417, SB 459, SB 868, CS for SB 569, SB 584, CS for SB 869, CS for CS for SB 1030, CS for CS for SB 944, SB 992, HB 423, CS for SB 1025

Respectfully submitted,
Dempsey J. Barron, Chairman

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

A bill relating to medical incident compensation law study commission by Senator Barron. (SB 1151)

A bill relating to gross receipts tax by Senator Margolis. (SB 1152)

The Special Master for Claims recommends the following pass: HB 393 with 1 amendment, HB 77 with 2 amendments, HB 18 with 1 amendment

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

The Committee on Rules and Calendar recommends the following pass: CS for SJR 94, CS for SJR 1038, SJR 862, SJR 863, SJR 864, SJR 867, SJR 93 with 2 amendments

The bills were placed on the calendar.

The Special Master for Claims recommends the following not pass: HB 382

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference, pursuant to Rule 4.8.

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 900

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

The Committee on Appropriations recommends committee substitutes for the following: SB 494, CS for SB 753, CS for SB 775

The bills with committee substitutes attached were placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

May 28, 1984

The Committee on Appropriations requests an extension of 15 days for consideration of the following: Senate Bills 26, 147, 198, 260, 266, 383, 398, 481, 495, 511, 591, 654, 668, 782, 819, 899, 920, 953, 1071

The Committee on Commerce requests an extension of 15 days for consideration of the following: House Bills 384, 387, 769

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following: Senate Bills 804, 810, 821, 824, 857; HB 134

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Barron—

SCR 1150—A concurrent resolution confirming an agreement entered into by the Florida Department of Environmental Regulation, the States of Georgia and Alabama, and the United States Army Corps of Engineers, Mobile District.

—was referred to the Committees on Natural Resources and Conservation; and Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Judiciary-Civil and Senator Fox—

CS for SB 75—A bill to be entitled An act relating to torts; creating s. 768.35, F.S.; abrogating the doctrine of interspousal tort immunity for certain intentional torts; providing an effective date.

By the Committees on Appropriations and Finance, Taxation and Claims and Senator Dunn—

CS for CS for SJR 612—A joint resolution proposing an amendment to Section 11, Article VII of the State Constitution, relating to state bonds.

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

CS for SB 900—A bill to be entitled An act relating to community redevelopment; amending s. 163.335, F.S.; providing findings; amending s. 163.340, F.S.; changing certain definitions; amending ss. 163.358, 163.360, 163.370, 163.375, 163.380, 163.390, 163.395, 163.400, 163.445, F.S.; conforming certain provisions to such definition changes; amending s. 163.350, F.S.; providing for community redevelopment programs to include affordable housing for certain people; amending s. 163.355, F.S.; providing additional circumstances for a finding of necessity for community redevelopment; amending s. 163.357, F.S.; providing requirements for a governing body as a community redevelopment agency; amending s. 163.356, F.S.; requiring a community redevelopment agency to annually distribute certain financial reports; creating s. 163.359, F.S.; requiring notice to certain taxing authorities under certain circumstances; amending s. 163.362, F.S.; providing for additional contents of a community redevelopment plan; amending s. 163.385, F.S.; providing a maximum maturity for certain bonds; removing certain provisions providing for negotiability of certain bonds; amending s. 163.387, F.S.; providing requirements for establishing a redevelopment trust fund and contributing funds to such trust fund; providing penalties; requiring certain surplus moneys in the trust fund to be disbursed for certain purposes; requiring an annual audit of the trust fund and an audit report; amending s. 200.065, F.S.; excluding from determinations of the rolled back rate, certain increases in assessed value of certain property; providing for certain purposes of taxing authorities or special districts; providing exceptions to application of certain sections under certain circumstances; amending s. 159.27, F.S.; conforming a definition; amending s. 166.231, F.S.; authorizing an exemption from the municipal public service tax for electrical energy used in an enterprise zone by certain qualified businesses; providing for expiration; amending ss. 193.077, 193.085, 195.073, and 195.099, F.S.; conforming language and extending repeal dates; amending s. 196.012, F.S.; redefining "new business" and "expansion of an existing business" and defining "enterprise zone"; amending s. 196.1995, F.S.; authorizing a referendum on economic development ad valorem tax exemption to grant said exemption in an enterprise zone; amending s. 205.022, F.S., and creating s. 205.054, F.S.; authorizing an exemption from the occupational license tax for businesses located in an enterprise zone; providing penalties; providing for expiration; amending s. 212.02, F.S.; defining "enterprise zone"; amending s. 212.08, F.S.; providing that building materials purchased for use in the rehabilitation of real property located in an enterprise zone shall be exempt from the sales and use tax; providing application to governmental agencies under certain circumstances; providing requirements and limitations; providing that business property used in an enterprise zone shall be exempt from the sales and use tax under certain conditions; providing requirements and limitations; providing for certain deductions from amounts deposited in the Local Government Half-cent Sales Tax Clearing Trust Fund; providing that charges for electrical energy used by qualified businesses in an enterprise zone in municipalities exempting said businesses from the municipal utility tax shall be exempt from the sales and use tax for a specified period; providing for penalties; providing for expiration of said sales tax exemption provisions; creating s. 212.096, F.S.; providing a credit for job creation in enterprise zones against the sales and use tax; providing requirements and limitations; providing that a business claiming the credit shall not be eligible for a specified credit against the corporate income tax; providing a penalty for fraudulent claims; providing for expiration; amending ss. 220.02, 220.03, and 220.13, F.S., relating to credits against the corporate income tax for certain businesses located in or employing residents of enterprise zones; conforming language; revising definitions; extending repeal dates; amending s. 220.181, F.S.; renaming the credit against the corporate income tax for establishment of jobs employing residents of enterprise zones; providing that businesses located in enterprise zones are eligible for an extended credit; providing requirements and limitations; providing that a business claiming the credit shall not be eligible for a specified credit against the sales and use tax; providing a penalty for fraudulent claims; extending the repeal date; amending s. 220.182, F.S., and repealing subsection (9) thereof; renaming the credit against the corporate income tax for establishment of a new business or business expansion or rebuilding in an enterprise zone; providing that the credit shall

apply to all ad valorem taxes; revising requirements and providing procedures; extending the repeal date; deleting provisions relating to approval by the Department of Community Affairs; amending s. 220.183, F.S., relating to the community contribution tax credit; providing limitations; revising sponsor and project location requirements; revising application requirements; providing for review by the Department of Community Affairs; extending the repeal date; amending ss. 290.001, 290.002, 290.003, 290.004, 290.006, 290.007, 290.008, and 290.009, F.S., relating to the Florida Enterprise Zone Act; extending certain repeal dates and conforming language; providing for issuance of identifying numbers for enterprise zones; providing for assistance of Department of Health and Rehabilitative Services; creating ss. 290.0055 and 290.0065, F.S.; providing procedures and requirements for local authorization of enterprise zones and for approval by the department; providing for repeal; creating s. 290.013, F.S.; requiring state agency rules to provide certain encouragements and incentives with respect to enterprise zones; requiring state agencies to waive, modify or minimize the adverse impacts of certain rules on enterprise zones; providing for an annual report; providing for expiration; creating s. 290.014, F.S.; providing for annual reports on enterprise zones by counties, municipalities, and the department; providing for expiration; creating s. 290.015, F.S.; providing for a research design; providing duties of Auditor General; providing for legislative reviews of the Florida Enterprise Zone Act and its components; providing for expiration; amending s. 290.034, F.S.; providing that the amount of the Community Development Support and Assistance Fund that may be used each year for administrative expenses shall be determined by the General Appropriations Act; specifying priority for use of the fund; creating s. 624.5105, F.S.; providing a community contributions tax credit against the insurance premium tax; providing limitations and requirements; providing for expiration; repealing s. 162.012, F.S., relating to a legislative review of the Florida Enterprise Zone Act; providing for the dissolution of certain existing enterprise zones; providing multiple effective dates.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Beard, the rules were waived and by two-thirds vote HB 1068 was withdrawn from the Committee on Transportation.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

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

CS for SB 87—A bill to be entitled An act relating to solicitation of contributions; amending s. 496.01, F.S.; providing a short title; amending s. 496.02, F.S.; providing definitions; amending s. 496.021, F.S.; prescribing powers and duties of the Department of State; amending s. 496.03, F.S.; providing for registration of charitable organizations; creating s. 496.035, F.S.; providing for reciprocal agreements; amending s. 496.04, F.S.; providing exemptions from registration and from registration fees; amending s. 496.045, F.S.; providing for registration of professional solicitors and professional solicitor employees; creating s. 496.046, F.S.; prescribing fees; creating s. 496.047, F.S.; providing for the disposition of fees; amending s. 496.06, F.S.; providing a limitation on the activities of charitable organizations; providing that certain annual drives shall be construed as special events as same appears in s. 339.301, F.S.; creating s. 496.065, F.S.; requiring disclosure; amending s. 496.09, F.S.; requiring the keeping of accurate fiscal records; providing an exemption from the provisions of s. 119.07, F.S., the public records law; amending s. 496.095, F.S.; providing for public records; amending s. 496.105, F.S.; providing for designation of the Department of State as agent for service of process for nonresidents; amending s. 496.11, F.S.; prohibiting certain acts; providing criminal penalties; amending s. 496.13, F.S.; providing for enforcement and penalties; creating s. 496.1315, F.S.; providing remedies for the unlawful solicitation of contributions; amending s. 496.132, F.S.; providing that more stringent local provisions shall not be preempted; amending s. 496.20, F.S.; providing a short title; amending s. 496.21, F.S.; providing definitions; amending s. 496.22, F.S.; prescribing powers and duties of the Department of State; amending s. 496.23, F.S.; providing for registration of sponsors; amending s. 496.235, F.S., prescribing fees; amending s. 496.24, F.S.; providing for registration of professional solicitors and professional solicitor employees; amending s. 496.25, F.S.; providing exemptions from registration; creating s. 496.265, F.S.; requiring disclosure; amending s. 496.28, F.S.; providing for public records; amending s. 496.29, F.S.; requiring the keeping of accurate fiscal records; amending s. 496.30, F.S.; providing for reciprocal agreements; amending s. 496.31, F.S.; prohibiting certain acts; providing criminal penalties;

amending s. 496.32, F.S.; providing for designation of the Department of State as agent for service of process for nonresidents; amending s. 496.33, F.S.; providing for enforcement and penalties; amending s. 496.335, F.S.; providing remedies for the unlawful solicitation of contributions; amending s. 496.34, F.S.; providing that more stringent local provisions shall not be preempted; amending s. 496.40, F.S.; providing for certain restrictions on solicitation of funds within public transportation facilities; providing for suspension or revocation of permits; amending s. 943.14, F.S.; relating to operation of private criminal justice training schools; dividing ch. 496, F.S., into three parts; providing that ch. 496, F.S., shall not stand repealed, but that such chapter, as amended, is revived and readopted, except that ss. 496.05, 496.26, and 496.27, F.S., shall stand repealed; providing for future repeal and review; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 20, strike everything after the enacting clause and insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9)(8) "Professional solicitor" means any person who, for a financial or other consideration, solicits contributions for, or on behalf of, a charitable organization, whether such solicitation is performed personally or through his agents, servants, or employees or through agents, servants, or employees specially employed by or for a charitable organization, who are engaged in the solicitation of contributions under the direction of such person; *or a person who, for a financial or other consideration, plans, conducts, manages, carries on, or advises a charitable organization in connection with the solicitation of contributions;* however, no agent, servant, or employee of a professional solicitor shall be deemed to be a professional solicitor. A bona fide salaried officer or employee of a charitable organization ~~maintaining a permanent establishment within the state~~ shall not be deemed to be a professional solicitor. However, ~~except for a bona fide salaried officer or employee of a parent or federated fundraising organization who, in such capacity, solicits for a chapter, branch or independent member agency thereof, any bona fide salaried officer or employee of a charitable organization that engages in the solicitation of contributions for a financial or other consideration in any manner for more than one charitable organization shall be deemed a professional solicitor. No attorney, investment counselor, accountant, or banker who, in the conduct of his profession, advises a any person to make a contribution to a charitable organization shall be deemed, as a result of such advice, to be a professional solicitor.~~

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

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

(a) Any oral or written request.

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

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

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

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

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

496.021 Powers and duties of the Department of State.—

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

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

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

(4) ~~All financial records of any professional solicitor or charitable organization which records pertain to the solicitation and expenditure of contributions received shall, upon demand, be available to the department for inspection and investigation. However, names, addresses, and identities of contributors and amounts contributed by them shall be exempt from the provisions of s. 110.07(1), the public records law, shall not be disclosed by the department; and shall be removed from the records and the custody of the department at such time that such information is no longer necessary for the enforcement of ss. 496.01-496.132 and shall not be disclosed by the department.~~

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

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

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

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

496.03 Registration of charitable organizations.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A chapter, branch, affiliate, or independent member agency, upon mutual agreement with the parent organization or federated fundraising organization and upon payment of its own application fee, may submit its

application for registration or renewal to its parent organization or federated fundraising organization for transmittal to the department along with the application for registration or renewal submitted by the parent organization or federated fundraising organization. The financial statement of the parent organization or federated fundraising organization shall reflect the financial activities of those chapters, branches, affiliates, and independent member agencies which submit applications for registration or renewal through the parent organization or federated fundraising organization.

(3) Each chapter, branch, affiliate, or independent member agency of a parent organization or federated fundraising organization which solicits or receives contributions from any source other than the parent organization or federated fundraising organization or a governmental agency shall, if such contributions are not reported through the parent organization or federated fundraising organization, apply for registration independently and pay the appropriate fees as prescribed in section 496.046.

(4) Any organization, chapter, branch, affiliate, or independent member agency contracting with a professional solicitor shall report the agreement in writing, with a copy of the contract, to the department within 14 days of the contract agreement. In addition, any chapter, branch, affiliate, or member organization of a parent organization or federated fundraising organization shall, when contracting with a professional solicitor, file for registration separately from the parent organization or federated fundraising organization and pay its own fees as prescribed in section 496.046.

(5) Each applicant for registration shall submit the registration fee prescribed in s. 496.046, upon approval of the application. Application fees shall be submitted with the application.

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

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

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

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

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

(11) A certificate of registration which has been expired for 6 months or more shall not be renewed, and any organization having such a registration shall be treated as a new applicant.

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

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

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

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

496.04 Exemptions from registration and from registration fees.—

(1) The following are exempt from the registration provisions of this part, if they do not employ a professional solicitor:

(a) A charitable organization which does not receive contributions in excess of \$10,000 during its fiscal year.

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

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

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

(e) A public educational institution comprising a part of the State University System or operated by a community college board of trustees under statutory authority and rules of the State Board of Education or by a district school board, and a direct support organization authorized pursuant to s. 240.299 or s. 240.331 and any parent-teacher organization recognized by the educational institution.

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

Exempt organizations shall maintain such records as necessary to prove that the organization qualifies for such exemption. Upon demand, such records shall be made available to the department or an appropriate authority for inspection. Any charitable organization granted an exemption pursuant to this subsection may surrender such exemption; provided, however, that any such surrender shall be permanent and shall be a surrender of all exemptions. Any organization no longer exempt under this subsection because of such surrender or for any other reason shall register with the department within 30 days and pay the fees as prescribed in section 496.046.

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

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

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

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

496.045 Registration of professional solicitors and professional solicitor employees.—

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

(2) Every person shall, before being employed within this state as by a professional solicitor ~~employee for the purpose of making, supervising,~~

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

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

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

(5)(3) The applicant for registration as a professional solicitor shall, at the time of making application, file with and have approved by the department of State, a bond in which the applicant shall be the principal obligor in the sum of \$10,000 with one or more sureties, satisfactory to the department of State, whose liability in the aggregate as such sureties will at least equal that the said sum and maintain the said bond in effect so long as a registration is in effect. Such bond may be secured by cash, or its equivalent, such as certificates of deposit, pursuant to rule adopted by the department. The bond shall be payable to the State of Florida for the use of the department of State and any person who prevails in an ~~may have a cause of action against the obligor of the said bonds for any losses resulting from malfeasance, nonfeasance, or misfeasance in the conduct of solicitation activities.~~ An individual, partnership or corporation, which is a professional solicitor, may file a consolidated bond on behalf of all its members, officers, and employees. A certificate of registration issued to a professional solicitor shall be automatically suspended on the date of expiration or cancellation of his surety bond, unless evidence of renewal or replacement is provided prior to the expiration or cancellation.

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

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

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

(9) A certificate of registration which has been expired for 6 months or more shall not be renewed, and any person having such a registration shall be treated as a new applicant.

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

496.046 Fees.—

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

(2) Each application for registration as a professional solicitor or professional solicitor employee shall be accompanied by a \$10 original application fee.

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

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

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

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

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

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

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

496.06 Limitation on activities of charitable organization.—

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

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

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

496.065 Disclosure.—

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

(a) The contributions received; the percentage of the contributions paid to a professional solicitor if one was used; the additional costs of fundraising incurred; and the contributions which were actually used for the stated purpose for which contributions were solicited. This information shall be based on the latest available financial reports filed by the registered parties with the department or on the estimates provided by the registrant if financial reports are not yet available. Estimates shall be designated as such.

(b) The purposes of the organization.

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

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

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

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

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

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

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

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

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

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

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

496.11 Prohibited acts; required acts; criminal penalties.—

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

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

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

(4)~~(1)~~ No organization, and no person soliciting contributions on behalf of an organization, subject to the provisions of ~~ss. 496.01-496.132~~ shall use or exploit the fact of registration in a manner which would lead a reasonable person ~~so as to lead the public to believe that such registration in any manner constitutes an endorsement or approval by the state.~~ ~~;~~ provided, however, that The use of the following statement in connection with solicitations by or on behalf of an organization registered under *this part* shall not be deemed a prohibited exploitation: "Registered with the Florida Department of State as required by law. Registration does not imply endorsement of a public solicitation for contribution."

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

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

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

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

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

(b) *The professional* Such solicitor or his agent, servant, or employee carries such authorization with him when making solicitations and exhibits the same on request to persons solicited or police officers or other law enforcement officials or agents of the department of State, or, if such solicitations are made by telephone, *the professional* such solicitor has, in his application for registration required pursuant to ~~s. 496.045(1)~~, expressly stated his intention to make telephone solicitations and has attached to the application the proposed text of any such telephone solicitations and all such solicitations are made substantially in accordance with the proposed text. ~~Professional solicitors shall also submit a copy of any literature or written material used in solicitation.~~

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

(9)~~(6)~~ No person shall use the words "charity" or "charitable" as a part of its name, unless licensed or exempt under *this part* ~~ss. 496.01-496.132~~.

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

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

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

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

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

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

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

496.13 Enforcement and penalties.—

~~(1) No charitable organization or professional solicitor which fails to file any registration application, statement, report, or other information required to be filed with the Department of State under ss. 496.01-496.132 as a prerequisite to registration shall engage in any of the activities permitted duly registered persons or organizations under the provisions of ss. 496.01-496.132. No organization or professional solicitor shall engage in charitable solicitation without a current registration certificate.~~

(1)(2) The department of State, upon its own motion or upon complaint of any person, may, if it has reasonable ground to suspect a violation, investigate any person, charitable organization, or professional solicitor, or professional solicitor employee, to determine whether such person, or organization, or professional solicitor, or any agent, servant, or employee thereof, has violated any provision of this part the provisions of ss. 496.01-496.132 or has filed any application or other information required under ss. 496.01-496.132 which contains false or misleading statements. If the department of State finds that any application or other information contains false or misleading statements, or that person, whether registered a registrant under this part or not ss. 496.01-496.132, or an agent, servant, or employee thereof, has violated a provision of this part the provisions hereof, it may take one or more of the following actions:

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

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

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

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

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

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

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

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

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

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

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

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

(e) The funds raised by solicitation activities are not devoted or will not be devoted to the charitable purposes of the charitable organization;

an action shall be brought by the department or any prosecuting attorney against such charitable organization or professional solicitor and its officers, or any other person who has violated ss. 496.01-496.132 or who has participated or is about to participate in any solicitation or collection by employing any device, scheme, artifice, false representation, or promise, to defraud or obtain money or other property, to enjoin such charitable organization or other person from continuing such violation, solicitation or collection, or engaging therein, or doing any acts in furtherance thereof and for such other relief as to the court seems appropriate.

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

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

496.1315 Contributions unlawfully solicited; remedies.—

(1) Contributions are unlawfully solicited if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3)(9) *"Department" means the Department of State.*

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

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

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

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

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

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

(8)(6) *"Professional solicitor" means any person who, for a financial or other consideration, solicits contributions for, or on behalf of, a sponsor, whether such solicitation is performed personally or through his agents, servants, or employees or through agents, servants, or employees specially employed by or for a sponsor, who are engaged in the solicitation of contributions under the direction of such person; or a person who, for a financial or other consideration, plans, conducts, manages, carries on, or advises a sponsor in connection with the solicitation of contributions; however, no agent, servant, or employee of a professional solicitor shall be deemed to be a professional solicitor; ~~nor shall an attorney, accountant, or banker who, in the conduct of his profession, advises a sponsor or advises a person to make a contribution to a sponsor be deemed, as a result of such advice, to be a professional solicitor.~~ A bona fide salaried officer or employee of a sponsor maintaining a permanent establishment within the state shall not be deemed a professional solicitor. However, except for a bona fide salaried officer or employee of a parent organization who, in such capacity, solicits for a chapter, branch or affiliate thereof, any bona fide salaried officer or employee of a sponsor ~~that also engages in the solicitation of contributions for a financial or other consideration in any manner for one or more other sponsors shall be deemed a professional solicitor, if the total financial or other consideration received by such officer or employee in any year from all such other sponsors is more than \$1,500.~~ No attorney, investment counselor, accountant, or banker who, in the conduct of his profession, advises a sponsor or advises a person to make a contribution to a sponsor shall be deemed, as a result of such advice, to be a professional solicitor. "Professional solicitor" does not include a bona fide salaried officer or employee of an organization established and operated by a Florida nonprofit organization for the purpose of providing homes and care for needy and underprivileged children.*

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

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

(a) *Any oral or written request.*

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

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

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

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

(11)(4) "Sponsor" means a group or person which is or holds itself out to be soliciting contributions from the public by the use of any name which implies that the group or person is in any way affiliated with or organized for the benefit of emergency service employees or law enforcement officers. The term includes a chapter, branch or area office, similar affiliate, or agent of a sponsor which has its principal place of business outside the state, if such chapter, branch or area office, similar affiliate, or agent solicits or holds itself out to be soliciting contributions in this state. The term does not include a Florida nonprofit or charitable organization or its parent organization which nonprofit or charitable organization or parent organization is established for the primary purpose of operating a Florida child-care facility licensed under section 409.175.

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

496.22 Powers and duties of the Department of State.—

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

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

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

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

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

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

496.23 Registration of sponsors.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Each chapter, branch, or affiliate of a parent organization which solicits or receives contributions from any source other than the parent organization or a governmental agency shall, if such contributions are not reported through the parent organization, apply for registration independently, and pay the appropriate fees as prescribed in section 496.235.

(4) Any chapter, branch, or affiliate of a parent organization contracting with a professional solicitor shall report the agreement in writing, with a copy of the contract, to the department within 14 days of the contract agreement. In addition, any chapter, branch or affiliate of a parent organization shall, when contracting with a professional solicitor, file for registration separately and pay its own registration fees as prescribed in section 496.235.

(5) Each applicant for registration shall submit the registration fee prescribed in s. 496.235, upon approval of the application. Application fees shall be submitted with the application.

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

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

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

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

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

(11) A certificate of registration which has been expired for 6 months or more shall not be renewed, and any sponsor having such a registration shall be treated as a new applicant.

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

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

496.235 Fees.—

(1) Each application for original registration shall be accompanied by a \$25 application fee.

(2) Each sponsor shall pay an annual registration fee of \$300.

(3) Each professional solicitor shall pay an annual registration fee of \$1,500.

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

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

496.24 Registration of professional solicitors and professional solicitor employees.—

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

(2) Each person shall, before being employed within this state as by a professional solicitor employee for the purpose of making, supervising,

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

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

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

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

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

(7) ~~Each professional solicitor and professional solicitor employee shall, prior to the expiration of his certificate of registration, file with the department a registration renewal form prescribed and furnished by the department and shall pay the annual registration fee prescribed in s. 496.235.~~

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

(9) ~~A certificate of registration which has been expired for 6 months or more shall not be renewed, and any person having such a registration shall be treated as a new applicant.~~

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

496.25 Exemptions from registration.—

(1) The following are exempt from the registration provisions of *this part* if they do not employ a professional solicitor ~~ss. 496.20-496.34:~~

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

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

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

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

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

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

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

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

Exempt sponsors shall maintain such records as necessary to prove that the sponsor qualifies for such exemption. Upon demand, such records shall be made available to the department or an appropriate authority for inspection. Any sponsor granted an exemption pursuant to this subsection may surrender such exemption; provided, however, that any such surrender shall be permanent and shall be a surrender of all exemptions. Any sponsor no longer exempt under this subsection because of such surrender or for any other reason shall register with the department within 30 days, and pay the fees as prescribed in section 496.235.

~~(2) The department Secretary of State may grant an exemption from this part ~~ss. 496.20-496.34~~ to any organization which is registered under and complies with the requirements of part I if such organization's purposes are solely charitable and the organization complies with all the disclosure requirements of this part except for section 496.265(1)(d). ~~ss. 496.01-496.132 and which complies substantially with the disclosure requirements of ss. 496.20-496.34.~~~~

(3) A person who is exempt may not solicit contributions until he has applied for and received from the department a letter of exemption. The department shall not assess a ~~an~~ application fee or registration fee against any exempt sponsor. Each letter of exemption granted by the department shall be valid for a period not to exceed 1 year.

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

496.265 *Disclosure.*—

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

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

(b) *The purposes of the sponsor.*

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

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

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

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

The disclosure statement shall be submitted to the department for approval. The department shall approve the use of the disclosure statement if it contains the information required by this section and if, based upon the past performance of the sponsor and professional solicitor or based upon the registration statement, contract with the professional solicitor, financial statement, and other information on file with the department, all estimates appear to be accurate. No person acting on behalf of a sponsor may solicit contributions until the disclosure statement has been approved.

