



# Journal of the Senate

Number 22

Thursday, May 23, 1985

## Prayer

The following prayer was offered by Dr. Jack Snell, Pastor, Hendricks Avenue Baptist Church, Jacksonville:

Eternal God, Shepherd of our souls, out of the noise of the world, its turbulence and its truculence, we pause with reverent hearts to acknowledge our need of thee. May we not come in this moment simply to perform a rite or to give token acknowledgment of our dependence upon thee, but may we come with seeking hearts to find thee and to know thy will.

We rejoice that we are a free people living in a free society, with human dignity and worth as our right. May we stand firm in guarding this right for ourselves and our fellow man. May we not grow lax, or surrender in any way to the forces that would emasculate our liberty.

Grant to this body, our Father, freedom of spirit that the members may withstand the pressures that are put upon them. May they be more concerned with thine approval than with the acclaim of those about them, and with the fulfillment of thy desires than with the wishes of their fellow men.

Give this day to each member of the Senate strength to face the challenges, the problems, and the needs of this age. Keep them from employing the tired principles of "politics as usual" in meeting the daring challenges of this new day. May they see in clear and distinct contrast the issues of life and may they respond to them with boldness and creativity.

Help each person here to distinguish between right and wrong, good and evil, the highest and the lowest. May none of us ever compromise that which is right for public approval, nor through expediency succumb to the second best.

And so grant unto all of us clarity of vision, strength of purpose, and the courage of unquestioning faith that we may effectively do thy work this day. Make us to stand as leaders in righteousness and truth before all people that thy way may be known and thy light be revealed through us. In thy name we pray. Amen.

## Call to Order

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

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

Excused periodically: Conferees and alternates on Senate Bills 1300 and 1301: Senators Neal, Thomas, Gordon, Beard, Castor, Kirkpatrick, Peterson, Mann, Fox, Langley, Jenne, Hair, Grizzle and Stuart; Senator Neal at 3:00 p.m. to tend to matters relating to the growth management issue

Senator Stuart introduced State Senator Patrick Deluhery from Iowa to the Senate.

On motion by Senator Beard, the rules were waived and by two-thirds vote SR 1321 was withdrawn from the Committee on Rules and Calendar.

## CONSIDERATION OF RESOLUTIONS

On motion by Senator Beard—

**SR 1321**—A resolution commending former Senate President Lew Brantley upon his election to the office of Potentate of Morocco Shrine Temple in Jacksonville.

WHEREAS, Lew Brantley served this state as a member of the Florida Senate from 1970 through 1978, serving as President in 1977 and 1978, and

WHEREAS, Lew Brantley was installed as Potentate of Morocco Temple, A.A.O.N.M.S., in Jacksonville on January 9, 1985 and will serve in that office until January, 1986, and

WHEREAS, the jurisdiction of Morocco Temple encompasses 24 counties in North Florida from Marion County North to include Nassau County and West to include Gadsden County, and

WHEREAS, Lew Brantley is the first person in this state to hold the highest office in the Florida Senate and the highest office in a temple of the Ancient Arabic Order Nobles of the Mystic Shrine, and

WHEREAS, Lew Brantley continues to exhibit the qualities of service and leadership to the citizens of this state that he has shown over much of his life, NOW, THEREFORE,

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

That Lew Brantley is commended for his outstanding accomplishments and his election as Potentate of Morocco Temple.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Lew Brantley as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and unanimously adopted.

The President appointed Senators Beard, Hair and Carlucci to escort former Senate President Lew Brantley to the rostrum where he addressed the Senate.

On motion by Senator Castor, the rules were waived and by two-thirds vote SCR 1179 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Castor—

**SCR 1179**—A concurrent resolution commending George M. Steinbrenner, III, for his achievements in business, industry, and sports, for his service to his community, and for his philanthropy.

WHEREAS, George M. Steinbrenner, III, chairman of the board of the American Ship Building Company since 1967, was named "Florida Industrialist of the Year" in 1983 and is a member of the Florida Council of 100, and

WHEREAS, Mr. Steinbrenner, principal owner of the New York Yankees, received the Distinguished Citizen Award from the National Football Foundation Hall of Fame in 1983, and serves on the Executive Board of the U. S. Olympic Committee and the Board of Trustees of the U. S. Olympic Foundation, and

WHEREAS, Mr. Steinbrenner serves on the Board of Trustees of the Foundations at the Universities of Florida and South Florida, and

WHEREAS, Mr. Steinbrenner is the founder of the Gold Shield Foundation of Tampa and the Silver Shield Foundation of New York City, which were founded to ensure the payment for a college education for children of law enforcement officers and firefighters killed in line of duty, and

WHEREAS, Mr. Steinbrenner, has made many charitable contributions, including a recent bequest to the United Negro College Fund, and

WHEREAS, it is most fitting and proper that Mr. Steinbrenner be honored for his many fine accomplishments in a broad spectrum of endeavors and for his wholehearted participation in social enterprises, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:*

That George M. Steinbrenner, III, is commended for his outstanding achievements in business and industry and in sports, and for his untiring and selfless commitment to service to his community and to his fellow man, thereby enhancing the quality of life enjoyed by the people of this state.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the the President of the Senate and the Speaker of the House of Representatives and with the Great Seal of the State of Florida affixed, be presented to Mr. Steinbrenner as a tangible token of the sentiments expressed herein and a lasting symbol of the esteem and respect of the members of the Florida Legislature.

—was taken up out of order by unanimous consent, read the second time in full and unanimously adopted.

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 23, 1985: CS for CS for SB 1, SB 237, CS for SB 55, SB 309, CS for SB 498, SB 134, SB 1031, SB 185, CS for SB 465, CS for SB 390, SB 1185, SB 453, CS for SB 734, CS for SB 68, SB 802, CS for SB 806, CS for SB 1078, CS for SB 616, SB 22, SB 23, SB 871, SB 822, SB 987, CS for SB 304, SB 1021, CS for SB 809, SB 1255, HB 892, SB 1227, SB 368, CS for CS for SB 120, CS for SB 782, SB 795, SB 1003, SB 1008, SB 565, CS for SB 1061, CS for SB 963, SB 619, CS for SB 618, CS for SB 706, CS for SB 608, CS for SB 307, SB 583, CS for SB 739, CS for SB 287, CS for SB 131, SM 1197, SM 778, CS for SB 206, SB 267, CS for CS for CS for SB 1174, SB 463, SB 239, SB 58, CS for SB 562, SJR 556, SB 567, SB 780, SB 336, SB 758, CS for SB 331, SB 502, CS for SB's 1238 and 1036, CS for SB 732, SB 779, SB 682

The Committee on Rules and Calendar submits the following bills to be placed on the local bill calendar: SB 1304, SB 606, House Bills 788, 1341, 689, 1408

Respectfully submitted,  
Kenneth C. Jenne, Chairman

The Committee on Education recommends a committee substitute for the following: CS for SB 446

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 1267, SB 1086

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

The Committee on Transportation recommends committee substitutes for the following: SB 1191, SB 1159

**The bills with committee substitutes attached were referred to the Committee on Finance, Taxation and Claims under the original reference.**

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 985

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 980, SB 1062

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 986

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

#### REQUESTS FOR EXTENSION OF TIME

May 22, 1985

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: Senate Bills 510, 552, 592, 651, 1050, 1121; HB 200

May 23, 1985

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, 1087, 1105, 1108, 1111, 1144, 1213, 1246

#### INTRODUCTION AND REFERENCE OF BILLS

##### First Reading

By Senators Scott, Jenne, Weinstein, McPherson and Margolis—

**SB 1327**—A bill to be entitled An act relating to Broward County; ensuring collective bargaining rights for deputy clerks and/or other employees who receive remuneration for the services they perform for the Clerk of the Circuit and County Courts for the Seventeenth Judicial Circuit of Broward County; specifying rights of employees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

#### FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Education and Senator Peterson—

**CS for CS for SB 446**—A bill to be entitled An act relating to district school personnel certification; creating s. 231.145, F.S.; providing legislative intent; amending s. 231.15, F.S.; revising types of certificates; establishing fee requirements; amending s. 231.17, F.S.; adding requirement for subject area testing in the written teacher examination; adding requirement for minimum grade point averages; providing for subject matter tests for vocational education personnel; specifying conditions for temporary certificates; providing certification requirements for nondegreed vocational education personnel; amending s. 231.24, F.S., relating to certificate renewal; providing an extension of validity period under certain circumstances; providing requirements for renewal of a professional certificate; establishing continuing education and subject area test requirements; requiring performance evaluation; providing requirements for an inactive certificate; amending ss. 231.172, 231.251, 231.30, 231.36, 231.533, and 236.091, F.S., conforming provisions; providing for review and repeal; providing an effective date.

By the Committee on Judiciary-Civil and Senator Kiser—

**CS for SB 980**—A bill to be entitled An act relating to liens; amending s. 713.03, F.S., including interior design services within a group of professional services for which liens may attach; creating s. 713.79, F.S., creating a right of lien for certain interior design services; providing an effective date.

By the Committee on Natural Resources and Conservation and Senator Scott—

**CS for SB 986**—A bill to be entitled An act relating to resource recovery and management; amending s. 403.707, F.S.; providing for permit consideration relating to resource recovery facilities; providing an effective date.

By the Committee on Judiciary-Civil and Senator Gersten—

**CS for SB 1062**—A bill to be entitled An act relating to garnishment and judgment levy; creating s. 77.055, F.S.; providing for certain notice by the plaintiff to the defendant and interested parties; amending s. 77.06, F.S.; requiring certain disclosures by the garnishee; amending s. 77.07, F.S.; providing for default judgments upon failure of certain persons to move to dissolve a writ of garnishment; amending s. 77.28, F.S.; providing for the collection of certain fees; creating s. 222.061, F.S.; providing a procedure for exempting certain personal property from judgment levy; amending s. 222.11, F.S.; exempting from garnishment identifiable wages deposited in a bank account; providing an effective date.

By the Committee on Natural Resources and Conservation and Senators Crawford, Peterson, Thurman, Kirkpatrick, Langley and Johnson—

**CS for SB 1086**—A bill to be entitled An act relating to water management; amending s. 373.0693, F.S.; providing for basin board meetings within the Southwest Florida Water Management District; dividing the district into watershed basins; providing for transfer of assets and liabilities; amending s. 373.503, F.S., for the Southwest Florida Water Management District millage allocation; providing an effective date.

By the Committee on Transportation and Senator Kirkpatrick—

**CS for SB 1159**—A bill to be entitled An act relating to highway safety; amending ss. 316.193, 316.1931, 316.1932, 322.03, 322.12, 322.261, 322.271, 322.28, 322.282, 322.29, 322.291, F.S.; providing penalties for a fourth or subsequent conviction for driving under the influence; specifying previous convictions which will be considered convictions for driving under the influence or driving while intoxicated; specifying penalties for a person who, by reason of driving under the influence, causes property damage, personal injury, or death; abolishing the offense of driving while intoxicated; providing additional requirements for issuance of a license to a person who has received certain convictions within a specified period; increasing reinstatement fees; increasing the period of suspension of a person's driving privilege when such person refuses to submit to a breath, urine, or blood test to determine whether the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or a controlled substance; requiring that such person be notified of such suspension period; specifying driving authorized by a driving privilege restricted for business purposes only and by a driving privilege restricted for employment purposes only; providing procedures and circumstances for reinstatement of the driving privilege of a person whose license has been revoked or suspended under certain circumstances; providing for substance abuse treatment courses; repealing s. 322.25(7), F.S., relating to reinstatement; providing an effective date.

By the Committee on Natural Resources and Conservation and Senator Stuart—

**CS for SB 1267**—A bill to be entitled An act relating to the preservation of Florida's lakes; creating the Lake Apopka Restoration Council, establishing membership, terms, powers and duties; establishing a program to assist in restoration and protection of Lake Apopka; requiring submission of an annual progress report to the Legislature; providing an appropriation; providing an effective date.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator Neal, the rules were waived and by two-thirds vote Senate Bills 315, 690, 269 and CS for SB 1014 were withdrawn from the Committee on Appropriations.

On motions by Senator Carlucci, by two-thirds vote SB 880 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Deratany, by two-thirds vote Senate Bills 130, 243, 649, 474 and 793 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Dunn, the rules were waived and by two-thirds vote CS for SB 1136 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Frank, the rules were waived and the Committee on Economic, Community and Consumer Affairs was granted permission to consider SB 426 this day.

On motions by Senator Neal, the rules were waived and the Committee on Appropriations was granted permission to meet this day from 5:00 p.m. until 8:00 p.m. to consider Senate Bills 248, 1267, 13, 302, 358, 372, 591, 332, CS for SB 997, CS for SB 1150, CS for SB 207, CS for SB 1225, CS for SB 121, CS for SB 617, and HB 407.

**MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS**

The Governor advised that he had filed with the Secretary of State Senate Bills 444, 445, 477, 540, 542 and 546 which became law without his signature on May 22, 1985.

**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 CS for SB 511, Senate Bills 475, 476, 539, 541, 543, 545, 547, 581, 604, 667, 844, 852, 869, 1038, 1167, 1278.

*Allen Morris, Clerk*

The bills contained in the foregoing message were ordered enrolled.

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 1270.

*Allen Morris, Clerk*

**First Reading**

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 407 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on House Administration and Representative Clements and others—

**HB 407**—A bill to be entitled An act relating to the Legislature; amending s. 11.13, F.S., to provide for an increase and annual adjustment in the salaries of members of the Legislature; providing an effective date.

