



Journal of the Senate

Number 26

Wednesday, May 30, 1984

The Senate was called to order by the President at 10:00 a.m. A quorum present—40:

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

Excused 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 the Rev. Jennings A. Neeld, Jr., Pastor, Killearn United Methodist Church, Tallahassee:

O God, Father of all creation, the one who gives us authority; for there is no authority except it be given by thee. It is within that authority we have worked on many things pleasing in thy sight and to your people, and left undone much which should have been carried out courageously.

Father, you know our mortality. Where we have done righteously, we praise thee. Where we are wrong, forgive and give unto us the wisdom and courage bestowed upon Moses and Solomon, leaders of days gone by. Renew our faith and trust in the sovereign one who has led and seeks to continue to lead in the name of God, the Father of Abraham, Jacob, Issac and Jesus. Amen.

Votes Recorded

Senator Crawford was recorded as voting yea on the following measures which were considered May 28: CS for SB 716, CS for SB 390, CS for HB 173, CS for HB 222, House Bills 654, 300 and 278, CS for HB 255, SB 868, CS for CS for SB 1030, CS for CS for SB 944, HB 400, CS for SB 579, CS for SB 707, CS for SB 706, CS for HB 131 and SB 723; CS for SB 87, Senate Bills 46, 321, 616, 833, 1103, 1123, HB 1040, SB 645, HM 895, CS for SB 150, HB 1293, CS for HB 142, HB 1225, Senate Bills 957 and 777; and CS for SB 599, HB 1300 and SB 908 which were considered May 24.

Senator Fox was recorded as voting yea on the following measures which were considered May 28: HB 654 and CS for HB 255.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Wednesday, May 30, 1984: CS for SB's 504 and 681, CS for SB 201, SB 571, HB 822, SB 462, SB 10, CS for CS for SB 753, SB 445, CS for SB 831, SB 311, CS for SB 245, CS for SB 573, CS for SB 762, SB 546, SB 684, SB 515, SB 861, SB 639, SB 784, SB 56, CS for SB 420, SB 708, SB 563, SB 465, CS for SB 899, SB 741, SB 853, SB 1017, CS for SB 497, SB 439, CS for HB 431, SB 505, CS for SB 554, CS for SB 700, SB 1011, CS for SB 495, SB 227, SB 482, HCR 1246

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 30, 1984: SB 756, SB 905, SB 822, SB 1151, CS for SB 766, SB 947, CS for SB 983, CS for SB 797, HB 619, SB 1076, SB 793, CS for SB 799, SB 770, SB 604, CS for SB 143, SB 180, SB 181, CS for SB 541, SB 193, CS for SB 238, SB 818, CS for CS for SB 775, CS for SB 3, CS for SB 231, SJR 570, SB 625, CS for SB 701, SB 202, CS for CS for SB 532, HB 191

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Finance, Taxation and Claims recommends the following pass: HB 395 with 1 amendment

The Committee on Judiciary-Criminal recommends the following pass: CS for HB 1206

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

The Committee on Finance, Taxation and Claims recommends the following pass: HB 382, SJR 1157, SB 703

The bills were placed on the calendar.

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 1152

The bill with committee substitute attached was placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

May 30, 1984

The Committee on Appropriations requests an extension of 15 days for consideration of the following: Senate Bills 11, 15, 19, 134, 141, 258, 268, 405, 413, 470, 633, 656, 683, 717, 734, 735, 750, 773, 832, 855, 1003, 1031, 1037, 1064, 1070; HB 95

The Committee on Education requests an extension of 15 days for consideration of the following: Senate Bills 74, 98, 148, 155, 247, 270, 320, 412, 433, 437, 498, 507, 514, 583, 669, 699, 729, 988, 991, 1054, 1068, 1080; House Bills 286, 1136

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: SB 1058

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following: Senate Bills 154, 289, 307, 366, 367, 426, 611, 620, 643, 660, 925, 1000, 1079; House Bills 147, 226

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 33, 82, 205, 236, 298, 348, 547, 572, 621, 623, 641, 930, 935, 950, 976, 999

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: Senate Bills 41, 50, 55, 92, 111, 204, 225, 275, 293, 453, 523, 662, 694, 705, 715, 967, 1060; HB 296

The Special Master for Claims requests an extension of 15 days for consideration of the following: SB 1066

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator D. Childers, by two-thirds vote HB 1084 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Rules and Calendar.

On motions by Senator Margolis, the rules were waived and by two-thirds vote HB 1218, HB 688 and CS for SB 564 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Margolis, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet this day immediately following adjournment to consider House Bills 18, 77, 344, 393, 534 and SB 727.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 77, 299, 743 and CS for SB 425 which became law on May 29, 1984; and Senate Bills 431, 512, 574, 578, 737, 815, 1098, 1099 and 1100 which became law without his signature on May 29, 1984.

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—

CS for SB's 923, 836, 1081 and 884—A bill to be entitled An act relating to education; defining "credit" for purposes of graduation requirements; amending s. 228.041, F.S.; defining "school day"; providing a definition of intensive English language instruction; requiring a credit in world geography for promotion to the ninth grade; requiring an approved program of study; amending s. 229.57, F.S.; providing for statewide and district assessment programs; creating the Florida Language Proficiency Act; providing for funding for language instruction; amending s. 232.246, F.S.; providing standards for graduation from high school; providing for granting of credit for remedial and compensatory courses; requiring passage of a state test; amending s. 236.081, F.S.; providing for calculation of full-time equivalent memberships; amending s. 231.613, F.S.; authorizing college credit for inservice institute participation; amending s. 232.245, F.S.; providing standards for promotion from the third, fifth, and eighth grades; providing for programs to reduce the number of dropouts; amending s. 236.088, F.S.; changing compensatory education eligibility requirements; providing testing criteria; authorizing dropout education programs; amending s. 229.053, F.S.; providing powers of the State Board of Education; requiring dropout reports; directing the State Board of Education to adopt parity standards for bilingual students; amending s. 229.512, F.S.; providing duties of the Commissioner of Education with respect to dropouts; creating s. 230.2314, F.S.; providing for teachers serving as advisors; amending s. 229.565, F.S.; providing for reading diagnostic evaluation; providing for an analysis of pupil progression; requiring districts to demonstrate the relationship between instructional programs and instructional materials; amending s. 231.615, F.S.; specifying persons who are eligible to participate in the Visiting School Scholars Program; providing employment status and compensation of visiting school scholars; amending s. 236.089, F.S.; redefining student development services; amending s. 231.251, F.S.; providing conditions of employment for adjunct instructors; amending s. 231.532, F.S.; creating district quality school incentives programs; specifying the school as the unit for increasing student performance; authorizing the Quality Instruction Incentives Council to review and approve program plans; specifying program standards; deleting provisions for individual personnel incentives; providing a funds distribution procedure; requiring a procedure for selecting award winning schools; amending s. 231.533, F.S.; deleting the requirement that two-thirds of the courses required for completion of the degree in the Florida Meritorious Instructional Personnel Program must be offered by full-time faculty members; amending s. 236.081, F.S.; creating a cost factor for intensive English language instruction in the Florida Education Finance Program; establishing certain sections as the "Disadvantaged and Minority Student Educational Enhancement Act"; creating s. 230.2316, F.S.; establishing the Teachers-as-Tutors program; amending s. 231.17, F.S.; providing an additional certification requirement; amending s. 232.246, F.S., relating to high school graduation requirements; amending s. 232.2465, F.S.; relating to Florida Academic Scholars; amending s. 236.0811, F.S.; providing for multi-ethnic inservice training for teachers; creating s. 240.107, F.S.; providing definitions; amending s. 240.117, F.S.; providing conditions for college preparatory instruction offered in community colleges; providing an exception; creating s. 240.1171, F.S.; establishing a support services program for the college-level communication and computation skills testing program; amending s. 240.118, F.S.; providing for postsecondary feedback on bilingual students; creating s. 240.120, F.S.; authorizing a secondary and higher education sharing plan; providing for the sharing of faculty, facilities and equipment; creating s. 240.127, F.S.; establishing the college reach-out program; creating s. 240.128, F.S.; creating the college mentor work-study program; amending s. 240.209, F.S.; providing that recruitment of minorities be an additional criteria in the evaluation of university presidents; requiring the Board of Regents to prepare legislative budget request; requiring 50 percent of financial aid funds to be based on need; requiring review and approval of comprehensive plans for state universities; providing for the establishment of an academic advisement

policy and pilot projects; amending s. 240.227, F.S.; providing for university budget request to be submitted to the Board of Regents; requiring universities to develop comprehensive plans; amending s. 240.235, F.S.; providing an amount for tuition and fees; creating s. 240.238, F.S.; requiring a plan to expand the university summer enrichment program; amending s. 240.301, F.S.; providing for certain postsecondary adult instruction; amending s. 240.247, F.S.; providing for a minority recruitment program; providing a definition; amending s. 240.301, F.S.; providing for certain postsecondary adult instruction; amending s. 240.311, F.S.; providing for an annual report from each community college; providing guidelines; providing for distribution of reports; requiring the State Board of Community Colleges to adopt guidelines relating to salary and benefit policies and travel by community college officials and employees; providing for administrative review of each community college to identify any disproportionate administrative costs; providing for review and approval of courses offered by a community college outside of its district; authorizing the establishment of direct support organizations; providing for review of comprehensive plans for community colleges; directing the State Board of Community Colleges to coordinate and assist community colleges in providing support instruction for the college-level communication and computation skills testing program; amending s. 240.319, F.S.; relating to community college boards of trustees; providing that recruitment of minority faculty and administrators be an additional criteria in the evaluation of community college presidents; requiring reporting of out-of-state travel expenses of administrative staff and faculty; requiring development and submission of comprehensive plans; amending s. 240.335, F.S.; providing for a minority recruitment program; providing a definition; amending s. 240.35, F.S.; directing the state board of community colleges to establish matriculation and tuition fees for certain categories; requiring 50 percent of financial aid funds to be based on need; providing certain conditions; providing that rules of community college boards of trustees be submitted to the state board for approval; amending s. 240.323, F.S.; providing that the State Board of Community Colleges may prescribe content and custody of student records; amending s. 240.325, F.S.; requiring the State Board of Community Colleges to prescribe minimum standards, definitions, and guidelines; amending s. 240.327, F.S.; providing that the construction of community college facilities be in accordance with chapter 235, F.S., and the rules of the State Board of Education and the State Board of Community Colleges; amending s. 240.331, F.S., relating to direct-support organizations; providing for release of certain information; providing for expenditure approval and reporting; amending s. 240.335, F.S.; requiring the boards of trustees of community colleges to include, in their reports to the state board on their programs to eradicate discrimination in employee salaries, provisions to give equal pay for equal work; amending s. 240.337, F.S.; providing that rules of the State Board of Community Colleges shall prescribe the content and custody of limited access records of employees of community colleges; amending s. 240.339, F.S.; providing that contracts with staff be as established by rule of the State Board of Community Colleges; amending s. 240.347, F.S.; providing that moneys in the State Community College Program Fund shall be distributed as established by law and regulations of the State Board of Education and the State Board of Community Colleges; amending s. 240.359, F.S.; providing for the reallocation of reductions in the Community College Program Fund; prescribing format for submission of budget requests for Community College Program Fund; creating s. 240.362, F.S., prohibiting certain expenditures; amending s. 240.404, F.S.; providing for certain students to continue to receive state financial assistance; amending s. 240.409, F.S.; extending the time allowed for students to receive an award; amending s. 240.424, F.S.; providing for a review and analysis of the impact of financial aid; creating s. 240.50, F.S.; establishing the Virgil Hawkins Fellowship Trust Fund; amending s. 228.072, F.S.; broadening the definition of "adult general education"; providing for service priorities and delivery; requiring that certain courses be evaluated and funded in separate categories; providing for the assessment of student fees; amending s. 228.074, F.S.; changing the length of terms of lay members of regional coordinating councils for vocational education, adult education, and community instructional services; amending s. 228.075, F.S.; requiring regional coordinating councils to compile certain information; authorizing district school boards or community college boards of trustees to contract to provide certain vocational education programs or facilities; creating s. 229.556, F.S.; providing legislative intent regarding a uniform coordinated system of vocational education; creating s. 229.557, F.S.; providing for a vocational education management information system; creating s. 229.558, F.S.; providing vocational education reporting requirements; amending s. 229.551, F.S.; providing for the Department of Education to evaluate public vocational education programs; providing criteria for ineligibility of such programs

for state funding; providing for an automated system to match the social security numbers of persons completing vocational programs with Unemployment Insurance Wage Reports and Workers' Compensation Reports; requiring the State Board of Education to adopt rules relating to the transfer of course credit from proprietary to public vocational programs; creating s. 229.559, F.S.; establishing the Florida State Advisory Council for Vocational Education; amending s. 240.355, F.S.; expanding requirements for the content of rules related to community college comprehensive vocational education programs; creating s. 240.410, F.S.; creating the State Vocational Education Grant Fund; providing eligibility standards for grantees and for participating institutions; providing for renewal, transferral, payment, and refund of grants; providing restrictions on participants; providing for a feasibility study of a "Student Choice—Postsecondary Vocational Program"; amending s. 230.645, F.S.; establishing guidelines for establishing postsecondary vocational fees and restricting fee waiver; providing for vocational student financial aid; amending s. 240.60, F.S.; expanding the eligibility for the college career work experience program and amending the employer's percent-wage requirement; amending s. 240.601, F.S.; allowing certain graduate students to be in the work experience program; providing for a feasibility study of state postsecondary accreditation; amending s. 231.62, F.S.; amending "critical teacher shortage area" to delete high priority location areas; amending s. 240.4064, F.S.; allowing critical teacher shortage tuition reimbursement for a specified number of hours per term; creating the Critical Teacher Shortage Trust Fund; amending s. 240.4062, F.S.; deleting certain extra credit for payment for teacher scholarship loans; creating s. 240.116, F.S.; allowing certain proprietary educational institutions to participate in the statewide common course numbering system; creating the Adult Literacy Act; stating the goal of the act; providing for the administration, evaluation, and funding of literacy instruction; amending s. 20.15, F.S.; establishing the Division of Vocational, Adult, and Community Education; creating the Latin American and Caribbean Basin Scholarship Program; establishing the Department of Education direct-support organization, a not-for-profit corporation organized and established to receive, hold, invest, and administer property and make expenditures for the benefit of public prekindergarten through 12th-grade education; allowing such organization to use property, facilities, and personal services of the department, subject to rules adopted by the State Board of Education; providing for a board of directors and annual audits to be reviewed by the Auditor General and the State Board of Education; exempting certain organization records from ch. 119, F.S.; authorizing the establishment of a Florida District School System Endowment Trust Fund for Distinguished Teachers; creating s. 231.172, F.S.; establishing an experimental alternative certification program for secondary education teachers; providing certification requirements; amending s. 231.17, F.S.; providing certain education requirements for certification of elementary school teachers; modifying the current teacher certification examination to include the College Level Academic Skills Test in certain circumstances, to upgrade the professional skills part of the examination, and to include a specific subject area test; modifying Beginning Teacher Program requirements for experienced teachers; requiring the Department of Education to report on the impact of modifications to certification requirements; amending s. 231.545, F.S.; revising the makeup of the Education Standards Commission; amending s. 231.546, F.S.; requiring such commission to recommend certain new standards to the State Board of Education; amending s. 240.245, F.S.; requiring the Board of Regents to establish a system for evaluating a faculty member's service to public schools; creating s. 240.1175, F.S.; requiring assessment of the basic skills of vocational students; amending s. 236.013, F.S.; amending the definition of a "full-time equivalent student"; amending s. 242.62, F.S.; providing for appropriation to the first accredited medical school; amending s. 230.23, F.S.; clarifying powers and duties of school boards relating to textbooks; amending s. 233.07, F.S., relating to membership on state instructional materials councils; providing staff development for council members, including computer software in the definition of instructional materials; amending s. 233.09, F.S.; providing for qualifications of teachers serving on councils; providing for evaluation criteria; prohibiting adoption of certain materials; creating s. 233.095, F.S.; requiring the Department of Education to develop training programs for council members; amending s. 233.165, F.S.; requiring selection standards to relate to curriculum frameworks and performance standards; amending s. 233.17, F.S.; providing for shortened textbook adoption terms; amending s. 233.25, F.S.; deleting certain provisions which allow textbook publishers to postpone the submission of proof of learner verification; requiring publishers to submit a description of their instructional materials program goals; amending s. 233.34, F.S.; requiring that a portion of each school district's materials allocation be spent on materials

meeting specified criteria; authorizing school districts to issue purchase orders equal to a specified percentage of their instructional materials allocation; amending s. 233.37, F.S.; requiring a district instructional materials implementation plan; amending s. 233.43, F.S.; clarifying duties of the superintendent relating to instructional materials; amending s. 233.46, F.S.; clarifying duties of the principal relating to instructional materials; repealing s. 246.128, Florida Statutes, created by chapter 82-203, Laws of Florida, regarding review and authorization of branch operations of accredited nonpublic colleges; amending s. 230.2313, F.S.; including health services programs within student services program; amending s. 240.402, F.S.; authorizing an increase in the amount of the academic scholar's award; authorizing the Chipola Junior College to operate a certain dormitory for the purpose of housing students; authorizing the college and the dormitory authority to enter into agreements for that purpose; validating past agreements; authorizing Lake City Community College to operate certain dormitories for the purpose of housing students; authorizing the college to enter into agreements for that purpose; validating past agreements; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

On motion by Senator Barron, the rules were waived and the amendments were not published in the Journal because they constituted a new bill which will go to conference.

On motions by Senator Castor, the Senate refused to concur in the House amendments and the House was requested to recede and in the event the House refused to recede a conference committee was requested. The action of the Senate was certified to the House.

The Honorable Curtis Peterson, President

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

SB 183—A bill to be entitled An act relating to railroads; reviving and readopting, notwithstanding the Regulatory Sunset Act or chapter 82-90, Laws of Florida, ss. 351.003, 351.009, F.S.; providing for future repeal and legislative review; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 17, strike 1992 and insert: 1985

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

SB 183 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Gersten, Hill, Scott

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 693—A bill to be entitled An act relating to county, district, and municipal hospitals; amending s. 155.40, F.S.; providing for reorganization of such hospitals as a not-for-profit corporation; requiring a reorganized hospital to become qualified under s. 501(c)(3), Internal Revenue Code; providing for return of facility to the county, municipality, or district upon dissolution; providing for abolition of existing governing board and establishment of a new board under certain circumstances; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 17, after the word “is” insert: reenacted and

Amendment 2—On page 2, between lines 20 and 21 insert: (e) Provide for the continued treatment of indigent patients pursuant to the Florida Health Care Responsibility Act.

Amendment 3—On page 1 in the title, lines 3-13 strike all language after the first semicolon and insert: reenacting and amending s. 155.40, F.S., relating to conversion of such hospitals to a nonprofit corporation; requiring a reorganized hospital to become qualified under s. 501(c)(3), Internal Revenue Code; providing for return of the facility to the county, municipality or district upon dissolution; providing for abolition of an existing governing board and establishment of a new board under certain circumstances; conforming references to not-for-profit hospitals; requiring a reorganized hospital to provide care for certain patients; providing an effective date.

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

SB 693 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

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|-----------------|-----------|-----------|-----------|
| Mr. President | Fox | Jennings | Myers |
| Beard | Frank | Langley | Plummer |
| Castor | Girardeau | Malchon | Stuart |
| Childers, D. | Grant | Mann | Thomas |
| Childers, W. D. | Grizzle | Margolis | Thurman |
| Crawford | Hair | McPherson | Vogt |
| Deratany | Hill | Meek | Weinstein |

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Kirkpatrick, Scott

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—

CS for SB 650—A bill to be entitled An act relating to construction contracting; amending s. 489.107, F.S.; expanding the membership of the Construction Industry Licensing Board; amending s. 489.119, F.S.; increasing the time period for mailing corrected application information to the Department of Professional Regulation with respect to construction contracting; providing an effective date.

—and requests the concurrence of the Senate.

Amendment 1—On page 2, between lines 11 and 12 insert:

(3) To be eligible for appointment, each contractor member and alternate member shall have been certified or registered by the board to operate as a contractor in the category with respect to which he is appointed, be actively engaged in the construction business, and have been so engaged for a period of not less than 5 consecutive years before the date of his appointment. Each appointee shall be a citizen and resident of the state.

On motion by Senator Vogt, the Senate refused to concur in the House amendment and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Curtis Peterson, President

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

CS for SB 911—A bill to be entitled An act relating to immunity of the State of Florida from suit in federal court; amending s. 768.28, F.S. as amended; specifically including public defender offices within the statutory definition of state agencies, and specifically including public defenders and their employees and agents within certain exemption from personal liability for acts or omissions in the course of their duties; providing that the Florida Statutes shall not be construed to waive the immunity of the state or its agencies from suit in federal court; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 17, insert new Section 1 as follows and renumber remaining sections accordingly:

Section 1. Section 381.505, Florida Statutes, is created to read:

381.505 Limitation of damages against universities which operate medical schools.—

(1) Any university which operates a medical school that is subsidized by the state and has been certified and approved by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges, shall be liable for tort actions arising from the operation of its medical school only to the extent provided in s. 768.28.

(2) This limitation of liability shall extend only to the university in the operation of its medical school and shall not extend to any hospital affiliated with the medical school or any hospital staff member not employed by the university.

Amendment 2—On page 1 in the title, line 3 following the semi-colon (;) insert: creating s. 381.505, F.S., limiting recovery in certain claims or judgments against universities which operate medical schools;

On motions by Senator Hair, 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.

The Honorable Curtis Peterson, President

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

SB 478—A bill to be entitled An act relating to the Department of General Services; amending ss. 20.22, 281.02-281.09, F.S.; renaming the Division of Security; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 8, insert:

Section 1. Section 420.5095, Florida Statutes, is created to read:

420.5095 Allocation of certain bonds and certificates.—

(1) The total amount of single-family mortgage revenue bonds, mortgage credit certificates, or other such limited federally tax-subsidized instruments authorized to be issued in the state initially shall be allocated as follows:

(a) Fifty percent of the total yearly allocation of single-family mortgage revenue bonds, mortgage credit certificates, or other such federally limited tax-subsidized instruments permissible in the state shall be retained for issuance by the Florida Housing Finance Agency.

(b) Fifty percent of the total yearly allocation permissible in the state shall be allocated on a per capita basis to local housing finance authorities which have complied with the final official action steps set forth in subsection (3).

(2)(a) The per capita allocation referred to in paragraph (1)(b) shall be calculated as follows:

1. Fifty percent of the total yearly allocation permissible in the state multiplied by a ratio in which the numerator is the population within the geographical boundaries of the local housing finance authority as determined by the most recent Decennial Census of Population and Housing and the denominator is the total population, as determined by such census, of all local housing finance authorities which have satisfied the requirements set forth in subsection (3).

2. The product arrived at in subparagraph 1. shall be reduced by an amount equal to the ratio set forth in subparagraph 1. multiplied by the amount arrived at pursuant to paragraph (6)(b).

(b) In any political subdivision which has overlapping local housing authorities, the total issuer's allocation shall be determined as set forth in paragraph (a) and then prorated among the overlapping local housing finance agencies based upon each local housing finance authority's percentage of the total population.

(3) The final official action steps which must be taken by a local housing finance authority in order to be eligible to receive a per capita allocation of the single-family mortgage revenue bonds, mortgage credit certificates, or other instruments are as follows:

(a) It must be a housing finance authority as defined by part IV of chapter 159 or such other entity authorized by Florida and federal law to issue mortgage revenue bonds, mortgage credit certificates, or similar instruments limited by federal allocation, or must have an agreement expanding the area of operation for the local issuer either of which must be in existence or created on or before February 1 of each calendar year.

(b) For each county in which mortgage loans are to be available, it must have the authorization by February 15 of each calendar year, by resolution or ordinance, if applicable, to issue the proposed mortgage revenue bonds, mortgage credit certificates, or similar such instruments. A certified copy of each such ordinance or resolution must be filed with the executive director of the Florida Housing Finance Agency on or before March 1 of each calendar year.

(c) It must have submitted to the agency by March 1 of each calendar year a copy of a circuit court bond validation judgment validating the issuance of the proposed mortgage revenue bonds or mortgage credit certificates, if validation is required for such certificates.

(d) Each local housing finance authority may use its per capita allocation at any time subsequent to March 15 upon the completion of all of the official action steps and such additional steps as may be appropriate for the mortgage subsidy instrument being utilized.

(4)(a) Any local housing finance authority which is not in compliance with the final official action steps set forth in subsection (3) shall not receive an allocation for any year in which it fails to comply.

(b) Any local housing finance authority which has not executed a bond purchase agreement or equivalent document authorizing the purchase and sale of its bonds on or before October 15 of each year forfeits its allocation for that year. The Florida Housing Finance Agency may use any allocations so forfeited for the purpose of selling its bonds or for reallocation to other local housing finance authorities that have demonstrated an ability to proceed with and a need for such reallocation. This decision shall be solely in the discretion of the Florida Housing Finance Agency.

(5) In the event that the Florida Housing Finance Agency determines in a particular calendar year that it shall not use the entire amount of the allocation authorized to be issued by the Florida Housing Finance Agency hereunder, the remaining portion of the allocation for the year shall be reallocated by the Florida Housing Finance Agency to any local housing finance authorities legally authorized to issue bonds or other mortgage subsidy instruments governed by this chapter. However, in making any such reallocation the Florida Housing Finance Agency shall consider the ability of the local housing finance authorities to proceed with a proposed bond or certificate issue and the demonstrated need for such reallocation.

(6) There is created a small issuers pool for those local authorities whose fair share allocation does not exceed \$20,000,000. The pool shall be funded as follows:

(a) On January 1 of each year, the Florida Housing Finance Agency shall reallocate \$30,000,000 of its allocation to the pool.

(b) On March 16 of each year, the lesser of:

1. \$30,000,000, or

2. Fifty percent of the total yearly allocation permissible in the state multiplied times a ratio in which the numerator is the population of the state minus the population within the boundaries of all local housing finance authorities which have satisfied the final official action steps set forth in subsection (3), and the denominator is the population of the state, shall be reallocated to the pool.

(c) The allocations in the pool shall be allocated to small issuers who have met the final official action steps and have demonstrated, to the satisfaction of the Florida Housing Finance Agency, a need in the area served by the small issuer sufficient to justify an allocation from the small issuers pool. The size of the allocation shall be determined by the Florida Housing Finance Agency, considering the needs of the area served by the small issuer, the size of the small issuers pool, the amount of allocation requested by all small issuers, and the minimum allocation necessary to make a bond issue feasible for the small issuer.

(d) Any allocations in the small issuers pool not allocated by June 1 of each year may be reallocated by the Florida Housing Finance Agency as provided in paragraph (4)(b).

(7) Notwithstanding the provisions of subsection (6), any local housing finance authority that has complied with the final official action steps may at any time thereafter issue bonds up to its fair share allocation, which shall mean 50 percent of the total yearly allocation permissible in the state multiplied times a ratio in which the numerator is the population within the boundaries of the local housing finance authority's geographical boundaries, and the denominator is the population of the state.

(8) For calendar year 1984 only, the deadline for meeting the official final action steps set forth in subsection (3) shall be 30 days after the effective date of this act. All other time deadlines for calendar year 1984 shall be established by the Florida Housing Finance Agency.

Section 2. Paragraph (c) of subsection (1) of section 420.101, Florida Statutes, is amended to read:

420.101 Housing Development Corporation of Florida; creation, membership, and purposes.—

(1) Twenty-five or more persons, a majority of whom shall be residents of this state, who may desire to create a housing development corporation under the provisions of this part for the purpose of promoting and developing housing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the Department of State, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(c) The purposes for which the corporation is founded, which shall be:

1. To mobilize capital;

2. To finance new or rehabilitated housing *particularly* for persons of low or moderate income in the state;

3. To find new methods of providing subsidies for housing;

4. To encourage and assist, through loans, including loans at below market interest rates, investments, or other business transactions, in the elimination of substandard housing in this state;

5. To rehabilitate and assist existing housing, and so to stimulate and assist in the expansion of all kinds of housing activity which will tend to promote the development of new or rehabilitated housing and improve the standard of living of the low-income and moderate-income citizens of this state;

6. To cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of housing developments in this state; and

7. To provide financing for the construction of all kinds of housing activity in this state *particularly* for low-income and moderate-income citizens.

(Renumber the subsequent sections.)

Amendment 2—On page 1 in the title, lines 2 and 3, strike all of said lines, and insert: An act relating to state government; creating s. 420.5095, F.S.; providing for allocation of single-family mortgage revenue bonds, mortgage credit certificates, and similar instruments; imposing certain requirements on local housing finance authorities; creating a small issuers pool; amending s. 420.101, F.S.; specifying purposes to be included in articles of incorporation of housing development corporations; amending ss. 20.22, 281.02-281.09

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

SB 478 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

| | | | |
|---------------|-----------------|-----------|-----------|
| Mr. President | Childers, W. D. | Girardeau | Henderson |
| Beard | Crawford | Grant | Hill |
| Castor | Fox | Grizzle | Jennings |
| Childers, D. | Frank | Hair | Langley |

| | | | |
|-----------|---------|--------|-----------|
| Mann | Myers | Rehm | Thurman |
| Margolis | Neal | Stuart | Vogt |
| McPherson | Plummer | Thomas | Weinstein |

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Kirkpatrick, Scott

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—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 14, after the colon, insert:

Section 1. Section 212.63, Florida Statutes, is amended to read:

212.63 Gasohol; exemption from tax imposed by this part.—The sale or distribution for use in this state of motor fuel which contains a minimum of 10 percent blend by volume of ethyl alcohol which is distilled from U.S. agricultural products or byproducts with a purity of 99 percent, commonly known as "gasohol," shall be exempt from the tax levied pursuant to this part as follows:

(1) Each gallon of such gasohol sold in this state shall be exempt from 4 cents of the tax imposed by this part from July 1, 1983, through June 30, 1985.

(2) Each gallon of such gasohol sold in this state shall be exempt from 2 cents of the tax imposed by this part from July 1, 1985, through June 30, 1989 1987.

Section 2. Gasohol blended with ethyl alcohol purchased from a foreign source which as of May 1, 1984 is stored in Florida or under transit will be entitled to a four cent per gallon exemption.

Section 3. Section 212.63, Florida Statutes, as amended by this act, shall be repealed on July 1, 1987.

Section 4. Subsection (3) of section 207.005, Florida Statutes, is amended to read:

207.005 Returns and payment of tax; delinquencies; calculation of fuel used during operations in the state; credit; bond.—

(3) For the purpose of computing the carrier's liability for the road privilege tax, the total gallons of fuel used in the propulsion of any commercial motor vehicle in this state shall be multiplied by the rates provided in chapter 206 and part II of chapter 212. From the sum determined by this calculation, there shall be allowed a credit equal to the amount of the tax per gallon under chapter 206 and part II of chapter 212 for each gallon of fuel purchased in this state during the reporting period when the special fuel or motor fuel tax was paid at the time of purchase. If the tax paid under chapter 206 and part II of chapter 212 exceeds the total tax due under this chapter, the excess may be allowed as a credit against the tax due during the succeeding 12-month reporting period. Under no circumstances shall a refund may be made for this credit.

(Renumber subsequent sections.)

Amendment 2—On page 1 in the title, line 3, after the semi-colon, insert:

amending s. 212.63, F.S.; revising the definition of gasohol and extending the exemption from the tax on sales of motor and special fuel; repealing said section on July 1, 1987; amending s. 207.005, F.S.; authorizing refund of certain credit against the tax on operation of commercial motor vehicles; providing a tax exemption for certain foreign source gasohol;

Amendment 3—On page 3, line 31, insert:

Section 3. Subsection (1) of section 206.86, Florida Statutes, is amended, and subsection (11) is added to said section to read:

206.86 Definitions.—As used in this part:

(1) "Special fuels" means any liquid product or gas product or combination thereof used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance, or used for the generation of power, heat, light, or energy. This term shall include, but not be limited to, all forms of fuel commonly or commercially known or sold as diesel fuel or, kerosene, butane gas, propane gas, and all other forms of liquefied petroleum gases, except such fuels that are subject to the tax imposed by part I of this chapter.

(11) "Alternative fuel" means any liquefied petroleum gas or compressed natural gas product or combination thereof used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. This term shall include, but not be limited to, all forms of fuel commonly or commercially known or sold as butane gas, propane gas or any other form of liquefied petroleum gas or compressed natural gas.

Section 4. Subsection (1) of section 206.87, Florida Statutes, is amended, and subsection (7) is added to said section to read:

206.87 Levy of tax.—

(1) An excise tax of 4 cents per gallon is hereby imposed upon every gallon of special fuel used or sold in this state for use, except alternative fuels which are subject to the fee imposed by subsection (7). Unless expressly provided to the contrary in this part, every sale shall be deemed to be for use in this state. This levy of tax shall be paid upon the first sale or transfer of title within this state by a dealer, except as expressly provided in this part, who shall act as agent for the state in the collection of such tax whether he is the ultimate seller or not.

(7)(a) The tax imposed by subsection (1) shall not apply to motor vehicles licensed in this state pursuant to chapter 320 which are powered by alternative fuels and for which a valid decal has been acquired as provided in this section. The owners or operators of such vehicles shall, in lieu of the excise tax imposed by this part, pay an annual decal fee on each such motor vehicle in accordance with the following rate schedule:

| Class | Vehicle License Category | State Fee | Annual Decal Fee | |
|-------|--|---|-----------------------|----------------|
| | | | Fee for Each | By Chapter 336 |
| | | | 1 cent of Tax Imposed | |
| A | Vehicles licensed pursuant to s. 320.08(1), (2), (3)(a)-(c) and (f), (6)(a) and (9)(c)1. | \$44 | | \$11 |
| B | Vehicles licensed pursuant to s. 320.08(3)(d) and (e), (5)(b), (c), (d) and (e), (6)(b), (9)(c)2. and (13) | \$60 | | \$15 |
| C | Vehicles licensed pursuant to s. 320.08(4) | \$84 | | \$21 |
| D | Vehicles used exclusively on a farm, no part of which is used in any vehicle driven or operated upon public highways | 50 percent of the appropriate state fee | | -0- |

Persons fueling vehicles from their own facilities shall, in addition to the state alternative fuel fee imposed by this section, pay a local alternative fuel fee in lieu of each 1 cent excise tax levied by a county pursuant to ss. 336.021 and 336.025. This local fee shall be \$11 per penny of local excise tax on class A vehicles, \$15 per penny of such tax on class B vehicles, and \$21 per penny of local excise tax on class C vehicles. Those persons who do not operate their own fueling facilities shall indicate and pay the appropriate local fee for the particular county where the vehicles are predominantly used.

(b) The department shall issue annual decals, which shall be valid for the current 12-month period for which issued, and shall be attached to the upper right corner of the front windshield on the motor vehicle for which issued.

(c) A valid identifying decal issued to a motor vehicle shall be transferable for the remainder of the issuance period upon change of ownership of the motor vehicle if the owner notifies the department of such transfer within 10 days.

(d) It is unlawful for any person to operate a motor vehicle required to have a decal upon the highways of this state without a decal unless such motor vehicle is titled outside the state.

(e) No person shall cause to be put or put liquefied petroleum gas or compressed natural gas into the fuel supply tank of a motor vehicle required to have an alternative fuel decal unless the vehicle has such decal attached to it as required by this section. Sales of fuel placed into such vehicle displaying a decal shall be recorded upon an invoice which shall include the decal number, the motor vehicle license number and the number of gallons placed into the motor vehicle.

(f) Any person violating the provisions of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, any person who is liable for fueling a vehicle which does not have the proper decal affixed shall be subject to the provisions of this section and s. 206.94.

(g) Persons, except those who purchase liquefied petroleum gas or compressed natural gas for resale, who only own or operate motor vehicles displaying an alternative fuel decal, are not subject to the excise tax licensing and reporting requirements under this part.

(h) The department is empowered to promulgate rules, establish audit procedures for the audit of persons affected by this subsection, impose assessments for delinquent fees, require the keeping of any records or books, and prescribe and publish forms, as may be necessary to administer the fee imposed by this subsection.

(i) 1. Notwithstanding the provisions of s. 206.875, the revenues from the state alternative fuel fees imposed by this subsection shall be deposited in the State Alternative Fuel User Fee Clearing Trust Fund, which fund is hereby created. After deducting the service charge provided in s. 215.20, the proceeds in this trust fund shall be distributed as follows: 50 percent of the proceeds shall be transferred to the State Board of Administration for distribution according to the provisions of s. 16, Art. IX of the State Constitution of 1885, as amended; 25 percent shall be transferred to the Revenue Sharing Trust Fund for Municipalities; and the remaining 25 percent shall be distributed using the formula contained in s. 206.60(2).

2. Notwithstanding the provisions of s. 206.875, the revenues from the local alternative fuel fees imposed in lieu of s. 336.021 or s. 336.025 shall be deposited in the Local Alternative Fuel User Fee Clearing Trust Fund, which fund is hereby created. After deducting the service charge provided in s. 215.20, the proceeds in this trust fund shall be returned on a monthly basis to the appropriate county.

(j) The excise tax provided by subsection (1) shall apply to purchases of alternative fuels by operators of vehicles licensed in other states, and other vehicles which do not have the proper decal pursuant to this section.

Section 5. Subsections (35) and (36) are added to section 215.22, Florida Statutes, to read:

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

(35) The State Alternative Fuel User Fee Clearing Trust Fund established pursuant to s. 206.87(7)(i)1.

(36) The Local Alternative Fuel User Fee Clearing Trust Fund established pursuant to s. 206.87(7)(i)2.

The enumeration of the above moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 said money or trust fund should be exempt herefrom, as it is the purpose of this law to exempt all trust funds

from its force and effect where, by the operation of this law, federal matching funds or contributions to any trust fund would be lost to the state.

Amendment 4—On page 1 in the title, line 11, after the semi-colon “,” insert: amending s. 206.86, F.S.; excluding forms of liquefied petroleum gas from the definition of “special fuel”; defining “alternative fuel” to include forms of liquefied petroleum gas and compressed natural gas; amending s. 206.87, F.S.; requiring owners of motor vehicles powered by alternative fuels to obtain a decal in lieu of paying certain excise taxes; providing fees; providing penalties; providing for distribution of proceeds; amending s. 215.22, F.S.; providing for service charge deductions from created trust funds;

On motions by Senator Thomas, 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.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments to House Bills 1300, 1301, 1302 and requests the Senate to recede; in the event the Senate refuses to recede, requests a Conference Committee. The Speaker has appointed Representative Morgan, Chairman; HRS/Criminal Justice—Representatives Gordon, Burnsed and Lippman—alternate Burrell; Education/Transportation—Representatives Pajcic, Bell, and Easley—alternates Carpenter, Kutun, and Gustafson; General Government—Representatives Gardner, Mills and Gallagher—alternate Davis as Conferees on the part of the House.

Allen Morris, Clerk

The President appointed Senator Johnston, chairman; Senators Neal, Scott, Thomas, Hair, Gordon, Castor, Vogt, Grizzle, Margolis; and alternates: Senators Beard, Kirkpatrick and Crawford.

On motion by Senator Mann, the rules were waived and by two-thirds vote CS for HB 1138 was withdrawn from the Committee on Education.

On motion by Senator Mann, by unanimous consent—

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 taken up out of order and read the second time by title. On motion by Senator Mann, by two-thirds vote CS for HB 1138 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Kirkpatrick, Scott

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

HB 329—A bill to be entitled An act relating to the Historic Preservation Trust Fund; amending s. 267.0617, F.S.; authorizing historic preservation grants-in-aid to any corporation, partnership, or other organization or individual; providing an effective date.

—passed May 29.

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

Amendment 1—On page 1, line 25, insert: *Funds appropriated from general revenue for the historic preservation grants-in-aid program shall not be provided for a project owned by private individuals or owned by for-profit corporations.*

HB 329 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—29

| | | | |
|-----------------|-----------|-----------|-----------|
| Mr. President | Grant | Mann | Stuart |
| Beard | Grizzle | Margolis | Thomas |
| Childers, D. | Hair | McPherson | Thurman |
| Childers, W. D. | Henderson | Myers | Vogt |
| Deratany | Hill | Neal | Weinstein |
| Fox | Jennings | Plummer | |
| Frank | Johnston | Rehm | |
| Girardeau | Malchon | Scott | |

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Kirkpatrick

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed SB 908, SB 756, CS for SB 365, CS for SB 883, SB 430, CS for CS for SB 944, CS for SB 329, CS for SB 191, CS for SB 265, SB 503, SB 744, CS for SB 573, CS for SB 254 and CS for SB 1057; has receded from House amendments and passed SB 220; and has passed by the required Constitutional three-fifths vote of the membership of the House, SJR 76.