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

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

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

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

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

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

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

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

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

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

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

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

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

496.31 *Prohibited acts; required acts; criminal penalties.—*

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

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

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

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

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

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

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

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

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

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

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

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

(c) Prior to beginning any solicitation, ~~the such~~ professional solicitor has filed with the department a true copy of any written agreement or contract ~~which may have been entered into~~ between a sponsor and the professional solicitor. If the agreement or contract is not in writing, a written statement of the agreement setting forth the terms and conditions of the agreement, including the professional solicitor's compensa-

tion, shall be filed with the department prior to beginning any solicitation. Within 5 calendar days after any change, modification, or termination of any agreement, notice of such change, modification, or termination shall be filed with the department along with a true copy of any written change or modification or a statement in writing setting forth the terms and conditions of any change or modification not in writing.

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

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

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

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

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

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

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

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

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

(1) Sponsors or professional solicitors which have their principal place of business without the state, or which are organized under and by virtue of the laws of a foreign state, and which solicit contributions from people in this state shall be subject to the provisions of ~~this part ss. 496.20-496.34~~ and shall be deemed to have irrevocably appointed the department of State as their agent upon whom may be served any summons, subpoena, subpoena duces tecum, or other process directed to such sponsor or professional solicitor or any partner, principal officer, or director thereof in any action or proceeding brought under the provisions of ~~this part ss. 496.20-496.34~~.

(2) Service of such process upon the department of State shall be made by personally delivering to and leaving with the department a copy thereof at the Capitol in Tallahassee. Such service shall be sufficient service, provided that notice of such service and a copy of such process are forthwith sent to such sponsor or professional solicitor by registered or

certified mail with return receipt requested at its office, as set forth in the registration statement filed with the department pursuant to *this part ss. 496.20-496.34* or, in default of the filing of such statement, at the last address known.

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

496.33 Enforcement and penalties.—

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

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

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

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

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

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

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

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

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

496.335 Contributions unlawfully solicited; remedies.—

(1) Contributions are unlawfully solicited if:

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

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

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

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

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

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

496.40 Solicitation of funds within public transportation facilities.—

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Henderson moved the following amendments to House Amendment 1 which were adopted:

Amendment 1—On page 4, line 5, strike "that" and insert: *who that*

Amendment 2—On page 37, line 18, strike "~~that also engages in the solicitation of contributions~~" and insert: *who that also engages in the solicitation of contributions*

On motions by Senator Henderson, the Senate concurred in the House amendment as amended and the House was requested to concur in the Senate amendments.

CS for SB 87 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Carlucci, Gersten, Mann, Stuart

The Honorable Curtis Peterson, President

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

SB 46—A bill to be entitled An act relating to law enforcement; amending s. 843.19, F.S.; prohibiting any person from injuring or killing a police horse under certain conditions; provides a penalty; provides an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 25, strike all of said line and insert:

Section 2. Section 843.025, Florida Statutes, is created to read:

843.025 Depriving officer of means of protection.—It is unlawful for any person to deprive a law enforcement officer of his or her weapon or radio or to otherwise deprive a law enforcement officer of the means to defend himself or herself or summon assistance. Any person who violates this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

Amendment 2—On page 1, in the title, line 5 after "certain condition;" strike all of said title and insert: creating s. 843.025, F.S.; prohib-

iting any person from depriving a law enforcement officer of his or her weapon or radio or otherwise preventing the officer from summoning assistance or defending himself or herself; providing penalties; providing an effective date.

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

SB 46 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Fox	Hill	Myers
Barron	Frank	Jennings	Rehm
Beard	Girardeau	Kirkpatrick	Scott
Castor	Gordon	Langley	Thomas
Childers, D.	Grant	Malchon	Vogt
Childers, W. D.	Grizzle	Margolis	Weinstein
Deratany	Hair	McPherson	
Dunn	Henderson	Meek	

Nays—None

Vote after roll call:

Yea—Carlucci, Gersten, Mann, Stuart

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 3, and on page 5, line 24 before the period (.) insert: *and for any payment when requested in writing by the borrower*

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

SB 321 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Carlucci, Gersten, Mann, Stuart

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 616—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S., modifying the definition of employment as it applies to agricultural service to conform state law to federal law postponing coverage of alien agricultural workers; providing for retroactive application; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 12, strike everything after the enacting clause and insert:

Section 1. Paragraphs (e) and (n) of subsection (17) of section 443.036, Florida Statutes, are amended to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(17) **EMPLOYMENT**.—“Employment,” subject to the other provisions of this chapter, means any service performed by an employee for the person employing him.

(e) **Agricultural service**.—The term “employment” includes service performed after December 31, 1977, by an individual in agricultural labor, as defined in subsection (1), when:

1. Such service is performed for a person who:

a. During any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of \$20,000 or more to individuals employed in agricultural labor.

b. For some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment of time.

2. Such service is performed in agricultural labor if performed after December 31, 1985 ~~1983~~, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to ss. 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act. Service performed in agricultural labor by an alien individual as described in this subparagraph shall not be considered employment if such service is performed prior to January 1, 1986 ~~1984~~.

3. Such service is performed by any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person.

a. For the purposes of this subparagraph, a crew member shall be treated as an employee of the crew leader:

(I) If the crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963 or if substantially all of the members of the crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment which is provided by the crew leader; and

(II) If such individual is not an employee of such other person within the meaning of paragraph (17)(a).

b. For the purposes of this subparagraph, in the case of an individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of the crew leader under sub-subparagraph a.:

(I) Such other person and not the crew leader shall be treated as the employer of such individual; and

(II) Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader, either on his own behalf or on the behalf of such other person, for the service in agricultural labor performed for such other person.

(n) **Exclusions generally**.—The term “employment” does not include:

20. Service performed by speech therapists, occupational therapists, and physical therapists who are nonsalaried and working pursuant to a written contract with a home health agency as defined in s. 400.462.

Section 2. The amendments to paragraph (e) of subsection (17) of section 443.036, Florida Statutes, shall take effect upon becoming a law and shall operate retroactively to January 1, 1984, and the amendments to paragraph (n) of subsection (17) of said section, shall take effect July 1, 1984.

Amendment 2—On page 1 in the title, lines 7 and 8, strike all of said lines and insert: agriculture workers; exempting certain speech therapists, occupational therapists, and physical therapists from the definition of “employment” for purposes of unemployment compensation; providing for retroactive application; providing effective dates.

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

SB 616 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Stuart

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 7, after the period insert:

Section 2. (1) The University of South Florida Cancer Center is hereby named the “Lee Moffitt Cancer Center” in recognition of the efforts of Representative Lee Moffitt in his years of service to the House of Representatives and in recognition of and appreciation of the invaluable service he has provided to his constituency and to the State of Florida.

(2) The Department of General Services is directed to erect suitable markers reflecting the name of the cancer center as described in subsection (1).

(Renumber subsequent section.)

Amendment 2—On page 1 in the title, line 8 after the semi-colon, insert: naming the University of South Florida Cancer Center as the Lee Moffitt Cancer Center; directing the Department of General Services to erect suitable markers;

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

SB 833 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

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

Nays—None

Vote after roll call:

Yea—Stuart

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 1103—A bill to be entitled An act relating to Escambia County; amending s. 3(d), chapter 24500, Laws of Florida, 1947, as amended; increasing the expense allowance for the members of the Santa Rosa Island Authority; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 16-19, strike the following language after the “;”: in the amount of \$400 per month, and insert after the “;”: in an amount to be determined by the Board of County Commissioners of Escambia County, not to exceed the sum of \$400 per month,

Amendment 2—On page 1 in the title, between lines 5 and 6, insert: Providing that four (4) members shall constitute a quorum;

On motions by Senator W. D. Childers, the Senate concurred in the House amendments.

SB 1103 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Stuart

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 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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 12, strike “no owner” and insert: owners

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

SB 1123 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Stuart

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 amended Senate Amendments 1 and 2, concurred in same as amended and passed HB 1040, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

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

Amendment 1 to Senate Amendment 1—On page 2, lines 20-31, strike all of said lines

(Renumber subsequent sections.)

Amendment 2 to Senate Amendment 1—On page 6, lines 3-31; On page 7, lines 1-31; On page 8, lines 1-9, strike all of said lines.

(Renumber subsequent sections.)

Amendment 3 to Senate Amendment 1—On page 8, line 24, insert: Section 13. This act shall take effect October 1, 1984

Amendment 4 to Senate Amendment 1—On page 1, lines 12 through 20, strike all of said lines and insert:

Section 1. Section 72.011, Florida Statutes, is amended to read:

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

(1) A taxpayer may contest the legality of any assessment of tax, interest, or penalty provided for under s. 125.0104, s. 125.0165, chapter 198, chapter 199, chapter 201, chapter 203, chapter 206, chapter 207, chapter 208, chapter 211, chapter 212, chapter 213, chapter 214, chapter 220, chapter 221, s. 336.021, s. 336.025, chapter 376, or chapter 624 by filing an action in circuit court; or, alternatively, the taxpayer may file a petition under the applicable provisions of chapter 120. However, once an action has been initiated under s. 120.56, s. 120.565, or s. 120.57, no action relating to the same subject matter may be filed by the taxpayer in circuit court, and judicial review shall be exclusively limited to appellate review pursuant to s. 120.68; and once an action has been initiated in circuit court, no action may be brought under chapter 120.

(2) No action may be brought and no petition may be filed to contest an assessment of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1) after 60 days from the date the assessment becomes final. The department shall establish by rule when an assessment becomes final for purposes of this section and a procedure by which a taxpayer shall be notified of the assessment.

(3)(a) Before a taxpayer may bring an ~~in~~ action filed in circuit court contesting the legality of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1), ~~he shall the plaintiff must:~~

1. Pay to the department not less than the amount of the tax, including penalties and accrued interest, which he admits in good faith to be owing; and either

2.(a) Tender into the registry of the court with the complaint the full amount of the contested assessment complained of, including penalties and accrued interest, unless this requirement is waived, in writing, by the department; or

3.(b) File with the complaint a cash bond or a surety bond for the amount of the contested assessment endorsed by a surety company authorized to do business in this state, or by any other security arrangement as may be approved by the court, and conditioned upon payment in full of the judgment, including the taxes, costs, penalties, and interest not already paid into the department.

(b) Before a taxpayer may file a petition under chapter 120 contesting the legality of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1), he shall:

1. Pay to the department not less than the amount of the tax, including penalties and accrued interest, which he admits in good faith to be owing; and

2. File with the petition a cash bond or a surety bond for the amount of the contested assessment complained of endorsed by a surety company authorized to do business in this state, or by any other security arrangement as may be approved by the hearing officer, and conditioned upon payment in full of the judgment, including the taxes, costs, penalties, and interest not already paid into the department.

(4) The department shall issue a receipt for the payment made pursuant to subparagraph (3)(a)1. or subparagraph (3)(b)1. and the taxpayer shall file the receipt with his complaint or petition.

(5) Payment of a tax, except as provided in subparagraphs (3)(a)1. and (b)1., shall not be deemed an admission that the tax was due and shall not prejudice the right of a taxpayer to bring a timely action as provided in subsection (2) to challenge such tax and seek a refund.

(6) No action to contest a tax assessment may be maintained, and any such action shall be dismissed, unless all taxes assessed in years after the action is brought, which the taxpayer in good faith admits to be owing, are paid before they become delinquent.

(7) The requirements of subsections (2), (3), and (6) are jurisdictional. No court or hearing officer shall have jurisdiction in such cases until after the requirements of both subsections (2) and (3) have been met. A court or hearing officer shall lose jurisdiction of a case when the taxpayer has failed to comply with the requirements of subsection (6).

(8)(4)(a) Except as provided in paragraph (b), an action initiated in circuit court pursuant to subsection (1) shall be filed in the Second Judicial Circuit Court in and for Leon County, or in the circuit court in the county where the taxpayer resides or maintains its principal commercial domicile in this state.

(b) Venue in an action initiated in circuit court pursuant to subsection (1) by a taxpayer that is not a resident of this state or that does not maintain a commercial domicile in this state shall be in Leon County. Venue in an action contesting the legality of an assessment arising under chapter 198 shall be in the circuit court having jurisdiction over the administration of the estate.

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

(10)(6) This section is not applicable to actions for refund of taxes previously paid.

Section 2. Section 72.021, Florida Statutes, is created to read:

72.021 Taxes admitted to be owing; penalty.—If the court or hearing officer finds that the amount of tax which the taxpayer has admitted to be owing is grossly disproportionate to the amount of tax found to be due or that the taxpayer's admission was not made in good faith, the court or hearing officer shall also impose a penalty at the rate of 15 percent of the deficiency per year from the date the tax became delinquent.

(Renumber subsequent sections.)

Amendment 1 to Senate Amendment 2—On page 1 in the title, lines 23-25, strike all of said lines and insert: amending s. 212.66,

Amendment 2 to Senate Amendment 2—On page 2 in the title, lines 9-14, strike all of said lines and insert: taxes; amending s. 20.21, F.S.;

Amendment 3 to Senate Amendment 2—On page 1 in the title, line 16, after the semicolon (;) insert: requiring taxpayers to pay the Department of Revenue uncontested amounts of tax due prior to bringing an administrative or judicial action to contest the tax; providing bond requirements; specifying additional provisions to which the section is applicable; providing for effect of compliance and noncompliance; creating s. 72.021, F.S.; authorizing the court or hearing officer to impose a penalty under certain circumstances;

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

HB 1040 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

The Honorable Curtis Peterson, President

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

SB 220—A bill to be entitled An act relating to postsecondary education; creating s. 240.138, F.S.; requiring community colleges and universities to report foreign donations that exceed a specified amount during a single fiscal year; providing for enforcement by the State Board of Education; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 10, insert:

Section 1. Paragraph (f) is added to subsection (2) of section 235.31, Florida Statutes, to read:

235.31 Advertising and awarding contracts; day-labor projects; pre-qualification of contractor.—

(2)

(f) As an option, district school boards may set aside up to 10 percent or more of the total amount of funds allocated for the purpose of entering into construction capital projects contracts with minority business enterprises, as defined in s. 287.094. Such contracts shall be competitively bid only among minority business enterprises. Such set-aside shall be used to redress present effects of past discriminatory practices and shall be subject to periodic reassessment to account for changing needs and circumstances.

Section 2. Subsection (4) is added to section 287.094, Florida Statutes, to read:

287.094 Minority business enterprise programs; penalty for false representation.—

(4) Any county, municipality, community college, or district school board may set aside up to 10 percent or more of the total amount of funds allocated for the procurement of personal property and services for the purpose of entering into contracts with minority business enterprises. Such contracts shall be competitively bid only among minority business enterprises. Such set-aside shall be used to redress present effects of past discriminatory practices and shall be subject to periodic reassessment to account for changing needs and circumstances.

(Renumber subsequent sections.)

Amendment 2—On page 1 in the title, line 6, between “;” and “providing”, insert: amending s. 235.31, F.S., authorizing district school boards to set aside funds allocated thereto for construction project contracts with minority business enterprises; amending s. 287.094, F.S., authorizing counties, municipalities, community colleges, and district school boards to set aside funds allocated thereto for contracts with minority business enterprises; providing for competitive bidding and for periodic reassessment;

On motions by Senator Gordon, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 16, after the period insert the following and renumber subsequent section:

Section 2. Section 791.055, Florida Statutes, is created to read:

791.055 *Restrictions upon storage of sparklers.*—

(1) *Sparklers shall not be stored or kept for sale in any store:*

(a) *In which paints, oils, or varnishes are manufactured or kept for use or sale unless the paints, oils, or varnishes are in unbroken containers.*

(b) *In which resin, turpentine, gasoline or flammable substances, or substances which may generate vapors are used, stored, or offered for sale unless the resin, turpentine, gasoline, or substance is in unbroken containers.*

(c) *In which there is not at least one approved chemical fire extinguisher ready, available, and equipped for use in extinguishing fires.*

(2) *When sparklers are in storage to be offered for sale at retail, a sign shall be conspicuously displayed over the entrance to the room in which the sparklers are stored which reads: “CAUTION SPARKLERS-NO SMOKING.” No person shall be in such room while in possession of a lighted cigar, cigarette, or pipe.*

Amendment 2—On page 1 in the title, line 4, after the semicolon insert: creating s. 791.055, F.S.; restricting the storage of sparklers;

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

SB 645 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Barron	Dunn	Hair	McPherson
Beard	Fox	Henderson	Meek
Carlucci	Frank	Hill	Myers
Castor	Gersten	Jennings	Rehm
Childers, D.	Girardeau	Langley	Thomas
Childers, W. D.	Grant	Malchon	Vogt
Deratany	Grizzle	Mann	Weinstein

Nays—None

Vote after roll call:

Yea—Stuart

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 Senate Bills 2, 600, 528, 776, 1082, 1083, 1086, 1087, 1089, 1090, 524, 196 and 755; and has receded from House Amendments 1, 2, 3 and 4 and passed SB 396.

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 House Bills 1026, 1016, 1117, CS for HB 798, HB 220 and HB 1108.

Allen Morris, Clerk

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Mills, T. Brown, Carpenter, C. Jones, Patchett; Alternates Liberti, Murphy as Conferees on the part of the House on CS for CS for HB 1187.

Allen Morris, Clerk

First Reading

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed HB 922, CS for HB 234, HB's 871, 404, 531, 931, CS for CS for HB 763, HB 1298, CS for HB 1111, HB's 373, 726, CS for CS for HB 32, CS for HB 497, HB's 885, 1292; and has passed as amended HB 572, CS for HB's 114 and 158, HB's 1204, 379, 553, 539, 802, 719, 1038, 230, 750, 341, 525, 52, 1221, CS for HB 1206, HB's 920, 1262, CS for HB's 279 and 462, HB 64, CS for HB 491, HB 77, CS for HB 640, CS for HB 474, CS for HB 520, CS for HB 1138, CS for CS for HB 702, CS for HB 259, HB 1275, CS for HB 852, CS for HB 843, HB's 277, 326, CS for HB 172, CS for HB 688, HB's 1218, 382, 393, 18, 453, 66, 875, CS for HB 437, CS for HB 671; and has adopted HCR 1306, HCR 1286 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Mitchell—

HB 922—A bill to be entitled An act relating to public officers and employees; amending s. 112.061(5)(b), (6), and (7)(d), Florida Statutes; revising travel times on which meal allowances are based and provisions relating to reimbursement rates for certain travel; revising provisions relating to per diem, meal, and mileage allowances; amending s. 281.20(4), Florida Statutes; correcting a cross-reference and revising travel allowances; providing an effective date.

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

By the Committee on Education, K-12 and Representative Hazouri—

CS for HB 234—A bill to be entitled An act relating to school personnel; amending s. 231.36, F.S., relating to contracts with instructional staff; amending s. 231.40, F.S., expanding personal leave days for school personnel; providing an effective date.

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

By Representative Silver—

HB 871—A bill to be entitled An act relating to the Florida Patient's Compensation Fund; amending s. 768.54, F.S., deleting the specified period of the fiscal year for the fund; delaying scheduled increases in entry level coverage health care providers are responsible for paying; changing the date for the annual establishment of certain fees; amending s. 81 of chapter 82-386, Laws of Florida, deleting the scheduled repeal of provisions relating to the order of payment of claims after funds in any year are exhausted; providing an effective date.

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

By Representative Hazouri—

HB 404—A bill to be entitled An act relating to employees of school districts; amending s. 231.415, F.S., to provide that the collective bargaining rights of school district employees who are covered by a local civil service system shall not be limited by certain provisions relating to leave; providing an effective date.

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

By Representative Gardner and others—

HB 531—A bill to be entitled An act relating to the security of data and information technology resources; establishing the responsibilities of state agencies, the Board of Regents, the Supreme Court, the Information Resource Commission, and the Department of General Services; providing for confidentiality of certain information; providing exceptions; providing an effective date.

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

By Representatives Murphy and Sanderson—

HB 931—A bill to be entitled An act relating to sale of human embryos; creating s. 381.603, F.S.; prohibiting the advertisement, purchase, sale, or transfer for consideration of human embryos; providing a penalty; providing an effective date.

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

By the Committees on Judiciary and Tourism and Economic Development and Representative R. M. Johnson and others—

CS for CS for HB 763—A bill to be entitled An act relating to the sale of art; providing definitions; providing restrictions upon the sale of art on consignment; requiring written consignment agreements and specifying certain provisions thereof; creating certain warranties of authenticity in the sale of art by art dealers; providing for the construction of warranties and limitations thereon; providing for the effect of the act on existing rights and liabilities; limiting liability in certain circumstances; providing exemptions; providing an effective date.

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

By the Committee on Veterans Affairs and Representatives L. R. Hawkins and Upchurch—

HB 1298—A bill to be entitled An act relating to the Florida National Guard; amending s. 250.40, F.S.; providing for deposit of certain National Guard Armory funds in local banking institutions; providing for establishment of rules and regulations by the Armory Board; authorizing the employment of personnel to perform bookkeeping, maintenance and janitorial services from such funds; providing an effective date.

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

By the Committee on Retirement, Personnel and Collective Bargaining and Representative Dantzler—

CS for HB 1111—A bill to be entitled An act relating to pension trust funds; amending ss. 175.061 and 185.05, F.S., providing, with respect to the Municipal Firefighters' Pension Trust Fund and Municipal Police Officers' Retirement Trust Fund, that the mayor may appoint an elected municipal official to serve in his place on the board of trustees; providing an effective date.

—was referred to the Committee on Personnel, Retirement and Collective Bargaining.

By Representative Grant—

HB 373—A bill to be entitled An act relating to security of communications; amending s. 934.07, Florida Statutes; authorizing the interception of certain wire or oral communications; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representative Watt—

HB 726—A bill to be entitled An act relating to retirement; amending s. 112.048, F.S., relating to retirement for elective officers of cities or towns with no available retirement plan; providing for retirement upon satisfaction of certain service requirements; providing an effective date.

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

By the Committees on Appropriations and Commerce and Representative Dudley and others—

CS for CS for HB 32—A bill to be entitled An act relating to the regulation of unsolicited consumer telephone calls; creating s. 365.167, F.S.; prohibiting the making of unsolicited consumer telephone calls to certain subscribers; providing for the adoption of rules by the Florida Public Service Commission; providing for fees; providing a penalty; providing for injunctive relief; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Natural Resources and Representative Selph and others—

CS for HB 497—A bill to be entitled An act relating to sewage disposal; amending s. 381.272, F.S., providing for a waiver of the requirement for mandatory connection with respect to onsite sewage disposal systems; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Health and Rehabilitative Services.

By Representatives B. L. Johnson and Ward—

HB 885—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; amending s. 372.5712, F.S., relating to the selection of art work for the design of the waterfowl stamp; providing an effective date.

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

By Representative Drage—

HB 1292—A bill to be entitled An act relating to Orange County; amending chapter 69-1371, Laws of Florida, as amended, relating to the acquisition and operation of waste collection and disposal systems in the county; providing amended definitions; amending the legislative declaration of policy; imposing a duty on the county to regulate the disposal of solid waste when necessary for public health and safety, irrespective of anticompetitive effects; providing for the issuance of nonexclusive franchises; increasing the period for permits, franchises and licenses for solid waste collection from 3 years to 4 years; authorizing the county to require all persons, including holders of permits, franchises and licenses, to dispose of all waste through the county's waste collection and disposal system; ratifying previous permits, franchises and licenses; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hanson—

HB 572—A bill to be entitled An act relating to towing; amending ss. 125.0103 and 166.043, F.S., providing that local governments may enact certain ordinances relating to towing; amending s. 715.07, F.S., prohibiting the towing or removal of a vehicle from a municipality under certain circumstances; authorizing municipalities and counties to require licenses for persons engaged in the business of removal and towing of vehicles; authorizing municipalities and counties to regulate the rates and methods of towing, removal, and storage of vehicles; providing a penalty; providing an exception; providing that if a stolen rental or lease vehicle is towed from private property, the owner or its agent shall not be charged storage fees for a certain time period; providing an effective date.

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

By the Committee on Judiciary and Representative M. E. Hawkins and others—

CS for HB's 114 and 158—A bill to be entitled An act relating to alimony and child support; amending ss. 61.08 and 61.13, F.S., directing the courts, in alimony and child support orders entered after a certain date, to require payment of alimony and child support through county depositories; providing for modification of orders entered prior to said date under certain circumstances; providing for issuance of income deduction orders; providing for stay of income deduction when application for modification of alimony, support, or maintenance is made; amending s. 61.12, F.S., providing that certain disciplinary actions by employers to whom writs of attachment or garnishment are issued shall

constitute contempt of court; amending s. 61.181, F.S., requiring counties to create central depositories for receiving, recording, and disbursing alimony and child support payments; providing for the monitoring of payment histories and for the keeping of records related thereto; providing for the enforcement remedy of income deduction; providing restrictions; providing for notice of delinquency; providing for service of income deduction orders; providing for stay of income deduction when application for modification of alimony, support, or maintenance is made; providing procedure for contesting income deduction order; providing a limit on earnings subject to income deduction; obligating employers and certain other persons to deduct amounts from salary or other income as ordered; providing for protection from liability; providing additional remedies; providing for the imposition and collection of certain fees and providing guidelines for the establishment thereof; providing a penalty for failure to honor an income deduction order; proscribing employers and certain other persons from discharging or otherwise disciplining a person subject to such an order; providing an effective date.

