



Journal of the Senate

Number 16

Thursday, May 9, 1985

Prayer

The following prayer was offered by the Rev. Donald James Young, Minister of Education, First Baptist Church, Perry:

O God, we acknowledge you as giver and sustainer of life and through your son, provider of eternal life.

I pray your wisdom and guidance upon our leaders as they meet here today to deliberate on matters which not only affect your creation, but your people as well.

I pray your blessings upon this great state, its leaders and its people. Help us to recognize and appreciate the value in her diversity of people, cultures, attitudes, and beliefs and in doing so seek to reach our greatest potential.

I pray continued guidance upon this legislative body as they seek to be sensitive to the needs of the people they represent.

In Jesus, our Lord's name, we pray. Amen.

Call to Order

The Senate was called to order by the President at 9:00 a.m. A quorum present—38:

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

Excused: Senator Malchon

Votes Recorded

Senator Crawford was recorded as voting yea on the following which were considered May 7: Senate Bills 329 and 951 and CS for CS for CS for SB's 122, 84 and 85.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 9, 1985: SB 549, CS for SB 400, SB 289, SB 223, SB 118, SB 361, SB 234, SB 965, SB 249, CS for SB 105, SB 724, CS for SB 960, CS for SB 961, CS for SB 1007, SB 1040, SB 938, SB 943, HB 693, SB 520, SB 535, SB 696, SB 729, CS for SB 755, SB 686, SB 661, CS for SB 653, CS for SB 133, SB 662, SB 994

Respectfully submitted,
Kenneth C. Jenne, Chairman

The Committee on Finance, Taxation and Claims recommends the following pass: CS for SB 512

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

The Committee on Transportation recommends the following pass: SB 71 with 2 amendments, CS for SB 1225

The bills were referred to the Committee on Commerce under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: SB 102 with 1 amendment, SB 832

The bills were placed on the calendar.

The Committee on Education recommends committee substitutes for the following: SB 365, SB 457, SB 797

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

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1150

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

The Committee on Education recommends a committee substitute for the following: SB 952

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

REQUESTS FOR EXTENSION OF TIME

May 9, 1985

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following: Senate Bills 202, 367, 627, 685, 816, 940, 957, 1016, 1146, 1221

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: Senate Bills 1121, 1129, 1178, 1190; HB 200

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 544, 669, 1048, 1056, 1068, 1084, 1086, 1087, 1098, 1105, 1108, 1111, 1144, 1184, 1186, 1187, 1213, 1246

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Education and Senator Thurman—

CS for SB 365—A bill to be entitled An act relating to education; amending ss. 231.600, 231.601, 231.602, 231.603, 231.606, 231.608, and 231.609, F.S., relating to the Teacher Education Center Act; providing for intent of the act to specify state policy for the inservice training of certain school district personnel; revising purposes and definitions; providing for the establishment and operation of teacher education centers; requiring rules prescribing standards for evaluation of centers; revising teacher education center programs; requiring the development of inservice training plans; revising membership requirements for center councils; revising university and college funding responsibility; authorizing community colleges to expend funds; requiring written agreements between school districts and colleges and universities prior to the release of certain funds; requiring annual funding reports; specifying the use of funds; revising Department of Education responsibility for funding; creating s. 231.612, F.S., providing for school-focused program improvement; creating s. 231.6125, F.S., providing for professional development plans; amending s. 231.613, F.S., revising provisions relating to inservice training institutes; amending s. 230.2311, F.S., requiring training in use of substitutes; correcting a cross-reference; amending s. 236.081, F.S., revising the inservice educational personnel training expenditure; amending s. 236.0811, F.S., requiring inservice educational training plans to comply with guidelines; amending s. 237.34, F.S., to conform provisions and delete obsolete language; providing appropriations; repealing ss. 231.610 and 231.611, F.S., relating to noncredit activities and approval of teacher education centers; providing for review and repeal; providing an effective date.

By the Committee on Education and Senators Weinstein, Castor and Gersten—

CS for SB 457—A bill to be entitled An act relating to education; creating s. 232.257, F.S., 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.

By the Committee on Education and Senators Castor, Meek, Kirkpatrick, Thurman, Grizzle, Peterson, Carlucci, Grant, Thomas and Stuart—

CS for SB 797—A bill to be entitled An act relating to education; amending s. 228.072, F.S.; providing for matriculation and tuition fees for adult education; amending s. 240.209, F.S.; providing for matriculation fees for college credit courses at state universities; amending s. 240.35, F.S.; providing for matriculation and tuition fees at community colleges; providing for use of community college financial aid fees for academic merit; amending s. 717.09, F.S.; providing for the disposition of unclaimed fee refunds; providing an effective date.

By the Committee on Education and Senator Kiser—

CS for SB 952—A bill to be entitled An act relating to public education; amending s. 228.093, F.S., authorizing state and local educational institutions and agencies to release student educational records in compliance with a court order or subpoena; authorizing student records to be released to credit bureaus under certain conditions; amending ss. 232.03, 240.237, and 240.323, F.S., to conform; providing an effective date.

By the Committee on Governmental Operations and Senators Girardeau and Meek—

CS for SB 1150—A bill to be entitled An act relating to small and minority businesses; creating the "Florida Small and Minority Business Assistance Act of 1985"; providing definitions; creating a Small and Minority Business Advisory Council within the Department of Commerce; providing for an advocate; providing for a statewide contracts register; providing a penalty with respect to certain late payments by contractors to subcontractors and suppliers; amending s. 17.11, F.S., directing the Comptroller to have reported from the state accounting system certain disbursements made to small businesses; amending s. 120.54, F.S., requiring agencies to consider the impact of certain actions under the Administrative Procedure Act upon small businesses; providing procedures; amending s. 215.422, F.S., relating to warrants, vouchers and invoices, processing time limits and agency compliance; creating the Florida Black Business Investment Board; providing for an executive director and employees; providing powers; providing conditions for board action; creating the Florida Investment Incentive Trust Fund; providing for Florida guarantor funds; providing for capital participation instruments; amending s. 215.47, F.S., providing for the investment of certain funds in any form or type of capital participation instrument or other evidence of indebtedness issued by the Florida Black Business Investment Board or insured loans made to black business enterprises in Florida; creating s. 625.3245, F.S., providing for investments in capital participation instruments; amending s. 657.042, F.S., relating to investment powers of credit unions; amending s. 658.67, F.S., providing for investment powers of banks and trust companies; amending s. 665.0701, F.S., relating to investment powers of certain associations; providing for an annual report; amending s. 287.042, F.S., providing for the powers of the Division of Purchasing of the Department of General Services; providing for the certification of minority business enterprises; requiring state agencies to adopt rules to utilize minority business enterprises; amending s. 287.055, F.S., relating to the acquisition of professional architectural, engineering, landscape architectural, or land-surveying services; amending s. 287.062, F.S., authorizing agencies to reserve certain competitive bid contracts for certified minority business enterprises; amending s. 287.094, F.S., relating to minority business enterprise programs and penalties for false representation; establishing the Minority Business Enterprise Assistance Office within the Department of General Services; providing for agency minority enterprise assistance; amending s. 288.39, F.S., relating to the duties of the Division of Economic Development of the Department of Commerce; providing for review and repeal; providing an effective date.

On motion by Senator Meek, the rules were waived and the Senate proceeded to consideration of —

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1187 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Weinstock—

HCR 1187—A concurrent resolution commending the Charles Stewart Mott Foundation for its contributions to community education throughout the world, the nation and especially to the State of Florida.

—was read the first time in full. On motions by Senator Meek, by two-thirds vote HCR 1187 was placed on the calendar and by two-thirds vote read the second time by title, unanimously adopted and certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Neal, the rules were waived and by two-thirds vote Senate Bills 299, 396, 462, 496 and 721 were withdrawn from the Committee on Appropriations.

On motion by Senator Neal, the rules were waived and the Committee on Appropriations was granted permission to extend time of adjournment of the meeting this day until completion of the Appropriations Bill, and in the event the chairman decides otherwise, the committee will reconvene May 10 at 9:00 a.m.

On motions by Senator Jenne, the rules were waived and by two-thirds vote Senate Bills 1127 and 1122 were withdrawn from the Committee on Economic, Community and Consumer Affairs; SB 675 was withdrawn from the Committee on Finance, Taxation and Claims; and HB 209 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Hair, the rules were waived and by two-thirds vote SB 1232 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Jenne, the rules were waived and the Committee on Rules and Calendar was granted permission to consider a proposed change by Senator Carlucci to Rule 4.6 in lieu of Rule 4.9 as shown in the calendar this day.

On motion by Senator Vogt, the rules were waived and by two-thirds vote CS for SB's 862, 740 and 1241 was withdrawn from the Committee on Governmental Operations.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 89 and 188 which he had approved May 8.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed HB 137, as amended.

Allen Morris, Clerk

The Honorable Harry A. Johnston, II, President

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

SB 295—A bill to be entitled An act relating to funeral directing, embalming, and direct disposition; amending s. 470.002, F.S., defining "at-need solicitation"; amending s. 470.026, F.S., prohibiting at-need solicitation of funeral merchandise or services; amending s. 497.005, F.S.; providing a definition; amending s. 497.043, F.S.; prohibiting at-need solicitation of at-need burial merchandise or services; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 24, 25 and 26, strike all of said lines and insert:

Section 2. Subsection (1) of section 470.026, Florida Statutes, is amended and subsection (5) is added to said section to read:

470.026 Solicitation of goods or services.—

(1) The department ~~shall be authorized to~~ adopt rules regulating the solicitation of goods or services by licensees or registrants.

Amendment 2—On page 1, lines 22 and 23, strike all of said lines and insert a period

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

SB 295 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

| | | | |
|-----------------|-----------|-------------|-----------|
| Mr. President | Fox | Johnson | Neal |
| Barron | Frank | Kirkpatrick | Plummer |
| Beard | Girardeau | Kiser | Scott |
| Carlucci | Grant | Langley | Stuart |
| Castor | Grizzle | Mann | Vogt |
| Childers, D. | Hair | Margolis | Weinstein |
| Childers, W. D. | Hill | McPherson | |
| Crawford | Jenne | Meek | |
| Dunn | Jennings | Myers | |

Nays—None

Vote after roll call:

Yea—Deratany, Gersten, Gordon, Peterson, Thomas

The Honorable Harry A. Johnston, II, President

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

SB 79—A bill to be entitled An act relating to reserved parking spaces for state employees; amending s. 272.161, F.S.; providing that preference be given car pools in the assignment of such spaces; providing that such assignment be without charge; requiring the establishment of guidelines; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, after line 5, insert:

(d) The Auditor General shall conduct an audit of state employee parking in non-state owned parking lots and shall make a recommendation to the legislature before the 1986 session, for an equitable rate-setting mechanism to insure that state employees, who, by job description, are required to own an automobile as a condition of employment, are not subjected to higher parking rates than the average rate for employees in state-owned parking facilities.

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

SB 79 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Deratany, Gersten, Peterson

SPECIAL ORDER

SB 549—A bill to be entitled An act relating to the State Comprehensive Plan; providing the purposes of the State Comprehensive Plan; pro-

viding for the adoption of the plan; identifying the goals and policies of the State Comprehensive Plan; providing an effective date.

—was read the second time by title.

Amendment 1 as amended and Amendment 2 were adopted to SB 549. The amendments were not shown here because identical amendments were subsequently adopted to HB 1338.

Pending further consideration of SB 549, as amended, on motion by Senator Jenne, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1338 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations and Representative Bell and others—

HB 1338—A bill to be entitled An act relating to the Official State Comprehensive Plan; providing the purposes of the Official State Comprehensive Plan; providing for the adoption of the plan; identifying the goals and policies of the state plan; creating the State Comprehensive Plan Resource Commission; repealing s. 186.022, F.S.; deleting provisions relating to the adoption of state agency functional plans; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation; Economic, Community and Consumer Affairs; and Appropriations.

SPECIAL ORDER, continued

On motions by Senator Jenne, by two-thirds vote HB 1338, a companion measure, was withdrawn from the Committees on Natural Resources and Conservation; Economic, Community and Consumer Affairs; and Appropriations, and substituted for SB 549.

On motion by Senator Jenne, by two-thirds vote HB 1338 was read the second time by title.

Senator Jenne moved the following amendment:

Amendment 1—On pages 1-46, strike everything after the enacting clause and insert:

Section 1. Description of plan; legislative intent; construction and application of plan.—

(1) The State Comprehensive Plan shall provide long-range policy guidance for the orderly, social, economic, and physical growth of the state. It shall be reviewed biennially by the Legislature, and implementation of its policies shall require legislative action unless otherwise specifically authorized by the constitution or law.

(2) The State Comprehensive Plan is intended to be a direction-setting document. Its policies may be implemented only to the extent that financial resources are provided pursuant to legislative appropriation or grants or appropriations of any other public or private entities. The plan does not create regulatory authority or authorize the adoption of agency rules, criteria, or standards not otherwise authorized by law.

(3) The goals and policies contained in the State Comprehensive Plan shall be reasonably applied where they are economically and environmentally feasible, not contrary to the public interest, and consistent with the protection of private property rights. The plan shall be construed and applied as a whole, and no specific goal or policy in the plan shall be construed or applied in isolation from the other goals and policies in the plan.

Section 2. State Comprehensive Plan adopted.—The Legislature hereby adopts as the State Comprehensive Plan the following specific goals and policies:

- (1) INCREASED STUDENT PERFORMANCE.—

(a) Goal.—The creation of an educational environment which stimulates every student to maximize his or her ability.

(b) Policies.—

1. Provide for systematic evaluation of programs and systems which will identify successful programs and programs requiring enhancement.
2. Develop effective mechanisms to assess achievement levels.
3. Ensure salaries, benefits, and other incentives which will attract and retain high-quality educators in the numbers needed to meet the educational needs of an increasing population.
4. Establish certification and teaching requirements which are compatible with the highest levels of student performance.
5. Provide the optimum amount of learning-time to improve student performance.
6. Increase student performance as measured by accepted standard criteria.
7. Provide alternatives to traditional teaching methods so that low achievers may experience educational success.
8. Provide adequate and appropriate instructional materials, facilities, and equipment.
9. Develop adequate and appropriate counseling alternatives for students at all educational levels.
10. Expand early learning experiences to enhance student achievement.
11. Create a work environment which is conducive to imaginative, creative teaching.

(2) EXPANDED EDUCATIONAL OPPORTUNITY.—

(a) Goal.—By 1995, Florida will increase opportunities for continued learning for all age groups by 15 percent and increase the program completion rate by 10 percent.