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 300, 400, 423, 572, CS for HB 142 and CS for HB 222.

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's 1004, 1147, 1158, CS for HB 342, HB's 1210, 938, CS for CS for HB 853, HB 1137, CS for CS for HB 854; and has passed as amended HB 1007, CS for HB 91, CS for HB 129, CS for HB 801, CS for HB 53, HB 1005; and has adopted HCR 944; and has passed by the required Constitutional three-fifths vote of the membership of the House HJR 1320 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 1004—A bill to be entitled An act relating to massage; amending s. 480.041, F.S., requiring a certain number of classroom hours in a course of study, or completion of an approved apprenticeship program, to qualify for licensure as a masseur; prohibiting certain applicants from being licensed; creating s. 480.0415, F.S., providing that licensees shall notify the Board of Massage of address changes; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

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

By the Committee on Higher Education—

HB 1147—A bill to be entitled An act relating to community colleges; amending s. 240.319, F.S.; authorizing each community college district board of trustees to participate in educational consortia; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Higher Education—

HB 1158—A bill to be entitled An act relating to community colleges; amending s. 240.319, F.S.; authorizing community college district boards of trustees to designate funds due the board to be transmitted directly to the State Board of Administration for proper interest-bearing investment; providing an effective date.

—was referred to the Committee on Education.

By the Committees on Finance and Taxation; and Regulatory Reform—

CS for HB 342—A bill to be entitled An act relating to midwifery; amending s. 381.031, F.S., relating to authority of the Department of Health and Rehabilitative Services; amending ss. 467.003 and 467.004, F.S., transferring regulatory authority to the Department of Professional Regulation; transferring the advisory body to said department, renaming the "committee" as a "council," and increasing membership thereof; defining "pediatrician"; creating s. 467.006, F.S., authorizing the department to set certain fees; providing for deposit of the proceeds; amending ss. 467.007, 467.008, 467.009, 467.013, 467.015, 467.017, 467.201, and 467.205, F.S., removing a limitation upon fees; modifying training requirements; modifying criteria for acceptance of patients to provide for examination to determine eligibility; modifying provisions requiring the development of emergency care plans to require certain facilities to develop same; providing for transport and return of medical records; requiring provision of certain information; increasing penalties; specifying evidence required for approval of programs for the education of midwives; saving chapter 467, F.S., from sunset and sundown repeal scheduled October 1, 1984; providing for review and repeal of said chapter on October 1, 1994; providing an effective date.

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

By the Committee on Higher Education—

HB 1210—A bill to be entitled An act relating to community colleges; including DeSoto County within the South Florida Community College District; including Franklin County within the Gulf Coast Community College District; including Glades and Hendry Counties within the Edison Community College District; providing for membership adjustments on the boards of trustees for the three districts; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Agriculture and Representative Messersmith—

HB 938—A bill to be entitled An act relating to agriculture; providing for mapping and monitoring of agricultural lands; providing duties of the Department of Community Affairs; providing an effective date.

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

By the Committees on Appropriations; and Retirement, Personnel and Collective Bargaining and Representatives Morgan and Hazouri—

CS for CS for HB 853—A bill to be entitled An act relating to municipal police officers' retirement trust funds; amending s. 185.01, F.S., providing legislative intent; amending s. 185.02, F.S., relating to definitions; amending s. 185.03, F.S., relating to the creation of such trust funds; amending s. 185.05, F.S., revising provisions relative to the board of trustees of the municipal police officers' retirement trust fund; amending s. 185.06, F.S., relating to the powers of the board of trustees; amending s. 185.07, F.S., revising member contributions and prohibiting municipalities from reducing member contributions to the municipal police officers' retirement trust fund to less than 1 percent of salary; amending s. 185.08, F.S., relating to the excise tax on casualty insurance premiums; amending s. 185.10, F.S., relating to the responsibilities of the Insurance Commissioner and Treasurer; amending s. 185.11, F.S., relating to the deposit of funds; amending s. 185.12, F.S., relating to excise tax credits; amending s. 185.14, F.S., prohibiting municipalities from reducing member contributions to less than 1 percent of salary; amending s. 185.16, F.S., revising criteria with respect to retirement; amending s. 185.161, F.S., prohibiting police officers from changing retirement options under certain circumstances; amending s. 185.18, F.S., revising disability retirement criteria; amending s. 185.21, F.S., relating to death prior to retirement; amending s. 185.221, F.S., relating to reports required

to be filed with the Department of Insurance; amending s. 185.24, F.S., relating to annual appropriations; amending s. 185.29, F.S., relating to the city attorney representing the board; amending s. 185.30, F.S., relating to the deposit of funds and securities of the municipal police officers' retirement trust fund; amending s. 185.31, F.S., providing for the independence of boards and municipalities; amending s. 185.34, F.S., relating to disability in the line of duty; amending s. 185.35, F.S., relating to municipal pension plans for police officers; amending s. 185.37, F.S., providing for the termination of funds; creating s. 185.38, F.S., providing for transfers to other state retirement systems; creating s. 185.39, F.S., relating to the applicability of the act; creating s. 185.40, F.S., providing for costs and attorney's fees; 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 Higher Education and Representative Young—

HB 1137—A bill to be entitled An act relating to education; amending s. 229.053, F.S.; directing the State Board of Education to adopt rules which require each state university and public community college to review any course that has not been offered for a specified period; providing for deletion of courses not reappraised; providing an effective date.

—was referred to the Committee on Education.

By the Committees on Appropriations; and Retirement, Personnel and Collective Bargaining and Representatives Morgan and Hazouri—

CS for CS for HB 854—A bill to be entitled An act relating to municipal firefighters' pension trust funds; amending s. 175.021, F.S., providing legislative intent; amending s. 175.032, F.S., providing a definition; amending s. 175.061, F.S., revising the composition and powers of the board of trustees of the municipal firefighters' pension trust fund; amending s. 175.071, F.S., relating to investment powers of the board of trustees; amending s. 175.091, F.S., prohibiting municipalities from reducing member contributions to less than 1 percent of salary; amending s. 175.101, F.S., relating to the excise tax on property insurance premiums; amending s. 175.121, F.S., requiring annual compliance with chapter 175, F.S., in order for a municipality to receive certain tax funds; amending s. 175.131, F.S., relating to the deposit of funds received by a municipality with respect to the pension fund; amending s. 175.141, F.S., relating to excise tax credits; creating s. 175.152, F.S., providing for contributions; amending s. 175.162, F.S., revising criteria for retirement; amending s. 175.171, F.S., prohibiting firefighters from changing a retirement option after a certain date; amending s. 175.191, F.S., relating to disability retirement; amending s. 175.201, F.S., revising provisions with respect to death prior to retirement; amending s. 175.261, F.S., requiring certain financial reports with respect to municipal firefighters' pension trust funds; amending s. 175.291, F.S., relating to legal counsel for the board of trustees; amending s. 175.301, F.S., relating to the depository for retirement funds; amending s. 175.311, F.S., providing for the independence of boards and municipalities; amending s. 175.351, F.S., relating to municipalities which have their own pension plans for firefighters; amending s. 175.361, F.S., providing for the termination of certain funds; creating s. 175.371, F.S., providing criteria with respect to transfers to another state retirement system; creating s. 175.381, F.S., relating to the applicability of the act; creating s. 175.391, F.S., providing for costs and attorney's fees; 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 Regulatory Reform—

HB 1007—A bill to be entitled An act relating to pharmacy; amending s. 465.016, F.S.; providing grounds for disciplinary action; providing for board action concerning impaired pharmacists and pharmacy interns; providing for the confidentiality of certain information; providing a privilege against civil liability for persons providing information to the department or board concerning any impaired pharmacist or pharmacy intern; providing an effective date.

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

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

CS for HB 91—A bill to be entitled An act relating to trial jury; amending s. 913.03, F.S., providing limitations upon the use of peremptory challenges; providing legislative intent; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Appropriations and Representative Shackelford and others—

CS for HB 129—A bill to be entitled An act relating to motor vehicles; creating s. 316.1936, F.S.; prohibiting the consumption of alcoholic beverages while operating a motor vehicle in the state; prohibiting certain beverage sales to persons in motor vehicles; providing penalties; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Commerce and Representative Meffert—

CS for HB 801—A bill to be entitled An act relating to financial institutions; amending s. 280.02, F.S., redefining "qualified public depository"; amending s. 494.04, F.S., providing an exemption from the residency requirement for mortgage brokers and solicitors; amending s. 560.03, F.S., providing that financial institutions shall not be required to be licensed to sell money orders; amending s. 655.025, F.S., authorizing the Department of Banking and Finance to assess certain expenses against applicants for licensure; amending s. 655.033, F.S., modifying provisions relating to confidentiality of emergency cease and desist orders; requiring the chief executive officer of a financial institution to notify the department when any person employed by the institution is charged with a felony; amending s. 655.037, F.S., relating to the removal of officers, directors, committee members or employees of financial institutions by the department; creating s. 655.043, F.S., relating to articles of incorporation and amendments thereto; creating s. 655.047, F.S., relating to accounting, statutory bad debts and ineligible assets; amending s. 655.057, F.S., providing that certain records of the department are not public records; amending s. 655.411, F.S., relating to conversion of charter; creating s. 655.50, F.S., providing legislative purpose, definitions, records and reporting requirements for certain currency transactions, exemptions, and civil and criminal penalties; amending s. 657.005, F.S., increasing the nonrefundable fee for applicants for authority to operate a credit union; eliminating requirement that such applicants file a certificate of authorization with the Department of State; amending s. 657.006, F.S., increasing the period of time for the department to approve bylaw amendments; amending s. 657.008, F.S., relating to the place of doing business; amending s. 657.029, F.S., deleting current language with respect to fraudulent assets held by a credit union; amending s. 657.038, F.S., relating to credit union loan limitations; amending s. 657.053, F.S., increasing fees for credit unions due to the department; amending s. 657.065, F.S., providing for a nonrefundable merger fee; amending s. 657.258, F.S., eliminating language authorizing the Florida Credit Union Guaranty Corporation, Inc., to refund certain investments made by a withdrawing credit union which is a member of the corporation; providing that certain annual and special assessments shall be considered payments into the loss reserve to be maintained by the corporation; providing a procedure for refunds; requiring the corporation to maintain a loss reserve along described lines; amending s. 658.18, F.S., requiring incorporators of bank and trust companies to account for certain disbursements; amending s. 658.20, F.S., directing the department to investigate the reputation of applicants; amending s. 658.21, F.S., relating to application approvals; amending s. 658.22, F.S., relating to coordination with federal agencies; amending s. 658.25, F.S., relating to certificates of authority to transact business; amending s. 658.26, F.S., relating to branch banking; amending s. 658.28, F.S., relating to the acquisition or control of a bank or trust company; amending s. 658.40, F.S., redefining the term "successor institution"; amending s. 658.42, F.S., relating to merger; amending s. 658.44, F.S., providing for a majority vote of shareholders for merger approval; amending s. 658.48, F.S., relating to loans; amending s. 658.67, F.S., relating to investment powers and limitations; amending s. 660.26, F.S., relating to trust department licensing; amending s. 663.01, F.S., providing definitions with respect to international banking corporations; amending s. 664.02, F.S., providing that no new charters shall be granted for industrial savings banks; providing an exception; creating s. 664.045, F.S., providing for branch offices; amending s. 665.011, F.S., retitling chapter 665, F.S., as the "Florida Savings Association and Savings Bank Act"; amending s. 665.012, F.S., relating to definitions; amending s.

665.0201, F.S., relating to the incorporation of savings, savings and loan, and building and loan associations; amending s. 665.0211, F.S., relating to the corporate name; amending s. 655.022, F.S., relating to the organization expense fund; amending s. 665.023, F.S., relating to capital; amending s. 665.0311, F.S., relating to the power to reorganize, merge or consolidate; amending s. 665.034, F.S., relating to acquisition of assets or control of an association; amending s. 665.048, F.S., relating to records; amending s. 665.0501, F.S., relating to association powers; amending s. 665.066, F.S., relating to earnings; amending s. 665.068, F.S., relating to redemption; amending s. 665.0701, F.S., relating to investment powers and limitations; amending s. 665.0711, F.S., relating to investment in loans; repealing s. 657.006(3), F.S., relating to the requirement that credit union bylaw amendments be filed with the Department of State; repealing s. 657.038(7), F.S., relating to the prohibition that no person authorized to approve credit at a credit union may become an endorser or guarantor of certain loans; repealing s. 658.18(3), F.S., relating to funds for stock subscriptions with respect to banks and trust companies; repealing s. 658.20(3), F.S., relating to investigation expenses of the Department of Banking and Finance; repealing s. 658.26(5), F.S., relating to certain bank branches; repealing s. 658.52, F.S., relating to statutory bad debts and ineligible assets of banks; repealing s. 664.03(1)-(10) and (30), F.S., relating to the applicability of certain statute sections to industrial savings banks; repealing s. 664.04, F.S., relating to certain requirements to organize as an industrial savings bank; repealing s. 665.024(1)(h), F.S., relating to the requirement that the name and street address of stockholders and the number of shares must be included in the articles of incorporation; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Appropriations and Representative Hazouri—

CS for HB 53—A bill to be entitled An act relating to land acquisition; amending section 1 of chapter 83-80, Laws of Florida; correcting a legal description; authorizing the Department of Natural Resources to acquire by eminent domain specific parcels of land; providing an effective date.

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

By the Committee on Regulatory Reform—

HB 1005—A bill to be entitled An act relating to real estate; amending s. 475.01, F.S., providing a definition; providing an exemption; amending s. 475.24, F.S., requiring every branch real estate office to have a licensed broker or broker-salesman permanently assigned to the office; amending s. 475.42, F.S., clarifying restrictions upon actions by real estate salesmen for commission or compensation; restricting the employment of unlicensed persons to sell, exchange, lease, or appraise specified property; amending s. 475.483, F.S., clarifying certain eligibility requirements for recovery from the Real Estate Recovery Fund; authorizing the Florida Real Estate Commission to pay attorney's fees and court costs under certain circumstances; providing an effective date.

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

By Representative Logan and others—

HCR 944—A concurrent resolution declaring January 15 as Dr. Martin Luther King Day.

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

By the Committee on Finance and Taxation; and Representative Lehtinen—

HJR 1320—A joint resolution proposing an amendment to Section 12 of Article III of the State Constitution relating to the power of the Legislature to enact expenditure limitations and budgetary procedures for state and local governments.

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

Senator Mann presiding

CONSENT CALENDAR

CS for SB's 504 and 681—A bill to be entitled An act relating to education; creating s. 232.257, Florida Statutes, the "Safe Schools Act"; establishing a trust fund, providing for school district eligibility for funding, and providing a funding formula; requiring school safety program plans and reports; providing for rules; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for SB's 504 and 681 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Gersten, Jenne

On motions by Senator Vogt, the rules were waived and by two-thirds vote HB 184 was withdrawn from the Committees on Governmental Operations, Commerce and Appropriations.

On motion by Senator Vogt—

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

—a companion measure, was substituted for CS for SB 201 and read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 184 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Jenne

CS for SB 201 was laid on the table.

On motions by Senator Thurman, the rules were waived and by two-thirds vote CS for HB 570 was withdrawn from the Committees on Natural Resources and Conservation, Judiciary-Criminal and Appropriations.

On motion by Senator Thurman—

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

—a companion measure, was substituted for SB 571 and read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for HB 570 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Gersten

SB 571 was laid on the table.

HB 822—A bill to be entitled An act relating to insurance; amending s. 627.331, F.S., exempting commercial inland marine risks from filing requirements; amending s. 627.4145, F.S., exempting mortgage guaranty insurance policies from the readable language requirements of the insurance code; adding subsection (3) to s. 635.031, requiring that mortgage guaranty insurance real estate located in this state be written through a licensed Florida resident agent and at an office located in this state; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendment which was adopted:

Amendment 1—On page 2, strike all of lines 4-8

On motion by Senator Thomas, by two-thirds vote HB 822 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Jenne

On motions by Senator Stuart, the rules were waived and by two-thirds vote CS for HB 520 was withdrawn from the Committees on Judiciary-Civil and Appropriations.

On motion by Senator Stuart—

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.

—a companion measure, was substituted for SB 462 and read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for HB 520 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Jenne, Scott

SB 462 was laid on the table.

SB 10—A bill to be entitled An act relating to clerks of the circuit court; amending s. 28.24(4), Florida Statutes; revising service charge for preparing, numbering, and indexing an original record of appellate proceedings; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote SB 10 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Jenne

CS for CS for SB 753—A bill to be entitled An act relating to the correctional work program; amending ss. 946.01-946.03, F.S., relating to the nonprofit corporation which operates such program by lease with the Department of Corrections; providing for filling vacancies in the corporation; amending s. 946.042, F.S.; changing certain conditions upon the appropriation of state funds to the corporation; creating s. 946.044, F.S.; creating a Correctional Work Program Revolving Trust Fund; providing funding and uses; vesting in the department title to certain permanent enhancements; amending s. 946.14, F.S.; exempting the corporation from certain liability to inmates; repealing s. 946.30, F.S.; abolishing the Correctional Work Program Trust Fund; authorizing the Department of Highway Safety and Motor Vehicles to contract with the corporation for license plates and validation stickers without competitive bids; directing the preparation of revisers' bills for introduction in the 1985 Regular Session of the Legislature; providing an effective date.

—was read the second time by title. On motion by Senator Rehm, by two-thirds vote CS for CS for SB 753 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Jenne

Consideration of SB 445 was deferred.

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

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote CS for SB 831 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

| | | | |
|-----------------|-----------|-------------|-----------|
| Beard | Frank | Jennings | Scott |
| Carlucci | Gersten | Kirkpatrick | Stuart |
| Castor | Girardeau | Mann | Thomas |
| Childers, W. D. | Grant | McPherson | Thurman |
| Crawford | Grizzle | Myers | Vogt |
| Dunn | Henderson | Neal | Weinstein |
| Fox | Hill | Plummer | |

Nays—1

Langley

Vote after roll call:

Yea—Jenne

On motions by Senator Myers, the rules were waived and by two-thirds vote HB 1013 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Appropriations.

On motion by Senator Myers—

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

—a companion measure, was substituted for SB 311 and read the second time by title. On motion by Senator Myers, by two-thirds vote HB 1013 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

| | | | |
|-----------------|-----------|-------------|-----------|
| Beard | Fox | Hill | Plummer |
| Carlucci | Frank | Kirkpatrick | Scott |
| Castor | Gersten | Langley | Stuart |
| Childers, D. | Girardeau | Malchon | Thomas |
| Childers, W. D. | Grant | Mann | Thurman |
| Crawford | Grizzle | McPherson | Weinstein |
| Deratany | Hair | Myers | |
| Dunn | Henderson | Neal | |

Nays—None

Vote after roll call:

Yea—Jenne

SB 311 was laid on the table.

On motions by Senator Meek, the rules were waived and by two-thirds vote CS for HB 437 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Judiciary-Civil.

On motion by Senator Meek—

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.

—a companion measure, was substituted for CS for SB 245 and read the second time by title. On motion by Senator Meek, by two-thirds vote CS for HB 437 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Jenne

CS for SB 245 was laid on the table.

CS for SB 573—A bill to be entitled An act relating to electric power; providing legislative intent; requiring certain electric utilities to contract with local governments to fund solid waste facilities that generate electricity by using solid waste as fuel; providing the Florida Public Service Commission with certain powers over such contracts; providing for the determination of certain costs; providing for the recovery of financing expenditures; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote CS for SB 573 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

| | | | |
|-----------------|-----------|-------------|-----------|
| Beard | Fox | Hill | Plummer |
| Carlucci | Frank | Kirkpatrick | Scott |
| Castor | Gersten | Langley | Stuart |
| Childers, D. | Girardeau | Mann | Thomas |
| Childers, W. D. | Grant | McPherson | Thurman |
| Crawford | Grizzle | Meek | Weinstein |
| Dunn | Hair | Myers | |

Nays—None

Vote after roll call:

Yea—Jenne

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

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 762 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Consideration of SB 546 was deferred.

On motion by Senator Malchon—

HB 508—A bill to be entitled An act relating to dissolution of marriage; amending s. 61.13, F.S., providing that the court, in a dissolution proceeding, shall consider evidence of spouse abuse as evidence of detriment to the child, thereby allowing the court, in its discretion, to order sole parental custody with or without visitation, in the event of spouse abuse; providing an effective date.

—a companion measure, was substituted for SB 684 and read the second time by title. On motion by Senator Malchon, by two-thirds vote HB 508 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

SB 684 was laid on the table.

Senator Stuart presiding

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 as amended CS for HB 837 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health and Rehabilitative Services and Representative Burnsed—

CS for HB 837—A bill to be entitled An act relating to the regulation of professions; amending s. 455.227, F.S., requiring a disclosure in advertisement of free services by certain licensed health care providers; creating s. 455.206, F.S., relating to professional boards; providing an effective date.

—was read the first time by title.

SPECIAL ORDER, continued

On motions by Senator Langley, by two-thirds vote CS for HB 837, a companion measure, was substituted for SB 515 and by two-thirds vote read the second time by title. On motion by Senator Langley, by two-thirds vote CS for HB 837 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Scott

SB 515 was laid on the table.

SB 546—A bill to be entitled An act relating to physical therapy; amending s. 486.021, F.S.; authorizing physical therapists to perform physical therapy assessments; providing a definition; providing an effective date.

—was read the second time by title.

Senator Mann moved the following amendment which was adopted:

Amendment 1—On page 2, line 20, following the period (.) insert:

Section 2. Section 486.028, Florida Statutes, is amended to read:

486.028 License to practice physical therapy required; exceptions.—No person shall practice, or hold himself out as being able to practice, physical therapy in this state unless he is licensed in accordance

with the provisions of this chapter; however, nothing in this chapter shall prohibit any person licensed in this state under any other law from engaging in the practice for which he is licensed. No provision of this chapter shall be construed to prohibit any person licensed in this state from: using any physical agent as a part of, or incidental to, the lawful practice of his profession under the statutes applicable to the profession of chiropractor, podiatrist, doctor of medicine, masseur, nurse, osteopathic physician or surgeon, or naturopath; or from engaging in the practice for which he is licensed. No provision of this chapter shall be construed to prohibit any student who is enrolled in a school or course of physical therapy approved by the board from performing such acts of physical therapy as are incidental to his course of study; or any physical therapist from another state from performing physical therapy incidental to a course of study when taking or giving a postgraduate course or other course of study in this state, provided such physical therapist is licensed in another jurisdiction or holds an appointment on the faculty of a school approved for training physical therapists or physical therapist assistants.

Section 3. Section 486.161, Florida Statutes, is hereby repealed.

(Renumber subsequent section.)

Senator Thomas moved the following amendment which was adopted:

Amendment 2—On page 2, line 6, after "subsection (8)" insert: and if reimbursement for payment is requested for an assessment, such request for payment shall be included as an integral part of the physical therapy treatment

Senator Mann moved the following amendment which was adopted:

Amendment 3—In title, on page 1, line 5, following the semicolon (;) insert: amending s. 486.028, Florida Statutes; deleting redundant language; providing exemptions from physical therapy license requirements for doctors of medicine, chiropractors, podiatrists, masseurs, nurses, osteopathic physicians or surgeons or naturopaths when licensed pursuant to statutes regulating those professions; repealing s. 486.161, Florida Statutes;

On motion by Senator Mann, by two-thirds vote SB 546 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 | Girardeau | Langley | Stuart |
| Carlucci | Grant | Malchon | Thomas |
| Castor | Grizzle | Mann | Thurman |
| Childers, W. D. | Hair | Margolis | Vogt |
| Crawford | Henderson | Meek | Weinstein |
| Deratany | Hill | Myers | |
| Dunn | Jennings | Plummer | |
| Frank | Kirkpatrick | Rehm | |

Nays—None

Vote after roll call:

Yea—Fox, Gersten, Jenne, Scott

SB 861—A bill to be entitled An act relating to the Department of Transportation; authorizing the department to contract with local farmers for the mowing of grass on state roadsides; providing for a pilot project; providing that such contracts shall be awarded without the use of competitive bidding procedures; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike line 13 and insert: authorized to contract with local farmers or other individuals, whenever feasible

Amendment 2—On page 1, strike line 18 and insert: contracting for these services. Any such contracts, executed in conjunction with the pilot project, shall be

On motion by Senator Kirkpatrick, by two-thirds vote SB 861 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 | Malchon | Scott |
| Carlucci | Gordon | Mann | Stuart |
| Childers, W. D. | Grant | Margolis | Thomas |
| Crawford | Grizzle | McPherson | Thurman |
| Deratany | Henderson | Meek | Vogt |
| Dunn | Jenne | Myers | Weinstein |
| Fox | Jennings | Neal | |
| Frank | Kirkpatrick | Plummer | |
| Gersten | Langley | Rehm | |

Nays—None

Vote after roll call:

Yea—Hill

Senator Mann presiding

On motion by Senator D. Childers, by two-thirds vote CS for HB 852 was withdrawn from the Committee on Governmental Operations.

On motion by Senator D. Childers—

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.

—a companion measure, was substituted for SB 639 and read the second time by title. On motion by Senator D. Childers, by two-thirds vote CS for HB 852 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Jenne, Scott

SB 639 was laid on the table.

On motion by Senator Myers, by two-thirds vote CS for HB 640 was withdrawn from the Committee on Transportation.

On motion by Senator Myers—

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.

—a companion measure, was substituted for SB 784 and read the second time by title. On motion by Senator Myers, by two-thirds vote CS for HB 640 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Jenne, Scott

SB 784 was laid on the table.

On motions by Senator Jenne, the rules were waived and by two-thirds vote CS for HB 16 was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Jenne—

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

—a companion measure, was substituted for SB 56 and read the second time by title. On motion by Senator Jenne, by two-thirds vote CS for HB 16 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

SB 56 was laid on the table.

On motions by Senator Hill, the rules were waived and by two-thirds vote HB 540 was withdrawn from the Committees on Judiciary-Civil and Judiciary-Criminal.

On motion by Senator Hill—

HB 540—A bill to be entitled An act relating to the grand jury; amending s. 905.01, F.S., authorizing the chief judge of a circuit court to replace grand jurors under certain circumstances; providing that only the chief judge may dispense with the grand jury; authorizing the chief judge in certain circuits to convene two contemporaneous grand juries; providing restrictions; providing an effective date.

—a companion measure, was substituted for CS for SB 420 and read the second time by title.

Senator Hill moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of lines 3-12

Amendment 2—In title, on page 1, strike all of lines 7-9 and insert: providing an effective

On motion by Senator Hill, by two-thirds vote HB 540 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 | Rehm |
| Carlucci | Girardeau | Langley | Stuart |
| Castor | Gordon | Malchon | Thomas |
| Childers, D. | Grant | Mann | Thurman |
| Childers, W. D. | Grizzle | Margolis | Vogt |
| Crawford | Hair | McPherson | Weinstein |
| Deratany | Henderson | Myers | |
| Dunn | Hill | Neal | |
| Fox | Jennings | Plummer | |

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Scott

CS for SB 420 was laid on the table.

On motions by Senator Plummer, the rules were waived and by two-thirds vote HB 277 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Commerce.

On motion by Senator Plummer—

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 permitholders; 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 permitholder must restore the course to its prerace condition; providing an effective date.

—a companion measure, was substituted for SB 445 and read the second time by title. On motion by Senator Plummer, by two-thirds vote HB 277 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gersten, Jenne

SB 445 was laid on the table.

SB 708—A bill to be entitled An act relating to the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation; creating s. 561.292, F.S.; providing for issuance of declarations as to whether possession or operation of an amusement device would be grounds for suspension or revocation of license; providing an effective date.

—was read the second time by title.

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

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

Section 1. Section 849.16, Florida Statutes, is amended to read:

849.16 “Machines” or “devices,” which come within provisions of law defined.—

(1)(a) Any “machine” or “device” is a slot machine or device within the provisions of this chapter if it is one that is adapted for use in such a way that, as a result of the insertion of any piece of money, coin, or other

object, such machine or device is caused to operate or may be operated and, by reason of any element of chance or of other outcome of such operation unpredictable by him, the user may receive or become entitled to receive any piece of money, credit, allowance, or thing of value, or any check, slug, token, or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance, or thing of value or which may be given in trade, or the user may secure additional chances or rights to use such machine, apparatus, or device, even though it may, in addition to any element of chance or unpredictable outcome of such operation, also sell, deliver, or present some merchandise, indication of weight, entertainment, or other thing of value.

(b) ~~However, nothing herein contained shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided that the merchandise or prize awarded in exchange for said points or coupons shall not exceed the cost value of 75 cents on any game played. Nothing in this subsection shall be taken or construed as applicable to a coin-operated game or device designed and manufactured only for bona fide amusement purposes which game or device may by application of skill entitle the player to replay the game or device at no additional cost, if the game or device can accumulate and react to no more than 15 free replays; can be discharged of accumulated free replays only by reactivating the game or device for one additional play for each accumulated free replay; can make no permanent record, directly or indirectly, of free replays; and is not classified by the United States as requiring a federal gambling tax stamp under applicable provisions of the Internal Revenue Code.~~

(2) ~~The term “arcade amusement center” as used in this section shall mean a place of business having at least 50 or more coin-operated amusement games or machines on the premises which are operated for the entertainment of the general public and tourists as a bona fide amusement facility.~~

Section 2. Chapter 512, Florida Statutes, consisting of section 512.01, Florida Statutes, is created to read:

512.01 Amusement machines not gambling devices.—

(1) Nothing contained in chapter 849 shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided that the merchandise or prize awarded in exchange for said points or coupons shall not exceed the cost value of 75 cents on any game played. Nothing in this subsection shall be taken or construed as applicable to a coin-operated game or device designed and manufactured only for bona fide amusement purposes which game or device may by application of skill entitle the player to replay the game or device at no additional cost, if the game or device can accumulate and react to no more than 15 free replays; can be discharged of accumulated free replays only by reactivating the game or device for one additional play for each accumulated free replay; can make no permanent record, directly or indirectly, of free replays; and is not classified by the United States as requiring a federal gambling tax stamp under applicable provisions of the Internal Revenue Code.

(2) The term “arcade amusement center” as used in this section shall mean a place of business having at least 50 or more coin-operated amusement games or machines on the premises which are operated for the entertainment of the general public and tourists as a bona fide amusement facility.

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

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to amusement devices; amending s. 849.16, F.S.; deleting language which provides that certain amusement games are not slot machines for the purposes of the laws relating to gambling; creating ch. 512, F.S.; defining the term “arcade amusement center”; providing that certain amusement games are not slot machines for purposes of the laws relating to gambling; providing an effective date.

On motion by Senator Henderson, by two-thirds vote SB 708 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 | Stuart |
| Carlucci | Girardeau | Langley | Thomas |
| Childers, D. | Grant | Malchon | Thurman |
| Childers, W. D. | Grizzle | Mann | Vogt |
| Deratany | Hair | Meek | Weinstein |
| Dunn | Henderson | Neal | |
| Fox | Hill | Rehm | |
| Frank | Jennings | Scott | |

Nays—None

Vote after roll call:

Yea—Jenne

On motions by Senator Henderson, the rules were waived and by two-thirds vote HB 1038 was withdrawn from the Committee on Appropriations.

On motion by Senator Henderson—

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.

—a companion measure, was substituted for SB 563 and read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1038 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Jenne, Scott

SB 563 was laid on the table.

Special Guest

On motion by Senator Gersten that a committee be appointed to escort Congressman Claude Pepper to the rostrum, the presiding officer appointed Senators Gersten, Gordon, Hill, Meek, Plummer and Weinstein. Congressman Pepper was escorted to the rostrum where he was received by the presiding officer and addressed the Senate.

SB 465—A bill to be entitled An act relating to building standards; amending ss. 553.19, 553.73, 553.77, 553.901, 553.904, 553.905, 553.906, 553.909, 553.912, F.S.; specifying minimum electrical standards; specifying state minimum building codes and providing for amendment and interpretation thereof; specifying thermal efficiency standards; changing the name of the Florida Model Energy Efficiency Code for Building Construction; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendments which were adopted:

Amendment 1—On page 5, strike all of lines 1-16 and renumber subsequent sections.

Amendment 2—On page 6, strike all of lines 1-3 and insert: and techniques. The changes shall be made available for public review and comment no later than June 1 of the year prior to code implementation. The term "cost-effective," for

Amendment 3—On page 6, lines 12 and 24, after "characteristics" insert: , including thermal mass

Amendment 4—In title, on page 1, strike all of lines 3-7 and insert: ss. 553.19, 553.73, 553.901, 553.904, 553.905, 553.906, 553.909, 553.912, F.S.; specifying minimum electrical standards; specifying state minimum building codes and providing for amendment

On motion by Senator Jennings, by two-thirds vote SB 465 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

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

HB 822—A bill to be entitled An act relating to insurance; amending s. 627.331, F.S., exempting commercial inland marine risks from filing requirements; amending s. 627.4145, F.S., exempting mortgage guaranty insurance policies from the readable language requirements of the insurance code; adding subsection (3) to s. 635.031, requiring that mortgage guaranty insurance real estate located in this state be written through a licensed Florida resident agent and at an office located in this state; providing an effective date.

—as amended passed this day.

On motion by Senator Thomas, the Senate reconsidered the vote by which HB 822 was read the third time.

On motion by Senator Thomas, the Senate reconsidered the vote by which Amendment 1 was adopted. Amendment 1 was withdrawn.

Senator Thomas moved the following amendments which were adopted:

Amendment 2—On page 1, lines 29 and 30, and on page 2, lines 1-8, strike all of said lines.

Amendment 3—In title, on page 1, strike all of lines 7-12 and insert: requirements of the insurance code; providing an effective date.

On motion by Senator Thomas, by two-thirds vote HB 822 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|-----------|-------------|-----------|
| Beard | Frank | Jennings | Neal |
| Carlucci | Gersten | Kirkpatrick | Rehm |
| Castor | Girardeau | Langley | Stuart |
| 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 | |

Nays—None

Vote after roll call:

Yea—Jenne

The President presiding

On motions by Senator Castor, the rules were waived and by two-thirds vote CS for HB 172 was withdrawn from the Committees on Economic, Community and Consumer Affairs; Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Castor—

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.

—a companion measure, was substituted for SB 505 and read the second time by title. On motion by Senator Castor, by two-thirds vote CS for HB 172 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|-----------|-------------|-----------|
| Mr. President | Fox | Jenne | Neal |
| Beard | Frank | Jennings | Rehm |
| 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 | Meek | |
| Dunn | Hill | Myers | |

Nays—None

Vote after roll call:

Yea—Scott

SB 505 was laid on the table.

CS for SB 495—A bill to be entitled An act relating to domestic violence; amending s. 415.601, F.S.; providing legislative intent; amending s. 415.602, F.S.; providing definitions; amending s. 415.603, F.S.; setting forth duties and functions of the Department of Health and Rehabilitative Services with respect to domestic violence; creating s. 415.604, F.S.; requiring an annual report by the department; amending s. 415.605, F.S.; providing for certification, decertification, procedures for seeking services, and funding of domestic violence centers; providing rulemaking authority; amending s. 415.606, F.S.; providing for referral of victims to centers and notice of rights; amending s. 415.608, F.S.; providing for confidentiality of information; creating s. 415.609, F.S.; requiring that law enforcement officers and certain judges receive certain information and training; amending s. 741.01, F.S.; conforming provisions; amending s. 741.30, F.S.; providing for an injunction for protection and an ex parte temporary injunction for protection; providing penalties for violating such injunctions; prescribing relief available through an injunction for protection; providing for law enforcement officers to assist in executing or serving such injunction; providing for sending copies of such injunctions to certain law enforcement agencies; amending s. 901.15, F.S.; requiring arrest with or without a warrant in specified circumstances; giving immunity from civil liability to certain law enforcement officers; creating s. 901.155, F.S.; providing duties of law enforcement officers in domestic violence investigations; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 31, and on page 17, lines 22 and 24, strike "criminal sexual conduct" and insert: *sexual battery*

Amendment 2—On page 11, line 11, strike "criminal sexual conduct" and insert: *sexual battery*

Amendment 3—On page 16, lines 25-30; on page 17, lines 1-31 and on page 18, line 1, strike all of said lines and insert: *lawful.*—A law enforcement officer may arrest a person without a warrant when:

(1) The person has committed a felony or misdemeanor or violated a municipal or county ordinance in the presence of the officer. Arrest for the commission of a misdemeanor or violation of a municipal or county ordinance shall be made immediately or in fresh pursuit.

(2) A felony has been committed and he reasonably believes that the person committed it.

(3) He reasonably believes that a felony has been or is being committed and reasonably believes that the person to be arrested has committed or is committing it.

(4) A warrant for the arrest has been issued and is held by another peace officer for execution.

(5) A violation of chapter 316 has been committed in the presence of the officer. Such arrest may be made immediately or on fresh pursuit.

(6) *The officer has probable cause to believe that the person has knowingly violated or refused to comply with a domestic violence injunction for protection entered pursuant to s. 741.30.*

(7)(6) The officer has probable cause to believe that the person has committed a battery upon the person's spouse and the officer:

(a) Finds evidence of bodily harm; or

(b) The officer reasonably believes that there is danger of violence unless the person alleged to have committed the battery is arrested without delay.

(8) *A law enforcement officer who acts in good faith and exercises due care in making an arrest pursuant to subsection (7) shall be immune from civil liability that*

Senators Frank and Castor offered the following amendment which was moved by Senator Castor and adopted:

Amendment 4—On page 2, line 31, strike the period (.) and insert: , or other relative residing in the same dwelling unit.

On motion by Senator Castor, by two-thirds vote CS for SB 495 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Langley

Vote after roll call:

Yea—Hill

CS for SB 899—A bill to be entitled An act relating to the prevention of youth suicide; creating the "Florida Youth Emotional Development and Suicide Prevention Act;" providing for a statewide plan for the emotional development of youth and the prevention of youth suicide to be developed by the Department of Health and Rehabilitative Services with the cooperation of the Department of Education, the Department of Law Enforcement, and certain local and state agencies; providing guidelines

and procedures; amending s. 230.2313, F.S.; requiring each school in a district to submit a written student services plan to the superintendent and school board annually; including within such plan the distribution of a suicide prevention public awareness program; amending s. 231.17, F.S.; including in the minimum requirements for teacher certificates, a mastery of the ability to recognize signs of severe emotional distress in students and techniques of crisis intervention; amending s. 232.246, F.S.; including positive emotional development in the life management skills credit necessary for graduation; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote CS for SB 899 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|-----------|-------------|-----------|
| Mr. President | Frank | Jennings | Neal |
| Beard | Gersten | Kirkpatrick | Plummer |
| Carlucci | Girardeau | Langley | Stuart |
| 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 | |

Nays—None

Vote after roll call:

Yea—Jenne, Scott

On motion by Senator Margolis, CS for SB 1152 and SJR 1157 were added to the special order calendar to be considered at 4:00 p.m.

SB 741—A bill to be entitled An act relating to university activity and service fees; amending s. 240.235, F.S.; providing that certain salary increases for career service and administrative and professional positions funded by the activity and service fee be appropriated from the General Revenue Fund; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Gordon and adopted:

Amendment 1—On page 1, line 26, and on page 2, line 5, after “increase” insert: *or decrease*

On motion by Senator Gordon, by two-thirds vote SB 741 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Jenne

SB 853—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.545, F.S., changing the title of weight inspection officer of the Department of Transportation to weight and safety officer; increasing the distance that a weight and safety officer may require a person to drive a loaded vehicle to a public scale; increasing weight and penalty provisions for overloaded vehicles; providing a penalty for refusal to submit to weighing; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote SB 853 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Jenne

SB 1017—A bill to be entitled An act relating to public defenders; amending s. 27.54, F.S.; providing that the state shall pay certain expenses of the public defender from the appropriation provided for circuit courts in certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Gersten, by two-thirds vote SB 1017 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Jenne

Consideration of CS for SB 497 was deferred.