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

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 1338 as amended by the Conference Committee Report.

*Allen Morris, Clerk*

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON HB 1338**

*The Honorable Harry A. Johnston, II  
President of the Senate*

*The Honorable James Harold Thompson  
Speaker, House of Representatives*

Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on HB 1338, same being:

An act relating to the Official State Comprehensive Plan;

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate recede from the Senate amendments to HB 1338.
2. That the House and the Senate adopt the Conference Committee amendments to HB 1338 attached hereto; and by reference made a part of this report.
3. That the House and Senate pass HB 1338 as amended by said Conference Committee amendments.

*Kenneth C. Jenne  
Bob Johnson  
George Stuart, Jr.  
John W. Vogt  
Managers on the part of the  
Senate*

*Samuel P. Bell, III  
Mark Gibbons  
Jon Mills  
Daniel Webster  
Managers on the part of the  
House of Representatives*

SUMMARY  
CONFERENCE COMMITTEE AMENDMENTS TO HB 1338  
THE STATE COMPREHENSIVE PLAN

Creation of the State Comprehensive Plan was mandated by Chapter 84-257, Laws of Florida, now embodied in Chapter 186, Florida Statutes. That law directed that the Governor's office, recognizing that a state plan is needed to guide responsibly Florida's growth, especially in the areas of land use, water resources and transportation systems, create a document that establishes an integrated, statewide planning system to ensure the coordinated administration of government policies at all levels. The law further directed that this plan, after acceptance by the Cabinet, be sent to the Legislature for review and enactment.

This bill, HB 1338, represents the work product of both Houses. The plan itself addresses 25 major, substantive areas of Florida's economy, educational systems, environment, and social services. Each of these major subject areas has a goal—an expression of states to which Florida should aspire during the next 10 to 15 years. Each of these goals is accompanied by a number of suggested policies, each of which is aimed at helping achieve the goal.

The bill also contains three other major elements. They are:

—A statement of legislative intent that describes the plan as a direction-setting document, the policies of which may be implemented only to the extent that financial resources are provided. This section also provides that the plan does not create regulatory authority or authorize the adoption of agency rules or standards not otherwise authorized by law.

This section also provides that the goals and policies in the plan are to be reasonably applied where economically and environmentally feasible and not contrary to the public interest and consistent with the protection of private property rights.

—A provision that functional agency plans — mandated by Chapter 84-257, Laws of Florida, as agency statements of how the objectives of the State Comprehensive Plan are to be carried out — be reviewed by the Governor. This section also provides that each of these functional agency plans be in a form and manner prescribed by the Governor, after consultation with the President of the Senate and the Speaker of the House. The section also provides that any disputes between the Governor and the agencies as to provisions of the functional agency plans shall be resolved by the Administration Commission. It also provides that agencies send copies of their functional plans, and comments thereupon, to the Senate President and the House Speaker.

—The creation of a 21-person State Comprehensive Plan Committee, appointed by the Governor, the Senate President and the House Speaker, to study local and state funding needs for present operations and future operations and capital facility acquisitions necessary to implement the plan.

The subject areas addressed by the plan and the goal for each subject area are as follows:

#### EDUCATION

*Goal:* The creation of an educational environment which is intended to provide adequate skills and knowledge for students to develop their full potential, embrace the highest ideas and accomplishments, make a positive contribution to society, and promote the advancement of knowledge and human dignity.

#### CHILDREN

*Goal:* Florida shall provide programs sufficient to protect the health, safety, and welfare of all its children.

#### FAMILIES

*Goal:* Florida shall strengthen the family and promote its economic independence.

#### THE ELDERLY

*Goal:* Florida shall improve the quality of life for its elderly citizens by promoting improved provision of services, with an emphasis on independence and self-sufficiency.

#### HOUSING

*Goal:* The public and private sectors shall increase the affordability and availability of housing for low-income and moderate-income persons, including citizens in rural areas, while at the same time encouraging self-sufficiency of the individual and assuring environmental and structural quality and cost effective operations.

#### HEALTH

*Goal:* 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.

#### PUBLIC SAFETY

*Goal:* Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

#### WATER RESOURCES

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

#### COASTAL AND MARINE RESOURCES

*Goal:* Florida shall ensure that development and marine resource use and beach access improvements in coastal areas do not endanger public safety or important natural resources. Florida shall, through acquisition and access improvements, make available to the state's population additional beaches and marine environment, consistent with sound environmental planning.

#### NATURAL SYSTEMS AND RECREATIONAL LANDS

*Goal:* Florida shall 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.

#### AIR QUALITY

*Goal:* Florida shall comply with all national air quality standards by 1987, and by 1992 meet standards which are more stringent than 1985 state standards.

#### ENERGY

*Goal:* Florida shall reduce its energy requirements through enhanced conservation and efficiency measures in all end-use sectors, while at the same time promoting an increased use of renewable energy resources.

#### HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE

*Goal:* All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

#### MINING

*Goal:* Florida shall protect its air, land, and water resources from the adverse effects of resource extraction and ensure that the disturbed areas are reclaimed or restored to beneficial use as soon as reasonably possible.

#### PROPERTY RIGHTS

*Goal:* Florida shall protect private property rights and recognize the existence of legitimate and often competing public and private interests in land use regulations and other government action.

#### PUBLIC FACILITIES

*Goal:* Florida shall protect the substantial investments in public facilities that already exist, and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

#### CULTURAL AND HISTORICAL RESOURCES

*Goal:* By 1995, Florida shall increase access to its historical and cultural resources and programs and encourage the development of cultural programs of national excellence.

### TRANSPORTATION

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

### GOVERNMENTAL EFFICIENCY

*Goal:* Florida governments shall economically and efficiently provide the amount and quality of services required by the public.

### THE ECONOMY

*Goal:* Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income for its residents.

### AGRICULTURE

*Goal:* Florida shall maintain and strive to expand its food, agriculture, ornamental horticulture, aquaculture, forestry, and related industries in order to be a healthy and competitive force in the national and international marketplace.

### TOURISM

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

### EMPLOYMENT

*Goal:* Florida shall promote economic opportunities for its unemployed and economically disadvantaged residents.

### PLAN IMPLEMENTATION

*Goal:* Systematic planning capabilities shall be integrated into all levels of government in Florida with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement.

**Conference Committee Amendment 1**—On page 1, line 29, 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) EDUCATION.—

(a) *Goal.*—The creation of an educational environment which is intended to provide adequate skills and knowledge for students to develop their full potential, embrace the highest ideas and accomplishments, make a positive contribution to society, and promote the advancement of knowledge and human dignity.

#### (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. Increase student performance as measured by accepted standard criteria.

6. Provide alternatives to traditional teaching methods so that low achievers may experience educational success and create a work environment conducive to imaginative, creative teaching.

7. By 1995, increase opportunities for continued learning for all age groups by 15 percent and increase the program completion rate by 10 percent.

8. Promote educational and cultural enrichment and recreational activities outside traditional systems through the increased use of community and educational facilities and develop creative alternatives to educational programs in order to serve a larger segment of the population.

9. Increase the articulation and information exchange among all levels of public education.

10. Develop programs to meet the educational needs of elderly persons.

11. Continue to support the development of research-based programs for identifying and preventing dropouts in public school and in higher education institutions.

12. 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.

13. Provide a system to disseminate knowledge to solve economic and community problems, through linkages between business, local communities, and institutions of higher education.

14. Pursue funds for research to be conducted in the state.

15. Improve the quality of libraries in public schools, communities, and colleges and universities.

16. Education K-12:

a. Expand early learning experiences to enhance student achievement.

b. Provide access to a comprehensive curriculum for all high school students.

c. Provide appropriate education programs and pathways for handicapped students, exceptional students, and students having learning disabilities and other special learning needs.

d. Develop procedures for identifying gifted students.

e. Develop appropriate counseling for students at all education levels.

f. Implement research-based drop-out prevention programs in all school districts.

g. Identify and encourage policies which raise the expectations, performance, and motivation of socio-economically and academically disadvantaged students.

h. Maintain a classroom environment, including student discipline, that is conducive to learning, with appropriate use of alternative education opportunities.

i. Provide the optimum amount of learning-time necessary to improve student performance.

j. Increase the use of technology in education to make instruction more effective.

k. Provide adequate instructional materials, equipment, and facilities to meet the needs of all students.

l. Provide for systematic evaluation of and reporting on educational programs, delivery systems and outcomes at school, district, and state levels.

m. Ensure standards of excellence for teacher education and certification, and continuing professional development activities for all school personnel.

n. Provide a management support system which will ensure excellence in the performance of school principals and other educational managers.

o. Strengthen citizen involvement at all levels in public education.

15. Postsecondary education:

a. Ensure that the college-level curriculum of the community colleges corresponds to the basic studies of the state universities.

b. Maintain and strengthen the current pattern of matriculation from community colleges to universities.

c. Afford increased opportunities for upper-division and graduate level studies.

d. Provide admission standards for state universities that recognize the rigorous academic preparation necessary to meet the challenges of university coursework.

e. Encourage Florida's talented students to obtain their postsecondary education in Florida.

f. Ensure that universities provide a core curriculum in the liberal arts that applies to all lower-division students.

g. Include in the university system teaching, research, and service.

h. Establish and maintain components of national prominence in the university system.

i. Ensure that the university system provides reasonable geographic access consistent with other policies.

j. Recognize private universities and colleges as an important component of Florida's higher educational system.

k. Develop postsecondary consortia whenever possible among universities, community colleges, and private institutions.

l. Expand the participation of private partnerships in recruiting additional nationally recognized faculty such as eminent scholars.

16. Vocational education:

a. Provide a uniform and coordinated system of secondary and postsecondary vocational education.

b. Provide that vocational programs focus their efforts toward student placement in occupations related to their vocational training.

c. Ensure that vocational programs provide up-to-date instruction on the newest equipment.

d. Provide a vocational education program designed to accommodate Florida's changing technological, occupational, and educational needs.

e. Encourage vocational institutions to coordinate their programs with the needs of business and industry and provide business and industry the opportunity to assist in developing curricula for vocational education.

(2) CHILDREN.—

(a) Goal.—Florida shall provide programs sufficient to protect the health, safety, and welfare of all its children.

(b) Policies.—

1. Decrease the number of children at risk of becoming delinquent, abused, or otherwise dependent on society through preventive counseling services and day treatment programs.

2. 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.

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

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

5. 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.

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

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

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

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.

11. Promote the preservation and strengthening of families by providing programs designed to reduce the occurrence of abuse and neglect.

12. Promote educational programs to increase awareness in children of the damage to their minds and bodies caused from the use of alcohol, drugs and tobacco.

13. Provide timely intervention and treatment services in the appropriate setting when incidents of abuse or neglect do occur.

14. 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.

15. 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.

16. Emphasize prevention and nonresidential services directed toward keeping children in their homes and communities, with each child's protection and well-being as the first priority.

17. 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.

18. 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.

19. Develop a child abuse service system that will detect abuse and 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.

20. Expand prenatal and perinatal screening programs in order to increase the number of at-risk mothers and infants who receive prevention services.

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

22. 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.

23. Expand the range of programs currently available for children with physical handicaps other than developmental disabilities, learning disabilities, and emotional problems.

24. Ensure the safety of children and the quality of services they receive in residential, day care, and treatment programs through necessary and appropriate regulations.

25. Establish a system to determine and evaluate client outcomes and program effectiveness for all programs serving children, youth, and families.

26. Provide for a systematic outcome evaluation of programs and services to children.

(3) FAMILIES.—

(a) Goal.—Florida shall strengthen the family and promote its economic independence.

(b) Policies.—

1. Eliminate state policies which cause voluntary family separations.
2. Promote concepts to stabilize the family unit to strengthen bonds between parents and children.
3. Promote home care services for the sick and disabled.
4. Provide financial support for alternative child care services.
5. Increase direct parental involvement in K-12 education programs.
6. Promote family dispute resolution centers.
7. Support displaced-homemaker programs.
8. Provide increased assurance that child support payments will be made.
9. Actively develop job opportunities, community work experience programs and job training programs for persons receiving governmental financial assistance.
10. Direct local law enforcement authorities and district mental health councils to increase efforts to prevent family violence and to adequately punish the guilty party.
11. Provide financial, mental health, and other support for victims of family violence.

(4) THE ELDERLY.—

(a) Goal.—Florida shall improve the quality of life for its elderly citizens by promoting improved provision of services, with an emphasis on independence and self-sufficiency.

(b) Policies.—

1. Increase the percentage of elderly persons who are living self-sufficiently, with emphasis upon those individuals aged 75 years and older.
2. Develop and implement preventive services and strategies to maximize individual independence and to delay or to avoid institutionalization.
3. Strengthen the care-giving capacity of family members and other informal support providers in order to prevent neglect, exploitation, and abuse of elderly persons.
4. Support cost-effective community alternatives to long-term institutional care.
5. Integrate health care and social service delivery systems to provide comprehensive coordinated, cost-effective care that is responsive to individual needs.
6. Implement a case-management system which will assure delivery of appropriate services, with an emphasis on individual needs, control access to long-term care services, and monitor expenditures.
7. Promote geriatric health care education programs to improve quality of care.
8. Ensure the right of patients, to the extent feasible, to determine the course of their own medical treatment.
9. 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.

10. Improve and expand transportation services to increase mobility of elderly persons.

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

12. Provide services and target resources to those elderly persons with the greatest need.

13. Ensure the adequacy of health and social services through nonduplicative licensure and certification activities in order to provide for systematic regulatory oversight.

