



# Journal of the Senate

Number 13

Thursday, May 2, 1985

## Prayer

The following prayer was offered by Van Steven Coyle, of Tallahassee, graduate of Gordon Conwell Theological Seminary, Boston:

Our Heavenly Father, as we gather this morning, we offer you our thanksgiving. We are thankful for this great nation, so rich in its natural resources; and more specifically, we are thankful for this State of Florida, blessed by its natural beauty.

We not only give you our thanks, but we lift up our praise. We praise you because you alone are holy, you are just, merciful and loving.

And Father, as these legislators assemble this day, may you bless them in their labor as thy servants and as servants of the people of Florida. Father, as your psalmist has directed us, grant unto us that we may observe your testimonies. Bless us that we may be blameless as we walk in the Law of the Lord. Teach us to seek you with all our hearts. And Father, anoint these servants with wisdom, that their labors here today may not only be fair and impartial, but above all be acceptable in thy sight, and according to your perfect will. Amen.

## Call to Order

The Senate was called to order by the President at 9:30 a.m. A quorum present—36:

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

Excused: Senators Barron and Hair

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 2, 1985: CS for SB 285, CS for SB 489, CS for SB 198, SB 895

Respectfully submitted,  
*Kenneth C. Jenne, Chairman*

The Committee on Agriculture recommends the following pass: HB 401, SB 692 with 2 amendments

The Committee on Education recommends the following pass: SB 211 with 2 amendments, SB 835 with 1 amendment, SB 18, SB 392

The Committee on Governmental Operations recommends the following pass: SB 630 with 2 amendments, SB 1063 with 3 amendments, SB 1255

The Committee on Health and Rehabilitative Services recommends the following pass: SB 583, SB 935, SB 1083

The Committee on Judiciary-Civil recommends the following pass: SB 455

The Committee on Natural Resources and Conservation recommends the following pass: SB 469

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 315, SB 1070 with 2 amendments, SB 1248

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

The Committee on Natural Resources and Conservation recommends the following pass: SB 1024

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

The Committee on Health and Rehabilitative Services recommends the following pass: SB 742 with 2 amendments

The Committee on Natural Resources and Conservation recommends the following pass: SB 1127

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 749, SB 754

**The bills contained in the foregoing reports were referred to the Committee on Economic, Community and Consumer Affairs under the original reference.**

The Committee on Agriculture recommends the following pass: SB 1182

The Committee on Commerce recommends the following pass: SB 398 with 1 amendment

The Committee on Education recommends the following pass: SB 757 with 2 amendments

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 851 with 1 amendment

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

The Committee on Health and Rehabilitative Services recommends the following pass: SB 822

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

The Committee on Governmental Operations recommends the following pass: SB 1029

The Committee on Judiciary-Civil recommends the following pass: SB 129, SB 820

**The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.**

The Committee on Agriculture recommends the following pass: HB 693

The Committee on Commerce recommends the following pass: SB 427

The Committee on Governmental Operations recommends the following pass: SB 1085

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1038

The Committee on Judiciary-Civil recommends the following pass: SB 254, SB 284, SB 724, SB 979 with 4 amendments, SB 987, SB 1033 with 1 amendment

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

The Committee on Commerce recommends the following not pass: SB 431

**The bill was laid on the table.**

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 519, SB 1032, SB 1099, SB 1112, SB 1147

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: SB 865

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

The Committee on Commerce recommends a committee substitute for the following: SB 1232

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

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: SB 1100

**The bill with committee substitute attached was referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.**

The Committee on Commerce recommends a committee substitute for the following: SB 1055

The Committee on Education recommends a committee substitute for the following: SB 133

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 504, SB 1007

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

**REQUESTS FOR EXTENSION OF TIME**

May 1, 1985

The Committee on Commerce requests an extension of 15 days for consideration of the following: Senate Bills 701, 703, 713, 721, 727, 731, 734, 738, 773, 799

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following: Senate Bills 3, 4, 9, 21, 70, 74, 87, 97, 112, 126, 140, 142, 162, 163, 172, 195, 200, 212, 218, 226, 238, 250, 261, 272, 306, 324, 326, 338, 348, 349, 354, 363, 371, 383, 386, 394, 397, 420, 426, 428, 441, 453, 514, 515, 528, 561, 587, 590, 611, 626, 633, 636, 649, 664, 668, 691, 694, 698, 711, 719, 735, 737, 740, 741, 743, 744, 761, 772, 785, 786, 787, 803, 810, 842, 862, 867, 882, 896, 910, 991, 992, 1000, 1009, 1018, 1026, 1027, 1028, 1037, 1041, 1042, 1045

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: Senate Bills 46, 125, 277, 312, 333, 405, 702, 725, 752, 792, 818, 823

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 782, 795, 804, 807, 809, 815

**INTRODUCTION AND REFERENCE OF BILLS**

**First Reading**

**SR 1289** was introduced and adopted April 23.

By Senator Hill—

**SB 1290**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 112.091, F.S.; providing for an increase in retirement benefits; providing an effective date.