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

By the Committee on Tourism and Economic Development—

HB 1204—A bill to be entitled An act relating to mobile homes and recreational vehicles; amending ss. 320.01, 320.822, F.S.; providing definitions; amending s. 320.8231, F.S., relating to uniform standards for recreational units; amending s. 320.8325, F.S., relating to mobile home tie-down requirements and installation standards; creating s. 513.001, F.S., providing legislative intent; amending s. 513.01, F.S., providing definitions; amending s. 513.02, F.S., relating to permits; amending s. 513.03, F.S., relating to applications for and issuance of permits; amending s. 513.055, F.S., providing for the suspension or revocation of permits; amending s. 513.10, F.S., relating to enforcement and penalties; creating s. 513.105, F.S., providing for inspection of premises; creating s. 513.107, F.S., providing for rules and the maintenance of a guest register; creating s. 513.109, F.S., providing for liability with respect to property of guests; amending s. 513.13, F.S., relating to grounds for eviction and proceedings with respect to recreational vehicle parks; creating ss. 513.14-513.38, F.S., providing for conduct on the premises and refusal of service; providing a penalty for obtaining accommodations in a park with intent to defraud; providing for rules of evidence in prosecutions; providing for detaining and arresting violators; providing for unclaimed property; providing for site rates, posting, and advertising; providing for duties of the state attorney; providing for application; providing for the operator's right to disconnect utilities; providing for the operator's right to recover the premises; providing for a writ of distress; providing for venue and jurisdiction; providing requirements with respect to complaints; providing for a pre-judgment writ of distress; providing for levy of the writ; providing for form and return; providing for inventory; providing for execution; providing exemptions from a writ of distress; providing for claims by third parties; providing for judgment for plaintiff when goods not delivered to defendant; providing for judgment for plaintiff under certain circumstances; providing for judgment for defendant under certain circumstances; providing for the sale of property under certain circumstances; providing an effective date.

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

By Representative Drage—

HB 379—A bill to be entitled An act relating to judgments; creating s. 55.147, F.S., providing for procedures relating to offers of judgments before trial; providing for acceptance of offers of judgments; providing for assessing costs and interest if such offers are not accepted; providing for procedures for entry of judgments in such cases; providing for exceptions to this act; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representatives Friedman and Press—

HB 553—A bill to be entitled An act relating to elementary and secondary schools; providing legislative intent with respect to biological experimentation; providing state policy with respect to experiments to be conducted on living subjects; prohibiting exhibition of nonconforming out-of-state projects; exempting instruction in the normal practices of animal husbandry; providing a penalty; providing an effective date.

—was referred to the Committee on Education.

By Representative Allen—

HB 539—A bill to be entitled An act relating to abandoned property; amending s. 705.16, F.S.; providing that the definition of public property includes certain sovereignty submerged lands; providing for county court hearing prior to removal of abandoned articles from private property and destruction thereof; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representatives Morgan and Lawson—

HB 802—A bill to be entitled An act relating to assessment of special classes of property; creating s. 193.505, F.S.; providing that the owner of historically significant property may convey development rights to such property to the county governing body or covenant with such body that the property not be used for purposes inconsistent with historic preservation; providing procedures and requirements; providing for assessment of such property; providing for payment of deferred tax liability upon release from or expiration of the covenant; providing duties of property appraiser and tax collector; amending s. 193.501, F.S., relating to assessment of outdoor recreational or park land; removing reference to historical sites; revising interest rate on deferred tax liability; requiring tax collector to report deferred tax liability collected under such section; repealing s. 193.507, F.S., relating to assessment of lands within areas of critical state concern; providing an effective date.

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

By Representative Peeples—

HB 719—A bill to be entitled An act relating to cemeteries; amending s. 497.003, F.S.; exempting certain columbaria from the Florida Cemetery Act; providing an effective date.

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

By Representative R. C. Johnson—

HB 1038—A bill to be entitled An act relating to the procurement of motor vehicles; creating s. 287.151, F.S.; limiting the size of motor vehicles purchased or leased by the state with certain funds; providing an effective date.

—was referred to the Committee on Appropriations.

By Representative Ready—

HB 230—A bill to be entitled An act relating to the Florida Housing Finance Authority Law; amending s. 159.603, F.S.; including mobile homes and manufactured housing in the scope of housing developments which may be financed under said act; providing an effective date.

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

By Representative Dunbar—

HB 750—A bill to be entitled An act relating to education; amending s. 232.17, F.S., clarifying requirements for written notice in cases of student nonenrollment or absence from school; providing an effective date.

—was referred to the Committee on Education.

By Representative Cosgrove—

HB 341—A bill to be entitled An act relating to reporting requirements; amending s. 1.01, F.S., providing for statutory construction of the reporting requirements found throughout the Florida Statutes; amending s. 11.61, F.S., the Regulatory Sunset Act, providing for legislative review of certain statutory reporting requirements as part of sunset review; amending s. 216.151, F.S., providing duties of the Executive Office of the Governor with respect to reports required by statute; providing for fees; providing for transferral of reports required by law or rule to computer; providing an effective date.

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

By Representatives Davis and Press—

HB 525—A bill to be entitled An act relating to unlawful employment practices; adding subsections (9) and (10) to s. 760.02, F.S., providing definitions relating to sexual harassment; providing an effective date.

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

By Representatives Hazouri and Shelley—

HB 52—A bill to be entitled An act relating to firefighters; creating s. 440.155, Florida Statutes; providing workers' compensation for permanent bodily disfigurement suffered by firefighters due to accident suffered during actual performance of the duties which a firefighter is trained or certified to perform; providing that such compensation shall be in addition to certain compensation presently provided by law; amending s. 440.25(3)(b), Florida Statutes, as amended, limiting the authority of deputy commissioners to revise ratings with respect to permanent disfigurement of firefighters; providing an effective date.

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

By the Committee on Retirement, Personnel and Collective Bargaining—

HB 1221—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S., relating to optional forms of benefits payable under the system; 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.

—was referred to the Committee on Personnel, Retirement and Collective Bargaining.

By the Committees on Appropriations and Criminal Justice and Representative Martinez and others—

CS for HB 1206—A bill to be entitled An act relating to the Commission on Criminal Justice Standards and Training; amending s. 943.085, F.S.; providing intent; amending s. 943.09, F.S.; changing certain staff support duties relating to the commission; amending s. 943.10, F.S.; changing and providing additional definitions; amending s. 943.11, F.S.; modifying the membership of the commission; providing a method for appointment by the Governor; deleting provisions relating to probable cause panels; amending s. 943.12, F.S.; revising the powers, duties, and functions of the commission; amending s. 943.13, F.S.; changing minimum employment qualifications for officers; creating s. 943.131, F.S.; providing for certain temporary employment of officers; creating s. 943.133, F.S.; requiring an employing agency to collect, verify, and maintain officers' employment documentation; providing for injunctive relief; creating s. 943.135, F.S.; requiring periodic training or education programs for officers as a condition of employment; creating s. 943.137, F.S.; providing for qualifications above the minimum; creating s. 943.139, F.S.; requiring certain notification of employment or discharge of an officer; permitting access to certain information by subsequent employing agency; creating s. 943.1395, F.S.; providing for certification, concurrent certification, reemployment, and revocation; amending s. 943.14, F.S.; establishing responsibility of the commission for criminal justice training schools; requiring commission approval of criminal justice training schools, courses, and diplomas; requiring employing agencies to be responsible for inservice training programs; prohibiting certain acts; providing a penalty; providing for injunctive relief; amending s. 943.16, F.S.; specifying employing agency; amending s. 943.17, F.S.; creating basic recruit, advanced, and career development training; defining basic recruit, advanced, and career development training; establishing existing specialized training courses as inservice training and radar training as advanced training; requiring the commission to adopt examinations; creating s. 943.173, F.S.; providing confidentiality for certain examinations and records; creating s. 943.175, F.S.; creating an inservice training program; amending s. 943.19, F.S.; providing a saving clause; amending s. 943.22, F.S.; defining certain terms; changing requirements for salary incentive payments for officers; amending s. 943.25, F.S.; specifying duties of the commission relating to certain trust funds; providing for certain funding; requiring financial audits; restricting trust funds for capital improvements; establishing a Criminal Justice Training Improvement Trust Fund; establishing certain positions; creating s. 943.253, F.S.; exempting elected officers from training and certification requirements;

creating s. 943.254, F.S.; requiring certain reports by the Auditor General and commission; amending s. 943.255, F.S.; eliminating decertification proceedings; amending s. 316.1906, F.S.; modifying the definition of "officer" with respect to the use of radar speed-measuring devices; providing an additional training requirement for such officers; repealing s. 943.145, F.S., relating to certification and decertification of officers; repealing s. 943.15, F.S., relating to reimbursements for trainees' expenses; repealing ss. 943.20 and 943.21, F.S., relating to above-minimum qualifications and exemptions for elected officers, to conform; repealing s. 943.23, F.S., relating to notices of employment, inactive status, and reinstatement; repealing s. 943.234, F.S., relating to concurrent certification; amending ss. 121.0515, 258.024, 354.01, 354.05, 370.021, 534.081, and 790.25, F.S., to correct cross-references; providing an effective date.

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

By Representative Casas—

HB 920—A bill to be entitled An act relating to stolen motor vehicles; amending s. 812.062, F.S., providing for notification to an initiating law enforcement agency by a recovery agency within 72 hours; providing for notification to a registered owner, an insurer, and registered lienholder of a recovered stolen motor vehicle by the initiating agency; providing that notification be made in a specific manner if not previously done; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representative Thompson—

HB 1262—A bill to be entitled An act relating to water resources; providing legislative intent; transferring to the Northwest Florida Water Management District the authority of the Dead Lakes Water Management District to apply for permits for destruction of the Dead Lakes dam structure; requiring removal of said dam; providing an effective date.

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

By the Committee on Health and Rehabilitative Services and Representative Dunbar and others—

CS for HB's 279 and 462—A bill to be entitled An act relating to breast cancer; amending s. 381.3712, F.S., directing the Florida Cancer Control and Research Advisory Board to prepare a written summary of the medically viable treatment alternatives for breast cancer which explains the relative advantages, disadvantages, and risks of each; providing for printing and distribution of such summaries; creating ss. 458.324 and 459.0125, F.S.; defining "medically viable"; requiring physicians and osteopaths to inform certain persons of medically viable treatment alternatives; providing procedure; providing for certain considerations; authorizing recommendations; providing for records; amending s. 458.311, F.S., clarifying educational requirements for licensure; amending s. 232.246, F.S., mandating that breast self-examination be taught as part of the life management skills high school graduation requirement; providing an appropriation; providing effective dates.

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

By Representative R. C. Johnson and others—

HB 64—A bill to be entitled An act relating to firearms and ammunition; creating s. 790.33, Florida Statutes; declaring preemption by the Legislature of the field of legislation concerning the purchase, sale, transfer, manufacture, ownership, possession and transportation of firearms and ammunition; providing an effective date.

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

By the Committee on Ethics and Elections and Representative Lawson and others—

CS for HB 491—A bill to be entitled An act relating to elections; amending s. 97.012, F.S., providing for uniform registration standards; amending s. 97.021, F.S., defining "agency"; amending s. 97.063, F.S., modifying eligibility requirements; providing for promulgation by the Department of State of absentee registration request forms; modifying the absentee registration form to conform to modified eligibility requirements; amending s. 98.051, F.S., authorizing state, county, and municipal

agencies to provide voter registration services; providing for additional locations for registration; amending s. 98.111, F.S., clarifying information requirements with respect to the registration form; amending s. 98.271, F.S., providing for appointment of volunteer deputy voter registrars; providing for training sessions; prohibiting discrimination; providing for waiver of training requirement; requiring an oath; specifying supervisor's authority with respect to such appointees; providing for rules; prohibiting certain coercive activities; amending s. 101.692, F.S., correcting a cross-reference; amending s. 104.012, F.S., providing a penalty for specified coercive activities related to registration; amending s. 104.36, Florida Statutes, relating to polling places; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representatives Metcalf and Cosgrove—

HB 77—A bill to be entitled An act for the relief of Mariam B. McNulty; providing an appropriation to provide her with state employee retirement benefits to which she is entitled; providing an effective date.

—was referred to the Special Master and the Committee on Finance, Taxation and Claims.

By the Committee on Transportation and Representative Drage and others—

CS for HB 640—A bill to be entitled An act relating to motor vehicle licenses; amending ss. 319.35 and 320.02, F.S.; providing that the Department of Highway Safety and Motor Vehicles shall require motor vehicle owners to provide odometer readings along with motor vehicle registration; providing a penalty for knowingly providing false information; amending s. 320.02, F.S.; requiring proof that certain vehicles meet federal emissions and safety standards; amending s. 320.055, F.S.; revising the registration period for motor vehicle dealer license plates; amending s. 320.13, F.S.; authorizing the department to issue "dealer" license plates; amending s. 320.26, F.S.; prohibiting the possession of counterfeit registration license plates or validation stickers; amending s. 320.27, F.S.; providing for a training and information seminar for new motor vehicle dealer applicants; revising the license renewal period for independent motor vehicle dealers; providing that a supplemental license is not required for certain display of vehicles by franchised dealers; modifying and providing additional grounds for denial, suspension, or revocation of a motor vehicle dealer's license; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Health and Rehabilitative Services and Representatives D. L. Jones and Lippman—

CS for HB 474—A bill to be entitled An act relating to water vending machines; creating s. 381.295, F.S.; providing legislative intent; providing definitions; requiring water vending machine operators to obtain a permit; providing for fees; providing operating standards; establishing duties and responsibilities for the Department of Health and Rehabilitative Services; providing for enforcement; providing penalties; providing an exemption for certain water vending machines; preempting to the state the authority to regulate such machines; providing an effective date.

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

By the Committee on Judiciary and Representative McEwan—

CS for HB 520—A bill to be entitled An act relating to witnesses; amending s. 92.141, F.S., extending witness travel expense provisions to all law enforcement employees and authorizing reimbursement for actual travel; providing an effective date.

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

By the Committee on Education, K-12 and Representative Rochlin and others—

CS for HB 1138—A bill to be entitled An act relating to education; providing for a Department of Education direct-support organization; providing for direct-support organizations in school districts; providing for use by such organizations of property, facilities, and personal services of the department or district; providing restrictions; providing for boards of directors; providing for annual audits; providing for certain confidentiality; providing an effective date.

—was referred to the Committee on Education.

By the Committees on Appropriations and Commerce and Representative Bankhead and others—

CS for CS for HB 702—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. 420.507, 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; providing an appropriation to the agency; authorizing the State Board of Administration to make investigations and studies, and promulgate rules, in conjunction with the Housing Finance 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 repeal of s. 420.604, F.S., relating to certain duties of the Department of Community Affairs, on July 1, 1990; providing an effective date.

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

By the Committee on Health and Rehabilitative Services and Representative Dudley and others—

CS for HB 259—A bill to be entitled An act relating to public bathing places; amending s. 514.02, F.S., exempting certain condominiums and cooperatives from regulation by the Department of Health and Rehabilitative Services relating to public bathhouses and swimming or bathing places; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Transportation and Representative Sanderson—

HB 1275—A bill to be entitled An act relating to aircraft; amending s. 329.01, F.S., requiring the recording of instruments affecting civil aircraft with the office of the Federal Aviation Administrator of the United States; amending s. 329.10, F.S., expanding the application of provisions prohibiting the possession of unregistered aircraft in the state; prohibiting the supplying of certain false information; amending s. 329.51, F.S., providing a time period for the filing of liens on aircraft; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Tourism and Economic Development and Representatives Watt and Cosgrove—

CS for HB 852—A bill to be entitled An act relating to state railroad museums; creating s. 15.045, F.S.; establishing standards for such museums; specifying certain museums entitled to such designation; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Commerce and Representative Tobiassen—

CS for HB 843—A bill to be entitled An act relating to retail installment sales; amending s. 520.35, F.S., authorizing the assessment of a delinquency charge with respect to revolving accounts; providing an effective date.

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

By Representative Silver—

HB 277—A bill to be entitled An act relating to municipalities; creating the "Municipal Motor Vehicle Racing Act of 1984"; providing a definition of "racing event"; providing for the issuance of permits; providing for the duties and responsibilities of municipalities and permit holders; providing that racing events are declared a public purpose; providing that racing events shall not be deemed a public or private nuisance; limiting

liability with respect to racing events; providing that the permit holder must restore the course to its prerace condition; providing an effective date.

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

By Representative Armstrong and others—

HB 326—A bill to be entitled An act relating to uniform traffic control; amending ss. 316.008, 316.1955, and 316.1956, F.S.; authorizing counties and municipalities to impose increased fines for violations relating to parking spaces provided for the disabled by governmental and non-governmental entities; providing an effective date.

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

By the Committees on Appropriations and Veterans Affairs and Representative L. R. Hawkins and others—

CS for HB 172—A bill to be entitled An act relating to veterans; amending s. 1.01, F.S., redefining "veteran" as used throughout the statutes to include wartime veterans who served during the Spanish-American War, the Philippine Insurrection, or the Boxer Rebellion; amending s. 28.222, F.S., clarifying documents to be recorded by clerks of the circuit courts without cost for veterans; amending s. 47.081, F.S., relating to establishment of residency to determine venue, to clarify terminology; creating s. 110.119, F.S., requiring the granting of administrative leave for state employees who are disabled veterans, within certain limits; amending ss. 113.01, 121.021, 196.091, 196.24, 238.05, and 245.08, F.S., clarifying and standardizing terminology relating to veterans; amending s. 292.05, F.S., relating to qualifications of the division director and modifying a limitation subjecting certain veterans' programs to the annual budget and appropriations process; amending ss. 295.01 and 295.015, F.S., standardizing terminology and otherwise modifying provisions relating to the education at state expense of children of certain veterans; amending ss. 295.08 and 295.085, F.S., relating to veterans' preference in examination and hiring, to remove an expiration date and other automatic expiration provisions with respect thereto; amending s. 295.124, F.S., providing that the designated administrative unit of the Department of Education shall be the state approving agency for purposes of veterans' education and training; amending s. 295.125, F.S., relating to vocational training preference, standardizing terminology; amending s. 295.13, F.S., relating to the removal of the disability of minority with respect to benefits under the Servicemen's Readjustment Act, to clarify; amending s. 446.052, F.S., relating to certain preapprenticeship programs, to require, rather than authorize, priority for certain veterans; amending s. 626.833, F.S., relating to disqualification of certain persons as health agents, to clarify terminology; providing an effective date.

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

By the Committee on Finance and Taxation and Representative B. L. Johnson—

CS for HB 688—A bill to be entitled An act relating to tax on sales, use and other transactions; amending s. 212.02, F.S., defining the term "transaction"; amending s. 212.058, F.S., relating to the discretionary tax; amending s. 212.08, F.S., relating to exemptions from said tax; revising the definition of "religious institutions"; granting an exemption to organizations which provide volunteer manpower to charitable organizations; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By Representative Sansom and others—

HB 1218—A bill to be entitled An act relating to community redevelopment; amending s. 163.335, F.S.; providing intent; amending s. 163.340, F.S.; redefining "public body" or "taxing authority" and "related activities" and providing other definitions; amending s. 163.356, F.S.; requiring annual reports by community redevelopment agencies; amending s. 163.357, F.S.; providing for the responsibilities and liabilities of a governing body as a community redevelopment agency; amending s. 163.358, F.S.; providing counties and municipalities with the power to approve the use of eminent domain by such agencies; creating s. 163.359, F.S.; requiring certain public notice during the redevelopment process; amending ss.

163.360 and 163.361, F.S.; relating to certain modifications of the redevelopment plan; amending s. 163.362, F.S.; expanding the required components of the plan; amending s. 163.370, F.S.; prohibiting the payment or financing of specified projects by increment revenues; requiring certain approval for exercise of eminent domain power by the agency; providing certain restrictions upon the powers of such agencies; amending s. 163.375, F.S.; conforming provisions relating to eminent domain; amending s. 163.380, F.S., relating to the disposal of property in a community redevelopment area; amending s. 163.385, F.S.; restricting the maturity of revenue bonds issued by such agencies; amending s. 163.387, F.S.; requiring local approval of the redevelopment plan prior to establishment of a redevelopment trust fund; excepting debt service millage from tax increments for purposes of funding such trust funds; providing restrictions upon such tax increments; providing funding restrictions upon modifications of redevelopment plans; requiring certain notice of tax increments to taxing authorities; limiting the obligations of taxing authorities; specifying uses of excess funds by redevelopment agencies; amending s. 163.390, F.S., relating to bonds as legal investments; amending s. 163.400, F.S., relating to cooperation by public bodies; creating s. 163.436, F.S.; authorizing the use of taxes to preserve and enhance tax bases; amending s. 200.065, F.S.; excluding increases in assessed values in redevelopment areas from the calculation of rolled-back rates for property tax purposes; amending s. 163.350, F.S.; providing for community redevelopment programs to include affordable housing for certain people; amending s. 163.355, F.S.; providing additional circumstances for a finding of necessity for community redevelopment; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By Representative Thomas (by request)—

HB 382—A bill to be entitled An act for the relief of Johnnie Mae Singleton, and her husband, Sterling F. Singleton; providing an appropriation to compensate them for injuries and losses caused by the Department of Transportation; providing an effective date.

—was referred to the Special Master and the Committee on Finance, Taxation and Claims.

By Representative Hollingsworth—

HB 393—A bill to be entitled An act for the relief of Hazel W. Wynn; providing an appropriation to compensate Hazel W. Wynn for injuries and damages suffered as the result of an assault which occurred through the negligence of the Department of Corrections; providing an effective date.

—was referred to the Special Master and the Committee on Finance, Taxation and Claims.

By Representative Burnsed and others—

HB 18—A bill to be entitled An act for the relief of Paradise Groves, a partnership; providing an appropriation to compensate the partnership for losses incurred as a result of the actions of the Game and Fresh Water Fish Commission; providing an effective date.

—was referred to the Special Master and the Committee on Finance, Taxation and Claims.

By Representative Reddick and others—

HB 453—A bill to be entitled An act relating to the board of county commissioners; creating s. 124.011, F.S., providing alternate procedures whereby the boards of county commissioners 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 a five member county commission district, or an increase from a five to seven member commission with five single-member and two at-large commissioners; prohibiting the calling of a special election; providing for a return to the existing system at the county's option; providing for the effect of the act upon existing county commissioners; providing an effective date.

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

By Representative McEwan and others—

HB 66—A bill to be entitled An act relating to water management; requiring the Division of Local Resource Management of the Department of Community Affairs to utilize hydrogeologic data made available by a

regional water management district to assess the impact of development on groundwater recharge areas; requiring the division to submit a report and make recommendations to the Governor by June 15, 1985; providing an effective date.

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

By Representatives L. R. Hawkins and Robinson—

HB 875—A bill to be entitled An act relating to retail theft; creating s. 812.0155, F.S.; authorizing use of certain photographic evidence in retail theft prosecutions; providing for the return of property to the merchant; providing exceptions; providing an effective date.

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

By the Committee on Judiciary and Representative Friedman and others—

CS for HB 437—A bill to be entitled An act relating to the Fair Housing Act; amending ss. 760.22, 760.23, 760.24, and 760.25, F.S., prohibiting certain housing discrimination against the handicapped; amending s. 760.29, F.S., providing exemptions; providing an effective date.

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

By the Committee on Appropriations and Representative Morgan and others—

CS for HB 671—A bill to be entitled An act relating to state government; creating a Pay Equity Study Commission; providing for membership, organization, and purpose of the commission; requiring a report to the President of the Senate and Speaker of the House of Representatives, and the Governor; providing for repeal and review; providing an effective date.

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

By Representatives Ward and B. L. Johnson—

HCR 1306—A concurrent resolution designating an area near the City of Crestview, Okaloosa County, as "Radio Valley."

—was referred to the Committee on Rules and Calendar.

By Representative Liberti—

HCR 1286—A concurrent resolution commending the members and staff of the second Environmental Land Management Study Committee for their extraordinary service to the citizens of Florida.

—was referred to the Committee on Rules and Calendar.

On motion by Senator Thurman, the rules were waived and by two-thirds vote HM 895 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Thurman—

HM 895—A memorial to the Congress of the United States, urging Congress to adopt legislation authorizing a service pension for veterans of WWI and their surviving spouses.

—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—34

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

Nays—None

On motion by Senator Carlucci, the Senate reconsidered the vote by which—

CS for SB 150—A bill to be entitled An act relating to pilots, piloting, and pilotage; amending s. 310.071, F.S.; providing an additional requirement for application for a pilot license or deputy pilot certificate; providing that ch. 310, F.S., shall not stand repealed, but that such chapter is revived and readopted; providing for future repeal and review; providing an effective date.

—as amended, passed May 24.

On motion by Senator Carlucci, the Senate reconsidered the vote by which CS for SB 150 was read the third time. On motion by Senator Carlucci, the Senate reconsidered the vote by which Amendment 1 was adopted.

Senator Carlucci moved the following substitute amendment which was adopted:

Amendment 3—On page 2, strike everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) of section 310.071, Florida Statutes, is amended and present subsection (2) of section 310.071, Florida Statutes, is renumbered as subsection (3), and a new subsection (2) is added to said section to read:

310.071 Application for license or certificate; qualification of applicants.—

(1) In addition to the requirements specified in this chapter, applicants for a license as a state pilot or for certificate as a deputy pilot shall also possess the following qualifications:

(b) Shall have had ~~3 years' service as a deputy pilot or as an apprentice pilot in the port wherein license or certification is desired or, alternatively, equivalent~~ maritime experience satisfactory to the board: prior to taking the examination provided in s. 310.081(2), as evidenced by documentation of the following service while holding a U.S. Coast Guard license:

1. At least 2 years of service at sea during the 5-year period immediately preceding the examination, 1 year of which shall have been in at least the capacity of an unlimited second mate; or

2. At least 2 years of service in a deep-water United States port during the 4-year period immediately preceding the examination as an active first-class unlimited pilot serving on at least an unlimited second mate's license and acting under authority of a duly constituted governmental regulatory entity, or

3. At least 2 years of service during the 4-year period immediately preceding the examination as an active first-class unlimited pilot serving on a Great Lakes unlimited master's license; or

4. At least 4 years of towing experience during the 5-year period immediately preceding the examination, 2 years of which shall have been in the capacity of master of a tugboat/barge combination of not less than 5,000 gross registered tons, combined tonnage, while holding a license as master of freight and towing vessel of not less than 1,000 gross registered tons upon oceans.