(5) HOUSING.—

(a) Goal.—The public and private sectors shall increase the affordability and availability of housing for low-income and moderate-income persons, including citizens in rural areas, while at the same time encouraging self-sufficiency of the individual and assuring environmental and structural quality and cost-effective operations.

(b) Policies.—

1. Eliminate public policies which result in housing discrimination, and develop policies which encourage housing opportunities for all Florida's citizens.
2. Diminish the use of institutions to house persons by promoting deinstitutionalization to the maximum extent possible.
3. Increase the supply of safe, affordable, and sanitary housing for low-income and moderate-income persons and elderly persons by alleviating housing shortages, recycling older houses and redeveloping residential neighborhoods, identifying housing needs, providing incentives to the private sector to build affordable housing, encouraging public-private partnerships to maximize the creation of affordable housing, and encouraging research into low-cost housing construction techniques, considering life-cycle operating costs.
4. Reduce the cost of housing construction by eliminating unnecessary regulatory practices which add to the cost of housing.

(6) HEALTH.—

(a) Goal.—Florida shall cultivate good health for all its citizens, promote individual responsibility for good 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. 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, decrease the number of such persons in large state institutions, and increase the scope, extent, and level of the service of community programs for such persons.
4. 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.
5. Treat clients in the most appropriate setting in accordance with recommendations included in their treatment plan, with emphasis on serving clients in their own homes.
6. Develop small regional facilities as a part of the range of community-based services available to clients.
7. 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.

8. Ensure the maximum emphasis possible on community-based care facilities for the mentally retarded.
9. Young children:
  - a. Provide a full continuum of care for pregnant women through health planning and program implementation. Such services may include, but not be limited to, prenatal care, access to low-cost delivery facilities such as birthing centers, obstetric and gynecologic services, and, when necessary, access to neonatal intensive care centers. Additional programs should be developed to provide equal access to medically indigent pregnant women.
  - 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 by providing a range of services, including volunteer and charitable assistance through the private sector, assistance from the state, and assistance in finding employment.
  - 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.
10. Adolescents:
  - a. Initiate school health services to identify and refer for treatment children with chronic diseases.
  - b. Initiate school health services which provide health education to reduce emergence of smoking, substance abuse, obesity, stress, and other unhealthy behaviors.
  - c. Provide for intensive, noncoercive substance abuse identification and treatment programs for adolescents.
  - d. Introduce on a statewide basis family life education curricula to promote responsible attitudes toward mature behavior.
  - e. Provide programs to prevent and reduce the incidence of teenage pregnancy and ensure the availability of programs to assist pregnant teenagers, including prenatal care, parenting skills, and follow-up after delivery.
  - f. Provide curricula to educate children in the prevention of accidents.
  - g. Provide for mental health services that promote positive mental health and, when necessary, provide counseling for depression and other major psychological and emotional disorders or dysfunctions.
11. 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 discourage smoking and encourage personal weight maintenance.
  - d. Initiate programs so that employers and public health clinics can 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. Provide information concerning criminal penalties for dealing in illegal drugs.
  - g. Provide information as to the danger of criminal penalties for driving while under the influence of alcohol.
  - h. 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.
  - i. Make public health and private clinics available to screen for, detect, and treat degenerative diseases, such as arthritis, sickle cell disease, Parkinson's disease, multiple sclerosis, kidney deterioration, neurologic dysfunction, and heart disease, as early as possible.
  - j. Establish primary care services in rural and urban areas so that access to such care is available to all citizens of the state.
  - k. Provide for the establishment by the state and private sectors of uniform organ procurement procedures, consistent with sound medical and ethical practice.
  - l. Provide prescription drugs and other pharmaceuticals to those in economic need in order to restore them to self-sufficiency.
  - m. Expand existing vocational rehabilitation programs to provide restorative services to moderately handicapped individuals and develop other rehabilitative programs.
  - n. Discourage practices leading to "lifestyle illness," such as high cholesterol levels and heart disease, smoking-related cancers, substance abuse, chronic obesity, malnutrition, and other eating disorders, and nervous diseases related to stress, through media campaigns, insurance incentives and disincentives, and availability of treatment.
  - o. Provide for stringent regulations and enforcement to prevent exposure of humans to environmental toxins, carcinogens, and radiation.
  - p. Initiate comprehensive occupational health, safety, and prevention programs to reduce occupational hazards.
  - q. Initiate health education through the media, adult education, employers, and so forth to teach individuals self-monitoring for detection of health concerns such as high blood pressure, precancerous indicators, and neurological disorders.
  - r. Emphasize geriatric health services by the state, medical schools, and private physicians.
  - s. Promote research of diseases occurring with particular frequency in the elderly to discover means to prevent, treat, and ameliorate such diseases.
  - t. Provide for geriatric medicine management and education programs by the state and the private sector to assist the elderly in taking their medicines.
  - u. Expand the state's efforts to identify and treat chronic, debilitating diseases which occur with particular frequency in the elderly.
  - v. Provide intensive nutrition and diet education programs to the elderly.
  - w. Initiate programs to reduce the incidence and severity of elderly abuse and neglect.
  - x. Recruit able-bodied, healthy elderly people as volunteers to teach children and younger adults healthy lifestyle habits.
  - y. Make medical and health support services available to ensure the good health of the elderly in noninstitutional settings.
  - z. Provide primary health clinics for the elderly to receive comprehensive case management and immediate referral to acute care institutions, when needed.
  - aa. 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.
12. Ensure that all health-care-related policies and programs emphasize wellness, the prevention of illness and injury, and rehabilitative care.
13. Develop payment systems for public and private sector health care services in which costs are negotiated before services are delivered.

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

15. Target resources for preventive and rehabilitation programs and care at the earliest stages possible for population groups most at risk of needing care that would be more costly if delayed.

16. 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.

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

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

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

20. Encourage private sector participation in decisions affecting health care costs.

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

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

23. Promote organizations and other arrangements which emphasize wellness, preventive care, and rehabilitative care, and encourage appropriate utilization of health care services to reduce illness and extend life.

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

25. Establish a tax system that provides incentives for health and exercise activities.

(7) PUBLIC SAFETY.—

(a) Goal.—Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

(b) Policies.—

1. By 1995, protect the public from crimes by lowering the recidivism rate by at least 15 percent, and by expanding proven alternative corrections programs and increasing the ex-offenders' employment rate by at least 10 percent.

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

3. Provide effective alternatives to incarceration for appropriate offenders and encourage victim restitution.

4. Make the corrections system as financially cost-effective as possible through prison industries, and other inmate work programs, and through contractual agreements with public and private vendors.

5. Continue to monitor educational and vocational training of inmates to assure that our goal of increasing the likelihood of successful reintegration into the community is being accomplished.

6. Ensure that all inmates have access to comprehensive health care, including effective diagnostic and treatment programs for offenders suffering from substance abuse or psychological disorders.

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

8. By 1995, reduce the serious crime rate by 25 percent and reduce the volume of illegal drugs entering the state.

9. Emphasize the reduction of serious crime, particularly violent, organized, economic, and drug-related crimes.

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

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

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

13. Continue to implement coordinated and integrated strategies to combat organized crime, economic crime, and drug trafficking.

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

15. 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.

16. Improve the efficiency of law enforcement through the establishment of a close communication and coordination system among agencies and a comprehensive reporting system for such types of criminal activities as forcible felonies and organized, economic and drug crimes.

17. Improve the effectiveness of the delinquent juvenile justice system commitment programs to reduce recidivism of juveniles who would otherwise be recommitted to state supervision.

18. Utilize alternative sentencing and dispute resolution where appropriate, particularly in civil disputes and minor criminal violations.

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

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

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

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

23. 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.

24. Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents.

25. Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters.

(8) WATER RESOURCES.—

(a) Goal.—Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall 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 and promote the development of reverse osmosis and desalinization technologies for developing 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. Ensure that new development is compatible with existing local and regional water supplies.

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

7. Discourage the channelization, diversion, or damming of natural riverine systems.

8. Encourage the development of a strict floodplain management program by state and local governments designed to preserve hydrologically significant wetlands and other natural floodplain features.

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

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

11. Promote 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.

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.

#### (9) COASTAL AND MARINE RESOURCES.—

(a) Goal.—Florida shall ensure that development and marine resource use and beach access improvements in coastal areas do not endanger public safety or important natural resources. Florida shall, through acquisition and access improvements, make available to the state's population additional beaches and marine environment, consistent with sound environmental planning.

#### (b) Policies.—

1. Accelerate public acquisition of coastal and beachfront land where necessary to protect coastal and marine resources or to meet projected public demand.

2. Ensure the public's right to reasonable access to beaches.

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

4. Protect coastal resources, marine 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. Protect and restore long-term productivity of marine fisheries habitat and other aquatic resources.

8. Avoid the exploration and development of mineral resources which threaten marine, aquatic, and estuarine resources.

9. Prohibit development and other activities which disturb coastal dune systems, and ensure and promote the restoration of coastal dune systems that are damaged.

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

#### (10) NATURAL SYSTEMS AND RECREATIONAL LANDS.—

(a) Goal.—Florida shall 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. Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.

2. Acquire, retain, manage, and inventory public lands to provide recreation, conservation, and related public benefits.

3. Prohibit the destruction of endangered species and protect their habitats.

4. Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.

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

6. 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.

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

8. Promote restoration of the Everglades system and of the hydrological and ecological functions of degraded or substantially disrupted surface waters.

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

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

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.

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

#### (11) AIR QUALITY.—

(a) Goal.—Florida shall 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 and maintain the improved level to safeguard human health and prevent damage to the natural environment.

2. Ensure that developments and transportation systems are consistent with the maintenance of optimum air quality.

3. Reduce sulfur dioxide and nitrogen oxide emissions and mitigate their effects on the natural and human environment.

4. Encourage the use of alternative energy resources that do not degrade air quality.

5. Ensure, at a minimum, that power plant fuel conversion does not result in higher levels of air pollution.

#### (12) ENERGY.—

(a) Goal.—Florida shall reduce its energy requirements through enhanced conservation and efficiency measures in all end-use sectors, while at the same time promoting an increased use of renewable energy resources.

#### (b) Policies.—

1. Continue to reduce per capita energy consumption.

2. Encourage and provide incentives for consumer and producer energy conservation and establish acceptable energy performance standards for buildings and energy consuming items.

3. Improve the efficiency of traffic flow on existing roads.

4. Ensure energy efficiency in transportation design and planning and increase the availability of more efficient modes of transportation.

5. Reduce the need for new power plants by encouraging end-use efficiency, reducing peak demand, and using 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.

(13) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE.—

(a) Goal.—All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

(b) Policies.—

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

2. Encourage and expedite the development of environmentally safe hazardous waste treatment, storage, and disposal facilities.

3. Identify and clean up hazardous waste sites.

4. Enforce and strengthen regulation of the generation, storage, treatment, disposal, and transportation of hazardous waste.

5. Establish a system for identifying the location, type, and quantity of hazardous materials.

6. Require all hazardous waste generators to properly manage their own wastes.

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

8. Encourage coordination of intergovernmental and interstate waste management efforts.

9. Identify, develop, and encourage environmentally sound wastewater treatment and disposal methods.

10. 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.

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

(14) MINING.—

(a) Goal.—Florida shall protect its air, land, and water resources from the adverse effects of resource extraction and ensure that the disturbed areas are reclaimed or restored to beneficial use as soon as reasonably possible.

(b) Policies.—

1. Develop a comprehensive approach to the regulation of resource extraction.

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 use within a period determined by the state to be reasonable and practical.

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. Minimize the effects of resource extraction upon ground and surface waters.

7. Protect human health from radiological or other adverse impacts associated with resource extraction.

8. Reduce the adverse impacts of waste disposal associated with resource extraction.

9. Require that mining and reclamation regulation recognizes the geological constraints and inherent differences in the types and locations of resources to be mined.

(15) PROPERTY RIGHTS.—

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

(b) Policies.—

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

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

(16) LAND USE.—

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

(b) Policies.—

1. Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have 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 liveability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

4. Develop a system of intergovernmental negotiation for siting locally unpopular public and private land uses which 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) PUBLIC FACILITIES.—

(a) Goal.—Florida shall protect the substantial investments in public facilities that already exist, and shall plan for and finance new facilities to serve 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 existing and future residents.

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 providing public facilities.

6. Identify and implement innovative but fiscally sound and cost-effective techniques for financing public facilities.

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

8. Take into consideration, in the assessed value of property, increased property values directly related to infrastructure expenditures by government.

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

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

#### (18) CULTURAL AND HISTORICAL RESOURCES.—

(a) Goal.—By 1995, Florida shall increase access to its historical and cultural resources and programs and encourage the development of cultural programs of national excellence.

##### (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, and protection of archaeological folk heritage and historic resources properties of the state's diverse ethnic population.

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 recognizes the preservation of historic resources.

#### (19) TRANSPORTATION.—

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

##### (b) Policies.—

1. By 1995, establish 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 impacts.

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

4. Allow flexibility in state and local participation in funding of public transit projects and encourage construction and use of toll facilities in order to meet transportation needs.

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. Develop a revenue base for transportation which is consistent with the goals and policies of this plan.

8. Encourage the construction and utilization of a public transit system, including, but not limited to, a high speed rail system, in lieu of the expansion of the highway system, where appropriate.

9. Ensure that the transportation system provides Florida's citizens and visitors with timely and efficient access to services, jobs, markets, and attractions.

10. Promote ride sharing by public and private sector employees.

11. Emphasize state transportation investments in major travel corridors and direct state transportation investments to contribute to efficient urban development.

12. 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.