SB 439—A bill to be entitled An act relating to fire prevention and control; amending s. 633.021, F.S.; providing that the definition of Contractor II includes persons who execute service contracts for sprinkler and certain other fire extinguisher systems; amending s. 633.061, F.S.; restricting the types of fire systems regulated by the State Fire Marshal; increasing the license fees and adding new classes of licenses; providing penalties for late license renewal; providing for additional insurance coverage; changing license examination and fee requirements; amending s. 633.065, F.S.; requiring installation, inspection, service and maintenance of fire protective equipment in accordance with manufacturer’s specifications and procedures; amending s. 633.081, F.S.; changing renewal requirements for firesafety inspector certificates; providing for rules for safety inspections of certain educational facilities; deleting continuing education requirements for inspectors; authorizing the suspension or revocation of certificates; amending s. 633.083, F.S.; providing that the testing procedures of certain laboratories be acceptable to the State Fire Marshal; deleting certain restrictions on the sale of fire extinguishers; amending s. 633.085, F.S.; changing inspection duties of the State Fire Marshal; amending s. 633.161, F.S.; authorizing the State Fire Marshal to order the immediate vacating of buildings posing an immediate firesafety hazard; providing that violators of such orders are guilty of a misdemeanor punishable as prescribed in s. 633.171, F.S.; amending s. 633.162, F.S.; providing additional grounds for disciplinary action against licensees and permittees; amending s. 633.163, F.S.; increasing administrative fines; amending s. 633.34, F.S.; requiring that a firefighter applicant be released from probation stemming from a felony charge involving moral turpitude before initial employment; amending s. 633.35, F.S.; establishing the purpose of firefighter training; deleting provisions relating to the issuance of certificates of completion for firefighter training programs; amending s. 633.351, F.S.; relating to the voiding of certifications of firefighters convicted of a felony; amending s. 633.511, F.S.; providing conforming language; amending s. 633.521, F.S.; changing liability coverage requirements for fire protection systems contractors; amending s. 633.524, F.S.; increasing the certification fees for such contractors; amending s. 633.531, F.S.; declaring the transfer or sale of certificates to be unlawful; amend-

ing s. 633.534, F.S.; restricting sole contractor affiliation to one business organization; establishing a fee requirement for certification of a new business entity; changing the grace period allowed to certify another person after the death of a sole certificateholder or proprietor; deleting the requirement that certificateholders notify the State Fire Marshal of changes in status and that the marshal reinvestigate and recertify the holder; deleting the requirement that the State Fire Marshal approve systems during a grace period; amending s. 633.537, F.S.; requiring reexamination under certain circumstances; deleting the provision for inactive status; amending s. 633.547, F.S.; requiring the State Fire Marshal to investigate alleged contractor violations; changing grounds for disciplinary action and increasing administrative fines; repealing s. 633.521(6), F.S., relating to the grandfathering of contractors; providing an effective date.

—was read the second time by title.

Senator Fox moved the following amendment which was adopted:

Amendment 1—On page 14, line 23, strike “or college administrator” and insert: superintendent or college president

On motion by Senator Fox, by two-thirds vote SB 439 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

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

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—35:

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

Senator Barron presiding

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—

CS for SB 230—A bill to be entitled An act relating to the care of dependent children; amending s. 409.175, F.S.; substantially revising provisions relating to regulation by the Department of Health and Rehabilitative Services of agencies and facilities providing for the care and placement of dependent children; providing definitions; providing for licensure of certain persons and agencies; specifying licensing requirements; prohibiting departmental rules relating to certain religious instruction; providing for licensing studies; providing for provisional licenses; authorizing inspections; providing for denial, revocation, and suspension of licenses; providing for injunctive proceedings; providing for corrective actions in the event of violations; prohibiting certain activity without a license and providing penalties therefor; authorizing the removal of children from persons in violation of certain provisions; providing for foster parent training; requiring the department to adopt rules; creating s. 409.170, F.S.; providing for the registration of residential

child-caring agencies; providing for inspections; providing licensure exemptions; providing classifications for licensed and registered facilities; requiring certain contracts; providing for denial, suspension, and revocation of registration; providing for injunctive relief; prohibiting certain acts and providing penalties; providing severability; saving s. 409.175, F.S., from scheduled sunset repeal on October 1, 1984, and providing for future repeal and review of ss. 409.170, 409.175, F.S.; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 20, between lines 1 and 2, insert: New Sections 4 through 18 and Renumber Subsequent Sections

Section 4. Subsections (1), (9), (26), and (31) of section 39.01, Florida Statutes, are amended to read:

39.01 Definitions.—When used in this chapter:

(1) “Abandoned” means a situation in which a parent, *legal custodian, or, in the absence thereof, the person responsible for the child’s welfare* who, while being able, makes no provision for the child’s support and makes no effort to communicate with the child, *which situation is sufficient to evince a willful rejection of parental obligations for a period of 6 months or longer. If the efforts of a parent, legal custodian, or, in the absence thereof, the person primarily responsible for the child’s welfare* a parent’s efforts to support and communicate with the child *during such a 6-month period* are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. *The failure to appear in response to actual or constructive service in the dependency proceeding shall give rise to a rebuttable presumption of ability to provide for and communicate with the child.*

(9) “Child who is found to be dependent” means a child who, pursuant to this chapter, is found by the court:

(a) To have been abandoned, abused, or neglected by his parents or other custodians.

(b) To have been surrendered to the department or a licensed child-placing agency for purpose of adoption.

(c) To have persistently run away from his parents or legal guardian *despite reasonable efforts of the parent or guardian and appropriate agencies to remediate the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family and individual counseling.*

(d) To be habitually truant from school while being subject to compulsory school attendance.

(e) To have persistently disobeyed the reasonable and lawful demands of his parents or other legal custodians and to be beyond their control *despite reasonable efforts of the parents or legal custodians and appropriate agencies to remediate the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family and individual counseling.*

(f) *To have been voluntarily placed with a licensed child-caring or licensed child-placing agency or the department, whereupon, pursuant to the requirements of s. 409.168, a performance agreement has expired and the parent or parents have failed to substantially comply with the requirements of the agreement.*

(26) “Neglect” occurs when a parent, ~~or other~~ legal custodian, *or, in the absence thereof, the person primarily responsible for the child’s welfare, though financially able,* deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. *The foregoing shall not be considered neglect if caused primarily by financial inability unless services for relief have been offered and rejected. A parent or guardian legitimately practicing his religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent or guardian; however, such an exception shall not preclude a court from ordering the following services to be provided, when the health of the child so requires:*

(a) Medical services from a licensed physician, dentist, optometrist, podiatrist, or other qualified health care provider; or

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

(31) "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be dependent, pending court disposition before or after adjudication or after execution of a court order. "Shelter" may include a facility which provides 24-hour continual supervision for the temporary care of a child who is placed pursuant to s. 39.402(5)(4).

Section 5. Subsection (2) of section 39.40, Florida Statutes, is amended to read:

39.40 Procedures and jurisdiction.—

(2) The circuit court shall have exclusive original jurisdiction of proceedings in which a child is alleged to be dependent and shall have jurisdiction for the judicial review, pursuant to s. 409.168, of a child voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, or the department. When the jurisdiction of any child who has been found to be dependent is obtained, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 18 years of age.

Section 6. Section 39.402, Florida Statutes, is amended to read:

39.402 Placement in a shelter.—

(1) Unless ordered by the court pursuant to the provisions of this chapter, a child taken into custody shall not be placed in a shelter prior to a court hearing unless such placement is required:

- (a) To protect the child; or
- (b) Because he has no parent, legal custodian, or responsible adult relative to provide supervision and care for him.

(2) A child taken into custody may be placed in shelter only if one or more of the criteria in subsection (1) applies and a determination has been made that appropriate and available services cannot eliminate the need for placement.

(3)(2) If the intake officer determines that placement in a shelter is necessary according to the provisions of subsections subsection (1) and (2), the intake officer shall authorize placement of the child in a shelter and shall immediately notify the parents or legal custodians that the child was taken into custody.

(4)(2) If the child is alleged to be both dependent and delinquent, the intake officer may authorize either placement in a shelter pursuant to this section or detention pursuant to s. 39.032 ~~detention or placement in a shelter.~~

(5)(4) Any child who is a runaway and who is likely to injure himself or others or who is in need of care and treatment and lacks sufficient capacity to determine what course of action is in his own best interest may be placed in a shelter as defined under s. 39.01(31) for a period of time not to exceed 48 hours, excluding Saturdays, Sundays, and legal holidays, without an order by the court directing placement in a shelter in excess of such time.

(6)(a)(5) The circuit court, or the county court, if previously designated by the chief judge of the circuit court for such purpose, shall hold the detention hearing. When the county judge is not an attorney, the chief judge may designate a member of the bar to hold the detention hearing. ~~The reasons for placement in a shelter provided in subsection (1) shall govern the decision of all persons responsible for determining whether placement in a shelter is warranted prior to the disposition by the court.~~

(b) The detention petition filed with the court shall address each condition required to be determined by the court in subsection (9).

(7) The reasons for placement in a shelter provided in subsections (1) and (2) shall govern the decision of all persons responsible for determining whether placement in a shelter is warranted prior to the disposition by the court.

(8) No child shall be removed from home or continued out of home pending disposition where, with the provision of appropriate and available services, including services provided in the family home, the child could safely remain at home.

(9)(6)(a) No child shall be held in a shelter longer than 48 hours, excluding Saturdays, Sundays, and legal holidays, unless an order so directing is made by the court after a detention hearing finding that placement in a shelter is necessary based on the criteria in subsections subsection (1) and (2), that placement in a shelter is in the best interest of the child, and that there is probable cause that the child is dependent, and that the department has made reasonable efforts to prevent or eliminate the need for removal of the child from his home. The order for placement in shelter care shall also state that the child cannot be protected in the home even if appropriate and available preventive services are provided. When the department's first contact with the family has occurred during an emergency in which the child could not safely remain at home, either because there were no preventive services which could ensure the safety of the child or because, even with appropriate and available services being provided, the safety of the child could not be ensured, the department shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.

(b) In the interval until the detention hearing is held pursuant to paragraph (a), the decision as to placement in a shelter or release of the child from a shelter shall lie with the intake officer in accordance with subsection (3)(2).

(10)(7) No child shall be held in a shelter under an order so directing for more than 21 14 days unless an order of adjudication for the case has been entered by the court. The parent, guardian, or custodian of the child shall be notified of any order directing placement of the child in shelter and, upon request, shall be afforded a hearing within 48 hours, excluding Sundays and legal holidays, to review the necessity for continued placement in shelter for any time periods as provided herein. At any arraignment hearing or determination of detention, the court shall determine visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child and the court shall make a determination as to whether the department has made reasonable efforts to prevent or eliminate the need for removal or continued removal of the child from his home. If the department has not made such efforts, the court shall order the department to provide appropriate and available services to assure the protection of the child in the home, where necessary for the child's safety. Within 7 days of the child being taken into custody, a petition alleging dependency shall be filed and, within 14 days of the child being taken into custody, an arraignment hearing shall be held for the parent, guardian, or custodian to admit, deny, or consent to findings of dependency alleged in the petition.

(11)(8) No child shall be held in a shelter for more than 30 days following the entry of an order of adjudication unless an order of disposition pursuant to s. 39.41 has been entered by the court.

12(9) The time limitations in subsections (9)(6) and (10)(7) shall not include:

(a) Periods of delay resulting from a continuance granted at the request or with the consent of the child's counsel, or the child's guardian ad litem, if one has been appointed by the court, or, if the child is of sufficient capacity to express reasonable consent, at the request or with the consent of the child's attorney or the child's guardian ad litem, if one has been appointed by the court, and the child.

(b) Periods of delay resulting from a continuance granted at the request of the state attorney, or the attorney designated by the state attorney, if the continuance is granted:

1. Because of an unavailability of evidence material to his case when the state attorney, or the attorney designated by the state attorney, has exercised due diligence to obtain such evidence and there are substantial grounds to believe that such evidence will be available within 30 days; or

2. To allow the state attorney, or the attorney designated by the state attorney, additional time to prepare his case and additional time is justified because of the exceptional circumstances of the case.

(13) The court shall review the necessity for a child's continued placement in shelter in the same manner as the initial placement decision was made and shall make a determination regarding the continued placement:

(a) *Within 48 hours, excluding Sundays and legal holidays, of any violation of the time requirements for the filing of a petition or the holding of an arraignment hearing as prescribed in subsection (10); or*

(b) *Prior to the court's granting any delays as specified in subsection (12).*

Section 7. Subsection (6) is added to section 39.404, Florida Statutes, to read:

39.404 Petition for dependency.—

(6) *When the child has been taken into custody, a petition alleging dependency shall be filed within 7 days of the date the child is taken into custody. In all other cases, the petition shall be filed within a reasonable time after the date the child was referred to intake pursuant to s. 39.403.*

Section 8. Section 39.407, Florida Statutes, is amended to read:

39.407 Medical, psychiatric, and psychological examination and treatment.—

(1) After a petition for dependency has been filed, the judge may order the child named in the petition to be examined by a physician. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the department. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. *The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education as defined in s. 230.2315(2).*

(2) After a child has been adjudicated to be a dependent child, or before such adjudication with the consent of any parent or legal custodian of the child, the judge may order the child to be treated by a physician. The judge may also order such child to receive mental health or retardation services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, then the procedures and criteria established in s. 394.467 or chapter 393 shall be used, whichever is applicable.

(3) For the purpose of either examination or treatment, the judge may order the child to be placed for treatment. When any child is placed in a shelter pending a hearing, the shelter home parent or the appropriate agent of the department may provide or cause to be provided such medical or surgical services as may be deemed necessary by a physician.

(4) A physician shall be immediately called if there are indications of physical injury or illness, or the child shall be taken to the nearest available hospital for emergency care. A child may be provided mental health or retardation services in emergency situations, pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, whichever is applicable. After a hearing, the court may order the parents, guardian, or custodian, if found able to do so, to reimburse the county for the expense involved in such emergency medical or surgical treatment.

(5) Nothing in this section shall be deemed to eliminate the right of the parents or the child to consent to examination or treatment for the child, except that consent of a parent shall not be required if the physician determines there is a serious injury or illness requiring immediate treatment and the child consents to such treatment or an ex parte court order is obtained authorizing such treatment.

(6) Nothing in this section shall be construed to authorize the permanent sterilization of the child unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(7) Except as provided in this section, nothing in this section shall be deemed to alter the provisions of s. 458.21 to eliminate the right of the *child juvenile* or his parents, guardian, or legal custodian to consent to diagnostic examination and medical or surgical treatment or care; nor shall a court be precluded from ordering services or treatment to be provided to the *child juvenile* by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when required by his health and when requested by the *child juvenile*.

(8) *For the purposes of obtaining an evaluation or examination or receiving treatment as authorized pursuant to this section, no child alleged to be or found to be dependent shall be placed in a detention home or other program used primarily for the care and custody of children alleged to have or found to have committed a delinquent act.*

Section 9. Section 39.408, Florida Statutes, is amended to read:

39.408 Hearings for dependency cases.—

(1) ARRAIGNMENT HEARING.—

(a) *When a child has been detained by order of the court, an arraignment hearing shall be held within 14 days from the date the child was taken into custody. The hearing shall be held for the parent, guardian, or custodian to admit, deny, or consent to findings of dependency alleged in the petition. If the parent, guardian, or custodian admits or consents to the findings in the petition, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if the parent, guardian, or custodian denies any of the allegations of the petition, the court shall hold an adjudicatory hearing within 7 days of the date of the arraignment hearing.*

(b) *When a child is in the custody of his parent, guardian, or custodian upon filing of a petition, the clerk shall set a date for an arraignment hearing within a reasonable time of the date of the filing of the petition. If the parent, guardian, or custodian admits or consents to an adjudication, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if the parent, guardian, or custodian denies any of the allegations of dependency, the court shall hold an adjudicatory hearing within a reasonable time of the date of the arraignment hearing.*

(c) *If at the arraignment hearing the parent, guardian, or custodian consents or admits to the allegations in the petition, the court shall proceed to hold a dispositional hearing at the earliest practicable time that will allow for the completion of a predisposition study.*

(2)(+) ADJUDICATORY HEARING.—

(a) The adjudicatory hearing shall be held as soon as practicable after the petition for dependency is filed and in accordance with the Florida Rules of Juvenile Procedure, but reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall, whenever practicable, be granted. *If the child is in custody, the time limitations provided in s. 39.402(10) and subsection (1) of this section shall apply.*

(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the hearings from time to time as necessary. In a hearing on a petition in which it is alleged that the child is dependent, a preponderance of evidence will be required to establish the state of dependency.

(c) All hearings, except as hereinafter provided, shall be open to the public, and no person shall be excluded therefrom except on special order of the judge, who, in his discretion, may close any hearing to the public when the public interest or the welfare of the child, in his opinion, is best served by so doing. All hearings involving unwed mothers, custody, sexual abuse, or permanent placement of children shall remain confidential and closed to the public. Hearings involving more than one child may be held simultaneously when the several children involved are related to each other or were involved in the same case. The child and the parents or legal custodians of the child may be examined separately and apart from each other.

(3)(2) DISPOSITION HEARING.—*Where the court finds that the facts alleged in the petition for dependency are proven in the adjudicatory hearing:*

(a) At the disposition hearing, the court shall receive and consider a predisposition study, which shall be in writing and be presented by an authorized agent of the department. The predisposition study shall cover for any dependent child all factors specified in s. 61.13(3). *The predisposition study also shall provide the court with documentation regarding:*

1. *The availability of appropriate prevention and reunification services for the family for prevention of removal of the child from the home or for reunification of the child with the family after removal;*

2. *The inappropriateness of other prevention and reunification services that were available;*

3. *The efforts by the department to prevent out-of-home placement of the child or, where applicable, to reunify the family if appropriate services were available;*

4. *Whether the services were provided;*

5. *If provided, whether the services were sufficient to meet the needs of the child and the family and to enable the child to remain at home or to be returned home;*

6. *If the services were not provided, the reasons for such lack of action; and*

7. *The need for, or appropriateness of, continuing such services if the child remains in the custody of the family or if the child is placed outside the home.*

(b) A copy of this *predisposition study report* will be furnished to the person having custody of the child at the time such person is notified of the disposition hearing.

(c) If placement of the child with anyone other than the child's parent or custodian is being considered, the study shall include the designation of a specific length of time as to when custody by the parent or custodian will be reconsidered.

(d) This study shall not be made prior to the adjudication of dependency unless the parents or custodians of the child consent thereto.

(e) Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing.

(4)(3) Except as provided in paragraph (2)(c) ~~(1)(e)~~, nothing in this section shall prohibit the publication of proceedings in a hearing.

Section 10. Paragraphs (c), (d), and (f) of subsection (1) of section 39.41, Florida Statutes, are amended, subsections (2), (3), and (5) of said section are renumbered as subsections (3), (4), and (6), respectively, a new subsection (2) is added to said section, and present subsections (4) and (6) are renumbered and amended to read:

39.41 Powers of disposition.—

(1) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child shall have the power, by order, to:

(c) Commit the child to a licensed child-caring agency willing to receive the child. *Continued commitment to the licensed child-caring agency, as well as all other proceedings under this section pertaining to the child, shall additionally be governed by s. 409.168.*

(d) Commit the child to the temporary legal custody of the department. Such commitment shall invest in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom the child was removed, except for short visitation periods, without the approval of the court. The term of such commitment shall continue until terminated by the court or until the child reaches the age of 18. *After the child is committed to the temporary custody of the department, all further proceedings under this section shall additionally be governed by s. 409.168.*

(f)1. Permanently commit the child to the department or a licensed child-placing agency willing to receive the child for subsequent adoption if the court finds that it is manifestly in the best interests of the child to do so, and:

a. *If the persons served with notice under subsection (4) fail to respond to the notice as provided in paragraph (4)(d); or*

b. *If the parent or parents have voluntarily executed a written surrender of the child before two witnesses and a notary public or other officer authorized to take acknowledgments; or*

c.a. *If the court finds by clear and convincing evidence, at a hearing applying the rules of evidence in use in civil cases, that:*

(I) *The parent, legal custodian, or, in the absence thereof, the person responsible for the child's welfare has abandoned the child for a period of 6 months or longer, prior to the filing of the petition for permanent commitment, or has abused, or neglected the child; or*

~~b. If the persons served with notice under subsection (3) fail to respond to the notice as provided in paragraph (3)(d); or~~

~~e. If the parent or parents have voluntarily executed a written surrender of the child before two witnesses and a notary public or other officer authorized to take acknowledgments; or~~

(II)d.—*If The parent or parents have failed, upon expiration of a performance agreement entered into or of a plan for permanent placement submitted to and approved by the court under s. 409.168, to comply substantially with such agreement or plan. If the court finds that the failure to comply with the performance agreement or plan is the result of conditions beyond the control of the parent or parents, such failure shall not be used as grounds for permanent commitment.*

2. The department shall prescribe a written surrender form which shall be written in layman's terms in the principal language of the surrendering party and which shall clearly and unambiguously advise the surrendering party of the consequences of the surrender.

(2)(a) *If the court commits the child to the temporary legal custody of the department, the disposition order shall include a determination as to whether the department has made reasonable efforts to prevent or eliminate the need for removal of the child from his home. If the child has been removed prior to the disposition hearing, the order shall also include a determination as to whether, after removal, the department has made reasonable efforts to reunify the family.*

(b) *In support of its determination as to whether reasonable efforts have been made, the court shall:*

1. *Enter findings as to whether or not prevention or reunification efforts were indicated;*

2. *If indicated, include a brief description of what appropriate and available prevention and reunification efforts were made; and*

3. *Indicate why further efforts could or could not have prevented or shortened the separation of the family.*

(c) *For the purposes of this subsection, "reasonable efforts" shall mean the exercise of reasonable diligence and care by the department and shall assume the availability of appropriate services to meet the needs of the child and family. The department shall have the burden of demonstrating reasonable efforts pursuant to this subsection.*

(d) *When the department's first contact with the family has occurred during an emergency in which the child could not safely remain at home either because there were no preventive services which could ensure the safety of the child or because, even with appropriate and available services being provided, the safety of the child could not be ensured, the department shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.*

(e) *When the severity of the conditions of dependency is such that reunification efforts are inappropriate, the department shall be deemed to have made reasonable efforts for reunification of the family. The department shall have the burden of demonstrating to the court that reunification efforts were inappropriate.*

(f) *Where the court finds that department prevention or reunification efforts could not permit the child to safely remain at home, the court may commit the child to the temporary legal custody of the department or take any other action as authorized by this part.*

(5)(4) A licensed child-placing agency or the department to which a child is permanently committed for subsequent adoption in accordance with this chapter may place the child in a family home for prospective subsequent adoption and may thereafter become a party to any proceeding for the legal adoption of the child and appear in any court where the adoption proceeding is pending and consent to the adoption; and that consent alone shall in all cases be sufficient. A permanent order of commitment, whether pursuant to consent or after notice served as herein prescribed, shall permanently deprive the parents and legal guardian of any right to the child. In any subsequent adoption proceedings, the parents and legal guardian shall not be entitled to any notice thereof, nor shall they be entitled to knowledge at any time after the permanent order of commitment is entered of the whereabouts of the child or of the identity or location of any person having the custody of or having adopted the child; and in any habeas corpus or other proceeding involving the child brought by any parent or legal guardian of the child, no agent of the

licensed child-placing agency or department shall be compelled to divulge that information, but may be compelled to produce the child before a court of competent jurisdiction if the child is still subject to the guardianship of the licensed child-placing agency or department. The entry of the permanent order of commitment shall not entitle the licensed child-placing agency or department to guardianship of the estate or property of the child, but the licensed child-placing agency or department shall be the guardian of the person of the child; ~~and the court shall no longer exercise jurisdiction over the child after entry of such order. The court shall retain jurisdiction over any child permanently committed to a licensed child-placing agency or to the department until the child is placed for adoption. The court's jurisdiction beyond permanent commitment shall be for the purpose of reviewing the status of the child and the progress being made toward permanent adoptive placement, pursuant to the provisions of s. 409.168, and shall not include the exercise of any power or influence by the court over the selection of an adoptive parent.~~

~~(7)(6)(a) The court may at any time enter an order ending its jurisdiction over any child.~~

(b) With respect to a child who is the subject of a performance agreement under s. 409.168, the court shall return the child to the custody of the natural parents upon expiration of the agreement if the parents have substantially complied with the agreement.

(8) *The court may at any time enter an order ending its jurisdiction over any child, except that, when a child has been returned to his parents pursuant to subsection (7) However, the court shall not terminate its jurisdiction over the child until 6 months after the return. Based on a report of the department or agency and any other relevant factors, the court shall then determine whether its jurisdiction should be continued or terminated in those cases; if its jurisdiction is to be terminated, it shall enter an order to that effect.*

Section 11. Subsection (1) of section 39.413, Florida Statutes, is amended to read:

39.413 Appeal.—

(1) Any child, and any *guardian ad litem*, parent, or legal custodian of any child, affected by an order of the court may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Appellate Rules.

Section 12. Section 39.415, Florida Statutes, is created to read:

39.415 *Appointed counsel; compensation.*—

If counsel is entitled to receive compensation for representation pursuant to court appointment in a dependency proceeding, compensation shall not exceed \$1,000 at the trial level and shall not exceed \$2,500 at the appellate level.

Section 13. Subsection (13) is added to section 49.011, Florida Statutes, to read:

49.011 Service of process by publication, in what cases.—Service of process by publication may be made in any court on any person mentioned in s. 49.021, in any action or proceeding:

(13) *For permanent commitment of children pursuant to s. 39.41.*

Section 14. Section 409.168, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 409.168, F.S., for present text.)

409.168 Children in foster care; department report and court review of status.—

(1) **LEGISLATIVE INTENT.**—The Legislature finds that seven out of ten children placed in foster care do not return to their biological families after the first year and that permanent homes could be found for many of these children if their status was reviewed periodically and they were found eligible for adoption. It is the intent of the Legislature to assure to each child the care, guidance, and control in a permanent home which will serve the best interests of the child's moral, emotional, mental, and physical welfare and that such home preferably be the child's own home or, if that is not possible, an adoptive home. It is the further intent of the Legislature that, if neither of those options is achievable, other options for the child as set out in this section be pursued. It is the intent

of the Legislature that permanent placement with the biological or adoptive family be achieved as soon as possible for every child in foster care and that no child remain in foster care longer than 1 year. It is the further intent of the Legislature that children be reunited with their natural families whenever possible and, when not possible, that they be permanently placed for adoption or, when neither option is achievable, that they be prepared for long term foster care or independent living. It is the intent of the Legislature, therefore, to help ensure a permanent home for children in foster care by requiring a performance agreement or, if natural parents will not or cannot participate in a performance agreement, a permanent placement plan and a periodic review and report to the court on their status. When two or more children in foster care are siblings, every reasonable attempt shall be made to place them in the same foster home; and, in the event of permanent commitment, to place them in the same adoptive home; and, if they are separated, to keep them in contact with each other.

(2) **DEFINITIONS.**—As used in this section:

(a) "Child" means an unmarried person under the age of 18 years whose legal custody has been awarded to the department or a licensed child-placing or child-caring agency by order of a court or who has been committed temporarily to the care of, or voluntarily placed with, such an agency or the department by a parent, guardian, or relative within the second degree of consanguinity.

(b) "Court" means the circuit court.

(c) "Department" means the Department of Health and Rehabilitative Services.

(d) "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.

(e) "Licensed child-caring agency" means any child welfare agency licensed by the department to provide 24-hour residential care for dependent children.

(f) "Licensed child-placing agency" means any child welfare agency that the department determines to be qualified to place minors for adoption pursuant to s. 63.202.

(g) "Performance agreement" means a document, written in layman's terms in the principal language, to the extent possible, of the natural parent and in English, which is ordered by the court, prepared by the social service agency responsible for the foster home placement in conference with the natural parents, and signed by the parent, parents, or other custodian of the child; the child's legal guardian; the social service agency responsible for the foster home placement; the foster parent; the guardian ad litem for the child, if one has been appointed; and, if appropriate, the child.

(h) "Permanent placement plan" means a document, written in layman's terms in the principal language, to the extent possible, of the natural parent and in English, which is ordered by the court and prepared by the social service agency in the event the natural parents will not or cannot participate in preparation of a performance agreement. The permanent placement plan shall take the place of the performance agreement and shall meet all requirements pertaining to a performance agreement.

(i) "Social service agency" means the department, a licensed child-caring agency, or a licensed child-placing agency.

(j) "Substantial compliance" means that the circumstances which caused the placement in foster care have been remediated to the extent that the well-being and safety of the child will not be endangered upon the child being returned to the parent or guardian.

(3) **PERFORMANCE AGREEMENT.**—

(a) **Purpose.**—The purpose of a performance agreement shall be to ensure permanency for children through recording the actions to be taken by the parties involved in order to quickly assure the safe return of the child to his parents or, if this is not possible, the permanent commitment of the child to the department or licensed child-placing agency for the purpose of finding a permanent adoptive home. If it is not possible to find a permanent adoptive home, the performance agreement shall record the actions taken for preparing the child for long term foster care or independent living. Permanent adoptive placement shall be the primary permanency goal when a child is permanently committed to the department or a licensed child-placing agency.

(b) Duration.—The agreement shall be limited to as short a period as possible for accomplishment of its provisions. The agreement shall expire no later than 18 months from the date the child was initially ordered into foster care, if involuntarily placed, or from the date the child was voluntarily placed, unless extended pursuant to paragraph (5)(i).

(c) Content.—The performance agreement shall include, but need not be limited to:

1. The specific reasons for the placement of the child in foster care, including a description of the problems or conditions in the home of the parent or parents which necessitated removal of the child from his home, the remediation of which determines the return of the child to the parent or parents;

2. A description of the type of out-of-home placement in which the child is to be placed, including a discussion of the appropriateness of the placement;

3. A plan for addressing the needs of the child while in foster care, including a discussion of the services already provided;

4. The specific actions to be taken by the parent or parents of the child to eliminate or correct the identified problems or conditions and the period during which the actions are to be taken. The parties to the agreement may also include, but need not be limited to, other persons or agencies who shall agree and be responsible for the provision of social and other supportive services to the child or the parent, parents, or other custodian of the child;

5. The financial responsibilities and obligations, if any, of the parent or parents for the support of the child during the period the child is in foster care, pursuant to s. 402.33;

6. The visitation rights and obligations of the parent or parents and the social service agency during the period the child is in foster care;

7. The social and other supportive services to be provided to the parent or parents of the child, the child, and the foster parents during the period the child is in foster care. The purpose of such social and other supportive services shall be to promote the child's need for a continuous, stable, living environment and should promote family autonomy and strengthen family life wherever possible;

8. The date on which the child is expected to be returned to the home of the parent or parents;

9. The specific description and the nature of the effort to be made by the social service agency responsible for the placement to reunite the family; and

10. Notice to the parent or parents that placement of the child in foster care may result in termination of parental rights, but only after notice and a hearing as provided in s. 39.41; that, pursuant to s. 39.41(7) and (8), the court shall return the child to the custody of the natural parents upon expiration of the agreement if the parents have substantially complied with the agreement; and that the court cannot terminate its jurisdiction over the child until 6 months after return of the child to his parents, but at that time, based on a report of the social service agency and any other relevant factors, the court shall make a determination on whether its jurisdiction should be continued or terminated.

(d) Preparation, filing, and implementation.—

1. In each case in which the custody of a child has been vested either voluntarily or involuntarily in the social service agency and the child has been placed in foster care, a performance agreement shall be prepared within 30 days after the placement and shall be submitted to the court. If the preparation of a performance agreement, in conference with the natural parents and other pertinent parties, cannot be accomplished within 30 days, for good cause shown, the court may grant an extension not to exceed 30 days.

2. The parent or parents may receive assistance from any person or social service agency in preparation of the performance agreement. The social service agency and the court, when applicable, shall inform the parent or parents of the right to receive such assistance.

3. Before the signing of the agreement, the person who prepared the agreement shall explain the agreement to all persons involved in its implementation, including a child who will sign it.

4. After the performance agreement has been agreed upon and signed by the parties involved, a copy of the agreement shall be given immediately to the natural parents, the department or agency, the foster parents, and any other parties identified by the court, including the child, if appropriate.

5. The performance agreement may be amended:

a. At any time, if all parties are in agreement regarding the revisions to the performance agreement. A new agreement shall be prepared and submitted to the court with a memorandum of explanation. The court, if it deems necessary, may hold a hearing regarding the changes to the performance agreement.

b. By the court or upon motion of any party at a hearing based on competent evidence demonstrating the need for the amendment.

6. A copy of the amended agreement shall be immediately given to the parties specified in subparagraph 4.

(e) Exception to filing of agreement.—A performance agreement shall be prepared, but need not be submitted to the court, for a child who will be in care no longer than 30 days unless that child is placed in foster care a second time within a 12-month period.

(f) Review by the court.—Upon submission of a performance agreement to the court, the court shall review the agreement to determine if the agreement is consistent with previous orders of the court placing the child in care and with the requirements for the content of a performance agreement as provided in paragraph (3)(c). The court may set a hearing with notice to all parties on the agreement or any provisions thereof.

(4) PERMANENT PLACEMENT PLAN.—

(a) In the event the natural parents will not or cannot participate in preparation of a performance agreement, the social service agency shall submit a full explanation of the circumstances, and a plan for the permanent placement of the child, to the court within the time as provided for a performance agreement. The social service agency shall state the nature of its efforts to secure parental participation in the preparation of a performance agreement.

(b) In cases where the physical, emotional, or mental condition or physical location of the parent is the basis for the development of a permanent placement plan, it shall be the burden of the social service agency to provide substantial evidence to the court that said condition or location has rendered the parent unable or unwilling to participate in the preparation of a performance agreement, either pro se or through counsel. The supporting documentation shall be submitted to the court at the time the permanent placement plan is filed.

(c) The permanent placement plan shall include, but need not be limited to, the specific services to be provided by the social service agency, the goals and plans for the child, and the time frame for accomplishing the provisions of the plan and for accomplishing permanence for the child. The plan shall take the place of the performance agreement and shall meet all requirements provided for the performance agreement.

(d) The parent who has not participated in the development of a performance agreement shall be served with a copy of the plan developed by the social service agency if the parent can be located. Any parent shall be entitled to, and may seek, a court review of the plan prior to the initial 6 months' review and shall be informed of this right by the agency at the time the agency serves the parent with a copy of the plan.

(e) The social service agency shall advise the parent that placement of the child in foster care may result in termination of parental rights, but only after notice and a hearing as provided in s. 39.41.

(5) JUDICIAL REVIEW.—

(a) Jurisdiction of the court.—

1. The court shall have continuing jurisdiction in proceedings under this section and shall review the status of the child pursuant to this subsection or more frequently if it deems it necessary or desirable.

2. The court shall retain jurisdiction over a child returned to its parents or legal guardians for a period of 6 months, but, at that time, based on a report of the social service agency and any other relevant factors, the court shall make a determination as to whether its jurisdiction shall continue or be terminated.

3. The court shall retain jurisdiction over any child permanently committed to a social service agency until an adoption petition for the child is filed. The court's jurisdiction beyond permanent commitment shall be for the purpose of reviewing the status of the child and the progress being made toward permanent adoptive placement pursuant to this section and shall not include the exercise of any power or influence by the court over the selection of an adoptive parent.

(b) Judicial reviews required in all cases.—

1. The court shall review the status of the child and shall hold a hearing as provided in paragraph (h).

2. The court may dispense with the attendance of the child at the hearing but shall not dispense with the hearing or the presence of other parties to the review.

(c) Frequency of judicial review hearings.—

1. The initial judicial review shall be held no later than 6 months after the date the child was ordered into foster care, if involuntarily placed, or no later than 6 months after the child was voluntarily placed.

2. If the child remains in foster care, the second judicial review shall be held no later than 12 months, and the third judicial review shall be held no later than 18 months, from the date the child was initially ordered into foster care, if involuntarily placed, or from the date the child was voluntarily placed.

3. If the court extends the performance agreement or permanent placement plan after the 18-month review, a judicial review shall be held every 6 months for a child under the age of 13, and every 12 months for a child 13 years of age or older, to reassess the child's status.

4. If the child is permanently committed to a social service agency for purposes of adoptive placement, the court shall judicially review the status of the child every 6 months to determine the progress being made toward adoptive placement.

(d) Scheduling of judicial review hearings.—

1. The clerk of the circuit court shall schedule judicial review hearings in order to comply with the mandated times cited in paragraph (c).

2. In each case in which a child has been voluntarily placed with the social service agency, the social service agency shall notify the clerk of the court in the circuit where the child resides of such placement within 5 working days. Notification of the court will not be required for any child who will be in foster care no longer than 30 days unless that child is placed in foster care a second time within a 12-month period.

3. If the child is returned to the custody of his parents or guardian before the scheduled review hearing or if the child is placed for adoption, the social service agency shall notify the court of his return or placement within 5 working days, and the clerk of the court shall cancel the review hearing.

(e) Petition for judicial review hearing.—The social service agency shall file a petition for review with the court within 10 calendar days of the judicial review hearing. The petition shall include a statement of the dispositional alternatives available to the court. The petition shall accompany the notice of the hearing served upon persons specified in paragraph (f).

(f) Notice of judicial review hearing.—Notice of the hearing and a copy of the petition, including a statement of the dispositional alternatives available to the court, shall be served by the court upon:

1. The social service agency charged with the supervision of care, custody, or guardianship of the child, if such authorized agency is not the petitioner.

2. The foster parent or parents in whose home the child resides.

3. The parent, guardian, or relative from whom the care and custody of the child has been transferred.

4. The guardian ad litem for the child, if one has been appointed.

5. Such other persons as the court may in its discretion direct.

(g) Social study report.—

1. The social service agency shall make an investigation and social study concerning all pertinent details relating to the child and shall furnish the court with a written report to include, but not be limited to, the following:

a. A description of the type of placement the child is in at the time of the hearing;

b. Documentation of efforts made by all parties to the performance agreement or permanent placement plan to comply with each provision of the agreement or plan;

c. Amount of fees assessed and collected during the period of time being reported;

d. The services provided to the foster family in an effort to address the needs of the child as indicated in the performance agreement or permanent placement plan; and

e. A statement concerning whether the parent or guardian, though able to do so, did not comply substantially with the provisions of the performance agreement or plan and the agency recommendations or a statement that the parent or guardian did substantially comply with such provisions.

2. A copy of the written report shall be provided to the attorney of record of the parent, parents, or guardian, to the parent, parents, or guardian, and to the foster parents and the guardian ad litem for the child, if one has been appointed by the court, at least 48 hours prior to the judicial review hearing. The requirement for providing parents or guardians with a copy of the written report does not apply to those parents or guardians who have voluntarily surrendered their children for adoption.

3. In cases where the child has been permanently committed to the social service agency, the agency shall furnish the court with a written report concerning the progress being made to place the child for adoption. If, as stated in paragraph (3)(a), the child cannot be placed for adoption, then a report on the progress made by the child in long term foster care or, if applicable, the progress toward preparation for independent living for the child shall be submitted to the court. The report shall be submitted to the court at least 48 hours prior to each scheduled judicial review.

(h) Judicial review hearing.—The court shall take into consideration the information contained in the social services study and investigation, testimony by the social services agency, the parent or guardian, the foster parent, the guardian ad litem, if one has been appointed for the child, and any other person deemed appropriate, and any relevant and material evidence submitted to the court, including written and oral reports to the extent of their probative value. In its deliberations, the court shall seek to determine:

1. If the parent or guardian was advised of his or her right to receive assistance from any person or social service agency in the preparation of the performance agreement.

2. If the parent or guardian has been advised of the right to have counsel present at the judicial review hearings. If not, the court shall advise the parent or guardian of his or her right.

3. If a guardian ad litem needs to be appointed for the child in cases where one has not previously been appointed or if there is a need to continue a guardian ad litem in cases where one has been appointed.

4. The compliance or lack of compliance of all parties to each item of the performance agreement or permanent placement plan, including a determination of ability to comply in areas of noncompliance and a determination of whether or not there has been substantial compliance.

5. The compliance or lack of compliance with a visitation contract between the parent or guardian and the social service agency for contact with the child, including reasons for noncompliance.

6. The compliance or lack of compliance of the parent or guardian in meeting specified financial obligations pertaining to the care of the child, including reasons for failure to comply if such is the case.

7. The appropriateness of the child's current placement, including whether the child is in a setting which is as family-like and as close to the parent's home as possible, consistent with the child's best interests and special needs.

8. A projected date likely for the child's return home or other permanent placement.

9. When a permanent placement plan has been prepared in lieu of a performance agreement, the basis for the unwillingness or inability of the parent or guardian to become a party to a performance agreement. If the reason for the submission of the plan in lieu of a performance agreement was the parent's physical location or emotional, mental, or physical condition, the court shall determine if the nature of the location or condition of the parent and the efforts of the social service agency to secure parental participation in a performance agreement were sufficient to demonstrate the necessity for the utilization of a permanent placement plan in lieu of a performance agreement. If the court finds that a permanent placement plan was not justified for use based upon the criteria of unwillingness or inability of the parent or guardian, the court shall order the social service agency to submit a performance agreement to the court within 30 days.