However, the applicant shall not be qualified for licensure or certification by the board unless he holds a valid license issued by the U.S. Coast Guard of an equal or higher grade than the lowest grade of license issued by the U.S. Coast Guard held by any licensed state pilot in the port in which he seeks licensure or certification, subparagraphs 1., 2., 3., and 4. of this paragraph notwithstanding.

(2) The board may, in its discretion, waive the maritime experience requirements listed in paragraphs (1)(b) where necessary to fill an opening, provided that no applicants meeting such requirements have applied for the opening and the opening has been advertised more than once.

(3)(2) Each applicant for a license as state pilot or for a certificate as deputy pilot shall make application to the department upon such form and in such manner as shall be adopted and prescribed by said department. Each applicant shall be accompanied by a fee set by the board which shall not exceed \$100, payable to the secretary of the department.

No part of the fee payable hereunder is returnable under any circumstances to the applicant.

Section 2. Notwithstanding the provisions of the Regulatory Sunset Act, chapter 310, Florida Statutes, shall not stand repealed on October 1, 1984, as scheduled by such act, but such chapter, as amended, is hereby revived and readopted.

Section 3. Chapter 310, Florida Statutes, is repealed October 1, 1986 and shall be reviewed by the Legislature pursuant to section 11.61, Florida Statutes, the Regulatory Sunset Act.

Section 4. This act shall take effect October 1, 1984.

On motion by Senator Carlucci, the Senate reconsidered the vote by which Amendment 2 was adopted.

Senator Carlucci moved the following substitute amendment which was adopted:

Amendment 4—In title, on page 1, strike all of lines 3-9 and insert: pilotage; amending s. 310.071, F.S.; amending the requirements for application for a pilot license or deputy pilot certificate; providing that ch. 310, F.S., shall not stand repealed, but that such chapter is revived and readopted; providing for future repeal and review; providing an effective date.

On motion by Senator Carlucci, by two-thirds vote CS for SB 150 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

Barron	Dunn	Henderson	Myers
Beard	Fox	Hill	Plummer
Carlucci	Frank	Jennings	Stuart
Castor	Gersten	Langley	Thomas
Childers, D.	Girardeau	Malchon	Thurman
Childers, W. D.	Grant	Mann	Vogt
Deratany	Grizzle	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Hair

SPECIAL ORDER

On motion by Senator Carlucci, by two-thirds vote HB 1298 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Carlucci—

HB 1298—A bill to be entitled An act relating to the Florida National Guard; amending s. 250.40, F.S.; providing for deposit of certain National Guard Armory funds in local banking institutions; providing for establishment of rules and regulations by the Armory Board; authorizing the employment of personnel to perform bookkeeping, maintenance and janitorial services from such funds; providing an effective date.

—a companion measure, was substituted for SB 1127 and by two-thirds vote read the second time by title. On motion by Senator Carlucci, by two-thirds vote HB 1298 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Rehm

SB 1127 was laid on the table.

On motion by Senator Barron, the last nine bills on the special order calendar were made a special and continuing order to be considered at 3:30 p.m. this day.

CS for HB 142—A bill to be entitled An act relating to golf carts; amending s. 316.212, F.S., providing that golf carts may operate on portions of the state highway system under certain conditions; providing an effective date.

—was read the second time by title.

Senators Rehm and Myers offered the following amendments which were moved by Senator Myers and adopted:

Amendment 1—On page 1, line 10, strike everything after the enacting clause and insert:

Section 1. Section 316.212, Florida Statutes, is amended to read:

316.212 Operation of golf carts on certain roadways.—The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

(1) A golf cart may be operated only upon a county road which has been designated by a county, or a city street which has been designated by a city, for use by golf carts. ~~A golf cart may not be operated on any part of the state highway system.~~

(2) A golf cart may only be operated within a 1-mile radius of a bona fide golf course and only when being used to transport the owner or operator between his residence and the golf course.

(3) A golf cart may only be operated on a part of the state highway system under the following conditions:

(a) To cross a portion of the state highway system which intersects a county road or city street which has been designated for use by golf carts, provided that the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(b) To cross, at mid-block, a part of the state highway system where a golf course is constructed on both sides of the highway and the Department of Transportation has reviewed and approved any necessary traffic control devices and the location and design of the crossing for safety purposes.

(c) The provisions of subsection (2) notwithstanding, a golf cart may be operated on a state road which has been designated for transfer to a local government unit pursuant to s. 335.04, if the Department of Transportation determines that the operation of a golf cart within the right-of-way of the road will not impede the safe and efficient flow of motor vehicular traffic. The department may authorize the operation of golf carts on such roads if:

1. The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and

2. The speed, volume, and character of motor vehicular traffic using the road is considered in making such determination.

Upon its determination that golf carts may be operated on a given road, the department shall post appropriate signs on the road to indicate that such operation is allowed.

(4)(3) A golf cart may only be operated during the hours between sunrise and sunset.

(5)(4) A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.

(5)—A golf cart must be operated by a person possessing a valid motor vehicle operator's or chauffeur's license.

Section 2. Paragraph (e) is added to subsection (1) of section 322.04, Florida Statutes, to read:

322.04 Persons exempt.—

(1) The following persons are exempt from obtaining a driver's license:

(e) Any person operating a golf cart, as defined in s. 320.01(22), when operated in accordance with the provisions of s. 316.212.

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

Amendment 2—In title, on page 1, line 5, after the semicolon (;) insert: adding s. 322.04(1)(e), F.S., providing an exemption to the requirement that operators of golf carts have a valid driver's license;

On motion by Senator Myers, by two-thirds vote CS for HB 142 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Barron	Frank	Jennings	Neal
Beard	Girardeau	Langley	Rehm
Castor	Grant	Malchon	Scott
Childers, D.	Grizzle	Mann	Thomas
Deratany	Hair	McPherson	Vogt
Dunn	Henderson	Meek	
Fox	Hill	Myers	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Gersten, Stuart, Weinstein

On motions by Senator Henderson, the rules were waived and by two-thirds vote HB 1225 was withdrawn from the Committees on Governmental Operations and Judiciary-Civil.

On motion by Senator Henderson—

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.

—a companion measure, was substituted for SB 931 and read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1225 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Stuart

SB 931 was laid on the table.

SB 957—A bill to be entitled An act relating to the Department of Corrections; amending s. 945.30, F.S., increasing the minimum contribution by probationers and parolees toward the cost of their supervision; requiring persons in a pretrial intervention program to contribute toward the cost of their supervision; providing exemptions; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole recommended the following amendment which was moved by Senator Margolis and adopted:

Amendment 1—On page 1, strike all of lines 19-21 and insert: pursuant to chapter 944, except a person on probation or parole within or without the state under an interstate compact adopted pursuant to chapter 949, shall

On motion by Senator Margolis, by two-thirds vote SB 957 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

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

Nays—None

The President presiding

SB 777—A bill to be entitled An act relating to pari-mutuel wagering; providing legislative intent; providing for breeders' and stallion awards; amending s. 550.262, F.S.; providing for payment of a sum equal to the breaks and escheated moneys from thoroughbred races to the Florida Thoroughbred Breeders' Association and from standardbred races to the Florida Standardbred Breeders' and Owners' Association; providing for awards to the breeders of registered Florida-bred horses, and to the owners of Florida stallions who sire the Florida-bred horses that win stakes races; providing for payment of awards at a uniform rate of not less than 15 percent, if funds are available; providing for submission of a plan each year by the breeders' associations that will provide a uniform rate and procedure for payments; providing for approval of the plan by the Florida Pari-mutuel Commission; amending s. 550.263, F.S.; providing for the distribution of certain escheated property; transferring certain fund assets and equity from the Florida Thoroughbred Breeders Promotion Trust Fund and the Florida Harness Horse Racing Promotion Trust Fund; providing an effective date.

—was read the second time by title.

Senator McPherson moved the following amendments which were adopted:

Amendment 1—On page 13, between lines 12 and 13, insert a new Section 4:

Section 4. Each breeders' association authorized to receive funds pursuant to the provisions of s. 550.262(3), (4) and s. 550.263 shall in addition to any audit conducted by the division annually review the books and records of each permitholder and verify to the division that the breaks and unclaimed ticket payments made by each permitholder is true and correct. (And renumber subsequent sections.)

Amendment 2—On page 13, between lines 26 and 27, insert:

Section 5. Subsection (9) of section 550.02, Florida Statutes, is amended to read:

550.02 The powers and duties of the Division of Pari-mutuel Wagering of the Department of Business Regulation.—The Division of Pari-mutuel Wagering of the Department of Business Regulation shall carry out the provisions of this chapter and supervise and check the making of pari-mutuel pools and the distribution therefrom, and:

(9) In addition to the power in s. 550.10 to exclude certain persons from any pari-mutuel facilities in this state, the division may exclude any person from any and all pari-mutuel facilities in this state for conduct which would constitute, if the person were a licensee, a violation of this chapter, chapter 551 or the rules of the division. The division may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been

excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state. The division may authorize any person who has been ejected or excluded from pari-mutuel facilities in this state or another state to attend the pari-mutuel facilities in this state upon a finding that the attendance of such person at pari-mutuel facilities would not be adverse to the public interest or to the integrity of the sport or industry; however, this subsection shall not be construed to abrogate the common-law right of a pari-mutuel permitholder to exclude absolutely a patron in this state.

Section 6. Section 550.10, Florida Statutes, is amended to read:

550.10 Occupational license tax to be paid by employees; denial and revocation of license; penalties and fines.—

(1) All persons connected with racetracks shall purchase from the Division of Pari-mutuel Wagering an annual occupational license for each specified job performed, which license shall be valid for 1 year. The division shall deposit collections for occupational licenses into the Pari-mutuel Tax Collection Trust Fund. The license shall expire on July 1 of each year. In the event the division shall determine that it is in the best interest of the division and persons connected with racetracks, the division may issue a license valid for one season at one racetrack, but may not make that determination apply to any person who objects to such determination. In any event, the season license fee shall be equal to the annual occupational license fee. Any person ~~who has been licensed by the division for a period of 5 years or more~~ may, at his option and pursuant to the rules promulgated by the division, purchase an annual occupational license valid for a period of 3 years, provided the purchaser of the license pays the full occupational license fee for each of the years for which the license is purchased at the time the 3-year license is requested. The occupational license shall be valid during its specified term at any pari-mutuel facility. The scheduled annual license fees are as follows:

- (a) Contractual concessionaires with permitholders, \$100.
- (b) Professional persons such as owners, trainers, veterinarians, doctors, nurses, officials, and supervisors of all departments, \$25.
- (c) Jockeys, apprentice jockeys, jockey agents, harness drivers, and jai alai players, \$10.
- (d) Permitholder employees, concession employees, grooms, exercise boys, hot-walkers, miscellaneous stable help, platers, and all others not specifically provided, \$10.

(2) It is unlawful for any person to take part in or officiate in any way or to serve in any capacity at any pari-mutuel facility without first having secured a license and paid the occupational license fee.

(3)(a) The division may deny a license to or revoke a license of any person who has been refused a license by any other state racing commission or racing authority; provided the state racing commission or racing authority of such other state extends to the Division of Pari-mutuel Wagering reciprocal courtesy to maintain the disciplinary control.

(b) The Division of Pari-mutuel Wagering may deny, suspend, or revoke any occupational license when the applicant for or holder thereof has violated the provisions of this chapter, chapter 551, or the rules and regulations of the division governing the conduct of persons connected with the racetracks. *In addition, the division may deny any occupational license when the applicant for such license is not of good moral character.* If any occupational license expires by division rule while administrative charges are pending against the license, the proceedings against the license shall continue to conclusion as if the license were still in effect. If an occupational license will expire by division rule during the period of a suspension the division intends to impose, or if a license would have expired but for pending administrative charges and the occupational licensee is found to be in violation of any of the charges, the license may be revoked and a time period of license ineligibility may be declared. The division may bring administrative charges against any person not holding a current license for violations of statutes or rules which occurred while such person held an occupational license, and the division may declare such person ineligible to hold a license for a period of time. The division may impose a civil fine of up to \$1,000 for each violation of the rules of the division in addition to or in lieu of a suspension or a revocation provided for in this section. In addition to any other penalty provided by law, the division may exclude from all pari-mutuel facilities in this state, for a period not to exceed the period of suspension, revocation, or ineligi-

bility, any person whose occupational license application has been denied by the division, who has been declared ineligible to hold an occupational license, or whose occupational license has been suspended or revoked by the division.

(Renumber subsequent section.)

Senator Thurman moved the following amendments which were adopted:

Amendment 3—On page 13, line 27, strike “July 1, 1984” and insert: June 1, 1984, or upon becoming law, provided that if the act takes effect subsequent to June 1, 1984, the provisions of the act shall apply retroactively to June 1, 1984

Amendment 4—On page 13, lines 15 and 20, strike “July” and insert: June

Amendment 5—On page 13, line 27, strike all of Section 5. and insert:

Section 5. This act shall take effect June 1, 1984, or upon becoming law, whichever occurs last; provided that if the act takes effect subsequent to June 1, 1984, the provisions of the act shall apply retroactively to June 1, 1984.

The Committee on Commerce recommended the following amendment which was moved by Senator Thurman and adopted:

Amendment 6—In title, on page 1, strike all of lines 22-26 and insert: of certain escheated property; providing for the transfer of certain funds; providing an effective date.

Senator McPherson moved the following amendment which was adopted:

Amendment 7—In title, on page 1, strike line 22 and insert: of certain escheated property; providing for certification by breeders associations of escheats and breaks; and transferring

On motion by Senator Thurman, by two-thirds vote SB 777 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	Fox	Jennings	Neal
Barron	Frank	Johnston	Plummer
Beard	Gersten	Langley	Scott
Carlucci	Girardeau	Malchon	Stuart
Castor	Grant	Mann	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Hair	McPherson	Vogt
Deratany	Henderson	Meek	Weinstein
Dunn	Hill	Myers	

Nays—None

CS for SB 716—A bill to be entitled An act relating to horseracing; creating ss. 550.266 and 550.267, F.S.; providing legislative findings; providing for the establishment of a voluntary registry for Florida-bred appaloosas and for Arabian horses; establishing advisory councils; providing duties; requiring the Department of Agriculture and Consumer Services to administer the registries and to make breeders' awards; setting registration fees to defray administrative expenses; amending s. 550.262, F.S.; providing purses for standardbred horses in nonwagering races; providing restrictions on the use of moneys in the Florida Quarter Horse Racing Promotion Trust Fund; establishing the Florida Appaloosa Racing Promotion Fund to encourage the owning and breeding of appaloosas; establishing the Florida Arabian Horse Racing Promotion Fund to encourage the owning and breeding of Arabian horses; requiring the Department of Agriculture and Consumer Services to adopt rules for and administer the funds; requiring the permitholder to make certain payments to the Division of Pari-mutuel Wagering of the Department of Business Regulation from each race meet; establishing a formula for determining the amount of such payments; authorizing the division to collect and deposit such payments into the funds; amending s. 550.263, F.S.; providing that the division deposit abandoned moneys related to appaloosa races and Arabian horse races into such funds; amending s. 550.265, F.S.; providing for deposit of registration fees into the Florida Quarter Horse Racing Promotion Trust Fund; restricting the use of such deposited fees; amending s. 550.08, F.S.; expanding the maximum dura-

tion of a thoroughbred horse racing meet from 50 to 74 days; altering number of days from 105 to 120 for harness racing; amending s. 550.33, F.S.; specifying other breeds of horses which may be substituted in races conducted by quarter horse racing permitholders and imposing limitations upon such substitutions; authorizing the issuance of a quarter horse racing permit to a nonprofit corporation; creating s. 550.333, F.S.; authorizing the Division of Pari-mutuel Wagering to issue nonwagering permits for the conduct of horseracing meets; amending s. 550.03, F.S.; conforming provisions; amending s. 220.13, F.S.; providing that income derived by a nonprofit corporation from pari-mutuel operations shall be subject to the Florida corporate income tax; providing for repeal and review of the advisory councils pursuant to s. 11.611, F.S.; providing an effective date.

—was read the second time by title.

Senator Thurman moved the following amendment which was adopted:

Amendment 1—On page 15, line 17, after “miles” insert: ; provided, however, any permittee operating within an area of 125 air miles of a licensed thoroughbred track shall not substitute live thoroughbred races under this section while a thoroughbred permittee is conducting a thoroughbred meet pursuant to both s. 550.04 and s. 550.08 within said 125 miles. These mileage restrictions shall not apply to any permittee which holds a nonwagering permit issued pursuant to s. 550.333

Senator McPherson moved the following amendments which were adopted:

Amendment 2—On page 20, between lines 13 and 14, insert:

Section 11. A new subsection (3) is added to section 550.48, Florida Statutes, and subsections (3), (4), (5), and (6) are renumbered as subsections (4), (5), (6), and (7), respectively:

550.48 Totalisator licensing.—

(3) Each totalisator owner or operator, as a condition to licensure under this section, shall be liable to the state for the loss of any state revenues from missed or canceled races, games, or performances due to any act of the totalisator owner or operator, or its agents or employees, or due to any failure of the totalisator system, except for matters wholly beyond the control of the totalisator owner or operator.

(a) Each totalisator owner or operator shall file with the division a performance bond issued by a surety approved by the division in the sum of \$75,000, provided that when the totalisator owner or operator demonstrates to the satisfaction of the division reliability in the operation of its totalisator systems and sufficient financial stability and security for the preceding three years, the division may waive the requirement of a bond.

(b) The division may proceed against any bond, or if no bond is posted against any assets of the totalisator owner or operator to collect amounts due under this section. In any such proceeding the burden shall be on the totalisator owner or operator or the surety to establish that the loss of revenue was due to an act wholly beyond its control including but not limited to a strike or Act of God, or that any recovery that may be due has been reduced by make up races, games or performances.

(Renumber subsequent sections.)

Amendment 3—On page 9, lines 26-31, and on page 10, lines 1-12, strike all of said lines and insert:

(i) The Board of Directors of the Florida Standardbred Breeders' and Owners' Association may authorize the release of up to 25 percent of the funds available for breeders' and stallion awards to be used for purses for Florida-bred standardbred horses at race meetings at which there is no pari-mutuel wagering unless, and to the extent that such release would render the funds available for such awards insufficient to pay the breeders' and stallion awards earned pursuant to the association's annual plan. Any such funds so released and used for purses shall not be considered to be “announced gross purse” as that term is used in paragraphs (a) and (b), and no breeders' or stallion awards shall be required to be paid for standardbred horses winning races in meetings at which there is no pari-mutuel wagering. The amount of purses to be paid from funds so released and the meets eligible to receive such funds for purses shall be approved by the Board of Directors of the Florida Standardbred Breeders' and Owners' Association.

Amendment 4—In title, on page 2, line 28, after “11.611, F.S.,” insert: amending s. 550.48, F.S.; declaring totalisator owners or operators liable for loss of state revenue due to failure of the totalisator system; requiring totalisator owners or operators to file performance bonds except for certain owners or operators; providing for proceedings by the Division of Pari-mutuel Wagering against the bonds or, in cases of companies not bonded, against the assets of the owners or operators, when system failures cause losses of state revenue;

Senator Thurman moved the following amendment which was adopted:

Amendment 5—In title, on page 2, line 14, after the semicolon (;) insert: expanding the mileage restriction on the substitution of thoroughbred horses and providing an exception for permittees holding nonwagering permits;

On motion by Senator Thurman, by two-thirds vote CS for SB 716 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Mr. President

CS for SB 390—A bill to be entitled An act relating to horseracing; amending s. 550.262, F.S.; providing for optional takeout on exotic wagering for purses or owners' awards; providing for optional takeout for winter thoroughbred tracks for use as purses and capital improvements; providing an effective date.

—was read the second time by title.

Senators Scott and McPherson offered the following amendments which were moved by Senator McPherson and adopted:

Amendment 1—On pages 1-3, strike everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (2) of section 550.16, Florida Statutes, is amended, and paragraphs (i), (j), and (k) are added to said section, to read:

550.16 Pari-mutuel pool authorized within track enclosure; commissions; capital improvement withholdings; breaks; penalty for purchasing part of a pari-mutuel pool for or through another in specified circumstances.—

(2) The “commission” is the percentage of the contributions to pari-mutuel pools which a permitholder is permitted to withhold from the contributions before making redistribution to the contributors. The permitholder's share of the commission is that portion of the commission which remains after the pari-mutuel tax imposed upon the contributions to the pari-mutuel pool is deducted from the commission and paid by the permitholder. The commission is deducted from all pari-mutuel pools but may be different depending on the type of pari-mutuel pool. For the purpose of this chapter, contributions to pari-mutuel pools involving wagers on a single animal in a single race, such as the win pool, the place pool, or the show pool, shall be referred to as “regular wagering,” and contributions to all other types of pari-mutuel pools, including, but not limited to, the daily double, perfecta, quiniela, trifecta, or the Big “Q” pools, shall be referred to as “exotic wagering.”

(a) Except as provided in paragraphs (i), (j), and (k), the commission which a permitholder who conducts horseracing under the provisions of this chapter may withhold from contributions to pari-mutuel pools shall not exceed 17.6 percent on regular wagering and shall not exceed 19 percent on exotic wagering, except that up to an additional 0.5 percent of the handle on regular wagering and up to an additional 1 percent of the handle on exotic wagering may be withheld by the permitholder to be used for capital improvements or to reduce capital improvement debt.

(i) In addition to the commission authorized by paragraph (a), the permitholder authorized to conduct summer thoroughbred horseracing, and any thoroughbred horseracing permitholder whose average daily handle was less than \$500,000 as of July 1, 1983, shall be entitled to withhold an additional 1 percent of the handle on exotic wagering for use as owners' awards as provided in s. 550.262(6). A permitholder who elects to withhold the additional 1 percent for owners' awards shall be entitled to withhold up to an additional 2 percent of the handle on any or all exotic wagering for use as additional overnight purses.

(j) In addition to the commission authorized by paragraph (a), each winter thoroughbred permitholder assigned racing dates pursuant to s. 550.081 shall be entitled to withhold up to an additional 2 percent of the handle on exotic wagering for use as purses or owners' awards as provided in s. 550.262(6), or a combination of either, provided that no more than 1 percent shall be utilized for purses.

(k) In addition to the commission authorized by paragraph (a), a harness racing permitholder or quarterhorse permitholder shall be entitled to withhold up to an additional 3 percent of the handle on any or all exotic wagering for use as additional overnight purses.

Section 2. Subsection (2) of section 550.262, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

550.262 Horseracing; minimum purse requirement, and Florida breeders' awards, Florida owners' awards.—

(2) Each permitholder conducting a horserace meet shall be required to pay from the commission withheld on pari-mutuel pools a sum for purses in accordance with the type of race performed.

(a) A permitholder conducting a thoroughbred horse race meet under the provisions of this chapter shall pay from the commissions withheld a sum not less than 7.5 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(b) A permitholder conducting a harness horse race meet under the provisions of this chapter shall pay from the commissions withheld a sum not less than 7.5 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(c) A permitholder conducting a quarter horse race meet under the provisions of this chapter shall pay from the commissions withheld a sum not less than 6 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

In the event a permitholder fails to pay the minimum purse required by this subsection, the permitholder shall, within 30 days of the end of the meet during which the permitholder underpaid purses, deposit an amount equal to the underpayment into a separate, interest-bearing account and the total principal and interest shall be used to increase purses during the permitholder's next meet. In the event a permitholder overpays the minimum purses, the permitholder shall be entitled to recover the amount of the overpayment in the permitholders next meet.

(6)(a) The additional take-out authorized for owners' awards pursuant to s. 550.16(2)(i) and (j) shall be used for the payment of awards to owners of registered Florida-bred horses placing first in a claiming race of not less than \$25,000, an allowance race, a maiden special race, or a stakes race where the announced purse, exclusive of entry and starting fees and added moneys, does not exceed \$50,000. The \$25,000 minimum on the claiming race shall not be applicable to those races conducted by permitholders whose average daily handle was less than \$500,000 as of July 1, 1983.

(b) The permitholder shall determine for each qualified race the amount of the owners' award for which a registered Florida-bred horse will be eligible. The amount of the available owners' award shall be established in the same manner in which purses are established and shall be published in the condition book for the period during which the race is to be conducted.

(c) No single award shall exceed 50 percent of the gross purse for the race won.

(d) In the event the moneys generated by the additional take-out for owners' awards during the meet exceed the owners' awards earned during the meet, the excess funds shall be held in a separate interest-bearing account and the total interest and principal shall be used to increase the owners' awards during the permitholder's next meet.

(e) Breeders' awards authorized by subsections (3) and (4) shall not be paid on owners' awards.

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

Amendment 2—In title, on page 1, strike all of lines 3-8 and insert: 550.16, F.S.; providing that certain horseracing permitholders may withhold a certain portion of the handle on exotic wagering for use as purses and owners' awards; amending s. 550.262, F.S.; providing a procedure in the event of an underpayment of purses; providing limitations on owners' awards; providing an effective date.

On motion by Senator Scott, by two-thirds vote CS for SB 390 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—2

Mr. President Childers, D.

Vote after roll call:

Yea—Gersten, Rehm

On motions by Senator Hair, the rules were waived and by two-thirds vote CS for HB 173 was withdrawn from the Committees on Judiciary-Civil and Appropriations.

On motion by Senator Hair—

CS for HB 173—A bill to be entitled An act relating to child support enforcement; amending s. 409.2571, F.S., and creating s. 409.2573, F.S., requiring service of certain process by the sheriff in certain actions under the child support enforcement program; authorizing certain reimbursement to the sheriff for such services; providing an effective date.

—a companion measure, was substituted for CS for SB 255 and read the second time by title. On motion by Senator Hair, by two-thirds vote CS for HB 173 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Scott, Stuart

CS for SB 255 was laid on the table.

On motion by Senator Hair, the rules were waived and by two-thirds vote CS for HB 222 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Hair—

CS for HB 222—A bill to be entitled An act relating to sheriffs; amending s. 48.031, F.S., authorizing certain substitute service of process upon a spouse; amending s. 48.041, F.S., and creating s. 48.042, F.S., authorizing separate procedures for service of process against minors and

incompetents; amending s. 78.13, F.S., changing the procedure for the release of property seized by writ of replevin; providing an effective date.