13. Coordinate transportation improvements with state, local, and regional plans.

14. Acquire advanced rights-of-way for transportation projects in designated transportation corridors consistent with state, regional, and local plans.

15. Promote effective coordination among various modes of transportation in urban areas to assist urban development and redevelopment efforts.

#### (20) GOVERNMENTAL EFFICIENCY.—

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

##### (b) Policies.—

1. Encourage greater cooperation between, among, and within all levels of Florida government through the use of appropriate interlocal agreements and mutual participation for mutual benefit.

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. 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.

4. Eliminate regulatory activities that are not tied to specific public and natural resource protection needs.

5. Eliminate needless duplication of, and promote cooperation in, governmental activities between, among, and within state, regional, county, city, and other governmental units.

6. Ensure, wherever possible, that the geographic boundaries of water management districts, regional planning councils and substate districts of the executive departments shall be coterminous for related state or agency programs and functions and promote interagency agreements in order to reduce the number of districts and councils with jurisdiction in any one county.

7. Encourage and provide for the restructuring of city and county political jurisdictions with the goals of greater efficiency and high-quality and more equitable and responsive public service programs.

8. Replace multiple, small scale, economically inefficient local public facilities with regional facilities where they are proven to be more economical, particularly in terms of energy efficiency, and yet can retain the quality of service expected by the public.

9. Encourage greater efficiency and economy at all levels of government through adoption and implementation of effective records-management, information-management, and evaluation procedures.

10. Throughout government, establish citizen management efficiency groups and internal management groups to make recommendations for greater operating efficiencies and improved management practices.

11. Encourage governments to seek outside contracting on a competitive-bid basis, when cost-effective and appropriate.

12. Discourage undue expansion of state government and make every effort to streamline state government in a cost-effective manner.

13. Encourage joint venture solutions to mutual problems between levels of government and private enterprise.

(21) THE ECONOMY.—

(a) Goal.—Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income 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. 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.

4. Strengthen Florida's position in the world economy through attracting foreign investment and promoting international banking and trade.

5. 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.

6. Promote economic development for Florida residents through partnerships among education, business, industry, agriculture, and the arts.

7. Provide increased opportunities for training Florida's work force to provide skilled employees for new and expanding business.

8. Promote economic self-sufficiency through training and educational programs which result in productive employment.

9. Promote cooperative employment arrangements between private employers and public sector employment efforts to provide productive, permanent employment opportunities for public assistance recipients through provisions of education opportunities, tax incentives, and employment training.

10. Provide for nondiscriminatory employment opportunities.

11. Provide quality child day care for public assistance families and others who need it in order to work.

12. 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 Florida's environment.

13. Promote coordination among Florida's ports to increase their utilization.

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.

(22) AGRICULTURE.—

(a) Goal.—Florida shall maintain and strive to expand its food, agriculture, ornamental horticulture, aquaculture, forestry, and related industries in order to be a healthy and competitive force in the national and international marketplace.

(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. Promote and increase international agricultural marketing opportunities for all Florida agricultural producers.

3. Stimulate research, development and application of agricultural technology to promote and enhance the conservation, production and marketing techniques available to 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 in the agricultural sector by providing technical and informational services.

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

7. Encourage development of biological pest controls to further the reduction in reliance on chemical controls.

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.

11. Ensure that coordinated state planning of road, rail and water-borne transportation systems provides adequate facilities for the economical transport of agricultural products and supplies between producing areas and markets.

(23) TOURISM.—

(a) Goal.—Florida will attract at least 55 million tourists annually by 1995, and shall 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.

(24) EMPLOYMENT.—

(a) Goal.—Florida shall promote economic opportunities for its unemployed and economically disadvantaged residents.

(b) Policies.—

1. Achieve by 1995, a 70 percent job placement rate for state training program graduates and a 50 percent reduction in the gap between the unemployment rate for disadvantaged groups and the average state unemployment rate.

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

3. Provide training and job placement assistance to hard-to-employ groups encountering special barriers.

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 innovative arrangements such as onsite day care facilities and flexible hours of employment to increase the access of working parents to the job market.

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

## (25) PLAN IMPLEMENTATION.—

(a) Goal.—Systematic planning capabilities shall 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 at all levels of government capable of responding to changing state policies and goals.

2. Ensure that every level of government has 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. Simplify, streamline, and make more predictable the existing permitting procedures.

5. 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.

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

7. Ensure the development of comprehensive regional policy plans and local plans that implement and accurately reflect state goals and policies and that address problems, issues, and conditions that are of particular concern in a region.

8. Encourage the continual cooperation among communities which have a unique natural area, irrespective of political boundaries, to bring the private and public sectors together for establishing an orderly, environmentally, and economically sound plan for future needs and growth.

Section 3. (1)(a) There is created the State Comprehensive Plan Committee to consist of 21 members. The Governor, the President of the Senate and the Speaker of the House of Representatives shall each appoint 7 members. The Chairperson shall be elected by majority vote of the other members. Appointments shall be made as soon after July 31, 1985, as possible and the committee shall continue to exist until July 31, 1987.

(b) Each member shall be entitled to receive per diem and expenses for travel, as provided in s. 112.061, Florida Statutes, while carrying out official business of the committee.

(c) The committee shall be staffed by an executive director and other personnel who shall be appointed by the committee and who shall be exempt from the provisions of part II of chapter 110, Florida Statutes, relating to the Career Service System.

(d) The committee shall be assigned, for administrative purposes, to the Advisory Council on Intergovernmental Relations within the Legislature. The Advisory Council on Intergovernmental Relations and each state agency shall provide assistance when requested by the committee. Additionally, the committee shall be authorized to employ staff and consultants as necessary to fulfill its responsibilities.

## (2) The committee shall:

(a) Review the ability of local governments' current taxing structure to fund current operations and additional operations and capital facilities and other infrastructure acquisitions needed to implement the provisions of the state comprehensive plan during the next 10 years.

(b) Recommend in priority order a set of tax and funding alternatives and overall financing plans to fund local governments' current operations and additional operations and capital facilities acquisitions needed to implement the provisions of the state comprehensive plan during the next 10 years. These tax and alternative funding sources shall include, but not be limited to, documentary stamp taxes, ad valorem taxes, impact fees, impact taxes, privatization and other innovative financing techniques, 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 gasoline taxes.

(c) Review the ability of state governments' current taxing and funding structures to fund current operations and additional operations and capital facilities acquisitions needed to implement the provisions of the state comprehensive plan during the next 10 years.

(d) Recommend, in priority order, a set of tax and funding alternatives and overall financing plans, as described in paragraph (b), to fund state governments' current operations and additional operations and capital facilities acquisitions needed to implement the provisions of the state comprehensive plan during the next 10 years.

(3) The committee shall report its findings and recommendations to the Florida Legislature as follows:

(a) On or before February 1, 1986, a report, in the form of proposed legislation, to the Legislature based upon its findings as to paragraphs (2)(a) and (b).

(b) On or before February 1, 1987, a report, in the form of proposed legislation, to the Legislature as to its findings and recommendations on paragraphs (2)(c) and (d).

Section 4. Section 186.022, Florida Statutes, 1984 Supplement, is amended to read:

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

186.022 State agency functional plans; consistency with the state comprehensive plan.—

(1) Within 1 year of the adoption of the state comprehensive plan, and by November 1 of each odd numbered year thereafter, each state agency, except as provided in s. 186.021, shall prepare and submit its agency functional plan to the Executive Office of the Governor. Prior to the submission of the agency functional plans to the Governor, each agency shall hold public workshops on the proposed agency functional plans, and shall allow at least a 21-day period for public comment. Adequate public notice shall be assured by publication of notice of hearing and comment period in the Florida Administrative Weekly.

(2) The Executive Office of the Governor shall review the proposed state agency functional plans for consistency with the state plan, and shall, within 60 days, return a proposed agency functional plan to the agency, together with any proposed revisions.

(3) Each agency functional plan shall be in a form and manner prescribed in instructions prepared by the Executive Office of the Governor after consultation with the President of the Senate and Speaker of the House of Representatives. Agency functional plans shall identify the financial resources necessary to implement the provisions of the plan, and shall identify the specific legislative authority necessary to implement the elements of the proposed functional plan. An agency may only implement those portions of its functional plans that are consistent with existing statutory or constitutional authority, and for which funding, if needed, is available consistent with the provisions of chapter 216. Financial resources necessary to implement the policies and goals of the state comprehensive plan shall be clearly identified and coordinated between each agency functional plan and the budget requests and recommendations prescribed in s. 216.023(1).

(4) The state agency shall, within 30 days of the return of its proposed state agency functional plan, incorporate all revisions recommended by the Governor, or shall petition the Administration Commission to resolve any disputes regarding the consistency of the state agency functional plan or the revisions recommended by the Governor with the state comprehensive plan. The Administration Commission shall resolve any disputes within 45 days of the petition.

(5) Any differences between state agencies regarding the programs, policies, or functional plans of such agencies shall be mediated by the Governor.

(6) Each agency shall transmit copies of its functional plan and all public comments on its plan to the President of the Senate and the Speaker of the House of Representatives not later than 30 days prior to the next regular session of the Legislature.

(7) Agency functional plans developed pursuant to this chapter are not rules and therefore are not subject to the provisions of chapter 120.

Section 5. Subsection (3) of section 186.008, Florida Statutes, 1984 Supplement, is amended to read:

186.008 State comprehensive plan; adoption; and implementation.—

(3) All amendments, revisions, or updates to the plan shall be adopted by the Legislature as a general law in the same manner as the original adoption.

Section 6. Subsection (4) of section 186.021, Florida Statutes, 1984 Supplement, is amended to read:

186.021 State agency functional plans.—

(4) All amendments, revisions, or updates to a state agency functional plan shall be prepared 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.

Section 7. Subsection (3) of section 186.006, subsection (4) of section 186.008, and subsections (1) and (3) of section 186.021, Florida Statutes, as created by chapter 84-257, Laws of Florida, and section 216.0156, Florida Statutes, as created by chapter 84-321, Laws of Florida, are hereby repealed.

Section 8. This act shall take effect July 1, 1985, or upon becoming a law, whichever occurs later.

**Conference Committee Amendment 2**—On page 1, lines 1-27, strike all said lines, and insert: A bill to be entitled 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 plan; creating the State Comprehensive Plan Resource Committee; providing membership and duties; amending s. 186.022, F.S.; relating to the adoption of state agency functional plans; amending s. 186.008, F.S.; providing for legislative adoption of changes in the state comprehensive plan; amending s. 186.021, F.S.; conforming provisions relating to state agency functional plans; providing an effective date.

WHEREAS, the Legislature, in chapter 84-257, Laws of Florida, has recognized that the future growth and development of Florida will transcend the boundaries and individual responsibilities of local governments, and

WHEREAS, the Legislature has declared the need to establish an integrated, statewide planning system to ensure the coordinated administration of government policies at all levels, and

WHEREAS, the Legislature has determined that a state plan is needed to guide responsibly Florida's growth, especially in the areas of land use, water resources and transportation systems, and

WHEREAS, the Legislature has the responsibility to give by law statewide recognition to the state comprehensive plan, NOW, THEREFORE,

On motion by Senator Jenne, the rules were waived and the report of the Conference Committee on HB 1338 was read the second time.

On motion by Senator Jenne, the Conference Committee Report was adopted, and HB 1338 passed as recommended and was certified to the House, together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Frank	Johnson	Peterson
Beard	Gersten	Kirkpatrick	Plummer
Carlucci	Girardeau	Langley	Scott
Castor	Gordon	Malchon	Stuart
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—Thomas

On motion by Senator Myers, the rules were waived by unanimous consent and the Senate reverted to introduction for the purpose of introducing the following resolution out of order:

**INTRODUCTION AND REFERENCE OF BILLS**

By Senator Myers—

**SR 1331**—A resolution commending the Palm Beach Junior College women's tennis and softball teams for winning national championships in their respective sports.

WHEREAS, 1985 has been a banner year for women's athletics at Palm Beach Junior College, the home of two national champions, and

WHEREAS, on May 16, 1985, the Palm Beach Junior College women's tennis team, led by their coach, Julio Rive, won the National Junior College Athletic Association's women's tennis title, and

WHEREAS, on May 6, 1985, the Palm Beach Junior College women's softball team, led by their coach, John Anderson, successfully completed a season in which the team finished with a 39 and 7 record by winning the National Junior College Athletic Association's women's softball championship for the second consecutive year, and

WHEREAS, by such achievements, these women athletes have brought national honor and recognition to Palm Beach Junior College and the State of Florida, NOW, THEREFORE,

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

That the Palm Beach Junior College women's tennis team, coached by Julio Rive, and the Palm Beach Junior College women's softball team, coached by John Anderson, are commended for their outstanding accomplishments in bringing Palm Beach Junior College to national prominence and excellence in women's athletics.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Palm Beach Junior College women's tennis team and to the Palm Beach Junior College women's softball team as a tangible token of the sentiments of the Florida Senate.

—which was read the first time by title. On motion by Senator Myers, SR 1331 was read the second time in full and unanimously adopted.

**SPECIAL ORDER**

**CS for CS for SB 1**—A bill to be entitled An act relating to the Beverage Law; amending ss. 561.15, 562.11, 562.111, 322.141, F.S.; prohibiting the consumption or possession of alcoholic beverages by persons under age 21 and the selling or serving of alcoholic beverages to such persons; providing that such persons shall not be licensed under the Beverage Law; specifying color of drivers' licenses for such persons; repealing s. 562.113, F.S., relating to drinking age for military personnel on active duty; providing grandfather provisions; amending s. 561.01, F.S.; providing definitions; providing an effective date.