(i) Dispositions by court.—

1. Based upon the criteria set forth in paragraph (5)(h), the court shall determine whether or not the social service agency shall initiate proceedings to have a child declared a dependent child, return the child to the parent, continue the child in foster care for a specified period of time, or initiate permanent commitment proceedings for subsequent placement in an adoptive home. Modifications to the agreement or plan shall be handled in the manner as prescribed in subparagraph (3)(d)5.

2. Upon expiration of the performance agreement, the court shall return the child to the custody of the parents if they have substantially complied with the agreement.

3. If, in the opinion of the court, the social service agency has not complied with its obligations as specified in the written performance agreement, the court may find the social service agency in contempt, shall order the social service agency to submit its plans for compliance with the agreement, and shall require the social service agency to show why the child should not be returned immediately to the home of his or her parents or legal guardian.

4. If the court finds that the parent or parents' noncompliance with the performance agreement is the fault of the social service agency, but that the child should not be returned home immediately, the agreement shall be extended for a period of 6 months.

5. The court may extend the time limitation of the performance agreement, or may modify the terms of the agreement, based upon information provided by the social service agency, the natural parent or parents, and the foster parents and any other competent information on record demonstrating the need for the amendment. Modifications to the agreement or plan shall be handled in the manner as prescribed in subparagraph (3)(d)5. Extension of an agreement must be in keeping with the time frames and other requirements specified by this section.

6. If, at the time of the 18-month judicial review, the child is not returned to the physical custody of his natural parents, the agreement shall be extended only if, at the time of the judicial review, the court finds that the situation of the child is so extraordinary that the agreement should be extended. The extension shall be in accordance with paragraph (c).

7. The court may issue a protective order in assistance, or as a condition, of any other order made under this section. The protective order may set forth requirements in addition to those included in the performance agreement relating to reasonable conditions of behavior to be observed for a specified period of time by a person or agency who is before the court and may require any such person or agency to make periodic reports to the court containing such information as the court in its discretion may prescribe.

(6) INITIATION OF PERMANENT COMMITMENT PROCEEDINGS.—

(a) If, in preparation for any judicial review hearing pursuant to this section, it is the opinion of the social service agency that the parents or legal guardian of the child have not complied with their responsibilities as specified in the written performance agreement, although able to do so, the social service agency shall state its intent to initiate proceedings to terminate parental rights, unless the social service agency can demonstrate to the court that such a recommendation would not be in the child's best interests. If it is the intent of the department or licensed

child-placing agency to initiate proceedings to terminate parental rights, the department or licensed child-placing agency shall file a petition for permanent commitment no later than 3 months from the date of the previous judicial review hearing. If the petition cannot be filed within 3 months, the department or licensed child-placing agency shall provide a written report to the court outlining the reasons for delay, the progress made in the permanent commitment process, and the anticipated date of completion of the process.

(b) If, at the time of the 18-month judicial review hearing, a child is not returned to the physical custody of his natural parents, the social service agency shall initiate permanent commitment proceedings pursuant to s. 39.41 unless, at the time of the judicial review, the court finds that the situation of the child is so extraordinary that the agreement should be extended. If the court decides to extend the agreement, the court shall enter detailed findings justifying the decision to extend, as well as the length of the extension.

(7) IMMUNITY FROM LIABILITY.—

(a) In no case shall employees or agents of the social service agency acting in good faith be liable for damages as a result of failing to provide services agreed to under the performance agreement or permanent placement plan, unless the failure to provide such services occurs as a result of bad faith or malicious purpose or occurs in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(b) The inability or failure of the social service agency, or the employees or agents of the social service agency, to provide the services agreed to under the performance agreement or permanent placement plan shall not render the state or the social service agency liable for damages unless such failure to provide services occurs in a manner exhibiting wanton or willful disregard of human rights, safety, or property.

(8) EXEMPTIONS.—This section shall not apply to minors who have been placed in adoptive homes by the department or by a licensed child-placing agency, or to minors who are refugees or entrants to whom federal regulations apply and who are in the care of a social service agency.

Section 15. Subsections (33), (34), (35), and (36) of section 39.01, Florida Statutes, are renumbered as subsections (34), (35), (36), and (37), respectively, and a new subsection (33) is added to said section to read:

39.01 Definitions.—When used in this chapter:

(33) "To be habitually truant" means that:

(a) *The child has been absent from school without the knowledge or justifiable consent of his or her parent or legal guardian and the child is not exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemptions specified by law or State Board of Education rules;*

(b) *In addition to the actions described in ss. 230.2313(3)(c) and 232.17, the school administration has completed the following escalating activities to determine the cause of and to attempt the remediation of the child's truant behavior:*

1. *One or more meetings have been held between a school attendance professional or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance professional or school social worker documented the refusal of the parent or guardian to participate in the meetings, then this requirement shall have been met and the school administration shall have proceeded to the next escalating activity;*

2. *Educational counseling to determine if curriculum changes would help to solve the truancy problem has been provided and, if indicated, changes were instituted but proved to be unsuccessful in remediating the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child; and*

3. *Educational evaluation, which may include psychological evaluation, to assist in determining what, if any, specific condition is contributing to the child's nonattendance, has been provided. The evaluation shall have been supplemented by specific efforts by the school to remediate any diagnosed condition;*

(c) A school social worker or other person designated by the school administration, if the school does not have a school social worker, and an intake officer of the department have:

1. Jointly investigated the truancy problem or, if this is not feasible, have performed separate investigations to identify conditions which may have been contributing to the truant behavior; and

2. After a joint staffing of the case to determine the necessity for services, if such were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remediate the conditions that are contributing to the truant behavior; and

(d) Failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remediate the truant behavior, or failure or refusal of the child to return to school after participation in activities required by this subsection, or failure of the child to stop the truant behavior after the school administration and the department have worked with the child as described in s. 232.19(3) shall be handled as prescribed in s. 232.19.

Section 16. Subsection (2) of section 39.403, Florida Statutes, is amended to read:

39.403 Intake.—

(2) The intake officer shall make a preliminary determination as to whether the report or complaint is complete, consulting with the state attorney or assistant state attorney when necessary. Criteria for completeness of the report or complaint for a child alleged to be dependent based upon habitual truancy from school while being subject to compulsory school attendance shall be governed by s. 39.01(33). In any case in which the intake officer or the state attorney finds that the report or complaint is incomplete, the intake officer or state attorney shall return the report or complaint without delay to the person or agency originating the report or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction and request additional information in order to complete the report or complaint; however, the confidentiality of any report filed in accordance with s. 827.07 shall not be violated.

(a) If the intake officer determines that the report or complaint is complete, he may, after determining that such action would be in the best interests of the child, file a petition for dependency.

(b) If the intake officer determines that the report or complaint is complete, but that in his judgment the interest of the child and the public will be best served by providing the child care or other treatment voluntarily accepted by the child and his parents or legal custodians, the intake officer may refer the child for such care or other treatment.

(c) If the intake officer refuses to file a petition for dependency, the complainant shall be advised of his right to file a petition pursuant to this part.

Section 17. Subsection (3) and paragraph (a) of subsection (6) of section 232.19, Florida Statutes, are amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(3) HABITUAL TRUANCY CASES.—

(a) In case a child becomes an habitual truant, the school administration ~~attendance assistant~~ shall file with the circuit court a complaint alleging the facts, and the child shall be dealt with as a dependent child according to the provisions of chapter 39. Prior to and subsequent to the filing of a petition for dependency due to habitual truancy, the appropriate governmental agencies shall allow a reasonable time period to complete actions required by this subsection to remediate the conditions leading to the truant behavior. Prior to the filing of a petition, the following criteria shall be met and documented in writing:

1. The child has been absent from school without the knowledge or justifiable consent of his or her parent or legal guardian and the child is not exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemptions specified by law or State Board of Education rules;

2. In addition to the actions described in ss. 230.2313(3)(c) and 232.17, the school administration has completed the following escalating activities to determine the cause of and to attempt the remediation of the child's truant behavior:

a. One or more meetings have been held between a school attendance professional or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance professional or school social worker documented the refusal of the parent or guardian to participate in the meetings, then this requirement shall have been met and the school administration shall have proceeded to the next escalating activity;

b. Educational counseling to determine if curriculum changes would help to solve the truancy problem has been provided and, if indicated, changes were instituted but proved to be unsuccessful in remediating the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child; and

c. Educational evaluation, which may include psychological evaluation, to assist in determining what, if any, specific condition is contributing to the child's nonattendance has been provided. The evaluation shall have been supplemented by specific efforts by the school to remediate any diagnosed condition; and

3. A school social worker or other person designated by the school administration, if the school does not have a school social worker, and an intake officer of the Department of Health and Rehabilitative Services have:

a. Jointly investigated the truancy problem or, if this is not feasible, have performed separate investigations to identify conditions which may have been contributing to the truant behavior; and

b. After a joint staffing of the case to determine the necessity for services, if such were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remediate the conditions that are contributing to the truant behavior.

(b) Failure or refusal of the parent or legal guardian to participate in, or to make a good faith effort to participate in, the activities prescribed for their involvement pursuant to this subsection shall cause the parent or legal guardian to have proceedings brought against them pursuant to this section. Failure or refusal of the parent or legal guardian to participate shall not automatically cause the child to be handled as a dependent child pursuant to this subsection. The school administration and the Department of Health and Rehabilitative Services shall continue to work with the child to remediate the conditions causing the truant behavior. If after a reasonable period of time the truant behavior persists, the child may be handled as an habitual truant pursuant to this section and chapter 39. Failure or refusal of the child to participate in, or make a good faith effort to participate in, the required activities of this subsection, even though the parent or legal guardian has attempted to comply, shall cause the child to be handled as an habitual truant pursuant to this section and chapter 39 if the child's truant behavior has persisted. Continued truant behavior of the child even though both the parent or legal guardian and the child complied with the prescribed activities in this subsection shall cause the child to be considered an habitual truant and the child shall be handled as such pursuant to this section and chapter 39.

(6) PENALTIES.—Penalties for refusing or failing to comply with the provisions of this chapter shall be as follows:

(a) The parent.—The parent who refuses or fails to have a child under his control to attend school regularly or who refuses or fails to comply with the requirements in subsection (3) shall be guilty of a misdemeanor of the second degree, punishable as provided by law. The continued or habitual absence of a child without the consent of the principal or teacher in charge of the school he attends or should attend, or of the tutor who instructs or should instruct him, shall be prima facie evidence of a violation of this chapter; however, the court of the appropriate jurisdiction, upon finding that the parent has made a bona fide and diligent effort to control and keep the child in school, shall excuse the parent from any criminal liability prescribed herein and shall refer the parents and child for counseling, guidance, or other needed services.

Section 18. The Department of Health and Rehabilitative Services and the Department of Education shall work together on the development of rules for the implementation of sections 15-17 of this act. The Department of Health and Rehabilitative Services and the Department of Education shall adopt rules to implement sections 15-17 of this act.

Amendment 2—On page 1 in the title, line 2, strike: the care of

Amendment 3—On page 2 in the title, line 2, after the word "penalties," insert the following: amending s. 39.01, F.S., redefining terms; correcting a cross reference; amending s. 39.40, F.S., clarifying jurisdiction of court in judicial reviews; amending s. 39.402, F.S., relating to requirements as to placement and continuation in shelter care; modifying time requirements; providing for notice and hearings; providing for determination as to visitation rights and as to efforts made by the Department of Health and Rehabilitative Services to prevent or eliminate removal from the home; requiring filing of dependency petition within a specified period; adding guardian ad litem to those able to request a continuance; requiring review of continued placement under certain circumstances; amending s. 39.404, F.S., requiring dependency petitions to be filed within a specified period; amending s. 39.407, F.S., providing for certain educational assessment; prohibiting placement of dependent children in certain programs and facilities for evaluation, examination, or treatment; amending s. 39.408, F.S., providing for arraignment hearing; providing time limitations in adjudicatory hearings; requiring additional information in predisposition hearings; amending s. 39.41, F.S., relating certain dependency dispositions to judicial reviews; modifying criteria for permanent commitment determination; providing that disposition orders shall contain certain court determinations and findings relating to departmental efforts to prevent or eliminate removal from the home; clarifying court jurisdiction in permanent commitments; amending s. 39.413, F.S., adding guardian ad litem to those who may appeal; creating s. 39.415, F.S., providing limitation on compensation of appointed counsel; amending s. 49.011, F.S., providing for service of process by publication; amending s. 409.168, F.S., relating to foster care; providing intent; providing definitions; specifying requirements for performance agreements and permanent placement plans; providing for judicial review; providing for hearing; providing for petition and notice; requiring a social study report to include specified items; requiring the court to make certain determinations in its deliberation; providing for disposition; providing for initiation of permanent commitment proceedings under certain circumstances; providing immunity from liability; providing exemptions; amending s. 39.01, F.S., defining the term "to be habitually truant"; amending s. 39.403, F.S., providing criteria for the completeness of an intake report or complaint on truancy; amending s. 232.19, F.S., requiring specific actions prior to a filing of a petition for dependency for habitual truancy; requiring certain actions to be taken upon refusal or failure of parent, legal guardian, or child to make a good faith effort to participate in activities prescribed; providing penalties for parent who refuses or fails to comply with requirements specified; requiring the development and adoption of rules;

Senator D. Childers moved the following amendment to House Amendment 1 which was adopted:

Amendment 1—On page 48, between lines 18 and 19, insert:

Section 19. Notwithstanding any provision of law to the contrary, if the land and buildings of a training school, as defined in s. 39.01(35), Florida Statutes, are to be sold, the Board of Trustees of the Internal Improvement Trust Fund shall determine the value of the land and buildings of the training school and shall sell such property on the open market as soon as commercially feasible. Proceeds from the sale of the lands and buildings of a training school, less expenses associated with the sale of such property, shall be deposited in the Juvenile Delinquents Trust Fund, which is hereby created in the State Treasury. Moneys of the Juvenile Delinquents Trust Fund shall be used exclusively for the purpose of providing services to juvenile delinquents.

(Renumber subsequent sections.)

Senator D. Childers moved the following amendment to House Amendment 2 which was adopted:

Amendment 1—In title, on page 1, line 8, insert: juveniles and

Senator D. Childers moved the following amendment to House Amendment 3 which was adopted:

Amendment 1—In title, on page 4, line 16, after "rules," insert: providing for the sale of training schools; creating the Juvenile

Delinquents Trust Fund; stating purpose for trust fund; providing for the deposit of proceeds from the sale of a training school into the Juvenile Delinquents Trust Fund;

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

CS for SB 230 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Scott

The Honorable Curtis Peterson, President

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

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; providing for the transfer of certain funds; providing for certification by breeders associations of escheats and breaks; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 8, line 13, insert after "payments,": and the use of moneys authorized by paragraph (j), and on page 12, between lines 13 and 14, insert: (j) 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 2—On page 1 in the title, line 5, after "550.262, F.S.," insert: providing purses for standardbred horses in nonwagering races;

Amendment 3—On page 17, between lines 20 and 21, insert: New Sections 8 through 18 and Renumber subsequent section.

Section 8. Section 550.266, Florida Statutes, is created to read:

550.266 Appaloosa racing; breeders' awards; Appaloosa Advisory Council; horse registration fees; deposits in the Florida Appaloosa Racing Promotion Fund.—

(1) **LEGISLATIVE FINDINGS.**—It is the finding of the Legislature that:

(a) Breed improvement is an important factor in encouraging appaloosa racing in Florida;

(b) Acquisition and maintenance of appaloosa breeding farms in Florida will greatly enhance the tax revenue derived by the state and counties;

(c) Many jobs will be created through the encouragement of the appaloosa breeding industry in Florida, thereby supplying much needed taxes and revenue to the state and counties; and

(d) By encouraging appaloosa breeding farms, better horses will be available for racing, thereby increasing the pari-mutuel handle which will increase taxes for the state and counties.

(2) **POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.**—The Department of Agriculture and Consumer Services shall administer this section and have the following powers and duties:

(a) To establish a registry for Florida-bred appaloosas on a voluntary basis.

(b) To make appaloosa breeders' awards available to qualified individuals from funds derived from the Florida Appaloosa Racing Promotion Fund under the authority of ss. 550.262(6) and 550.263 and under rules adopted.

(3) **ADVISORY COUNCIL.**—

(a) There is created an Appaloosa Advisory Council consisting of seven members as follows:

1. A representative of the Department of Agriculture and Consumer Services designated by the commissioner.

2. Six members appointed by the Department of Agriculture and Consumer Services, the majority of whom shall be Florida breeders of racing appaloosas.

(b) Members shall serve for a term of 2 years from date of appointment.

(c) The member representing the Department of Agriculture and Consumer Services shall be secretary of the council.

(d) At the first organizational meeting of the council, there shall be elected a chairman from the membership, and each 2 years thereafter the council shall elect a chairman from its then-constituted membership.

(e) Members of the Appaloosa Advisory Council shall receive no compensation for their services, except that they shall receive per diem and travel expenses as provided in s. 112.061 when actually engaged in the business of the council.

(4) **ADVISORY COUNCIL DUTIES.**—The duties of the advisory council shall be advisory only, with the following powers and duties:

(a) To recommend rules.

(b) To receive and report to the department complaints or violations of this section.

(c) To assist the department in the collection of information and data which the department may deem necessary to the proper administration of this section.

(5) **FRAUDULENT ACTS AND MISREPRESENTATIONS.**—Any person registering unqualified horses or misrepresenting information in any way shall be denied any future participation in breeders' awards, and all horses misrepresented will be deemed to be no longer Florida-bred.

(6) **REGISTRATION FEES.**—

(a) To provide funds to defray the necessary expenses incurred by the department in administration of this section:

1. Owners who participate in this program for Florida-bred appaloosa foals under 1 year of age shall pay to the department a registration fee in the amount of \$10 per horse;

2. Owners who participate in this program for Florida-bred appaloosa yearlings from 1 to 2 years of age shall pay to the department a registration fee in the amount of \$25 per horse; and

3. Owners who participate in this program for Florida-bred appaloosas 2 years of age or over shall pay to the department a registration fee in the amount of \$100 per horse; except that owners of all horses registered as Florida-bred appaloosas between July 1, 1984, and July 1, 1985, shall pay a fee of \$15.

(b) The fees collected hereunder shall be deposited in the Florida Quarter Horse Racing Promotion Trust Fund in a special account to be known as the "Florida Appaloosa Racing Promotion Fund," and the necessary expenses incurred by the Department of Agriculture and Consumer Services in the administration of this section shall be paid out of the fund only up to the amount of deposited registration fees.

(7) **RULES.**—The Department of Agriculture and Consumer Services may adopt rules to implement, make specific, or interpret the provisions of this section.

Section 9. Section 550.267, Florida Statutes, is created to read:

550.267 Arabian horse racing; breeders' awards; Arabian Horse Advisory Council; horse registration fees; deposits in the Florida Arabian Horse Racing Promotion Fund.—

(1) **LEGISLATIVE FINDINGS.**—It is the finding of the Legislature that:

(a) Breed improvement is an important factor in encouraging Arabian horse racing in Florida;

(b) Acquisition and maintenance of Arabian horse breeding farms in Florida will greatly enhance the tax revenue derived by the state and counties;

(c) Many jobs will be created through the encouragement of the Arabian horse breeding industry in Florida, thereby supplying much needed taxes and revenue to the state and counties; and

(d) By encouraging Arabian horse breeding farms, better horses will be available for racing, thereby increasing the pari-mutuel handle which will increase taxes for the state and counties.

(2) **POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.**—The Department of Agriculture and Consumer Services shall administer this section and have the following powers and duties:

(a) To establish a registry for Florida-bred Arabian horses on a voluntary basis.

(b) To make Arabian horse breeders' awards available to qualified individuals from funds derived from the Florida Arabian Horse Racing Promotion Fund under the authority of ss. 550.262(7) and 550.263 and under rules adopted.

(3) **ADVISORY COUNCIL.**—

(a) There is created an Arabian Horse Advisory Council consisting of seven members as follows:

1. A representative of the Department of Agriculture and Consumer Services designated by the commissioner.

2. Six members appointed by the Department of Agriculture and Consumer Services, the majority of whom shall be Florida breeders of racing Arabian horses.

(b) Members shall serve for a term of 2 years from date of appointment.

(c) The member representing the Department of Agriculture and Consumer Services shall be secretary of the council.

(d) At the first organizational meeting of the council, there shall be elected a chairman from the membership, and each 2 years thereafter the council shall elect a chairman from its then-constituted membership.

(e) Members of the Arabian Horse Advisory Council shall receive no compensation for their services, except that they shall receive per diem and travel expenses as provided in s. 112.061 when actually engaged in the business of the council.

(4) **ADVISORY COUNCIL DUTIES.**—The advisory council shall have the following powers and duties:

(a) To recommend rules.

(b) To receive and report to the department complaints or violations of this section.

(c) To assist the department in the collection of information and data which the department may deem necessary to the proper administration of this section.

(5) **FRAUDULENT ACTS AND MISREPRESENTATIONS.**—Any person registering unqualified horses or misrepresenting information in any way shall be denied any future participation in breeders' awards, and all horses misrepresented will be deemed to be no longer Florida-bred.

(6) **REGISTRATION FEES.**—

(a) To provide funds to defray the necessary expenses incurred by the department in administration of this section:

1. Owners who participate in this program for Florida-bred Arabian foals under 1 year of age shall pay to the department a registration fee in the amount of \$10 per horse;

2. Owners who participate in this program for Florida-bred Arabian yearlings from 1 to 2 years of age shall pay to the department a registration fee in the amount of \$25 per horse; and

3. Owners who participate in this program for Florida-bred Arabian horses 2 years of age or over shall pay to the department a registration fee in the amount of \$100 per horse; except that owners of all horses registered as Florida-bred Arabian horses between July 1, 1984, and July 1, 1985, shall pay a fee of \$15.

(b) The fees collected hereunder shall be deposited in the Florida Quarter Horse Racing Promotion Trust Fund in a special account to be known as the "Florida Arabian Horse Racing Promotion Fund," and the necessary expenses incurred by the Department of Agriculture and Consumer Services in the administration of this section shall be paid out of the fund only up to the amount of deposited registration fees.

(7) **RULES.**—The Department of Agriculture and Consumer Services may adopt rules to implement, make specific, or interpret the provisions of this section.

Section 10. Subsection (5) of section 550.262, Florida Statutes, is amended, and subsections (6) and (7) are added to said section, to read:

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

(5) *Except as provided in subsections (6) and (7), each permitholder conducting a quarter horse race meet under the provisions of this chapter shall pay to the Division of Pari-mutuel Wagering a sum equal to the breaks plus a sum equal to 1 percent of the total contributions to all pari-mutuel pools conducted. Such payments shall be remitted to the division by the fifth day of each calendar month for sums accruing during the preceding calendar month. The division shall deposit these collections to the credit of the Florida Quarter Horse Racing Promotion Trust Fund. The Department of Agriculture and Consumer Services shall administer the funds and adopt suitable and reasonable rules for the administration thereof. It is the intention of the Legislature that the moneys in the Florida Quarter Horse Racing Promotion Trust Fund, exclusive of moneys in the Florida Appaloosa Racing Promotion Fund and moneys in the Florida Arabian Horse Racing Promotion Fund, shall be allocated solely for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding of racing quarter horses in this state and shall not be used to defray any expense of the Department of Agriculture and Consumer Services in the administration of this chapter, except that the moneys generated by quarter horse registration fees received pursuant to s. 550.265 may be used as provided in paragraph (6)(b) thereof.*

(6) *Each permitholder conducting race meets under the provisions of this chapter, and running appaloosa races, shall pay to the Division*

of Pari-mutuel Wagering a sum equal to the breaks plus a sum equal to 1 percent of the total contributions to each pari-mutuel pool conducted on each appaloosa race. Such payments shall be remitted to the division by the fifth day of each calendar month for sums accruing during the preceding calendar month. The division shall deposit these collections to the credit of the Florida Quarter Horse Racing Promotion Trust Fund in a special account to be known as the "Florida Appaloosa Racing Promotion Fund." The Department of Agriculture and Consumer Services shall administer the funds and adopt suitable and reasonable rules for the administration thereof. The moneys in the Florida Appaloosa Racing Promotion Fund shall be allocated solely for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding of racing appaloosas in this state and shall not be used to defray any expense of the Department of Agriculture and Consumer Services in the administration of this chapter, except that the moneys generated by appaloosa registration fees received pursuant to s. 550.266 may be used as provided in paragraph (6)(b) thereof.

(7) *Each permitholder conducting race meets under the provisions of this chapter, and running Arabian horse races, shall pay to the Division of Pari-mutuel Wagering a sum equal to the breaks plus a sum equal to 1 percent of the total contributions to each pari-mutuel pool conducted on each Arabian horse race. Such payments shall be remitted to the division by the fifth day of each calendar month for sums accruing during the preceding calendar month. The division shall deposit these collections to the credit of the Florida Quarter Horse Racing Promotion Trust Fund in a special account to be known as the "Florida Arabian Horse Racing Promotion Fund." The Department of Agriculture and Consumer Services shall administer the funds and adopt suitable and reasonable rules for the administration thereof. The moneys in the Florida Arabian Horse Racing Promotion Fund shall be allocated solely for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding of racing Arabian horses in this state and shall not be used to defray any expense of the Department of Agriculture and Consumer Services in the administration of this chapter, except that the moneys generated by Arabian horse registration fees received pursuant to s. 550.267 may be used as provided in paragraph (6)(b) thereof.*

Section 11. Paragraph (c) of subsection (2) of section 550.263, Florida Statutes, is amended and paragraphs (d) and (e) are added to said subsection to read:

550.263 Horseracing; distribution of abandoned interest in or contributions to pari-mutuel pools.—

(2) All moneys or other property which shall have escheated to and become the property of the state as provided herein, and which is held by a permitholder authorized to conduct pari-mutuel pools in this state, shall be paid by the permitholder to the Division of Pari-mutuel Wagering annually within 60 days after the close of the race meeting of the permitholder. Section 550.164 notwithstanding, such moneys so paid to the division shall be deposited as follows:

(c) *Except as provided in paragraphs (d) and (e), funds for quarter horse racing permitholders shall be deposited into the Florida Quarter Horse Racing Promotion Trust Fund and shall be used for the payment of breeders' awards and stallion awards as provided for in s. 550.265.*

(d) *Funds for appaloosa races conducted under a quarter horse racing permit shall be deposited into the Florida Quarter Horse Racing Promotion Trust Fund in a special account to be known as the "Florida Appaloosa Racing Promotion Fund" and shall be used for the payment of breeders' awards and stallion awards as provided for in s. 550.266.*

(e) *Funds for Arabian horse races conducted under a quarter horse racing permit shall be deposited into the Florida Quarter Horse Racing Promotion Trust Fund in a special account to be known as the "Florida Arabian Horse Racing Promotion Fund" and shall be used for the payment of breeders' awards and stallion awards as provided for in s. 550.267.*

Section 12. Paragraph (b) of subsection (6) of section 550.265, Florida Statutes, is amended to read:

550.265 Quarter horse racing; breeders' awards; Quarter Horse Advisory Council; horse registration fees; deposits in Florida Quarter Horse Racing Promotion Trust Fund.—

(6) **REGISTRATION FEES.**—

(b) The fees collected hereunder shall be deposited in the *Florida Quarter Horse Racing Promotion Trust Fund and General Inspection Trust Fund of the State Treasury in a special account to be known as the "Quarter Horse Racing Fund"* and shall be used to defray the necessary expenses incurred by the Department of Agriculture and Consumer Services in the administration of this section *shall be paid out of the fund only up to the amount of deposited registration fees.*

Section 13. Section 550.08, Florida Statutes, is amended to read:

550.08 Maximum length of race meeting.—No license shall be granted to any person or to any racetrack for a meet or meeting in any county to extend longer than an aggregate of 74 ~~50~~ racing days for thoroughbred horse racing, 120 days for quarter horse racing, and 105 days for dogracing in any racing season. *Nothing in this section shall be construed to expand or otherwise alter the provisions of s. 550.081 and s. 550.41.*

Section 14. Subsection (7) of section 550.33, Florida Statutes, is amended and subsection (10) is added to said section to read:

550.33 Quarter horse racing.—

(7) Any quarter horse racing permit holder operating under a valid permit issued by the Division of Pari-mutuel Wagering is authorized to substitute other races of other breeds of horses which are, respectively, registered with the *Arabian Horse Registry of America International Arabian Horse Association, Appaloosa Horse Club, American Paint Horse Association, Jockey Club, United States Trotting Association, or the Palomino Horse Breeders of America, for no more than 50 percent of the quarter horse races daily. However, any quarter horse racing permit holder which elects to operate under this substitution provision and which ran breeds of horses registered with the American Quarter Horse Association, the Appaloosa Horse Club, or the Arabian Horse Registry of America during 1983, must, prior to such substitution, first run an equal number of races as were run of these three breeds in 1983, and said races under a quarter horse permit may be comprised of any of the three breeds, but must be comprised of no less than 50 percent of horses registered with the American Quarter Horse Association. In addition to the breeds authorized for substitution, horses registered with the Jockey Club may be substituted for quarter horse races at any time for any number of races, provided the total days do not exceed 20 percent of the maximum number of days authorized for quarter horse racing as provided in s. 550.08. Substitution of races of horses registered with the Jockey Club shall be subject to the taxes imposed by s. 550.161, the provisions of this act to the contrary notwithstanding.* Any permittee operating within an area of 50 air miles of a licensed thoroughbred track cannot substitute thoroughbred races under this section while a thoroughbred horserace meet is in progress within said 50 miles; *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.* No races comprised of thoroughbred horses under this section registered with the Jockey Club shall be permitted during the period beginning September 1 and ending on January 5 of each year in any county where there is one or more licensed dog tracks conducting a race meet. Nothing contained herein shall be interpreted in any manner to affect the competitive award of matinee performances to jai alai frontons or dog tracks in opposition to races comprised of thoroughbred horses registered with the Jockey Club under this section.

(10) *Any nonprofit corporation, including, but not limited to, an agricultural cooperative marketing association, organized and incorporated under the laws of this state may apply for a quarter horse racing permit and operate racing meets under such permit, provided that all pari-mutuel taxes and fees applicable to such racing are paid by the corporation; and provided, further, that insofar as its pari-mutuel operations are concerned, the corporation shall be treated as a corporation for profit and shall be subject to taxation on all property used and profits earned in connection with its pari-mutuel operations.*

Section 15. Section 550.333, Florida Statutes, is created to read:

550.333 Nonwagering permits.—

(1)(a) Except as provided in this section, permits and licenses issued by the division are intended to be used for pari-mutuel wagering operations in conjunction with horseraces, dograces, or jai alai performances.

(b) Subject to the requirements of this section, the division is authorized to issue permits for the conduct of horseracing meets without pari-mutuel wagering or any other form of wagering being conducted in conjunction therewith. Such permits shall be known as nonwagering permits and may be issued only for horseracing meets other than thoroughbred meets. The holder of a nonwagering permit is prohibited from conducting pari-mutuel wagering or any other form of wagering in conjunction with racing conducted under the permit. Nothing in this subsection shall prohibit horseracing for any stake, purse, prize, or premium.

(2) Any person not prohibited from holding any type of pari-mutuel permit under s. 550.181 shall be allowed to apply to the division for a nonwagering permit. The applicant must demonstrate that the location or locations where the nonwagering permit will be used are available for such use and that the applicant has the financial ability to satisfy the reasonably anticipated operational expenses of the first racing year following final issuance of the nonwagering permit. If the racing facility is already built, the application must contain a statement, with reasonable supporting evidence, that the nonwagering permit will be used for horseracing within 1 year of the date on which it is granted. If the facility is not already built, the application must contain a statement, with reasonable supporting evidence, that substantial construction will be started within 1 year of the issuance of the nonwagering permit.

(3) Only horses registered with an established breed registration organization, which organization shall be approved by the division, shall race at any race meeting authorized by this section.

(4) The division may conduct an eligibility investigation to determine if the applicant meets the requirements of subsection (2). The costs of the investigation shall be governed by s. 550.215.

(5) Upon receipt of a nonwagering permit, the permit holder shall apply to the Florida Pari-mutuel Commission for dates to conduct nonwagering racing. No racing dates shall be granted to a nonwagering permit holder which conflict with the racing dates of any pari-mutuel permit holder within 50 miles of the location of the racetrack of the nonwagering permit holder if the pari-mutuel permit holder objects to such dates. The commission shall provide notice to pari-mutuel permit holders affected by applications for nonwagering racing dates.

(6) Upon the approval of racing dates by the commission, the division shall issue an annual nonwagering license to the nonwagering permit holder authorizing nonwagering racing on the dates approved by the commission.

(7) The division may order any person participating in a nonwagering meet to cease and desist from participating in such meet if the division determines the person to be not of good moral character in accordance with s. 550.181. The division may order the operators of a nonwagering meet to cease and desist from operating the meet if the division determines it is being operated for any illegal purpose.

Section 16. Subsection (4) of section 550.03, Florida Statutes, is amended to read:

550.03 Charity racing days.—

(4) The total of all profits derived from the conduct of a charity day performance shall include all revenues derived from the conduct of that racing performance, including all state taxes which would otherwise be due to the state, except that the daily license fee as provided in ss. 550.09(1) and 551.06(1) and the breaks for the promotional trust funds as provided in s. 550.262(3), (4), ~~and~~ (5), (6), and (7) shall be paid to the division. All other revenues from the charity racing performance, including the commissions, breaks, and admissions and the revenues from parking, programs, and concessions, shall be included in the total of all profits, except that the capital improvement funds withheld under the provisions of s. 550.16, s. 550.162, or s. 551.09 shall be retained by the permit holder for the capital improvement fund.

Section 17. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of income tax paid or accrued as a liability to this state under this code which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265(2) of the Internal Revenue Code or any other law.

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. The provisions of this subparagraph shall expire and be void on June 30, 1986.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. The provisions of this subparagraph shall expire and be void on December 31, 1986.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. That portion of the taxes paid under part II of chapter 212 which is equal to the amount of the credit allowable for the taxable year under s. 220.189.

9. *In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.*

Section 18. Subsections (3) and (4) of section 550.266, Florida Statutes, and subsections (3) and (4) of section 550.267, Florida Statutes, are repealed October 1, 1993, and the Appaloosa and Arabian Horse Advisory Councils shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes, the Sundown Act.

Amendment 4—On page 1 in the title, line 25, after "breaks," insert: creating ss. 550.266 and 550.267, F.S.; providing legislative finding; 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 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 permit-holder 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 duration of a thoroughbred horse racing meet from 50 to 74 days; amending s. 550.33, F.S.; specifying other breeds of horses which may be substituted in races conducted by quarter horse racing permit-holders and imposing limitations upon such substitutions; expanding the mileage restriction on the substitution of thoroughbred horses and providing an exception for permittees holding nonwagering permits; 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.;

Amendment 5—On page 14, line 3, strike through page 17, line 20, all sections 6 and 7 and insert: New Sections 6 and 7.

Section 6. 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 section 550.10 to exclude certain persons from any pari-mutuel facility 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 permit-holder to exclude absolutely a patron in this state.*

Section 7. 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 permit-holders, \$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) Permit-holder 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 ineligibility, 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.

Amendment 6—On page 1, in the title, line 25 after “breaks;” insert: amending s. 550.02(9), F.S., to empower the Division of Pari-mutuel Wagering to exclude certain persons from pari-mutuel facilities under prescribed circumstances; amending s. 550.10, F.S., eliminating the requirement of licensee status for five years as a prerequisite for a three-year occupational license, and requiring good moral character as a prerequisite to holding an occupational license;

Amendment 7—On page 17, line 21, strike all of Section 8. and insert: New Section 8.

Section 8. This act shall take effect upon becoming a law, except that Sections 1 through 5 of this act shall take effect June 1, 1984, or upon becoming law, whichever occurs last; provided, if the act takes effect subsequent to June 1, 1984, the provisions of Sections 1 through 5 shall apply retroactively to June 1, 1984.

On motions by Senator Thurman the Senate concurred in the House amendments.

SB 777 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

| | | | |
|-----------------|-----------|-----------|-----------|
| Barron | Fox | Jennings | Rehm |
| Beard | Frank | Langley | Stuart |
| Carlucci | Girardeau | Malchon | Thomas |
| Childers, D. | Grant | Margolis | Thurman |
| Childers, W. D. | Grizzle | McPherson | Vogt |
| Crawford | Hair | Myers | Weinstein |
| Deratany | Henderson | Neal | |
| Dunn | Hill | Plummer | |

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Kirkpatrick, Scott

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 concurred in Senate Amendment 2; has amended Senate Amendments 1 and 3, concurred in same as amended and passed HB 1039, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

HB 1039—A bill to be entitled An act relating to required statutory reports; amending s. 20.16, F.S., providing that the annual report required to be filed by the Florida Pari-mutuel Commission shall be sub-

mitted by November 15 annually; amending s. 26.55, F.S., relating to the report required of the Conference of Circuit Judges of Florida; amending s. 27.37, F.S., relating to the duties of the Council on Organized Crime; amending s. 106.22, F.S., relating to certain required reports of the Division of Elections; amending s. 110.505, F.S., eliminating the requirement that budget requests submitted to the Legislature be accompanied by a volunteer impact statement; amending s. 112.192, F.S., relating to the report required of the State Officers' Compensation Commission; amending s. 112.665, F.S., relating to a report by the Division of Retirement of the Department of Administration concerning governmental retirement systems; amending s. 163.3184, F.S., deleting language relating to the requirement that the state land planning agency publish notice of certain information; amending s. 233.067, F.S., relating to a required report by the Department of Education dealing with comprehensive health education; amending s. 236.088, F.S., relating to a report required by the Commissioner of Education on administration of the basic skills and functional literacy compensatory supplement programs; amending s. 240.283, F.S., relating to a report required of presidents of the several state universities; amending s. 240.285, F.S., relating to a required report with respect to the transfer of funds to other personal services within the State University System; amending s. 284.06, F.S., relating to a required annual report of the Department of Insurance with respect to fire hazards; amending s. 287.115, F.S., relating to certain reports of the Comptroller; amending s. 370.16, F.S., relating to a report required by the Division of Marine Resources of the Department of Natural Resources with respect to the oyster and clam business; amending s. 369.22, F.S., relating to a report on the nonindigenous aquatic plant maintenance program within the Department of Natural Resources; amending s. 409.166, F.S., relating to a report by the Department of Health and Rehabilitative Services with respect to the subsidized adoption program; amending s. 409.2594, F.S., eliminating a report required by the Department of Health and Rehabilitative Services relating to dependent children; requiring the keeping of certain records; amending s. 409.505, F.S., eliminating a report required by the Department of Health and Rehabilitative Services with respect to financial assistance for community services programs; amending s. 410.016, F.S., relating to a required report with respect to the elderly; amending s. 410.024, F.S., eliminating a report with respect to community-care-for-the-elderly core services; amending s. 531.55, F.S., eliminating certain reports of the Florida Metric Council; amending s. 655.053, F.S., relating to the required annual report of the Department of Banking and Finance; amending s. 943.18, F.S., eliminating a report required by the Criminal Justice Standards and Training Commission; amending s. 216.031, F.S., adding a requirement with respect to biennial legislative budget requests for operational expenditures; creating s. 283.314, F.S., providing for reduction of funds allocated for publications by a specified amount; providing exemptions; providing for identification of discontinued publications; providing for a report to the Legislature; providing for review and repeal; repealing s. 13.08(5), F.S., relating to a report required by the Commission on Interstate Cooperation; repealing s. 23.136, F.S., relating to reports appraising early childhood development programs; repealing s. 30.49(11), F.S., relating to a report required by the Administration Commission with respect to budgets for sheriffs; repealing s. 121.135(1), F.S., relating to reports and surveys relative to state and local retirement systems; repealing s. 121.192(3), F.S., relating to the coordinating of a report to the Legislature on the actuarial condition of the state and local retirement systems; repealing s. 230.2312(4) and (8), F.S., relating to health screening and reporting under the Florida Primary Education Program; repealing s. 233.055(5), F.S., relating to a required report of the Commissioner of Education with respect to remedial reading; repealing s. 165.092, F.S., relating to local government service delivery studies; repealing s. 236.023, F.S., relating to cost of delivering equivalent educational services and the development of a Cost-of-Education Index; repealing s. 420.407(2), F.S., relating to certain reports required of the Executive Office of the Governor with respect to the “Farmworker Housing Assistance Act”; repealing s. 553.40, F.S., relating to an annual report required by the Department of Community Affairs under the “Florida Manufactured Building Act of 1979”; providing for the applicability of the act; providing an effective date.