—a companion measure, was substituted for SB 259 and read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 14-29 and renumber subsequent sections.

Amendment 2—In title, on page 1, strike all of lines 3 and 4.

On motion by Senator Hair, by two-thirds vote CS for HB 222 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Carlucci, Stuart

SB 259 was laid on the table.

On motions by Senator Kirkpatrick, by two-thirds vote HB 654 was withdrawn from the Committees on Judiciary-Criminal; Personnel, Retirement and Collective Bargaining; and Appropriations.

On motions by Senator Kirkpatrick—

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.

—a companion measure, was substituted for SB 664 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 654 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—24

Barron	Frank	Hill	Rehm
Carlucci	Girardeau	Jennings	Scott
Castor	Grant	Kirkpatrick	Thomas
Childers, D.	Grizzle	Malchon	Thurman
Childers, W. D.	Hair	Margolis	Vogt
Dunn	Henderson	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten, Stuart

SB 664 was laid on the table.

On motion by Senator Henderson, by two-thirds vote HB 300 was withdrawn from the Committee on Appropriations.

On motions by Senator Henderson—

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.

—a companion measure, was substituted for SB 102 and read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 1, line 16, strike “Supervision Trust Fund” and insert: *Paid Parking Trust Fund which is hereby created*
~~Supervision Trust Fund~~

Amendment 2—On page 1, line 22, strike “and fines” and insert: ~~and fines~~

Amendment 3—On page 1, lines 24 and 25, strike “as provided by law”

Amendment 4—In title, on page 1, line 4, after “parking spaces;” insert: creating the Paid Parking Trust Fund;

On motion by Senator Henderson, by two-thirds vote HB 300 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Carlucci, Gersten, Stuart

SB 102 was laid on the table.

On motion by Senator Hair, the rules were waived and by two-thirds vote HB 278 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Hair—

HB 278—A bill to be entitled An act relating to the Florida Antitrust Act of 1980; amending ss. 542.25 and 542.28, F.S., conforming state law to federal law; providing that present law governing judgment in favor of the state as prima facie evidence shall not be deemed to limit the application of collateral estoppel; providing that a civil investigative demand shall include certain requirements in conformance with federal law; providing an effective date.

—a companion measure, was substituted for SB 206 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 278 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
Barron	Frank	Jennings	Plummer
Beard	Gersten	Kirkpatrick	Rehm
Carlucci	Girardeau	Langley	Scott
Castor	Gordon	Malchon	Thomas
Childers, D.	Grant	Mann	Thurman
Childers, W. D.	Grizzle	Margolis	Vogt
Deratany	Hair	Meek	Weinstein
Dunn	Henderson	Myers	

Nays—None

Vote after roll call:

Yea—Stuart

SB 206 was laid on the table.

Senator Grant presiding

SB 232—A bill to be entitled An act relating to statewide grand juries; amending s. 905.34, F.S.; including violations of the Florida Antitrust Act of 1980 within the subject matter jurisdiction of a statewide grand jury; providing an effective date.

—was read the second time by title.

Three amendments were adopted to SB 232 to conform the bill to HB 258.

On motions by Senator Weinstein, the rules were waived and by two-thirds vote HB 258 was withdrawn from the Committees on Judiciary-Civil and Appropriations.

On motions by Senator Weinstein—

HB 258—A bill to be entitled An act relating to statewide grand juries; amending s. 905.34, F.S., expanding the jurisdiction of the statewide grand jury; amending s. 905.37, F.S.; specifying fees to be paid to members of the statewide grand jury; providing an effective date.

—a companion measure, was substituted for SB 232 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 258 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Stuart

SB 232 was laid on the table.

Consideration of CS for SB 35 was deferred.

On motions by Senator Stuart, by two-thirds vote CS for HB 474 was withdrawn from the Committees on Health and Rehabilitative Services and Appropriations.

On motions by Senator Stuart—

CS for HB 474—A bill to be entitled An act relating to water vending machines; creating s. 381.295, F.S.; providing legislative intent; providing definitions; requiring water vending machine operators to obtain a permit; providing for fees; providing operating standards; establishing duties and responsibilities for the Department of Health and Rehabilitative Services; providing for enforcement; providing penalties; providing an exemption for certain water vending machines; preempting to the state the authority to regulate such machines; providing an effective date.

—a companion measure, was substituted for CS for SB 223 and by two-thirds vote read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for HB 474 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gersten, Rehm

CS for SB 223 was laid on the table.

On motions by Senator Scott, the rules were waived and by two-thirds vote CS for HB 255 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Scott—

CS for HB 255—A bill to be entitled An act relating to nursing homes; amending s. 400.022, F.S., relating to residents' rights; prohibiting nursing homes from conditioning admission upon waiver of certain of those rights; providing that recipients of Medicaid shall be informed of a bed reservation policy; providing for disciplinary action upon violation; providing an effective date.

—a companion measure, was substituted for CS for SB 278 and read the second time by title. On motion by Senator Scott, by two-thirds vote CS for HB 255 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Gersten, Stuart

CS for SB 278 was laid on the table.

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 examinations 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.

—was read the second time by title.

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

Amendment 1—On page 14, line 15, strike "a formal training" and insert: *an educational*

Amendment 2—On page 11, line 30, after "supervision" insert: *usually and customarily practiced in a hospital*

Amendment 3—On page 11, line 16, strike "normally found" and insert: *usually and customarily practiced*

Amendment 4—On page 11, line 13, strike "training or experience" and insert: *educational program*

Amendment 5—On page 11, line 9, after “office” insert: *certificate, the applicant*

Amendment 6—On page 8, line 6, and on page 8, line 13, strike “training” and insert: *educational*

Amendment 7—On page 10, line 5, strike “procedure” and insert: *procedures*

Amendment 8—On page 7, line 26, and on page 8, line 1, after “and” insert: *general*

Amendment 9—On page 6, line 23, strike “; or.” and on page 6, strike all of lines 24-26 and insert: *or unless he*

Amendment 10—On page 6, line 20, after the semicolon (;) insert: *or*

On motion by Senator D. Childers, by two-thirds vote CS for SB 242 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Consideration of SB 667 and CS for SB 399 was deferred.

On motion by Senator Henderson, the rules were waived and by two-thirds vote HB 1002 was withdrawn from the Committee on Commerce.

On motion by Senator Henderson—

HB 1002—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 680.104, F.S.; providing for certain continuation statements to remain effective until termination; providing an effective date.

—a companion measure, was substituted for SB 476 and read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1002 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Gersten

SB 476 was laid on the table.

Consideration of SB 562 was deferred.

On motion by Senator Kirkpatrick, the rules were waived and by two-thirds vote HB 1169 was withdrawn from the Committee on Agriculture.

On motion by Senator Kirkpatrick—

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

—a companion measure, was substituted for SB 667 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 1169 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Gersten

SB 667 was laid on the table.

The hour of 3:30 p.m. having arrived, the Senate proceeded to consideration of—

SB 868—A bill to be entitled An act relating to transportation planning; amending s. 334.21, F.S.; providing for the funding and development of a transportation plan by the Department of Transportation; providing that such plan shall be developed cooperatively with metropolitan planning organizations; providing that the plan shall include to the extent feasible the plans, priorities and transportation improvement programs of metropolitan planning organizations; providing for public hearings; providing that metropolitan planning organizations may request further consideration of specific projects not included or adequately addressed in the 5-year transportation plan; providing that revenues appropriated in excess of those required for projects in the 5-year transportation plan shall only be used on projects on the submitted list; providing that projects may not be undertaken unless they are listed in the annual transportation plan; providing for the substitution of projects and for an exemption for emergency projects; providing for the certification forward as fixed capital outlay of unexpended funds; amending s. 334.211, F.S.; providing definitions; providing for the establishment of a statewide transportation plan known as the Florida Transportation Plan; providing that mandated transportation planning functions of state and local governmental entities shall be undertaken to the extent feasible with the policies and guidelines section of the Florida Transportation Plan; providing that the Florida Transportation Plan shall be developed in coordination with affected state agencies, regional planning agencies, metropolitan planning organizations, private business enterprises and the general public; providing that the metropolitan planning organizations of the state shall submit a listing of 5-year construction and periodic maintenance projects to the Department of Transportation; providing that the regional planning councils shall develop transportation goals and objectives which shall to the extent feasible be consistent with the goals and objectives of the metropolitan planning organizations and the policies and guidelines section of the Florida Transportation Plan; providing that the transportation plans of the metropolitan planning organizations and other local entities shall be consistent, to the extent feasible, with regional transportation goals and objectives; providing for the establishment of a systematic planning process to be used in the development of the statewide transportation plan; providing for the adoption of the Florida Transportation Plan; amending s. 334.215, F.S.; providing that there shall be at least one metropolitan planning organization within each urbanized area; providing for the apportionment of the memberships; providing for review at least every 5 years; providing for the development of a comprehensive transportation plan; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 6, line 26, strike “s. 339.155(6)(d)” and insert: *s. 339.155(6)(e)*

Amendment 2—On page 17, lines 28-31, and on page 18, lines 1-8, strike all of said lines and insert:

(a) Each Metropolitan Planning Organization of the state shall submit to the department annually a listing of construction and periodic maintenance projects located within its study area, costing \$100,000 or more, which the local governmental entities therein have reported that they intend to undertake during the next five years. The listing shall include the estimated amounts to be spent on each project during each budget year. The governmental entities responsible for the construction or maintenance shall provide their metropolitan planning organization with the necessary information by the date requested. The metropolitan planning organization may include the list in, or as an informational section of, its Transportation Improvement Program.

Senator Beard moved the following amendment which was adopted:

Amendment 3—On page 31, line 27, before the comma (,) insert: *or aviation and seaport departments of municipal or county governments*

On motion by Senator Beard, by two-thirds vote SB 868 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Gersten

Consideration of CS for SB 569 was deferred.

SB 584—A bill to be entitled An act relating to transportation; creating ss. 341.201-341.205, F.S.; establishing the Florida Airport Development and Assistance Act; providing definitions; providing duties and responsibilities of the Department of Transportation; providing that federal funding of local aviation projects shall be wholly between local airport sponsors and appropriate federal agencies; authorizing the department to receive federal aid; requiring a 5-year aviation and airport development plan; providing that appropriation requests shall be based on the plan; providing that certain airport access transportation facility projects shall be eligible for funding; providing a limitation on annual funding to a single airport; providing for transfer of funds between aviation and airport programs; providing for project eligibility; providing levels of state participation in eligible projects; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 7, line 19, strike the period (.) after “project” and insert: , except however, state fund participation shall not exceed 12.5% of total project cost in non-federally funded projects which have a total project cost of \$1,000,000 or more.

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

Amendment 2—On page 8, strike all of lines 5 and 6 and insert:

(c) The department is authorized to advance up to 90 percent

On motion by Senator Beard, by two-thirds vote SB 584 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Jennings	Margolis	Neal	Thurman
Kirkpatrick	McPherson	Plummer	Vogt
Malchon	Meek	Stuart	Weinstein
Mann	Myers	Thomas	

Nays—None

Vote after roll call:

Yea—Gersten, Rehm

CS for SB 869—A bill to be entitled An act relating to rail transportation; creating ss. 341.301-341.303, F.S.; establishing the role of the Department of Transportation in rail transportation; providing definitions; providing duties and responsibilities of the department; providing that appropriation requests shall be based on funding required for implementation of the rail component of the 5-year transportation plan; providing for project eligibility; providing levels of state participation in eligible capital and service development projects; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote CS for SB 869 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gersten

CS for CS for SB 1030—A bill to be entitled An act relating to public transportation; amending s. 341.011, F.S.; correcting a cross-reference; repealing s. 341.021, F.S., relating to legislative intent; amending s. 341.031, F.S.; correcting a cross-reference; providing definitions; amending s. 341.041, F.S.; providing responsibilities of the Department of Transportation; amending s. 341.051, F.S.; providing for project eligibility for funding; providing limitations on state participation in transit projects not approved for federal funding; providing for the advance of state funds to assist transit systems to become self-sufficient; providing for state participation in service development projects or transit urban corridor projects; providing for increases in the duration of such service development projects; creating s. 341.061, F.S.; providing for minimum safety standards for bus transit and fixed guideway transit systems; providing for the inspection of bus transit systems and safety reviews of fixed guideway public transit systems; amending s. 341.101, F.S.; amending the scope of “municipal purpose” for state purchase of mass transit vehicles and facilities; amending s. 341.102, F.S.; substituting “local government entity” for county or municipality; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendments which were adopted:

Amendment 1—On page 13, strike all of line 2 and insert: *percent of the capital cost of any eligible project that will assist*

Amendment 2—On page 13, strike all of line 21 and insert: *percent of the capital and net operating costs of transit service*

On motion by Senator Beard, by two-thirds vote CS for CS for SB 1030 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Beard	Childers, D.	Dunn	Girardeau
Carlucci	Childers, W. D.	Fox	Grizzle
Castor	Deratany	Frank	Hair

Henderson	Malchon	Myers	Thomas
Hill	Mann	Neal	Thurman
Jennings	Margolis	Plummer	Vogt
Kirkpatrick	McPherson	Rehm	Weinstein
Langley	Meek	Stuart	

Nays—None

Vote after roll call:

Yea—Gersten

CS for CS for SB 944—A bill to be entitled An act relating to public transportation; creating the "Florida High Speed Rail Transportation Commission Act"; providing legislative findings, statement of policy, purpose, and intent; providing definitions; providing for the creation of the Florida High Speed Rail Transportation Commission; providing general and special powers and duties thereof; providing for the sole and exclusive determination of need for high speed rail transportation systems; providing for service designation and system termini; providing for bonds and project financing; providing a penalty; prohibiting the pledge of full faith and credit by the state; providing for franchises and audits; providing for the powers and duties of the Department of Transportation; providing for the powers and duties of the Governor and Cabinet sitting as a siting board with respect to high speed rail lines; providing for the powers and duties of the Department of Environmental Regulation and the Department of Community Affairs; providing for the applicability of the act and for franchises and certification components; providing for requests for proposals; providing for franchise applications; providing fees; providing for notice of intent; providing for a franchise and environmental review committee; providing for the powers and duties of hearing officers; providing for local government hearings; providing for reports and studies; providing for notice, proceedings, parties, and participants; providing for alternate corridors; providing for the final disposition of certification applications; providing for modification of a franchise; providing for the assessment of the franchise component; providing for conditions precedent to the award of a franchise; providing for the effect of a franchise; providing for the recording of notice of a certified corridor route; providing for revocation or suspension of a franchise; providing for the imposition of administrative fines; providing for superseded laws, regulations, and certification power; providing that certification is admissible in eminent domain proceedings; providing for participation by women and socially and economically disadvantaged individuals; amending s. 110.205, F.S.; providing exemptions from career service; providing for ad valorem taxation of certain property; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendments which were adopted:

Amendment 1—On page 16, line 8, before the period (.) insert: for the length and breadth of the state based upon projected feasibility and interest expressed by potential applicants

Amendment 2—On page 28, between lines 20 and 21, insert:

(3) The Department of Transportation shall provide for the maintenance of records and accounts of the commission relating to all financial transactions of the commission. Such records and accounts shall at all times disclose receipts accruing to the commission, and the distribution thereof as relates to the applicable provisions of this act.

(Renumber subsequent subsection.)

Amendment 3—On page 58, lines 18-30, and on page 59, lines 1 and 2, strike all of said lines and insert:

Section 42. Nothing in this act shall prohibit a local government from assessing reasonable impact fees, special assessments, service charges or user fees, with respect to the rail line, transit station appurtenant building or transit station.

Amendment 4—In title, on page 3, strike all of lines 22 and 23, insert: providing that nothing in the act prohibits a local government from assessing certain fees and service charges with respect to the rail line, transit station appurtenant building or transit station;

On motion by Senator Beard, by two-thirds vote CS for CS for SB 944 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—3

Johnston Langley Mann

Vote after roll call:

Yea—Rehm

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

REPORTS OF COMMITTEES

Senator Barron reported that the Committee on Rules and Calendar had determined that an emergency exists compelling the introduction of SB 1151 and SB 1152, notwithstanding the fact that the final day had passed for introduction of bills.

On motion by Senator Barron, the rules were waived by unanimous consent and the Senate reverted to introduction for the purpose of introducing the following bills out of order:

INTRODUCTION AND REFERENCE OF BILLS

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

SB 1151—A bill to be entitled An act relating to medical incident compensation; creating a Medical Incident Compensation Law Study Commission; providing for appointment of members; requiring a report; providing an appropriation; providing an effective date.

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

By Senators Margolis and Peterson—

SB 1152—A bill to be entitled An act relating to the gross receipts tax imposed under ch. 203, F.S.; amending s. 203.01, F.S.; imposing gross receipts tax on gross receipts derived by persons on business done within the state and between points within the state, including gross receipts tax on telecommunication services; creating s. 203.012, F.S.; defining telecommunication services, local telephone service, toll telephone service, private communication service, teletypewriter or computer exchange service; repealing s. 203.011, F.S., relating to authorized credits; creating s. 203.013, F.S.; establishing the apportionment formula for the tax where the telecommunication services originate in Florida and terminate in another state or originate in another state and terminate in Florida; amending s. 203.012, F.S.; defining telecommunication services effective January 1, 1985; providing effective dates.

—was referred to the Committee on Finance, Taxation and Claims.

On motion by Senator Barron, the rules were waived and the Committee on Rules and Calendar was granted permission to meet upon adjournment this day to consider SB 1151.

On motion by Senator Margolis, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet May 29 at 5:00 p.m. to consider SB 1152.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Barron, the rules were waived and by two-thirds vote SR 1121, HB 1039, HCR 1246, HB 248 and SJR 363 were withdrawn from the Committee on Rules and Calendar.

On motions by Senator Johnston, the rules were waived and by two-thirds vote SB 266, SB 202, CS for SB 497, SB 505, CS for SB 899, SB 486, CS for SB 564, SB 668, SB 757, SB 823, SB 1032, SB 854, CS for SB 495, CS for SB 628, CS for SB 782, SB 1011, SB 1151 were withdrawn from the Committee on Appropriations.

On motions by Senator Margolis, the rules were waived and by two-thirds vote SB 181 and SB 793 were withdrawn from the Committee on Finance, Taxation and Claims.

SPECIAL ORDER, continued

SB 992—A bill to be entitled An act relating to commercial driving schools; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, ch. 488, F.S., relating to regulation of commercial driving schools by the Department of Highway Safety and Motor Vehicles; amending ss. 488.01, 488.02, 488.03, 488.04, 488.05, 488.06, 488.07, F.S.; creating s. 488.08, F.S.; requiring licenses or certificates; authorizing the adoption of rules; specifying fees; requiring that an applicant for an instructor certificate furnish proof of qualifications and ability; providing for deposit of revenues; providing for budgeting; providing for future repeal and legislative review; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, line 31, insert:

Section 5. Section 488.045, Florida Statutes, is created to read:

488.045 Agents; identification cards.—

No person may serve in the capacity of an agent for a commercial driving school without first obtaining an agent identification card issued for such purpose by the Department of Highway Safety and Motor Vehicles. An application for a card shall be made in the form prescribed by the department. The fee for the initial application is \$25, which is not refundable. The fee for annual renewal of the card is \$10. Such card shall be valid for use only in connection with the business of the driver's school or schools listed thereon by the department.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, strike lines 9 and 10 and insert: F.S., creating ss. 488.045 and 488.08, F.S., requiring licenses, certificates or agent identification cards; authorizing the

On motion by Senator Beard, by two-thirds vote SB 992 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Vote after roll call:

Yea—Rehm, Stuart

HB 423—A bill to be entitled An act relating to the Department of Transportation Advisory Committee; saving s. 335.075(2), F.S., from sunset repeal scheduled October 1, 1984; providing for sundown review and repeal of said committee on October 1, 1994; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 10, strike everything after the enacting clause and insert:

Section 1. Section 335.075, Florida Statutes, is renumbered as section 336.045, Florida Statutes, and amended to read:

336.045 ~~335.075~~ Uniform minimum standards for design, construction, and maintenance; advisory committees.—

(1) The department of ~~Transportation~~ shall develop and adopt uniform minimum standards and criteria for the design, construction, and maintenance of all public streets, roads, highways, bridges, sidewalks, curbs and curb ramps, crosswalks, where feasible, bicycle ways trails, underpasses, and overpasses used by the public for vehicular and pedestrian traffic. The minimum standards adopted shall include a requirement that permanent curb ramps be provided at crosswalks at all intersections where curbs and sidewalks are constructed in order to give handicapped persons and persons in wheelchairs safe access to crosswalks.

(2) An advisory committee of professional engineers employed by any city or any county in each transportation district to aid in the development of such standards shall be appointed by the *head of the department* ~~Secretary of Transportation~~. Such committee shall be composed of: one member representing an urban center within each district; one member representing a rural area within each district; one member within each district who is a professional engineer and who is not employed by any governmental agency; and one member employed by the department of ~~Transportation~~ for each district. ~~The advisory committee shall examine the standards established for cul-de-sacs, subdivision streets, and streets with unusual characteristics or low travel frequency and shall report to the Legislature on or before March 1, 1984.~~

(3) Notwithstanding the provisions of any general or special law to the contrary, all plans and specifications for the construction of public streets and roads by any municipality or county shall provide for permanent curb ramps at crosswalks at all intersections where curbs and sidewalks are constructed in order to give handicapped persons and persons in wheelchairs safe access to crosswalks.

(4) Each county shall have a professional engineer who is registered in this state certify that all design, construction, and maintenance for each project are in substantial conformance with the standards established pursuant to subsection (1) that are then in effect.

Section 2. Notwithstanding the provisions of chapter 83-52, Laws of Florida, section 335.075(2), Florida Statutes, shall not stand repealed on October 1, 1984, as scheduled by such law but such subsection, as renumbered and amended, is hereby revived and readopted.

Section 3. Section 336.045(2), Florida Statutes, is repealed on October 1, 1994, and shall be reviewed pursuant to section 11.611, Florida Statutes.

Section 4. This act shall take effect October 1, 1984.

Amendment 2—In title, on page 1, line 8, strike everything before the enacting clause and insert: A bill to be entitled An act relating to transportation; renumbering and amending s. 335.075, F.S.; revising, reviving, and readopting s. 335.075(2), F.S., relating to the advisory committee on uniform standards for roads and streets; removing obsolete language; providing for future repeal and legislative review; providing an effective date.

On motion by Senator Beard, by two-thirds vote HB 423 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Rehm, Stuart

CS for SB 1025—A bill to be entitled An act relating to the International Registration Plan and the Special Fuel and Motor Fuel Use Tax; amending s. 316.545, F.S.; establishing inspection requirements at weight stations; amending s. 320.01, F.S.; defining "apportioned motor vehicle"; amending s. 320.39, F.S.; authorizing membership in the International Registration Plan; amending s. 320.03, F.S.; designating the Department of Revenue as an agent of the Department of Highway Safety and Motor Vehicles for registration of apportioned motor vehicles; amending s. 320.055, F.S.; establishing registration and renewal periods; amending s. 320.06, F.S.; establishing requirements for registration certificates, license plates, and validation stickers; creating s. 320.0706, F.S.; providing for display of truck-tractor license plates; amending s. 316.605, F.S.; providing an exception to certain license plate display requirements; amending s. 207.002, F.S.; providing definitions; amending s. 207.004, F.S.; providing for issuance of motor fuel use tax identifying devices to certain vehicles; providing fees; establishing reporting periods; providing for imposition of fees or taxes on motor carriers based on other states under certain circumstances; amending s. 207.005, F.S.; providing reporting periods; providing for delinquency of reports; amending s. 207.021, F.S.; providing settlement or compromise of penalties or interest; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote CS for SB 1025 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Stuart

CS for SB 569—A bill to be entitled An act relating to rights-of-way acquisition by the Department of Transportation; amending s. 127.01, F.S.; specifying powers of the counties to acquire property by eminent domain; amending s. 337.27, F.S.; specifying powers of the department to acquire property and rights by eminent domain and purposes therefor; providing that when land and property falls within a designated transportation corridor the department may acquire it prior to preparation or completion of specific plans; providing that the acquisition of land and property for future transportation needs is a public purpose; providing a definition and conditions for such acquisition; providing that the department may acquire an entire lot, block, or tract of land in certain instances; providing that the value of the property to be acquired is the value on the date that the project scope is known in the market; authorizing the department to enter upon property under certain conditions and for specified purposes; providing an effective date.

—was read the second time by title.

Senator Scott moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of lines 11-15 and insert: *onto property pursuant to s. 337.27(6).*

Amendment 2—On page 4, lines 29-31, and on page 5, lines 1-3, strike all of said lines and insert: *Highway or State Park Road System*

Amendment 3—In title, on page 1, lines 18-21, strike "providing that the value of the property to be acquired is the value on the date that the project scope is known in the market;"

On motion by Senator Beard, by two-thirds vote CS for SB 569 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Stuart

On motion by Senator Beard, the Senate reconsidered the vote by which—

SB 992—A bill to be entitled An act relating to commercial driving schools; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, ch. 488, F.S., relating to regulation of commercial driving schools by the Department of Highway Safety and Motor Vehicles; amending ss. 488.01, 488.02, 488.03, 488.04, 488.05, 488.06, 488.07, F.S.; creating s. 488.08, F.S.; requiring licenses or certificates; authorizing the adoption of rules; specifying fees; requiring that an applicant for an instructor certificate furnish proof of qualifications and ability; providing for deposit of revenues; providing for budgeting; providing for future repeal and legislative review; providing an effective date.

—as amended passed this day.

Pending further consideration of SB 992 as amended, on motion by Senator Beard, the rules were waived and by two-thirds vote HB 400 was withdrawn from the Committee on Appropriations.

On motion by Senator Beard, further consideration of HB 400 was deferred.

Senator Barron presiding

On motions by Senator Langley, the rules were waived and by two-thirds vote HB 572 was withdrawn from the Committees on Economic, Community and Consumer Affairs and Commerce.