—was read the second time by title.

Senator Barron moved the following amendment:

**Amendment 1**—On page 5, strike all of lines 5 and 6 and renumber subsequent sections.

Senator Langley moved the following substitute amendment:

**Amendment 2**—On page 1, line 18, strike everything after the enactment clause and insert:

Section 1. Subsection (1) of section 561.15, Florida Statutes, 1984 Supplement, is amended to read:

561.15 Licenses; qualifications required.—

(1) Licenses shall be issued only to persons of good moral character who are not less than 21 40 years of age. Licenses to corporations shall be issued only to corporations whose officers are of good moral character and not less than 21 40 years of age. There shall be no exemptions from the license taxes herein provided to any person, association of persons, or corporation, any law to the contrary notwithstanding.

Section 2. Section 562.11, Florida Statutes, 1984 Supplement, is amended to read:

562.11 Selling, giving, or serving alcoholic beverages to person under age 21 19; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21 19; penalties.—

(1)(a) It is unlawful for any person to sell, give, serve, or permit to be served alcoholic beverages to a person under 21 19 years of age or to permit a person under 21 19 years of age to consume such beverages on the licensed premises. Anyone convicted of violation of the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A licensee who ~~violates paragraph (a) sells, gives, serves, or permits to be served any alcoholic beverage to a person under 19 years of age or permits a person under 19 years of age to consume any alcoholic beverage on the licensed premises~~ shall have a complete defense to any civil action therefor, except for any administrative action by the division under the Beverage Law, if, at the time the alcoholic beverage was sold, given, served, or permitted to be served, the person falsely evidenced that he was of legal age to purchase or consume the alcoholic beverage and the appearance of the person was such that an ordinarily prudent person would believe him to be of legal age to purchase or consume the alcoholic beverage and if the licensee carefully checked one of the following forms of identification: the person's driver's license, an identification card issued under the provisions of s. 322.051, or the person's passport, and acted in good faith and in reliance upon the representation and appearance of the person in the belief that he was of legal age to purchase or consume the alcoholic beverage. Nothing herein shall negate any cause of action which arose prior to June 2, 1978.

(2) It is unlawful for any person to misrepresent or misstate his age or the age of any other person for the purpose of inducing any licensee or his agents or employees to sell, give, serve, or deliver any alcoholic beverages to a person under 21 19 years of age.

(a) Anyone convicted of violating the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person under the age of 17 years who violates such provisions shall be within the jurisdiction of the judge of the circuit court and shall be dealt with as a juvenile delinquent according to law.

(c) In addition to any other penalty imposed for a violation of this subsection, if a person uses a driver's license or identification card issued by the Department of Highway Safety and Motor Vehicles in violation of this subsection, the court may:

1. Order the person to participate in public service or a community work project for a period not to exceed 40 hours; and
2. Suspend the person's driver's license or driving privilege for a period not to exceed 1 year.

(3) Any person under the age of 21 19 years testifying in any criminal prosecution or in any hearing before the division involving the violation by any other person of the provisions of this section may, at the discretion of the prosecuting officer, be given full and complete immunity from prosecution for any violation of law revealed in such testimony that may be or may tend to be self-incriminating, and any such person under 21 19 years of age so testifying, whether under subpoena or otherwise, shall be compelled to give any such testimony in such prosecution or hearing for which immunity from prosecution therefor is given.

Section 3. Section 562.111, Florida Statutes, is amended to read:

562.111 Possession of alcoholic beverages by persons under age 21 19 prohibited.—It is unlawful for any person under the age of 21 19 years, except a person employed under the provisions of s. 562.13 acting in the scope of his employment, to have in his possession alcoholic beverages, except that nothing herein contained shall preclude the employment of any person 18 years of age or older in the sale, preparation, or service of alcoholic beverages in licensed premises in any establishment licensed by the Division of Alcoholic Beverages and Tobacco or the Division of Hotels and Restaurants. Notwithstanding the provisions of s. 562.45, any person under the age of 21 19 who is convicted of a violation of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; however, any person under the age of 21 19 who has been convicted of a violation of this section and who is thereafter convicted of a further violation of this section is, upon conviction of the further offense, guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Section 562.51, Florida Statutes, is created to read:

562.51 Retail alcoholic beverage establishments; rights as private enterprise.—Licensed retail alcoholic beverage establishments open to the public are private enterprises and may refuse service to any person who is objectionable or undesirable to the licensee, but such right to refuse service shall not be in violation of s. 2, Art. I of the State Constitution.

Section 5. Section 322.141, Florida Statutes, is amended to read:

322.141 Color of licenses issued to minors.—All licenses originally issued or reissued issued by the department to persons under the age of 21 18 years for the operation of motor vehicles shall have markings or color, including photographic backdrop, which shall be an obviously separate and distinct color backdrop from all other licenses issued by the department for the operation of motor vehicles. *No license currently issued shall be recalled because of background color.*

Section 6. Section 562.113, Florida Statutes, is hereby repealed.

Section 7. This act shall take effect July 1, 1985, except that:

(1) The amendments to ss. 561.15 and 562.11, Florida Statutes, 1984 Supplement, and s. 562.111, Florida Statutes, insofar as they raise the legal age of persons who may be licensed under the Beverage Law or who may consume or possess alcoholic beverages, shall not apply to persons born on or before June 30, 1966.

(2) No license under the Beverage Law issued prior to the effective date of this act to a person under the age of 21 years shall be denied or revoked by virtue of the amendments to s. 561.15, Florida Statutes, 1984 Supplement, in this act.

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

**Amendment 2A**—On page 5, strike all of lines 10 and 11 and renumber subsequent sections.

The vote was:

Yeas—23

Barron	Girardeau	Johnson	Stuart
Beard	Gordon	Kiser	Thomas
Childers, W. D.	Grant	Margolis	Thurman
Deratany	Grizzle	McPherson	Vogt
Frank	Hill	Meek	Weinstein
Gersten	Jennings	Scott	

Nays—14

Mr. President	Crawford	Jenne	Neal
Carlucci	Dunn	Langley	Peterson
Castor	Fox	Mann	
Childers, D.	Hair	Myers	

Vote after roll call:

Yea—Plummer

Nay—Malchon

Senator Deratany moved the following amendment to Amendment 2 which failed:

**Amendment 2B**—On page 5, strike all of lines 10-23 and insert:

Section 7. Subsection (15) is added to Section 561.01, Florida Statutes, to read:

561.01 Definitions—As used in the Beverage Law:

(15) "Person of legal age" means any person who is 21 years of age or older. "Person of legal age" also means any person who was 19 years of age or older on September 30, 1986.

Section 8. This act shall take effect September 30, 1986.

Senator Margolis moved the following amendment to Amendment 2 which failed:

**Amendment 2C**—On page 4, between lines 29 and 30, insert:

Section 5. In the event that a court of last resort determines that it is unconstitutional for the Federal Government to withhold transportation funds from the state because the legal age of the sale, consumption, or possession of alcoholic beverages is under 21 years of age or if federal legislation is enacted to allow the drinking age to be lowered or modified from 21 years of age, it is the intent of the Legislature that the amendments to ss. 561.15, 562.11, and 562.111, Florida Statutes, contained in this act shall be null and void and that those sections revert to the language existing in said sections on September 30, 1986.

(Renumber subsequent sections.)

The vote was:

Yeas—18

Barron	Grizzle	Malchon	Scott
Childers, W. D.	Hill	Mann	Vogt
Frank	Jennings	Margolis	Weinstein
Girardeau	Kirkpatrick	Meek	
Gordon	Kiser	Plummer	

Nays—19

Mr. President	Crawford	Grant	Neal
Beard	Deratany	Jenne	Peterson
Carlucci	Dunn	Johnson	Stuart
Castor	Fox	Langley	Thomas
Childers, D.	Gersten	Myers	

Senator Scott moved the following amendment to Amendment 2 which failed:

**Amendment 2D**—On page 5, line 24, insert:

Section 8. This act shall stand repealed October 1, 1988 and shall be reviewed by the Legislature prior to that date.

The vote was:

Yeas—12

Barron	Gordon	Kirkpatrick	Plummer
Gersten	Grizzle	Margolis	Scott
Girardeau	Hill	Meek	Weinstein

Nays—26

Mr. President	Dunn	Johnson	Peterson
Beard	Fox	Langley	Stuart
Carlucci	Frank	Malchon	Thomas
Castor	Grant	Mann	Thurman
Childers, D.	Hair	McPherson	Vogt
Childers, W. D.	Jenne	Myers	
Crawford	Jennings	Neal	

Vote after roll call:

Nay to Yea—Dunn

Senators Gordon, Barron, Gersten, W. D. Childers, Castor, Frank, Girardeau, Margolis, Weinstein, Meek, Fox and Scott offered the following amendment to Amendment 2 which was moved by Senator Gordon and adopted:

**Amendment 2E**—On page 4, lines 23-29, insert: No person, firm, or corporation licensed under the Beverage Law shall withhold membership, its facilities, or services from any person on account of race, religion, sex, or national origin, except any nationally recognized fraternal organization which by its nature is all of one gender and any such organization which is oriented to a particular religion or which is ethnic in character.

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

**Amendment 2F**—On page 1, line 17, insert:

Section 1. Subsection (9) of section 561.01, Florida Statutes, is amended to read:

561.01 Definitions.—As used in the Beverage Law:

(9) "Sale" and "sell" mean any transfer of an alcoholic beverage for a consideration, any gift of an alcoholic beverage in connection with, or as a part of, a transfer of property other than an alcoholic beverage for a

consideration, or the transfer for a consideration to a member or non-member by a bottle club or other club not licensed under the Beverage Law, of a set-up for an alcoholic beverage, when such set-up is to be used in conjunction with the consumption of an alcoholic beverage on the premises of such club. Set-ups shall include ice, mixers, soft drinks, water, etc. ~~servicing of an alcoholic beverage by a club licensed under the Beverage Law.~~

(Renumber subsequent sections.)

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

**Amendment 2G**—On page 7, line 7, after the period (.) insert: In the event that any section of this act is held unconstitutional by any court of this state or the federal government, such event shall not affect the validity or application of any other provision of this act.

Senator Thomas moved that the rules be waived and the Senate reconsider the vote by which Amendment 2C failed. The motion was adopted. The vote was:

Yeas—19

Barron	Gordon	Mann	Scott
Beard	Grizzle	Margolis	Thomas
Frank	Hill	McPherson	Vogt
Gersten	Kirkpatrick	Meek	Weinstein
Girardeau	Kiser	Plummer	

Nays—18

Mr. President	Dunn	Jennings	Peterson
Carlucci	Fox	Johnson	Stuart
Castor	Grant	Langley	Thurman
Childers, D.	Hair	Myers	
Crawford	Jenne	Neal	

The question recurred on Amendment 2C which was adopted. The vote was:

Yeas—20

Barron	Grizzle	Malchon	Plummer
Childers, W. D.	Hill	Mann	Scott
Frank	Jennings	Margolis	Thomas
Girardeau	Kirkpatrick	McPherson	Vogt
Gordon	Kiser	Meek	Weinstein

Nays—19

Mr. President	Crawford	Hair	Neal
Beard	Dunn	Jenne	Peterson
Carlucci	Fox	Johnson	Stuart
Castor	Gersten	Langley	Thurman
Childers, D.	Grant	Myers	

Senators Barron and Gordon offered the following amendment to Amendment 2 which was moved by Senator Gordon and failed:

**Amendment 2H**—On page 5, between lines 11 and 12, insert:

Section 7. The Department of Transportation shall annually conduct a survey to determine which 2 consecutive year age groups had during the preceding year the highest percentage of alcohol-related traffic fatalities. Any person whose age falls within that 2 consecutive year age group is prohibited from possessing alcoholic beverages until such person is no longer in such age group.

(Renumber subsequent section.)

The vote was:

Yeas—12

Barron	Girardeau	Hill	Plummer
Childers, W. D.	Gordon	Margolis	Scott
Deratany	Grizzle	Meek	Thomas

Nays—25

Mr. President	Carlucci	Childers, D.	Dunn
Beard	Castor	Crawford	Fox

Frank	Jennings	Mann	Stuart
Gersten	Johnson	McPherson	Thurman
Grant	Kirkpatrick	Myers	
Hair	Kiser	Neal	
Jenne	Malchon	Peterson	

Vote after roll call:

Yea to Nay—Plummer

Senator Gersten moved the following amendment to Amendment 2 which failed:

**Amendment 2I**—On page 5, between lines 11 and 12, insert:

Section 7. Study Commission on Government-Abetted Discrimination.—

(1) There is created the Study Commission on Government-Abetted Discrimination. No later than August 1, 1985, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint four members to the commission. The appointing authorities shall attempt to use their respective appointments to ensure that the commission is broadly representative of the residents of the state. No appointing authority shall individually appoint more than two members of the Legislature to the commission. Members of the commission shall serve without pay, but shall be entitled to per diem and traveling expenses as provided in s. 112.061, Florida Statutes. The Executive Office of the Governor shall provide staff support to the commission. The membership of the commission shall elect a chairman.