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

By Senator Beard—

**SB 1291**—A bill to be entitled An act relating to motor vehicles and mobile homes; amending s. 319.33, F.S., prohibiting possession, concealment, or disposition of any motor vehicle or mobile home, or major com-

ponent part thereof; prohibiting possession, manufacture, sale, or exchange, and prohibiting supplying in blank or giving away, any counterfeit identification or serial plate or decal, or offering or conspiring to do any of the foregoing; providing an exception; providing for confiscation and sale of unidentifiable motor vehicles; providing procedures; repealing s. 320.33, F.S., relating to possession of motor vehicles from which the serial number has been removed; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Senator Weinstein—

**SB 1292**—A bill to be entitled An act relating to the affirmative defense of entrapment; creating s. 900.05, F.S.; providing that such defense is available only to a criminal defendant who establishes that he was not predisposed to commit the offense charged; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Senator Jennings—

**SB 1293**—A bill to be entitled An act relating to transportation; abolishing the Orlando-Orange County Expressway Authority and the Seminole County Expressway Authority; creating the Central Florida Regional Expressway Authority; providing that the authority is not an agency of the state; providing for jurisdiction and membership of the authority; provides revenue sources and a procedure for funding the start-up costs of the authority; providing an effective date.

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

By Senator Dunn—

**SB 1294**—A bill to be entitled An act relating to child support; amending ss. 61.08, 61.081, 61.13, 88.031, 88.151, 742.10, F.S.; creating ss. 88.083, 742.12, 742.15, F.S.; providing definitions; designating the Department of Health and Rehabilitative Services as the agency to administer a child support enforcement program under federal law; providing for responsibilities of the clerks of the circuit court regarding child support; providing record requirements; providing for a parent locator service; providing for the appointment of commissioners and assistant commissioners for each judicial circuit; providing for jurisdiction and powers of commissioners; providing that certain actions may be brought in the name of the clerk of the circuit court; providing for service of process; providing for fees and bonds; providing for court orders to require payment of child support; providing for orders to withhold income for the payment of support; providing that a public assistance recipient refusing to cooperate in the administration of certain provisions shall have his need removed from the public assistance grant; providing for reimbursement of certain obligations to the state; providing for assignment of rights and subrogation; providing for interest on certain debts; providing for central governmental depositories for the collection and disbursement of support payments; providing for applications for services; providing for fees; providing for the recovery of certain costs; providing for the exchange of certain information with consumer credit reporting agencies; providing for the use of clearing accounts and revolving funds; providing for the holding of unidentifiable moneys; providing for the enforcement of income withholding orders; specifying duties of the payor regarding income withholding; providing for the enforcement of support by a proceeding for contempt; providing for uncollectable support debts; deleting provisions relating to alimony and support in a proceeding for dissolution of marriage; amending provisions relating to court costs and fees; providing for interstate enforcement of income deduction orders; providing for the establishment of paternity by procedures other than ch. 742, F.S.; providing for the determination of paternity; providing for temporary support pending trial; providing that the Chief Justice of the Supreme Court shall establish uniform guidelines to aid judges and commissioners in determining child support; repealing ss. 61.1301, 61.181, 742.041, F.S., relating to income deduction orders, central governmental depositories, and monthly support contributions in paternity cases; providing an effective date.

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

By Senator Dunn—

**SB 1295**—A bill to be entitled An act relating to the purchase and sale of real property; creating s. 715.025, F.S.; providing standards for real

estate transactions which may be incorporated by reference into contracts for the purchase and sale of real property; providing methods of incorporating these references, including a standard form contract; providing an effective date.

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

#### FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Education and Senator Malchon—

**CS for SB 133**—A bill to be entitled An act relating to elementary and secondary schools; providing legislative intent with respect to biological experimentation; providing state policy with respect to experiments conducted on living subjects; providing exemptions; providing a penalty; providing an effective date.

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

**CS for SB 504**—A bill to be entitled An act relating to child abuse; amending s. 415.504, F.S., providing for the sealing rather than expunction of unfounded reports of child abuse and related records; providing for expunction after a specified period; amending s. 415.51, F.S., providing limited access to information and case records relating to unfounded reports of child abuse; providing an effective date.

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

**CS for SB 519**—A bill to be entitled An act relating to onsite sewage disposal systems; providing for a continuing education program for septic tank contractors, pumpout operators, environmental health specialists, and certain master plumbers; allowing persons who have completed the course to use the term "state sanctioned" in advertisements and similar materials; prohibiting other use of the term; providing penalties; providing an effective date.