On motions by Senator Langley—

HB 572—A bill to be entitled An act relating to towing; amending ss. 125.0103 and 166.043, F.S., providing that local governments may enact certain ordinances relating to towing; amending s. 715.07, F.S., prohibiting the towing or removal of a vehicle from a municipality under certain circumstances; authorizing municipalities and counties to require licenses for persons engaged in the business of removal and towing of vehicles; authorizing municipalities and counties to regulate the rates and methods of towing, removal, and storage of vehicles; providing a penalty; providing an exception; providing that if a stolen rental or lease vehicle is towed from private property, the owner or its agent shall not be charged storage fees for a certain time period; providing an effective date.

—a companion measure, was substituted for SB 562 and by two-thirds vote read the second time by title.

Senator Meek moved the following amendments which were adopted:

Amendment 1—On page 1, line 22, insert:

Section 1. Paragraph (n) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power shall include, but shall not be restricted to, the power to:

(n) License and regulate, including but not limited to the power to regulate rates and charges and to limit entry into the market, taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire operating countywide in home rule chartered counties and in the unincorporated areas of all other counties ~~the county~~.

Amendment 2—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 125.01, F.S.; providing for the regulation of vehicles for hire;

On motion by Senator Langley, by two-thirds vote HB 572 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Stuart

SB 562 was laid on the table.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR CS FOR HB 1187

May 25, 1984

The Honorable Curtis Peterson
President of the Senate

The Honorable H. Lee Moffitt
Speaker, House of Representatives

Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on CS for CS for HB 1187, same being:

An Act relating to water resources protection; creating part VIII of Chapter 403, F.S., consisting of ss. 403.901-403.915, F.S., entitled the "Warren S. Henderson Wetlands Protection Act of 1984";

having met, and after full and free conference, do recommend to their respective Houses, as follows:

1. That the House concur in the Senate amendments to CS for CS for HB 1187 as further amended by the Conference Committee as follows:
 - a. The boundary lines used in the House Bill and the Senate Amendment differed in two areas: the Rotenberger Tract and the East Everglades area. Conferees agreed to utilize the Senate boundary for the Rotenberger Tract and to utilize the House boundary for the East Everglades Tract.
 - b. Section 14 of the Senate Amendment is deleted. This section was intended to keep the regulatory effects of this act from reducing the valuation of any property which the state has filed a petition to exercise the power of eminent domain pursuant to chapter 83-80, Laws of Florida, as amended or property which is the subject of active negotiations to purchase by the state or other governmental unit on June 1, 1984.
 - c. Certain exemptions are provided to sand, limerock, or limestone mining activities in both the House bill and the Senate amendment. In the House bill any lands acquired or leased subsequent to January 24, 1984 for such mining activity shall not be subject to the provisions of this subsection. In the Senate amendment the date used is July 1, 1984. The Conferees agreed to the date of June 1, 1984.
 - d. The provisions in the Senate Amendment in 403.915 which would set up a wetlands monitoring system also contains an appropriation of \$50,000 from the General Revenue Fund. Since this appropriation is provided for in the Senate Appropriations Act the appropriations provision was agreed to be deleted from CS for CS for HB 1187.

- e. Several other technical changes were also agreed upon.
2. That the House and Senate pass CS for CS for HB 1187 as amended by said Conference Committee.

The statements of legislative intent previously placed in the legislative journals of the House and Senate relating to CS for CS for HB 1187 is hereby incorporated into this Conference Committee Report to ensure the application of such statements to this legislation as amended by the Conference Committee.

Section 403.906, created by the bill, provides that in making its permitting decision, the department shall "consider and balance" whether the dredge and fill project would adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats to such an extent as to be contrary to the public interest. This language establishes essentially the same standard as presently exists in Section 253.124, Florida Statutes, for fill projects in navigable waters, and the department's interpretation of the proposed language would be consistent with the agency's present practice and case law construing Section 253.124.

Generally, it has been held that the "not contrary to the public interest" test presupposes some reduction in the ecological value of an area. Whether that reduction is great enough to be contrary to the public interest is a factual determination to be made on a case by case basis. The conservation of fish and wildlife and their habitats is broader in perspective than a single plant or animal; it deals with the affected ecosystem and implies the planned management of a natural resource to prevent its destruction through exploitation or neglect.

Under the existing statutory language, no special consideration is given to threatened or endangered species. The proposed language would require the department to consider the impact of the project on a species when making a public interest determination. As a practical matter, when there are very few members of a species remaining, a relatively small project may have a major adverse impact on the species as a whole.

The proposed language establishes a balancing test. It requires conservation, but not preservation.

The language contained in s. 403.905(6), relating to certain residential developments, shall be interpreted to apply to developments that are primarily residential in nature, although such developments could include some commercial or industrial components as may be found in a planned community or planned unit development.

The language contained in s. 403.905(6), relating to a s. 380.06 development order, shall be interpreted to include master plan development orders issued pursuant to s. 380.06(20).

The language contained in s. 403.905(6) also requires that parties claiming to be grandfathered assert that claim to the department within 180 days of publication of notice by the department of the existence of the provision. It is the department's interpretation of this provision that the developer may assert a claim under the grandfather clause for the entire development, including individual lots which have already been sold.

The language contained in s. 403.913, relating to agricultural activities, shall be construed in conjunction with s. 373.406(2) to exempt from permitting only those activities defined as "agricultural activities" pursuant to this act in accordance with the Commentary to s. 4.02(2) of the Model Water Code.

Pat Neal, Chairman
Warren S. Henderson
George Kirkpatrick
Richard H. Langley
Franklin B. Mann

John Mills
Tom C. Brown
Carl Carpenter, Jr.
C. Fred Jones
R. Dale Patchett
Ray Liberti, Alternate
Tim Murphy, Alternate

Managers on the part of the Senate

Managers on the part of the House

Conference Committee Amendment 1—On page 3, line 28, strike everything after the enacting clause and insert:

Section 1. Part VIII of chapter 403, Florida Statutes, consisting of sections 403.901, 403.902, 403.904, 403.905, 403.906, 403.907, 403.908, 403.909, 403.910, 403.911, 403.912, 403.913, and 403.915, Florida Statutes, is created to read:

PART VIII

WATER RESOURCES PROTECTION

403.901 Short title.—This part shall be known and may be cited as the “Warren S. Henderson Wetlands Protection Act of 1984.”

403.902 Definitions.—As used in this part:

- (1) “Department” means the Department of Environmental Regulation.
- (2) “Dredging” means the excavation, by any means, in waters. It also means the excavation, or creation, of a water body which is, or is to be, connected to waters, directly or via an excavated water body or series of excavated water bodies.
- (3) “Filling” means the deposition, by any means, of materials in waters.
- (4) For purposes of dredge and fill permitting activities by the department, “wetlands” are defined as those areas within department jurisdiction pursuant to s. 403.817.

403.904 Powers and duties.—Consistent with the powers, jurisdiction, and duties listed in s. 403.061, the department is authorized to adopt rules to carry out the provisions of this part, including appropriate regulatory provisions governing activities in waters to their landward extent pursuant to s. 403.817. Such rules may include stricter permitting and enforcement provisions within Outstanding Florida Waters, aquatic preserves, areas of critical state concern, and areas subject to chapter 380 resource management plans adopted by rule by the Administration Commission, when the plans for an area include waters particularly identified as needing additional protection, which are not inconsistent with the applicable rules adopted for the management of such areas by the department and the Governor and Cabinet. The department shall periodically review and reevaluate its permit application forms for activities regulated by this part to ensure that such forms efficiently and effectively meet the needs of the department and of applicants for permits.

403.905 Jurisdiction; permits required.—

(1) No person shall dredge or fill in, on, or over surface waters without a permit from the department, unless exempted by statute or department rule.

(2) The landward extent of waters shall be determined as provided in s. 403.817, except that the department may exert its jurisdiction to the ordinary or mean high water line of waters whenever the landward extent, if determined in accordance with ch. 17-4.022, Florida Administrative Code, occurs waterward of the ordinary or mean high water line. Determinations made pursuant to this subsection shall be to establish the department’s regulatory jurisdiction and are not intended to be a delineation of the boundaries of lands for title purposes.

(3) When the department determines its jurisdiction based on dominant vegetation, the permit applicant or person requesting the jurisdictional determination, at his option, may request that the department, in cooperation with the U.S.D.A. Soil Conservation Service, determine whether hydric soils at the site corroborate the finding of jurisdiction based on vegetation. A request by an applicant that a soils assessment be made pursuant to this section shall toll the 90-day time period provided in s. 403.0876 to approve or deny the permit; that time shall begin to run again upon receipt by the department of the information provided by the Soil Conservation Service. Where the soils assessment indicates the presence of hydric soils in conjunction with dominant vegetation, the department shall be presumed to have jurisdiction. Where the soils assessment indicates the absence of hydric soils, the department shall be presumed not to have jurisdiction.

(4) Within those areas of the state where a water management district has been delegated stormwater permitting by the department, no dredge or fill permit shall be required for the construction of, and dredging and filling in, irrigation or drainage ditches constructed in the uplands, including those connecting otherwise isolated areas owned entirely by one person and dominated by the plant indicator species adopted pursuant to s. 403.817. This exemption shall only apply to ditches where the point of connection to other waters of the state is no more than 35 square feet in total cross-sectional area and normally having a water depth of no more than 3 feet. The total cross-sectional area at the point of connection to other waters of the state shall be maintained by the landowner so as not

to exceed the design limitations of this exemption. This exemption does not authorize dredging in waters of the state other than ditches as described herein. All applicable permits, except dredge and fill permits, shall be required for discharges to these ditches or connected areas. This exemption shall not apply to ditches in or connected to the waters described in s. 403.031(3)(a) and (b), Outstanding Florida Waters, Class I waters, or Class II waters.

(5) For the purposes of dredge and fill permitting, surface waters shall not include intermittent streams or intermittent tributaries, unless there is a continuation of jurisdiction as determined pursuant to ch. 17-4.022, Florida Administrative Code. Standard hydrological methods shall be used to determine intermittent streams and intermittent tributaries. An intermittent stream or tributary means a stream that flows only at certain times of the year, flows in direct response to rainfall, and is normally an influent stream except when the groundwater table rises above the normal wet season level. Those portions of streams or of tributaries which are intermittent and are located upstream of all nonintermittent portions of the stream or tributary shall not be subject to dredge and fill permitting.

(6) The expanded dredge and fill jurisdiction and permitting criteria granted to the department under this part shall not apply to developments where 30 percent or more of the lots in a subdivision approved for sale as homesites subsequent to January 1, 1970, pursuant to chapter 498, have been sold, or to residential developments for which a development order pursuant to s. 380.06 has been issued or residential developments which are exempt pursuant to s. 498.025(2)(a) and (4)(a), or to activities for which a dredge and fill permit has been issued by the department prior to the effective date of this act. Developments and activities meeting the conditions previously described shall continue to be regulated pursuant to the department’s dredge and fill jurisdiction as it existed prior to January 24, 1984. Dredge and fill permit applications relating to such developments and activities meeting the conditions previously described shall be reviewed by the department using the permit criteria as it existed prior to January 24, 1984, for 12 months after the department adopts a rule implementing this part. Dredge and fill permit applications filed 12 months after the department adopts its rules implementing this part shall be subject to the permit criteria established by this chapter. Developments and activities meeting the conditions previously described and which assert that they are qualified under this provision shall notify the department of their assertion within 180 days of the publication of a notice by the department of the existence of this provision. Failure to timely notify the department shall serve as a waiver of the benefits conferred by this provision.

(7) As to other developments whose lands were approved for sale, pursuant to chapter 498, prior to the effective date of this part, the department shall give special consideration to applications for dredge and fill permits where the lands subject to the permit application constitute a part of the contractual obligations of the applicant incurred pursuant to land sales contracts, and where there has been a continuing, bona fide effort since the date of recording said plat to fulfill the plan of development set forth in the plat and undertaken by the terms of said contractual obligations. Developments and activities which assert that they are qualified for the special consideration shall notify the department within 180 days of the publication of a notice by the department of the existence of this provision. Failure to timely notify the department shall serve as a waiver of the benefits conferred by this provision.

(8) The expanded dredge and fill jurisdiction granted to the department under this part shall not apply to any sand, limerock, or limestone mining activity currently operating in compliance with department rules or for which the department previously determined no jurisdiction in areas east of the Dade-Broward levee or which holds a department permit on the effective date of this part. Such sand, limerock, or limestone mining activity shall continue to be regulated pursuant to the department’s dredge and fill jurisdiction as it existed prior to January 24, 1984, for a period of 10 years from the effective date of this act, provided such activity is continuous and carried out on land contiguous to mining operations existing on or before the effective date of this act. Any lands acquired or leased subsequent to June 1, 1984 for such mining activity shall not be subject to the provisions of this subsection. Dredge and fill permit applications related to such activities shall be reviewed by the department using the existing permit criteria set forth in Rule 17-4, Florida Administrative Code, as of January 24, 1984, for 12 months after the department adopts a rule implementing this part, at which time subsequently filed permit applications shall be subject to the permit criteria of

this part. Such mining activities which assert that they are qualified under this provision shall notify the department within 180 days after the publication of a notice by the department of the existence of this provision. Failure to timely notify the department shall serve as a waiver of the benefits conferred by this provision. All such sand, limerock, or limestone mining activities shall be subject to jurisdiction under this part for any activities carried out after 10 years from the effective date of this act.

(9) A permit issued under this part shall be valid for a period not to exceed 10 years. However, the department may issue permits for a period not to exceed 25 years if the applicant provides the department with reasonable assurances that:

(a) The activity for which the permit is granted cannot reasonably be expected to be completed within 10 years after commencement of construction; or

(b) The activity will cover an area of such size which, if permitted by separate permits, would not allow the department to accurately assess the total impact of the project and the potential for mitigation or restoration; and the applicant supplies the department with sufficient information to allow the department to accurately assess the impact of the project for the permitted period.

(10) Notwithstanding the provisions of chapter 120, for permits which will be granted for periods of more than 10 years, the department shall adopt by rule a timetable for processing such permits. In no event shall the timetable exceed 135 days after receipt of a complete application.

(11) Permits issued for a period of time in excess of 5 years shall be reviewed at the expiration of the first 5-year period and every 5 years thereafter:

(a) To assure that the conditions of the permit are being met by the applicant, and

(b) To automatically include as permit conditions all applicable rules adopted during the prior 5-year period.

If the permit applicant has acted in reliance upon a permit issued for a period of 10 years or more, paragraph (b) shall not apply until the expiration of the initial 10-year period.

(12) The department is authorized to establish appropriate fees for projects which seek permits for a period of time to exceed 5 years on a sliding scale, based on the duration of the permit, with a minimum fee of \$1,250 and a maximum fee of \$25,000, such funds to be deposited in the Florida Permit Fee Trust Fund created by s. 403.0871.

(13) The provisions of this part shall not apply to any application which was complete prior to the effective date of this act, unless the applicant chooses to come under this part.

(14) Subsections (9), (10), and (11), shall not apply to permits issued pursuant to s. 403.816 or s. 403.813(1)(f).

(15) Issuance of a permit under this part does not relieve the applicant from the requirement of obtaining any other permit which may be required under the other provisions of this chapter.

403.906 Criteria for granting or denying permits.—

(1) No permit shall be issued under this part unless the applicant provides the department with reasonable assurance that water quality standards will not be violated. The department, by rule, shall establish water quality criteria for wetlands within its jurisdiction, which give appropriate recognition to the water quality of such wetlands in their natural state.

(2) No permit shall be issued under this part unless the applicant provides the department with reasonable assurance that the project is not contrary to the public interest. However, for projects which significantly degrade or are within an Outstanding Florida Water, as provided by department rule, the applicant shall provide reasonable assurance that the project will be clearly in the public interest. In determining whether a project is not contrary to the public interest, or clearly in the public interest, the department shall consider and balance the following criteria:

(a) Whether the project will adversely affect the public health, safety, or welfare or property of others;

(b) Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

(c) Whether the project will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;

(d) Whether the project will adversely affect the fishing or recreational values or marine productivity in the vicinity of the project;

(e) Whether the project will be of a temporary or permanent nature;

(f) Whether the project will adversely affect or enhance significant historical and archaeological resources under the provisions of s. 267.061; and

(g) The current condition and relative value of functions being performed by areas affected by the proposed activity.

If the applicant is unable to otherwise meet the criteria set forth in this subsection, the department, in deciding to grant or deny a permit, shall consider measures proposed by or acceptable to the applicant to mitigate adverse effects which may be caused by the project. If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the department shall consider mitigation measures proposed by or acceptable to the applicant that cause net improvement of the water quality in the receiving body of water for those parameters which do not meet standards. Reclamation and restoration programs conducted pursuant to s. 211.32 may be considered as mitigation to the extent that they restore or improve the water quality and the type, nature, and function of biological systems present at the site prior to the commencement of mining activities.

(3) In the event that the department issues a notice of intent to deny a permit or denies a permit required pursuant to this part, said notice or denial shall contain an explanation by the department of the reasons for denial and an explanation, in general terms, of what changes, if any, in the permit application are necessary in order for the department to approve the proposed project.

(4) It is the intent of the Legislature to provide for the use of certain waters as a natural means of stormwater management and to incorporate these waters into comprehensive stormwater management systems where such use is compatible with the ecological characteristics of such waters and sound resource management. To accomplish this, within 6 months following the effective date of this act, the department shall, by rule, establish performance standards for the issuance of stormwater permits for the use of certain waters for stormwater management. Compliance with such standards shall create a presumption in favor of the issuance of the stormwater management permit. Performance standards shall be adopted for waters which are dominated by those plant species listed pursuant to s. 403.817 and:

(a) Which are connected to other watercourses by artificial watercourses; or

(b) Which are connected to other waters solely by an intermittent watercourse.

(5) It is the intent of the Legislature to provide for the use of certain waters that are dominated by those plant species listed pursuant to s. 403.817 to receive and treat domestic wastewater that has been treated to at least secondary standards. The department shall, by rule, establish criteria for this activity which protect the type, nature, and function of the wetlands receiving the wastewater.

403.907 Equitable distribution.—The department, in deciding whether to grant or deny a permit for an activity which will affect waters, shall consider:

(1) The impact of the project for which the permit is sought;

(2) The impact of projects which are existing or under construction, or for which permits or jurisdictional determinations have been sought;

(3) The impact of projects which are under review, approved, or vested pursuant to s. 380.06, or other projects which may reasonably be expected to be located within the jurisdictional extent of waters, based upon land use restrictions and regulations.

403.908 Enforcement.—

(1) Violations of the requirements of this part or rules or permits or orders issued hereunder by the department or approved local programs shall be punishable by civil penalty as provided in s. 403.141 or criminal penalty as provided in s. 403.161.

(2) The department or any approved local program may seek to enjoin the violation of or enforce compliance with the provisions of this part or rules or permits or orders issued hereunder as provided in ss. 403.121, 403.131, 403.141, and 403.161.

(3) Permits issued under this part may be revoked for the same grounds as are provided in s. 403.087.

(4) The department or the Board of Trustees of the Internal Improvement Trust Fund shall have the authority to direct an abutting upland owner to remove from submerged sovereignty or state-owned lands any fill created in violation of this part, except that the department or the Board of Trustees of the Internal Improvement Trust Fund may consider the time at which the submerged land was filled, the length of upland ownership by the current owner, and any other equitable consideration. In the event that the abutting upland owner does not remove such fill as directed, the department or board may remove it at its own expense, and the costs thereof shall become a lien upon the property of such abutting upland owner. However, the department and board may, if they choose, allow such fill to remain as state-owned land, and may employ a surveyor to determine the boundary between such state land and that of the abutting upland owner. The amount of cost of such survey shall become a lien on the property of the abutting upland owner. Nothing herein shall be construed to grant the department or the board authority to direct an upland owner to adjust, alter, or remove silt, fill, or other solid material which has accumulated or been deposited seaward of his property through no fault of the owner.

403.909 Judicial review.—Final department actions under this part shall be reviewed pursuant to chapter 120.

403.910 Jurisdictional declaratory statements.—

(1) Before applying for a permit to dredge or fill, a property owner, an entity having power of eminent domain, or other person with a legal or equitable interest in property may petition the department for a declaratory statement of the department's dredge and fill jurisdiction. The department shall, by rule, specify information which must be provided and may require authorization to enter upon the property. The department may require a fee of at least \$250 and not more than \$10,000 to cover the direct costs of acting upon the petition. The fee shall be based, by rule, upon the size and environmental complexity of the site for which a jurisdictional declaratory statement is sought.

(a) Within 30 days of receipt of a petition for a jurisdictional declaratory statement, the department shall notify the applicant of any additional information which may be necessary. The department shall complete the assessment and issue notice of the proposed agency action within 60 days of receipt of a complete petition. The notice shall be published by the petitioner in the Florida Administrative Weekly. The provisions of ss. 120.57 and 120.59 shall be applicable to declaratory statements under this section. Persons whose substantial interests will be affected may petition for hearing within 14 days of publication of notice. If no petition for hearing is filed, the department shall issue the jurisdictional declaratory statement within 10 days.

(b) Such jurisdictional declaratory statements shall be binding for a period of 24 months so long as physical conditions on the site do not change so as to alter jurisdiction during this time period.

(c) A petitioner who disputes the proposed agency action may withdraw the petition without prejudice at any point prior to final agency action.

(d) The department may revoke its jurisdictional declaratory statement if it finds that the petitioner has submitted inaccurate information in the petition.

(2) The department may also issue informal preapplication jurisdictional determinations or otherwise institute jurisdictional determinations on its own initiative as provided by law.

(3) A jurisdictional declaratory statement obtained pursuant to this section shall be final agency action and shall be in lieu of a declaratory statement of jurisdiction obtained pursuant to s. 120.565.

403.911 Local participation.—

(1) Within 10 days after receipt of an application for a permit pursuant to this part, the department shall transmit a copy of the application by certified mail to the chief executive officer of each county and municipality which has jurisdiction over the area for which the permit is requested.

(2) The county and municipality shall have the opportunity to file objections to short-form dredge and fill permit applications within 14 days after receipt of the application from the department, but shall have up to 60 days to file objections to all other dredge and fill permit applications, and shall have the opportunity to participate as a party to the proceeding and may request a hearing pursuant to s. 120.57 within 14 days after a notice of intent to issue a permit being sent to the county and municipality by the department.

(3) Nothing in this part shall alter or modify the powers of local government, or preclude a local government from adopting a dredge and fill regulatory program, provided the local government program is first approved by the department pursuant to s. 403.182.

403.912 State sovereignty land applications.—If sovereignty or other lands owned by the state are the subject of a proposed activity, the department's issuance of a permit shall be conditioned upon the applicant receiving all necessary approvals and authorizations from the Board of Trustees of the Internal Improvement Trust Fund prior to the undertaking of such activities. The department shall issue its permit conditioned upon the applicant securing the necessary consent or approvals from the Board of Trustees of the Internal Improvement Trust Fund. If the board's approval or authorization is required, the applicant may not commence any excavation, construction, or other activity until such approval or authorization has been issued.

403.913 Agricultural activities.—

(1) The Legislature recognizes the great value of farming and forestry to this state and that continued agricultural activity is compatible with wetlands protection. In order to avoid unnecessary expense and delay from duplicative programs, it is the intent of the Legislature to provide for the construction and operation of agricultural water management systems under authority granted to water management districts and to control the ultimate discharge from agricultural water management systems by the department or by delegation of authority to water management districts.

(2) Agricultural activities and agricultural water management systems are authorized by this section and shall not be subject to the provisions of s. 403.087 or this part, nor shall the department enforce water quality standards within an agricultural water management system. The department may require a stormwater permit or appropriate discharge permit at the ultimate point of discharge from one or a group of connected agricultural water management systems. Impacts of agricultural activities and agricultural water management systems on groundwater quality shall be regulated by water management districts.

(3) As used in this section:

(a) "Agricultural activities" includes all normal and necessary farming and forestry operations as are normal and customary for the area, such as site preparation, clearing, fencing, contouring to prevent soil erosion, soil preparation, plowing, planting, harvesting, construction of access roads, and placement of bridges and culverts, provided such operations do not impede or divert the flow of surface waters.

(b) "Agricultural water management systems" means farming and forestry water management or irrigation systems and farm ponds permitted pursuant to chapter 373 or exempt from the permitting provisions of that chapter.

(4) If land served by a water management system is converted to a use other than agriculture, then the water management system or the portion of the system serving that land shall be subject to the provisions of this chapter.

403.915 Wetlands monitoring system.—

(1) The department, in cooperation with the Water Management Districts and other state agencies, shall establish a central wetlands monitoring system that will:

(a) Determine the general location and acreages of wetland areas in the state;

(b) Identify impacts to and losses of wetlands due to permits issued either by the department or the water management districts, and identify known losses of wetlands from unregulated or exempted activities, or from changes in natural conditions;

(c) Compile and maintain a statistical record of all action taken on permits, including the number granted, denied or withdrawn, and the area permitted to be disturbed, and, where applicable, the acreage preserved or retored as mitigation or permit conditions.

It is the intent of the Legislature that the department utilize existing available information to the greatest extent practicable in developing this inventory of wetlands, including Landsat digital data, federal agency data, and data currently in the possession of the department, the water management districts, and other state, regional, or local agencies. The department shall annually prepare a report reflecting the information requested in paragraphs (b) and (c), to be delivered to the Legislature on or before February 1 of each year. The information contained in this report shall not be used for regulatory purposes.

Section 2. Section 403.265, Florida Statutes, is created to read:

403.265 Peat mining.—

(1) Definitions.—As used in this section:

(a) "Agricultural use of peat" means peat used as a soil medium, additive, enhancer, or fertilizer.

(b) "Peat" means a dark brown or black residuum produced by the partial decomposition and disintegration of mosses, sedges, trees, and other plants that grow in marshes and other wet places.