(2) The commission shall study the issues regarding the direct and indirect support of private club discrimination by governmental action. The commission may hold public hearings in furtherance of the preparation of such study. The commission shall consider the feasibility and desirability of specific legislative remedial action, including, but not limited to:

- (a) Denial of corporate charters to discriminatory organizations;
- (b) Prohibition of the use of public funds to support attendance by public officers or employees at functions held at the facilities of discriminatory organizations;
- (c) Prohibition of public officers or employees from attending, by virtue of their office, functions at discriminatory organizations.
- (d) Use of the beverage laws of the state to discourage discrimination;
- (e) Use of the tax laws of the state to discourage discrimination;
- (f) Prohibition of regulated industries from treating membership fees and other fees paid to discriminatory clubs as legitimate business expenses;
- (g) Treatment of clubs at which business is transacted as public accommodations;
- (h) Restrictions on the leasing of public property to discriminatory organizations; and
- (i) Any other solutions to the problem of state-abetted discrimination or any other matters the commission determines to be relevant to the goal of eliminating all forms of direct or indirect state support of discrimination.

(3) No later than April 1, 1986, the commission shall submit a report to the President of the Senate and the Speaker of the House of Representatives consisting of the results of its studies and recommendations for legislation. Any member of the commission who disagrees with the report may submit a dissent. Members of the commission shall remain available for consultation with the Legislature during the 1986 Regular Session.

(4) This section is repealed on July 1, 1986.

(Renumber subsequent section.)

The vote was:

Yeas—16

Mr. President	Dunn	Grizzle	Myers
Barron	Gersten	Hill	Plummer
Childers, D.	Girardeau	Margolis	Scott
Childers, W. D.	Gordon	Meek	Weinstein

Nays—20

Beard	Fox	Kiser	Neal
Carlucci	Frank	Langley	Peterson
Castor	Grant	Malchon	Stuart
Crawford	Jennings	Mann	Thomas
Deratany	Johnson	McPherson	Thurman

Vote after roll call:

Yea—Hair

Amendment 2 as amended was adopted.

Senator Jennings moved the following amendment which was adopted:

**Amendment 3**—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 561.01, F.S.; defining the words "sale" and "sell" for purposes of such law;

Senator Scott moved the following amendment which was adopted:

**Amendment 4**—On page 1, line 14, after the semicolon (;) insert: providing for legislative review;

Senator Barron moved the following amendment which was adopted:

**Amendment 5**—On page 1, strike all of lines 10-12 and insert: persons; providing grandfather provisions;

Senator Langley moved the following amendment which was adopted:

**Amendment 6**—In title, on page 1, line 2, strike all of said language and insert: An act relating to the Beverage Law; amending ss. 561.15, 562.11 and 562.111, F.S.; raising the legal age for sale, consumption, or possession of alcoholic beverages; raising the age restriction for licensure under the Beverage Law; providing grandfather provisions; repealing s. 562.113, F.S., relating to drinking age for military personnel on active duty; providing that licensed retail alcoholic beverage establishments shall not violate s. 2, Article I of the State Constitution; specifying color of drivers' licenses for such persons; providing an effective date.

Senator Gordon moved the following amendment which was adopted:

**Amendment 7**—In title, on page 1, line 18, after the semicolon (;) insert: providing for severability;

On motion by Senator Jenne, the rules were waived and time of adjournment was extended until final action on CS for CS for SB 1.

On motion by Senator D. Childers, by two-thirds vote CS for CS for SB 1 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Barron

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator W. D. Childers, the House was requested to return HB 1165.

On motion by Senator Jenne, the Senate recessed at 12:03 p.m. to reconvene at 2:00 p.m.

#### AFTERNOON SESSION

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

present—36:

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

On motion by Senator D. Childers, the rules were waived and CS for CS for SB 1 after being engrossed was ordered immediately certified to the House.

On motion by Senator Weinstein, the rules were waived and by two-thirds vote SR 1006 was withdrawn from the Committee on Rules and Calendar.

**CONSIDERATION OF RESOLUTION**

On motion by Senator Weinstein—

**SR 1006**—A resolution commending Broward Community College upon its 25th Anniversary.

WHEREAS, Broward Community College was founded in 1960 in barracks of a former naval air station in order to provide the people of Broward County access to higher education, and

WHEREAS, today, Broward Community College has grown to provide college-parallel education, vocational-technical education, and lifelong learning courses to one of every ten Broward County residents, assuring quality education to everyone who desires to benefit from the opportunity, and

WHEREAS, the facilities of the college have grown to include four campuses, two centers, and 250 outreach programs to provide even greater access to the people and to accommodate the increasing number of residents who want to learn and benefit, and

WHEREAS, national and international recognition has been bestowed upon Broward Community College for its innovative leadership in education as well as for its cooperative efforts with the business community and other public institutions, and

WHEREAS, Broward Community College has become one of the finest resources of Broward County and the State of Florida, bringing not only unique educational opportunities to all, but also artistic and cultural events to the community, and

WHEREAS, during the 1984-1985 school year, Broward Community College is celebrating its 25th anniversary, NOW, THEREFORE,

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

That Broward Community College is congratulated on its 25th anniversary and honored for its outstanding contributions and commitment to the people of Broward County and the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Dr. A. Hugh Adams, President of Broward Community College and an outstanding educator in this State, and to Sheldon Schlesinger, Chairman of the District Board of Trustees of Broward Community College, as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and unanimously adopted.

**RECONSIDERATION**

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

**HB 1098**—A bill to be entitled An act relating to mechanics' liens; amending s. 713.10, F.S., changing the circumstances in which a lessor is subject to such liens; providing an effective date.

—as amended passed May 22.

On motion by Senator Vogt, the Senate reconsidered the vote by which HB 1098 was read the third time.

On motion by Senator Vogt, the Senate reconsidered the vote by which Amendment 3 was adopted.

Senator Vogt moved the following substitute amendment which was adopted:

**Amendment 7**—On page 2, between lines 13 and 14, insert:

Section 2. Section 713.1355, Florida Statutes, is created to read:  
713.1355 Building and dwelling permits.—

(1) For the purposes of this section, "dwelling" means any building or structure, or part thereof, which is intended to be or is occupied as a single family residence.

(2) When any person applies for a building permit for the construction of a dwelling or for the alteration or repair of improvements to a dwelling to be located on real property, the provisions of this section shall be in addition to those contained in s. 713.135, and shall govern such section to the extent of any inconsistency therewith.

(3) No county or municipality shall issue a building permit for such construction or improvements to a dwelling within the geographic limits of the issuing authority to any person other than the owner unless the owner has signed a statement of waiver as described in subparagraph (4). The signed, notarized statement of waiver shall be presented to the issuing authority along with the application for the building permit and shall become a part of the permit.

(4) The statement of waiver shall be in the following form:

**STATEMENT OF WAIVER**

State of Florida  
County of . . . .

Before me, the undersigned notary public, personally appeared . . . . ., who being duly sworn says that he is the owner of the real property described in the attached building permit application and that he hereby waives his right to apply for the building permit and hereby authorizes . . . . ., whose address is . . . . . to apply for such permit. In waiving this right, the undersigned acknowledges that he has read and understands the following provisions of the Mechanics' Lien Law:

(a) That the Mechanics' Lien Law (chapter 713, part I, Florida Statutes) provides a method by which a contractor, subcontractor, sub-subcontractor, laborer, building material supplier, architect, landscape architect, engineer, or land surveyor may claim a lien on real property on which he has done work or to which he has furnished materials;

(b) That a lien is a charge or encumbrance on real property which must be satisfied by the property owner and "attachment" means that if a court finds a claim of lien valid, the owner's property may be seized and sold to satisfy the lien if it is not voluntarily paid;

(c) That the failure of the property owner to comply with the Mechanics' Lien Law can result in the property owner paying twice for building or property improvements: once to a contractor and again to a laborer, supplier, or subcontractor whom the contractor failed to pay; and

(d) That a "Notice of Commencement" must be filed, however the owner should check with the construction moneylender first as premature filing can affect the loan and a performance bond from the contractor may be required to protect the property owner.

(e) This statement of waiver may not be notarized by the contractor or any of his employees or agents.

(Signature) . . .

Sworn to and subscribed before me this . . . . day of . . . . , 19. . . . . notary public . . . My Commission Expires . . . . .

(5) Errors or the omission of any of the details herein specified in the statement of waiver shall not affect the validity of such waiver if the trial court determines that the error or omission is not substantial.

(Renumber subsequent section.)

On motion by Senator Vogt, by two-thirds vote HB 1098 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Gordon	Mann	Stuart
Beard	Hair	Margolis	Thomas
Carlucci	Hill	McPherson	Thurman
Childers, D.	Jenne	Meek	Vogt
Childers, W. D.	Johnson	Neal	Weinstein
Deratany	Kiser	Peterson	
Fox	Langley	Plummer	
Frank	Malchon	Scott	

Nays—None

Vote after roll call:

Yea—Castor, Dunn, Gersten, Girardeau

**Senator Vogt presiding****SPECIAL ORDER, continued**

**SB 237**—A bill to be entitled An act relating to petroleum products dealers; repealing s. 526.151, F.S., relating to operating restrictions on retail service stations; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 237 to conform the bill to CS for HB 690.

On motion by Senator Fox, 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 CS for HB 690 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Commerce and Representative Burnsed—

**CS for HB 690**—A bill to be entitled An act relating to sale of motor fuel; creating the Motor Fuel Marketing Practices Act; providing definitions; prohibiting predatory practices which injure competition; prohibiting sale of motor fuel at discriminatory prices which injure competition; prohibiting discriminatory allocations; prohibiting certain unfair practices in connection with retail outlets; prohibiting certain rebates which injure competition; providing exemptions; providing for civil penalties and injunctive relief; specifying duties of the Department of Agriculture and Consumer Services and the Department of Legal Affairs; providing for private actions; providing for damages and injunctive relief; providing for attorney's fees; providing limitations on actions; repealing s. 526.151, F.S., which provides restrictions on operation of retail service stations by producers and refiners and requires producers and refiners to apply equipment rental charges uniformly to retail service station dealers; specifying effect on actions begun under said section before the effective date of the act; requiring certain reports and studies; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

On motion by Senator Fox, by two-thirds vote CS for HB 690 was withdrawn from the Committee on Commerce.

**SPECIAL ORDER, continued**

On motions by Senator Fox, CS for HB 690, a companion measure, was substituted for SB 237 and by two-thirds vote read the second time by title. On motion by Senator Fox, by two-thirds vote CS for HB 690 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Beard	Deratany	Gordon	Jenne
Carlucci	Dunn	Grant	Jennings
Childers, D.	Fox	Grizzle	Johnson
Childers, W. D.	Frank	Hair	Kirkpatrick
Crawford	Gersten	Hill	Kiser

Langley	McPherson	Plummer	Thurman
Malchon	Meek	Scott	Vogt
Mann	Myers	Stuart	Weinstein
Margolis	Neal	Thomas	

Nays—None

Vote after roll call:

Yea—Castor, Girardeau

SB 237 was laid on the table.

On motion by Senator Hill, by two-thirds vote five bills relating to corrections were taken up in the following order: SB 134, SB 1031, CS for SB 498, SB 309, CS for SB 732, CS for SB 55

**SB 134**—A bill to be entitled An act relating to the Parole and Probation Commission; amending s. 947.04, F.S.; requiring the commission to select a vice chairman; amending s. 947.13, F.S.; extending the time limit within which the commission is to submit a report; amending s. 947.16, F.S.; providing a time limit for certain notices; amending s. 947.165, F.S.; providing for the modification of certain parole guidelines; amending s. 947.172, F.S.; deleting the requirement that the chairman sit on certain panels; amending ss. 947.22, 947.23, F.S.; providing for disposition of parole violators; providing that any number of commissioners may administer oaths, compel the attendance of witnesses, issue subpoenas, convene hearings, or make findings of fact regarding parole violations; repealing s. 947.09, F.S., relating to competitive examinations for certain full-time employees; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole recommended the following amendments which were moved by Senator Hill and adopted:

**Amendment 1**—On page 5, lines 5-12, strike all of Section 4 and renumber subsequent sections.

**Amendment 2**—In title, on page 1, lines 8-10, strike "amending s. 947.165, F.S.; providing for the modification of certain parole guidelines;"

On motion by Senator Hill, by two-thirds vote SB 134 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Beard	Gordon	Langley	Plummer
Carlucci	Grant	Malchon	Scott
Childers, D.	Grizzle	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Hill	McPherson	Thurman
Deratany	Jenne	Meek	Vogt
Fox	Johnson	Myers	Weinstein
Frank	Kirkpatrick	Neal	
Gersten	Kiser	Peterson	

Nays—None

Vote after roll call:

Yea—Castor, Dunn, Girardeau

**SB 1031**—A bill to be entitled An act relating to corrections; adding s. 945.091(1)(c), F.S.; providing for extending limits of confinement of inmates in certain rehabilitative programs; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, line 26, after "inmate." insert: *The provisions of ss. 216.311 and 287.057 shall apply to all contracts between the department and any private entity providing such services.*

On motion by Senator Hill, by two-thirds vote SB 1031 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	Kiser	Neal
Carlucci	Gersten	Langley	Peterson
Childers, D.	Grant	Malchon	Plummer
Childers, W. D.	Grizzle	Mann	Scott
Crawford	Hill	Margolis	Stuart
Deratany	Jenne	McPherson	Thurman
Dunn	Johnson	Meek	Vogt
Fox	Kirkpatrick	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Girardeau

**CS for SB 498**—A bill to be entitled An act relating to the Department of Corrections; amending s. 20.315, F.S.; providing for appointment of an Assistant Secretary for Health Services; specifying powers and duties; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Hill and adopted:

**Amendment 1**—On page 5, line 12, after “physician” insert: *or a doctor of public health*

On motion by Senator Hill, by two-thirds vote CS for SB 498 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

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

Nays—None

**SB 309**—A bill to be entitled An act relating to the state correctional system; amending s. 944.02, F.S.; defining “lease-purchase agreement”; amending s. 944.08, F.S.; including correctional facilities operated by private entities within the state correctional system; amending s. 944.10, F.S.; authorizing the Department of General Services to enter into such agreements to provide correctional facilities; creating s. 944.105, F.S.; authorizing the Department of Corrections to contract with private entities to operate and maintain correctional facilities and supervise inmates; providing certain liability; providing punishment for escape; amending s. 944.09, F.S., to conform; amending s. 20.315, F.S.; providing for the purchase of services; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 4, line 9, strike “shall” and insert: *may*

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

**Amendment 2**—On page 3, line 18, following the period “.” insert: However, no such contract shall be entered into without specific legislative approval, and funds specifically appropriated for that contract.