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

**CS for SB 865**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.111, F.S.; revising conditions of eligibility for claiming credit for military service; amending s. 121.052, F.S.; providing that when an elected state officer purchases additional retirement credit in the Elected State Officers' Class under certain provisions, that one-half of the contributions and interest due the Florida Retirement System Trust Fund for the purchase of such additional retirement credit shall be paid from the General Revenue Fund; providing that such payment from the General Revenue Fund shall be made only on behalf of those elected state officers who purchase such additional retirement credit from July 1, 1985 through September 30, 1985; providing an appropriation; providing an effective date.

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

**CS for SB 1007**—A bill to be entitled An act relating to adult congregate living facilities; amending s. 400.402, F.S.; permitting certain activities by nurses; amending s. 400.441, F.S.; providing a definition; limiting the use of mechanical restraints in licensed facilities; amending s. 400.411, F.S.; requiring financial information; amending s. 400.426, F.S.; providing for responsibility of owner or administrator; providing an effective date.

By the Committee on Commerce and Senator Hair—

**CS for SB 1055**—A bill to be entitled An act relating to negligence; creating ss. 458.320, 459.0085, 460.4075, 461.0071, F.S.; establishing financial responsibility requirements for physicians, osteopathic physicians, chiropractic physicians, and podiatrists; requiring proof of compliance; providing administrative penalties; requiring leave of court to plead punitive damages; limiting discovery; providing for liability for damages based upon the degree of fault; abolishing joint and several liability in negligence actions; limiting an exempt tortfeasor's right of subrogation; providing an effective date.

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

**CS for SB 1099**—A bill to be entitled An act relating to foster and group homes; providing legislative intent; providing definitions; providing that foster homes and group homes meeting specified criteria shall be considered a residential use of property and shall be treated as a permitted use in specified zones; providing for siting of homes for people with special living needs; providing for assistance to local governments; nullifying certain restrictions, conditions, and covenants; providing for applicability; providing an effective date.

By the Committee on Corrections, Probation and Parole and Senator Carlucci—

**CS for SB 1100**—A bill to be entitled An act relating to the Department of Corrections; amending s. 20.315, F.S.; providing for an inspector general; amending s. 944.31, F.S.; providing duties and authority of the inspector general and inspectors; providing an effective date.

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

**CS for SB 1112**—A bill to be entitled An act relating to shelter and foster care services for dependent children; providing legislative intent; providing for the establishment of a pilot program to provide assistance and services to shelter and foster homes in one urban county and one rural county; specifying services to be provided; providing for requests for proposals; providing for the comprehensive evaluation of the pilot program; providing an effective date.

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

**CS for SB 1147**—A bill to be entitled An act relating to child abuse; creating the Child Abuse Prevention Training Act of 1985; providing legislative intent; providing definitions; providing for a primary prevention and training program and providing contents thereof; providing for prevention training centers and the functions thereof; providing for establishment of certain training centers through the Department of Education; requiring monitoring and evaluation of primary prevention and training programs and prevention training centers; authorizing the development and implementation of rules; amending s. 231.17, F.S.; requiring demonstration of competency in the areas of alcohol and drug abuse recognition and prevention and of child abuse and neglect recognition and prevention for teacher certification; amending s. 233.011, F.S.; requiring the Department of Education to develop intended outcomes on child abuse and neglect prevention and alcohol and drug abuse prevention as part of the curriculum framework; amending s. 236.0811, F.S.; requiring competencies in child abuse and neglect prevention and alcohol and drug abuse prevention to be part of the master plan for inservice educational training; requiring teachers and guidance counselors to participate in such inservice training; amending s. 415.501, F.S.; adding parents of school children to those persons the Department of Health and Rehabilitative Services and the Department of Education are to develop ways to inform and instruct about child abuse and neglect recognition and prevention; providing that the mandates of this act do not duplicate or supersede existing programs fulfilling the requirements of this act; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Weinstein —

**CS for SB 1225**—A bill to be entitled An act relating to alcoholic beverages; creating ss. 316.1937, 562.115, 562.51, F.S.; imposing additional costs upon persons convicted of driving under the influence or driving while intoxicated; providing for deposit of proceeds in trust funds; creating a compensation program for victims of drunk drivers; creating public information and education programs; prohibiting dispensing of beverages to obviously intoxicated persons; providing penalties; creating a responsible vendors program; providing for mitigation; providing for consideration in insurance rates; providing prerequisites to licensure; providing an effective date.