(b) Policies.—

1. Increase the standards for teacher licensing and professional development.
2. Identify and encourage those factors which are critical to raising expectations, performance, and motivation of socio-economically and academically disadvantaged persons.
3. Use minority student performance on assessment programs as one criterion for designation of merit schools.
4. Develop alternative procedures for identifying gifted students.
5. Identify and disseminate programs of demonstrated success in increasing the educational attainment of special student groups.
6. Promote educational and cultural enrichment and recreational activities outside traditional systems through the increased use of community and educational facilities.
7. Develop creative alternatives to educational programs in order to serve a larger segment of the population.
8. Increase the articulation and information exchange among all levels of public education.
9. Develop programs to meet the educational needs of elderly persons.
10. Increase the use of technology in education.
11. Afford increased opportunities for upper-division and graduate level studies.
12. Continue to support the development of research-based programs for identifying and preventing dropouts in public school and in higher education institutions.
13. Provide a vocational education program designed to accommodate Florida's changing technological, occupational, and educational needs.

(3) PROTECTION OF CHILDREN.—

(a) Goal.—By 1995, Florida will decrease the number of children at risk of becoming delinquent, abused, or otherwise dependent on society by expanding by 50 percent the preventive and counseling services and day treatment programs available to the families of these children at risk.

(b) Policies.—

1. Promote the preservation and strengthening of families to reduce the occurrence of abuse and neglect.
2. Ensure that all current and new programs for children and adolescents are as family-focused and supportive of the family unit as feasible without exposing the child to unacceptable physical and emotional risks.
3. Expand prenatal and perinatal screening programs in order to increase the number of at-risk mothers and infants who receive prevention services.
4. Emphasize prevention and nonresidential services geared toward keeping children in their homes and communities and limiting entry into the more restrictive and expensive programs, with each child's protection and well-being, however, as the first priority.
5. Ensure the safety of children and the quality of services they receive in residential, day care, and treatment programs through necessary and appropriate regulations.
6. Develop a child abuse service system that will detect abuse and severe neglect in the early stages, intervene promptly and effectively in both family and nonfamily settings, and apply a multidisciplinary child abuse prevention/treatment team approach.
7. Provide timely intervention and treatment services in the least restrictive setting when incidents of abuse or neglect do occur.
8. Provide a strong, interagency case-management system, including appropriate state agencies, law enforcement, school districts, and community mental health centers, to ensure the proper placement of children in need of services.
9. Provide a comprehensive range of children's mental health services, from prevention programs to the less-intensive residential programs, with minimal use of institutional settings.
10. Treat no children or adolescents in state mental health institutions, and provide that the primary emphasis on mental health treatment of children shall be community-based services.
11. Provide secure, intensive treatment facilities for children and adolescents who, due to their aggressive or violent behavior, would otherwise be treated in placements in other states or in institutional settings in Florida.
12. Develop a community-oriented juvenile justice system which meets the individual needs of referred and committed youth offenders and which treats juveniles in the least restrictive manner while ensuring the safety of the community by holding juveniles accountable for their behavior and by linking reentry into the community to stable behavior.

13. Increase the state's capacity to provide training and support services to developmentally disabled children and adolescents in the community.

14. Expand the range of programs currently available for children with physical handicaps other than, or in addition to, developmental disabilities, learning disabilities, and emotional problems.

(4) INCREASED SELF-SUFFICIENCY FOR ELDERLY PERSONS.—

(a) Goal.—By 1995, Florida will increase the percentage of persons aged 75 and over who are living self-sufficiently by 15 percent.

(b) Policies.—

1. Develop and implement preventive services and strategies to increase individual independence and to delay or avoid frailty.
2. Support cost-effective community alternatives to long-term institutional care.
3. Integrate health care and social service delivery systems to provide comprehensive coordinated, cost-effective care that is responsive to individual needs.

4. Strengthen case-management systems to control access to long-term care services, assure appropriate delivery of services, and monitor expenditures.

5. Promote geriatric health care education programs to improve quality of care.

6. Ensure patients' rights to determine the course of their own medical treatment.

7. Strengthen the care-giving capacity of family members and other informal support providers in order to prevent neglect, exploitation, and abuse of elderly persons.

8. Provide services designed to increase the involvement of elderly persons in the day-to-day life of the community, to ensure their adequate housing, and to improve employment opportunities for those elderly persons who are willing and able to work.

9. Ensure that health and social services licensure and certification procedure are nonduplicative and provide for systematic regulatory oversight.

10. Expand transportation services to increase mobility of elderly persons.

11. Increase the participation of elderly persons in education and social service programs serving children.

12. Develop a continuum of care for the elderly with an emphasis upon cost-effective community-based services.

13. Ensure the provision of services to those elderly persons in the greatest need, particularly those at or below the poverty level.

(5) INCREASED HOUSING AFFORDABILITY.—

(a) Goal.—Florida will assure access to safe and affordable housing for all households in the lowest income quartile.

(b) Policies.—

1. By 1995, reduce by 40 percent the number of households that spend more than 30 percent of their income on housing.

2. Increase the supply of housing for low-income and moderate-income persons by targeting state housing resources to alleviate the shortage of housing, particularly for those now living in housing which is unsafe and unsanitary.

3. Increase the supply of housing for low-income and moderate-income persons by providing incentives to encourage the recycling of older housing stock and the redevelopment of existing residential neighborhoods where recycling and redevelopment will result in such increases.

4. Provide incentives to local governments to identify the housing needs of their existing and projected low-income and moderate-income populations.

5. Increase the supply of housing for low-income and moderate-income persons by providing incentives to the private sector for building affordable housing, particularly through the encouragement of short-term construction loan programs.

6. Ensure adequate and affordable housing for the elderly.

7. Reduce the cost of housing construction by eliminating unnecessary regulatory practices which add to the cost of housing.

8. Increase the availability and reduce the cost of housing financing for low-income and moderate-income persons by subsidizing loans for such persons through a partnership between the public sector and lending institutions.

9. Reduce the cost of housing construction for low-income and moderate-income persons by encouraging research in and use of cost-effective housing construction techniques and materials.

(6) EXPANDED COMMUNITY-BASED TREATMENT PROGRAMS.—

(a) Goal.—By 1995, the number of persons who are mentally ill, developmentally disabled, or addicted to drugs or alcohol and who are served in large state institutions will be decreased by 50 percent, and community programs will be increased to provide a level of service at least comparable to that provided in those institutions.

(b) Policies.—

1. Make available community-based treatment and rehabilitative services on a statewide basis through licensed and regulated facilities and ensure that services are accessible to all potential clients, including former hospital patients who are homeless and are frequently served through shelters.

2. Treat clients in the least restrictive setting in accordance with recommendations included in their treatment plan, with emphasis on serving clients in their own homes.

3. Place clients in institutions only when community placements have been unsuccessful or the severity of the diagnosis requires secure and specialized care.

4. Provide specialized treatment programs to clients with specific, complex diagnoses and to those clients who frequently cycle through the criminal justice and human services system with no discernable improvement.

5. Develop small regional facilities as a part of the range of community-based services available to clients.

6. Make available for other state programs institutional facilities vacated as a result of deinstitutionalization, in order to mitigate the economic effects of closure on communities.

(7) IMPROVED CORRECTIONAL SYSTEM.—

(a) Goal.—By 1995, Florida will protect the public from crimes by lowering the recidivism rate by 15 percent, and by expanding proven alternative corrections programs and increasing the ex-offenders' employment rate by 10 percent.

(b) Policies.—

1. Maintain safe and secure prisons and other correctional facilities with the required number of well-trained staff.

2. Provide incentives which will attract and retain high-quality correctional officers.

3. Provide effective alternatives to incarceration for appropriate offenders and encourage offender restitution and work programs.

4. Make the corrections system more financially self-sufficient through prison industries, inmate work, and other programs.

5. Contribute to offender self-improvement through life-skills, educational and vocational training programs.

6. Provide effective diagnostic and treatment programs for offenders suffering from substance abuse or psychological disorders.

7. Ensure that all inmates have access to comprehensive health care.

(8) INCREASED EMPHASIS ON PREVENTION.—

(a) Goal.—By 2005, Florida will have shifted its program emphasis from treatment to prevention in child abuse and in drug and alcohol dependency, and will be committing more than 50 percent of its total expenditures in each of those program areas to prevention.

(b) Policies.—

1. Provide training in normal child development and family relationship skills in public education programs at all levels.

2. Sponsor seminars and clinics for parents on positive ways to handle stress related to child-rearing.

3. Encourage prevention programs in schools and community centers to decrease the incidence of teenage pregnancy, and provide programs to reduce the detrimental effects of teenage pregnancy.

4. Develop and participate in alcohol and drug prevention programs in the school system and in the community.

5. Encourage the development and public awareness of community support networks for parents and children at risk of abuse or drug or alcohol dependency.

6. Promote healthy lifestyles and wellness activities for all Florida residents through public education and public service announcements.

7. Target funds for intensive prevention programs to families at risk of child abuse or substance abuse problems.

8. Provide short-term respite centers for families in abuse-related crisis situations.

9. Develop and expand prevention, identification, and treatment programs for substance abusers who are children or adolescents.

10. Encourage private sector involvement in prevention programs through employee assistance programs.

(9) PROTECTION OF WATER RESOURCES.—

(a) Goal.—Florida will assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and will maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida will improve and restore the quality of waters not presently meeting water quality standards.

(b) Policies.—

1. Ensure the safety and quality of drinking water supplies.

2. Identify and protect the functions of water recharge areas and provide incentives for their conservation.

3. Encourage the development of local and regional water supplies within water management districts instead of transporting surface water across district boundaries.

4. Protect and use natural water systems in lieu of structural alternatives and restore modified systems.

5. Establish minimum seasonal flows and levels for surface water-courses with primary consideration given to the protection of natural resources, including marine, estuarine, and freshwater aquatic ecosystems.

6. Discourage or prohibit where necessary the channelization, diversion, or damming, of natural riverine systems.

7. Encourage the acquisition of and require the management of flood-plains and other hydrologically significant features to reach water quality and quantity objectives.

8. Protect aquifers from depletion and contamination through appropriate regulatory programs and through incentives.

9. Protect surface and groundwater quality and quantity in the state.

10. Require water conservation as an integral part of water management programs as well as the use and reuse of water of the lowest acceptable quality for the purposes intended.

11. Emphasize conservation and reuse of water in establishing priorities for allocating water supplies among competing uses.

12. Eliminate the discharge of inadequately treated wastewater and stormwater runoff into the waters of the state.

13. Identify and develop alternative methods of wastewater treatment, disposal, and reuse of wastewater to reduce degradation of water resources.

14. Reserve from use that water necessary to support essential non-withdrawal demands, including navigation, recreation, and the protection of fish and wildlife.

(10) PROTECTION OF COASTAL AND MARINE RESOURCES.—

(a) Goal.—Florida will ensure that development and marine resource use in coastal areas does not endanger public safety or important natural resources; and, by the year 2000, will, through acquisition and access improvements, make available to the state's increasing population additional public beach sites.

(b) Policies.—

1. Accelerate public acquisition of coastal and beach-front land to protect coastal resources or to meet projected public demand.

2. Provide access to the public portion of beaches.

3. Avoid the expenditure of state funds that subsidize additional development in high-hazard coastal barrier areas.

4. Protect coastal resources and dune systems from the adverse effects of development.

5. Develop and implement a comprehensive system of coordinated planning, management, and land acquisition to ensure the integrity and continued attractive image of coastal areas.

6. Encourage land and water uses which are compatible with the protection of sensitive coastal resources.

7. Promote the restoration and long-term productivity of marine fisheries habitat and other aquatic resources.

8. Avoid the exploration or development of mineral resources which would adversely affect marine and estuarine resources.

9. Give priority in marine development to water-dependent uses over other uses.

10. Give priority to the redevelopment and expansion of existing commercial and recreational facilities in coastal areas over the development of new facilities.

11. Promote marine fisheries research and manage marine resources to assure the continued health of commercial, sport, and nongame species and their habitats.

12. Prohibit development and other activities which adversely affect coastal dune systems, and ensure and promote the restoration of coastal dune systems that are damaged.

13. Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents and for the potential redevelopment of high-hazard areas.

(11) PRESERVATION OF NATURAL SYSTEMS AND RECREATIONAL LANDS.—

(a) Goal.—Florida will protect and acquire unique natural habitats and ecological systems such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

(b) Policies.—

1. Develop a comprehensive program to acquire, and manage public lands to provide recreation, conservation, and related public benefits. Dispose of any surplus land not needed for these purposes and use any resulting exchange value or funds derived to acquire conservation and recreation lands.

2. Perpetuate an ecologically sound diversity of native fish, wildlife, and plant species and their habitats.

3. Encourage the protection of endangered species and their habitats.

4. Promote the use of agricultural practices which are compatible with the protection of wildlife and natural systems.

5. Encourage multiple use of forest resources, where appropriate, to provide for timber production, recreation, wildlife habitat, watershed protection, erosion control, and maintenance of water quality.

6. Protect and restore the ecological functions of wetlands systems to ensure their long-term environmental, economic, and recreational value.

7. Restore the hydrological and ecological functions of the Everglades.

8. Develop and implement a comprehensive planning, management, and acquisition program to ensure the integrity of Florida's major river systems.

9. Emphasize the acquisition and maintenance of ecologically intact systems in all land and water planning, management, and regulation.

10. Encourage the use of public and private financial and other resources for the development of recreational opportunities at the state and local levels.

11. Expand state and local efforts to provide recreational opportunities to urban areas, including the development of activity-based parks.

12. Protect and expand park systems throughout the state.

(12) PROTECTION OF AIR QUALITY.—

(a) Goal.—Florida will comply with all national air quality standards by 1987, and by 1992 meet standards which are more stringent than 1985 state standards.

(b) Policies.—

1. Improve air quality to safeguard human health and to prevent damage to the natural environment.
2. Ensure that land development and related transportation systems are consistent with the maintenance of optimal air quality.
3. Reduce sulfur dioxide and nitrogen oxide emissions and mitigate their effects on the natural and human environment.
4. Ensure, at a minimum, that power plant fuel conversion does not result in higher levels of air pollution.
5. Encourage the use of alternative energy resources that do not degrade air quality.

(13) INCREASED ENERGY CONSERVATION.—

(a) Goal.—Florida will encourage energy conservation measures and manage all forms of energy to sustain a long-term stable competitive state economy.