(c) "Peat mining activity" means the extraction of peat or peat soils for sale or consumption, or the disturbance of vegetation or soils in anticipation of the extraction of peat or peat soils for sale or consumption. For the purposes of this part, "peat mining activity" shall not include the removal of peat or peat soils for construction activities or the removal of overburden for other mining activities.

(d) "Peat soil" means soil containing at least 75 percent dry weight of peat material. Such soil is rich in humus and gives an acid reaction.

(2) Department permits authorizing the mining of peat or peat soils or any "mining activity" associated with the anticipation of the extraction of peat or peat soils for sale or consumption shall require the permittee to institute and complete a reclamation program for the area mined which includes the following factors:

(a) Control of the physical and chemical quality of the water draining from the mining area;

(b) Soil stabilization, including contouring and vegetation;

(c) Elimination of health and safety hazards;

(d) Conservation and preservation of remaining natural resources; and

(e) Time schedule for the completion of the program and the various phases thereof.

The mining of peat or peat soils of less than five acres per year, and all "peat mining activities" for the agricultural use of peat are exempt from the provisions of this section.

(3) Consistent with the powers and duties listed in s. 403.904, the department may adopt rules governing the mining of peat, including stricter permitting and enforcement provisions for the mining for sale or consumption of peat or peat soils within or contiguous to the areas designated as Outstanding Florida Waters, or under consideration by the Environmental Regulation Commission for such designation on April 1, 1984.

(4) Nothing in this section shall limit the department's permitting authority to regulate peat mining pursuant to other provisions of this chapter.

Section 3. Subsection (5) is added to section 193.023, Florida Statutes, to read:

193.023 Duties of the property appraiser in making assessments.—

(5)(a) *If the Department of Environmental Regulation issues or denies any permit to dredge, fill, or otherwise construct in or on waters of the state, as defined in chapter 403, to their landward extent as determined under s. 403.817(2), the property appraiser is expressly directed to consider the effect of such issuance or denial on the value of said property and any limitation such issuance or denial may impose on the highest and best use of the property to its landward extent.*

(b) *The Department of Environmental Regulation shall provide the property appraiser of each county where such property is situated a copy of any final agency action relating to said permit applications.*

(c) *The provisions of paragraph (a) shall not apply if:*

1. *The property owner had no reasonable basis for expecting approval of the permit application; or*

2. *The permit application was denied because of an incomplete filing, failure to meet an applicable deadline, or failure to comply with administrative or procedural requirements.*

Section 4. Paragraph (b) of subsection (9) of section 403.021, Florida Statutes, is amended to read:

403.021 Legislative declaration; public policy.—

(9)(a) The Legislature finds and declares that it is essential to preserve and maintain authorized water depth in the existing navigation channels, port harbors, turning basins, and harbor berths of this state in order to provide for the continued safe navigation of deepwater shipping commerce. The department shall recognize that maintenance of authorized channel depths is an ongoing, continuous, beneficial, and necessary activity; and it shall develop a regulatory process which shall enable the ports of this state to conduct such activities in an environmentally sound, expeditious, and efficient manner.

(b) The provisions of paragraph (a) shall apply only to the port waters, spoil disposal sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, and Pensacola.

Section 5. Subsection (26) of section 403.061, Florida Statutes, is amended to read:

403.061 Department; powers and duties.—

(26)(a) Develop standards and criteria for waters used for deepwater shipping which standards and criteria consider existing water quality; appropriate mixing zones and other requirements for maintenance dredging in previously constructed deepwater navigation channels, port harbors, turning basins, or harbor berths; and appropriate mixing zones for disposal of spoil material from dredging and, where necessary, develop a separate classification for such waters. Such classification, standards, and criteria shall recognize that the present dedicated use of these waters is for deepwater commercial navigation.

(b) The provisions of paragraph (a) shall apply only to the port waters, spoil disposal sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, and Pensacola.

Section 6. Subsection (1) of section 403.812, Florida Statutes, is amended to read:

403.812 Delegation of functions to water management districts.—

(1) ~~By October 1, 1984,~~ The department *may shall* delegate, to those water management districts that it finds to be financially and technically capable of implementing the delegation, its powers and duties pertaining to the administration of its "Regulation of Stormwater Rule." *Where the*

stormwater rule is delegated to a water management district, the department shall not require a permit for dredge and fill activities required for the connection of stormwater management facilities to waters and which are incidental to the construction of such facilities. For purposes of dredge and fill regulation, waters shall not include those contained within artificially constructed stormwater treatment and conveyance systems designed solely for the purpose of stormwater treatment and which are regulated by the department or a water management district to whom the responsibility for stormwater regulation has been delegated. ~~However, no later than October 1, 1984, the department shall delegate such powers and duties to the South Florida Water Management District and the Southwest Florida Water Management District.~~

Section 7. Subsection (4) is added to section 403.814, Florida Statutes, to read:

403.814 General permits; delegation.—

(4) *Notwithstanding the procedures set forth in subsections (1) and (2), the department may specify, by rule, alternative notice procedures for certain activities which are of a routine and repetitive nature and which are an integral part of agricultural activities or silvicultural activities, or are activities of another state agency.*

Section 8. Subsection (4) of section 403.816, Florida Statutes, is amended to read:

403.816 Permits for maintenance dredging of deepwater ports.—

(4) The provisions of this section shall apply only to the port waters, spoil disposal sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, *St. Petersburg*, and Pensacola.

Section 9. Pursuant to s. 403.817, Florida Statutes, the Legislature hereby ratifies the rule adopted on January 25, 1984, by the Environmental Regulation Commission with the following changes:

(1) In Rule 17-4.022(2), Florida Administrative Code, the following shall be removed: *Blechnum serrulatum*; *Carex leptalea*; *Carex stipitata*; *Carya aquatica*; *Conocarpus erectus*; *Crataegus viridis*; *Cymodocea filiformis*; *Cyperus odoratus*; *Dichromena* spp.; *Dryopteris ludoviciana*; *Gleditsia aquatica*; *Gratiola ramosa*; *Halodule beaudettei*; *Hypericum fasciculatum*; *Illicium floridanum*; *Liriodendron tulipifera* in all counties south of Taylor, Lafayette, Suwannee, Columbia, Baker and Duval; *Lycopus rubellus*; *Myrica inodora*; *Osmunda* spp.; *Panicum repens*; *Panicum virgatum*; *Pluchea* spp.; *Polygala cymosa*; *Populus deltoides*; *Rhexia*, all species except *R. alifanus*, *R. lutea*, *R. mariana*, *R. petiolata*, and *R. virginica*; *Sabatia bartramii*; *Sarracenia* spp.; *Schizachyrium rhizomatum*; *Sesuvium maritimum*; *Sesuvium portulacastrum*; *Spartina* spp.; *Thalassia testudinum*; and *Woodwardia* spp.

(2) In Rule 17-4.022(2), Florida Administrative Code, the following shall be added: *Muhlenbergia capillaris*; *Muhlenbergia schreberi*; *Osmunda regalis*; *Rhexia parviflora*; *Rhexia salicifolia*; and *Spartina*, all species except: *S. bakerii*.

(3) In Rule 17-4.022(3), Florida Administrative Code, the following shall be removed: *Acer* spp.; *Baccharis halimifolia*; *Carya glabra*, in all counties west of Dixie, Gilchrist and Columbia; *Cliftonia monophylla*; *Cyrilla racemiflora*; *Liriodendron tulipifera*, in all counties north and west of and including Taylor, Lafayette, Suwannee, Columbia, Baker and Duval; *Melaleuca quinquenervia*; *Muhlenbergia* spp.; *Rhexia alifanus*; *Rhexia lutea*; *Rhexia mariana*; *Rhexia petiolata*; *Rhexia virginica*; *Sabal palmetto*; *Schinus terebinthifolius*; and *Ulmus* spp.

(4) In Rule 17-4.022(3), Florida Administrative Code, the following shall be added: *Acer rubrum*; *Acer saccharinum*; *Acer negundum*; *Blechnum serrulatum*; *Carex leptalea*; *Carex stipitata*; *Carya aquatica*; *Conocarpus erectus*; *Crataegus viridis*; *Cyperus odoratus*; *Dichromena* spp.; *Dryopteris ludoviciana*; *Gleditsia aquatica*; *Gratiola ramosa*; *Hypericum fasciculatum*; *Illicium floridanum*; *Liriodendron tulipifera*; *Lycopus rubellus*; *Myrica inodora*; *Osmunda cinnamomea*; *Panicum repens*; *Panicum virgatum*; *Pluchea* spp.; *Polygala cymosa*; *Populus deltoides*; *Rhexia*, all species except: *R. parviflora* and *R. salicifolia*; *Sabatia bartramii*; *Sarracenia* spp.; *Schizachyrium rhizomatum*; *Sesuvium*

maritimum; *Sesuvium portulacastrum*; *Spartina bakerii*; *Ulmus*, all species except *U. rubra*; and *Woodwardia* spp.

(5) In Rule 17-4.022(1)(d), Florida Administrative Code, the following sentences shall be added: "If both parties agree to use more than one stratum, the following methods for a combination of strata shall be used in a manner to ensure that sufficient representative data will be generated. The methods described in subparagraphs (c)1., 2., and 3. shall be used for the appropriate strata. The percentages obtained shall be added and the sum divided by the number of strata examined. The number generated by this procedure shall be substituted for areal extent in paragraph (a) or paragraph (b) above. When a combination of strata is used, the following shall be added to Rule 17-4.022(2), Florida Administrative Code: *Blechnum serrulatum*, *Carex leptalea*, *Carex stipitata*, *Crataegus viridis*, *Osmunda* spp., *Pluchea* spp., and *Woodwardia* spp. Concurrently the following shall be added to Rule 17-4.022(3), Florida Administrative Code: *Axonopus furcatus*, *Flaveria* spp., *Metopium toxiferum*, *Myrica cerifera*, *Sabal minor*, and *Symplocos tinctoria*."

(6) *Cliftonia monophylla*, *Cyrilla racemiflora*, *Melaleuca quinquenervia*, *Sabal palmetto*, and *Schinus terebinthifolius* shall not be considered submerged, transitional, or upland species. In areas vegetated by any of these five species, the department shall determine the landward extent of waters using the remaining plant species or other indicators of regular and periodic inundation as provided in Rule 17-4.022(1), Florida Administrative Code.

(7) In all areas of the state, the landward extent of waters shall be demarcated by Rule 17-4.022, Florida Administrative Code; provided, however, in no case shall the landward extent of said waters extend above the elevation of the one in 10-year recurring flood event or the area of land with standing or flowing water for more than 30 consecutive days per year calculated on an average annual basis, whichever is more landward. The extent of the flood line shall be developed by appropriate engineering techniques, and a description of the surveyed line shall be prepared and certified by a professional land surveyor registered in this state. The burden for determining the surveyed flood line shall be with the party wishing to use this alternative. Notwithstanding the above, for waters which are saline or brackish, or for rivers whose major source of flow is from springs, the landward extent of waters shall be demarcated solely by Rule 17-4.022, Florida Administrative Code. The provisions of this subsection shall not operate to reduce the landward extent of the jurisdiction of the department as it existed prior to January 24, 1984.

(8) There is created a Vegetative Index Review Committee composed of nine members. Three members shall be appointed by the President of the Senate, three members shall be appointed by the Speaker of the House, and three members shall be appointed by the Governor. Membership shall be representative of, but not limited to, interested groups as well as individuals possessing technical knowledge concerning agriculture, real estate, local government, the environment, the construction industry, and manufacturing and shall include lay citizens. The members shall be appointed by October 1, 1985, and their terms shall expire March 31, 1986. The Governor shall appoint the chairman. The members shall serve without compensation but shall be paid travel and per diem as provided in s. 112.061, Florida Statutes, while in the performance of their official duties. Administrative, personnel, and other support services necessary for the committee shall be furnished by the Department of Environmental Regulation. The Vegetative Index Review Committee shall review the operation of a vegetative index Rule 17-4.022, Florida Administrative Code, as amended by this part. The committee shall also review the operation of the 10-year floodplain and soils limitation on jurisdiction and recommend any changes necessary to ensure that the jurisdiction of the department under the vegetative list previously in effect has not been lessened. The committee shall prepare a report to be submitted to the Governor, Speaker of the House, and President of the Senate. The report shall be submitted by March 1, 1986, after public hearings, and shall contain information and data on jurisdictional determinations and other relevant information which may aid the Legislature in evaluating the scope and impact of the vegetative index. The report shall contain recommendations on modifications which the committee feels should be made to the vegetative index.

Section 10. Subsection (13) is added to section 253.03, Florida Statutes, to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(13) *Within 30 days after receipt of an application for use of state-owned submerged lands in connection with a chapter 403 permit, including a purchase, lease, easement, disclaimer, or other consent to use such lands requiring the Board of Trustees of the Internal Improvement Trust Fund action, the Division of State Lands shall review any such application or request, and shall request submittal of all additional information necessary to process the application. Within 30 days after receipt of such additional information, the division shall review the information submitted and may request only that information needed to clarify such additional information, to process the appropriate form of approval indicated by the additional information, or to answer those questions raised by, or directly related to, such additional information. Application for the authority to use state-owned submerged land requiring board action shall be submitted to the board for their approval or denial within 90 days after receipt of the original application or the last item of timely requested additional information. This time-frame shall be tolled by any public hearing and notice requirements held pursuant to s. 253.115, or any hearings pursuant to s. 120.57. If the review of the application is not completed within the 90-day period, the division shall submit in the department's quarterly report to the board the reasons for not completing the review of the application and an estimated date by which the application shall be submitted to the board for its action.*

Section 11. Section 253.04, Florida Statutes, is amended to read:

253.04 Duty of board to protect, etc., state lands; state may join in any action brought.—

(1) *The Board of Trustees of the Internal Improvement Trust Fund may police, protect, conserve, improve; prevent trespass, damage, or depredation upon the lands and the products thereof, on or under the same, owned by the state as set forth in s. 253.03. Said board may bring in the name of the board all suits in ejectment, suits for damage, and suits in trespass, which in the judgment of the said board may be necessary to the full protection and conservation of the said lands, or take such other action or do such other things as may in the judgment of the board be necessary for the full protection and conservation of the said lands, and the state may join with the said board in any action or suit, or take part in any proceeding, when it may deem necessary, in the name of this state through the Department of Legal Affairs.*

(2) *In lieu of seeking monetary damages pursuant to subsection (1) against any person or agent of any person who has been found to have willfully damaged lands of the state, the ownership or boundaries of which have been established by the state, or willfully damaged or removed products thereof in violation of state or federal law, or knowingly refused to comply with or willfully violated the provisions of this chapter, the board may impose a fine for each offense in an amount up to \$10,000 to be fixed by rule and imposed and collected by the board in accordance with the provisions of chapter 120. Each day during any portion of which such violation occurs shall constitute a separate offense. This subsection shall not apply to any act or omission which is currently subject to litigation wherein the state or any agency of the state is a party as of the effective date of this act or to any person who holds such lands under color of title. Nothing contained herein shall impair the rights of any person to obtain a judicial determination in a court of competent jurisdiction of said person's interest in lands that are the subject of a claim or proceeding by the department under this subsection.*

(3) *Whenever any person or agent of any person knowingly refuses to comply with or willfully violates any of the provisions of this chapter so that such person causes damage to the lands of the state or products thereof, including removal of those products, such violator shall be liable for such damage. Whenever two or more persons or their agents cause damage, and if said damage is indivisible, each violator shall be jointly and severally liable for said damage; however, if said damage is divisible and may be attributed to a particular violator or violators, each violator is liable only for that damage and subject to the fine attributable to his violation.*

(4) *All fines imposed hereunder and damages awarded shall be a lien upon the real and personal property of the violator or violators,*

enforceable by the Department of Natural Resources as statutory liens under chapter 85.

(5) *All moneys collected pursuant to fines imposed or damages awarded shall be deposited in the Internal Improvement Trust Fund created by s. 253.01 and used for the purposes defined therein.*

Section 12. Subsection (1) of section 253.77, Florida Statutes, is amended to read:

253.77 State lands; state agency authorization for use prohibited without consent of agency in which title vested.—

(Substantial rewording of subsection. See s. 253.77(1), F.S., for present text.)

(1) *No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use.*

Section 13. Subsection (3) of section 403.031, Florida Statutes, is amended to read:

403.031 Definitions.—*In construing this chapter, or rules and regulations adopted pursuant thereto, the words, phrases or terms, unless the context otherwise indicates, shall have the following meanings:*

(3) *"Waters" shall include, but not be limited to, rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface or underground waters. Waters owned entirely by one person other than the state are included only in regard to possible discharge on other property or water. Underground waters include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural. Solely for purposes of this chapter, waters of the state shall also include the area bounded by the following:*

(a) Commence at the intersection of State Road (SRD) 5 (U.S. 1) and the county line dividing Dade and Monroe Counties, said point also being the mean high water line of Florida Bay, located in Section 4, Township 60 South, Range 39 East of the Tallahassee Meridian for the Point of Beginning.

From said Point of Beginning, thence run northwesterly along said SRD 5 to an intersection with the north line of Section 18, Township 58 South, Range 39 East, thence run westerly to a point marking the southeast corner of Section 12, Township 58 South, Range 37 East, said point also lying on the east boundary of the Everglades National Park, thence run north along the east boundary of the aforementioned Everglades National Park to a point marking the northeast corner of Section 1, Township 58 South, Range 37 East, thence run west along said park to a point marking the northwest corner of said Section 1, thence run northerly along said park to a point marking the northwest corner of Section 24, Township 57 South, Range 37 East, thence run westerly along the south lines of Sections 14, 15 and 16 to the Southwest corner of Section 16, thence leaving the Everglades National Park boundary run northerly along the west line of Section 16 to the Northwest corner of Section 16, thence east along the northerly line of Section 16 to a point at the intersection of the East one-half and West one-half of Section 9, thence northerly along the line separating the East one-half and the West one-half of Sections 9, 4, 33, and 28, thence run easterly along the North line of Section 28 to the northeast corner of Section 28, thence run northerly along the West line of Section 22 to the Northwest corner of Section 22, thence easterly along the north line of Section 22 to a point at the intersection of the East one-half and West one-half of Section 15, thence run northerly along said line to the point of intersection with the north line of Section 15, thence easterly along the north line of Section 15 to the northeast corner of Section 15, thence run northerly along the west lines of Sections 11 and 2 to the northwest corner of Section 2, thence run easterly along the north lines of Sections 2 and 1 to the northeast corner of Section 1, Township 56 South, Range 37 East; thence run north along the east line of Section 36, Township 55 South, Range 37 East to the Northeast corner of Section 36, thence run west along the North line of Section 36 to the northwest corner of Section 36, thence run north along the west line of section 25 to the Northwest corner of Section 25, thence run West along the North line of Section 26

to the Northwest corner of Section 26, thence run north along the west line of Section 23 to the Northwest corner of Section 23, thence run easterly along the north line of Section 23 to the Northeast corner of Section 23, thence run north along the west line of Section 13 to the Northwest corner of Section 13 thence run east along the north line of Section 13 to a point of intersection with the west line of the Southeast 1/4 of Section 12, thence run north along the West line of the Southeast 1/4 of Section 12 to the Northwest corner of the Southeast 1/4 of Section 12, thence run east along the North line of the Southeast 1/4 of Section 12 to the point of intersection with the east line of Section 12, thence run east along the South line of the Northwest 1/4 of Section 7 to the Southeast corner of Northwest 1/4 of Section 7, thence run north along the east line of the Northwest 1/4 of Section 7 to the point of intersection with the north line of Section 7 thence run northerly along the west line of the Southeast 1/4 of Section 6 to the Northwest corner of the Southeast 1/4 of Section 6, thence run east along the north lines of the Southeast 1/4 of Section 6, and the Southwest 1/4 of Section 5 to the Northeast corner of the Southwest 1/4 of Section 5, thence run northerly along the east line of the Northwest 1/4 of Section 5 to the point of intersection with the North line of Section 5, thence run Northerly along the line dividing the East one-half and the West one-half of Lot 5 to a point intersecting the North line of Lot 5, thence run east along the North line of Lot 5 to the Northeast corner of Lot 5, Township 54 1/2 South, Range 38 East; thence running north along the west line of Section 33, Township 54 South, Range 38 East to a point intersecting the Northwest corner of the Southwest 1/4 of Section 33, thence run easterly along the north line of the Southwest 1/4 of Section 33 to the Northeast corner of the Southwest 1/4 of Section 33, thence run north along the West line of the Northeast 1/4 of Section 33 to a point intersecting the North line of Section 33, thence run easterly along the North line of Section 33 to the Northeast corner of Section 33, thence run northerly along the West line of Section 27 to a point intersecting the Northwest corner of the Southwest 1/4 of Section 27, thence run easterly to the northeast corner of the southwest 1/4 of Section 27, thence run northerly along the West line of the Northeast 1/4 of Section 27 to a point intersecting the North line of Section 27 thence run West along the North line of Section 27 to the Northwest corner of Section 27, thence run North along the West lines of Sections 22 and 15 to the Northwest corner of Section 15, thence run easterly along the North lines of Sections 15 and 14 to the point of intersection with the L-31 N Levee, said intersection located near the southeast corner of Section 11, Township 54 South, Range 38 East, thence run northerly along Levee L-31 N crossing SRD 90 (U.S. 41 Tamiami Trail) to an intersection common to Levees L-31N, L-29 and L-30, said intersection located near the southeast corner of Section 2, Township 54 South, Range 38 East, thence run northeasterly, northerly and northeasterly along L-30 to a point of intersection with the Dade/Broward Levee, said intersection located near the northeast corner of Section 17, Township 52 South, Range 39 East, thence run due east to a point of intersection with SRD 27 (Krome Ave.), thence run northeasterly along SRD 27 to an intersection with SRD 25 (U.S. 27), said intersection located in Section 3, Township 52 South, Range 39 East, thence run northerly along said SRD 25, entering into Broward County, to an intersection with SRD 84 at Andytown, thence run southeasterly along the aforementioned SRD 84 to an intersection with the southwesterly prolongation of Levee L-35A, said intersection being located in the northeast one-quarter (1/4) of Section 5, Township 50 South, Range 40 East, thence run northeasterly along Levee L-35A to an intersection of Levee L-36, said intersection located near the southeast corner of Section 12, Township 49 South, Range 40 East, thence run northerly along Levee L-36, entering into Palm Beach County, to an intersection common to said Levees L-36, L-39, and L-40, said intersection located near the west quarter corner of Section 19, Township 47 South, Range 41 East, thence run northeasterly, easterly and northerly along Levee L-40, said Levee L-40 being the easterly boundary of the Loxahatchee National Wildlife Refuge, to an intersection with SRD 80 (U.S. 441), said intersection located near the southeast corner of Section 32, Township 43 South, Range 40 East, thence run westerly along the aforementioned SRD 80 to a point marking the intersection of said road and the northeasterly prolongation of Levee L-7, said Levee L-7 being the westerly boundary of the Loxahatchee National Wildlife Refuge, thence run southwesterly and southerly along said Levee L-7 to an intersection common to Levees L-7, L-15 (Hillsboro Canal) and L-6, thence run southwesterly along Levee L-6 to an intersection common to Levee L-6, SRD 25 (U.S. 27), and Levee L-5, said intersection being located near the northwest corner of Section 27, Township 47 South, Range 38 East, thence run westerly along the aforementioned Levee L-5 to a point intersecting the east line of Range 36 East, thence run northerly along said Range line to a point

marking the northeast corner of Section 1, Township 47 South, Range 36 East, thence run westerly along the north line of Township 47 South, to an intersection with Levee L-23/24 (Miami Canal), thence run northwesterly along the Miami Canal Levee to a point intersecting the north line of Section 22, Township 46 South, Range 35 East, thence run westerly to a point marking the northwest corner of Section 21, Township 46 South, Range 35 East, thence run southerly to the southwest corner of said Section 21, thence run westerly to a point marking the northwest corner of Section 30, township 46 South, Range 35 East, said point also being on the line dividing Palm Beach and Hendry Counties, from said point, thence run southerly along said county line to a point marking the intersection of Broward, Hendry and Collier Counties, said point also being the northeast corner of Section 1, Township 49 South, Range 34 East, thence run westerly along the line dividing Hendry and Collier Counties and continuing along the prolongation thereof to a point marking the southwest corner of Section 36, Township 48 South, Range 29 East, thence run southerly to a point marking the southwest corner of Section 12, Township 49 South, Range 29 East, thence run westerly to a point marking the southwest corner of Section 10, Township 49 South, Range 29 East, thence run southerly to a point marking the southwest corner of Section 15, Township 49 South, Range 29 East, thence run westerly to a point marking the northwest corner of Section 24, Township 49 South, Range 28 East, said point lying on the west boundary of the Big Cypress Area of Critical State Concern as described in Rule 27F-3, Florida Administrative Code, thence run southerly along said boundary crossing SRD 84 (Alligator Alley) to a point marking the southwest corner of Section 24, Township 50 South, Range 28 East, thence leaving the aforementioned west boundary of the Big Cypress Area of Critical State Concern run easterly to a point marking the northeast corner of Section 25, Township 50 South, Range 28 East, thence run southerly along the east line of Range 28 East to a point lying approximately 0.15 miles south of the northeast corner of Section 1, Township 52 South, Range 28 East, thence run southwesterly 2.4 miles more or less to an intersection with SRD 90 (U.S. 41 Tamiami Trail), said intersection lying 1.1 miles more or less west of the east line of Range 28 East, thence run northwesterly and westerly along SRD 90 to an intersection with the west line of Section 10, Township 52 South, Range 28 East, thence leaving SRD 90 run southerly to a point marking the southwest corner of Section 15, Township 52 South, Range 28 East, thence run westerly crossing the Faka Union Canal 0.6 miles more or less to a point, thence run southerly and parallel to the Faka Union Canal to a point located on the mean high water line of Faka Union Bay, thence run southeasterly along the mean high water line of the various bays, rivers, inlets and streams to the Point of Beginning.