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

Section 27. Subsection (16) is added to section 1.01, Florida Statutes, to read:

1.01 Definitions.—In construing these statutes and each and every word, phrase, or part hereof, where the context will permit:

(16) Unless otherwise specifically provided by law, any agency or officer of the executive branch of state government required by law to make reports on a periodic basis shall be construed to have fulfilled such requirement upon filing, as scheduled by law, with the person or agency to which the report is to be directed, and with the Executive Office of the Governor, a notice of filing which provides indexing information and an abstract of the contents of such report of no more than one-half page in length. Actual reports shall be retained by the reporting agency or officer and copies thereof provided to interested parties upon request, in accordance with guidelines established by the Executive Office of the Governor under s. 216.151.

Section 28. Paragraph (d) of subsection (2) of section 11.61, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to said subsection to read:

11.61 Legislative review of regulatory functions.—

(2) It is the intent of the Legislature:

(d) That, whenever functions of executive agencies or officers are reviewed pursuant to the provisions of this act, if such functions include any statutorily established reporting requirement, such requirement shall be specifically reviewed to determine whether it may be eliminated or modified to the end of securing greater economy without sacrificing efficiency in the operations of government.

Section 29. Subsection (6) of section 216.151, Florida Statutes, is renumbered as subsection (7), and a new subsection (6) is added to said section to read:

216.151 Duties of the Executive Office of the Governor.—It shall be the duty of the Executive Office of the Governor to:

(6) With respect to reports statutorily required of agencies or officers within the executive branch of state government:

(a) Receive notices of filing with respect to such reports.

(b) Index such notices of filing alphabetically by subject of report, by reporting agency or officer, and by receiving agency or officer.

(c) Establish guidelines with respect to:

1. The appropriate procedure for requesting copies of such reports.
 2. The timely provision, by the reporting agency or officer, of copies of such reports, upon receipt of a request properly made and any fee applicable thereto.

3. The establishment of appropriate fees which may be charged by reporting agencies or officers for providing copies, based upon actual costs of materials, handling, and postage.

4. The exemption from fee provisions of agencies or officers to whom reports are required by law to be directed.

(d) Regularly compile and update index information on such reports and publish same, together with a summary of the guidelines established under paragraph (c), for distribution as provided in paragraph (e).

(e) Provide for quarterly or semiannual distribution of published indices on reports to agencies and officers within the executive, legislative, and judicial branches of state government, free of charge, and to other interested parties, upon request properly made and upon payment of an appropriate fee therefor, which fee shall be determined by the office, based upon actual costs incurred.

Section 30. As soon as practicable, the administrative head of each executive agency required by law to make reports on a periodic basis shall assure that those reports are created, stored, managed, updated, and retrieved using electronic means.

(Renumber subsequent section.)

Amendment 3 to Senate Amendment 3—On page 1, line 25, after the semicolon (;) insert:

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;

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

HB 1039 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Scott

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1312 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Finance and Taxation and Regulatory Reform—

CS for HB 1312—A bill to be entitled An act relating to outdoor advertising; amending s. 479.01, F.S., providing definitions; creating s. 479.015, F.S., providing legislative intent; amending s. 479.02, F.S., providing for the duties of the Department of Transportation; amending s. 479.03, F.S., providing for the jurisdiction of the department; amending s. 479.04, F.S., relating to licensed outdoor advertisers; amending s. 479.05, F.S., providing for the revocation or denial of licenses; amending s. 479.07, F.S., requiring sign permits; amending s. 479.08, F.S., providing for the revocation or denial of permits; amending s. 479.10, F.S., providing for sign removal following permit revocation; creating s. 479.105, F.S., providing for the removal of signs erected or maintained without a required permit; providing for notice; creating s. 479.107, F.S., providing for the removal of certain signs located on rights-of-way; providing for notice; amending s. 479.11, F.S., prohibiting certain signs; amending s. 479.111, F.S., allowing certain signs; amending s. 479.14, F.S., providing for fees and for the disposition thereof; amending s. 479.15, F.S., providing for the conformance of certain regulations; amending s. 479.155, F.S., relating to local government sign ordinances; amending s. 479.16, F.S., providing for exemption from the requirement of obtaining a permit; amending s. 479.21, F.S., prohibiting tampering with permitted signs; providing a penalty; amending s. 479.24, F.S., relating to compensation for the removal of signs; creating s. 479.26, F.S., providing for a specific information panel program and individual business signs; creating s. 479.28, F.S., providing for rest area information panels or devices; creating s. 479.30, F.S., providing for limited-access-highway advisory radio; amending s. 335.092, F.S., correcting a statutory cross-reference; repealing s. 479.06, F.S., relating to a bond required from an out-of-state licensee; repealing s. 479.13, F.S., relating to written permission of the property owner with respect to the use of signs; repealing s. 479.17, F.S., relating to violations considered a nuisance; repealing s. 479.18, F.S., relating to penalties; repealing s. 479.19, F.S., relating to the application of the chapter; repealing s. 479.20, F.S., relating to duties of the department; repealing s. 479.22, F.S., relating to the inapplicability of the chapter; repealing s. 479.23, F.S., relating to the removal of signs; saving chapter 479, F.S., from sunset repeal; providing for future review and repeal; providing effective dates.

—was read the first time by title.

On motion by Senator Beard, the rules were waived and CS for HB 1312 was placed on the calendar.

On motions by Senator Beard, by unanimous consent CS for HB 1312 was taken up out of order and by two-thirds vote read the second time by title.

Senator Beard moved the following amendment which was adopted:

Amendment 1—On page 14, line 9, after the period (.) insert: The permit shall become void unless the permit tag is properly and permanently displayed at the permitted site within 30 days after the date of permit issuance. If the permittee fails to erect a completed sign on the permitted site within 270 days after the date on which the permit was issued, the permit shall be void, and the department may not issue a new permit to that permittee for the same location for 270 days after the date on which the permit became void.

On motion by Senator Beard, by two-thirds vote CS for HB 1312 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

| | | | |
|-----------------|-----------|----------|-----------|
| Beard | Frank | Jennings | Rehm |
| Carlucci | Girardeau | Langley | Stuart |
| Castor | Grant | Malchon | Thomas |
| Childers, D. | Grizzle | Margolis | Vogt |
| Childers, W. D. | Hair | Meek | Weinstein |
| Deratany | Henderson | Myers | |
| Dunn | Hill | Neal | |
| Fox | Jenne | Plummer | |

Nays—None

Vote after roll call:

Yea—Gersten, Kirkpatrick, Scott

The Honorable Curtis Peterson, President

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

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, lines 23-24 strike all language, and on page 1, line 11, insert:

Section 1. This act may be referred to as “The Budgeting Procedures and Expenditure Limitations Act of 1984.”

Section 2. Chapter 191, Florida Statutes, consisting of sections 191.01, 191.11 and 191.21, is hereby created to read:

CHAPTER 191

EXPENDITURE LIMITATIONS

191.01 General provisions.—This chapter consists of expenditure limitations or restrictions, and methods and procedures for developing and making appropriations, adopted pursuant to s. 12(b), Art. III of the Florida Constitution. Repeal, modification, or amendment of these provisions is subject to the procedures specified therein.

191.11 Expenditure limitation.—

(1) Pursuant to s. 12(b), Art. III of the State Constitution, the per capita expenditures of the state and of local governmental units in any fiscal year subsequent to 1984-1985 shall not exceed the per capita expenditures of the respective unit of government for the preceding fiscal year increased by the rate of inflation, except as provided in subsection (5). For units of government newly created subsequent to 1984-1985, this limitation shall apply to all fiscal years subsequent to the first.

(2)(a) Expenditures from enterprise funds or fiduciary funds and expenditures of regulatory fees may be partially or totally excluded from the limitation imposed in subsection (1) if so provided in a general law passed by a three-fifths vote of each house of the Legislature after being read in each house on 3 separate days.

(b) Moneys provided by the state to units of local government for their general use shall not be considered expenditures of the state for the purpose of this section.

(3) Expenditures of dependent special districts shall be included in the limitation applicable to the unit of government to which they are dependent. Dependent special districts exercising limited or specialized powers and independent special districts may be partially or totally exempted from the limitation imposed in subsection (1) if so provided in a general law passed by a three-fifths vote of each house of the Legislature after being read in each house on 3 separate days.

(4)(a) “Dependent special district” and “independent special district” are defined as provided in s. 200.001, 1983 Florida Statutes.

(b) “Population” for the state, county governments, school districts, municipalities, and independent special districts whose boundaries are contiguous with one or more municipalities or counties shall be the most recent amounts determined pursuant to s. 23.019, including inmates and patients. For other independent special districts, population shall be determined by multiplying the ratio of assessed value within the district to assessed value within the county or counties in which the district lies, times the population of the county or counties. Assessed value shall be as of January 1 of the year represented by the most recent population estimate.

(c) “Inflation” shall be the percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, 1967—100, or successor indices, for the preceding calendar year, as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(d) The term “newly created” does not apply to an existing unit of government whose boundaries or powers change.

(5)(a) The expenditure level allowed under subsection (1) for any year may be altered by the Legislature in a general law passed by a three-fifths vote of each house after being read in each house on 3 separate days.

(b) A local governing body may modify said expenditure level if approved by majority vote of the electors, if approved by a two-thirds vote of the full membership of the governing body for those comprised of 13 or more members, or if approved by a four-fifths vote of the full membership of the governing body for those comprised of 12 or fewer members.

(6) Any revenue collected in a fiscal year in excess of the amount of expenditures authorized for that year may be placed in a budget stabilization fund for use as provided in general law. The total moneys in a stabilization fund at the beginning of any fiscal year shall not exceed 10 percent of the expenditures of the applicable unit of government for the prior fiscal year. The limitation in paragraph (2)(b) shall not apply for the purpose of this calculation. Any such excess moneys not placed in a budget stabilization fund shall be utilized for tax relief.

191.21 Disclosure requirements.—

(1) Any general appropriations bill of the Legislature and any proposed ordinance or other authorization of any local governmental unit which appropriates or otherwise provides for the expenditure of funds shall contain the following information:

(a) Rates of inflation and population growth for the preceding calendar year, as determined pursuant to s. 191.11(4);

(b) Total expenditures and expenditures per capita for the prior fiscal year and for the upcoming fiscal year, including any expenditures already approved for the upcoming fiscal year, and the percentage increase in each; and

(c) A statement as to whether the rate of increase in total per capita expenditures for the upcoming fiscal year exceeds the applicable rate of inflation.

(2) The statement of intent issued pursuant to s. 216.181 shall include a consolidated statement containing the information listed in subsection (1) for all state expenditures authorized for the period to which the statement applies.

Section 3. This act shall take effect January 1, 1985, contingent upon the approval by the electors of HJR 1320 or similar legislation at the general election to be held in November 1984.

Amendment 2—On page 1 in the title, line 2, insert: An act relating to state and local government expenditure limitations; creating chapter 191, F.S., The Budgeting Procedures and Expenditure Limitations Act of

1984; providing specified limitations upon state and local government expenditures; providing for disclosure of certain information in appropriations bills and local ordinances;

On motions by Senator Peterson, 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.

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

CS for SB 495—A bill to be entitled An act relating to domestic violence; amending s. 415.601, F.S.; providing legislative intent; amending s. 415.602, F.S.; providing definitions; amending s. 415.603, F.S.; setting forth duties and functions of the Department of Health and Rehabilitative Services with respect to domestic violence; creating s. 415.604, F.S.; requiring an annual report by the department; amending s. 415.605, F.S.; providing for certification, decertification, procedures for seeking services, and funding of domestic violence centers; providing rulemaking authority; amending s. 415.606, F.S.; providing for referral of victims to centers and notice of rights; amending s. 415.608, F.S.; providing for confidentiality of information; creating s. 415.609, F.S.; requiring that law enforcement officers and certain judges receive certain information and training; amending s. 741.01, F.S.; conforming provisions; amending s. 741.30, F.S.; providing for an injunction for protection and an ex parte temporary injunction for protection; providing penalties for violating such injunctions; prescribing relief available through an injunction for protection; providing for law enforcement officers to assist in executing or serving such injunction; providing for sending copies of such injunctions to certain law enforcement agencies; amending s. 901.15, F.S.; requiring arrest with or without a warrant in specified circumstances; giving immunity from civil liability to certain law enforcement officers; creating s. 901.155, F.S.; providing duties of law enforcement officers in domestic violence investigations; providing an effective date.

—as amended passed this day.

On motion by Senator Frank, the Senate reconsidered the vote by which CS for SB 495 was read the third time.

On motion by Senator Frank, the Senate reconsidered the vote by which Amendment 4 was adopted. Amendment 4 was withdrawn.

On motion by Senator Frank, by two-thirds vote CS for SB 495 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 | Hill | Neal |
| Beard | Frank | Jenne | Plummer |
| Carlucci | Gersten | Jennings | Rehm |
| Castor | Girardeau | Johnston | Stuart |
| Childers, D. | Gordon | Langley | Thomas |
| Childers, W. D. | Grant | Malchon | Thurman |
| Crawford | Grizzle | Margolis | Vogt |
| Deratany | Hair | Meek | |
| Dunn | Henderson | Myers | |

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Scott

Senator Thomas presiding

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has adopted HM 1327 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Tobiassen and others—

HM 1327—A resolution urging the transfer of George Bosnake from his incarceration in Veracruz, Veracruz.

—was read the first time in full.

On motion by Senator Barron, by two-thirds vote HM 1327 was placed on the calendar and by two-thirds vote read the second time by title, adopted and certified to the House. The vote was:

Yeas—28

| | | | |
|-----------------|-----------|-------------|-----------|
| Beard | Fox | Kirkpatrick | Plummer |
| Carlucci | Frank | Langley | Rehm |
| Castor | Grant | Malchon | Stuart |
| Childers, W. D. | Grizzle | Mann | Thomas |
| Crawford | Henderson | Margolis | Thurman |
| Deratany | Jennings | Meek | Vogt |
| Dunn | Johnston | Myers | Weinstein |

Nays—None

Vote after roll call:

Yea—Barron, Gersten, Hair, Hill, Jenne

On motion by Senator Plummer, the rules were waived and by two-thirds vote SR 1155 was withdrawn from the Committee on Rules and Calendar.

SR 1155—A resolution commending the Key West High School boys' baseball team and the Marathon High School girls' softball team for winning their respective state championships.

—was read the second time in full. On motion by Senator Plummer, SR 1155 was adopted. The vote on adoption was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Gersten, Hill, Jenne

Senator Barron presiding

CONSENT CALENDAR, continued

CS for HB 431—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.162, F.S.; specifying funds and property that must be maintained in trust; providing for handling of funds and property of deceased residents; providing an effective date.

—was read the second time by title.

Senators D. Childers and Dunn offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On page 3, between lines 6 and 7, insert:

Section 2. Subsection (12) of section 400.402, Florida Statutes, is amended and subsection (14) is added to said section, to read:

400.402 Definitions.—When used in this part, unless the context otherwise requires, the term:

(12) "Supervision of self-administered medication" means reminding residents to take medication, opening bottle caps for residents, reading the medication label to residents, observing residents while they take medication, checking the self-administered dosage against the label of the container, reassuring residents that they have obtained and are taking the dosage as prescribed, keeping daily records of when residents receive supervision pursuant to this subsection, and immediately reporting noticeable changes in the condition of a resident to the resident's physician. Supervision of self-administered medication shall not be construed to mean that facility staff shall provide such supervision to residents who are capable of administering their own medication. Persons under contract to the facility, facility staff, or volunteers, who are licensed according to chapter 464, or those persons exempted under s. 464.022(1), are limited in their practice in an adult congregate living facility to the administration of medication to residents. *However, this limitation does not preclude the exercise of professional responsibility by such persons to observe residents and to document the observations on the appropriate resident's record and to report the observations to the resident's physician.*

(14) "Mechanical restraint" means a device which physically limits, restricts, or deprives an individual of movement or mobility, including, but not limited to, a half-bed rail, a full-bed rail, a geriatric chair, and a posey restraint. The term "mechanical restraint" shall also include any device which was not specifically manufactured as a restraint but which has been altered, arranged, or otherwise used for this purpose. The term shall not include bandage material used for the purpose of binding a wound or injury.

Section 3. Subsection (3) of section 400.411, Florida Statutes, is amended to read:

400.411 Initial application for license; provisional license.—

(3) The applicant shall furnish satisfactory proof of financial ability to operate and conduct the facility in accordance with the requirements of this part. An applicant applying for an initial license shall submit a balance sheet setting forth the assets and liabilities of the owner and a statement projecting revenues, expenses, taxes, extraordinary items, and other credits or charges for the first 12 6 months of operation of the facility.

Section 4. Paragraph (a) of subsection (1) of section 400.441, Florida Statutes, is amended and paragraph (h) of said subsection is added to read:

400.441 Rules establishing minimum standards.—

(1) Pursuant to the intention of the Legislature to provide safe and sanitary facilities, the department shall promulgate, publish, and enforce rules to implement the provisions of this part, which shall include reasonable and fair minimum standards in relation to:

(a) The maintenance of facilities, not in conflict with the provisions of chapter 553, relating to plumbing, heating, lighting, ventilation, and other housing conditions, which will ensure the health, safety, and comfort of residents and protection from fire hazard, including adequate provisions for fire alarm and other fire protection suitable to the size of the structure. Minimum firesafety standards shall be established and enforced by the State Fire Marshal in cooperation with the department for facilities licensed after July 1, 1984. Such standards shall be included in the rules promulgated by the department after consultation with the State Fire Marshal. *The department shall update or revise such standards as the need arises. All adult congregate living facilities licensed prior to July 1, 1984 must comply with those local life safety code requirements and building code standards applicable at the time of their construction as an adult congregate living facility or conversion for such purpose. Facilities licensed on or after July 1, 1984 must comply with those fire safety codes established by the State Fire Marshal in effect at the time of the initial licensure. The department shall promulgate fair and reasonable rules setting forth conditions under which existing facilities undergoing additions, alterations, conversions, renovations, or repairs shall be required to comply with the most recent updated or revised standards.*

(h) *The definition and use of mechanical restraints. The use of mechanical restraints is limited to half-bed rails as prescribed and documented by the resident's physician.*

(Renumber subsequent sections.)

Amendment 2—On page 3, line 7, strike "1984" and insert: 1984, except that sections 2, 3 and 4 shall take effect upon becoming law.

Amendment 3—In title, on page 1, between lines 6 and 7, insert: amending ss. 400.402, 400.411, and 400.441, F.S.; providing definitions, providing for an applicant to submit a 12 month projection of financial data; limiting the use of mechanical restraints in licensed facilities;

On motion by Senator Dunn, by two-thirds vote CS for HB 431 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

| | | | |
|-----------------|----------|-----------|----------|
| Barron | Deratany | Girardeau | Jenne |
| Carlucci | Dunn | Grant | Jennings |
| Childers, D. | Fox | Grizzle | Johnston |
| Childers, W. D. | Frank | Hair | Langley |
| Crawford | Gersten | Henderson | Malchon |

| | | | |
|-----------|---------|---------|-----------|
| Mann | Myers | Stuart | Weinstein |
| McPherson | Plummer | Thurman | |
| Meek | Rehm | Vogt | |

Nays—2

| | |
|--------|----------|
| Gordon | Margolis |
|--------|----------|

Vote after roll call:

Yea—Hill, Kirkpatrick, Scott

Nay to Yea—Margolis

The President presiding

On motions by Senator Crawford, the rules were waived and by two-thirds vote HB 937 was withdrawn from the Committees on Agriculture, Governmental Operations and Appropriations.

On motion by Senator Crawford—

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

—a companion measure, was substituted for CS for SB 554 and read the second time by title. On motion by Senator Crawford, by two-thirds vote HB 937 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

| | | | |
|-----------------|-----------|-----------|-----------|
| Mr. President | Frank | Jennings | Plummer |
| Carlucci | Gersten | Johnston | Stuart |
| Childers, D. | Girardeau | Langley | Thomas |
| Childers, W. D. | Grant | Malchon | Thurman |
| Crawford | Grizzle | Margolis | Vogt |
| Deratany | Hair | McPherson | Weinstein |
| Dunn | Henderson | Meek | |
| Fox | Jenne | Myers | |

Nays—None

Vote after roll call:

Yea—Hill, Kirkpatrick, Scott

CS for SB 554 was laid on the table.

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

—was read the second time by title.

Senator W. D. Childers moved the following amendment which was adopted:

Amendment 1—On page 2, line 11, strike "shall" and insert: may

On motion by Senator W. D. Childers, by two-thirds vote CS for SB 700 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

| | | | |
|-----------------|-----------|-----------|-----------|
| Mr. President | Fox | Henderson | Plummer |
| Barron | Frank | Jennings | Rehm |
| Carlucci | Gersten | Johnston | Stuart |
| Childers, D. | Girardeau | Langley | Thomas |
| Childers, W. D. | Gordon | Malchon | Thurman |
| Crawford | Grant | Margolis | Vogt |
| Deratany | Grizzle | Meek | Weinstein |
| Dunn | Hair | Myers | |

Nays—None

Vote after roll call:

Yea—Hill, Kirkpatrick, Scott

On motion by Senator Malchon, the rules were waived and by two-thirds vote HB 744 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Malchon—

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

—a companion measure, was substituted for SB 1011 and read the second time by title. On motion by Senator Malchon, by two-thirds vote HB 744 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

| | | | |
|-----------------|-----------|-------------|-----------|
| Mr. President | Fox | Hair | Plummer |
| Carlucci | Frank | Jennings | Rehm |
| Childers, D. | Gersten | Kirkpatrick | Scott |
| Childers, W. D. | Girardeau | Langley | Stuart |
| Crawford | Gordon | Malchon | Thurman |
| Deratany | Grant | Meek | Vogt |
| Dunn | Grizzle | Myers | Weinstein |

Nays—None

Vote after roll call:

Yea—Hill, Jenne

SB 1011 was laid on the table.

On motions by Senator Carlucci, the rules were waived and by two-thirds vote HB 10 was withdrawn from the Committees on Governmental Operations; Economic, Community and Consumer Affairs; and Rules and Calendar.

On motion by Senator Carlucci—

HB 10—A bill to be entitled An act relating to the code of ethics for public officers and employees; amending s. 112.3143, Florida Statutes, relating to voting conflicts, to provide for prior disclosure of conflicts of interest and abstention from voting in certain cases; providing exceptions; reenacting s. 286.012, Florida Statutes, to incorporate the amendment to s. 112.3143, Florida Statutes, in a reference thereto; providing an effective date.

—a companion measure, was substituted for SB 227 and read the second time by title.

Senator Carlucci moved the following amendments which were adopted:

Amendment 1—On page 2, line 2, after “principal” insert: *other than an agency as defined in Section 112.312(2)*

Amendment 2—On page 2, line 11, after “s. 163.357” insert: *or officers of independent special tax districts elected on a one acre, one vote basis*

On motion by Senator Carlucci, by two-thirds vote HB 10 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

SB 227 was laid on the table.

SB 482—A bill to be entitled An act relating to reconveyance of public property; amending ss. 255.22, 255.23, F.S.; permitting the inclusion of the proposed use of certain lands in specified plans to avoid reconveyance and a conclusive presumption of abandonment; providing an effective date.

—was read the second time by title.

Senator Deratany moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 19-21 and insert: *consecutive months or, with respect to property conveyed on or after October 1, 1984, to use such property for such purpose for a period of 60 consecutive months or identify during the 60-month period the proposed use of such property in a comprehensive plan or other public facilities plan, then in that event upon written*

Amendment 2—On page 2, line 12, after “unless” insert: *, with respect to property conveyed on or after October 1, 1984,*

On motion by Senator Beard, by two-thirds vote SB 482 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

| | | | |
|-----------------|-----------|-------------|---------|
| Mr. President | Dunn | Hill | Myers |
| Barron | Fox | Jenne | Neal |
| Beard | Frank | Jennings | Plummer |
| Carlucci | Gersten | Johnston | Rehm |
| Childers, D. | Gordon | Kirkpatrick | Stuart |
| Childers, W. D. | Grant | Langley | Thomas |
| Crawford | Grizzle | Margolis | Thurman |
| Deratany | Henderson | Meek | Vogt |

Nays—None

Vote after roll call:

Yea—Girardeau, Scott

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

—was read the second time in full. On motion by Senator Barron, HCR 1246 was adopted and certified to the House. The vote on adoption was:

Yeas—33

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

Nays—None

On motion by Senator Thomas, the rules were waived and by two-thirds vote HCR 1306 was withdrawn from the Committee on Rules and Calendar.

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

—was read the second time in full. On motion by Senator Thomas, HCR 1306 was adopted and certified to the House. The vote on adoption was:

Yeas—35

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

| | | | |
|-----------|---------|---------|-----------|
| Margolis | Myers | Stuart | Vogt |
| McPherson | Plummer | Thomas | Weinstein |
| Meek | Scott | Thurman | |

Nays—None

Senator Gersten moved that the Senate reconsider the vote by which HB 10 as amended passed this day.

On motion by Senator Vogt—

SR 1140—A resolution saluting and commending Michael Leroy Galyean.

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

Yeas—31

| | | | |
|-----------------|-----------|-----------|-----------|
| Mr. President | Fox | Hill | Plummer |
| Barron | Frank | Jenne | Scott |
| Beard | Girardeau | Jennings | Stuart |
| Childers, D. | Gordon | Langley | Thomas |
| Childers, W. D. | Grant | Malchon | Thurman |
| Crawford | Grizzle | Margolis | Vogt |
| Deratany | Hair | McPherson | Weinstein |
| Dunn | Henderson | Myers | |

Nays—None

Vote after roll call:

Yea—Gersten, Kirkpatrick

CONSENT CALENDAR, continued

CS for SB 497—A bill to be entitled An act relating to paleontology; providing legislative intent; declaring state policy with respect to the preservation of vertebrate paleontology sites and matters relative thereto; providing state policy with respect to fossils found on state-owned, state-leased, and designated private lands; establishing the Program of Vertebrate Paleontology within the Florida State Museum and providing its responsibilities; providing for the disposition of vertebrate fossils; prohibiting certain field investigations without permit; providing a penalty; protecting rights of legitimate mine or quarry operators; providing for civil actions; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote CS for SB 497 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

| | | | |
|-----------------|-----------|-------------|---------|
| Mr. President | Dunn | Hill | Plummer |
| Beard | Frank | Jenne | Rehm |
| Carlucci | Gersten | Jennings | Scott |
| Childers, D. | Girardeau | Kirkpatrick | Stuart |
| Childers, W. D. | Gordon | Malchon | Thomas |
| Crawford | Grizzle | Margolis | Vogt |
| Deratany | Hair | Myers | |

Nays—5

| | | |
|-----------|---------|-----------|
| Grant | Langley | Weinstein |
| Henderson | Thurman | |

Vote after roll call:

Yea—Fox

SPECIAL ORDER

SB 756—A bill to be entitled An act relating to the Department of Transportation; authorizing the department to covenant to complete certain revenue producing projects for the Broward County Expressway System; providing conditions; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 23 and 24 and insert: authorized to covenant to complete a revenue producing transportation project to be designated as the 1984 project,

Amendment 2—On page 3, strike all of lines 8-12 and insert: the 1984 bonds. The agreement shall also provide that all operating and maintenance costs for these facilities be reimbursed annually from excess tolls or other local moneys or both.

Further consideration of SB 756 was deferred.

On motion by Senator Langley, the rules were waived and by two-thirds vote HB 224 was withdrawn from the Committee on Agriculture.

On motion by Senator Langley—

HB 224—A bill to be entitled An act relating to citrus; amending s. 601.731, F.S., which provides requirements for transporting citrus on highways; providing a penalty for subsequent offenses relating to violation of load identification requirements; providing for legislative review and repeal; providing an effective date.

—a companion measure, was substituted for SB 905 and read the second time by title. On motion by Senator Langley, by two-thirds vote HB 224 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

| | | | |
|-----------------|-----------|-----------|-----------|
| Mr. President | Dunn | Hair | Margolis |
| Barron | Fox | Henderson | Meek |
| Beard | Frank | Jenne | Myers |
| Carlucci | Gersten | Jennings | Rehm |
| Childers, D. | Girardeau | Johnston | Stuart |
| Childers, W. D. | Gordon | Langley | Thurman |
| Crawford | Grant | Malchon | Vogt |
| Deratany | Grizzle | Mann | Weinstein |

Nays—None

Vote after roll call:

Yea—Hill, Kirkpatrick, Scott

SB 905 was laid on the table.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Johnston, the rules were waived and by two-thirds vote SB 481, HB 618, SB 421, CS for SB 11, HB 95, CS for CS for SB's 469, 698, 239 and 380, SB 405 and CS for HB 1206 were withdrawn from the Committee on Appropriations.

SPECIAL ORDER, continued

Consideration of SB 822 was deferred.

Senator Vogt presiding

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 read the second time by title.

Senator Hill moved the following amendment which was adopted:

Amendment 1—On page 4, between lines 17 and 18, insert: (d) Podiatrist licensed under chapter 461.

(Redesignate subsequent paragraphs.)

On motion by Senator Barron, by two-thirds vote SB 1151 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

| | | | |
|-----------------|----------|-----------|-----------|
| Barron | Crawford | Gersten | Hair |
| Beard | Deratany | Girardeau | Henderson |
| Carlucci | Dunn | Gordon | Hill |
| Castor | Fox | Grant | Jenne |
| Childers, W. D. | Frank | Grizzle | Johnston |

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 797 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Silver and others—

CS for HB 797—A bill to be entitled An act relating to the Florida Securities Act; amending s. 517.011, F.S., redesignating the "Florida Securities Act" as the "Florida Investor Protection Act"; amending s. 517.021, F.S., providing and amending definitions; amending s. 517.051, F.S., relating to exempt securities; clarifying language and including federally chartered savings banks; amending s. 517.061, F.S., relating to exempt transactions; clarifying a citation; amending s. 517.12, F.S., relating to registration; including provisions relating to branch offices and associated persons; requiring dealers, investment advisers and branch offices to keep certain currency transaction records and file reports with the Department of Banking and Finance; amending s. 517.131, F.S.; renaming the Security Guaranty Fund; providing notice requirements; amending s. 517.141, F.S.; revising procedures for payment from the guaranty fund; deleting reference to salesmen and including associated persons; prohibiting payments before a specified period elapses; providing for multiple and joint claims; amending ss. 517.151 and 517.161, F.S.; correcting terminology; amending s. 517.211, F.S., relating to remedies available with respect to unlawful offers or sales of securities or investments; amending s. 517.241, F.S., relating to remedies; creating s. 517.251, F.S., providing for prohibited practices and remedies with respect to certain securities, investments, or boiler rooms; creating s. 517.275, F.S., relating to prohibited practices with respect to commodities; amending s. 517.301, F.S., relating to fraudulent transactions; amending s. 517.311, F.S., prohibiting certain false representation with respect to investments; providing for review and repeal; providing an effective date.

—was read the first time by title.

SPECIAL ORDER, continued

On motions by Senator Carlucci, by two-thirds vote CS for HB 797, a companion measure, was substituted for CS for SB 766 and by two-thirds vote read the second time by title. On motion by Senator Carlucci, by two-thirds vote CS for HB 797 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Hill, Jenne

CS for SB 766 was laid on the table.

On motions by Senator Grant, by two-thirds vote CS for HB 801 was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Grant—

CS for HB 801—A bill to be entitled An act relating to financial institutions; amending s. 280.02, F.S., redefining "qualified public depository"; amending s. 494.04, F.S., providing an exemption from the residency requirement for mortgage brokers and solicitors; amending s. 560.03, F.S., providing that financial institutions shall not be required to be licensed to sell money orders; amending s. 655.025, F.S., authorizing the Department of Banking and Finance to assess certain expenses against applicants for licensure; amending s. 655.033, F.S., modifying provisions relating to confidentiality of emergency cease and desist orders;

Nays—None

On motion by Senator Thomas, the following remarks relating to SB 1151 were published in the Journal:

Senator Barron: Mr. President, this is the Medical Malpractice Study Commission bill that all the Senators have signed upon.

It calls for study of the cost of medical malpractice during the interim—against a backdrop of the following facts. Fifteen billion dollars a year is spent on defensive medicine. Eighty percent of the South Florida doctors have admitted that they are performing unnecessary defensive actions. A survey of the Patient's Compensation Fund shows that it is 400 million dollars in debt. We had judgments of 608 claims last year when we should have been addressing the claims of 16,000 people out of the 300 million dollars we spent for medical malpractice.

Senator Jenne: Mr. President, Senators, I think Senator Barron has presented us a unique opportunity to study a workers compensation idea as it relates to malpractice. This Senate has to realize, and it has recognized, that we are in a medical malpractice crisis.

What Senator Barron has done is given us an opportunity to study a highly controversial area over the next year, with outstanding citizens from all of Florida that are engaged in the practice of law, the practice of medicine, as well as business. It will give us the opportunity at the end of this period, and at the beginning of next session, to have a malpractice bill that will do something and relieve the problems that we are confronting.

I think this bill is one that will produce a study which will benefit all Floridians that are suffering under the medical malpractice crisis that exists today.

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 resolution out of order:

INTRODUCTION AND REFERENCE OF BILLS

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

SR 1158—An resolution relating to medical incident compensation; requesting the Governor to appoint a Medical Incident Compensation Law Study Commission to make a report to the Legislature.

—which was read the first time by title. On motion by Senator Barron, SR 1158 was read the second time in full and adopted. The vote on adoption was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hill

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

requiring the chief executive officer of a financial institution to notify the department when any person employed by the institution is charged with a felony; amending s. 655.037, F.S., relating to the removal of officers, directors, committee members or employees of financial institutions by the department; creating s. 655.043, F.S., relating to articles of incorporation and amendments thereto; creating s. 655.047, F.S., relating to accounting, statutory bad debts and ineligible assets; amending s. 655.057, F.S., providing that certain records of the department are not public records; amending s. 655.411, F.S., relating to conversion of charter; creating s. 655.50, F.S., providing legislative purpose, definitions, records and reporting requirements for certain currency transactions, exemptions, and civil and criminal penalties; amending s. 657.005, F.S., increasing the nonrefundable fee for applicants for authority to operate a credit union; eliminating requirement that such applicants file a certificate of authorization with the Department of State; amending s. 657.006, F.S., increasing the period of time for the department to approve bylaw amendments; amending s. 657.008, F.S., relating to the place of doing business; amending s. 657.029, F.S., deleting current language with respect to fraudulent assets held by a credit union; amending s. 657.038, F.S., relating to credit union loan limitations; amending s. 657.053, F.S., increasing fees for credit unions due to the department; amending s. 657.065, F.S., providing for a nonrefundable merger fee; amending s. 657.258, F.S., eliminating language authorizing the Florida Credit Union Guaranty Corporation, Inc., to refund certain investments made by a withdrawing credit union which is a member of the corporation; providing that certain annual and special assessments shall be considered payments into the loss reserve to be maintained by the corporation; providing a procedure for refunds; requiring the corporation to maintain a loss reserve along described lines; amending s. 658.18, F.S., requiring incorporators of bank and trust companies to account for certain disbursements; amending s. 658.20, F.S., directing the department to investigate the reputation of applicants; amending s. 658.21, F.S., relating to application approvals; amending s. 658.22, F.S., relating to coordination with federal agencies; amending s. 658.25, F.S., relating to certificates of authority to transact business; amending s. 658.26, F.S., relating to branch banking; amending s. 658.28, F.S., relating to the acquisition or control of a bank or trust company; amending s. 658.40, F.S., redefining the term "successor institution"; amending s. 658.42, F.S., relating to merger; amending s. 658.44, F.S., providing for a majority vote of shareholders for merger approval; amending s. 658.48, F.S., relating to loans; amending s. 658.67, F.S., relating to investment powers and limitations; amending s. 660.26, F.S., relating to trust department licensing; amending s. 663.01, F.S., providing definitions with respect to international banking corporations; amending s. 664.02, F.S., providing that no new charters shall be granted for industrial savings banks; providing an exception; creating s. 664.045, F.S., providing for branch offices; amending s. 665.011, F.S., retitling chapter 665, F.S., as the "Florida Savings Association and Savings Bank Act"; amending s. 665.012, F.S., relating to definitions; amending s. 665.0201, F.S., relating to the incorporation of savings, savings and loan, and building and loan associations; amending s. 665.0211, F.S., relating to the corporate name; amending s. 665.022, F.S., relating to the organization expense fund; amending s. 665.023, F.S., relating to capital; amending s. 665.0311, F.S., relating to the power to reorganize, merge or consolidate; amending s. 665.034, F.S., relating to acquisition of assets or control of an association; amending s. 665.048, F.S., relating to records; amending s. 665.0501, F.S., relating to association powers; amending s. 665.066, F.S., relating to earnings; amending s. 665.068, F.S., relating to redemption; amending s. 665.0701, F.S., relating to investment powers and limitations; amending s. 665.0711, F.S., relating to investment in loans; repealing s. 657.006(3), F.S., relating to the requirement that credit union bylaw amendments be filed with the Department of State; repealing s. 657.038(7), F.S., relating to the prohibition that no person authorized to approve credit at a credit union may become an endorser or guarantor of certain loans; repealing s. 658.18(3), F.S., relating to funds for stock subscriptions with respect to banks and trust companies; repealing s. 658.20(3), F.S., relating to investigation expenses of the Department of Banking and Finance; repealing s. 658.26(5), F.S., relating to certain bank branches; repealing s. 658.52, F.S., relating to statutory bad debts and ineligible assets of banks; repealing s. 664.03(1)-(10) and (30), F.S., relating to the applicability of certain statute sections to industrial savings banks; repealing s. 664.04, F.S., relating to certain requirements to organize as an industrial savings bank; repealing s. 665.024(1)(h), F.S., relating to the requirement that the name and street address of stockholders and the number of shares must be included in the articles of incorporation; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—a companion measure, was substituted for SB 947. On motion by Senator Grant, by two-thirds vote CS for HB 801 was read the second time by title.

Senator Gordon moved the following amendment which was adopted:

Amendment 1—On page 15, lines 20-31, and on page 16, lines 1-20, strike all of said lines.

The vote was:

Yeas—15

| | | | |
|-----------------|-----------|----------|-----------|
| Childers, W. D. | Girardeau | Johnston | Stuart |
| Fox | Gordon | Langley | Vogt |
| Frank | Grizzle | Margolis | Weinstein |
| Gersten | Henderson | Meek | |

Nays—11

| | | | |
|--------------|-------|-------------|---------|
| Carlucci | Hair | Kirkpatrick | Scott |
| Childers, D. | Hill | Myers | Thurman |
| Grant | Jenne | Plummer | |

On motion by Senator Grant, by two-thirds vote CS for HB 801 as amended was read the third time by title.

On motion by Senator Dunn, the Senate reconsidered the vote by which CS for HB 801 was read the third time.

Senator Gordon moved that the rules be waived and CS for HB 801 be read the third time by title.

Senator Langley moved a substitute motion that the Senate reconsider the vote by which Amendment 1 was adopted and the Senate reconsidered. Amendment 1 failed. The vote was:

Yeas—15

| | | | |
|----------|-----------|-----------|-----------|
| Beard | Gersten | Henderson | Stuart |
| Deratany | Girardeau | Malchon | Vogt |
| Fox | Gordon | Meek | Weinstein |
| Frank | Grizzle | Scott | |

Nays—19

| | | | |
|-----------------|----------|-------------|---------|
| Carlucci | Grant | Kirkpatrick | Plummer |
| Castor | Hair | Langley | Rehm |
| Childers, W. D. | Hill | Mann | Thomas |
| Crawford | Jenne | McPherson | Thurman |
| Dunn | Jennings | Myers | |

On motion by Senator Grant, by two-thirds vote CS for HB 801 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Gordon

Vote after roll call:

Yea—Weinstein

SB 947 was laid on the table.

On motion by Senator Kirkpatrick, the rules were waived and by two-thirds vote CS for HB 269 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Kirkpatrick—

CS for HB 269—A bill to be entitled An act relating to the Florida Drug and Cosmetic Act; amending ss. 499.003, 499.007, 499.015, 499.018, and 499.03, F.S.; authorizing the Department of Health and Rehabilita-

tive Services to issue certificates of free sale for registered products; correcting references; requiring certain manufacturers and repackagers which have a facility located in Florida to register their products; providing for licensure of manufacturers and registration of products previously licensed and registered under s. 402.36, F.S.; amending s. 499.05, F.S.; authorizing the department to adopt certain packaging rules; amending ss. 499.011 and 499.028, F.S.; revising certain fee schedules; repealing ss. 402.36 and 499.082, F.S., on July 1, 1984; providing an effective date.