(b) Policies.—

1. During the 1980's reduce per capita energy consumption by 25 percent.
2. Expand energy reduction efforts such as ride-sharing, carpooling, life-cycle cost analysis of new buildings, retrofitting and adaptive use of existing buildings, and other energy management practices.
3. Improve traffic flow on existing roads by such methods as improved design and retiming of traffic signals.
4. Stress energy efficiency in transportation planning and provide more efficient modes of transportation, such as railways, bikeways, and mass transit.
5. Reduce the need for new power plants by encouraging end-use efficiency, reducing peak demand, and utilizing cost-effective alternatives.
6. Increase the efficient use of energy in design and operation of buildings, public utility systems, and other infrastructure and related equipment
7. Promote the development and application of solar energy technologies and passive solar design techniques.
8. Provide information on energy conservation through active media campaigns.
9. Promote the use and development of renewable energy resources.
10. Develop and maintain energy preparedness plans that will be both practical and effective under circumstances of disrupted energy supplies or unexpected price surges.

(14) IMPROVED MANAGEMENT OF WASTE AND HAZARDOUS MATERIALS.—

(a) Goal.—All hazardous wastes and solid wastes in Florida will be properly handled, recycled or neutralized, and disposed of.

(b) Policies.—

1. Encourage and expedite the development of environmentally safe hazardous waste treatment and storage facilities.
2. Require all hazardous waste generators to properly manage their own wastes.
3. Establish a system for identifying the location, type, and quantity of hazardous materials.
4. Develop a permanent system for households, small business, and other low-volume generators of hazardous waste to safely dispose of these materials in a convenient manner.

5. Identify and clean up hazardous waste sites.

6. Enforce and strengthen regulation of the generation, storage, treatment, disposal, and transportation of hazardous wastes.

7. Encourage strict enforcement of hazardous waste laws and swift prosecution of violators.

8. Encourage development and licensure of hazardous waste disposal facilities.

9. Encourage the research, development, and implementation of recycling, resource recovery, energy recovery, and other methods of using garbage, trash, sewage, sludge, hazardous waste, and other waste.

10. Encourage coordination of waste management efforts among local governments and with other states.

11. By 1995, reduce the volume of nonhazardous solid waste disposed of in landfills to 55 percent of the 1985 volume.

(15) IMPROVED RECLAMATION OF MINED LANDS.—

(a) Goal.—Florida will allow the most efficient extraction of resource deposits consistent with prudent health, safety, and environmental considerations, and will require that all lands mined be returned to a useful and beneficial function within a reasonable time.

(b) Policies.—

1. Develop a comprehensive approach to regulate mining.
2. Require mining operations to provide evidence of financial responsibility to ensure the reclamation of mined lands.
3. Require that disturbed areas, except those selected to be reclaimed by nature, be reclaimed to productive and beneficial uses within a time determined by the state to be reasonable and practical after completion of mining.
4. Require state reclamation standards to be simple and well-coordinated, and to be consistent with the protection of the public interest and conservation of natural resources.
5. Prohibit resource extraction which will result in an adverse effect on environmentally sensitive areas of the state which cannot be restored.
6. Discourage mining where off-site ground and surface waters will be unreasonably degraded.
7. Protect human health from radiological impacts which may be associated with mining.
8. Reduce the adverse effects of waste disposal associated with mining.
9. Base post-mining land use decisions on local government comprehensive plans.
10. Require that mining and reclamation regulations recognize the geological constraints and inherent differences in the types and locations of resources to be mined.

(16) BALANCED LAND USE.—

(a) Goal.—In recognition of the importance of preserving the natural resources and enhancing quality of life of the state, development shall be directed to those areas which have the physical resources, fiscal abilities, and the service capacity in place to accommodate growth in an environmentally acceptable manner or which have agreements in place to provide such resources, abilities, and capacity.

(b) Policies.—

1. Promote state programs, investments, and development and redevelopment activities which encourage compact and efficient urban development, and which occur in areas with the capacity to service new population and commerce.
2. Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.
3. Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities within a context of higher-density development.

4. Develop a system of intergovernmental negotiation for siting locally unpopular public and private land uses that considers the area of population served, the impact on land development patterns or important natural resources, and the cost-effectiveness of service delivery.

5. Encourage and assist local governments in establishing comprehensive impact-review procedures to evaluate the effects of significant development activities in their jurisdictions.

6. Consider, in land use planning and regulation, the impact of land use on water quality and quantity, the availability of land, water, and other natural resources to meet demands, and the potential for flooding.

7. Provide educational programs and research to meet state, regional, and local planning and growth-management needs.

(17) COORDINATED PUBLIC FACILITIES PLANNING, FINANCING, AND MAINTENANCE.—

(a) Goal.—Florida will protect the substantial investment in public facilities that already exist, and plan for and finance new facilities to serve existing and future residents in a timely, orderly, and efficient manner.

(b) Policies.—

1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.

2. Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.

3. Allocate the costs of new public facilities on the basis of the benefits received by the existing community and by future residents and businesses.

4. Create a partnership among state government, local governments, and the private sector which would identify and build needed public facilities and allocate the costs of such facilities among the partners in proportion to the benefits accruing to each of them.

5. Encourage local government financial self-sufficiency in public facilities.

6. Identify and implement innovative but fiscally sound and cost-effective alternatives for financing public facilities, and include the private sector in the planning, financing, and construction of public facilities.

7. Encourage the development and use of capital improvement plans by all levels of government.

8. Identify and use stable revenue sources which are also responsive to growth for financing public facilities.

9. Encourage development of gray-water systems to extend existing sewerage capacity.

(18) EXPANDED ACCESS TO CULTURAL AND HISTORICAL RESOURCES.—

(a) Goal.—By 1995, Florida will increase access to its historical and cultural resources and programs and in each major area of the state will have available cultural programs of national excellence, and Florida will have at least one internationally ranked museum.

(b) Policies.—

1. Promote and provide access throughout the state to performing arts, visual arts, and historic preservation and appreciation programs at a level commensurate with the state's economic development.

2. Develop a strategy for the construction of arts facilities based on an assessment which ranks regional and statewide capabilities and needs.

3. Ensure the identification, evaluation, protection, use, and interpretation of historic and archaeological resources.

4. Stimulate increased private sector participation and support for historical and cultural programs.

5. Encourage the rehabilitation and sensitive, adaptive use of historic properties through technical assistance and economic incentive programs.

6. Ensure that historic resources are taken into consideration in the planning of all capital programs and projects at all levels of government, and that such programs and projects are carried out in a manner which is sensitive to the preservation of historic resources.

(19) INCREASED HIGHWAY SAFETY.—

(a) Goal.—Florida will lower the highway death rate by 30 percent by 1995.

(b) Policies.—

1. Increase the state's commitment to stringent enforcement of laws against drunk or drugged driving.

2. Expand public awareness campaigns that emphasize the dangers of driving under the influence of alcohol or drugs.

3. Increase efforts to encourage the use of personal safety restraint devices for all persons traveling in motor vehicles.

4. Improve the enforcement of and compliance with safe highway speed limits.

5. Provide effective and efficient driver licensing systems including a reliable testing system that will help ensure that only qualified drivers receive a driver's license.

(20) REDUCED CRIME.—

(a) Goal.—By 1995, Florida will reduce the serious crime rate by 25 percent and will reduce the volume of illegal drugs entering the state.

(b) Policies.—

1. Increase the level of training and technical assistance provided to law enforcement agencies.

2. Provide incentives which will attract and retain high-quality law enforcement officers.

3. Increase crime prevention efforts to enhance the protection of individuals' personal safety and property, especially for those individuals who are most vulnerable.

4. Ensure that the rights of crime victims are emphasized and protected.

5. Continue to implement coordinated and integrated strategies to combat organized crime.

6. Expand the state's provisions for the protection of witnesses in criminal cases, especially organized crime cases.

7. Strengthen the state's commitment to pursue, both criminally and civilly, those individuals who profit from economic crimes, and assure that the commitment keeps pace with the level and sophistication of these criminal activities.

8. Expand the level, quality, and coordination of local, state, and federal efforts devoted to the eradication of drug trafficking in Florida.

9. Improve the quality of communication and coordination among the various criminal justice information systems and develop a better reporting capability for such criminal activities as organized crime, economic crime, and drug crime.

10. Use alternative sentencing for minor criminal violations.

(21) COORDINATED TRANSPORTATION SYSTEMS.—

(a) Goal.—Florida will direct future transportation improvements to aid in the management of growth, and will have a state transportation system that integrates highway, air, mass transit, and other transportation modes.

(b) Policies.—

1. Establish by 1995 a high-speed rail system that links the Tampa Bay area, Orlando, and Miami.

2. Coordinate transportation investments in major travel corridors to enhance system efficiency and minimize adverse environmental effects.

3. Promote a comprehensive transportation planning process which coordinates state, regional, and local transportation plans.

4. Allow flexibility in state participation in funding of public transit projects, and provide incentives to local governments and the private sector, to ensure adequate local funding of public transit systems.
5. Ensure that existing port facilities and airports are being used to the maximum extent possible before encouraging the expansion or development of new port facilities and airports to support economic growth.
6. Promote timely resurfacing and repair of roads and bridges to minimize costly reconstruction and to enhance safety.
7. Direct state transportation investments to contribute to efficient urban development.
8. Encourage the construction and use of public transit systems.
9. Avoid transportation improvements which encourage or subsidize increased development in coastal high-hazard areas or in identified environmentally sensitive areas such as wetlands, floodways, or productive marine areas.
10. Plan transportation systems to minimize adverse effects on environmentally sensitive areas such as wetlands, floodways, or productive marine areas.
11. Coordinate transportation improvements with state agency functional plans and local and regional comprehensive plans.
12. Acquire advanced rights-of-way for transportation projects in designated transportation corridors consistent with state, regional, and local plans.
13. Promote effective coordination among various modes of transportation in urban areas to assist urban development and redevelopment efforts.

(22) INCREASED GOVERNMENT COST-EFFECTIVENESS.—

(a) Goal.—Florida governments will economically and efficiently provide the amount and quality of services required by the public.

(b) Policies.—

1. Encourage the use of municipal services taxing units and other dependent special districts to provide needed infrastructure where the fiscal capacity exists to support such an approach.
2. Allow the creation of independent special taxing districts which have uniform general law standards and procedures and do not overburden other governments and their taxpayers while preventing the proliferation of independent special taxing districts which do not meet these standards.
3. Eliminate regulatory activities that are not tied to specific public and natural resource protection needs.
4. Eliminate needless duplication of, and promote cooperation in, governmental activities between, among, and within state, regional, county, city, and other governmental units.
5. Encourage and provide for the restructuring of city and county political jurisdictions with the goals of greater efficiency and higher quality, more responsive public service programs.
6. Replace inefficient local facilities with regional facilities if a regional approach is proven to provide the needed services in an economical and energy-efficient manner.
7. Encourage greater efficiency and economy at all levels of government through adoption and implementation of effective records management and information management procedures.
8. Develop and implement an evaluation system to accurately assess the efficiency, effectiveness, and responsiveness of state and local governments.
9. Encourage governments to seek outside contracting on a competitive basis for delivery of governmental services.

(23) PRESERVATION OF ECONOMIC STRENGTH.—

(a) Goal.—Florida will promote an economic climate which provides economic stability and maximizes job opportunities for its residents.

(b) Policies.—

1. Attract new job-producing industries, corporate headquarters, distribution and service centers, regional offices, and research and development facilities to provide quality employment for the residents of Florida.
2. Promote entrepreneurship and small and minority-owned business start-up by providing technical and information resources, facilitating capital formation, and removing regulatory restraints which are unnecessary for the protection of consumers and society.
3. Invest in the educational system today to teach the basic and advanced skills that will ensure its students are prepared to become productive citizens and that will attract the industry of tomorrow.
4. Maintain, as one of the state's primary economic assets the environment, including clean air and water, beaches, forests, historic landmarks, and agricultural and natural resources.
5. Provide business and industry the opportunity to assist in developing curricula for vocational education.
6. Strengthen the state's position in the world economy by attracting foreign investment, promoting international banking and trade.
7. Build on the state's attractiveness to make it a leader in the visual and performing arts and in all phases of film, television, and recording production.
8. Promote economic development for Florida residents through partnerships among education, business, industry, agriculture, and the arts.
9. Provide increased opportunities for training the work force to provide skilled employees for new and expanding businesses.
10. Promote economic self-sufficiency through training and educational programs which result in productive employment.
11. Promote cooperative employment arrangements between private employers and public sector employment efforts to provide productive, permanent employment opportunities for public assistance recipients through provision of educational opportunities, tax incentives, and employment training.
12. Provide high-quality child day care for public assistance families and others who need it in order to work.
13. Encourage the development of a business climate that provides opportunities for the growth and expansion of existing state industries, particularly those industries which are compatible with the environment.

(24) INCREASED RESEARCH TO PROMOTE ECONOMIC DEVELOPMENT.—

(a) Goal.—State universities will increase their support of knowledge-based economic development, and, by 1995, the level of private foundation and federal funding of such research will be increased by 95 percent.

(b) Policies.—

1. Expand the participation of private partnerships in recruiting additional nationally recognized faculty such as eminent scholars.
2. Provide a system to disseminate knowledge to solve economic and community problems, through linkages between business, local communities, and institutes of higher education.
3. Reduce obstacles which discourage research projects.
4. Pursue funds for research to be conducted in the state.
5. Provide incentives for the application of research that responds to new opportunities and solves social, natural resource, agricultural, and economic problems.
6. Improve the quality of libraries in public schools, communities, and colleges and universities.

(25) EXPANDED MARKETS FOR AGRICULTURAL PRODUCTS.—

(a) Goal.—Florida will maintain and expand its relative share of national and international agricultural markets.

(b) Policies.—

1. Encourage diversification within the agriculture industry, especially to reduce the vulnerability of communities that are largely reliant upon agriculture for either income or employment.

2. Increase international agricultural marketing opportunities for farms of all sizes.

3. Stimulate the application of agricultural technology to enhance the conservation, production, and marketing techniques of all firms in the agriculture industry.

4. Encourage conservation, wastewater recycling, and other appropriate measures to assure adequate water resources to meet agricultural and other beneficial needs.

5. Promote entrepreneurship by providing technical and informational services.

6. Stimulate continued productivity through investment in education and research.

7. Support continued research on integrated pest management and biological pest control technologies, and encourage their implementation to further the reduction in reliance on chemical controls where such chemical controls are harmful to the human health or the environment.

8. Conserve soil resources to maintain the economic value of land for agricultural pursuits and to prevent sedimentation in state waters.

9. Promote the vitality of Florida's agricultural industry through continued funding of basic research, extension, inspection, and analysis services and of programs providing for marketing and technical assistance and the control and eradication of diseases and infestations.

10. Continue to promote the use of lands for agricultural purposes by maintaining preferential property tax treatment through the greenbelt law.