By the Committee on Commerce and Senator Hair—

**CS for SB 1232**—A bill to be entitled An act relating to medical malpractice; providing for certification of foreign health care educational institutions; providing definitions; authorizing the Department of Professional Regulation to adopt standards; providing for registration and inspection fees; providing for renewal of certification; providing that this act shall be supplemental to certain other health care practice acts;

amending s. 458.319, F.S.; providing for the Board of Medical Examiners to authorize continuing education requirements; creating s. 205.194, F.S.; prohibiting issuance of a local occupational license without proof of state registration; creating s. 455.2287, F.S.; providing penalties for giving false information in connection with licensure as a health care practitioner; amending s. 458.327, F.S.; providing penalties for specified fraudulent acts relating to medical practice; amending s. 459.013, F.S.; providing penalties for specified fraudulent acts relating to osteopathic practice; amending s. 768.46, F.S.; providing that a signed medical consent is rebuttably presumed valid; amending s. 768.49, F.S.; expanding authority to order remittitur and additur; prohibiting the filing of medical malpractice actions for a specified period of time; requiring prior notice to a health care provider of intention to file such action; requiring judges to submit actions that are filed to nonbinding arbitration; specifying composition, duties, and compensation of arbitration panels; requiring lists of attorneys and health care practitioners to serve on such panels; limiting liability of members of such panels; providing for dismissal of actions under certain circumstances; providing for award of costs and attorneys' fees under specified circumstances; authorizing the Supreme Court to adopt rules; providing applicability of said provisions; amending s. 626.973, F.S.; exempting medical malpractice insurance from restrictions relating to fictitious groups; creating s. 627.4147, F.S.; requiring medical malpractice insurance contracts to contain certain provisions; authorizing an insurer to require an insured to be a member of a local professional society; repealing s. 768.48, F.S., relating to itemized verdicts in medical malpractice actions; repealing s. 768.56, F.S., relating to court-awarded attorney's fees in medical malpractice actions; providing an effective date.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator Neal, the rules were waived and by two-thirds vote Senate Bills 520, 402, 844, 845 and CS for SB 659 were withdrawn from the Committee on Appropriations.

On motion by Senator Neal, the rules were waived and by two-thirds vote CS for SB 410 was removed from the calendar and referred to the Committee on Appropriations.

On motions by Senator Johnson, by two-thirds vote Senate Bills 677, 702 and 1060 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator D. Childers, the rules were waived and the Select Committee on Citrus Canker was granted permission to meet May 6 at 1:00 p.m.

On motion by Senator Dunn, by two-thirds vote SB 254 was removed from the calendar and recommitted to the Committee on Judiciary-Civil.

On motions by Senator Myers, by two-thirds vote SB 966 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Weinstein, by two-thirds vote SB 561 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Meek, by two-thirds vote SB 292 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Jenne, the rules were waived and by two-thirds vote SB 636 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Jenne, the rules were waived and by two-thirds vote SB 549 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Plummer, by two-thirds vote SB 691 was withdrawn from the committees of reference and indefinitely postponed.

**Senator Langley presiding**

On motion by Senator Fox, 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 Senator Fox—

**SR 1311**—A resolution commending La Liga Contra el Cancer for its assistance to cancer victims and urging support of its fund-raising marathon on May 4, 1985.

WHEREAS, La Liga Contra el Cancer was founded in 1926 in Havana, Cuba, to assist and treat victims of cancer, and

WHEREAS, the humanitarian efforts of La Liga Contra el Cancer were brought to this country by freedom-loving Cubans who immigrated to this country to avoid the tyranny of Communism, and

WHEREAS, La Liga Contra el Cancer, a nonprofit corporation now organized in this state, provides hope, comfort, and caring to victims of cancer, and

WHEREAS, many Floridians have benefited from the contributions, care, and treatment provided by La Liga Contra el Cancer, and

WHEREAS, La Liga Contra el Cancer has joined in partnership with Channel 23 for the purpose of raising funds for its charitable and humanitarian goals during a television marathon to be conducted on May 4, 1985, and

WHEREAS, in honoring La Liga Contra el Cancer today, the Florida Senate recognizes that La Liga Contra el Cancer is deserving of the support of all Floridians, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate hereby commends La Liga Contra el Cancer for its humanitarian efforts in aiding victims of cancer.

BE IT FURTHER RESOLVED that the Florida Senate hereby urges all Floridians to support the great marathon being conducted on May 4, 1985, by La Liga Contra el Cancer and Channel 23 and calls upon all Floridians to honor La Liga Contra el Cancer and Channel 23 for their efforts in raising funds to provide assistance to cancer victims.

—which was read the first time by title. On motion by Senator Fox, SR 1311 was read the second time in full and unanimously adopted.

**The President presiding**

Senator Vogt moved that the rules be waived and a bill by the Committee on Governmental Operations relating to public records be introduced notwithstanding the fact that the final day had passed for introduction of bills.

The motion was referred to the Committee on Rules and Calendar.

**SPECIAL ORDER**

**CS for SB 285**—A bill to be entitled An act relating to school district personnel; amending s. 231.02, F.S., requiring certain noninstructional personnel of the district school system to file their fingerprints for state and federal processing; providing for costs; providing an effective date.