—a companion measure, was substituted for CS for SB 983 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for HB 269 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Rehm

CS for SB 983 was laid on the table.

On motion by Senator Scott, 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—

CS for SB 712—A bill to be entitled An act relating to condominiums; amending s. 718.103, F.S.; providing definitions; amending s. 718.104, F.S.; providing that a copy of the bylaws shall be included in the declaration; amending s. 718.106, F.S.; adding membership in the condominium association to the appurtenances of the unit; amending s. 718.110, F.S., relating to amendments of declaration; providing for a two-thirds vote with respect to certain amendments to the declaration of condominiums; amending the procedures for amending the declaration of condominium, including the granting of jurisdiction to circuit courts for certain purposes; amending s. 718.111, F.S., relating to condominium associations; requiring the maintenance of certain official records and providing that association records shall be open to public inspection; providing that the association's powers and duties include those set forth in chapters 607, 617, F.S.; providing that a fee assessment for common elements or association property is prohibited under certain circumstances; requiring notification of insurance coverages and obligations; amending s. 718.112, F.S., relating to bylaws; providing requirements with respect to proof of mailing of notice of annual meetings; providing requirements with respect to budget meetings by petition of unit owners; providing procedures for recall of board members; excluding certain leases or subleases from a fee requirement; providing other modifications with respect to condominium association bylaws and administration of an association; amending s. 718.115, F.S.; providing that the declaration may provide that common expenses for the operation and maintenance of association property may be shared equally by all unit owners; amending s. 718.116, F.S., relating to the liability of unit owners for assessments; providing for grantee's responsibility for a grantor's unpaid assessments for common expenses; revising provisions relating to a condominium association's lien for assessments, including provisions on maximum interest rates, on the date from which the lien accrues, on notice requirements, and for a certificate showing the amount of unpaid assessments; providing requirements with respect to special assessments; requiring the naming of the association as a junior lienholder under certain circumstances; providing that, if anyone is excused from paying assessments, certain funds collected by the developer shall not be used to pay common expenses until unit owners control association finances; amending s. 718.202, F.S., relating to sales or reservation deposits prior to closing; providing that failure to establish an escrow account or deposit funds therein is prima facie evi-

dence of a violation; providing escrow requirements; amending s. 718.301, F.S., relating to the transfer of association control from the developer to the unit owners; amending s. 718.302, F.S., relating to agreements entered into by an association; substituting percentages of "voting interests" for "units" in certain voting requirements for the association to enter into certain agreements; providing that certain agreements or contracts requiring the association to purchase condominium property or to lease condominium property may be rejected by the association; authorizing a developer to obligate an association under certain laundry-related vending machine contractual agreements in certain circumstances; amending s. 718.303, F.S., relating to the obligations of unit owners; providing for the levying of fines against a unit for failure to comply with provisions of the declaration, association bylaws, or rules; amending s. 718.401, F.S.; providing exemptions; providing the division director with the authority to accept alternate assurances to secure payment of rent under certain circumstances; amending s. 718.402, F.S., relating to the conversion of existing improvements to condominiums; amending s. 718.403, F.S., relating to phase condominiums; providing requirements in the original declaration of condominiums; providing restrictions on amendments by the developer; providing for the recording of certain amendments; amending s. 718.501, F.S., relating to the powers and duties of the Division of Florida Land Sales and Condominiums; providing that certain condominium associations must pay fees to the division; amending s. 718.502, F.S.; providing for information required to be included in the reservation agreement form for the sale of a condominium; amending s. 718.503, F.S., relating to disclosures required to be contained in contracts for sale; amending s. 718.504, F.S.; requiring a prospectus or offering circular to contain certain information; amending s. 718.606, F.S., relating to the right of a tenant to terminate a tenancy after notice of conversion to condominium; amending s. 718.612, F.S., to redefine the term "offer" with respect to a tenant's right to first refusal; amending s. 718.616, F.S., relating to disclosure requirements for condition of building and estimated replacement costs; amending s. 718.618 and s. 719.618, F.S., relating to the requirement that a developer fund certain reserve accounts upon the conversion of existing improvements to ownership as a residential condominium or cooperative, and providing modifications with respect thereto; repealing s. 718.304, F.S., relating to the association's right to amend the declaration of condominium; creating a residential planned development study commission; providing for the appointment and powers and duties of the commission; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 8, lines 14-19 and on page 29, lines 14-17, strike all of the underlined language

Amendment 2—On page 30, lines 17-18 and 30-31, strike: *or fines as permitted pursuant to s. 718.303(3)* and on Page 49, line 16 after the period insert: *No fine shall become a lien against a unit.*

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

CS for SB 712 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1273 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations; and Health and Rehabilitative Services—

CS for HB 1273—A bill to be entitled An act relating to mental health; amending ss. 381.494, 394.453, 394.457, and 394.4573, F.S., and amending s. 394.455, F.S., and repealing subsections (6) and (7) thereof, relating to mental health boards and board districts, to conform references; providing that receiving facilities shall not include county jails; amending s. 394.459, F.S., reducing the number of days a jail may be used as an emergency facility in certain cases; providing for treatment; modifying provisions relating to right to, and quality of, treatment; providing for disclosure of clinical records in certain cases; expanding provisions governing transportation of patients; amending s. 394.461, F.S., clarifying acceptance limitations; conforming references and providing for transport and processing of mentally ill persons in law enforcement custody; amending s. 394.463, F.S., modifying criteria which must be met prior to involuntary examination; providing for transportation; providing conditions upon release during the examination period; amending s. 394.467, F.S., modifying criteria which must be met prior to involuntary placement; modifying admission and continued placement procedures to provide for advice of counsel; amending s. 394.65, F.S., retitling part IV of chapter 394, F.S., as "The Community Alcohol, Drug Abuse, and Mental Health Services Act"; amending s. 394.66, F.S., modifying legislative intent; amending s. 394.67, F.S., reordering and modifying definitions; creating s. 394.675, F.S., providing for an Alcohol, Drug Abuse, and Mental Health Service System and defining terms for purposes thereof; creating s. 394.715, F.S., providing for establishment of district and sub-district alcohol, drug abuse, and mental health planning councils; providing for staff assistance; providing for membership, organization, terms, and expenses thereof; requiring an annual report; providing for advertised meetings with certain groups; restricting council membership; providing for appointment of nominating committees and providing for membership, organization, and duties thereof; amending s. 394.73, F.S., providing for joint service programs; amending s. 394.74, F.S., authorizing the Department of Health and Rehabilitative Services, rather than the mental health boards, to contract for services; clarifying contractual provisions; amending s. 394.75, F.S., providing for district alcohol, drug abuse, and mental health plans to be prepared biennially and reviewed annually; modifying requirements and providing duties of district administrators with respect thereto; limiting certain authority of governing bodies; amending s. 394.76, F.S., clarifying and modifying financial provisions; authorizing local governing bodies to appropriate moneys for certain purposes, subject to audit requirements; restricting the requirement of additional local matching funds in certain cases; amending s. 394.77, F.S., relating to control of costs, to remove a departmental requirement; amending s. 394.78, F.S., providing for a standardized audit procedure and for monitoring of service providers; amending s. 394.79, F.S., providing for preparation of a biennial state plan; providing requirements pursuant thereto; amending ss. 396.042, 396.072, 396.102, and 916.11, F.S., conforming references; creating the Task Force on Public Psychiatry; providing for membership, meetings, and expenses thereof; requiring a report to the Legislature; repealing ss. 394.69, 394.70, 394.71, and 394.72, F.S., relating to district mental health boards and their method of appointment, duties, and staff; repealing s. 394.81, F.S., relating to priority given in consideration for funding; providing for future review and repeal of the planning councils pursuant to the Sundown Act; providing effective dates.

—was read the first time by title.

SPECIAL ORDER, continued

On motions by Senator Castor, by two-thirds vote CS for HB 1273, a companion measure, was substituted for CS for SB 797 and by two-thirds vote read the second time by title.

Senator Castor moved the following amendment:

Amendment 1—On page 3, line 29, strike everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (7) of section 381.494, Florida Statutes, is amended to read:

381.494 Health-related projects; certificate of need.—

(7) FUNCTIONS OF THE LOCAL HEALTH COUNCIL.—

(b) The local health council shall:

1. Develop a district plan, using uniform methodology as set forth by the department, which will permit each local health council to develop goals and criteria based on its unique local health needs, such as the special health needs of rural areas and medically underserved communities. The district plan shall be submitted to the department and updated periodically and shall be in a form prescribed by the department. The elements of an approved district plan which are necessary to the review of any certificate-of-need application shall be adopted by the department as a part of its rules. The district plan shall include, but shall not be limited to:

a. The availability, quality of care, efficiency, appropriateness, accessibility, extent of utilization, and adequacy of existing health care services and hospices in the district.

b. The availability and adequacy of other health care facilities and services and hospices in the district, such as outpatient care and ambulatory or home care services, which may serve as less costly alternatives to proposed or available health care facilities and services.

c. The probable economies and improvements in services that may be derived from operation of joint, cooperative, or shared health care and health planning resources.

d. The need in the district for special equipment and services which are not reasonably and economically accessible in adjoining areas.

e. The need for research and educational facilities, including, but not limited to, institutional and community training programs for health care practitioners and for doctors of osteopathy and medicine at the student, internship, and residency training levels.

2. Stimulate the development of cooperative arrangements between the health manpower training efforts of educational institutions and service institutions and the health manpower recruitment and retention efforts of medically underserved communities.

3. Identify and encourage community resources and mechanisms to facilitate consumer choice and free market competition in health care.

4. Advise the district administrator of the department on health care resource allocations, particularly federal block grant funds, and work with the district administrator and with the ~~district mental health board~~ and the areawide agency on aging in developing and carrying out a health resources allocation plan.

5. Implement activities to increase public awareness of community health needs and emphasize advantages of preventive health activities and cost-effective health service selection.

6. Assist the department in carrying out data collection activities that relate to the functions set forth in this subsection.

Section 2. Subsection (1) of section 394.453, Florida Statutes, is amended to read:

394.453 Legislative intent; responsibilities of department.—

(1) It is the intent of the Legislature to authorize and direct the Department of Health and Rehabilitative Services to evaluate, research, plan, and recommend to the Governor and the Legislature programs designed to reduce the occurrence, severity, duration, and disabling aspects of mental, emotional, and behavioral disorders. The department is directed to implement and administer mental health programs as authorized and approved by the Legislature, based on the annual program budget of the department. It is the further intent of the Legislature that programs of the department coordinate the development, maintenance, and improvement of receiving and community treatment facilities within the programs of the district ~~mental health boards~~ as authorized by the *Community Alcohol, Drug Abuse, and Mental Health Services Act*, part IV of this chapter. Treatment programs shall include, but not be limited to, comprehensive health, social, educational, and rehabilitative services to persons requiring intensive short-term and continued treatment in order to encourage them to assume responsibility for their treatment and recovery. It is intended that patients be provided with emergency service and temporary detention for evaluation when required; that patients be admitted to treatment facilities on a voluntary basis when extended or continuing care is needed and unavailable in the community; that involuntary placement be provided only when expert evaluation determines that it is necessary; that any involuntary treatment or examination be accomplished in a setting which is appropriate, most likely to

facilitate proper care and treatment that would return the patient to the community as soon as possible, and the least restrictive of the patient's liberty; and that individual dignity and human rights be guaranteed to all persons admitted to mental health facilities. It is further the intent of the Legislature that the least restrictive means of intervention be employed based on the individual needs of each patient within the scope of available services.

Section 3. Subsections (6) and (7) of section 394.455, Florida Statutes, are hereby repealed, and subsections (9) and (10) of said section are amended to read:

394.455 Definitions.—As used in this part, unless the context clearly requires otherwise:

(9) "Community facility" means a facility which receives funds from the state under the *Community Alcohol, Drug Abuse, and Mental Health Services Act*, part IV of this chapter.

(10) "Receiving facility" means a facility designated by the department to receive patients under emergency conditions or for psychiatric evaluation and to provide short-term treatment, and also means a private facility when rendering services to a private patient pursuant to the provisions of this act. *However, the term "receiving facility" shall not include county jails.*

Section 4. Subsection (3) of section 394.457, Florida Statutes, is amended to read:

394.457 Operation and administration.—

(3) POWER TO CONTRACT.—The department may contract to provide, and be provided with, services and facilities in order to carry out its responsibilities under this part with the following agencies: ~~district mental health boards;~~ public and private hospitals; clinics; laboratories; departments, divisions, and other units of state government; the state colleges and universities; the community colleges; private colleges and universities; counties, municipalities, and any other governmental unit, including facilities of the United States Government; and any other public or private entity which provides or needs facilities or services. Services contracted for by the department may be reimbursed by the state at a rate up to 100 percent. The department shall make periodic audits and inspections to assure that the contracted services are provided and meet the standards of the department.

Section 5. Subsection (2) of section 394.4573, Florida Statutes, is amended to read:

394.4573 Mental health services plan; case management system; measures of performance; reports.—

(2) The department is directed to develop and include in contracts with *service providers* ~~the district mental health boards;~~ measures of performance with regard to goals and objectives as specified in the state plan. Such measures shall use, to the extent practical, existing data collection methods and reports and shall not require, as a result of this subsection, additional reports on the part of service providers. ~~The department is also directed to combine, where practical, reports and reporting requirements with the data requirements of district mental health boards.~~ The department shall plan monitoring visits of community mental health facilities with other state, federal, and local governmental and private agencies charged with monitoring such facilities.

Section 6. Subsection (1), paragraphs (b) and (e) of subsection (2), and subsections (4), (9), and (11) of section 394.459, Florida Statutes, are amended to read:

394.459 Rights of patients.—

(1) RIGHT TO INDIVIDUAL DIGNITY.—The policy of the state is that the individual dignity of the patient shall be respected at all times and upon all occasions, including any occasion when the patient is taken into custody, detained, or transported. Procedures, facilities, vehicles, and restraining devices utilized for criminals or those accused of crime shall not be used in connection with the noncriminal mentally ill except for the protection of the patient or others. The noncriminal mentally ill shall not be detained or incarcerated in the jails of this state. *Persons who are mentally ill and are charged or convicted of committing criminal acts shall receive appropriate treatment. In criminal cases involving a person who has been adjudicated incompetent to stand trial or not guilty by reason of insanity, or has been found by the court to meet the*

criteria for involuntary placement pursuant to s. 394.467(1), a jail may be used as an emergency facility for up to 15 days. The department shall remove such person from the jail no later than the end of this period. In all cases in which a patient adjudicated pursuant to chapter 916 is held in a jail, treatment shall be provided in the jail, for up to the 15-day period, by the local receiving facility, the patient's physician or clinical psychologist, or any other mental health program available to provide such treatment. In criminal cases, a jail may be used as an emergency facility no longer than 45 days. Treatment shall be provided to the patient by his physician or clinical psychologist or the receiving facility staff. No person who is receiving treatment for mental illness in a facility shall be deprived of any constitutional rights. However, if such a person is adjudicated incompetent pursuant to the provisions of chapter 744, his rights may be limited to the same extent the rights of any incompetent person are limited by general law.

(2) RIGHT TO TREATMENT.—

(b) It is further the policy of the state that the least restrictive appropriate available treatment be utilized based on the individual needs and best interests of the patient and consistent with optimum improvement of the patient's condition.

(e) Not more than 5 days after admission to a treatment facility, each patient shall have and receive an individualized treatment plan in writing which the patient has had an opportunity to assist in preparing and to review prior to its implementation.

(4) QUALITY OF TREATMENT.—Each patient in a facility shall receive treatment suited to his needs, which shall be administered skillfully, safely, and humanely with full respect for his dignity and personal integrity. Each patient shall receive such medical, vocational, social, educational, and rehabilitative services as his condition requires to bring about an early return to his community. In order to achieve this goal, the department is directed to coordinate its mental health programs with all other programs of the department and other appropriate state agencies

(9) CLINICAL RECORD; CONFIDENTIALITY.—A clinical record for each patient shall be maintained. The record shall include data pertaining to admission and such other information as may be required under rules of the department. Unless waived by express and informed consent by the patient or his guardian, or, if the patient is deceased, by the patient's personal representative or by that family member who stands next in line of intestate succession, the privileged and confidential status of the clinical record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency. The clinical record shall not be a public record; and no part of it shall be released, except:

(a) The record may be released to such persons and agencies as designated by the patient or his guardian. A medical discharge summary of the clinical record of any patient committed to, or to be returned to, the Department of Corrections from the Department of Health and Rehabilitative Services shall be released to the Department of Corrections without charge upon its request. The Department of Corrections shall treat such information as confidential and shall not release such information except as provided in this section.

(b) The record shall be released to persons authorized by order of court, excluding matters privileged by other provisions of law. A court may order release of such information when principles of law under the First Amendment to the United States Constitution or s. 4, Art. I of the State Constitution so provide.

(c) The record or any part thereof may be disclosed to a qualified researcher, a staff member of the facility, or an employee of the department when the administrator of the facility or secretary of the department deems it necessary for treatment of the patient, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

(d) Information from the clinical records may be used for statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.

(e) Whenever a patient has declared an intention to harm other persons, such declaration may be disclosed.

(f) Any law enforcement agency, treatment facility, or other governmental agency receiving information pursuant to this subsection shall maintain such information as a nonpublic record as otherwise provided herein.

(g) Any agency or private mental health practitioner who acts in good faith in releasing information pursuant to this subsection shall not be subject to civil or criminal liability for such release.

(h) Nothing in this subsection is intended to prohibit the parent or spouse of a mentally ill person who is hospitalized in, or is being treated by, a publicly funded mental health facility or program from requesting and receiving information limited to that person's treatment plan and current physical and/or mental condition. Release of such information shall be in accordance with the code of ethics of the profession involved.

(11) TRANSPORTATION.—

(a) If neither the patient nor any person legally obligated or responsible for the patient is able to pay for the expense of transporting the patient to a treatment facility, the governing board of the county from which the patient is hospitalized shall arrange for such required transportation and, pursuant thereto, shall ensure the safe and dignified transportation of any such patient. County and municipal law enforcement and correctional personnel and equipment shall not be used to transport patients adjudicated mentally incompetent or found by the court to meet the criteria for involuntary placement pursuant to s. 394.467(1).

(b) The governing board of each county is authorized to contract with private transport companies for the transportation of such patients to and from a treatment facility.

(c) Any company transporting a patient pursuant to this section shall be considered an independent contractor and shall be solely liable for the safe and dignified transportation of the patient. Any transport company contracting with a governing board of a county for the transportation of patients as provided for in this section shall be insured and shall provide no less than \$100,000 in liability insurance with respect to transporting of the patients.

(d) Any company contracting with a governing board of a county to transport patients shall comply with applicable rules of the department to ensure the safety and dignity of the patient.

Section 7. Subsection (1) and paragraph (d) of subsection (4) of section 394.461, Florida Statutes, are amended and paragraph (e) is added to subsection (4) of said section to read:

394.461 Facilities; transfers of patients.—

(1) RECEIVING FACILITY.—The Department of Health and Rehabilitative Services may designate any community facility as a receiving facility to provide examination and emergency, short-term treatment. The governing board of any county is authorized to contract with the department or with the mental health board of a board district, with the approval of the department, to set aside an area of any facility of the department to function, and be designated, as the receiving facility. Any other facility within the state, including a federal facility, may be so designated by the department at the request of and with the consent of the governing officers of the facility.

(4) CRIMINALLY CHARGED OR CONVICTED MENTALLY ILL PERSONS.—

(d) No receiving facility shall be required to accept for examination and treatment any person with pending felony charges involving a crime of violence or a crime against another person.

(e) When law enforcement custody for a mentally ill person is based on either noncriminal behavior or minor criminal behavior, the law enforcement authority shall transport the person to a receiving facility for evaluation. When a law enforcement officer has arrested a person for a felony involving a crime of violence against another person, such person should be processed in the same manner as any other criminal suspect, notwithstanding the fact that the arresting officer has reasonable grounds for believing that the person's behavior meets statutory guidelines for involuntary examination pursuant to s. 394.463. When a law enforcement officer has arrested a person for a felony involving a crime of violence against another person and it appears that the person meets statutory guidelines for involuntary examination or involuntary placement, the law enforcement agency shall immediately notify the designated receiving facility, which shall be responsible for promptly arranging for evaluation and treatment of the patient. The law enforcement agency shall subsequently notify the receiving facility in writing. Costs of evaluation and treatment incurred under this subsection may be recovered as provided in s. 901.35.

Section 8. Section 394.463, Florida Statutes, is amended to read:

394.463 Involuntary examination.—

(1) CRITERIA.—A person may be taken to a receiving facility for involuntary examination if:

(a) there is reason to believe that he is mentally ill; and because of his mental illness:

(a)1.(b) He has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or and

2.(e) He is unable to determine for himself whether examination is necessary; and:

(b)1. Without care or treatment, he is likely to suffer from neglect or refuse to care for himself; such neglect or refusal poses a real and present threat of substantial harm to his well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or

2. There is a substantial likelihood that without care or treatment he will cause in the near future serious bodily harm to himself or others, as evidenced by recent behavior. It is more likely than not that in the near future he will inflict serious, unjustified bodily harm on another person, as evidenced by behavior causing, attempting, or threatening such harm, including at least one incident thereof within 20 days prior to the examination.

(2) INVOLUNTARY EXAMINATION.—

(a) Initiation of involuntary examination.—An involuntary examination may be initiated by any one of the following means:

1. A court may enter an ex parte order stating that a person appears to meet the criteria for involuntary examination, giving the findings on which that conclusion is based. and, If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, directing that a law enforcement officer, or other designated agent of the court, shall take the person into custody and deliver him to the nearest receiving facility for involuntary examination. The order of the court shall be made a part of the patient's clinical record.

2. A law enforcement officer shall may take a person who appears to meet the criteria for involuntary examination into custody and deliver him or have him delivered to the nearest receiving facility for examination. The officer shall execute a written report detailing the circumstances under which the person was taken into custody, and the report shall be made a part of the patient's clinical record.

3. A physician, psychologist licensed pursuant to chapter 490, psychiatric nurse, or clinical social worker may execute a certificate stating that he has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, the certificate shall authorize a law enforcement officer shall to take the person named in the certificate into custody and deliver him to the nearest available receiving facility for involuntary examination. The law enforcement officer shall execute a written report detailing the circumstances under which the person was taken into custody. The report and certificate shall be made a part of the patient's clinical record.

(b) Transportation for involuntary examination.—Each county shall designate a single law enforcement agency within the county, or portions thereof, which shall take a person into custody upon the entry of an ex parte order or the execution of a certificate by an authorized professional, and which shall transport the person to the nearest receiving facility for examination. The law enforcement agency designated for the area in which the person is in need of transport for involuntary examination is situated may thereafter decline to transport the person to a receiving facility only if:

1. The jurisdiction designated by the county has contracted on an annual basis with an emergency medical transport service for transportation of persons to receiving facilities pursuant to this section at the sole cost of the county; and

2. The law enforcement agency and transport service agree that continued law enforcement presence is not necessary for the safety of the person or others.

(c)(b) Examination.—~~A patient may be detained at a receiving facility for involuntary examination no longer than 72 hours.~~ A patient who is provided such an examination at a receiving facility shall be examined by a physician or clinical psychologist without unnecessary delay and may be given emergency treatment pursuant to s. 394.459(3)(a). The least restrictive form of treatment shall be made available when determined to be necessary by a facility physician or clinical psychologist. *Any person for whom involuntary examination has been initiated pursuant to paragraph (a) shall not be released by the receiving facility or its contractor without the documented approval of a person who is qualified under the provisions of this chapter to initiate an involuntary examination. However, a patient may be detained at a receiving facility for involuntary examination no longer than 72 hours.*

(d)(e) Disposition upon examination.—Within the examination period, one of the following actions shall be taken, based on the individual needs of the patient:

1. The patient shall be released, unless he is under criminal charges, in which case he shall be returned to the custody of a law enforcement officer;
2. The patient shall be released, subject to the provisions of subparagraph 1., for outpatient treatment;
3. The patient shall be asked to give express and informed consent to placement as a voluntary patient; or
4. A petition for involuntary placement shall be executed by the facility administrator when treatment is deemed necessary; in which case, the least restrictive treatment consistent with the optimum improvement of the patient's condition shall be made available.

(3) NOTICE OF RELEASE.—Notice of the release shall be given to the patient's guardian or representative, to any person who executed a certificate admitting the patient to the receiving facility, and to any court which ordered the patient's evaluation.

Section 9. Paragraph (b) of subsection (1), paragraphs (a) and (b) of subsection (2), and paragraphs (a) and (f) of subsection (4) of section 394.467, Florida Statutes, are amended to read:

394.467 Involuntary placement.—

(1) CRITERIA.—

(b) A person may be involuntarily placed for treatment upon a finding of ~~by the court~~ ~~by~~ clear and convincing evidence that:

1. He ~~suffers from an apparent or manifest mental illness; is mentally ill and because of his mental illness:~~

a.(1)2. He has refused voluntary placement for treatment after sufficient and conscientious explanation and disclosure of the purpose of placement for treatment; or

(II)2. He is unable to determine for himself whether placement is necessary; and

b.(1)4-a. He is manifestly incapable of surviving alone or with the help of willing and responsible family or friends, including available alternative services, and, without treatment, he is likely to suffer from neglect or refuse to care for himself and such neglect or refusal poses a real and present threat of substantial harm to his well-being; or

(II)b. ~~There is substantial likelihood it is more likely than not that in the near future he will inflict serious, unjustified bodily harm on himself or another person, as evidenced by recent behavior causing, attempting, or threatening such harm, including at least one incident thereof within the 20 days prior to the initiation of the proceedings for involuntary placement; and~~

2.5. All available less restrictive treatment alternatives which would offer an opportunity for improvement of his condition have been judged to be inappropriate.

(2) ADMISSION TO A TREATMENT FACILITY.—

(a) A patient may be involuntarily placed in a treatment facility, after notice and hearing, upon recommendation of the administrator of a receiving facility where the patient has been examined. When a patient is not an inpatient in a receiving facility, the administrator of a designated receiving facility may make a recommendation for involuntary placement

of a patient who has been given an examination, evaluation, or treatment by staff of the receiving facility or a private mental health professional upon receipt of the opinions referred to in paragraph (b). In a proceeding involving a person 18 years of age or older, the hearing may be waived by express and informed consent in writing by the patient *after the advice of counsel*. In a proceeding involving a person under the age of 18, the hearing shall not be waived; however, if, at the hearing, the court finds that attendance at the hearing is not consistent with the best interests of the patient, the court may waive the presence of the patient from all or any portion of the hearing.

(b) The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a clinical psychologist or another psychiatrist, both of whom have personally examined the patient within the preceding 5 days, that the criteria for involuntary placement are met; however, in counties of less than 50,000 population, if the administrator certifies that no psychiatrist or clinical psychologist is available to provide the second opinion, such second opinion may be provided by a licensed physician with postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or a psychiatric nurse. Such recommendation shall be entered on an involuntary placement certificate, which certificate shall authorize the receiving facility to retain the patient pending transfer to a treatment facility or completion of a hearing. The certificate shall be filed with the court in the county where the patient is located and shall serve as a petition for a hearing on involuntary placement. A copy of the certificate shall also be filed with the department; and copies shall be served on the patient and his guardian or representatives, accompanied by:

1. A written notice, in plain and simple language, that the patient or his guardian or representative may apply at any time for a hearing on the issue of the patient's need for involuntary placement if he has previously waived such a hearing.

2. A petition for such hearing, which requires only the signature of the patient or his guardian or representative for completion.

3. A written notice that the petition may be filed with a court in the county in which the patient is hospitalized and the name and address of the judge of such court.

4. A written notice that the patient *has the right to be represented by counsel in the proceeding and that the patient* or his guardian or representative may apply immediately to the court to have an attorney appointed if the patient cannot afford one.

The petition may be filed in the county in which the patient is involuntarily placed at any time within 6 months of the date of the certificate. The hearing shall be held in the same county, and one of the patient's physicians at the facility shall appear as a witness at the hearing.

(4) PROCEDURE FOR CONTINUED INVOLUNTARY PLACEMENT.—

(a) If continued placement of an involuntary patient is necessary, the administrator shall, prior to the expiration of the period during which the treatment facility is authorized to retain the patient, request an order authorizing continued involuntary placement. This request shall be accompanied by a statement from the patient's physician or clinical psychologist justifying the request and a brief summary of the patient's treatment during the time he was involuntarily placed. In addition, the administrator shall submit an individualized plan for the patient for whom he is requesting continued involuntary placement. Notification of this request for retention shall be mailed to the patient and his guardian or representative along with a completed petition, requiring only a signature, for a hearing regarding the continued hospitalization and a waiver-of-hearing form. The waiver-of-hearing form shall require express and informed consent and shall state that the patient is entitled to a hearing under the law; that he is entitled to be represented by an attorney at the hearing and, if he cannot afford an attorney, that one will be appointed; and that, if it is shown at the hearing that the patient does not meet the criteria for involuntary placement, he is entitled to be released. *In a proceeding involving a person 18 years of age or older, the hearing may be waived by express and informed consent in writing by the patient after the advice of counsel.* If the patient or his guardian or representative does not sign the petition, or if the patient does not sign a waiver within 15 days, the hearing officer shall notice a hearing with regard to the patient involved in accordance with s. 120.57(1). In a proceeding involving a person under the age of 18, the hearing shall not be waived; however, if, at the hearing, the hearing examiner finds that atten-

dance at the hearing is not consistent with the best interests of the patient, he may waive the presence of the patient from all or any portion of the hearing.

(f) If the patient by express and informed consent waives his hearing *after the advice of counsel* or if at a hearing it is shown that the patient continues to meet the criteria for involuntary placement, the hearing officer shall sign the order for continued involuntary placement. The treatment facility shall be authorized to retain the patient for a period not to exceed 6 months. The same procedure shall be repeated prior to the expiration of each additional 6-month period the patient is retained.

Section 10. Section 394.65, Florida Statutes, is amended to read:

394.65 Short title.—This part ~~IV of this chapter~~ shall be known as as “The Community Alcohol, Drug Abuse, and Mental Health Services Act.”

Section 11. Section 394.66, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 394.66, F.S., for present text.)

394.66 Legislative intent.—It is the intent of the Legislature to:

(1) Promote and improve the mental health of the citizens of the state through a system of comprehensive, coordinated alcohol, drug abuse, and mental health services.

(2) Involve local citizens in the planning of alcohol, drug abuse, and mental health services in their communities.

(3) Ensure that all activities of the Department of Health and Rehabilitative Services and its contractors are directed toward the coordination of planning efforts in alcohol, drug abuse, and mental health treatment services.

(4) Provide access to services to all residents of the state with priority attention to individuals exhibiting symptoms of acute or chronic mental illness, alcohol abuse, or drug abuse.

(5) Ensure continuity of care, consistent with minimum standards, for persons who are released from a state treatment facility into the community.

(6) Provide for accountability for service provision through statewide standards for management, monitoring, and reporting of information.

(7) Include alcohol, drug abuse, and mental health services as a component of the integrated service delivery system of the Department of Health and Rehabilitative Services.

(8) Ensure that the districts of the department are the focal point of all alcohol, drug abuse, and mental health planning activities, including budget submissions, grant applications, contracts, and other arrangements that can be effected at the district level.

(9) Organize and finance community alcohol, drug abuse, and mental health services in local communities throughout the state through locally administered service delivery programs that maximize the involvement of local citizens.

Section 12. Section 394.67, Florida Statutes, is amended to read:

394.67 Definitions.—When used in this part, unless the context clearly requires otherwise:

(1) “Service district” means a community service district as established by the department pursuant to s. 20.19(4)(a) for the purpose of providing community alcohol, drug abuse, and mental health services.

(2) “Governing body” means the chief legislative body of a county, a board of county commissioners, or boards of county commissioners in counties acting jointly, or their counterparts in a charter government.

(3) “District plan” or “plan” means the combined district alcohol, drug abuse, and mental health plan prepared by the alcohol, drug abuse, and mental health planning council ~~adopted by a mental health board~~ and approved by the district administrator and governing bodies in accordance with this part.

(4) “Department” means the Department of Health and Rehabilitative Services.

(5) “Program office” means the Alcohol, Drug Abuse, and Mental Health Program Office of the Department of Health and Rehabilitative Services.

(6) “Advisory council” means a district advisory council as created by s. 20.19(5).

(7) “Patient fees” means compensation received by a community alcohol, drug abuse, or mental health facility for services rendered to clients from any source of funds, including city, county, state, federal, and private sources.

(8) “Local matching funds” means funds received from governing bodies of local government, including city commissions, county commissions, district school boards, special tax districts, private hospital funds, private gifts, both individual and corporate, and bequests and funds received from community drives or any other sources.

(9) “Federal funds” means funds ~~expended by a community mental health facility~~ from federal sources for alcohol, drug abuse, or mental health facilities and programs. This is exclusive of federal funds that are deemed eligible by the Federal Government and are eligible through state regulation for matching purposes.

(10) “Alcohol, drug abuse, and mental health planning council board” or “council board” means the council board within a Department of Health and Rehabilitative Services district or subdistrict established in accordance with provisions of this part for the purpose of assessing the alcohol, drug abuse, and mental health needs of the community and developing a plan to address those needs ~~purposes of coordinating community mental health programs.~~

(11) “Service provider” means any agency in which all or any portion of the programs or services set forth in s. 394.675(1)(a), (b), or (c) are carried out. ~~“Board district” means that area over which a single mental health board has jurisdiction for coordinating mental health programs as provided in this part. There may be more than one board district in a service district.~~

(12) “District administrator” means the person appointed by the Secretary of Health and Rehabilitative Services for the purpose of administering a department service district as set forth in s. 20.19.

~~(13) “Term” means a 2-year term of appointment on a mental health board.~~

~~(14) “Community mental health facility” means any facility in which all or any portion of the programs or services set forth in ss. 394.75(2)(c)5., 394.75(2)(c)2., and 394.75(3) are carried out.~~

Section 13. Section 394.675, Florida Statutes, is created to read:

394.675 Alcohol, Drug Abuse, and Mental Health Service System.—

(1) A system of comprehensive alcohol, drug abuse, and mental health services shall be established as follows:

(a) “Primary care services” are those services which, at a minimum, must be made available in each service district to the acute and chronic mentally ill, acute and chronic drug dependent, and acute and chronic alcohol abuser to provide immediate care and treatment in a crisis situation and to prevent further deterioration or exacerbation of his or her condition. These services include, but are not limited to, emergency/stabilization services, detoxification services, inpatient services, residential services, and case management services.

(b) “Rehabilitative services” are those services made available to the general population at risk of serious mental health or substance abuse problems or provided as part of a rehabilitative program. These services are designed to prepare or train a person to function within the limits of a disability, to restore a previous level of functioning, or to improve a current level of inadequate functioning. Rehabilitative services include, but are not limited to, outpatient services, day treatment services, and partial hospitalization services.

(c) “Preventive services” are those services which are made available to the general population for the purpose of preventing or ameliorating the effects of alcohol abuse, drug abuse, or mental illness. These services emphasize reduction of the occurrence of emotional and mental disorders and substance abuse through public education, early detection, and timely intervention. Preventive services include consultation and public education and prevention services which have been determined through the district planning process to be necessary to complete a continuum of services as required by this part and which are included in the district plan.

(2) Notwithstanding the provisions of this part, funds which are provided through state and federal sources for specific services shall be used for those purposes.

Section 14. Section 394.715, Florida Statutes, is created to read:

394.715 Alcohol, drug abuse, and mental health planning councils.—

(1) There shall be established in each service district an alcohol, drug abuse, and mental health planning council, except that a council shall be established for each of the subdistricts of service district 9. Subdistrict 9A shall consist of Palm Beach County and subdistrict 9B shall consist of Indian River County, St. Lucie County, Okeechobee County, and Martin County for the purposes of this section. In all other districts, the district administrator shall decide if a planning council shall be established within each subdistrict in lieu of a district-wide council. The council shall consist of a maximum of 20 members representing the service areas within the service district and shall meet at least quarterly for the purposes of assessing alcohol, drug abuse and mental health needs in the community, reviewing the development of the alcohol, drug abuse, and mental health plan and budget, and approving the final plan. The district administrator shall meet with the council and shall provide staff assistance to the council. The district administrator shall establish and assign appropriate staff positions for the council. Persons assigned to these positions shall be subject to the prior review and approval of the council. If the district planning council and the district administrator cannot agree on the appointment, retention, or termination of staff, the issues under dispute shall be submitted to the secretary of the department for resolution.

(2) Any county governing body which provides funding for alcohol, drug abuse, and mental health services within the district shall appoint members to the council. Priority for membership on the council shall be given to persons with a demonstrated interest in and knowledge of alcohol, drug abuse, and mental health services in their community. Members shall include, but need not be limited to:

(a) Representatives of district human rights advocacy committees, district long-term care facility ombudsman councils, and the multiagency service network for severely emotionally disturbed students, or other statewide recognized patient advocacy groups.

(b) Members of the judiciary.

(c) Representatives of law enforcement.

(d) Representatives of the school systems.

(e) Clients or their families.

When more than one county governing body exists within the service district, each governing body shall be entitled to such number of appointments to the planning council as fairly represents that county's percentage of population in the service district. However, each county in the district which provides funding shall have no less than one member.

(3) The council shall elect its own chairperson and shall report annually to each local governing body in the service district which must approve the district plan. The report shall include, at minimum, recommendations regarding:

(a) Unmet needs for alcohol, drug abuse, and mental health services in the district.

(b) Adequacy of current service delivery system in meeting existing needs and the equitable allocation of resources among political subdivisions.

(c) Projections for future alcohol, drug abuse, and mental health service requirements of the district.

(4) In cooperation with the district administrator, the district planning council shall schedule meetings with local governments, community and citizen groups, and service providers, no less often than once a year, to enhance information exchange and access to decisionmaking. Such meeting shall be advertised in a newspaper of general circulation in the district, at least one time, no more than 10 days and no less than 7 days prior to such meeting.

(5) The terms of members of the council shall be for 2 years and shall be staggered. Vacancies by resignation or expiration of term shall be filled for the balance of the unexpired term by the governing body.

(6) When a person qualifies for membership on the council because he holds a specified office or because of local government financial participation, his membership on the council ceases when the term of office ceases or financial participation ceases. No person shall be appointed for more than three successive terms or 6 successive years on the council.

(7) Council members shall serve without pay, but shall be entitled to travel and per diem expense as authorized by s. 112.061.

(8) No member of the council or his or her spouse shall serve as a full-time or part-time employee of the department or as an employee or member of the board of any agency providing services pursuant to this part. Further, no person who is a spouse of a department employee or agency employee or agency board member may serve as a member of the council.

(9) In filling such vacancies as may occur by reason of resignation, dismissal, expiration of term, or change in district boundaries, the county governing body or bodies responsible for appointments to a planning council may consider a roster of qualified candidates to be prepared and presented by a nominating committee which has been appointed by the planning council. However, nothing herein shall be construed as limiting the authority of a county governing body to appoint a qualified candidate who has not been included on the roster.

(a) The nominating committee shall be comprised of at least five members, to include the following:

1. A member of the planning council;

2. A representative selected by the service providers within the service district;

3. A representative of a patient or client advocacy or consumer group within the service district;

4. A member of an elected governing body within the service district; and

5. The district administrator, or his representative.

(b) The nominating committee shall select a chairman from among its members and shall meet as often as necessary to assemble a roster of candidates for council membership.

(c) The nominating committee shall present a roster of qualified candidates to the governing body or bodies when necessary to fill any vacancy. Nominees shall include, but shall not be limited to:

1. Representatives of district human rights advocacy committees, district long-term care facility ombudsman councils, and the multiagency service network for severely emotionally disturbed students, or other statewide recognized patient advocacy groups.

2. Members of the judiciary.

3. Representatives of law enforcement.

4. Representatives of the school systems.

5. Clients or their families.

Section 15. Section 394.73, Florida Statutes, is amended to read:

394.73 Joint ~~service mental health~~ programs in two or more counties.—

(1) Subject to rules and ~~regulations~~ established by the department, any county within a ~~service board~~ district shall have the same power to contract for ~~alcohol, drug abuse, and~~ mental health services as the department has under existing statutes.

(2) In order to carry out the intent of this part and to provide ~~alcohol, drug abuse, and~~ mental health services in accordance with the district plan, the counties within a ~~service board~~ district may enter into agreements with each other for the establishment of joint ~~service mental health~~ programs. The agreements may provide for the joint provision or operation of services and facilities or for the provision or operation of services and facilities by one participating county under contract with other participating counties.