(26) INCREASED TOURISM.—

(a) Goal.—Florida will attract at least 55 million tourists annually by 1995, and will support efforts by all areas of the state wishing to develop or expand tourist-related economies.

(b) Policies.—

1. Promote statewide tourism and support promotional efforts in those parts of the state that desire to attract visitors.

2. Acquire and manage public lands to offer visitors and residents increased outdoor experiences.

3. Promote awareness of historic places and cultural and historical activities.

(27) POSITIVE APPROACH TO HEALTH ISSUES.—

(a) Goal.—By 1995, Florida shall cultivate a positive condition of health for all its citizens, promote individual responsibility for a positive state of health, assure access to affordable, quality health care, and reduce health care costs as a percentage of the total financial resources available to the state and its citizens.

(b) Policies.—

1. Promote innovative health maintenance and improvement through individual action, facilitated by an array of public health, primary care, and risk reduction services.

2. Undertake multifaceted efforts to ensure that necessary health services are available to all Floridians, while aggressively seeking means to contain health care costs through public information, appropriate competitive and regulatory initiatives, and insurance reforms.

3. Decrease, through prevention, the number of persons who are mentally ill, developmentally disabled, malnourished, or addicted to drugs or alcohol and increase the use of community programs while maintaining or improving the level of service.

4. Young children:

a. Make prenatal care available to all pregnant women in the state.

b. Provide every woman and child needing intensive perinatal services with such services.

c. Expand developmental services for children to help developmentally delayed children achieve the highest cognitive, physical, emotional, and productive functions.

d. Implement routine screening for chronic, disabling diseases in all prenatal care examinations.

e. Provide all families unable to provide essential nutritional meals to children with means to do so and educate parents about the importance of sound nutritional balance.

f. Create public health clinics to provide flexible primary care coverage for children.

g. Make comprehensive pediatric screening for childhood diseases available in elementary schools.

h. Offer preventive dentistry screening services.

i. Initiate comprehensive exercise, nutrition, and weight management curricula to promote early positive health habits.

5. Adolescents:

a. Initiate school health services to identify and refer for treatment chronic diseases appearing in this age group.

b. Initiate school health services which provide health education to reduce emergence of smoking, substance abuse, poor eating habits, obesity, stress, and other unhealthy behaviors.

c. Expand access to public health or other clinics to provide prevention information and treatment.

d. Provide curricula to educate children in the prevention of accidents.

6. Adults:

a. Provide at universities and colleges on-campus exercise facilities and stress reduction classes to students.

b. Institute and encourage the development of exercise facilities in the work place for employees and provide incentives to such employees to encourage participation.

c. Provide incentives to encourage nonsmoking, sound nutritional habits, and personal weight maintenance.

d. Initiate employer and public health clinics to identify persons who have or are at high risk for chronic diseases.

e. Provide for intensive, noncoercive substance abuse identification and treatment programs by state government and private employers to their employees.

f. Make behavior reinforcement clinics available to assist individuals who wish to begin a holistic health schedule and to reduce smoking, substance abuse, obesity, and stress-related illnesses.

g. Make public health and private clinics available to screen for, detect, and treat degenerative diseases, such as arthritis, Parkinson's disease, multiple sclerosis, kidney deterioration, neurologic dysfunction, and heart disease, as early as possible.

h. Establish primary care services in rural and urban areas that are without access to such care.

i. Provide for the establishment by the state and private sectors of uniform organ procurement procedures, consistent with sound medical and ethical practice.

j. Provide prescription drugs and other pharmaceuticals to those in economic need in order to restore them to self-sufficiency, e.g., kidney patients.

k. Expand existing vocational rehabilitation programs to provide restorative services to moderately handicapped individuals.

l. Discourage practices leading to "lifestyle illness," such as high cholesterol levels and heart disease, smoking-related cancers, dysfunctional substance abuse, chronic obesity, and nervous diseases related to stress, through media campaigns, insurance incentives and disincentives, and availability of treatment.

m. Provide for stringent regulations and enforcement to prevent exposure by humans to environmental toxins, carcinogens, and radiation.

n. Initiate comprehensive occupational health, safety, and prevention programs to reduce occupational hazards.

o. Initiate health education through the media, adult education, employers, and other sources to teach individuals self-monitoring for detection of health concerns such as high blood pressure, precancerous indicators, malnutrition, and neurological disorders.

p. Emphasize geriatric health services by the state, medical schools, and private physicians.

q. Provide for geriatric medicine management and education programs by the state and the private sector to assist the elderly in taking their medicines.

r. Expand the state's efforts to identify and treat the victims of Alzheimer's and related neurologic disorders.

s. Initiate osteoporosis screening and treatment for elderly women to reduce hip fractures.

t. Provide intensive nutrition and diet education programs to the elderly.

u. Initiate programs to reduce the incidence and severity of elderly abuse and neglect.

v. Employ healthy elderly people as volunteers to teach children and younger adults healthy lifestyle habits.

w. Make extensive medical and health support services available to ensure the positive health status of these individuals in noninstitutional settings.

x. Provide primary health clinics for the elderly to receive comprehensive case management and immediate referral to acute care institutions, when needed.

y. Promote flexible, integrated physical, psychological, and social services to assist the elderly to remain active at home. Alternate this with respite nursing care to avoid inappropriate institutionalization.

7. Ensure that all health care related policies and programs emphasize wellness, the prevention of illness and injury, and rehabilitative care.

8. Develop payment systems for public and private sector health care services in which costs are negotiated before services are delivered.

9. Provide incentives for private sector insurance coverage for extraordinary health care needs, especially long-term care.

10. Target resources toward preventive and early care for population groups most at risk of incurring later, higher cost care.

11. Encourage competition in the market for health care goods and services, increase the availability of health care pricing information, and promote cost-consciousness among providers, consumers, and public and private insurance companies.

12. Assure that there is a reasonable relationship between the costs to health providers of equipment, supplies, and services and the charges made to consumers.

13. Avoid the unregulated shifting of costs for treatment of indigent patients to other patient groups and service categories.

14. Expand and improve current efforts to protect public health through clean air and water requirements.

15. Encourage private sector participation in decisions affecting health care cost.

16. Include health education courses in curricula at the elementary, secondary, and postsecondary levels.

17. Increase research and medical school instruction designed to advance illness-prevention and promote wellness.

18. Promote participation in health maintenance organizations and other alternative financing arrangements which profit from and emphasize wellness, preventive care, and rehabilitative care, and encourage appropriate use of health care services to reduce illness and extend life.

19. Promote the development of business health care coalitions that enable employers to take an active role in controlling health care costs.

20. Establish a tax system that penalizes the purchase of substances and foods adverse to good health and provides incentives for health and exercise activities.

(28) EXPANDED ACCESS TO THE JOB MARKET.—

(a) Goal.—By 1995, Florida will achieve a 70 percent job placement rate for graduates of state training programs, and the gap between the unemployment rate for disadvantaged groups and the average state unemployment rate will be reduced by 50 percent.

(b) Policies.—

1. Provide training opportunities for the unemployed which are based upon documented labor market needs.

2. Train, placing particular emphasis on job skills, and provide job placement assistance to hard-to-employ groups encountering special barriers, e.g., youth, minorities, the aged, farmworkers, and ex-offenders.

3. Ensure that all training programs focus on providing each student with lifetime employment skills, including the ability to communicate, compute, and think critically.

4. Encourage economic development in economically distressed areas.

5. Ensure that the transportation system provides maximum access to jobs and markets.

6. Promote interagency coordination and cooperation to maximize the impact of employment and training services on target groups.

7. Provide services which assist students to make informed career decisions.

8. Encourage arrangements to increase the access of working mothers to the job market, such as on-site day care facilities and flexible hours of employment.

(29) IMPLEMENTATION OF THE PLAN.—

(a) Goal.—Systematic planning capabilities will be integrated into all levels of government in Florida with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement.

(b) Policies.—

1. Establish strong and flexible agency and regional planning functions capable of responding to changing state policies and goals.

2. Assist every level of government to have the appropriate operational authority to implement the policy directives established in the plan.

3. Establish effective monitoring, incentive, and enforcement capabilities to see that the requirements established by regulatory programs are met.

4. Establish alternative means to resolve disputes and exchange information.

5. Simplify, streamline, and make more predictable the existing permitting procedures.

6. Ensure that each agency's functional plan and management process is designed to achieve the policies and goals of the state plan consistent with state law.

7. Encourage citizen participation at all levels of policy development, planning, and operations.

8. Develop comprehensive regional policy plans that implement and accurately reflect state goals and policies, and that address problems, issues, and conditions that are of particular concern in that region.

(30) PROPERTY RIGHTS.—

(a) Goal.—Florida will protect private property rights and recognize the existence of legitimate and often competing public and private interests in land use regulation and other government action.

(b) Policies.—

1. Provide for a system whereby compensation is paid for any governmental action which is determined to be an unreasonable exercise of the state's police power so as to constitute a taking.

2. Encourage acquisition of lands by state or local government in cases where regulation will severely limit practical use of real property.

3. Determine compensation or other relief by judicial proceeding rather than by administrative proceeding.

Section 3. Section 186.008, Florida Statutes, 1984 Supplement, is amended to read:

186.008 State comprehensive plan; adoption; and implementation.—

(1) On or before December 1, 1984, the Executive Office of the Governor shall prepare, and the Governor shall recommend to the Administration Commission, a proposed state comprehensive plan. The Governor shall transmit the proposed state comprehensive plan to the Administration Commission within 15 days of his acceptance of the plan. Copies shall also be provided to each state agency, to each regional planning agency, to any other unit of government that requests a copy, and to any member of the public who requests a copy.

(2) On or before February 15, 1985, the Administration Commission shall review the proposed state comprehensive plan prepared by the Governor. The commission shall adopt a resolution, after public notice and a reasonable opportunity for public comment, and transmit the proposed state comprehensive plan to the Legislature, together with any amendments approved by the commission and any dissenting reports. The commission shall identify those portions of the plan that are not based on existing law.

~~(3) All amendments, revisions, or updates to the plan shall be adopted in the same manner as the original adoption.~~

(3)(4) The Legislature has the primary responsibility to give statewide effect to the state comprehensive plan by enacting it into law, with any necessary modifications. If the Legislature fails to adopt or to reject a state comprehensive plan during the session that commences not less than 45 days after the Administration Commission transmits the proposed plan to the Legislature, the proposed comprehensive plan shall automatically return to the Administration Commission. Notwithstanding s. 14.202, the Administration Commission may adopt by rule all or any part of the plan that is consistent with existing law, pursuant to chapter 120, with the approval of five members of the commission.

~~(4)(5)~~ The state comprehensive plan shall be implemented and enforced by all state agencies consistent with their lawful responsibilities whether it is put in force by law or by administrative rule. The Governor, as chief planning officer of the state, shall oversee the implementation process.

~~(5)(6)~~ All state agency budgets and programs shall be consistent with the adopted state comprehensive plan and shall support and further its goals and policies.

~~(6)(7)~~ The Florida Public Service Commission, in approving the plans of utilities subject to its regulation, shall take into consideration the compatibility of the plan of each utility and all related utility plans taken together with the adopted state comprehensive plan.

~~(7) All amendments, revisions, or updates to the plan shall be adopted in the same manner as the adoption of the original plan; however, the Administration Commission may adopt by rule an amendment, revision, or update which is automatically returned to it pursuant to subsection (3) to the extent that it does not delete or contravene any goal or policy in the state comprehensive plan adopted by general law.~~

Section 4. Section 186.021, Florida Statutes, 1984 Supplement, is amended to read:

186.021 State agency functional plans.—

(1) Each state agency, consistent with its statutory authority and responsibilities and with the adopted state comprehensive plan, shall prepare, and adopt by rule, a state agency functional plan.

(2) A state agency functional plan shall contain, at a minimum, a statement of the policies guiding the programs and functions of the agency and shall specify those objectives against which there shall be evaluated the achievement by the agency of its policies and the goals and

policies for the state comprehensive plan. A state agency functional plan shall also identify specific agency programs which support and further the goals and policies of the growth management portion of the state comprehensive plan. Each state agency functional plan shall identify infrastructure and capital improvement needs associated with the agency programs.

(3) The preparation of state agency functional plans is a continuing process, and each agency is required to prepare its initial plan within 1 year of the adoption of the state comprehensive plan. A state agency may continue to implement an existing plan until the agency is required to adopt a state agency functional plan pursuant to this section.

~~(4) Each state agency, in developing its state agency functional plan, shall proceed with rulemaking procedures up to and including approval of the rules by the agency head, but shall not file the rules with the Department of State until after legislative review pursuant to s. 186.022. All amendments, revisions, or updates to a state agency functional plan shall be adopted in the same manner as the original adoption and shall be prepared as needed because of changes in the state comprehensive plan or changes in the statutory authority and responsibility of the agency.~~

~~(5) The rules setting forth a state agency functional plan shall be adopted pursuant to s. 120.54, except that ss. 120.54(4) and 120.54(16) shall not be available to challenge the proposed rules. Notwithstanding the provisions of s. 120.55(b), an agency need not publish the text of the proposed rules in the Florida Administrative Weekly, if the notice initiating rulemaking gives sufficient information to inform the public of when and where copies of the proposed rules may be obtained. Notwithstanding the provisions of subsection (3), the Department of Environmental Regulation, with regard to the plan required by s. 373.036, and the state land planning agency, with regard to the plan defined in s. 380.031(17), shall prepare such state agency functional plans no later than 6 months after the adoption of the state comprehensive plan.~~

Section 5. Section 186.022, Florida Statutes, 1984 Supplement, is amended to read:

(Substantial rewording of section. See s. 186.022, F.S., 1984 Supp., for present text.)

186.022 State agency functional plans; adoption; amendment.—

(1)(a) By July 1, 1986, each agency shall submit its proposed state agency functional plan to the Executive Office of the Governor. The Executive Office of the Governor shall review the proposed plan for consistency with the adopted state comprehensive plan and shall, within 90 days after submission, return the proposed state agency functional plan to the agency, together with any comments or revisions recommended by the Governor.

(b) The agency shall, within 60 days after the return of its proposed state agency functional plan, initiate rulemaking to adopt the plan.

(2) No later than 45 days prior to the 1987 regular legislative session, each agency which is required to prepare a state agency functional plan shall submit a copy of its proposed plan to the President of the Senate and the Speaker of the House of Representatives. Each agency shall submit along with its proposed plan the comments and recommendations it received from the Governor and a statement setting forth the agency's response to each such recommendation.