**Amendment 3**—On page 2, line 29, following the period “.” insert: However, no such lease purchase agreement shall be entered into without specific legislative authorization of that agreement, and funds specifically appropriated for each lease purchase agreement.

Senator Langley moved the following amendment which was adopted:

**Amendment 4**—On page 3, lines 10-30, and on page 4, lines 1 and 2, strike all of said lines and insert:

Section 5. Section 944.105, Florida Statutes, is created to read:

944.105 Contractual arrangements with private entities for operation and maintenance of correctional facilities and county detention facilities and supervision of inmates and county prisoners.

(1) The Department of Corrections is authorized to enter into contracts with private entities for the provision of the operation and maintenance of correctional facilities and the supervision of inmates.

(2) The boards of county commissioners are authorized to enter into contracts with private entities for the provision of the operation and maintenance of a county detention facility as defined in s. 951.23(1)(a) and the supervision of county prisoners.

(3) Any private entity entering into a contract with the department or a board of county commissioners pursuant to this section shall be liable in tort with respect to the care and custody of inmates or county prisoners under its supervision and for any breach of contract with the department or a board of county commissioners.

(4) In cases of an inmate’s or county prisoner’s willful failure to remain within the supervisory control of the private entity, such action shall constitute an escape punishable as provided in s. 944.40.

(5) The provisions of ss. 216.311 and 287.057 shall apply to all contracts between the department and any private entity providing such services. The department shall promulgate rules pursuant to chapter 120 specifying criteria for such contractual arrangements.

On motion by Senator Hill, by two-thirds vote SB 309 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

**CS for SB 732**—A bill to be entitled An act relating to the state correctional system; creating s. 944.597, F.S.; authorizing the Department of Corrections to contract with private transport companies for the transportation of prisoners; providing requirements for such contracts; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

**Amendment 1**—On page 2, between lines 13 and 14, insert:

Section 2. Section 944.601, Florida Statutes, is amended to read:

944.601 Basic release assistance.—

(1) Prior to the release from commitment of any inmate, the department shall determine the releasee’s postincarceration plans. Any inmate who is being released and is lacking either employment or a qualifying residence may be eligible for a contract release, except when being released from a work-release program, to another state or to a detainer. Selected inmates on work release who experience severe hardships may be considered for contract release. Each contract release plan must meet departmental approval. ~~not being released from a work-release program or to another state; to detainer; to parole supervision; to presecured employment; or to a qualifying residence, family member, or friend may be eligible for a contract release.~~

(2) The department is authorized to contract with the Department of Health and Rehabilitative Services, the Salvation Army, and other public or private organizations in the various counties of the state for the provision of support services as the receiving agencies for contract releasees.

(3) The department shall advance the release date of a contract releasee.

see by up to 30 40 days and shall forward to the support agency designated in the contract an additional amount equal to that of the discharge gratuity for the purpose of motivating the releasee to secure permanent employment and residence. The receiving agency shall distribute the stipend to the releasee in accordance with the terms of the release contract. Violation of the terms of the contract may constitute grounds for the forfeiture of the stipend and termination of the contract.

(4) The department shall promulgate rules for the development, implementation, and termination of release contracts.

(Renumber subsequent section.)

**Amendment 2**—In title, on page 1, line 7, after the semicolon (;) insert: amending s. 944.601, F.S.; providing that certain inmates who are being released may be eligible for a contract release; requiring the Department of Corrections to advance the release date of a contract releasee by up to a specified number of days;

On motion by Senator Hill, by two-thirds vote CS for SB 732 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

**CS for SB 55**—A bill to be entitled An act relating to the Department of Corrections; amending s. 944.09, 944.17, F.S.; requiring adoption of rules; providing duties of department; providing for recordkeeping; providing for cooperative agreements; providing for commitments, classifications and transfers; creating s. 944.331, F.S.; requiring adoption by rule of an inmate grievance procedure; requiring compliance with standards of the United States Department of Justice; requiring application for certification of such procedure; amending s. 944.35 and 944.36, F.S.; substantially revising provisions relating to the use of force against inmates by employees of the department; providing criminal penalties for battery or cruel or inhuman treatment against inmates; requiring reports of use of such force; requiring employees to report instances of unlawful abuse; providing penalties; deleting criminal liability for negligence in permitting prisoners to escape; requiring certain training; amending s. 944.516, F.S.; requiring the Department of Corrections to document certain expenditures of inmates placed on extended limits of confinement; amending s. 945.04; providing for seal; providing for use of inmate labor; amending s. 945.091, F.S.; requiring documentation of disciplinary reports relating to such inmates; authorizing fines against such inmates; amending s. 945.215, F.S.; restricting donations to the Inmate Welfare Trust Fund; amending ss. 946.002, 946.40, F.S.; requiring certain inmates to work for political subdivisions; requiring the department to use prisoners in public works; providing that political subdivisions need not reimburse the department for such services; requiring supervision under certain circumstances; exempting certain inmates; amending s. 947.01, F.S.; providing the year in which membership of the Parole Commission is reduced; amending s. 948.01, F.S.; providing that circuit courts shall place defendants on probation under the supervision of the department; requiring immediate commencement of probation or community control following incarceration under certain circumstances; amending s. 948.03, F.S.; providing terms and conditions of probation or community control; amending s. 951.02, F.S.; specifying entities to which prison inspection reports are to be made; amending s. 958.021, F.S.; providing legislative intent; amending s. 958.03, F.S.; providing definitions; amending s. 958.04, F.S.; authorizing the court to designate certain persons as youthful offenders; changing the categories of persons who may be so designated; providing for judicial disposition of youthful offenders; amending s. 958.09, F.S.; requiring the Department of Corrections to adopt rules; providing for extending limits of confinement; amending s. 958.11, F.S.; restricting youthful offender programs and facilities to eligible youthful offenders; authorizing the assignment of certain youthful offenders to institutions not designated for their care and supervision; authorizing the assignment of certain inmates to youthful offender facilities; amending s.

958.12, F.S.; expanding the activities in which a youthful offender may be required to participate; amending s. 958.14, F.S., relating to violations of probation or community control; authorizing the Department of Corrections to reassign certain inmates to nonyouthful offender institutions; providing for severability; repealing s. 958.05, F.S., relating to judicial disposition of youthful offenders; repealing s. 958.10, F.S., relating to the term of confinement in the community control program for youthful offenders; repealing ss. 944.13, 944.15, 944.16, 944.18, 944.25, 944.34, 944.551, 944.57, 945.031, 945.081, 945.09, 945.21, 945.26, 946.001, 958.05, 958.10, F.S., relating to the state correctional system, the Department of Corrections, inmate labor, and youthful offenders; providing effective dates.

—was read the second time by title.

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

**Amendment 1**—On page 33, line 14, strike “22” and insert: 21

**Amendment 2**—On page 22, line 16, strike “substnace” and insert: substance

**Amendment 3**—On page 30, line 31, strike “(c) or” and insert: (c),

On motion by Senator Hill, by two-thirds vote CS for SB 55 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

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

Nays—None

Vote after roll call:

Yea—Plummer

**SB 185**—A bill to be entitled An act relating to corrections; amending s. 948.10, F.S.; requiring that a presentence investigation report shall be submitted to a community control program administrator in certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 185 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motions by Senator Neal, by two-thirds vote CS for SB 848 was withdrawn from the Committee on Appropriations and by two-thirds vote placed on the special order calendar to be considered at 4:30 p.m. this day.

On motions by Senator Jenne, the rules were waived and by two-thirds vote SB 1327 was withdrawn from the Committee on Rules and Calendar and placed at the end of the local bill calendar.

On motion by Senator Jenne, the rules were waived and the Senate proceeded to the local bill calendar.

LOCAL CALENDAR

**SB 1304**—A bill to be entitled An act relating to the Sarasota County Public Hospital Board, Sarasota County; amending ss. 8 and 8A, chapter 26468, Laws of Florida, 1949, as amended, relating to powers of the hospital board; enabling the hospital board to acquire property necessary for health care purposes; to borrow money for the purpose of purchasing property and equipment and constructing buildings for health facilities; to provide health care services; to participate to the extent permitted by the Constitution and laws of Florida, as a shareholder in a corporation, or as a joint venturer in a joint venture, which provides health care or engages in activities related thereto; to provide debt and equity financing for the activities of such corporations or joint ventures; and to utilize, for any lawful purpose, assets and resources of the board to the extent not needed for health care and related activities.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 1304 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Frank	Kiser	Plummer
Beard	Girardeau	Langley	Scott
Carlucci	Gordon	Malchon	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	
Fox	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Gersten

**SB 606**—A bill to be entitled An act relating to the Englewood Water District; amending s. 3(B), chapter 59-931, Laws of Florida, as amended; authorizing the board of such district to meet outside the district for certain limited purposes; authorizing the vice-chairman of the district to sign contracts in the chairman's absence; providing that board members and officers shall be indemnified for certain expenses, including attorneys' fees; providing for the election of an interim chairman, vice-chairman, or secretary; amending s. 4, chapter 59-931, Laws of Florida, as amended; providing a limit on the amount of general obligation bonds that a district may issue; providing the power of eminent domain shall be exercised pursuant to chapter 73 or 74, Florida Statutes; authorizing the board to make certain expenditures for construction projects without advertising or receiving bids; authorizing the board to sell or dispose of certain by-products; authorizing the board to charge a deposit to ensure payment for services; amending s. 9, chapter 59-931, Laws of Florida; authorizing the board to disconnect or shut off services to delinquent customers; authorizing certain fees, including attorneys' fees; providing for recovery of such fees; amending s. 12, chapter 59-931, Laws of Florida; providing that interest rates on general obligation bonds shall not exceed the maximum allowed by general law; amending s. 21, chapter 59-931, Laws of Florida; providing conforming language; amending s. 24, chapter 59-931, Laws of Florida; authorizing the district to dispose of certain property without formal consideration; amending s. 26, chapter 59-931, Laws of Florida; providing conforming language; adding ss. 32, 33, and 34, chapter 59-931, Laws of Florida, as amended; authorizing the district to assume the operation of certain water or sewer systems; authorizing the district to lease real property of the district for certain purposes; authorizing the district to assess and collect an interest charge on certain contractual obligations; providing severability; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendments which were moved by Senator Johnson and adopted:

**Amendment 1**—On page 3, line 27, after "order" insert: *at meetings held outside the district*

**Amendment 2**—On page 11, line 26, strike "*includng*" and insert: *including*

On motion by Senator Johnson, by two-thirds vote SB 606 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Barron	Frank	Kiser	Plummer
Beard	Girardeau	Langley	Scott
Carlucci	Gordon	Malchon	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	
Fox	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Gersten

**SB 1327**—A bill to be entitled An act relating to Broward County; ensuring collective bargaining rights for deputy clerks and/or other employees who receive remuneration for the services they perform for the Clerk of the Circuit and County Courts for the Seventeenth Judicial Circuit of Broward County; specifying rights of employees; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote SB 1327 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Frank	Kiser	Plummer
Beard	Girardeau	Langley	Scott
Carlucci	Gordon	Malchon	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	
Fox	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Gersten

On motions by Senator Hill, the rules were waived and Senate Bills 134, 1031, 309, CS for SB 498, CS for SB 732 and CS for SB 55 after being engrossed were ordered immediately certified to the House.