(3) When a ~~service board~~ district comprises two or more counties or portions thereof, it shall be the obligation of the ~~planning council mental health board~~ to submit to the governing bodies, prior to the budget sub-

mission date of each governing body, an estimate of the proportionate share of costs of *alcohol, drug abuse, and mental health services* proposed to be borne by each such governing body.

(4) Any county desiring to withdraw from a joint program may submit ~~to the board and~~ to the district administrator a resolution requesting withdrawal therefrom together with a plan for the equitable adjustment and division of the assets, property, debts, and obligations, if any, of the joint program. Unless all participating counties agree to an earlier withdrawal, no county participating in a joint program may withdraw therefrom without the consent of the district administrator or earlier than 2 years after submission of the withdrawal resolution to the district administrator.

Section 16. Section 394.74, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 394.74, F.S., for present text.)

394.74 Contracts for services.—

(1) The department, when funds are available for such purposes, is authorized to contract for the establishment and operation of local alcohol, drug abuse, and mental health programs with any hospital, clinic, laboratory, institution, or other appropriate service provider.

(2) Contracts for service shall be consistent with an approved district plan and the service priorities established in s. 394.75(4).

(3) Contracts shall include, but not be limited to, the following:

(a) A provision that, within the limits of available resources, primary care alcohol, drug abuse, and mental health services shall be available to any individual residing or employed within the service area, regardless of ability to pay for such services, current or past health condition, or any other factor;

(b) A provision that such services shall be available with priority attention to individuals exhibiting symptoms of chronic or acute alcoholism, drug abuse, or mental illness who are unable to pay the cost of receiving such services;

(c) A provision that every reasonable effort to collect appropriate reimbursement for the cost of providing alcohol, drug abuse, and mental health services to persons able to pay for services, including first-party and third-party payments, shall be made by facilities providing services pursuant to this act;

(d) A program description and line-item operating budget by program service component for alcohol, drug abuse, and mental health services, provided that the entire proposed operating budget for the service provider will be displayed; and

(e) A requirement that the contractor must conform to department rules and the priorities established thereunder.

(4) Standard contract forms shall be developed by the department for use between the district administrator and community alcohol, drug abuse, and mental health service providers.

(5) Nothing in this part shall prevent any city or county, or combination of cities and counties, from owning, financing, and operating an alcohol, drug abuse, or mental health program by entering into an arrangement with the district to provide, and be reimbursed for, services provided as part of the district plan.

Section 17. Section 394.75, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 394.75, F.S., for present text.)

394.75 District alcohol, drug abuse, and mental health plan.—

(1)(a) The district planning council shall prepare a combined district alcohol, drug abuse, and mental health plan. The plan shall be prepared on a biennial basis and reviewed annually and shall reflect both the program priorities established by the department and the needs of the district. The plan shall include a program description and line-item budget by program service component for alcohol, drug abuse, and mental health service providers which will receive state funds. The entire proposed operating budget for each service provider shall be displayed. A schedule, format, and procedure for development and review of the plan shall be promulgated by the department.

(b) The plan shall be submitted by the district planning council to the district administrator and to the governing bodies for review, comment, and approval as provided in subsection (8).

(2) The plan shall:

(a) Provide a projection of district program and fiscal needs for the next biennium. The plan shall provide for the orderly and economical development of needed services and shall indicate priorities and anticipated expenditures and revenues.

(b) Provide a basis for the district legislative budget request.

(c) Include a policy and procedure for allocation of funds.

(d) Include a procedure for securing local matching funds. Such a procedure shall be developed in consultation with governing bodies and service providers.

(e) Provide for the integration of alcohol, drug abuse, and mental health services with the other departmental programs and with the criminal justice system within the district.

(f) Provide a plan for the coordination of services in such manner as to ensure effectiveness and avoid duplication, fragmentation of services, and unnecessary expenditures.

(g) Provide for continuity of client care between state treatment facilities and community programs.

(h) Provide for the most appropriate and economical use of all existing public and private agencies and personnel.

(i) Provide for the fullest possible and most appropriate participation by existing programs; state hospitals and other hospitals; city, county, and state health and family service agencies; drug abuse and alcoholism programs; probation departments; physicians; psychologists; social workers; public health nurses; school systems; and all other public and private agencies and personnel which are required to, or may agree to, participate in the plan.

(j) Include an inventory of all public and private alcohol, drug abuse, and mental health resources within the district.

(3) The plan shall address how primary care services shall be provided and how a continuum of services shall be provided given available resources in the service district.

(4) The plan shall provide the means by which the needs of the following priority population groups shall be addressed in the district:

(a) Chronic public inebriates;

(b) Marginally functional alcoholics;

(c) Chronic opiate abusers;

(d) Poly-drug abusers;

(e) Chronically mentally ill individuals;

(f) Acutely mentally ill individuals;

(g) Severely emotionally disturbed children and adolescents;

(h) Elderly persons at high risk of institutionalization; and

(i) Individuals returned to the community from a state mental health treatment facility.

(5) In developing the plan, optimum use shall be made of federal, state, and local funds which may be available for alcohol, drug abuse, and mental health service planning.

(6) All departments of state government and all local public agencies shall cooperate with officials to assist them in service planning. Each district administrator shall, upon request and availability of staff, provide consultative services to the local agency directors and governing bodies.

(7) The district administrator shall ensure that the district plan:

(a) Conforms to the priorities in the state plan, the requirements of this part, and the standards adopted under this part;

(b) Ensures that the most effective and economical use will be made of available public and private alcohol, drug abuse, and mental health resources in the service district; and

(c) Has adequate provisions made for review and evaluation of the services provided in the service district.

(8) The district administrator shall require such modifications in the district plan as he deems necessary to bring the plan into conformance with the provisions of this part. If the district planning council and the district administrator cannot agree on the plan, including the projected budget, the issues under dispute shall be submitted directly to the secretary of the department for immediate resolution.

(9) Each governing body that provides local funds shall have the authority to require necessary modification to only that portion of the district plan which affects alcohol, drug abuse, and mental health programs and services within the jurisdiction of said governing body.

Section 18. Section 394.76, Florida Statutes, is amended to read:

394.76 Financial provisions.—

(1) ~~The district administrator shall inform the board of which services included in the adopted district plan would be funded by the state and shall ensure that, to the extent possible within available resources, a continuum of integrated and comprehensive services will be available within the district.~~

(2) If in any fiscal year the approved state appropriation is insufficient to finance the programs and services specified by this part, the department shall have the authority to determine the amount of state funds available to each service district for such purposes in accordance with the priorities in both the state and district plans. *The district administrator shall consult with the planning council to ensure that the summary operating budget conforms to the approved plan.*

(3) The state share of financial participation shall be determined by the following formula:

(a) The state share of approved program costs shall be a percentage of the net balance determined by deducting from the total operating cost of services and programs, as specified in s. 394.675(1)(a), (b), and (c), 394.75(3):

1. those expenditures which are *ineligible for state participation not reimbursable* as provided in subsection (6) and those *ineligible nonreimbursable* expenditures established by rule of the department pursuant to s. 394.78.

2. ~~All federal funds unless otherwise designated by the department.~~

(b) Residential and case management services funded as part of a deinstitutionalization project shall not require local matching funds. All other contracted community alcohol and mental health services and programs, except as identified in s. 394.457(3), shall require local participation on a 75-to-25 state-to-local ratio.

~~(c) In order to be qualified for receipt of any state matching funds, the board applying for such funds must submit annually to the district administrator a budget, in such a form as prescribed by the department, specifying how such funds will be used. The district administrator shall integrate such board district budgets into a single budget document for submission to the Secretary of Health and Rehabilitative Services.~~

~~(c)(d)~~ The expenditure of 100 percent of all third-party payments and fees shall be considered as eligible for state financial participation if such expenditures are in accordance with subsection (6) and the approved district plan.

(d) Fees generated by residential and case management services funded as part of a deinstitutionalization program and not requiring local matching funds shall be used to support program costs approved in the district plan.

(e) Any earnings pursuant to Title XIX of the Social Security Act in excess of the amount appropriated shall be used to support program costs approved in the district plan.

(4) ~~The department district administrator~~ is authorized to make investigations and to require audits of expenditures. ~~The department district administrator~~ may authorize the use of private certified public accountants for such audits. Audits shall follow department guidelines.

(5) Claims for state payment shall be made in such form and in such manner as the department shall determine.

(6) Expenditures subject to state payment shall include expenditures ~~for~~ approved *in the district plan* for salaries of personnel; approved facilities and services provided through contract; operation, maintenance, and service cost; depreciation of facilities; and such other expenditures as may be approved by the district administrator. They shall not include expenditures for compensation to members of a community *agency alcohol or mental health board*, except actual and necessary expenses incurred in the performance of official duties, or expenditures for a purpose for which state payment is claimed under any other provision of law.

(7) Expenditures for capital improvements relating to construction of, additions to, purchase of, or renovation of a community alcohol, *drug abuse*, or mental health facility may be made by the state, provided that such expenditures or capital improvements are part and parcel of an ~~approved adopted board district plan approved by the district administrator~~. Nothing shall prohibit the use of such expenditures for construction of, additions to, renovation of, or purchase of facilities owned by a county, city, or other governmental agency of the state or a nonprofit entity. Such expenditures shall be subject to the provisions of ~~subsection subsections (3) and (5)~~.

(8) State funds for community alcohol and mental health services shall be matched by local matching funds as provided in paragraph (3)(b). Governing bodies within a district or subdistrict shall be required to participate in the funding of alcohol and mental health services under the jurisdiction of said governing body. The amount of the participation shall be at least that amount which, when added to other available local matching funds, is necessary to match state funds.

(9) *A local governing body is authorized to appropriate moneys, in lump sum or otherwise, from its public funds for the purpose of carrying out the provisions of this part. In addition to payment of claims upon submission of a proper voucher, such moneys may also, at the option of the governing body, be disbursed in the form of a lump sum or advance payment for services for expenditure in turn by the recipient of the disbursement without prior audit by the auditor of the governing body. Such funds shall be expended only for alcohol, drug abuse, or mental health purposes as provided in the approved district plan. Each governing body appropriating and disbursing moneys pursuant to this subsection shall require the expenditure of such moneys by the recipient of the disbursement to be audited annually, either in conjunction with an audit of other expenditures or by a separate audit. Such annual audits shall be furnished to the governing bodies of each participating county and municipality for their examination.*

(10) *Beginning in fiscal year 1984-1985, no additional local matching funds shall be required solely due to the addition in the General Appropriations Act of alcohol, drug abuse, and mental health block grant funds for local community mental health centers, drug abuse programs, and alcohol project grants.*

Section 19. Section 394.77, Florida Statutes, is amended to read:

394.77 Control of costs.—The department shall establish, for the purposes of control of costs:

(1) A uniform management information system and fiscal accounting system for use by providers of community alcohol, *drug abuse*, and mental health services.

(2) A uniform reporting system with uniform definitions and reporting categories.

~~The department is directed to simplify information and fiscal reporting requirements while increasing accountability for the expenditures of state funds.~~

Section 20. Section 394.78, Florida Statutes, is amended to read:

394.78 Operation and administration.—

(1) The Department of Health and Rehabilitative Services shall administer this part and shall adopt rules ~~and regulations~~ necessary for its administration.

(2)(a) The department shall, by ~~rule regulation~~, establish standards of education and experience for professional and technical personnel employed in *alcohol, drug abuse, and mental health programs*.

(b) Rules ~~and regulations~~ of the department shall be adopted in accordance with the Administrative Procedure Act under chapter 120.

(3) ~~The department shall establish, to the extent possible, a standardized auditing procedure for alcohol, drug abuse, and mental health service providers and audits of service providers shall be conducted pursuant to such procedure and the applicable department rules. Such procedure shall be supplied to all current and prospective contractors and subcontractors prior to the signing of any contracts. The district administrator shall review the district plan to determine that:~~

~~(a) It complies with the state plan, the requirements of this part, and the standards adopted under this part;~~

~~(b) The most effective and economical use will be made of available public and private mental health resources in the service district;~~

~~(c) Adequate provisions have been made for review and evaluation of the services provided in the service district.~~

~~(4) The department shall monitor service providers for compliance with contracts and applicable state and federal regulations. A representative of the district planning council shall be represented on the monitoring team. The district administrator and district governing bodies shall require modifications in the district plan which they deem necessary to bring the plan into conformance with the provisions of this part. Each governing body shall have the authority to require necessary modification to only that portion of the district plan which affects mental health programs and services within the jurisdiction of said governing body.~~

(5) In unresolved disputes regarding this part or rules established pursuant to this part, providers and district planning councils shall adhere to formal procedures as provided by the rules and regulations established by the department.

Section 21. Section 394.79, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 394.79, F.S., for present text.)

394.79 State plan.—

(1) The program office shall prepare a biennial alcohol, drug abuse, and mental health state plan. The plan shall:

(a) Consider both community and state treatment facility needs;

(b) Consider the unmet needs set forth in the previous year's district plans;

(c) Conform to the service priorities as established in s. 394.75(4);

(d) Address future trends, directions, and innovations to enhance the alcohol, drug abuse, and mental health service delivery system;

(e) Establish guidelines for the designation of service areas within each district and the services to be provided in the service area; and

(f) Establish guidelines and formats for district plans.

(2) The program office shall consult with the district administrators, state treatment facility administrators, and district planning councils in developing the state plan.

Section 22. Paragraph (g) of subsection (2) of section 396.042, Florida Statutes, is amended to read:

396.042 Duties and functions of the department.—

(2) In formulating and effecting the plan defined in subsection (1), the department shall:

(g) Develop, encourage, and foster statewide, regional, and local plans and programs in the field of alcoholism, which, whenever possible, will be carried out through the services and programs provided under the Community Alcohol, Drug Abuse, and Mental Health Services Act, part IV of chapter 394.

Section 23. Subsection (2) of section 396.072, Florida Statutes, is amended to read:

396.072 Treatment and services for intoxicated persons.—

(2) In detaining an intoxicated person and taking him to a treatment resource, the peace officer shall proceed whenever possible with the consent of the intoxicated person. If the person appears to be incapacitated and refuses his consent, he may be taken to a hospital or other appropriate treatment resource against his will, but unreasonable force shall not be used; or, for his own protection, he may be detained in protective cus-

tody by the police or public safety authority in any municipal or county jail or other detention facility for up to 72 hours. In addition, nothing contained in this section shall prevent the use of any municipal or county jail or other detention facility as a treatment resource in the same manner and to the same extent as is authorized by the other provisions of this chapter. If such protective custody is utilized and if the detention facility is not also a treatment resource, the officer in charge of the detention facility shall, within the first 8 hours of detention, notify the nearest treatment resource of the detention of the intoxicated person. It shall be the duty of the treatment resource, if necessary and appropriate, to arrange for the transportation from the detention facility to an appropriate treatment facility. The department, through any of its agencies, including the district mental health boards, shall annually notify in writing each municipal and county public safety office of the name, address, and phone number of the treatment resource nearest each detention facility.

Section 24. Subsection (3) of section 396.102, Florida Statutes, is amended to read:

396.102 Involuntary treatment of alcoholics.—

(3) At the hearing the court shall hear all relevant testimony, including the testimony of at least one physician, either in person or by an affidavit, who has examined the person whose commitment is sought. The person whose commitment is sought shall be present unless the court has reason to believe that his presence is likely to be injurious to him; in this event the court shall appoint a guardian ad litem to represent him throughout the proceeding. The court shall examine the person whose commitment is sought in open court or, if it be deemed advisable, out of court. If the person whose commitment is sought has refused to be examined by a physician, he shall be afforded an opportunity to consent to examination by a court-appointed physician. If he refuses and there is sufficient evidence to believe that the allegations of the petition are likely to be true, or, in any case, if the court believes that more evidence is necessary, the court may make a preliminary order committing the person to an appropriate treatment resource for a period of not more than 5 days for purposes of further evaluation. If after hearing all relevant evidence, including the results of any case findings, the court finds that the grounds for involuntary commitment have been met by clear and convincing proof, the court shall make a final order stating its findings and ordering the person to treatment at or through a treatment resource deemed appropriate by the court. However, with respect to the state treatment and research center, the court shall be guided and restricted by the admission policies and procedures relating to such facilities established by the department. If the court, after the hearing, determines that the person should be ordered to treatment by reason of alcoholism, the court shall seek advice as to available treatment resources from the board district administrator in the court's jurisdiction established under part IV of chapter 394, the Community Alcohol, Drug Abuse, and Mental Health Services Act, and may seek such assistance from any other appropriate community agency or treatment resource. If, in the course of the hearing, the court has reason to believe that the person, because of mental illness other than, or in addition to, alcoholism, is likely to injure himself or others if allowed to remain at liberty, or is in need of care or treatment and lacks sufficient capacity to make a responsible application on his own behalf, the court may initiate involuntary hospitalization proceedings under the provisions of part I of chapter 394.

Section 25. Paragraph (b) of subsection (1) of section 916.11, Florida Statutes, is amended to read:

916.11 Appointment of experts.—

(1)

(b) To the extent possible, at least one of the appointed experts shall be either a state-employed psychiatrist, psychologist, or physician if in the local vicinity; a psychiatrist, psychologist, or physician as designated by the district alcohol, drug abuse, and mental health program office board; or a community mental health center psychiatrist, psychologist, or physician.

Section 26. In order to further the efforts of the Department of Health and Rehabilitative Services in providing quality psychiatric care to mental health clients, there is created a Task Force on Public Psychiatry to assist the department, to be composed of: Two representatives from each of the departments of psychiatry at the University of Florida, the University of South Florida, and the University of Miami; the Deputy Secretary of Health and Rehabilitative Services; the Assistant Secretary

for Program Planning; and the director of the Alcohol, Drug Abuse, and Mental Health Program Office, or his designee. The task force shall meet at least quarterly for the purpose of developing and overseeing the implementation of plans to enhance the quality of psychiatric care available to clients receiving public mental health services. The task force shall report to the Legislature by March 1, 1985, on their accomplishments during 1984, and on the status of psychiatric care in the public sector in Florida. The task force shall expire 30 days after submitting its report to the Legislature. Members of the task force shall receive no compensation, but shall be reimbursed for travel expenses as provided in s. 112.061, Florida Statutes.

Section 27. Sections 394.69, 394.70, 394.71, and 394.72, Florida Statutes, and section 394.81, Florida Statutes, as amended by chapter 82-223, Laws of Florida, are hereby repealed.

Section 28. Section 394.715, Florida Statutes, is repealed on October 1, 1994, and the alcohol, drug abuse, and mental health planning councils shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes, the Sundown Act.

Section 29. This act shall take effect July 1, 1984, except that subsections (2), (4), (9), and (11) of section 394.459, Florida Statutes, as amended herein, and sections 7 through 9 of this act shall take effect January 1, 1985, and subsection (1) of section 394.459, Florida Statutes, as amended herein, shall take effect July 1, 1985.

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

Amendment 1A—On page 10, line 11, before the period (.) insert: ; however, this prohibition does not apply to the transportation of any person for detention or treatment under chapter 396

Senator Malchon moved the following amendment to Amendment 1 which failed:

Amendment 1B—On page 11, strike all of lines 16-19 and insert: provisions of law.

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

Amendment 1C—On page 14, line 31, after "or others" and before the period (.) insert: except when there is no cost efficient alternative

Further consideration of CS for HB 1273 was deferred.

On motion by Senator Johnston, the rules were waived and by two-thirds vote CS for SB 913 was withdrawn from the Committee on Appropriations.

HB 619—A bill to be entitled An act relating to elections; amending s. 97.061, F.S., relating to electors requiring assistance to vote; amending s. 98.031, F.S., relating to changes in election precincts; amending s. 99.012, F.S., relating to disclosure of financial interests by candidates; amending s. 99.061, F.S., relating to qualifying dates for special district elections; amending s. 100.371, F.S., relating to retention of petition forms; amending s. 101.051, F.S., relating to electors requiring assistance to vote; amending s. 101.161, F.S., relating to constitutional amendments by initiative; amending ss. 106.011 and 106.03, F.S., raising the limit for registration of political committees to \$500; amending s. 106.021, F.S., relating to campaign depositories; amending ss. 106.07, 106.141, and 106.29, F.S., relating to the date of filing reports by political committees, elected candidates, and political parties; amending s. 106.25, F.S., modifying confidentiality requirements with respect to certain records and proceedings of the Florida Elections Commission; amending s. 111.011, F.S., relating to statement of contributions received by elected public officers; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 12, strike all of lines 1-24 and insert: this chapter shall be confidential, shall be exempt from the provisions of s. 119.07(1) and chapter 286, and shall be exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violations, unless confidentiality is waived in writing by the person against whom the complaint has been filed. Upon entry of an order by the commission disposing of a case

before it, the entire proceedings and records relating to such case shall become a public record, except that if an order disposing of a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such order and the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the commission with respect to an alleged violation of this chapter, the commission shall not publicly enter an order disposing of the findings of the case until the disposition of the entire case has been determined. However,

Further consideration of HB 619 was deferred.

On motion by Senator Jenne, 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 concurred in Senate Amendments 2, 3, 4 and 6; and has refused to concur in Senate Amendments 1 and 5 and requests the Senate to recede; and passed CS for HB 997 as amended.

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.

Allen Morris, Clerk

On motions by Senator Jenne, the Senate refused to recede from Senate Amendments 1 and 5 and again requested the House to concur. The action of the Senate was certified to the House.

SPECIAL ORDER, continued

SB 1076—A bill to be entitled An act relating to elevators; amending s. 399.061, F.S.; providing that certain elevator inspection requirements do not apply to elevators that serve only 2 adjacent floors of a building; providing an effective date.

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

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Scott

The Senate resumed consideration of—

SB 756—A bill to be entitled An act relating to the Department of Transportation; authorizing the department to covenant to complete certain revenue producing projects for the Broward County Expressway System; providing conditions; providing an effective date.

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

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

Amendment 3—On page 3, strike all of lines 8-12 and insert: the 1984 bonds. The agreement shall provide that the department be reimbursed annually for all operating and maintenance costs of the facilities from excess tolls or the surplus 80 percent Constitutional Gas Tax.

Senator McPherson moved the following amendments which were adopted:

Amendment 4—On page 3, between lines 12 and 13, insert:

Section 4. Notwithstanding the provisions of s. 215.70(4), Florida Statutes, if tolls and the pledged portion of the constitutional gas tax are insufficient to satisfy the debt service on the bonds in any fiscal or bond year, those funds appropriated to the Department of Transportation from proceeds of the State Transportation Trust Fund and programmed by the Department of Transportation for state projects within Broward County will be used to satisfy debt service prior to invoking the full faith and credit of the state to the extent funds are not committed contractually to other projects in Broward County. The State Board of Administration is authorized to implement the provisions of this section and to withhold any funds to the extent necessary to achieve the purposes herein, provided funds are not withheld prior to a determination that the tolls and the pledged portion of the constitutional gas tax are insufficient to satisfy the debt service on the bonds in any fiscal or bond year.

Amendment 5—In title, on page 1, line 6, after "conditions;" and insert: providing priorities for the commitment of funds necessary to satisfy the debt service on certain bonds;

On motion by Senator McPherson, by two-thirds vote SB 756 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

| | | | |
|-----------------|-----------|-------------|-----------|
| Barron | Girardeau | Kirkpatrick | Stuart |
| Beard | Gordon | Langley | Thomas |
| Carlucci | Grant | Malchon | Thurman |
| Childers, D. | Grizzle | Mann | Vogt |
| Childers, W. D. | Hair | Margolis | Weinstein |
| Crawford | Hill | McPherson | |
| Dunn | Jennings | Plummer | |
| Fox | Johnston | Rehm | |

Nays—None

Vote after roll call:

Yea—Frank, Gersten, Jenne, Scott

Consideration of SB 793 was deferred.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Thomas, the rules were waived and by two-thirds vote HB 908 and SB 75 were withdrawn from the Committee on Commerce.

On motion by Senator Thurman, 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—

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 permit holder 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 duration 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 permit holders and imposing limitations upon such substitutions; expanding the mileage restriction on the substitution of thoroughbred horses and providing an exception for permittees holding nonwagering permits; 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.; 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; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 15, strike everything after the enacting clause and insert: New Sections.

Section 1. Subsection (5) of section 550.48, Florida Statutes, is hereby repealed.

Section 2. A new subsection (3) is added to section 550.48, Florida Statutes, subsections (3) and (4) are renumbered as subsections (4) and (5), respectively, and paragraph (a) of subsection (6) of said section is amended to read:

550.48 Totalisator licensing.—

(3) *Each totalisator owner or operator shall, in addition to the totalisator license fees required hereunder, file with the division a surety bond acceptable to the division in the sum of \$75,000 as surety for the payment of taxes which the state would have collected but for the failure of the totalisator system operated at any permit holder's track or fronton. The division may, from time to time, upon the determination of good cause, require an increase of the bond of such totalisator owner or operator to an amount not to exceed \$150,000. No more than one bond shall be required of any totalisator owner or operator pursuant to this subsection.*

(a) *Upon any failure of any totalisator system, and upon determination by the division that tax revenues have been lost, a notice to show cause shall be issued against the totalisator owner or operator setting forth specifically the amount of taxes which would have been due the state had the totalisator system not failed, the fact that makeup days or races are not possible to recapture the taxes estimated to have been lost, and such other specific information as the division deems to be relevant.*

(b) *After a hearing pursuant to chapter 120 and upon failure of the totalisator owner or operator to make the payment found to be due the state, the division may cause forfeiture of bond and the proceeds from the bond shall be deposited into the pari-mutuel trust fund.*

(c) *No totalisator owner or operator shall be liable for any taxes due the state, when it can be shown that the failure of the totalisator system was beyond the control of the totalisator owner or operator, that the failure of the totalisator system was caused by an act of God, or that such lost race, races, or performances have been made up by the permit holder with substantially the same level of pari-mutuel handle as would have otherwise been anticipated on the lost race, races, or performances.*

(6)(a) *The division, after due process in accordance with chapter 120, may suspend or revoke any license issued pursuant to this section at any track or fronton, upon the willful violation by the licensee of any of the provisions of this section or of any rule adopted by the division under the provisions of this section.*

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

Amendment 2—On page 1 in the title, lines 1-31, on page 2, lines 1-31, and on page 3, lines 1-11, strike all of the title and insert: A bill to be entitled An act relating to totalisators; amending s. 550.48, F.S.; providing for the posting of a surety bond by totalisator owners and operators as a condition precedent to receipt of a totalisator license; providing for forfeiture of the bond upon a reduction in handle caused by the totalisator or the totalisator owner or operator; repealing subsection (5) of s. 550.48, F.S., relating to totalisator operations; providing an effective date.

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

Amendment 1—On pages 1 and 2, strike the entire amendment and insert:

Section 1. 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, to read:

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 cancelled races, games, or performances due to any acts of the totalisator owner or operator, or its agents or employees, or due to any failure of the totalisator system, except for circumstances 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, or proof of insurance in the amount of \$75,000, insuring the state against such a revenue loss. However, 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 or proof of insurance.

(b) In the event of a loss of state tax revenues, the division shall make the following determinations:

1. the estimated revenue loss as a result of missed or cancelled races, games or performances;
2. the number of races, games or performances which are practicable for the permitholder to conduct in an attempt to mitigate the revenue loss; and
3. the amount of the revenue loss which the make-up races, games or performances will not recover and for which the totalisator owner or operator is liable.

(c) Upon the making of such determinations, the division shall issue to the totalisator owner or operator and to the affected permitholder an order setting forth the division's determinations.

(d) In the event the order is contested by either the totalisator owner or operator or the affected permitholder, the provisions of chapter 120 shall apply. If the totalisator owner or operator contests the order on the grounds that the revenue loss was due to circumstances beyond its control, then the totalisator owner or operator shall have the burden of so proving that circumstances were in fact beyond its control. For purposes of this subsection, strikes and acts of God shall be considered to be beyond the control of the totalisator owner or operator.

(e) Upon the failure of the totalisator owner or operator to make the payment found to be due the state, the division may cause the forfeiture of the bond or proceed against the insurance contract, and the proceeds of the bond or contract shall be deposited into the Pari-Mutuel Wagering Tax Collection Trust Fund. In the event no bond is posted or no insurance is obtained, the division may proceed against any assets of the totalisator owner or operator to collect amounts due under this subsection.

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

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

Amendment 1—In title, on page 1, line 1, strike all of the title and insert: A bill to be entitled An act relating to totalisators; amending s. 550.48, F.S., providing for the posting of a surety bond or proof of insur-

ance by totalisator owners and operators as a condition precedent to receipt of a totalisator license; providing for liability of totalisator owner or operator for certain tax revenues lost due to a failure of the totalisator system; providing an effective date.

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

CS for SB 716 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

| | | | |
|-----------------|-----------|-------------|-----------|
| Barron | Girardeau | Johnston | Scott |
| Carlucci | Grant | Kirkpatrick | Stuart |
| Childers, D. | Grizzle | Malchon | Thomas |
| Childers, W. D. | Hair | Margolis | Thurman |
| Crawford | Henderson | McPherson | Vogt |
| Fox | Hill | Myers | Weinstein |
| Frank | Jennings | Rehm | |

Nays—None

Vote after roll call:

Yea—Gersten, Jenne

The hour of 4:00 p.m. having arrived, the Senate proceeded to consideration of—

CS for 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.

—which was read the first time by title. On motions by Senator Margolis, by two-thirds vote CS for SB 1152 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

| | | | |
|-----------------|-----------|----------|-----------|
| Beard | Girardeau | Malchon | Stuart |
| Castor | Gordon | Mann | Thomas |
| Childers, D. | Grant | Margolis | Thurman |
| Childers, W. D. | Grizzle | Meek | Vogt |
| Crawford | Hair | Myers | Weinstein |
| Deratany | Hill | Plummer | |
| Fox | Johnston | Rehm | |
| Frank | Langley | Scott | |

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Kirkpatrick, McPherson

SJR 1157—A joint resolution proposing an amendment to Section 9, Article XII of the State Constitution, relating to gross receipts taxes.

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

That the following amendment to Section 9 of Article XII of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1984:

ARTICLE XII
SCHEDULE

SECTION 9. Bonds.—

(a) ADDITIONAL SECURITIES.

(1) Article IX, Section 17, of the Constitution of 1885, as amended, as it existed immediately before this Constitution, as revised in 1968, became effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except revenue bonds, revenue certificates or other evidences of indebtedness hereafter issued thereunder may be issued by the agency of the state so authorized by law.

(2) That portion of Article XII, Section 9, Subsection (a) of this Constitution, as amended, which by reference adopted Article XII, Section 19 of the Constitution of 1885, as amended, as the same existed immediately before the effective date of this amendment is adopted by this reference as part of this revision as completely as though incorporated herein verbatim, for the purpose of providing that after the effective date of this amendment all of the proceeds of the revenues derived from the gross receipts taxes, as therein defined, collected in each year shall be applied as provided therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds or certificates issued before the effective date of this amendment or any refundings thereof which are secured by such gross receipts taxes. No bonds or other obligations may be issued pursuant to the provisions of Article XII, Section 19, of the Constitution of 1885, as amended, but this provision shall not be construed to prevent the refunding of any such outstanding bonds or obligations pursuant to the provisions of this subsection (a)(2).

Subject to the requirements of the first paragraph of this subsection (a)(2), beginning July 1, 1975, and for fifty years thereafter, all of the proceeds of the revenues derived from the gross receipts taxes collected from every person, including municipalities, as provided and levied pursuant to the provisions of ~~as of the time of adoption of this subsection (a)(2) in~~ chapter 203, Florida Statutes, (hereinafter called "gross receipts taxes"), as in existence as of the date of the adoption of this amendment or as such chapter is amended from time to time, shall, as collected, be placed in a trust fund to be known as the "public education capital outlay and debt service trust fund" in the state treasury (hereinafter referred to as "capital outlay fund"), and used only as provided herein.

The capital outlay fund shall be administered by the state board of education as created and constituted by Section 2 of Article IX of the Constitution of Florida as revised in 1968 (hereinafter referred to as "state board"), or by such other instrumentality of the state which shall hereafter succeed by law to the powers, duties and functions of the state board, including the powers, duties and functions of the state board provided in this subsection (a)(2). The state board shall be a body corporate and shall have all the powers provided herein in addition to all other constitutional and statutory powers related to the purposes of this subsection (a)(2) heretofore or hereafter conferred by law upon the state board, or its predecessor created by the Constitution of 1885, as amended.

State bonds pledging the full faith and credit of the state may be issued, without a vote of the electors, by the state board pursuant to law to finance or refinance capital projects theretofore authorized by the legislature, and any purposes appurtenant or incidental thereto, for the state system of public education provided for in Section 1 of Article IX of this Constitution (hereinafter referred to as "state system"), including but not limited to institutions of higher learning, junior colleges, vocational technical schools, or public schools, as now defined or as may hereafter be defined by law. All such bonds shall mature not later than July 1, 2025. All other details of such bonds shall be as provided by law or by the proceedings authorizing such bonds; provided, however, that no bonds, except refunding bonds, shall be issued, and no proceeds shall be expended for the cost of any capital project, unless such project has been authorized by the legislature.

Bonds issued pursuant to this subsection (a)(2) shall be primarily payable from such revenues derived from gross receipts taxes, and shall be additionally secured by the full faith and credit of the state. No such bonds shall ever be issued in an amount exceeding ninety percent of the amount which the state board determines can be serviced by the revenues derived from the gross receipts taxes accruing thereafter under the provisions of this subsection (a)(2), and such determination shall be conclusive.

The moneys in the capital outlay fund in each fiscal year shall be used only for the following purposes and in the following order of priority:

a. For the payment of the principal of and interest on any bonds maturing in such fiscal year;

b. For the deposit into any reserve funds provided for in the proceedings authorizing the issuance of bonds of any amounts required to be deposited in such reserve funds in such fiscal year;

c. For direct payment of the cost or any part of the cost of any capital project for the state system theretofore authorized by the legislature, or for the purchase or redemption of outstanding bonds in accordance with the provisions of the proceedings which authorized the issuance of such bonds.

(b) REFUNDING BONDS. Revenue bonds to finance the cost of state capital projects issued prior to the date this revision becomes effective, including projects of the Florida state turnpike authority or its successor but excluding all portions of the state highway system, may be refunded as provided by law without vote of the electors at a lower net average interest cost rate by the issuance of bonds maturing not later than the obligations refunded, secured by the same revenues only.

(c) MOTOR VEHICLE FUEL TAXES.

(1) A state tax, designated "second gas tax," of two cents per gallon upon gasoline and other like products of petroleum and an equivalent tax upon other sources of energy used to propel motor vehicles as levied by Article IX, Section 16, of the Constitution of 1885, as amended, is hereby continued. The proceeds of said tax shall be placed monthly in the state roads distribution fund in the state treasury.

(2) Article IX, Section 16, of the Constitution of 1885, as amended, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim for the purpose of providing that after the effective date of this revision the proceeds of the "second gas tax" as referred to therein shall be allocated among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds, revenue certificates and tax anticipation certificates or any refundings thereof secured by any portion of the "second gas tax."

(3) No funds anticipated to be allocated under the formula stated in Article IX, Section 16, of the Constitution of 1885, as amended, shall be pledged as security for any obligation hereafter issued or entered into, except that any outstanding obligations previously issued pledging revenues allocated under said Article IX, Section 16, may be refunded at a lower average net interest cost rate by the issuance of refunding bonds, maturing not later than the obligations refunded, secured by the same revenues and any other security authorized in paragraph (5) of this subsection.

(4) Subject to the requirements of paragraph (2) of this subsection and after payment of administrative expenses, the "second gas tax" shall be allocated to the account of each of the several counties in the amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population to the total population of the state in accordance with the latest available federal census, and one-half in the ratio of the total "second gas tax" collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year. If the annual debt service requirements of any obligations issued for any county, including any deficiencies for prior years, secured under paragraph (2) of this subsection, exceeds the amount which would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) of this subsection shall be administered by the state board of administration created under said Article IX, Section 16, of the Constitution of 1885, as amended, and which is continued as a body corporate for the life of this subsection 9(c). The board shall remit the proceeds of the "second gas tax" in each county account for use in said county as follows: eighty per cent to the state agency supervising the state road system and twenty per cent to the governing body of the county. The percentage allocated to the county may be increased by general law. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph (5) shall be used first, for the payment of obligations pledging revenues allocated pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refundings thereof; second, for the payment of debt service on bonds issued as provided by this paragraph (5) to finance the acquisition and construction of roads as defined by law; and third, for the acquisition and construction of roads and for road maintenance as authorized by law. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without any election: (i) to refund obligations

secured by any portion of the "second gas tax" allocated to a county under Article IX, Section 16, of the Constitution of 1885, as amended; (ii) to finance the acquisition and construction of roads in a county when approved by the governing body of the county and the state agency supervising the state road system; and (iii) to refund obligations secured by any portion of the "second gas tax" allocated under paragraph 9(c)(4). No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the "second gas tax" allocated to the county exceed seventy-five per cent of the pledged portion of the "second gas tax" allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five state fiscal years of operation of new projects to be financed, and of any other legally available pledged revenues collected in the preceding state fiscal year. Bonds issued pursuant to this subsection shall be payable primarily from the pledged tolls, the pledged portions of the "second gas tax" allocated to that county, and any other pledged revenue, and shall mature not later than forty years from the date of issuance.

(d) SCHOOL BONDS.

(1) Article XII, Section 9, Subsection (d) of this constitution, as amended, (which, by reference, adopted Article XII, Section 18, of the Constitution of 1885, as amended) as the same existed immediately before the effective date of this amendment is adopted by this reference as part of this amendment as completely as though incorporated herein verbatim, for the purpose of providing that after the effective date of this amendment the first proceeds of the revenues derived from the licensing of motor vehicles as referred to therein shall be distributed annually among the several counties in the ratio of the number of instruction units in each county, the same being coterminus with the school district of each county as provided in Article IX, Section 4, Subsection (a) of this constitution, in each year computed as provided therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds or motor vehicle tax anticipation certificates issued before the effective date of this amendment or any refundings thereof which are secured by any portion of such revenues derived from the licensing of motor vehicles.

(2) No funds anticipated to be distributed annually among the several counties under the formula stated in Article XII, Section 9, Subsection (d) of this constitution, as amended, as the same existed immediately before the effective date of this amendment shall be pledged as security for any obligations hereafter issued or entered into, except that any outstanding obligations previously issued pledging such funds may be refunded at a lower net average interest cost rate by the issuance of refunding bonds maturing not later than the obligations refunded, secured by the same revenues and any other security authorized in paragraph (13) of this subsection (d).

(3) Subject to the requirements of paragraph (1) of this subsection (d) beginning July 1, 1973 and for thirty-five years thereafter, the first proceeds of the revenues derived from the licensing of motor vehicles to the extent necessary to comply with the provisions of this amendment, shall, as collected, be placed monthly in the school district and junior college district capital outlay and debt service fund in the state treasury and used only as provided in this amendment. Such revenue shall be distributed annually among the several school districts and junior college districts in the ratio of the number of instruction units in each school district or junior college district in each year computed as provided herein. The amount of the first revenues derived from the state motor vehicle license taxes to be so set aside in each year and distributed as provided herein shall be an amount equal in the aggregate to the product of six hundred dollars (\$600) multiplied by the total number of instruction units in all the school districts of Florida for the school fiscal year 1967-68, plus an amount equal in the aggregate to the product of eight hundred dollars (\$800) multiplied by the total number of instruction units in all the school districts of Florida for the school fiscal year 1972-73 and for each school fiscal year thereafter which is in excess of the total number of such instruction units in all the school districts of Florida for the school fiscal year 1967-68, such excess units being designated "growth units." The amount of the first revenues derived from the state motor vehicle license taxes to be so set aside in each year and distributed as provided herein shall additionally be an amount equal in the aggregate to the product of four hundred dollars (\$400) multiplied by the total number of instruction units in all junior college districts of Florida. The number of instruction units in each school district or junior college district in each

year for the purposes of this amendment shall be the greater of (1) the number of instruction units in each school district for the school fiscal year 1967-68 or junior college district for the school fiscal year 1968-69 computed in the manner heretofore provided by general law, or (2) the number of instruction units in such school district, including growth units, or junior college district for the school fiscal year computed in the manner heretofore or hereafter provided by general law and approved by the state board of education (hereinafter called the state board), or (3) the number of instruction units in each school district, including growth units, or junior college district on behalf of which the state board has issued bonds or motor vehicle tax anticipation certificates under this amendment which will produce sufficient revenues under this amendment to equal one and twelve-hundredths (1.12) times the aggregate amount of principal of and interest on all bonds or motor vehicle tax anticipation certificates issued under this amendment which will mature and become due in such year, computed in the manner heretofore or hereafter provided by general law and approved by the state board.