(3) The Legislature has the primary responsibility to give statewide effect to state agency functional plans by enacting them into law, with any necessary modifications. If the Legislature fails to adopt or to reject a state agency functional plan during the regular session that commences not less than 45 days after the agency transmits its functional plan to the Legislature, the proposed functional plan shall automatically be returned to the agency and it may adopt by rule all or any part of the functional plan that is consistent with existing law.

(4) All amendments, revisions, or updates to a state agency functional plan shall be adopted in the same manner as the adoption of the original state agency functional plan.

(5) Each state agency functional plan shall be submitted in the form and manner prescribed in instructions jointly developed and transmitted by the Governor, the President of the Senate, and the Speaker of the House of Representatives. Financial resources necessary to implement the policies and goals of the adopted state comprehensive plan shall be

clearly identified and coordinated between each agency's functional plan and its budget requests and recommendations prescribed in s. 216.023(1).

Section 6. Section 186.50, Florida Statutes, 1984 Supplement, is amended to read:

(Substantial rewording of section. See s. 186.508, F.S., 1984 Supp., for present text.)

186.508 Comprehensive regional policy plan; adoption; amendment.

(1) Each regional planning council shall prepare and adopt its regional policy plan pursuant to s. 186.021 in the same manner and at the same time as state agency functional plans.

(2) All amendments, revisions, or updates to regional policy plans shall be adopted in the same manner as the adoption of the original regional policy plan.

Section 7. The state water use plan required pursuant to s. 373.036, Florida Statutes, and the state land development plan required pursuant to s. 380.031(17), Florida Statutes, shall be prepared and submitted for legislative review in the manner provided by law for preparation and submission of state agency functional plans.

Section 8. (1) There is created in the Executive Office of the Governor a Committee for the Study of Local Government Infrastructure Needs and Financing Alternatives consisting of 19 members. The Governor shall appoint 15 members and shall include among the members appointed 4 representatives of municipal governments from various geographic sections of the state, 4 representatives from county governments from various geographic sections of the state, 1 representative from the school boards, 1 representative from the water management districts, 2 representatives from the financial business community, and 1 representative from the regional planning council, the Director of the Office of Planning and Budgeting, and the Secretary of the Department of Community Affairs. The President of the Senate shall appoint 2 Senate members and the Speaker of the House of Representatives shall appoint 2 House members. The committee members shall be appointed as soon as practicable after July 1, 1985, and shall meet to organize and elect a chairman from among its legislator members and a vice chairman, at a time, date, and location determined by the Governor. Members of the committee shall serve without compensation, but shall receive per diem and traveling expenses as provided in s. 112.061, Florida Statutes. The committee shall continue in existence until completion of its duties or until June 30, 1987, whichever occurs earlier.

(2) The committee shall thoroughly review the infrastructure needs and the capabilities of local governments in Florida, including independent special districts, to meet their needs within the state's current fiscal system and shall examine alternative sources of funding that might also be used to meet local infrastructure needs. These alternative sources shall include, but not be limited to: documentary stamp taxes, ad valorem taxes, impact fees, impact taxes, land value capital gains taxes, property value added taxes, rezoning taxes, agricultural assessment recapture taxes, real estate transfer taxes, real estate transaction sales taxes, and gas taxes. "Infrastructure" means the physical foundation of society upon which communities rely for mobility, supplies, public services, and utilities. "Infrastructure" typically comprises such complex systems as transportation, including highways, local roads, bridges, mass transit, railroads, airports, and seaports; water supply, including treatment, distribution, and storage; wastewater, including collection and treatment; solid waste disposal, including landfills and volume-reduction facilities; public health and safety, including police stations, jails, fire stations, and hospitals; and education and leisure, including schools, libraries, civic buildings, and recreational facilities.

(3) The committee shall prepare and submit to the Governor and the Legislature no later than February 15, 1987, a report which shall contain:

(a) An assessment of the infrastructure needs at the local level that is comparable across jurisdictions and geographic areas, an estimate of the revenue needed to meet those needs, and specific recommendations as to which financing mechanisms and revenue sources should be authorized, increased, or mandated to meet the identified needs.

(b) An evaluation as to whether local governments, including independent special districts, generally have the institutional and financial capacity to meet their needs and recommendations as to how to eliminate any deficiencies.

(c) Recommendations as to the best means to implement innovative financing techniques, such as privatization, special assessment districts, to provide for needed infrastructure investment.

(d) Recommendations as to the role the state should play in helping meet infrastructure needs at the local level including any state revenue sources to be used in providing funding for any recommended state role.

(e) Any other recommendations for constitutional, statutory, and rule changes which would ensure that local infrastructure needs are dealt with effectively and in a timely manner.

(4) The Executive Office of the Governor shall serve as staff for the committee and shall conduct such research and studies as are necessary to complete the work of the committee. The Executive Office of the Governor shall provide all necessary secretarial and clerical support for the committee and shall cooperate and coordinate with other infrastructure work being done at the national, state, or local levels, whether by government or the private sector. The Executive Office of the Governor may employ staff, consultants, or contractors as needed to carry out the functions assigned by this act. All state, regional, and local agencies shall cooperate to the fullest extent in assisting the committee.

Section 9. This act shall take effect July 1, 1985 or upon becoming a law, whichever occurs later.

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

Amendment 1A—On page 39, strike all of lines 16-24 and insert:

1. Provide compensation, or other appropriate relief as provided by law, to a landowner for any governmental action that is determined to be an unreasonable exercise of the state's police power so as to constitute a taking.

2. Encourage acquisition of lands by state or local government in cases where regulation will severely limit practical use of real property.

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

Amendment 1B—On page 36, lines 5 and 6, strike "in which costs are negotiated before services are delivered." and insert: which promote efficiency and are cost effective.

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

Amendment 1C—On page 29, between lines 11 and 12, insert:

14. Encourage the full utilization by businesses of the economic development enhancement programs implemented by the Legislature for the purpose of extensively involving private businesses in the development and expansion of permanent job opportunities, especially for the economically disadvantaged, through the utilization of enterprise zones, community development corporations, and other programs designed to enhance economic and employment opportunities.

Amendment 1 as amended was adopted.

Senator Jenne moved the following amendment which was adopted:

Amendment 2—In title, on page 1, strike all of lines 2-27 and insert: An act relating to the State Comprehensive Plan; providing the purposes of the State Comprehensive Plan; providing for the adoption of the plan; identifying the goals and policies of the State Comprehensive Plan; amending ss. 186.008, 186.021, 186.022, 186.508, F.S.; providing for revision of the State Comprehensive Plan; providing for adoption and revision of state agency functional plans; providing for adoption and revision of comprehensive regional policy plans; providing for preparation and submission of the state water use plan and the state land development plan; creating a Committee for the Study of Local Government Infrastructure Needs and Financing Alternatives; providing for reports to the Legislature; providing an effective date.

WHEREAS, the Legislature in chapter 84-257, Laws of Florida, declared the need to establish an integrated planning system to ensure coordinated administration of government policies, and

WHEREAS, it was determined that a State Comprehensive Plan was needed to help with guiding growth and development issues and the preservation and enhancement of the quality of life of the people of this state, and

WHEREAS, the Administration Commission transmitted the proposed State Comprehensive Plan to the Legislature on March 6, 1985, and

WHEREAS, the Legislature has primary responsibility to give, by law, statewide recognition to the State Comprehensive Plan, NOW, THEREFORE,

On motion by Senator Jenne, by two-thirds vote HB 1338 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Barron

Vote after roll call:

Yea—Scott

SB 549 was laid on the table.

CS for SB 400—A bill to be entitled An act relating to insurance; amending s. 627.351, F.S.; authorizing the Department of Insurance to adopt a joint underwriting plan for certain burglary and theft risks; providing for the recoupment of deficits in the plan; requiring the adoption of rates and rating classifications; authorizing excess coverage; requiring the participation of all property and casualty insurers; providing conditions on implementing the plan; providing an effective date.

—having been read and amended on May 7, 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 |
| Barron | Frank | Johnson | Peterson |
| Beard | Gersten | Kirkpatrick | Plummer |
| Carlucci | Girardeau | Kiser | Scott |
| Childers, D. | Grant | Mann | Stuart |
| Childers, W. D. | Grizzle | Margolis | Thomas |
| Crawford | Hair | McPherson | Thurman |
| Deratany | Hill | Meek | Vogt |
| Dunn | Jenne | Myers | Weinstein |

Nays—None

Vote after roll call:

Nay—Langley

Senator Gersten presiding

SB 289—A bill to be entitled An act relating to saltwater fisheries; amending ss. 370.01, 370.021, 370.028, 370.06, 370.07, 370.08, 370.0821, 370.10, 370.11, 370.12, 370.13, 370.15, 370.151, 370.16, 370.17, F.S.; providing a definition; providing penalties for certain violations of ch. 370 and rules adopted pursuant thereto, relating to saltwater fisheries; providing for enforcement of rules; repealing ss. 370.036(4), 370.041(3), 370.082(3), 370.1105(3), 370.111(5), 370.112(3), 370.1121(4), 370.1125(4), 370.113(4), 370.114(4), 370.135(5), 370.14(7), 370.141(6), 370.153(9), 370.155(2), 370.156(6), 370.157(2), 370.171(2), 370.172(7), F.S., relating to penalties for violations of ch. 370, F.S.; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 289 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

| | | | |
|-----------------|-----------|-------------|-----------|
| Beard | Girardeau | Johnson | Peterson |
| Carlucci | Gordon | Kirkpatrick | Plummer |
| Childers, D. | Grant | Kiser | Scott |
| Childers, W. D. | Grizzle | Mann | Stuart |
| Crawford | Hair | McPherson | Thomas |
| Dunn | Hill | Meek | Thurman |
| Fox | Jenne | Myers | Vogt |
| Frank | Jennings | Neal | Weinstein |

Nays—None

Vote after roll call:

Yea—Deratany, Langley

SB 223—A bill to be entitled An act relating to fees and commissions; amending s. 30.51, F.S.; authorizing a board of county commissioners to establish a fee schedule for copies of records maintained by the sheriff; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator Beard and adopted:

Amendment 1—On page 1, line 17, strike “or received”

On motion by Senator Beard, by two-thirds vote SB 223 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

| | | | |
|-----------------|-------------|-----------|-----------|
| Barron | Girardeau | Kiser | Plummer |
| Beard | Gordon | Langley | Stuart |
| Carlucci | Grant | Mann | Thomas |
| Childers, D. | Grizzle | Margolis | Thurman |
| Childers, W. D. | Hair | McPherson | Vogt |
| Crawford | Hill | Meek | Weinstein |
| Dunn | Jennings | Myers | |
| Fox | Johnson | Neal | |
| Frank | Kirkpatrick | Peterson | |

Nays—None

Vote after roll call:

Yea—Deratany, Jenne

SB 118—A bill to be entitled An act relating to state parks and preserves; amending s. 258.007, F.S.; authorizing the Division of Recreation and Parks of the Department of Natural Resources to use the power of condemnation to acquire property or property rights contiguous to areas under the jurisdiction of the division; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Mann:

Amendment 1—On page 1, line 30, after the period (.) insert:

Acquisition of such contiguous parcels shall not exceed more than 40 acres or 10% of the total acreage of the area under the jurisdiction of the Division, whichever is greater, on the effective date of this act.

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

Amendment 1A—On page 1, line 13, strike “area” and insert: park

Amendment 1 as amended was adopted.

Senator Carlucci moved the following amendment which failed:

Amendment 2—On page 2, line 5, after the period (.) insert: *Notwithstanding the provisions of s. 73.091, attorneys' fees in any condemnation suit instituted pursuant to this subsection shall be paid from the proceeds of any condemnation award granted.*

On motion by Senator Mann, by two-thirds vote SB 118 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

| | | | |
|-----------------|-----------|-------------|-----------|
| Barron | Fox | Johnson | Neal |
| Beard | Frank | Kirkpatrick | Peterson |
| Castor | Gersten | Kiser | Stuart |
| Childers, D. | Girardeau | Langley | Thomas |
| Childers, W. D. | Grant | Mann | Thurman |
| Crawford | Grizzle | McPherson | Vogt |
| Deratany | Hill | Meek | Weinstein |
| Dunn | Jenne | Myers | |

Nays—2

| | |
|----------|-------|
| Carlucci | Scott |
|----------|-------|

SB 361—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 certain elevators; creating s. 399.125, F.S.; requiring elevator owners to report certain elevator accidents; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator Mann:

Amendment 1—On page 2, line 15, insert:

Section 3. Subsection (1) of s. 399.035, F.S., is amended to read:

(1) Each elevator, the installation of which is begun after October 1, 1980, shall be made accessible to physically handicapped persons in accordance with the standard "Suggested Minimum Passenger Elevator Requirements for the Handicapped" of the National Elevator Industry, Inc., July 1976 edition, as revised May 1977, with the following exceptions:

(h) Interior surface of car enclosures shall be of fire-resistive material, and walls shall be surfaced with non-abrasive material. ~~Padding or tufted material or carpeting may not be used on walls. All materials exposed to the car interior shall conform to the standards of the Elevator Safety Code.~~ Floor coverings shall have a non-slip hard surface. Carpeting, if used on floors, shall be securely attached heavy-duty, with a tight weave and low pile and installed without padding. Vinyl or similar floor coverings shall be without padding.

(Renumber subsequent sections.)

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

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

Section 3. Paragraph (h) of subsection (1) of section 399.035, Florida Statutes, is amended to

Amendment 1 as amended was adopted.

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

Amendment 2—In title, on page 1, line 7, after "penalties;" insert: amending s. 399.035, F.S.; requiring certain handicapped accessibility requirements to conform to the Elevator Safety Code;

On motion by Senator Mann, by two-thirds vote SB 361 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 | Gersten | Johnson | Peterson |
| Castor | Girardeau | Kirkpatrick | Plummer |
| Childers, D. | Gordon | Kiser | Scott |
| Childers, W. D. | Grant | Mann | Stuart |
| Crawford | Grizzle | Margolis | Thomas |
| Deratany | Hair | McPherson | Thurman |
| Dunn | Hill | Meek | Vogt |
| Fox | Jenne | Myers | Weinstein |
| Frank | Jennings | Neal | |

Nays—None

Vote after roll call:

Yea—Langley

SB 234—A bill to be entitled An act relating to the Fictitious Name Statute; amending s. 865.09, F.S.; providing that failure of a business to comply with such statute will not impair acts of the business nor prevent the business from defending in court proceedings; providing for the assessment of attorney's fees and court costs against noncomplying businesses; providing penalties for engaging in business under a fictitious name without having properly registered such fictitious name with the clerk of the circuit court; 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 Myers and adopted:

Amendment 1—On page 2, line 29, after "business" insert: , the members of or those interested in doing such business,

Amendment 2—On page 4, between lines 2 and 3, insert:

Section 2. The amendments to s. 865.09, Florida Statutes, contained in this act shall have prospective application only and such amendments shall not apply to any actions pending on the effective date of this act.