—was read the second time by title. On motion by Senator Fox, by two-thirds vote CS for SB 285 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Fox	Johnson	Neal
Beard	Frank	Kiser	Peterson
Carlucci	Girardeau	Langley	Plummer
Castor	Gordon	Malchon	Scott
Childers, D.	Grant	Mann	Stuart
Childers, W. D.	Grizzle	Margolis	Thomas
Crawford	Hill	McPherson	Vogt
Deratany	Jenne	Meek	Weinstein
Dunn	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Gersten

**CS for SB 489**—A bill to be entitled An act relating to child care; amending s. 39.12, F.S.; prohibiting the destruction of records pertaining to children charged with committing certain delinquent acts with respect to the provision of care to minors or persons with developmental disabilities; providing for the sealing of such records and for their use; amending s. 110.1127, F.S.; providing conditions for disqualification from employment in certain child care programs; requiring security background investigations; requiring fingerprinting; providing a penalty; amending s. 393.062, F.S.; providing legislative intent; amending s. 393.063, F.S.; providing definitions; creating s. 393.0655, F.S.; establishing of minimum standards as to moral character for persons who work with or are likely to come into contact with persons who have developmental disabilities; providing that such standards shall ensure that no such person has been found guilty of certain crimes; providing for exemption from disqualification from employment; providing for the submission of fingerprints; providing for payment of processing costs; providing for denial, suspension, and revocation of licenses; providing for administrative hearings; amending s. 393.066, F.S.; requiring day care service facilities to ensure minimum character standards are met; amending s. 393.067, F.S.; providing for submission and processing of fingerprints; amending s. 393.0673, F.S.; providing penalties; creating s. 393.0674, F.S.; providing penalties; amending s. 394.453, F.S.; providing legislative intent; amending s. 394.455, F.S.; providing definitions; amending s. 394.457, F.S.; establishing minimum standards as to moral character for mental health personnel and volunteers; providing that such standards shall ensure that no such person has been found guilty of certain crimes; providing for exemption from disqualification from employment; providing for the submission of fingerprints; providing for payment of processing costs; providing for termination of employment for personnel who are not in compliance; providing for administrative hearings; providing penalties; amending s. 396.032, F.S.; providing definitions; amending s. 396.042, F.S.; providing for fingerprinting and background checks of alcoholism treatment personnel who work with, and of persons who are likely to come into contact with, certain minors; providing for submission of lists of such persons to the Department of Health and Rehabilitative Services; requiring that the alcohol treatment resource terminate the employment of any employee who is found to be in noncompliance with certain standards of good moral character; creating s. 396.0425, F.S.; establishing minimum standards as to good moral character for such persons; providing that such standards shall ensure that no such person has been found guilty of certain crimes; providing for exemption from disqualification from employment; providing for the submission of fingerprints; providing for payment of processing costs; providing for denial or termination of employment under certain circumstances; providing for administrative hearings; creating s. 396.0427, F.S.; providing penalties; amending s. 397.021, F.S.; providing definitions; amending s. 397.031, F.S.; requiring the Department of Health and Rehabilitative Services to ensure that persons who work with or who are likely to come in contact with minors being treated for drug abuse meet minimum standards for good moral character; creating s. 397.0715, F.S.; providing that such standards shall ensure that no such person has been found guilty of certain crimes; providing for exemption from disqualification from employment; providing for fingerprinting; providing for payment of processing costs; providing for termination of employment for persons not in compliance; creating s. 397.0716, F.S.; providing penalties; amending s. 397.081, F.S.; requiring fingerprints as a prerequisite to issuance of a license; amending s. 397.091, F.S.; requiring fingerprinting; amending s. 402.302, F.S.; providing definitions; amending s. 402.305, F.S.; providing that minimum standards for persons who work with or who are likely to come in contact with children in day care or other child care facilities shall ensure that such persons have not been found guilty of certain crimes; providing for exemption from disqualification from employment; prescribing minimum age requirements and minimum training requirements; prescribing minimum standards for child discipline and plan of activities; amending s. 402.3055, F.S.; prescribing requirements for licensure and renewal; requiring fingerprints; providing for payment of processing costs; providing for denial, suspension, and revocation of licenses; amending s. 402.308, F.S.; providing for denial of license when personnel fail the required screening; amending s. 402.309, F.S.; prohibiting the issuance of provisional licenses under certain circumstances; amending s. 402.313, F.S.; requiring registration of family day care homes; providing for screening of persons associated with such homes; amending s. 402.314, F.S.; conforming language; amending s. 402.315, F.S.; prescribing local funding requirements; amending s. 402.316, F.S.; limiting exemptions from licensure; amending s. 402.319, F.S.; prescribing penalties; creating s. 402.3195, F.S.; creating the Child Care Facility Trust Fund; establishing a loan program for expansion of existing child care facilities and establishment of new child care facilities;