(b) The area bounded by the line described in paragraph (a) generally includes those waters to be known as Waters of the State. The landward extent of these waters shall be determined as provided in s. 403.817. Any waters which are outside the general boundary line described in paragraph (a) but which are contiguous thereto by virtue of the presence of a water course or as determined pursuant to ch. 17-4.022, Florida Administrative Code, shall be a part of this waterbody. Any areas within the line described above which are not within the department's jurisdiction as determined pursuant to ch. 17-4.022, Florida Administrative Code, shall be excluded therefrom. If the Florida Environmental Regulation Commission designates the waters within the boundaries an Outstanding Florida Water, waters outside the boundaries shall not be included as part of such designation unless a hearing is held pursuant to notice in each appropriate county and the boundaries of said lands are specifically considered and described for such designation.

Section 14. The Department of Environmental Regulation is directed to consult with the Department of Agriculture and Consumer Services, the Institute of Food and Agricultural Sciences at the University of Florida, and the U.S. Soil and Conservation Service to investigate the creation of a wetlands indicator index using soils in combination with vegetation. The department is further directed to report the results of such investigation to the Speaker of the House and the President of the Senate no later than March 1, 1986.

Section 15. Sections 253.123, 253.124, 253.1245, and 253.76, Florida Statutes, are hereby repealed.

Section 16. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that the invalidity shall not affect other provisions or applications of the act.

Section 17. This act, and the rule approved pursuant to section 9, shall take effect October 1, 1984.

Conference Committee Amendment 2—In title, on page 1, lines 4-31, and on page 2, lines 1-28, strike all of said lines and insert: consisting of ss. 403.901-403.915, F.S., entitled the "Warren S. Henderson Wetlands Protection Act of 1984"; providing definitions; providing for the powers and duties of the Department of Environmental Regulation; providing for jurisdiction with respect to the wetlands; requiring permits for construction, dredging, and filling; providing criteria for permit issuance; providing criteria for permit review; providing for enforcement; providing for judicial review; providing for jurisdictional declaratory statements; providing for local governmental participation and powers; providing for state sovereignty land applications; providing for agricultural activities; providing for a wetlands monitoring system; creating s. 403.265, F.S.; regulating peat mining in wetlands; amending s. 193.023, F.S., relating to duties of the property appraiser; amending ss. 403.021, 403.061, and 403.816, F.S., including St. Petersburg within a list of locations required to maintain certain authorized water depths in channels, harbors, basins, and berths; amending s. 403.812, F.S., relating to permits for certain dredge and fill activities where the department has delegated certain functions to a water management district; amending s. 403.814, F.S., authorizing the department to provide for alternative notice procedures for certain routine and repetitive activities; ratifying a certain rule and revising the vegetative index adopted as part of said rule; providing for a Vegetative Index Review Committee; amending s. 253.03, F.S., providing for the review of applications for the use of state lands; amending s. 253.04, F.S., relating to the duty of the Board of Trustees of the Internal Improvement Trust Fund to protect state lands; providing for imposition of fines and award of damages; amending s. 253.77, F.S., prohibiting any person from commencing any excavation, construction, or other activity with respect to state land until required consent is obtained from the board; amending s. 403.031, F.S., redefining the term "waters" to include reference to the Everglades; providing for a wetlands indicator index; repealing s. 253.123, F.S., relating to restrictions on dredging and filling; repealing s. 253.124, F.S., relating to applications for filling land; repealing s. 253.1245, F.S., relating to applications for filling land; repealing s. 253.76, F.S., relating to appeals of decisions by the Department of Environmental Regulation; providing severability; providing an effective date.

On motion by Senator Neal, the Conference Committee Report was adopted, and CS for HB 1187 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—35

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

Nays—2

Carlucci Langley

CS for SB 579—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 603.13, F.S.; creating the Fruit and Vegetable Inspection Trust Fund; providing for the deposit of certain moneys received by the department into the fund; providing for the payment of certain expenses from the fund; providing for temporary transfer of other trust funds to the Fruit and Vegetable Inspection Trust Fund; requiring funds to be repaid within 1 year; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote CS for SB 579 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Carlucci	Childers, D.	Deratany
Beard	Castor	Childers, W. D.	Dunn

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

Nays—None

CS for SB 707—A bill to be entitled An act relating to education; amending s. 232.26, F.S., relating to the authority of the principal within the district school system; modifying provisions of law relating to suspension or expulsion of students charged with or found guilty of certain felonious acts to expand applicability of such provisions to other felony charges; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote CS for SB 707 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Stuart, the rules were waived and by two-thirds vote CS for HB 997 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Stuart—

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.

—a companion measure, was substituted for CS for SB 35 and read the second time by title.

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

Amendment 1—On page 4, between lines 10 and 11, insert: a new Section 6.

Section 6. Paragraph (j) is added to subsection (1) of section 458.303, Florida Statutes, to read:

458.303 Provisions not applicable to other practitioners; exceptions, etc.—

(1)(j) *The administration of nondental 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 persons practicing under this exemption shall be subject to the provisions of s. 458.331.*

(Renumber subsequent sections.)

Senator Jennings moved the following amendments which were adopted:

Amendment 2—On page 1, lines 20-26, strike all of said lines and insert:

Section 1. Paragraph (cc) of subsection (1) of section 458.311, Florida Statutes, is amended and paragraph (ee) is added to said section to read:
458.331 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is an amphetamine or sympathomimetic amine drug or a compound designated as a Schedule II controlled substance, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesia; behavioral syndrome in children characterized by the developmentally inappropriate symptoms of moderate to severe distractibility, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction; or

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun; or

4. *The treatment of severe idiopathic edema syndrome.*

Amendment 3—On page 2, strike lines 6-12 and insert:

Section 2. Paragraph (cc) of subsection (1) of section 490.015, Florida Statutes, is amended and paragraph (dd) is added to said subsection to read:

490.015 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is an amphetamine or sympathomimetic amine drug or compound designated as a Schedule II controlled substance, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesia; behavioral syndrome in children characterized by the developmentally inappropriate symptoms of moderate to severe distractibility, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction; or

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun; or

4. *The treatment of severe idiopathic edema syndrome.*

Amendment 4—On page 3, strike lines 9-16 and insert:

Section 4. Paragraph (cc) of subsection (1) of section 462.14, Florida Statutes, is amended and paragraph (dd) is added to said subsection to read:

462.14 Grounds for disciplinary action; action by the board.—

(1) The following acts constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is an amphetamine or sympathomimetic amine drug or a compound designated pursuant to chapter 893 as a Schedule II controlled substance to or for any person except for:

1. The treatment of narcolepsy; hyperkinesia; behavioral syndrome in children characterized by the developmentally inappropriate symptoms of moderate to severe distractibility, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction.

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities.

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun; or

4. *The treatment of severe idiopathic edema syndrome.*

(dd) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones,

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

Amendment 5—In title, on page 1, line 15, after the semicolon (;) insert: amending s. 458.303, F.S.; exempting the administration of non-dental anesthesia by certain dentists from the practice of medicine;

Senator Jennings moved the following amendment which was adopted:

Amendment 6— In title, on page 1, line 4, after the semicolon (;) insert: providing for the prescribing, ordering, dispensing, administration, supplying, selling or giving of certain drugs by physicians, osteopathic physicians, or naturopaths for the treatment of severe idiopathic edema syndrome;

On motion by Senator Stuart, by two-thirds vote CS for HB 997 as amended was read the third time by title and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 35 was laid on the table.

On motion by Senator Beard—

HB 400—A bill to be entitled An act relating to commercial driving schools; saving chapter 488, F.S., from sunset repeal scheduled October 1, 1984; providing for sunset review and repeal of said chapter on October 1, 1994; providing an effective date.

—a companion measure, was substituted for SB 992 and read the second time by title.

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

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

Section 1. Section 488.01, Florida Statutes, is amended to read:

488.01 License required to conduct driver's school.—~~No Every person shall desiring to engage in the business of operating conducting a driver's school without first obtaining, shall prior to engaging in such business secure a license therefor from the Department of Highway Safety and Motor Vehicles for such purpose. All applications for such license, both original and renewal, must be made to the Department of Highway Safety and Motor Vehicles on a form prescribed therefor by the department.~~

Section 2. Section 488.02, Florida Statutes, is amended to read:

488.02 Rules and regulations.—The Department of Highway Safety and Motor Vehicles is authorized to adopt shall promulgate such rules and regulations controlling commercial driving schools in Florida as are necessary to implement the provisions of this chapter and proper.

Section 3. Section 488.03, Florida Statutes, is amended to read:

488.03 License fee; expiration; renewal.—

(1) An application for a license shall be made in the form prescribed by the Department of Highway Safety and Motor Vehicles. Every application for an original license must be accompanied by an application fee of \$50 \$10, which feeshall not in no event be refunded. If the application is approved, a further fee of \$200 shall \$240—must be paid before the

~~Department of Highway Safety and Motor Vehicles will issue the license may be issued. The funds collected pursuant to this chapter shall be used to further the purpose of this chapter by the Department of Highway Safety and Motor Vehicles. The license shall be valid for a period of 1 year from date of issuance and is not. Licenses shall not be transferable. In the event of any change in ownership or interest in the business, an application for a new license, together with all instructors' certificates issued thereunder, must be surrendered to the department before a license will be issued to a new owner of the business. The fee for annual renewal of licenses shall be \$100 \$50 per annum.~~

~~(2) All revenue received from the applications for and the issuance of licenses under the provisions of this chapter shall be deposited into the general revenue fund of the state. The department shall include a sufficient amount in its legislative budget request to properly carry out the provisions of this chapter.~~

Section 4. Section 488.04, Florida Statutes, is amended to read:

488.04 Instructors, qualifications; certificates.—

(1) No person shall receive compensation for giving instructions in the operation of motor vehicles or act in the capacity of a professional driver training school instructor in this state without first obtaining unless such person is the holder of an instructor's certificate issued for such purpose by the Department of Highway Safety and Motor Vehicles. An application for a certificate shall be made in the form prescribed by the department. The fee for the initial application is \$25, which is not refundable. The fee for annual renewal of the certificate is \$10. Such certificate shall be valid for use only in connection with the business of the driver's school or schools listed thereon by the department, or in connection with a driver education course offered by a district school board. An applicant for an instructor's certificate will be required to take special eye, written, and road tests, and shall may be required to furnish additional proof of his qualifications and ability as an instructor.

(2) The Department of Highway Safety and Motor Vehicles may issue a duplicate certificate only upon receipt of an affidavit stating that the original was physically destroyed, but may not issue a duplicate certificate for any other loss of the original. The fee for issuance of a duplicate certificate is \$2.

Section 5. Section 488.045, Florida Statutes, is created to read:

488.045 Agents; identification cards.—

No person may serve in the capacity of an agent for a commercial driving school without first obtaining an agent identification card issued for such purpose by the Department of Highway Safety and Motor Vehicles. An application for a card shall be made in the form prescribed by the department. The fee for the initial application is \$25, which is not refundable. The fee for annual renewal of the card is \$10. Such card shall be valid for use only in connection with the business of the driver's school or schools listed thereon by the department.

Section 6. Section 488.05, Florida Statutes, is amended to read:

488.05 Motor vehicle identification certificates.—No motor vehicle owned or controlled by a driver's school may be used for the purpose of giving driving instructions until the licensee has obtained a school vehicle identification certificate from the Department of Highway Safety and Motor Vehicles a school vehicle identification certificate, which certificate shall be carried in such vehicle at all times. An application for an initial certificate shall be accompanied by a fee of \$15, which is not refundable. The fee for annual renewal of the certificate is \$10. No school vehicle certificate will be issued by the department unless and until such vehicle is equipped in accordance with safety requirements as established by the department.

Section 7. Section 488.06, Florida Statutes, is amended to read:

488.06 Revocation or suspension of licenses.—The Department of Highway Safety and Motor Vehicles may suspend or revoke any license or certificate issued under the provisions of this chapter if the holder of such license or certificate has violated the provisions of this chapter mentioned in this law if such revocation or suspension shall be for the purpose of enforcing the safety requirements essential to effect the purpose of this law.

Section 8. Section 488.07, Florida Statutes, is amended to read:

488.07 Penalties for violation.—Any person who violates shall violate or fail to comply with any of the provisions of this chapter or any of the rules or regulations promulgated thereunder, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 9. Section 488.08, Florida Statutes, is created to read:

488.08 Disposition of revenues; budget.—All moneys received from applications for or issuance of licenses and certificates under this chapter shall be deposited in the General Revenue Fund. The Department of Highway Safety and Motor Vehicles shall include a sufficient amount in its legislative budget request to administer properly the provisions of this chapter.

Section 10. Notwithstanding the provisions of the Regulatory Sunset Act, chapter 488, Florida Statutes, shall not stand repealed on October 1, 1984, as scheduled by such act, but such chapter, as amended, is hereby revived and readopted.

Section 11. Chapter 488, Florida Statutes, is repealed on October 1, 1994, and shall be reviewed pursuant to section 11.61, Florida Statutes.

Section 12. This act shall take effect October 1, 1984.

Amendment 2—In title, on page 1, strike all of lines 3-6 and insert: revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, ch. 488, F.S., relating to regulation of commercial driving schools by the Department of Highway Safety and Motor Vehicles; amending ss. 488.01, 488.02, 488.03, 488.04, 488.05, 488.06, 488.07, F.S.; creating ss. 488.045 and 488.08, F.S.; requiring licenses, certificates or agent identification cards; authorizing the adoption of rules; specifying fees; requiring that an applicant for an instructor certificate furnish proof of qualifications and ability; providing for deposit of revenues; providing for budgeting; providing for future repeal and legislative review; providing an effective date.

On motion by Senator Beard, by two-thirds vote HB 400 as amended was read by the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 992 was laid on the table.

CS for SB 399—A bill to be entitled An act relating to building construction; amending s. 553.71, F.S.; providing definitions; amending s. 553.77, F.S.; providing for establishment of a voluntary program to certify building code administrators and inspectors; providing for testing; providing for rules; providing for collection and deposit of fees; authorizing disciplinary actions against certificateholders; providing that certain powers of state and local governments are not limited; providing for issuance of opinions; amending s. 553.79, F.S.; providing for conduct of structural inspections of specified buildings by special inspectors; providing for establishment of qualifications for and a list of special inspectors; requiring certain statements prior to issuance of a certificate of occupancy; specifying responsibilities of building contractors; requiring certain documentation prior to issuance of a building permit; providing an effective date.

—was read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 2, line 29, and on page 3, line 18, strike "shall" and insert: may

Amendment 2—On page 3, line 20, strike "\$50" and insert: \$150

Amendment 3—On page 3, line 21, strike "\$25" and insert: \$150

Amendment 4—On page 4, lines 17-19, strike everything after "interpretation" and insert: of ss. 553.71(6) and 553.79(5)(a) and (c), (6)(a), (b), (d), and (e), and (7)(a) and (c). Such opinions shall be rendered in the same manner provided in s. 120.565, relating to declaratory statements.

Amendment 5—On page 4, line 29, after the period (.) insert: The purpose of the structural inspection plan is to provide specific inspection procedures and schedules such that the building can be adequately inspected for compliance with the permitted documents. The special inspector shall inspect shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency.

Amendment 6—On page 7, strike all of lines 21 and 22 and insert: components complies with the permitted documents, and the shoring and reshoring conforms with the shoring and reshoring plans submitted to the enforcing agency. prepared by

Amendment 7—On page 8, strike all of lines 3-12 and insert:

(c) all shoring and reshoring procedures, plans and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor. prepared after October 1, 1983, be prepared by and sealed by an engineer registered in this state, a signed and sealed copy of all shoring documents prepared after October 1, 1983, be submitted to the architect and structural engineer and the local enforcement agency, and each shoring and reshoring installation performed after October 1, 1983, be supervised, inspected, and certified to be in compliance with the shoring documents by the general contractor.

Amendment 8—On page 8, line 30, insert: a new Section 4

Section 4. Section 471.005(8), Florida Statutes, is hereby repealed.

(Renumber subsequent section.)

Amendment 9—On page 1, line 22, after "permit;" insert: repealing s. 471.005(8), F.S., relating to the definition of threshold building;

On motion by Senator Vogt, by two-thirds vote CS for SB 399 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

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

Nays—None

Senator Stuart presiding

On motion by Senator Henderson, the rules were waived and by two-thirds vote CS for HB 603 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Henderson—

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

—a companion measure, was substituted for CS for SB 709 and read the second time by title. On motion by Senator Henderson, by two-thirds vote CS for HB 603 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

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

Nays—None

CS for SB 709 was laid on the table.

On motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote HB 495 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Kirkpatrick—

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.

—a companion measure, was substituted for SB 665 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 495 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

SB 665 was laid on the table.

Consideration of SB 805 and SB 417 was deferred.

On motions by Senator Girardeau, the rules were waived and by two-thirds vote HB 946 was withdrawn from the Committees on Finance, Taxation and Claims and Appropriations.

On motion by Senator Girardeau—

HB 946—A bill to be entitled An act relating to investments; amending ss. 215.47(2)(d), 625.316, 658.67 and 665.0701(1)(e), F.S., authorizing the Board of Administration, domestic insurers, banks and trust companies, and savings associations to invest in obligations of the African Development Bank; authorizing the State Board of Administration to engage in certain bona fide hedging activities; providing an effective date.

—a companion measure, was substituted for SB 459 and read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 946 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Barron	Dunn	Henderson	Rehm
Beard	Fox	Johnston	Scott
Carlucci	Frank	Kirkpatrick	Stuart
Castor	Gersten	Langley	Thurman
Childers, D.	Girardeau	Malchon	Vogt
Childers, W. D.	Grant	Mann	
Crawford	Grizzle	Margolis	
Deratany	Hair	Myers	

Nays—None

Vote after roll call:

Yea—Hill

SB 459 was laid on the table.

Senator W. D. Childers presiding

SB 805—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 163.03, F.S., providing rulemaking authority for the department with respect to certain grant programs; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote SB 805 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Hill

CS for SB 706—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 11.45, F.S., deleting a cross-reference to a section repealed hereby; amending s. 20.18, F.S., relating to departmental organization; removing references to the Office of Community Services; renaming the Division of Local Resource Management as the Division of Resource Planning and Management; dividing the Division of Public Safety Planning and Assistance into two divisions and renaming same as the Division of Housing and Community Development and the Division of Emergency Management; amending s. 145.19, F.S., relating to annual determination of salaries of county officers, to remove a departmental responsibility with respect thereto; amending s. 163.03, F.S., modifying duties of the secretary of the department; amending s. 171.042, F.S., removing a requirement that the department lend technical assistance to municipalities preparing for annexation or deannexation; amending ss. 252.32, 252.34, 252.35, and 252.60, F.S., to conform references affected by the name changes effected herein; amending s. 943.25, F.S., to conform a reference affected by the name changes effected herein; repealing s. 165.091, F.S., relating to general powers and duties of the department with respect to the formation of local governments; repealing s. 165.092, F.S., relating to special departmental studies of various governmental activities being conducted, and services being provided, by local governments; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1—On page 9, lines 14 and 15, strike “of the Bureau of Criminal Justice Assistance”

On motion by Senator Grant, by two-thirds vote CS for SB 706 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Carlucci	Grant	Malchon	Scott
Childers, D.	Grizzle	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Henderson	McPherson	Vogt
Dunn	Jennings	Meek	Weinstein
Fox	Johnston	Myers	
Gersten	Kirkpatrick	Plummer	
Girardeau	Langley	Rehm	

Nays—None

Vote after roll call:

Yea—Frank, Hill

The President presiding

On motion by Senator Grant, the rules were waived and by two-thirds vote CS for HB 131 was withdrawn from the Committee on Commerce.

On motion by Senator Grant—

CS for HB 131—A bill to be entitled An act relating to banking; creating s. 655.081, F.S., relating to the disclosure of practices on the availability of funds in deposit accounts; providing definitions; providing that a financial institution must post and disclose in writing when its customers may withdraw or transfer certain funds in deposit accounts; providing exceptions; requiring a financial institution to pay interest on those funds deposited in an interest-bearing deposit account under certain circumstances; providing an effective date.

—a companion measure, was substituted for SB 417 and read the second time by title. On motion by Senator Grant, by two-thirds vote CS for HB 131 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 417 was laid on the table.

On motion by Senator Langley, 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 with amendments—

SB 723—A bill to be entitled An act relating to administrative procedures; amending s. 120.53, F.S., deleting the requirement that agency rules include a list of forms; amending s. 120.54, F.S., requiring that the request for administrative determination of invalidity sufficiently explain facts or grounds for invalidity; clarifying language authorizing fact-finding hearings in certain cases; requiring the publication of the full text of emergency rules; defining “public hearing” for certain purposes; providing for the tolling of certain time limits under specified conditions; amending s. 120.55, F.S., setting out requirements relating to the incorporation of forms into rules; amending s. 120.57, F.S., authorizing the award of costs and attorney’s fees to any prevailing party in appeals of formal administrative hearings; providing that a state university which has adopted rules of procedure for proceedings in which the substantial interests of students are determined is exempt from the proceedings requirements of the Administrative Procedure Act; amending s. 120.59, F.S., requiring final orders resulting from recommended orders to be filed with the Division of Administrative Hearings of the Department of Administration within 15 days after filing with agency clerk; requiring all notices of orders or intent to issue orders to contain information relating to available appeals or hearings; amending s. 120.60, F.S., requiring that all parties be given certified, written notice by mail or hand delivery of action or intended action on license applications and specifying the content of such notices; amending s. 455.213, F.S., requiring the supplementation of certain license applications submitted to administrative agencies; amending ss. 455.225 and 490.009, F.S., correcting cross-references; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 15, lines 15-18, strike all of said lines and insert the following: (5) *This section does not apply to any proceeding in which the substantial interests of a student are determined by a state university system. The Board of Regents shall establish a committee, as least half of whom shall be appointed by the Council of Student Body Presidents, which shall establish by January 1, 1985, rules and guidelines insuring fairness and due process in judicial proceedings involving students in the state university system. This section shall not become effective until January 1, 1985.*

Amendment 2—On page 1 in the title, between lines 24 and 25, after the word "Act," insert: Providing that the Board of Regents shall establish a committee by January 1, 1985, which shall establish rules and guidelines insuring fairness and due process in judicial proceedings involving students in the state university system;

Amendment 3—On page 16, lines 11-15, strike all of said lines and insert: (3) Each applicant shall be given written notice either personally or by mail that the agency intends to grant or deny or has granted or denied the application for license. Unless waived, a copy of the notice shall be delivered or mailed to each party's attorney of record and to each person who has requested notice of agency action. Each notice shall

Amendment 4—On page 11, line 8, after the period, insert: When the Florida Land and Water Adjudicatory Commission receives a notice of appeal pursuant to s. 380.07, the commission shall notify the division within 60 days of receipt of the notice of appeal if the commission elects to request the assignment of a hearing officer.

Amendment 5—On page 6, between lines 9 and 10 insert: a subsection (12) and a new Section 3 and renumber subsequent sections.

(12) Whenever an act of the Legislature is enacted which requires implementation of the act by rules of an agency within the executive branch of state government, such rules shall be drafted and formally proposed as provided herein within 180 days of the effective date of the act unless the provisions of the act provide otherwise.

Section 3. Subsection (1) of section 120.545, Florida Statutes, is amended, subsections (2) through (8) are renumbered as subsections (3) through (9), respectively, and new subsection (2) is added to said section to read:

120.545 Committee review of agency rules.—

(1) As a legislative check on legislatively created authority, the committee shall examine each proposed rule, except for those proposed rules exempted by s. 120.54(11)(a), and its accompanying material, and may examine any existing rule, for the purpose of determining whether:

- (a) The rule is within the statutory authority upon which it is based;
- (b) The statutory authority for the rule has been repealed;
- (c) The rule directly contravenes the latest expression of the intent of the Legislature;
- (d)(e) The rule reiterates or paraphrases statutory material;
- (e)(d) The rule is in proper form;
- (f)(e) The notice given prior to its adoption was sufficient to give adequate notice of the purpose and effect of the rule; and
- (g)(f) The economic impact statement accompanying the rule is adequate to accurately inform the public of the economic effect of the rule.

In making these determinations, the committee may consider extrinsic as well as intrinsic evidence. In order for the committee to consider the official actions of the Legislature to determine legislative intent, the two houses of the Legislature, and the committees and subcommittees thereof, shall maintain, in accordance with policy and procedure established by the Joint Legislative Management Committee, such records as are deemed sufficient to document legislative intent as it relates to administrative rules, and shall make such records available to the committee on request. At the conclusion of each session of the Legislature, a copy of the staff analysis of each bill shall be supplied to the committee.

(2) If the committee objects to a proposed or existing rule, it shall, within 5 days of the objection, certify that fact to the agency whose rule has been examined and include with the certification a statement detailing its objections with particularity.

Amendment 6—On page 1 in the title, line 14, insert after the semicolon (;): providing that required administrative rules be adopted within 180 days of the effective date of the law imposing the requirement; amending s. 120.545, F.S.; providing that the Joint Administrative

Procedures Committee may object to administrative rules on the ground that they are in direct contravention of legislative intent and requiring that legislative records be maintained and made available to the committee;

Senator Langley moved the following amendment to House Amendment 5 which was adopted:

Amendment 1—On page 1 lines 10-26, and on page 2, lines 1-27, strike all of said lines.

Senator Langley moved the following amendment to House Amendment 6 which was adopted:

Amendment 2—In title, on page 1, line 2, strike "and a new Section 3"

On motions by Senator Langley, the Senate concurred in House amendments 1, 2, 3 and 4 and in House Amendments 5 and 6 as amended and the House was requested to concur in the Senate Amendments.

SB 723 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

ENROLLING REPORTS

Senate Bills 188, 355, 561 and CS for SB 63 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 28, 1984.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 25 was corrected and approved.

The Journal of May 24 was corrected and approved as follows: Page 393, column 2, from bottom, at end of line 3 insert: , CS for SB 944

The Journal of May 23 was further corrected and approved as follows: Page 381, column 2, between lines 19 and 20 insert:

(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.

ADJOURNMENT

On motion by Senator Barron, the Senate adjourned at 4:56 p.m. to reconvene at 10:00 a.m., Tuesday, May 29.