(Renumber subsequent section.)

Amendment 3—In title, on page 1, line 13, after the semicolon (;) insert: providing for prospective application;

On motion by Senator Myers, by two-thirds vote SB 234 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

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

Nays—None

SB 965—A bill to be entitled An act relating to highway designation; designating State Road 80 in Palm Beach County as the "Kenneth C. Mock Highway"; providing for the erection of appropriate markers by the Department of Transportation; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 965. The amendments were not shown here because identical amendments were subsequently adopted to HB 270.

Pending further consideration of SB 965, as amended, on motion by Senator Myers, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed HB 270 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Watt—

HB 270—A bill to be entitled An act relating to highway designation; designating State Road 80 in Palm Beach County as the "Kenneth C. Mock Highway"; providing for the erection of appropriate markers by the Department of Transportation; providing an effective date.

—was read the first time by title.

SPECIAL ORDER, continued

On motions by Senator Myers, by two-thirds vote HB 270, a companion measure, was substituted for SB 965 and by two-thirds vote read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 28 and 29, insert:

Section 3. That portion of Section 1, Chapter 23719, Laws of Florida (1947), which is inconsistent with this act, is hereby repealed.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, strike line 6 and insert: Department of Transportation; providing for repeal of previous road name; providing an

On motion by Senator Myers, by two-thirds vote HB 270 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

| | | | |
|-----------------|-----------|-----------|-----------|
| Barron | Fox | Jenne | Neal |
| Beard | Frank | Jennings | Peterson |
| Carlucci | Gersten | Johnson | Plummer |
| Castor | Girardeau | Kiser | Scott |
| Childers, D. | Gordon | Mann | Stuart |
| Childers, W. D. | Grant | Margolis | Thomas |
| Crawford | Grizzle | McPherson | Thurman |
| Deratany | Hair | Meek | Weinstein |
| Dunn | Hill | Myers | |

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Langley

SB 965 was laid on the table.

SB 249—A bill to be entitled An act relating to the Parole and Probation Commission; amending s. 947.04, F.S.; authorizing the commission to transact its business anywhere in the state; requiring the commission to make reasonable efforts to meet in major municipalities; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote SB 249 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|-----------|-----------|-----------|
| Barron | Fox | Jenne | Peterson |
| Beard | Frank | Jennings | Plummer |
| Carlucci | Gersten | Johnson | Scott |
| Castor | Girardeau | Kiser | Stuart |
| Childers, D. | Gordon | Mann | Thomas |
| Childers, W. D. | Grant | Margolis | Vogt |
| Crawford | Grizzle | McPherson | Weinstein |
| Deratany | Hair | Myers | |
| Dunn | Hill | Neal | |

Nays—None

CS for SB 105—A bill to be entitled An act relating to land acquisition; amending s. 1, ch. 83-80, Laws of Florida, as amended; extending the time within which the Department of Natural Resources may file a petition to acquire certain parcels by exercise of the power of eminent domain; deleting authority for the department to so acquire specified parcels; amending s. 4, ch 83-80, Laws of Florida; extending the time within which the South Florida Water Management District is authorized to file a petition to acquire certain parcels by exercise of the power of eminent domain; providing an effective date.

—was read the second time by title.

Senator Mann moved the following amendments which were adopted:

Amendment 1—On page 14, strike all of lines 10-18

Amendment 2—On page 7, lines 3-30; on page 8, lines 1-31; and on page 9, lines 1-22, strike all of said lines and insert:

~~(7) CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE. The following privately owned parcels within the Chassahowitzka National Wildlife Refuge lying in Hernando and Citrus Counties, Florida described as follows:~~

| Section | Description Per Tax Bill |
|----------------|------------------------------------------------------------------------------------------|
| 3 | NE 1/4 of NW 1/4 & W 1/2 of W 1/2 |
| 4 | All LESS E 3/4 of S 1/2 of S 1/2 |
| 5 | S 1/2 of SE 1/4 |
| 8 | All LESS W 1/2 of W 1/2 |
| 10 | SE 1/4 of SW 1/4 |
| 14 | N 1/2 & SW 1/4 |
| 15 | All |
| 16 | NE 1/4 of SE 1/4 & NE 1/4 of SW 1/4 & W 1/2 of SW 1/4 |
| 17 | All LESS W 1/2 of W 1/2 |
| 20 | NE 1/4 of NE 1/4 & E 1/2 of SE 1/4 & E 1/2 of NW 1/4 |
| 20 | SE 1/4 of NE 1/4 & W 1/2 of E 1/2 & SW 1/4 of NW 1/4 & SW 1/4 |
| 20 | S 3/4 |
| 20 | N 1/2 of N 1/2 |
| 32 | NE 1/4 of NE 1/4 & W 3/4 |
| 32 | S 3/4 of E 1/2 of E 1/2 |
| 35 | NW 1/4 of SE 1/4 |
| F. 21S, R. 17E | |
| 5 | All |
| 6 | E 1/2 of NE 1/4 & NE 1/4 of SE 1/4 |
| 7 | SE 1/4 of NE 1/4 & NE 1/4 of SE 1/4 |
| 8 | N 1/2 & SE 1/4 & E 1/2 of SW 1/4 |
| 9 | W 1/2 |
| 16 | W 1/2 of NW 1/4 & E 1/2 of SW 1/4 & NW 1/4 of SW 1/4 |
| 17 | N 1/2 of NE 1/4 |
| T. 20S, R. 17E | |
| 22 | All |
| 23 | E 1/2 of SW 1/4 |
| 23 | SW 1/4 of SW 1/4 |
| 25 | W 1/2 of NW 1/4 N. Rd. |
| 26 | E 1/2 of NE 1/4 |
| 26 | NW 1/4 of NE 1/4 & SW 1/4 & NW 1/4 of NW 1/4 Rd. R/W |
| 26 | NE 1/4 of NW 1/4 & SW 1/4 of NW 1/4 & SE 1/4 of NW 1/4 M/B of 3-1A |
| 27 | NE 1/4 & E 1/2 of SE 1/4 & SW 1/4 of SE 1/4 & SW 1/4 |
| 28 | NW 1/4 of SE 1/4 & NW 1/4 |
| 28 | SW 1/4 of NE 1/4 & E 1/2 of SE 1/4 |
| 33 | E 1/2 of E 1/2 |
| 34 | E 1/2 of E 1/2 & E 1/2 of SW 1/4 of SE 1/4 |
| 35 | W 1/2 of NE 1/4 & W 1/2 of SW 1/4 & NW 1/4 |
| 35 | NW 1/4 of SE 1/4 & W 1/2 of SW 1/4 of SE 1/4 & E 1/2 of SW 1/4 |
| 35 | W 1/2 & N 1/2 of SE 1/4 |
| 36 | Pt. of E 1/2 of SE 1/4 W. of US. 10 NW 1/4 of SE 1/4 & NE 1/4 of SW 1/4 NW 1/4 of SW 1/4 |

Senator Grizzle moved the following amendment which was adopted:

Amendment 3—On page 14, between lines 22 and 23, insert:

(15) *COOPERS POINT*.—All privately-owned property located within parcel 16-29-16-00000-120-0100, 16-29-16-00000-130-0200, 16-29-16-00000-140-0100, Official Record Book 4216, pg. 1234, Pinellas County; parcel 10-29-16-00000-330-0100, 15-29-16-00000-220-0100, 9-29-16-00000-440-0100, Official Record Book 5318, pg. 1374, Pinellas County; parcel 10-29-16-00000-310-0100, Official Record Book 5464, pg. 1073, Pinellas County; parcel 9-29-16-00000-430-0300, Official Record Book 1029, pg. 447, Pinellas County; parcel 10-29-16-00000-230-0400, Official Record Book 4640, pg. 1174, Pinellas County; parcel 9-29-16-00000-0100, Official Record Book 3546, pp. 374-380 and pp. 384-385, Pinellas County; and parcel 15-29-16-00000-230-0100, 16-29-16-00000-110-0100, Official Record Book 4248, pp 1055-1069.

On motion by Senator Mann, by two-thirds vote CS for SB 105 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 | Neal |
| Carlucci | Gersten | Kirkpatrick | Peterson |
| Childers, D. | Girardeau | Kiser | Plummer |
| Childers, W. D. | Grant | Mann | Scott |
| Crawford | Grizzle | Margolis | Stuart |
| Deratany | Hair | McPherson | Thomas |
| Dunn | Hill | Meek | Thurman |
| Fox | Jennings | Myers | Weinstein |

Nays—None

Vote after roll call:

Yea—Gordon, Langley

The President presiding

SB 724—A bill to be entitled An act relating to presidential electors; amending s. 103.061, F.S.; providing for the convening of presidential electors and the filling of vacancies which occur through nonattendance; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 724 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|-----------|-------------|-----------|
| Mr. President | Fox | Johnson | Peterson |
| Beard | Frank | Kirkpatrick | Plummer |
| Carlucci | Gersten | Kiser | Scott |
| Castor | Girardeau | Mann | Stuart |
| Childers, D. | Grant | Margolis | Thomas |
| Childers, W. D. | Grizzle | McPherson | Thurman |
| Crawford | Hair | Meek | Weinstein |
| Deratany | Hill | Myers | |
| Dunn | Jennings | Neal | |

Nays—None

Vote after roll call:

Yea—Gordon, Langley

On motion by Senator Jennings, the rules were waived and SB 724 was ordered immediately certified to the House.

CS for SB 960—A bill to be entitled An act relating to insurance; amending s. 627.4235, F.S., changing the rules applicable to the order of payment of benefits with respect to claims under multiple group health insurance policies and plans having coordination-of-benefits provisions; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote CS for SB 960 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

CS for SB 961—A bill to be entitled An act relating to insurance; amending ss. 627.420, 627.728 and 627.7281, F.S., relating to the definitions of policy and binder with respect to notice of cancellation and non-renewal; providing an effective date.

—was read the second time by title.

Senator Deratany moved the following amendment which was adopted:

Amendment 1—On page 1, line 23, strike "of" and insert: or

On motion by Senator Deratany, by two-thirds vote CS for SB 961 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

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.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for SB 1007 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Langley, Peterson

SB 1040—A bill to be entitled An act relating to sellers of tour or travel; creating s. 817.554, F.S.; providing criminal penalties for the fraudulent sale of tour or travel related services; providing for an effective date.

—was read the second time by title.

On motions by Senator Weinstein, the rules were waived and by two-thirds vote HB 1181 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Weinstein—

HB 1181—A bill to be entitled An act relating to sellers of tour or travel; creating s. 817.554, F.S.; providing criminal penalties for the fraudulent sale of tour or travel related services; providing for an effective date.

—a companion measure, was substituted for SB 1040 and read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 13-22 and insert: related services.—

- (1) A seller of any tour or travel service including, but not limited to:
 - (a) A person engaged in the business of selling tours, travel services, or travel-related services;
 - (b) A person who sells tours or travel services in conjunction with the offer of a course of instruction for persons seeking to become travel agents;
 - (c) A person who is not actively engaged in the business of selling tours or travel services but who offers for sale a single tour or a limited number of tours; or
 - (d) The principal of any corporation or partnership engaged in the business of selling tours or travel services,

who knowingly makes claims relating to such tours or travel services with the intent to defraud any individual or group of a fee or other valuable consideration is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who offers educational or training courses relating to the tour or travel service business and who knowingly makes claims relating to such educational or training courses with the intent to defraud any individual of a fee or other valuable consideration is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person who offers his services as a tour or travel service consultant to anyone engaged in the tour or travel service business and who knowingly makes claims relating to his qualifications to provide such consulting services or his ability to provide travel related services with the intent to defraud such person of a fee or other valuable consideration is guilty of a misdemeanor of the second degree punishable as provided in s. 775.082 or s. 775.083.

(4) Any individual or group which meets the standards of organized fraud as defined in s. 817.036 shall be punished as provided in s. 817.036.

Section 2. This act shall take effect October 1, 1985.

Amendment 2—In title, on page 1, line 5, after the semicolon (;) insert: providing criminal penalties for persons fraudulently offering educational courses related to the travel service business; providing criminal penalties for persons fraudulently representing their services as tour or travel consultants;

On motion by Senator Weinstein, by two-thirds vote HB 1181 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Deratany, Fox, Myers, Peterson

SB 1040 was laid on the table.

SB 938—A bill to be entitled An act relating to motor vehicle licensing; reviving and readopting, notwithstanding the Regulatory Sunset Act or the provisions of ch. 83-318, Laws of Florida, s. 320.0841, F.S., relating to the issuance of free motor vehicle license plates to members of the Seminole and Miccosukee Indian Tribes; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 938 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Fox

SB 943—A bill to be entitled An act relating to the Florida Citrus Commission; amending ss. 601.04 and 601.09, F.S., providing for membership of the commission; providing for regular terms; providing for redistricting of the commission; providing for four citrus commission districts; providing for reappointment of commission members; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendment which was moved by Senator D. Childers and adopted:

Amendment 1—On page 1, line 13, strike everything after the enactment clause and insert:

Section 1. Paragraph (b) of subsection (1) of section 601.04, Florida Statutes, is amended, paragraph (c) is added to said subsection, subsection (2) is amended and subsection (4) is added to said section to read:

601.04 Florida Citrus Commission; creation and membership.—

(1)

(b) Seven members of said commission shall be designated as grower members and shall be primarily engaged in the growing of citrus fruit as an individual owner, or as the owner of, ~~a member of, an officer of,~~ or as a stockholder of a corporation, or as a member of a firm, or partnership primarily engaged in citrus growing, and none of whom shall receive any compensation from any licensed citrus fruit dealer or handler, as defined in s. 601.03, other than gift fruit shippers, but any of said grower members shall not be disqualified as a member if, individually, or as the owner of, a member of, an officer of, or a stockholder of a corporation, firm, or partnership primarily engaged in citrus growing which processes, packs, and markets its own fruit and whose business is primarily not purchasing and handling fruit grown by others, and one or two of said seven grower members shall be a resident of and appointed from each of the ~~four~~ **seven** citrus districts as defined in s. 601.09. Five members of said commission shall be designated as grower-handler members and shall be engaged as owners, or paid officers or employees of a corporation, firm, partnership, or other business unit engaged in handling citrus fruit. Two of said five grower-handler members shall be *primarily* engaged in the fresh fruit business and three of the said five grower-handler members shall be *primarily* engaged in the processing of citrus fruits.