providing for issuance of requests for proposals; specifying conditions for loan agreements; authorizing adoption of rules; requiring an annual report; providing an expiration date; amending s. 409.175, F.S.; providing definitions; providing for screening of personnel of family foster homes, residential child-caring agencies or summer or recreation camps, and child-placing agencies; providing for exemption from disqualification from employment; requiring the department to issue a license to a family foster home which has been certified by a licensed child placing agency; requiring fingerprinting and criminal records checks of personnel prior to issuance or renewal of a license; providing a penalty; providing for costs; providing for denial, suspension, or revocation of license; providing for denial or termination of employment; providing procedures; requiring inspection by local county health unit only when called for by the licensing study; providing for injunction to terminate operation of a summer or recreation camp; providing a penalty for unlawful operation thereof; amending s. 409.176, F.S.; conforming provisions relating to registration of residential child-caring agencies; amending s. 415.504, F.S.; requiring notice of completion of investigation of reports of child abuse or neglect and of the classification of such report; deleting the requirement for the expunction of information in the abuse registry; providing procedures for the expunction of information; amending s. 415.51, F.S.; providing for a search of abuse registry records and providing for notice thereof; amending s. 959.225, F.S.; prohibiting the expungement of certain records relating to certain delinquent acts; providing for the release of certain information contained in such records; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Fox and adopted:

**Amendment 1**—On page 74, line 23, strike “*minimum*” and insert: *screening*

**Amendment 2**—On page 55, lines 1 and 2, strike “which are in compliance with the Compulsory School Attendance Law, chapter 232” and after “schools” insert: *and their integral programs*

Senator Fox moved the following amendments which were adopted:

**Amendment 3**—On page 97, between lines 6 and 7, insert:

Section 37. Section 415.5095, Florida Statutes, is created to read:

415.5095 Intervention and treatment in sexual abuse cases; model plan.—

(1) The impact of sexual abuse on the child and family has caused the Legislature to determine that special intervention and treatment must be offered in certain cases so that the child can be protected from further abuse, the family can be kept together, and the abuser can benefit from treatment. To further this end, it is the intent of the Legislature that special funding shall be available in those communities where agencies and professionals are able to work cooperatively to effectuate intervention and treatment in intra-family sexual abuse cases.

(2) The Department of Health and Rehabilitative Services shall develop a model plan for community intervention and treatment of intra-family sexual abuse in conjunction with the Department of Law Enforcement, the Department of Education, the Attorney General, the state Guardian Ad Litem Program, the Department of Corrections, representatives of the judiciary, and professionals and advocates from the mental health and child welfare community.

(Renumber subsequent sections.)

**Amendment 4**—On page 42, line 16, and on page 48, line 30, after the period (.) insert: For substance abuse programs for adolescents 13 years of age and older, treatment resource personnel found guilty of crimes under the provisions of s. 893.13, Florida Statutes, and s. 893.147, Florida Statutes, may be exempted from disqualification from employment under the following conditions: they have no charges for the referenced crimes for two years prior to employment with a treatment resource; they have demonstrated to the program directors that they have been successfully rehabilitated; the program director shall then certify to the department that these conditions have been met. The department may grant such an exemption if it has clear and convincing evidence to support a reasonable belief that the person is of such good character as to justify an exemption.

**Amendment 5**—On page 63, line 17, after the period (.) insert:

A facility which has submitted fingerprints prior to the effective date of this act as a result of screening requirements in a local ordinance, must comply with the provisions of this section by July 1, 1986 or when the facility's license is due for renewal, whichever occurs sooner.

Senator Grizzle moved the following amendment which was adopted:

**Amendment 6**—On page 60, line 26, after the stricken language insert: *It is recommended that the State Community Child Care Coordination agencies (Central Agencies) contracted by the Department to coordinate such training when possible. Other District coordinating resources can be designated in such areas where Central Agencies may not exist or are determined not to have the capability to meet the coordination requirements set forth by the Department.*

Senator Grizzle moved the following amendment which failed:

**Amendment 7**—On page 55, line 7, after "five" insert: *infant and* and after "children" insert: *with no more than two under two years of age*

Senator Fox moved the following amendment which was adopted:

**Amendment 8**—In title, on page 6, line 4, after the semicolon (;) insert: creating s. 415.5095, F.S.; requiring the Department of Health and Rehabilitative Services to adopt a model plan;

On motion by Senator Fox, by two-thirds vote CS for SB 489 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Jenne

**Senator Peterson presiding**

**CS for SB 198**—A bill to be entitled An act relating to the Cross Florida Barge Canal; amending ss. 253.783, 253.7829, 374.3001, F.S.; providing for the sale of certain lands acquired for constructing the canal; providing for the disposition of certain funds derived from the sale of such lands; providing an effective date.

—was read the second time by title.