(4) Such funds so distributed shall be administered by the state board as now created and constituted by Section 2 of Article IX of the State Constitution as revised in 1968, or by such other instrumentality of the state which shall hereafter succeed by law to the powers, duties and functions of the state board, including the powers, duties and functions of the state board provided in this amendment. For the purposes of this amendment, said state board shall be a body corporate and shall have all the powers provided in this amendment in addition to all other constitutional and statutory powers related to the purposes of this amendment heretofore or hereafter conferred upon said state board.

(5) The state board shall, in addition to its other constitutional and statutory powers, have the management, control and supervision of the proceeds of the first part of the revenues derived from the licensing of motor vehicles provided for in this subsection (d). The state board shall also have power, for the purpose of obtaining funds for the use of any school board of any school district or board of trustees of any junior college district in acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects for school purposes to issue bonds or motor vehicle tax anticipation certificates, and also to issue such bonds or motor vehicle tax anticipation certificates to pay, fund or refund any bonds or motor vehicle tax anticipation certificates theretofore issued by said state board. All such bonds or motor vehicle tax anticipation certificates shall bear interest at not exceeding five per centum per annum, or such higher interest rate as may be authorized by statute heretofore or hereafter passed by a three-fifths ($\frac{3}{5}$) vote of each house of the legislature. All such bonds shall mature serially in annual installments commencing not more than three (3) years from the date of issuance thereof and ending not later than thirty (30) years from the date of issuance, or July 1, 2007, A.D., whichever is earlier. All such motor vehicle tax anticipation certificates shall mature prior to July 1, 2007, A.D. The state board shall have power to determine all other details of said bonds or motor vehicle tax anticipation certificates and to sell at public sale after public advertisement, or exchange said bonds or motor vehicle tax anticipation certificates, upon such terms and conditions as the state board shall provide.

(6) The state board shall also have power to pledge for the payment of the principal of and interest on such bonds or motor vehicle tax anticipation certificates, including refunding bonds or refunding motor vehicle tax anticipation certificates, all or any part from the anticipated revenues to be derived from the licensing of motor vehicles provided for in this amendment and to enter into any covenants and other agreements with the holders of such bonds or motor vehicle tax anticipation certificates at the time of the issuance thereof concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

(7) No such bonds or motor vehicle tax anticipation certificates shall ever be issued by the state board until after the adoption of a resolution requesting the issuance thereof by the school board of the school district or board of trustees of the junior college district on behalf of which the obligations are to be issued. The state board of education shall limit the amount of such bonds or motor vehicle tax anticipation certificates which can be issued on behalf of any school district or junior college district to ninety percent (90%) of the amount which it determines can be serviced by the revenue accruing to the school district or junior college district

under the provisions of this amendment, and such determination shall be conclusive. All such bonds or motor vehicle tax anticipation certificates shall be issued in the name of the state board of education but shall be issued for and on behalf of the school board of the school district or board of trustees of the junior college district requesting the issuance thereof, and no election or approval of qualified electors shall be required for the issuance thereof.

(8) The state board shall in each year use the funds distributable pursuant to this amendment to the credit of each school district or junior college district only in the following manner and in order of priority:

a. To comply with the requirements of paragraph (1) of this subsection (d).

b. To pay all amounts of principal and interest maturing in such year on any bonds or motor vehicle tax anticipation certificates issued under the authority hereof, including refunding bonds or motor vehicle tax anticipation certificates, issued on behalf of the school board of such school district or board of trustees of such junior college district; subject, however, to any covenants or agreements made by the state board concerning the rights between holders of different issues of such bonds or motor vehicle tax anticipation certificates, as herein authorized.

c. To establish and maintain a sinking fund or funds to meet future requirements for debt service or reserves therefor, on bonds or motor vehicle tax anticipation certificates issued on behalf of the school board of such school district or board of trustees of such junior college district under the authority hereof, whenever the state board shall deem it necessary or advisable, and in such amounts and under such terms and conditions as the state board shall in its discretion determine.

d. To distribute annually to the several school boards of the school districts or the boards of trustees of the junior college districts for use in payment of debt service on bonds heretofore or hereafter issued by any such school boards of the school districts or boards of trustees of the junior college districts where the proceeds of the bonds were used, or are to be used, in the acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects in such school districts or junior college districts and which capital outlay projects have been approved by the school board of the school district or board of trustees of the junior college district, pursuant to the most recent survey or surveys conducted under regulations prescribed by the state board to determine the capital outlay needs of the school district or junior college district. The state board shall have power at the time of issuance of any bonds by any school board of any school district or board of trustees of any junior college district to covenant and agree with such school board or board of trustees as to the rank and priority of payments to be made for different issues of bonds under this subparagraph d., and may further agree that any amounts to be distributed under this subparagraph d. may be pledged for the debt service on bonds issued by any school board of any school district or board of trustees of any junior college district and for the rank and priority of such pledge. Any such covenants or agreements of the state board may be enforced by any holders of such bonds in any court of competent jurisdiction.

e. To distribute annually to the several school boards of the school districts or boards of trustees of the junior college districts for the payment of the cost of acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects for school purposes in such school district or junior college district as shall be requested by resolution of the school board of the school district or board of trustees of the junior college district.

f. When all major capital outlay needs of a school district or junior college district have been met as determined by the state board, on the basis of a survey made pursuant to regulations of the state board and approved by the state board, all such funds remaining shall be distributed annually and used for such school purposes in such school district or junior college district as the school board of the school district or board of trustees of the junior college district shall determine, or as may be provided by general law.

(9) Capital outlay projects of a school district or junior college district shall be eligible to participate in the funds accruing under this amendment and derived from the proceeds of bonds and motor vehicle tax anticipation certificates and from the motor vehicle license taxes, only in the order of priority of needs, as shown by a survey or surveys conducted

in the school district or junior college district under regulations prescribed by the state board, to determine the capital outlay needs of the school district or junior college district and approved by the state board; provided that the priority of such projects may be changed from time to time upon the request of the school board of the school district or board of trustees of the junior college district and with the approval of the state board; and provided further, that this paragraph (9) shall not in any manner affect any covenant, agreement or pledge made by the state board in the issuance by said state board of any bonds or motor vehicle tax anticipation certificates, or in connection with the issuance of any bonds of any school board of any school district, or board of trustees of any junior college district.

(10) The state board may invest any sinking fund or funds created pursuant to this amendment in direct obligations of the United States of America or in the bonds or motor vehicle tax anticipation certificates, issued by the state board on behalf of the school board of any school district or board of trustees of any junior college district.

(11) The state board shall have power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this amendment of full force and operating effect. The legislature shall not reduce the levies of said motor vehicle license taxes during the life of this amendment to any degree which will fail to provide the full amount necessary to comply with the provisions of this amendment and pay the necessary expenses of administering the laws relating to the licensing of motor vehicles, and shall not enact any law having the effect of withdrawing the proceeds of such motor vehicle license taxes from the operation of this amendment and shall not enact any law impairing or materially altering the rights of the holders of any bonds or motor vehicle tax anticipation certificates issued pursuant to this amendment or impairing or altering any covenant or agreement of the state board, as provided in such bonds or motor vehicle tax anticipation certificates.

(12) The state board shall have power to appoint such persons and fix their compensation for the administration of the provisions of this amendment as it shall deem necessary, and the expenses of the state board in administering the provisions of this amendment shall be prorated among the various school districts and junior college districts and paid out of the proceeds of the bonds or motor vehicle tax anticipation certificates or from the funds distributable to each school district or junior college district on the same basis as such motor vehicle license taxes are distributable to the various school districts or junior college districts under the provisions of this amendment. Interest or profit on sinking fund investments shall accrue to the school districts or junior college districts in proportion to their respective equities in the sinking fund or funds.

(13) Bonds issued by the state board pursuant to this subsection (d) shall be payable primarily from said motor vehicle license taxes as provided herein, and if heretofore or hereafter authorized by law, may be additionally secured by pledging the full faith and credit of the state without an election. When heretofore or hereafter authorized by law, bonds issued pursuant to Article XII, Section 18 of the Constitution of 1885, as amended prior to 1968, and bonds issued pursuant to Article XII, Section 9, subsection (d) of the Constitution as revised in 1968, and bonds issued pursuant to this subsection (d), may be refunded by the issuance of bonds additionally secured by the full faith and credit of the state only at a lower net average interest cost rate.

(e) DEBT LIMITATION. Bonds issued pursuant to this Section 9 of Article XII which are payable primarily from revenues pledged pursuant to this section shall not be included in applying the limits upon the amount of state bonds contained in Section 11, Article VII, of this revision.

(f) If, at the general election at which this amendment is adopted, there is also adopted an amendment to this section wherein the proposed language of subsection (a) differs from that contained herein, then such other language as to subsection (a) shall prevail over the language of subsection (a) as contained herein.

(g) If, at the general election at which this amendment is adopted, there is also adopted an amendment to this section wherein the proposed language of subsection (d) differs from that contained herein, then such other language shall prevail over the language of subsection (d) as contained herein.

(h) If, at the general election at which this amendment is adopted, there is also adopted an amendment to this section wherein the proposed language of subsection (c) differs from that contained herein, then such other language as to subsection (c) shall prevail over the language of subsection (c) as contained herein. This amendment shall take effect as of July 1, 1975.

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

CONSTITUTIONAL AMENDMENT

ARTICLE XII, SECTION 9

GROSS RECEIPTS TAXES.—Proposing an amendment to the State Constitution to amend the definition of gross receipts taxes to provide that gross receipts taxes shall have such meaning as provided by law.

—was read the second time in full. On motion by Senator Margolis, by two-thirds vote SJR 1157 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—29

| | | | |
|-----------------|-------------|----------|-----------|
| Barron | Gordon | Malchon | Stuart |
| Beard | Grant | Mann | Thomas |
| Childers, D. | Grizzle | Margolis | Thurman |
| Childers, W. D. | Hair | Meek | Vogt |
| Deratany | Hill | Myers | Weinstein |
| Fox | Johnston | Plummer | |
| Frank | Kirkpatrick | Rehm | |
| Girardeau | Langley | Scott | |

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, McPherson

The Senate resumed consideration of—

HB 619—A bill to be entitled An act relating to elections; amending s. 97.061, F.S., relating to electors requiring assistance to vote; amending s. 98.031, F.S., relating to changes in election precincts; amending s. 99.012, F.S., relating to disclosure of financial interests by candidates; amending s. 99.061, F.S., relating to qualifying dates for special district elections; amending s. 100.371, F.S., relating to retention of petition forms; amending s. 101.051, F.S., relating to electors requiring assistance to vote; amending s. 101.161, F.S., relating to constitutional amendments by initiative; amending ss. 106.011 and 106.03, F.S., raising the limit for registration of political committees to \$500; amending s. 106.021, F.S., relating to campaign depositories; amending ss. 106.07, 106.141, and 106.29, F.S., relating to the date of filing reports by political committees, elected candidates, and political parties; amending s. 106.25, F.S., modifying confidentiality requirements with respect to certain records and proceedings of the Florida Elections Commission; amending s. 111.011, F.S., relating to statement of contributions received by elected public officers; providing an effective date.

—which was taken up with pending Amendment 1 which was adopted.

Senator Castor moved the following amendment which was adopted:

Amendment 2—On page 2, line 31, insert:

Section 2. Subsection (1) of section 98.271, Florida Statutes, is amended to read:

98.271 Appointment of deputy supervisors, authority; compensation.—

(1) Each supervisor of elections shall select and appoint, subject to removal by him, as many deputy supervisors as may be necessary, whose compensation shall be paid by the supervisor of elections and who shall have the same powers and whose acts shall be as effective as the acts of the supervisor. *However, the supervisor shall limit the power to appoint deputy supervisors to designated deputy supervisors.* Each deputy supervisor of elections shall, before entering office, make an oath in writing that he will faithfully perform the duties of his office, which oath shall be acknowledged by the supervisor or *designated deputy supervisor*, and filed in the office of the supervisor.

(Renumber subsequent sections.)

Senator Meek moved the following amendment:

Amendment 3—On page 3, between lines 20 and 21, insert: New Section 3

98.051 Registration books for permanent registration system; when open or closed.—

(1)(a) The office of the supervisor of elections shall be open Monday through Friday, excluding legal holidays, for a period of not less than 8 hours per day, beginning no later than 9 a.m.

(b) A supervisor may keep his office and any branch offices open on any weekday, excluding legal holidays, for 10 hours in addition to the 8 hours specified in paragraph (a), provided notice of the time and place is published at least once, not less than 1 day prior to such extension of time, in a newspaper of general circulation in the county in which such offices are to be located. However, if the publication deadline for such notice cannot be met, the public notice shall be posted at the courthouse and may be advertised in the news media. *Any state, county, or municipal agency is authorized to provide voter registration services and, upon the approval of the supervisor of elections, may be deemed a branch office location as provided in s. 97.021(19).*

(Renumber subsequent sections.)

Senator Meek moved the following amendment to Amendment 3 which was adopted:

Amendment 3A—On page 1, strike all of lines 16-18 and insert: news media. *Upon the approval of the supervisor of elections, any state, county, or municipal agency is authorized to provide voter registration services and may be deemed a*

Amendment 3 as amended was adopted.

Senator Jennings moved the following amendment which was adopted:

Amendment 4—On page 7, between lines 24 and 25, insert:

Section 8. Subsection (1) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(1) Each political party of the state shall be represented by a state executive committee. County executive committees and other committees may be established in accordance with the rules of the state executive committee. A political party may provide for the selection of its national committee and its state and county executive committees in such manner as it deems proper. Unless otherwise provided by party rule, the county executive committee of each political party shall consist of at least two members, a man and a woman, from each precinct, who shall be called the precinct committeeman and committeewoman. In counties divided into 40 or more precincts, the state executive committee may adopt a district unit of representation for such county executive committees. Upon adoption of a district unit of representation, the state executive committee shall request the supervisor of elections of that county, with approval of the board of county commissioners, to provide for election districts as nearly equal in number of registered voters as possible. *Each county committeeman or committeewoman shall be a resident of the precinct from which he or she is elected.*

(Renumber subsequent sections.)

Senator Castor moved the following amendments which were adopted:

Amendment 5—On page 14, between lines 10 and 11, insert:

Section 16. Subsection (1) of section 582.18, Florida Statutes, is amended to read:

582.18 Election of supervisors of each district.—

(1) The election of supervisors for each soil and water conservation district shall be held every 2 years. The elections shall be held at the time of the *general second primary* election provided for by s. 100.041 ~~s. 100.001~~. The office of the supervisor of soil and water conservation district is a nonpartisan office and candidates for such office are prohibited from campaigning or qualifying for election based on party affiliation. Candidates for supervisor for each district shall be nominated by nominating petition subscribed by 25 or more qualified electors of such district. Candidates shall obtain signatures on petition forms prescribed by

the Department of State and furnished by the appropriate qualifying officer. In multicounty districts the appropriate qualifying officer is the Secretary of State; in single-county districts the appropriate qualifying officer is the supervisor of elections. Such forms may be obtained at any time after the first Tuesday after the first Monday in January preceding the election, but prior to the 92nd day prior to the date of the first primary. Each petition shall be submitted, prior to noon of the 92nd day preceding the first primary election, to the supervisor of elections of the county for which such petition was circulated. The supervisor of elections shall check the signatures on the petition to verify their status as electors in the district. Prior to the first date for qualifying, the supervisor of elections shall determine whether the required single-county signatures have been obtained and shall so notify the candidate. In the case of a multicounty candidate, the supervisor of elections shall check the signatures on petitions and shall, prior to the first date for qualifying for office, certify to the Department of State the number shown as registered electors of the district. The Department of State shall determine if the required number of signatures has been obtained for multicounty candidates and shall so notify the candidate. If the required number of signatures has been obtained for the name of the candidate to be placed on the ballot, the candidate shall, during the time prescribed for qualifying for office in s. 99.061, submit a copy of the notice to, and file his qualification papers with, the qualifying officer and take the oath prescribed in s. 99.021. Nominees who collect or expend campaign contributions shall conduct their campaigns for supervisor of soil and water conservation districts in accordance with the provisions of chapter 106. Candidates who neither receive contributions nor make expenditures, other than expenditures for verification of signatures on petitions, are exempt from the provisions of chapter 106 requiring establishment of bank accounts and appointment of a campaign treasurer, but shall file periodic reports as required by s. 106.07. The names of all nominees on behalf of whom such nominating petitions have been filed shall appear upon ballots in accordance with the general election laws. All qualified electors residing within the district shall be eligible to vote in such election. The candidates who shall receive the largest number of the votes cast from each group of candidates, as provided in s. 100.071, in such election shall be the elected supervisors from such group for such district. In the case of a newly created district participating in a regular election for the first time, three groups of candidates shall be elected for terms of 4 years and two groups shall be elected for initial terms of 2 years. Those elected shall assume office on the first Tuesday after the first Monday in January following the election.

(Renumber subsequent section.)

Amendment 6—In title, on page 1, line 4, after the semicolon (;) insert: amending s. 98.111, F.S.; requiring certain oaths to be administered by certain election officials;

Senator Jennings moved the following amendment which was adopted:

Amendment 7—In title, on page 1, line 15, after the semicolon (;) insert: amending s. 103.091, F.S.; requiring county executive committeemen or committeewomen to be residents of the precinct from which they are elected;

Senator Castor moved the following amendments which were adopted:

Amendment 8—In title, on page 1, line 28, after the semicolon (;), insert: amending s. 582.18, F.S.; providing that supervisors of soil and water conservation districts shall be elected at the time of the general election;

Amendment 9—In title, on page 1, line 4, after the semicolon (;) insert: amending s. 98.271, F.S.; limiting the power of certain elections officials to appoint deputy supervisors;

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

Amendment 10—In title, on page 1, lines 24-26, strike "certain records and proceedings of the Florida Elections Commission" and insert: sworn complaints

Senator Meek moved the following amendment which was adopted:

Amendment 11—In title, on page 1, line 5, after "precincts;" insert: amending s. 98.051, F.S., authorizing state, county, and municipal agencies to provide voter registration services;

On motion by Senator Plummer, by two-thirds vote HB 619 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Gersten, Meek, Scott

On motions by Senator Barron, the rules were waived and by two-thirds vote House Bills 548, 682, 674, 926, 676, 927 and 945 were withdrawn from the Committee on Judiciary-Civil and HB 757 was withdrawn from the Committee on Education.

On motions by Senator Weinstein, the rules were waived and by two-thirds vote HB 326 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Transportation.

On motion by Senator Weinstein—

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.

—a companion measure, was substituted for SB 822 and read the second time by title.

Senators Weinstein and W. D. Childers offered the following amendments which were moved by Senator Weinstein and adopted:

Amendment 1—On page 2, strike all of lines 10-25 and insert:

Section 3. Subsections (2) and (3) of section 316.1956, Florida Statutes, are amended to read:

316.1956 Parking spaces provided by nongovernmental entities for certain disabled persons.—

(2) Each such parking space shall conform to the requirements of s. 316.1955(3) and shall be posted and maintained with a permanent sign bearing the internationally accepted wheelchair symbol *or* ~~and~~ the caption "PARKING BY DISABLED PERMIT ONLY?" *or both such symbol and caption.*

(3) Any person who parks a vehicle in any parking space designated with the internationally accepted wheelchair symbol *or* ~~and~~ the caption "PARKING BY DISABLED PERMIT ONLY" *or both such symbol and caption* is guilty of a traffic infraction, punishable as provided in s. 318.18(2) *or s. 316.008(4)*, unless such vehicle displays a parking permit issued pursuant to s. 320.0848 and such vehicle is transporting a person eligible for such parking permit. However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit, momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking.

Amendment 2—In title, on page 1, line 8, after the semicolon (;) insert: revising requirements for signs indicating parking spaces for disabled persons;

On motion by Senator Weinstein, by two-thirds vote HB 326 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Gersten, Rehm

SB 822 was laid on the table.

CS for SB 799—A bill to be entitled An act relating to business entities; amending s. 607.137, F.S., providing that dividends may be declared and paid in cash out of the current value of the net assets of a corporation; amending s. 607.361, F.S., increasing the filing fee for annual reports by corporations; amending s. 620.02, F.S., deleting certain recording requirements upon persons desiring to form a limited partnership; specifying certain fees applicable to such partnerships; amending s. 620.31, F.S., authorizing the revocation of certificates of limited partnerships; providing restrictions and liabilities upon limited partnerships without subsisting certificates; providing for reinstatement of certificates; amending s. 620.32, F.S., changing the distribution of moneys collected from such partnerships; creating s. 620.33, F.S., providing annual report requirements; amending s. 620.44, F.S., conforming fees for foreign limited partnerships to those for domestic limited partnerships; repealing s. 620.45, F.S., removing provisions which require foreign limited partnerships to file amendments to their certificates with the Department of State; providing an effective date.

—was read the second time by title.

Senator Plummer moved the following amendment which was adopted:

Amendment 1—On page 11, line 14, strike: “or defend”

On motion by Senator Gordon, by two-thirds vote CS for SB 799 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 | Girardeau | Kirkpatrick | Plummer |
| Carlucci | Gordon | Langley | Rehm |
| Childers, W. D. | Grant | Malchon | Stuart |
| 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—Gersten, Jenne, Scott

On motions by Senator Fox, the rules were waived and by two-thirds vote HB 698 was withdrawn from the Committee on Commerce.

On motion by Senator Fox—

HB 698—A bill to be entitled An act relating to alcoholic beverages; amending s. 568.01, F.S., and creating s. 567.131 relating to the alcoholic content of intoxicating liquors in counties where such beverages are prohibited; providing an effective date.

—a companion measure, was substituted for SB 770 and read the second time by title.

Senator Fox moved the following amendments which were adopted:

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

Section 3. Subsection (1) of section 568.07, Florida Statutes, is amended to read:

568.07 Name sufficient proof; competency of witness.—

(1) In all prosecutions for violation of this chapter proof that the liquor in question was and is known as whiskey, moonshine whiskey, shine, rum, gin, brandy, or other similar name or names shall be prima facie evidence that such liquor is intoxicating and contains more than 5 3-2 percent of alcohol by weight and that same is intoxicating. Any person or persons who by experience in the past in the handling or use of intoxicating liquors, or who by taste, smell, or the drinking of such liquors have knowledge as to the intoxicating nature thereof, may testify as to this opinion, whether such beverage or liquor is or is not intoxicating, and a verdict based upon such testimony shall be valid.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 3, strike: “s. 568.01” and insert: ss. 568.01, 568.07

On motion by Senator Fox, by two-thirds vote HB 698 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

| | | | |
|--------------|-----------|-------------|-----------|
| Carlucci | Frank | Hill | Myers |
| Childers, D. | Girardeau | Johnston | Stuart |
| Crawford | Gordon | Kirkpatrick | Thomas |
| Deratany | Grizzle | Malchon | Thurman |
| Dunn | Hair | Margolis | Weinstein |
| Fox | Henderson | Meek | |

Nays—4

| | | | |
|-----------------|-------|---------|------|
| Childers, W. D. | Grant | Langley | Mann |
|-----------------|-------|---------|------|

Vote after roll call:

Yea—Gersten, Jenne, Rehm, Scott

Yea to Nay—D. Childers, Thomas

SB 770 was laid on the table.

SB 604—A bill to be entitled An act relating to corporate income tax; amending ss. 220.02 and 220.13, F.S., and creating s. 220.185, F.S.; authorizing a credit against the tax for taxpayers that establish day care centers for their employees' dependents; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, strike line 26 and insert:

(2) If any credit granted pursuant to this section is not fully used in the first year for which it becomes available, the unused amount may be carried forward for a period not to exceed 5 years. The carryover may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(9).

(3) Any portion of salaries or wages used in computing the credit under this section shall not be used in computing the credit provided under s. 220.181.

(4) The department shall promulgate any rules

On motion by Senator Fox, by two-thirds vote SB 604 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

| | | | |
|-----------------|-----------|-------------|-----------|
| Beard | Fox | Jennings | Meek |
| Carlucci | Frank | Johnston | Myers |
| Childers, D. | Gordon | Kirkpatrick | Rehm |
| Childers, W. D. | Grant | Langley | Stuart |
| Crawford | Grizzle | Malchon | Thomas |
| Deratany | Henderson | Mann | Thurman |
| Dunn | Hill | Margolis | Weinstein |

Nays—None

Vote after roll call:

Yea—Gersten, Girardeau, Jenne, Scott

CS for SB 143—A bill to be entitled An act relating to human body parts; prohibiting a person from selling, offering for sale, purchasing, or otherwise transferring for consideration any human body part for purposes of transplantation, or from soliciting another to do so; providing an exception; providing penalties; providing that the storage and processing

of human tissue and organs shall not be considered a sale; providing an effective date.

—was read the second time by title.

Senator Frank moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 15-25 and insert: Section 1. Section 381.603, Florida Statutes, is created to read:

381.603 Purchase or sale of body organs and tissue prohibited.—No person shall knowingly offer to purchase or sell or purchase, sell, or otherwise transfer any human organ or tissue for valuable consideration. As used in this section, “valuable consideration” does not include the reasonable costs associated with the removal, storage, and transportation of human organs and tissues. The human organs and tissues subject to the provisions of this section are the human kidney, liver, heart, lung, pancreas, bone and skin, or any other human organ or tissue adopted by rule by the Department of Health and Rehabilitative Services for this purpose. No for-profit corporation or any employee thereof shall transfer or arrange for the transfer of any human body part for valuable consideration.

Amendment 2—On page 2, between lines 7 and 8, insert:

Section 3. Section 732.910, Florida Statutes, is amended to read:

732.910 Legislative declaration.—Because of the rapid medical progress in the fields of tissue and organ preservation, transplantation of tissue, and tissue culture, and because it is in the public interest to aid *these medical developments* ~~the development of this field of medicine~~, the Legislature in enacting this part intends to encourage and aid the development of reconstructive medicine and surgery and the development of medical research by facilitating premortem and postmortem authorizations for donations of tissue and organs. It is the purpose of this part to regulate only the gift of a body or parts of a body to be made after the death of a donor.

Section 4. Subsection (2) of section 732.912, Florida Statutes, is amended to read:

732.912 Persons who may make an anatomical gift.—

(2) In the order of priority stated and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, any of the following persons may give all or any part of the decedent's body for any purpose specified in s. 732.910:

- (a) The spouse;
 - (b) An adult son or daughter;
 - (c) Either parent;
 - (d) An adult brother or sister; or
 - (e) A guardian of the person of the decedent at the time of his death;
- or

(f) *A representative ad litem who shall be appointed by a court of competent jurisdiction forthwith upon a petition heard ex parte filed by any person, and said representative ad litem shall ascertain that no person of higher priority exists who objects to the gift of all or any part of the decedent's body and that no evidence exists of communications made by the decedent expressing a desire that his body or body parts not be donated upon death; but no gift shall be made by the spouse if any adult son or daughter objects, and provided that those of higher priority, if they are reasonably available, have been contacted and made aware of the proposed gift and further provided that a reasonable search is made to show that there would have been no objection on religious grounds by the decedent.*

(Renumber subsequent section.)

Amendment 3—On page 1, line 26, strike “act” and insert: section

Senators Dunn and Frank offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 4—On page 2, between lines 7 and 8, insert:

Section 3. Section 381.603, Florida Statutes, is created to read:

381.603 Advertising or sale of human embryos prohibited.—No person shall knowingly advertise or offer to purchase or sell, or purchase, sell or otherwise transfer any human embryo for valuable consideration. As used in this section, “valuable consideration” does not include the reasonable costs associated with the removal, storage, and transportation of a human embryo. Any person violating the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Renumber subsequent section.)

Senator Frank moved the following amendment which was adopted:

Amendment 5—In title, on page 1, strike all of lines 3-8 and insert: creating s. 381.603, F.S.; prohibiting the sale, purchase, or transfer of human organs or tissue for valuable consideration; providing definitions; prohibiting for-profit corporations and their employees from transferring or arranging the transfer of any human body part for valuable consideration; providing a criminal penalty; amending s. 732.910, F.S., amending s. 732.912, F.S., expanding the list of persons who may make an anatomical gift to include a representative ad litem appointed by a court of competent jurisdiction; establishing duties for the representative ad litem; providing for notice to certain persons; requiring that a reasonable search be made for objections on religious grounds; providing that the storage and

Senators Dunn and Frank offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 6—In title, on page 1, line 10, after the semicolon (;) insert: creating s. 381.603, F.S.; prohibiting the advertisement, purchase, sale, or transfer for consideration of human embryos; providing a penalty;

On motion by Senator Frank, by two-thirds vote CS for SB 143 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

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

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Scott

On motions by Senator Henderson, the rules were waived and by two-thirds vote HB 297 was withdrawn from the Committees on Governmental Operations and Appropriations.

On motion by Senator Henderson—

HB 297—A bill to be entitled An act relating to the Department of State; creating s. 15.20, F.S., to provide for the development and coordination of a program for the protection of the rights, privileges, and immunities of foreign governmental officials residing or otherwise having jurisdiction in Florida; providing for the promulgation of rules; providing an effective date.

—a companion measure, was substituted for SB 180 and read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 297 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

| | | | |
|-----------------|-----------|-----------|----------|
| Beard | Dunn | Gordon | Hill |
| Carlucci | Fox | Grant | Jennings |
| Childers, W. D. | Frank | Grizzle | Langley |
| Crawford | Gersten | Hair | Malchon |
| Deratany | Girardeau | Henderson | Mann |

| | | | |
|-----------|--------|---------|-----------|
| Margolis | Myers | Thomas | Weinstein |
| McPherson | Rehm | Thurman | |
| Meek | Stuart | Vogt | |

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick, Scott

SB 180 was laid on the table.

On motions by Senator Henderson, the rules were waived and by two-thirds vote HB 302 was withdrawn from the Committees on Appropriations; and Finance, Taxation and Claims.

On motion by Senator Henderson—

HB 302—A bill to be entitled An act relating to the Department of State; amending s. 15.09, F.S., and creating s. 607.372, F.S., establishing the Corporations Trust Fund and providing for the administration thereof; providing retroactive and effective dates.

—a companion measure, was substituted for SB 181 and read the second time by title. On motion by Senator Henderson by two-thirds vote HB 302 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

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

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick, Langley, Scott

SB 181 was laid on the table.

CS for SB 541—A bill to be entitled An act relating to public officers; amending s. 111.011, F.S.; providing clarifying language; specifying the date by which certain statements of contributions are to be filed; amending s. 112.3143, F.S.; providing a definition; amending s. 112.3145, F.S.; requiring certain officials or public bodies to notify new appointees of certain disclosure requirements; amending s. 112.3241, F.S.; removing specific authority for district courts of appeal to stay the Governor's power to suspend certain officers or employees; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote CS for SB 541 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

| | | | |
|-----------------|-----------|-----------|-----------|
| Beard | Gersten | Hill | Stuart |
| Carlucci | Girardeau | Jennings | Thomas |
| Childers, D. | Gordon | Mann | Thurman |
| Childers, W. D. | Grant | McPherson | Vogt |
| Deratany | Grizzle | Meek | Weinstein |
| Fox | Hair | Myers | |
| Frank | Henderson | Rehm | |

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick, Langley, Scott

On motions by Senator Rehm, the rules were waived and by two-thirds vote HB 89 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Rehm—

HB 89—A bill to be entitled An act relating to education; amending s. 230.23(4)(n), Florida Statutes, 1982 Supplement; providing for the operation of the educational programs at certain schools; providing an effective date.

—a companion measure, was substituted for SB 193 and read the second time by title. On motion by Senator Rehm, by two-thirds vote HB 89 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

| | | | |
|-----------------|-----------|-----------|-----------|
| Beard | Girardeau | Jennings | Rehm |
| Childers, D. | Gordon | Malchon | Stuart |
| Childers, W. D. | Grant | Mann | Thomas |
| Deratany | Grizzle | McPherson | Thurman |
| Fox | Hair | Meek | Vogt |
| Frank | Henderson | Myers | Weinstein |
| Gersten | Hill | Plummer | |

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick, Langley, Scott

SB 193 was laid on the table.

CS for SB 238—A bill to be entitled An act relating to victim and witness protection; providing a short title; providing intent; amending s. 921.143, F.S.; expanding provisions relating to victims' statements at sentencing proceedings; creating s. 914.16, F.S.; authorizing use in evidence of photographs of property wrongfully taken in a crime; amending s. 775.089, F.S.; requiring the court to order restitution unless reasons exist not to order same; specifying types of restitution and providing for enforcement thereof; amending ss. 921.187, 945.091, 948.03, and 960.17, F.S.; to conform; amending s. 947.181, F.S.; requiring the Parole and Probation Commission to order restitution as a condition of parole unless reasons exist not to order same; creating s. 960.30, F.S.; providing for the creation of guidelines for the treatment of victims and witnesses of crime; creating s. 903.047, F.S.; creating certain conditions of pretrial release on bail; creating ss. 914.21, 914.23, and 914.24, F.S.; and amending s. 918.14, F.S.; providing definitions; expanding provisions prohibiting tampering with witnesses to include victims and informants; prohibiting retaliation against such persons; authorizing civil actions to restrain harassment; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for SB 238 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

| | | | |
|-----------------|-----------|-------------|-----------|
| Beard | Frank | Hill | Myers |
| Carlucci | Gersten | Jennings | Rehm |
| Childers, D. | Girardeau | Kirkpatrick | Stuart |
| Childers, W. D. | Gordon | Malchon | Thomas |
| Deratany | Grant | Mann | Thurman |
| Dunn | Grizzle | Margolis | Vogt |
| Fox | Henderson | Meek | Weinstein |

Nays—None

Vote after roll call:

Yea—Jenne, Langley, Scott

On motion by Senator Rehm, 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 amended Senate Amendment 1 to House Amendment 1, concurred in same as amended and passed SB 759, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

SB 759—A bill to be entitled An act relating to Pinellas County; amending s. 5 and repealing ss. 6-9 of chapter 61-2661, Laws of Florida, as amended, relating to the Palm Harbor Special Fire Control District; changing the taxing authority of the district from special assessments to ad valorem taxation not to exceed two mills; providing for a referendum; providing an effective date.

Amendment 1 to Senate Amendment 1 to House Amendment 1—On page 1, line 17, strike: real

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

SB 759 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

| | | | |
|-----------------|-----------|-------------|-----------|
| Beard | Girardeau | Johnston | Plummer |
| Carlucci | Gordon | Kirkpatrick | Rehm |
| Castor | Grant | Langley | Thomas |
| Childers, D. | Grizzle | Malchon | Thurman |
| Childers, W. D. | Hair | Mann | Vogt |
| Fox | Henderson | Margolis | Weinstein |
| Frank | Hill | Meek | |
| Gersten | Jennings | Myers | |

Nays—None

Vote after roll call:

Yea—Jenne, Scott

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER, continued

SB 818—A bill to be entitled An act relating to jurors and witnesses; amending s. 40.31, F.S.; providing that the Comptroller can remit to the counties for payment of jurors and witnesses an amount not to exceed their apportionment of the state appropriation made by the Comptroller; amending s. 40.32, F.S.; deleting a restriction on the authority of the clerk of the circuit court to disperse moneys; amending s. 40.34, F.S.; providing for form, submission, and audit of juror and witness payrolls; amending s. 40.35, F.S.; providing for monthly statements of accounts for state reimbursement of juror and witness payrolls paid by clerks of the courts; repealing s. 40.29, F.S., as amended, relating to requisition of state funds by clerks of the courts; repealing s. 40.30, F.S., relating to endorsement of requisitions; repealing s. 40.33, F.S., relating to requisition of state funds by clerks of the courts; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 28 and 29, strike: “Comptroller” and insert: *State Courts Administrator*

Amendment 2—On page 2, line 2, strike: “treasury” and insert: *appropriation*

Amendment 3—On page 3, line 17, strike “jointly by the Comptroller and the State Courts Administrator. and insert: *by the State Courts Administrator and approved by the Comptroller.*

Amendment 4—On page 3, lines 29-31, and on page 4, lines 1-21, strike all of Section 4 and renumber subsequent sections.

Amendment 5—On page 4, strike lines 25-26 and insert:

Section 6. This act shall take effect October 1, 1984.

Senator Johnston moved the following amendment which was adopted:

Amendment 6—In title, on page 1, strike lines 7-15 and insert: appropriation made by the State Courts Administrator; amending s. 40.32, F.S.; deleting a restriction on the authority of the Clerk of the Circuit Court to disperse moneys; amending s. 40.34, F.S.; providing for form, submission, and audit of juror and witness payrolls;

On motion by Senator Johnston, by two-thirds vote SB 818 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

| | | | |
|--------------|-----------------|-----------|---------|
| Beard | Childers, W. D. | Fox | Gordon |
| Carlucci | Crawford | Frank | Grant |
| Castor | Deratany | Gersten | Grizzle |
| Childers, D. | Dunn | Girardeau | Hair |

| | | | |
|-------------|-----------|---------|-----------|
| Henderson | Malchon | Myers | Thomas |
| Hill | Mann | Plummer | Vogt |
| Jennings | Margolis | Rehm | Weinstein |
| Johnston | McPherson | Scott | |
| Kirkpatrick | Meek | Stuart | |

Nays—1

Thurman

Vote after roll call:

Yea—Jenne

CS for CS for SB 775—A bill to be entitled An act relating to sentencing; providing legislative adoption and implementation of revisions to sentencing guidelines promulgated by the Florida Supreme Court in accordance with s. 921.001, F.S.; amending s. 921.001, F.S.; specifying deadlines for submission of certain documents; providing an effective date.

—was read the second time by title. On motion by Senator Crawford, by two-thirds vote CS for CS for SB 775 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motions by Senator Langley, the rules were waived and by two-thirds vote HB 1204 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Judiciary-Civil.

On motion by Senator Langley—

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.

—a companion measure, was substituted for CS for SB 3 and read the second time by title. On motion by Senator Langley, by two-thirds vote HB 1204 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for SB 3 was laid on the table.

On motions by Senator Stuart, the rules were waived and by two-thirds vote HB 230 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

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

—was read the second time by title.

Senator D. Childers moved that the time of adjournment be extended until final action on CS for SB 231. The motion was adopted.

The vote was:

Yeas—18

| | | | |
|--------------|-----------|----------|-----------|
| Castor | Girardeau | Johnston | Rehm |
| Childers, D. | Gordon | Malchon | Thomas |
| Fox | Grant | Mann | Weinstein |
| Frank | Hair | Margolis | |
| Gersten | Jenne | Meek | |

Nays—16

| | | | |
|---------------|-----------|-----------|---------|
| Mr. President | Deratany | Langley | Scott |
| Beard | Grizzle | McPherson | Stuart |
| Carlucci | Henderson | Myers | Thurman |
| Crawford | Jennings | Neal | Vogt |

Senators Crawford, Frank, Henderson and Stuart offered the following amendment which was moved by Senator Myers:

Amendment 1—On page 1, line 18, insert:

Section 1. Section 467.002, Florida Statutes, is amended to read:

467.002 Legislative intent.—The Legislature recognizes the need for ~~the safe and effective delivery of newborn babies parents' freedom of choice in the manner of, cost of, and setting for their children's births.~~ The Legislature finds that the interests of public health require the regulation of the practice of midwifery in this state for the purpose of protecting the health and welfare of mothers and infants ~~and for the purpose of making this practice safe and available to those who can anticipate safe deliveries.~~ Therefore, it is unlawful for any person to practice midwifery in this state unless such person is licensed pursuant to the provisions of s. 464.012 or held a valid license as a lay midwife pursuant to this chapter as of October 1, 1984.

(Renumber subsequent sections.)

The motion by Senator Gersten that the Senate reconsider the vote by which HB 10 as amended passed was not taken up and therefore considered abandoned.

ENROLLING REPORTS

CS for SB 438, CS for SB 228 and CS for SB 390 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 29, 1984.

Joe Brown, Secretary

SCR 787 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 29, 1984.

Joe Brown, Secretary

Senate Bills 126, 138, 196, 257, 284, 354, 396, 473, 500, 524, 528, 575, 619, 755, 776, 802, 848, 1082, 1083, 1086, 1087, 1089, 1090, 1138, CS for SB 91, Senate Bills 693, 581 and CS for SB 599 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 30, 1984.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 29 was corrected and approved.

CO-INTRODUCERS

Senator Scott—SB 10; Senator Grizzle—SB 465; Senator Deratany—SB 505; Senator D. Childers—SB 1011; Senator Frank—SB 1149

ADJOURNMENT

On motion by Senator Barron, the Senate adjourned at 5:07 p.m. to reconvene at 10:00 a.m., Thursday, May 31.