(c) ~~There shall be three members of said commission from each of the four citrus districts, and at least one, but no more than two shall be grower members in any one district. One of the grower-handler members engaged in the fresh fruit business shall be appointed from District 4. No more than two members shall be a resident of a single county. For purposes of this section, the residence of a member shall be the actual physical and permanent residence of the member. One of the said five grower-handler members shall be appointed from Citrus District No. 7 and the remaining four shall be appointed from the state at large but of these four no two members shall be appointed from the same citrus district.~~

(2)(a) The members of such commission shall possess the qualifications herein provided and shall be appointed by the Governor, for terms of 3 years each. Appointments shall be made by April 1 preceding the commencement of the term and shall be subject to confirmation by the Senate, in the following legislative session. ~~for terms of 3 years each, and Four members shall be appointed each year. Such members shall serve until their respective successors are appointed and qualified. The regular terms shall begin on June 1 and shall end on May 31 of the third year after such appointment. The members of the commission in office on July 1, 1960, shall continue to serve until the expiration of their present term of office. Beginning with their successors, confirmation by the Senate shall be required for removal from the commission.~~

(b) When appointments are made, the Governor shall publicly announce the actual classification and district, ~~or state at large as the case may be,~~ that each appointee represents. A majority of the members of said commission shall constitute a quorum for the transaction of all business and the carrying out of the duties of said commission. Before entering upon the discharge of their duties as members of said commission, each member shall take and subscribe to the oath of office prescribed in s. 5, Art. II of the State Constitution. The qualification of each member as herein required shall continue throughout the respective term of his office, and in the event a member should, after appointment, fail to meet the qualifications or classification which he possessed at the time of his appointment as above set forth, said member shall resign or be removed and be replaced with a member possessing the proper qualifications and classification.

(4) *The commission shall be redistricted every 5 years by the Legislature. Redistricting shall be based on the total boxes produced from each of the four districts during that 5-year period and shall account for any shifts in citrus production throughout the industry in future years.*

Section 2. Section 601.09, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 601.09, F.S., for present text.)

601.09 Citrus districts.—The citrus belt of the state, for purposes of this chapter shall be divided into four districts composed of the following counties and portions thereof, to wit:

(1) Citrus District One: Hillsborough, Pinellas, Pasco, Hernando, Citrus, Sumter, Lake, Seminole, Marion, Levy, Alachua, Putnam, Flagler and St. Johns Counties and Volusia County west of the "Indian River" production area boundary line as defined by s. 601.091(2).

(2) Citrus District Two: Orange, Osceola, and Polk Counties.

(3) Citrus District Three: Manatee, Sarasota, Hardee, DeSoto, Highlands, Okeechobee, Charlotte, Glades, Lee, Hendry, Collier, Broward, Monroe, and Dade Counties.

(4) Citrus District Four: Brevard, Indian River, St. Lucie, Martin, and Palm Beach Counties and Volusia County east of the "Indian River" production area boundary line as defined by s. 601.091(2).

Section 3. Commissioners whose terms do not expire May 31, 1985, shall be reappointed under the new citrus districts and the Governor shall publicly announce the actual classification and district of each commissioner. The new terms of such commissioners shall expire the same year as if their term were in effect June 30, 1985. If any reappointments to new citrus districts cannot be made because the candidates do not include qualified commissioners for reappointment to the new districts, the Governor may make such appointments as provided by law.

Section 4. Appointments for commission seats which expire May 31, 1985, shall be made by July 15, 1985. The members of the commission whose terms expire May 31, 1985, shall continue to serve until such appointments are made. The terms of the new commission members whose appointments are made by July 15, 1985, shall expire May 31, 1988.

Section 5. This act shall take effect upon becoming a law.

On motion by Senator D. Childers, by two-thirds vote SB 943 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 | Kiser | Scott |
| Childers, D. | Gordon | Langley | Stuart |
| Childers, W. D. | Grant | Mann | Thomas |
| Crawford | Grizzle | Margolis | Thurman |
| Deratany | Hair | McPherson | Vogt |
| Dunn | Hill | Myers | Weinstein |

Nays—None

HB 693—A bill to be entitled An act relating to agriculture; amending s. 570.23, F.S., increasing the membership of the State Agricultural Advisory Council; clarifying terms of office; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 693 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

| | | | |
|-----------------|-----------|-------------|----------|
| Mr. President | Fox | Kirkpatrick | Peterson |
| Beard | Frank | Kiser | Scott |
| Carlucci | Gersten | Langley | Stuart |
| Castor | Girardeau | Mann | Thomas |
| Childers, D. | Grant | Margolis | Thurman |
| Childers, W. D. | Grizzle | McPherson | Vogt |
| Crawford | Hair | Meek | |
| Deratany | Jennings | Myers | |
| Dunn | Johnson | Neal | |

Nays—None

Vote after roll call:

Yea—Gordon

SB 520—A bill to be entitled An act relating to title insurance; prohibiting the use of certain words in the names used by title insurance agents; providing exceptions; creating s. 627.7773, F.S.; providing for annual accounting and special auditing of outstanding forms by a title insurer of its title insurance agents or members of a business trust title insurer; creating s. 627.7776, F.S.; prohibiting the furnishing of certain supplies to persons not under contract with a title insurer and not licensed or approved as members of a business trust title insurer; providing civil liability; amending s. 627.7845, F.S., to replace the term "contract agent" with the term "title insurance agent"; providing for licensing of title insurance agents; requiring licensees to obtain errors and omissions insurance; providing exemptions; providing for character and credit reports; providing for investigation of applicants; prescribing license fees and taxes and miscellaneous service fees; providing for continuation of license and expiration of license; providing for filing of reasons for termination of title insurance agents and making such information privileged; providing for refusal, suspension, and revocation of licenses; providing for termination of license; providing penalties, administrative fines, and probation; providing powers of examiners with respect to witnesses and evidence; providing for service of process; providing for contempt and perjury; providing immunity from prosecution; providing penalties for refusal to testify; providing penalties against title insurers for violations by unlicensed agents and attorneys acting in their behalf; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator Thomas:

Amendment 1—On page 19, strike all of lines 18 and 19 and insert:

Section 24. Escrow; trust fund.—

(1) A title insurance agent may engage in business as an escrow agent as to funds received from others to be subsequently disbursed by the title insurance agent in connection with real estate closing transactions involving the issuance of title insurance binders, commitments, policies of title insurance or guarantees of title.

(2) All funds received by a title insurance agent as described in subsection (1) shall be trust funds received in a fiduciary capacity by the title insurance agent and shall be the property of the person or persons entitled thereto.

(3) All funds received by a title insurance agent to be held in trust shall be immediately placed in an escrow trust account in a financial institution insured by an agency of the federal government and located within the State of Florida where the funds shall be kept until disbursement thereof is properly authorized.

(4) Funds required to be maintained in escrow trust accounts pursuant to this section shall not be subject to any debts of the title insurance agent and shall be used only in accordance with the terms of the individual, escrow, settlement or closing instructions under which the funds were accepted.

(5) The title insurance agents shall maintain separate records of all receipts and disbursements of escrow, settlement or closing funds.

(6) In the event the department promulgates rules necessary to implement the requirements of this section pursuant to s. 624.308, the department shall consider reasonable standards necessary for the protection of funds held in trust including but not limited to standards for accounting of funds, standards for receipt and disbursement of funds, and protection for the person or persons to whom the funds are to be disbursed.

Section 25. Liability of title insurers for defalcation by title insurance agents.—

Title insurers shall be liable for the defalcation, conversion or misappropriation by a title insurance agent of funds held in trust by a title insurance agent when issuing and countersigning binders, commitments, policies of title insurance or guarantees of title on behalf of the title insurer.

Section 26. This act shall take effect October 1, 1985.

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

Amendment 1A—On page 2, lines 18-22, strike “of funds held in trust by a title insurance agent when issuing and countersigning binders, commitments, policies of title insurance or guarantees of title on behalf of the title insurer.” and insert: licensed by this act of funds held in trust by a title insurance agent.

Amendment 1 as amended was adopted.

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

Amendment 2—In title, on page 2, lines 7 and 8, strike “providing an effective date” and insert: providing for escrow and trust fund standards and accounting; providing for liability of title insurers for the defalcation of escrow trust accounts by title insurance agents; providing an effective date.

On motion by Senator Thomas, by two-thirds vote SB 520 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

On motion by Senator Scott—

HB 146—A bill to be entitled An act relating to penalties; creating s. 775.0846, F.S., defining the term “bulletproof vest”; providing a separate penalty for wearing a bulletproof vest during the commission or attempted commission of specified crimes under certain circumstances; providing an effective date.

—a companion measure was substituted for SB 535 and read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Scott and failed:

Amendment 1—On page 1, line 28, strike “breaking and entering with intent to commit a felony,”

On motion by Senator Scott, by two-thirds vote HB 146 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 535 was laid on the table.

On motion by Senator Jenne, the following bills which were on the special order calendar May 8 were added to the special order calendar for this day: SB 852, CS for SB 389, SB 402, CS for SB 715, SB 483, SB 844, SB 947, CS for SB 11, SB 250, SB 813, SB 508, SB 1085, SB 395, SB 264 and SB 840.

SB 696—A bill to be entitled An act relating to imitation controlled substances; providing a definition; prohibiting the manufacture, distribution, sale, or possession of, with intent to manufacture, distribute, or sell, imitation controlled substances including certain sale or distribution of such substances to any person under the age of 18; prohibiting the advertisement or solicitation for distribution of such substances; providing penalties; providing an exception; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 696 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Gersten

SB 729—A bill to be entitled An act relating to the Palm Beach Expressway Authority; amending s. 348.772, F.S., providing that one member of the governing body of the authority shall be a member of the Board of County Commissioners of Palm Beach County; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Myers and adopted:

Amendment 1—On page 2, line 6, strike “October 1, 1985” and insert: January 1, 1986

On motion by Senator Myers, by two-thirds vote SB 729 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Langley

CS for SB 755—A bill to be entitled An act relating to alcoholism; amending s. 396.042, F.S.; creating ss. 396.172-396.179, F.S.; providing for licensing and regulation of alcoholism treatment and prevention resources by the Department of Health and Rehabilitative Services; requiring license; providing application procedures; providing for fees; providing for issuance and renewal of licenses; providing for adoption and enforcement of rules; providing for administrative penalties; providing right of entry and inspection; providing for denial, suspension, and revocation; providing for emergency orders; providing for injunctions; providing penalties; creating an Alcoholism Resource Licensing Trust Fund; specifying purposes of the fund and providing for deposit of moneys therein; providing for future repeal and legislative review; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote CS for SB 755 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 686—A bill to be entitled An act relating to courtroom testimony; allowing the use of anatomically correct dolls to assist child victims testifying in sexual battery proceedings; providing an effective date.

—was read the second time by title.

Senators Fox and Carlucci offered the following amendment which was moved by Senator Carlucci and adopted:

Amendment 1—On page 1, lines 11 and 12, strike “charging unlawful sexual contact or penetration with or” and insert: involving sexual abuse or unlawful sexual acts, contact, intrusion, or assault performed in the presence of, with, by, or

On motion by Senator Carlucci, by two-thirds vote SB 686 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Barron

On motion by Senator Myers, the rules were waived and the Senate immediately reconsidered the vote by which SB 729 as amended passed this day.

Pending further consideration of SB 729, on motion by Senator Myers, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 329 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Watt—

HB 329—A bill to be entitled An act relating to the Palm Beach Expressway Authority; amending s. 348.772, F.S., providing that one member of the governing body of the authority shall be a member of the Board of County Commissioners of Palm Beach County; providing an effective date.

—was read the first time by title.

SPECIAL ORDER, continued

On motions by Senator Myers, by two-thirds vote HB 329, a companion measure, was substituted for SB 729 and by two-thirds vote read the second time by title.

On motion by Senator Myers, by two-thirds vote HB 329 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 729 was laid on the table.

SB 661—A bill to be entitled An act relating to weapons and firearms; creating s. 790.225, F.S., prohibiting the sale, display, use, or possession of certain knives or devices; providing that such knives or devices are contraband; providing exceptions; providing a penalty; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Kiser and adopted:

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

Section 1. Section 790.225, Florida Statutes, is created to read:

790.225 Self-propelled knives; unlawful to manufacture, sell, or possess; forfeiture; penalty.—

(1) It is unlawful for any person to manufacture, display, sell, own, possess, or use a self-propelled knife which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material, or compressed gas. A self-propelled knife is declared to be a dangerous or deadly weapon and a contraband item. It shall be subject to seizure and shall be disposed of as provided in s. 790.08(1) and (6).

(2) This section shall not apply to any device which propels an arrow, a bolt, or a dart by means of any common bow, compound bow, crossbow, or underwater spear gun.

(3) Any person violating the provisions of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect upon becoming a law.

Senator Langley moved the following amendment:

Amendment 2—On page 2, line 1, insert new section:

Section 2. Section 790.06, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 790.06, F.S., for present text.)

790.06 License to carry concealed weapon or firearm.—

(1) Notwithstanding the provisions of s. 790.01(1) or (2), the Secretary of State is authorized to issue licenses to carry concealed weapons or firearms to persons qualified in this section. Such licenses shall be valid throughout the state for a period of 5 years from the date of issuance.

(2) The Secretary of State shall issue a license if the applicant:

- (a) Is a United States citizen;
- (b) Is a resident of the state and has been a resident for 6 months or longer immediately preceding the filing of the application;
- (c) Is 21 years of age or older;
- (d) Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- (e) Is not prohibited from possessing a weapon or firearm under s. 790.23;
- (f) Is not an unlawful user of, or addicted to, any controlled substances defined in chapter 893;
- (g) Does not chronically and habitually use alcoholic beverages to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if the applicant has been committed as an alcoholic under the provisions of chapter 396 or has been deemed a habitual offender under s. 856.011(3);
- (h) Has not been adjudicated an incompetent under s. 744.331, unless his competency has been restored by court order under s. 744.464; and
- (i) Has not been committed to a mental institution under chapter 394, unless he possesses a certificate from a psychiatrist licensed in this state that he no longer suffers from disability.

(3) The application shall be completed, under oath, on a form promulgated by the Secretary of State and shall include:

- (a) The name, address, place and date of birth, race, and occupation of the applicant;
- (b) Verification of compliance with criteria contained within subsection (2);
- (c) A statement that the applicant has been furnished a copy of this chapter and is knowledgeable of its provisions;
- (d) A conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant subjects the applicant to criminal prosecution under s. 837.06.
- (4) The applicant shall submit to the Secretary of State:
 - (a) A completed application as described in subsection (3);
 - (b) A nonrefundable application fee of \$100 if he has not previously been issued a statewide license, or a nonrefundable application fee of \$25 for renewal of a statewide license; and
 - (c) A full set of fingerprints of the applicant administered by a law enforcement officer of this state.