Senators Stuart, Hair, Thurman and Girardeau offered the following amendments which were moved by Senator Stuart and adopted:

**Amendment 1**—On page 3, lines 28-31; on page 4, lines 1-30; and on page 5, lines 1 and 2, strike all of said lines and insert:

(g) Refund to the counties of the Cross Florida Canal Navigation District funds derived from the conveyance of lands of the project to the Federal Government or any agency thereof, pursuant to s. 253.781, and from the sales of surplus lands pursuant to this section. *Following federal deauthorization of the project, such refunds shall consist of the \$9,340,720 principal in ad valorem taxes contributed by the counties and the interest which had accrued on that amount from the time of payment to June 30, 1985. Such refunds shall be in proportion to the ad valorem tax share paid to the Cross Florida Canal Navigation District by the respective counties. Should the funds derived from the conveyance of lands of the project to the Federal Government for payment or from the sale of surplus land be inadequate to pay the total of the principal plus interest, first priority shall be given to repaying the principal and second priority shall be given to repaying the interest. Interest to be refunded to the counties shall be compounded annually at the following rates: 1937-1950, 4 percent; 1951-1960, 5 percent; 1961-1970, 6 percent; 1971-1975, 7 percent; 1976-June 30, 1985 refund date, 8 percent. In computing interest, amounts already repaid to the counties shall not be sub-*

ject to further assessments of interest. Any partial repayments provided to the counties under this act shall be considered as contributing to the total repayment owed to the counties. Should the funds generated by conveyance to the Federal Government and sales of surplus lands be more than sufficient to repay said counties in accordance with this section, such excess funds shall be deposited in the *Conservation and Recreation Lands Cross Florida Barge Canal Trust Fund*. In no case shall general revenue funds be used to repay interest owed to the counties.

**Amendment 2**—On page 7, lines 13-16, strike "divided among the counties and state according to the percentages established in" and insert: transferred to the Department of Natural Resources, such funds to be included under the management plan repayment provisions pursuant to

On motion by Senator Stuart, by two-thirds vote CS for SB 198 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

Beard	Frank	Johnson	Peterson
Castor	Gersten	Langley	Plummer
Childers, D.	Girardeau	Malchon	Scott
Childers, W. D.	Gordon	Mann	Stuart
Crawford	Grant	Margolis	Thomas
Deratany	Grizzle	Meek	Thurman
Dunn	Jenne	Myers	Vogt
Fox	Jennings	Neal	Weinstein

Nays—1

Carlucci

Vote after roll call:

Yea—Hill, McPherson

**SB 895**—A bill to be entitled An act relating to parking ticket violations; amending ss. 316.1967 and 320.03, F.S.; providing for notification to the registered owner of a cited vehicle under certain conditions; providing that any person who has any outstanding parking violation shall not be entitled to be issued a license tag or revalidation sticker; providing duties of clerks of county courts and traffic violations bureaus; specifying application to private license tag agents; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Langley:

**Amendment 1**—On page 1, line 16, strike everything after the enactment clause and insert:

Section 1. Section 316.1967, Florida Statutes, is amended to read:

316.1967 Liability for payment of parking ticket violations.—

(1) The owner of a vehicle is responsible and liable for payment of any parking ticket violation unless the owner can furnish evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the appropriate law enforcement authorities the name and address of the person or company who leased, rented, or otherwise had the care, custody, or control of the vehicle. The owner of a vehicle is not responsible for a parking ticket violation if the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.

(2) Any person issued a county or municipal parking ticket by a parking enforcement specialist or officer shall be deemed to be charged with a noncriminal violation and shall comply with the directions on the ticket. In the event that payment is not received, or a response to the ticket is not made within the time period specified thereon, the county court, or its traffic violations bureau, shall notify the registered owner of the vehicle which was cited, by certified mail, to the address given on the motor vehicle registration, of the ticket. Mailing of the notice to this address shall constitute notification. Upon receipt of the notification, the registered owner shall comply with the court's directive.

(3) Any person who fails to satisfy the court's directive shall be deemed to waive his right to pay the applicable civil penalty.

~~(4)(3) Any person who fails to satisfy the court's directive and any person who elects to appear before a designated official to present evidence shall be deemed to have waived his right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty fine not to exceed \$100 plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court shall be deemed to have been convicted of a parking ticket violation and the court shall take appropriate measures to enforce collection of the fine.~~

(5)(4) Any provision of subsections (2), ~~and~~ (3) and (4) to the contrary notwithstanding, the provisions of chapter 318 shall not apply to violations of county parking ordinances and municipal parking ordinances.