(5)(a) The Secretary of State, upon receipt of the items listed in subsection (4), shall forward the full set of fingerprints of the applicant to the Department of Law Enforcement for the state and federal processing, provided the federal service is available, to be processed for any criminal justice information as defined in s. 943.045 and forward a copy of the application to the sheriff of the applicant's county of residence.

(b) The sheriff of the applicant's county of residence may investigate the applicant to determine the truthfulness and correctness of the application. If such an investigation is conducted, he shall report his findings to the Secretary of State within 60 days from the date he receives the copy of the application.

(c) The Secretary of State shall, within 90 days of the date of receipt of the items listed in subsection (4):

1. Issue the license; or
2. Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsection (2). If the Secretary of State denies the application, he shall notify the applicant in writing, stating the ground for denial and informing the applicant of any right to hearing pursuant to chapter 120.

(6) A license issued under this section shall be automatically revoked if the licensee becomes ineligible under the criteria set forth in subsection (2).

(7) No license issued pursuant to this section shall authorize any person to carry a concealed weapon or firearm into any place of nuisance as defined in s. 823.05, any detention facility, or any establishment where alcoholic beverages are sold for consumption on the premises.

(8) Notwithstanding any other provision of this act, each person who is duly licensed to carry a concealed weapon or firearm on the effective date of this act shall be entitled to carry a concealed weapon or firearm under the provisions of this section until such time as his license expires, at which time he shall comply with the provisions of this section, as if he had never before been authorized to carry a concealed weapon or firearm.

(9) All moneys collected pursuant to this section shall be deposited in the Division of Licensing Trust Fund and shall be used to administer the provisions of this section.

(Renumber subsequent section.)

Senator Frank raised a point of order that Amendment 2 was not germane to the bill. The President appointed Senators Jenne, Thomas and Langley as a committee to resolve the point. Further consideration of SB 661 with pending amendment was deferred. The committee was excused.

CS for SB 653—A bill to be entitled An act relating to investigative and patrol services; providing an exemption from administrative and criminal penalties for employees of licensees holding class "A", "B", or "GBB" licenses under part I of ch. 493, F.S., under specified conditions; specifying requirements of such exemption; providing for nonapplication of the exemption in certain circumstances; providing that employing agencies shall be subject to administrative and criminal action; providing penalties; providing an effective date.

—was read the second time by title.

Senator Gersten moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 4 and 5, insert:

Section 4. Subsection (13) is added to section 493.30, Florida Statutes, to read:

493.30 Definitions, part I.—As used in this act:

(13) "Process server" means any person who performs diligent search and inquiry so as to serve court process, for consideration, other than employees of federal, state, county, or municipal law enforcement agencies.

Section 5. Paragraph (j) is added to subsection (1) of section 493.301, Florida Statutes, to read:

493.301 Inapplicability of part I of this chapter.—

(1) This part shall not apply to:

(j) A special process server appointed by a sheriff pursuant to s. 48.021.

Section 6. Subsection (12) is added to section 493.304, Florida Statutes, 1984 Supplement, to read:

493.304 Classes of licenses.—

(12) Any person who performs the services of a process server in this state may apply for a Class "R" license.

Section 7. Subsection (6) is added to section 493.305, Florida Statutes, 1984 Supplement, to read:

493.305 Application for license.—

(6) An applicant for a Class "R" license shall submit written authorization from the chief judge of the circuit from which the process is issued. If the chief judge rescinds his authorization the department shall revoke the license upon notice of such action. Notwithstanding any provision of this section to the contrary, an applicant for a Class "R" license shall not be required to submit fingerprints or photographs to the department.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 12, after the second semicolon insert: amending s. 493.30, F.S.; defining "process server"; amending s. 493.301, F.S.; providing an exemption from regulation for certain process servers; amending s. 493.304, F.S.; requiring process servers to hold certain class licenses; amending s. 493.305, F.S.; establishing license requirements;

On motion by Senator Gersten, by two-thirds vote CS for SB 653 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

Table with 4 columns: Mr. President, Fox, Jennings, Peterson; Barron, Frank, Johnson, Plummer; Beard, Gersten, Kirkpatrick, Scott; Castor, Girardeau, Kiser, Thomas; Childers, D., Gordon, Mann, Thurman; Childers, W. D., Grant, Margolis, Vogt; Crawford, Grizzle, Meek, Weinstein; Deratany, Hair, Myers; Dunn, Hill, Neal.

Nays—None

Vote after roll call:

Yea—Langley, McPherson, Stuart

Consideration of CS for SB 133 was deferred.

SB 662—A bill to be entitled An act relating to drivers' licenses; amending s. 318.14, F.S., 1984 Supplement; providing that driving with an expired license under certain circumstances is a noncriminal traffic infraction; amending ss. 318.18, 322.03, 322.15, F.S., 1984 Supplement; providing penalties; amending s. 322.264, F.S., 1984 Supplement; providing for revocation of drivers' licenses of habitual traffic offenders; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike line 20 and insert: for a violation of chapter 316, s. 320.07(3), s. 320.36, s.

Amendment 2—On page 1, strike line 21 and insert: 322.03(5), s. 322.15(3), s. 322.19, or s. 240.265 shall be deemed to

Amendment 3—On page 1, strike line 31 and insert: s. 322.03(5), s. 322.15(3), and s. 322.19.

Senator Dunn moved the following amendment which was adopted:

Amendment 4—On page 2, strike all of lines 25-29 and insert:

(3) A person charged with a violation of this section who produces in court or to the clerk of the court a did not have in his possession a valid driver's license which for the sole reason that his license had expired within the 12-month period preceding the date of the violation is subject to the penalty provided in s. 318.18(2).

On motion by Senator Dunn, by two-thirds vote SB 662 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

Table with 4 columns: Mr. President, Dunn, Hair, Myers; Barron, Fox, Hill, Neal; Beard, Frank, Jennings, Plummer; Castor, Gersten, Johnson, Scott; Childers, D., Girardeau, Kiser, Thomas; Childers, W. D., Gordon, Mann, Thurman; Crawford, Grant, McPherson, Vogt; Deratany, Grizzle, Meek, Weinstein.

Nays—None

Vote after roll call:

Yea—Langley, Stuart

On motion by Senator Dunn—

HB 136—A bill to be entitled An act relating to evidentiary privileges; amending s. 415.109, F.S., providing that communications to clergymen are privileged in cases involving abuse of aged or disabled persons; amending s. 415.512, F.S., providing that communications to clergymen are privileged in cases involving child abuse or neglect; providing an effective date.

—a companion measure, was substituted for SB 994 and read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 136 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Table with 4 columns: Mr. President, Frank, Johnson, Peterson; Beard, Gersten, Kirkpatrick, Plummer; Castor, Girardeau, Kiser, Scott; Childers, D., Gordon, Mann, Thurman; Childers, W. D., Grant, Margolis, Vogt; Crawford, Grizzle, McPherson, Weinstein; Deratany, Hair, Meek; Dunn, Hill, Myers; Fox, Jennings, Neal.

Nays—None

Vote after roll call:

Yea—Langley, Stuart

SB 994 was laid on the table.

SB 852—A bill to be entitled An act relating to lobbying; amending s. 11.061, F.S.; requiring an employee of a political subdivision of the state to register as a lobbyist; providing a penalty; providing an effective date.

—was taken up with pending Amendment 1 which was adopted.

The Committee on Rules and Calendar recommended the following amendment which was moved by Senator Vogt and adopted:

Amendment 2—In title, on page 1, line 4, strike "political subdivision" and insert: community college

On motion by Senator Vogt, by two-thirds vote SB 852 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

Table with 4 columns: Mr. President, Fox, Jennings, Neal; Barron, Frank, Johnson, Peterson; Beard, Gersten, Kirkpatrick, Plummer; Castor, Girardeau, Kiser, Scott; Childers, D., Gordon, Mann, Thomas; Childers, W. D., Grant, Margolis, Thurman; Crawford, Grizzle, McPherson, Vogt; Deratany, Hair, Meek, Weinstein; Dunn, Hill, Myers.

Nays—None

Vote after roll call:

Yea—Langley, Stuart

CS for SB 389—A bill to be entitled An act relating to the Education Standards Commission; amending s. 231.545, F.S.; revising certain requirements for membership; limiting the chairman's term of office; amending s. 231.546, F.S.; requiring the commission to present its recommendations to the Legislature; reviving and readopting ss. 231.545, 231.546, F.S., relating to the commission and its duties; providing for future review and repeal of said sections; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote CS for SB 389 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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|-----------------|-----------|-------------|-----------|
| Mr. President | Gersten | Kirkpatrick | Plummer |
| Barron | Girardeau | Kiser | Scott |
| Beard | Gordon | Mann | Stuart |
| Childers, D. | Grant | Margolis | Thomas |
| Childers, W. D. | Grizzle | McPherson | Thurman |
| Deratany | Hair | Meek | Vogt |
| Dunn | Hill | Myers | Weinstein |
| Fox | Jennings | Neal | |
| Frank | Johnson | Peterson | |

Nays—None

Vote after roll call:

Yea—Castor, Langley

SB 402—A bill to be entitled An act relating to preneed funeral merchandise or service contracts; amending s. 639.185, F.S.; exempting licensed funeral directors, funeral establishments, and direct disposers from the registration requirement under ch. 369, F.S.; amending s. 639.10, F.S.; increasing the annual registration fee for persons selling preneed contracts; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote SB 402 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Langley

CS for SB 715—A bill to be entitled An act relating to retail installment contracts; creating ss. 520.085, 520.345, 520.785, F.S., authorizing simple interest retail installment contracts under "The Motor Vehicle Sales Finance Act," "The Retail Installment Sales Act" and the "Home Improvement Sales and Finance Act"; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote CS for SB 715 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Langley

SB 483—A bill to be entitled An act relating to transportation; amending s. 339.08, F.S.; authorizing the use of moneys in the State Transportation Trust Fund for certain purposes; amending s. 339.12, F.S.; providing for participation by municipalities in road building and maintenance projects under certain circumstances; authorizing the Department of Transportation to reimburse counties and municipalities for the amount of certain proceeds used to construct state roads; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Myers and adopted:

Amendment 1—On page 3, line 1, strike "made" and insert: *begun*

On motion by Senator Myers, by two-thirds vote SB 483 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

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|-----------------|-----------|-------------|-----------|
| Mr. President | Fox | Hill | Myers |
| Barron | Frank | Jennings | Neal |
| Beard | Gersten | Johnson | Peterson |
| Childers, D. | Girardeau | Kirkpatrick | Plummer |
| Childers, W. D. | Gordon | Kiser | Scott |
| Crawford | Grant | Mann | Thurman |
| Deratany | Grizzle | Margolis | Vogt |
| Dunn | Hair | McPherson | Weinstein |

Nays—None

Vote after roll call:

Yea—Langley, Stuart

SB 844—A bill to be entitled An act relating to the Florida Atlantic University West Palm Beach Center; amending section 2 of chapter 82-247, Laws of Florida, as amended; providing the use of a certain parcel of land by the United Way of Palm Beach County, Incorporated; deleting the requirement that certain land revert to the state; authorizing the Board of Trustees of the Internal Improvement Trust Fund to execute certain title documents; directing the board to execute title documents required by this act as soon as practical; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 844 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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|-----------------|-----------|-------------|-----------|
| Mr. President | Frank | Jennings | Neal |
| Barron | Gersten | Johnson | Peterson |
| Childers, D. | Girardeau | Kirkpatrick | Plummer |
| Childers, W. D. | Gordon | Kiser | Scott |
| Crawford | Grant | Mann | Thurman |
| Deratany | Grizzle | Margolis | Vogt |
| Dunn | Hair | McPherson | Weinstein |
| Fox | Hill | Myers | |

Nays—None

Vote after roll call:

Yea—Langley, Stuart

SB 947—A bill to be entitled An act relating to the Florida Citrus Code; amending s. 601.16, F.S., providing standards for determining maturity for grapefruit being processed into certain products; amending s. 601.9906, F.S., providing for standards for processed grapefruit juice products; providing an effective date.

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

Yeas—31

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|-----------------|-----------|-------------|-----------|
| Mr. President | Frank | Jennings | Neal |
| Barron | Gersten | Johnson | Plummer |
| Beard | Girardeau | Kirkpatrick | Scott |
| Childers, D. | Gordon | Kiser | Thomas |
| Childers, W. D. | Grant | Mann | Thurman |
| Crawford | Grizzle | Margolis | Vogt |
| Dunn | Hair | McPherson | Weinstein |
| Fox | Hill | Myers | |

Nays—None

Vote after roll call:

Yea—Langley, Peterson, Stuart

CS for SB 11—A bill to be entitled An act relating to ultralight vehicles and operators; creating s. 330.42, F.S.; defining the term “ultralight”; providing for the registration of ultralight pilots and instructors; providing for the registration of ultralights; prohibiting the operation of ultralights in certain areas without prior approval; providing for future review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote CS for SB 11 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

| | | | |
|-----------------|----------|-------------|-----------|
| Mr. President | Fox | Johnson | Plummer |
| Barron | Frank | Kirkpatrick | Scott |
| Beard | Gersten | Mann | Thomas |
| Childers, D. | Gordon | Margolis | Thurman |
| Childers, W. D. | Grizzle | McPherson | Vogt |
| Crawford | Hair | Myers | Weinstein |
| Deratany | Hill | Neal | |
| Dunn | Jennings | Peterson | |

Nays—1

Girardeau

Vote after roll call:

Yea—Langley, Stuart

On motion by Senator Hair, the rules were waived and the Committee on Commerce was granted permission to meet this day from 12:00 noon until 1:00 p.m.

On motions by Senator Neal, the rules were waived and by two-thirds vote Senate Bills 1232 and 675 were withdrawn from the Committee on Appropriations.

On motion by Senator Crawford, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet May 14 from 12:30 p.m. until 2:00 p.m.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 8 was corrected and approved.

The Journal of April 19 was further corrected and approved as follows:

Page 131, column 2, between lines 16 and 17 and between lines 29 and 30 insert: Proof of publication of the required notice was attached.

CO-INTRODUCERS

Senator Margolis—SB 193; Senator Castor—SB 1104

RECESS

Senator Fox moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Tuesday, May 14 at 9:00 a.m. The motion was adopted.

Pursuant to the motion by Senator Fox, the Senate recessed at 12:03 p.m. to reconvene at 9:00 a.m., Tuesday, May 14.