(6) ~~The clerk of the county court or the traffic violations bureau shall supply the tax collector and license tag agents within said county monthly with an alphabetized list of persons who have five or more outstanding parking violations imposed under this section. The provisions of s. 320.03(8) shall apply to each person whose name appears on such list.~~

Section 2. Subsection (8) is added to section 320.03, Florida Statutes, 1984 Supplement, to read:

320.03 Registration; duties of tax collectors; delegation of authority to the Department of Revenue.—

(8) ~~If the applicant's name appears on the list referred to in s. 316.1967(6), no license plate or revalidation sticker shall be issued until such person's name no longer appears on said list. The tax collector and the clerk of the county court shall each be entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. If the tax collector has private tag agents, such tag agents shall be entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by such tag agent compared to the total issued within such county. The authority to issue license plates of any private agent who issues any license plate or revalidation sticker contrary to the provisions of this subsection shall be revoked after notice and hearing as provided in chapter 120.~~

Section 3. This act shall take effect July 1, 1985.

#### The President presiding

The Committee on Transportation recommended the following amendment to Amendment 1 which was moved by Senator Langley and adopted:

**Amendment 1A**—On page 1, strike line 12 of the amendment and insert:

Section 1. Subsection (4) of section 316.008, Florida Statutes, 1984 Supplement, is amended to read:

316.008 Powers of local authorities.—

(4) A county or municipality may enact an ordinance providing a fine for the violation of s. 316.1955 or s. 316.1956 in excess of the fine specified by s. 318.18(2), except that such fine may not exceed \$250 \$100.

Section 2. Subsection (7) is added to section 318.18, Florida Statutes, 1984 Supplement, to read:

318.18 Amount of civil penalties.—The penalties required for a non-criminal disposition pursuant to s. 318.14(1), (2), and (4) are as follows:

(7) ~~Notwithstanding any provisions of this section to the contrary, \$100 for a violation of s. 316.1955 or s. 316.1956.~~

Section 3. Section 316.1967, Florida Statutes, is  
(Renumber subsequent sections.)

Senator Langley moved the following amendment to Amendment 1 which was adopted:

**Amendment 1B**—On page 2, lines 30 and 31, and on page 3, lines 1-14, strike all of said lines and insert:

(6) ~~Any county may provide by ordinance that the clerk of the court or the traffic violations bureau shall supply the tax collector and license tag agents within said county monthly with an alphabetized list of persons who have five or more outstanding parking violations. The provisions of s. 320.03(8) shall apply to each person whose name appears on such list.~~

Section 2. Subsection (8) is added to section 320.03, Florida Statutes, 1984 Supplement, to read:

320.03 Registration; duties of tax collectors; delegation of authority to the Department of Revenue.—

(8) ~~If the applicant's name appears on the list referred to in s. 316.1967(6), no license plate or revalidation sticker shall be issued until such person's name no longer appears on said list or until he presents a receipt from the clerk showing that such parking fines have been paid.~~

Amendment 1 as amended was adopted.

The Committee on Transportation recommended the following amendment which was moved by Senator Langley:

**Amendment 2**—In title, on page 1, line 14, strike everything before the enacting clause and insert: A bill to be entitled An act relating to parking ticket violations; amending s. 316.008, F.S.; permitting counties or municipalities to increase fines for illegal parking in spaces reserved for certain disabled persons; amending s. 316.1967, F.S.; providing for notification to the registered owner of a cited vehicle under certain conditions; directing the clerk of the county court or the traffic violations bureau to provide a list of all persons with five or more outstanding parking violations to the tax collector or license tag agent of the county; amending s. 318.18, F.S.; increasing the fine for illegal parking in spaces reserved for certain disabled persons; amending s. 320.03, F.S.; providing that any person whose name appears on the provided list shall not be entitled to be issued a license tag or revalidation sticker; providing duties of clerks of county courts and traffic violations bureaus; providing for certain compensation to tax collectors and clerks of county courts; specifying application to private license tag agents; providing an effective date.

Senator Langley moved the following amendment to Amendment 2 which was adopted:

**Amendment 2A**—On page 1, line 21, and on page 2, lines 1 and 4, strike "county"

Amendment 2 as amended was adopted.

On motion by Senator Langley, by two-thirds vote SB 895 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	Jennings	Neal
Beard	Frank	Johnson	Peterson
Carlucci	Gersten	Kirkpatrick	Plummer
Castor	Girardeau	Langley	Scott
Childers, D.	Gordon	Malchon	Stuart
Childers, W. D.	Grant	Mann	Thomas
Crawford	Grizzle	Margolis	Thurman
Deratany	Hill	Meek	Vogt
Dunn	Jenne	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—McPherson

#### ENROLLING REPORTS

Senate Bills 89 and 188 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 1, 1985.

Joe Brown, Secretary

Senate Concurrent Resolutions 923 and 111 have been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on April 30, 1985.

Joe Brown, Secretary

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 30 was corrected and approved.

**CO-INTRODUCERS**

Senator Plummer—SB 204; Senator Hair—SB 1137

**RECESS**

Senator Jenne moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Tuesday, May 7 at 9:00 a.m. The motion was adopted.

Pursuant to the motion by Senator Jenne, the Senate recessed at 10:30 a.m. to reconvene at 9:00 a.m. Tuesday, May 7.