On motion by Senator Grant, 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 1321 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Commerce and Representative Burnsed—

**HB 1321**—A bill to be entitled An act relating to financial institutions; amending s. 120.60, F.S., providing an administrative procedure with respect to certain applications for license to establish a new bank, trust company, or capital stock savings association; amending s. 655.043, F.S., relating to articles of incorporation of financial institutions; amending s. 655.045, F.S., relating to audits required by the Department of Banking and Finance; amending s. 655.057, F.S., relating to records; amending s. 655.411, F.S., relating to conversion of charters by financial institutions; amending s. 655.50, F.S., redefining the term "financial institution"; amending s. 657.002, F.S., providing definitions with respect to the "Florida Credit Union Act"; amending s. 657.005, F.S., relating to applications for authority to organize a credit union; amending s. 657.008, F.S., authorizing the relocation of branch offices of credit unions; autho-

rizing foreign credit unions to establish branches under certain circumstances; amending s. 657.021, F.S., relating to the authority of the board of directors of a credit union; amending s. 657.026, F.S., relating to the supervisory committee; amending s. 657.027, F.S., relating to the credit committee; amending s. 657.031, F.S., prohibiting credit unions from receiving shares or deposits from certain persons; amending s. 657.039, F.S., relating to loan powers; amending s. 657.042, F.S., relating to investment powers and limitations; amending s. 657.043, F.S., relating to reserves; amending s. 657.062, F.S., relating to assumption of control by a guarantor or insurer; amending s. 657.063, F.S., relating to involuntary liquidation; amending s. 657.064, F.S., relating to voluntary liquidation; amending s. 657.065, F.S., relating to merger; amending s. 657.253, F.S., redefining the term "member credit union"; amending s. 657.257, F.S., relating to membership and eligibility of certain credit unions; amending s. 657.258, F.S., relating to powers and duties of the Florida Credit Union Guaranty Corporation, Inc.; amending s. 657.259, F.S., relating to a plan of operation; amending s. 657.260, F.S., relating to duties and powers of the Department of Banking and Finance; amending s. 658.19, F.S., relating to the application for authority to organize a bank or trust company; amending s. 658.20, F.S., authorizing the Department of Banking and Finance to obtain certain information with respect to application investigation; amending s. 658.21, F.S., relating to application approval; amending s. 658.22, F.S., relating to coordination with federal agencies; amending s. 658.23, F.S., relating to submission of articles of incorporation, contents, form, approval and filing; creating s. 658.235, F.S., providing for subscriptions for stock; providing for approval of major shareholders; providing for organization expenses; amending s. 658.24, F.S., relating to organizational procedures; amending s. 658.25, F.S., relating to opening for business; amending s. 658.26, F.S., relating to bank branches; providing that a bank incorporated for less than a certain time period may not merge with a bank in another county; amending s. 658.39, F.S., relating to examination of records by stockholders; amending s. 658.48, F.S., relating to loans by state banks; amending s. 658.67, F.S., relating to bank investment power and limitations; amending s. 658.68, F.S., relating to liquidity reserves; amending s. 658.73, F.S., relating to examination fees and assessments; creating s. 660.415, F.S., relating to investments of trust companies, trust departments, and fiduciaries; amending s. 663.05, F.S., relating to application for license as an international banking corporation; amending s. 663.06, F.S., relating to permissible activities by international banking corporations; amending s. 664.07, F.S., authorizing industrial savings banks to establish branches; amending s. 664.08, F.S., relating to prohibited powers of industrial savings banks; amending s. 665.012, F.S., redefining the term "financial depository institution" for the purposes of the "Florida Savings Association Act"; amending s. 665.0201, F.S., relating to incorporation; amending s. 665.0211, F.S., relating to corporate names; amending s. 665.022, F.S., relating to capital stock associations; amending s. 665.023, F.S., relating to preferred stock, consideration for issuance of stock and stated capital and capital surplus; amending s. 665.024, F.S., relating to articles of incorporation; amending s. 665.025, F.S., relating to directors; amending s. 665.028, F.S., relating to corporate offices; amending s. 665.0301, F.S., relating to conversion without change of business form; amending s. 665.034, F.S., relating to the control of an association by a unitary savings and loan holding company; amending s. 665.0701, F.S., relating to investment powers and limitations; amending section 3 of chapter 84-544, Laws of Florida, extending the operation of a statute governing control of deposit-taking institutions; repealing s. 657.006, F.S., relating to bylaw amendments by credit unions; repealing s. 658.18, F.S., relating to stock subscriptions and expenses of organization with respect to banks and trust companies; repealing s. 658.31, F.S., relating to articles of incorporation of banks and trust companies; repealing s. 664.03(15), F.S., relating to the applicability of certain statutory provisions to industrial savings banks; repealing s. 665.028(1)(e) and (5), F.S., relating to savings association offices; providing for review and repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

#### SPECIAL ORDER, continued

On motions by Senator Grant, by two-thirds vote HB 1321, a companion measure, was withdrawn from the Committee on Commerce and by two-thirds vote substituted for CS for SB 465. On motion by Senator Grant, by two-thirds vote HB 1321 was read the second time by title.

#### Senator W. D. Childers presiding

Senator Kiser moved the following amendments which failed:

**Amendment 1**—On page 35, lines 28 and 29, hyphen through "branches within the limits of the county in which the parent bank is located." and after "establish" insert: *one or more branch offices within the state in any county in which 10 or more banks maintain a parent bank or a branch.*

**Amendment 2**—On page 35, line 29, after "located" insert: *and in any county that is contiguous to the county in which the parent bank or any one of its branches that have been in existence 18 months or more is located. "Contiguous county or counties," for purposes of this section, includes counties that abut or come in contact at any point either on land or within a body of water*

Senators Gordon and Jenne offered the following amendment which was moved by Senator Gordon and failed:

**Amendment 3**—On page 37, line 28, insert: new section 35

Section 35. Section 658.295, Florida Statutes, is hereby repealed effective July 1, 1989, at which time national interstate banking shall be permitted.

(Renumber subsequent sections.)

On motion by Senator Grant, by two-thirds vote HB 1321 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Jenne, Neal

CS for SB 465 was laid on the table.

On motions by Senator Scott, the rules were waived and SB 606 after being engrossed, and Senate Bills 1304 and 1327 were ordered immediately certified to the House.

On motion by Senator Fox, by unanimous consent—

**SB 758**—A bill to be entitled An act relating to Medicaid; amending s. 409.266, F.S.; authorizing the imposition of administrative sanctions against a provider who is guilty, regardless of adjudication, of fraud related to Medicaid or Medicare; providing that a plea of nolo contendere be considered a conviction; authorizing imposition of administrative sanctions against a Medicaid provider who has refused access to Medicaid records to investigators of the Medicaid Fraud Control Unit of the Office of the Auditor General; providing an effective date.

—was taken up out of order and read the second time by title.

The Committee on Health and Rehabilitative Services recommended the following amendment which was moved by Senator Fox and adopted:

**Amendment 1**—On page 1, strike all of lines 22-27 and insert:

(a) The provider has been convicted, *regardless of adjudication, or found guilty, whether based on a plea of guilty, not guilty, or nolo contendere*, of fraud related to Medicaid or Medicare. Any sanction imposed for this reason shall be limited to termination from further participation in the Medicaid program.

Senator Gordon moved the following amendment:

**Amendment 2**—On page 3, line 11, insert a new section 2.

Notwithstanding any other provision of law, in the event any local hospital board or county enters into any lease agreement with a for profit corporation, all funds received by the Board or County from any such or related agreements shall only be used to provide direct health care ser-

vices to the residents of the county, including indigents and medically underserved, on a county wide basis. All funds expended pursuant to this provision or such agreements shall be available to all health care facilities and residents of the county on a county-wide basis. As a pre-condition to any lease or related agreement, the corporation shall be required to provide, on an annual basis, not less than the same percentage of the local hospitals gross revenues attributed to charity care, uncompensated care, Medicaid, bad debt, and obligations under the Hill Burton Act provided by the local hospital, as indicated in the latest reports filed by the hospital with the Hospital Cost Containment Board prior to the execution of the agreement.

(Renumber subsequent sections.)

On motion by Senator Fox, further consideration of SB 758 was deferred.

**The President presiding**

**CS for SB 390**—A bill to be entitled An act relating to regulation of educators; amending s. 231.28, F.S.; requiring the superintendent to report certain information concerning dismissed employees to the Department of Education; removing certain other reporting requirements; amending s. 231.261, F.S.; requiring the Educational Practices Commission to periodically meet with the Education Standards Commission; amending s. 231.262, F.S.; providing for notification of investigations against teachers and administrators under certain circumstances; providing for the repeal and review of ss. 231.261, 231.262, 231.28, F.S.; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote CS for SB 390 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Fox	Johnson	Myers
Beard	Frank	Langley	Neal
Carlucci	Girardeau	Malchon	Plummer
Childers, D.	Grant	Mann	Scott
Childers, W. D.	Hair	Margolis	Stuart
Crawford	Hill	McPherson	Vogt
Dunn	Jennings	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Deratany, Gersten, Gordon, Jenne

**SB 1185**—A bill to be entitled An act relating to executions; amending s. 922.07, F.S.; directing the Governor to have certain condemned persons committed to the Department of Corrections Mental Health Treatment Facility; directing the facility administrator to notify the Governor of certain findings; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, lines 19 and 20; and on page 1, lines 22 and 23, strike “the Department of Corrections Mental Health Treatment Facility” and insert: *a Department of Corrections mental health treatment facility* the

On motion by Senator Vogt, by two-thirds vote SB 1185 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Deratany, Gersten, Jenne

**SB 453**—A bill to be entitled An act relating to motor carriers, amending s. 331.15, F.S.; allowing counties to contract with motor carriers to provide transportation service between airports and all points within the county; removing obsolete proviso; 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 McPherson and adopted:

**Amendment 1**—On page 2, strike all of lines 2-7 and insert: county . *Such contract or contracts shall authorize, and the Florida Public Service Commission shall thereupon, and as a matter of right and without a hearing, issue to every such motor carrier a certificate of public convenience and necessity as a contract carrier without charter rights, which shall be valid during the term of said contract or contracts authorizing such motor carrier to*

On motion by Senator McPherson, by two-thirds vote SB 453 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Fox	Jennings	Myers
Beard	Frank	Langley	Neal
Carlucci	Girardeau	Malchon	Plummer
Childers, D.	Grant	Mann	Scott
Childers, W. D.	Hair	Margolis	Stuart
Crawford	Hill	McPherson	Thomas
Dunn	Jenne	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Deratany, Gersten, Gordon

**CS for SB 734**—A bill to be entitled An act relating to insurance; amending s. 624.01, F.S.; increasing the scope of the “Florida Insurance Code”; creating s. 624.125, F.S.; excluding certain motor vehicle service agreements and persons transacting such agreements from the provisions of the Florida Insurance Code; applying the provisions of the Florida Deceptive and Unfair Trade Practices Act to such persons; amending s. 631.52, F.S.; providing that part II of chapter 631, F.S., of the Florida Insurance Code, relating to Florida insurance guaranty of payment, shall not apply to certain types of insurance; amending s. 631.713, F.S.; providing that part III of chapter 631, F.S., relating to life and health insurance guaranty of payment, shall not apply to certain types of insurance; amending s. 634.011, F.S.; excluding certain transactions from the definition of “motor vehicle service agreement”; creating s. 634.023, F.S.; providing for the applicability of certain laws to motor vehicle service agreement companies; amending s. 634.231, F.S.; restricting the transaction of insurance by motor vehicle service agreement companies; creating s. 634.3025, F.S.; providing for the applicability of certain laws to home warranty associations; amending s. 634.325, F.S.; restricting the transaction of insurance by home warranty associations; amending s. 634.401, F.S.; exempting certain motor vehicle service agreements from the definition of “service warranty”; creating s. 634.4025, F.S.; providing for the applicability of certain laws to service warranty associations; amending s. 634.428, F.S.; restricting the transaction of insurance by service warranty associations; creating s. 637.007, F.S.; providing for the applicability of certain laws to optometric service plan corporations; creating s. 637.047, F.S.; restricting the transaction of insurance by optometric service plan corporations; creating s. 637.1707, F.S.; providing for the applicability of certain laws to pharmaceutical service plan corporations; creating s. 637.207, F.S.; restricting the transaction of insurance by pharmaceutical service plan corporations; creating s. 637.402, F.S.; providing for the applicability of certain laws to dental service plan corporations; creating s. 637.431, F.S.; restricting the transaction of insurance by dental service plan corporations; creating s. 638.033, F.S.; providing for the applicability of certain laws to ambulance service associations and providing that any rehabilitation, liquidation, conservation, or dissolution of an ambulance service association insurer shall be under the supervision of the Department of Insurance which shall have certain powers; amending s. 638.241, F.S.; restricting the transaction of insurance by an ambulance service

association; creating s. 639.085, F.S.; providing for the applicability of certain laws to the preneed funeral merchandise or service contract business; creating s. 639.13, F.S.; restricting the transaction of insurance by a preneed funeral merchandise or service contract business; creating s. 641.025, F.S.; providing for the applicability of certain laws to health care services plan corporations and providing that any rehabilitative, liquidation, conservation, or dissolution of a health care services plan corporation insurer shall be conducted under the supervision of the Department of Insurance which shall have certain powers; creating s. 641.151, F.S.; restricting the transaction of insurance by health care services plan corporations; creating s. 641.201, F.S.; providing for the applicability of certain laws to health maintenance organizations; creating s. 641.215, F.S.; restricting the transaction of insurance by health maintenance organizations; creating s. 641.4015, F.S.; providing for the applicability of certain laws to prepaid health clinics; creating s. 641.4065, F.S.; restricting the transaction of insurance by prepaid health clinics; creating s. 642.016, F.S.; providing for the applicability of certain laws to legal expense insurance corporations; creating s. 642.022, F.S.; restricting the transaction of insurance by legal expense insurance corporations; creating s. 651.013, F.S.; providing for the applicability of certain laws to providers of continuing care facilities; creating s. 651.014, F.S.; restricting the transaction of insurance by any provider of a continuing care facility; providing for review and repeal; creating ss. 626.882, 626.9181, 627.8281, 634.053, 634.3051, 634.4051, 638.082, 641.4091, 642.024, F.S.; providing that, with respect to certain assets or securities deposited with and held by the Department of Insurance, no judgment creditor or other claimant shall have the right to levy upon said assets or securities; amending s. 651.022, F.S., relating to certificates of authority with respect to continuing care contracts; amending s. 651.023, F.S., relating to feasibility studies with respect to such certificates of authority; amending s. 651.026, F.S.; providing for annual statements by a certain date; providing for an extension; amending s. 651.055, F.S., relating to continuing care agreements; amending s. 651.121, F.S.; increasing the membership on the Continuing Care Advisory Council; providing for review and repeal; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendment which was adopted:

**Amendment 1**—On page 21, line 26, insert new sections 48 and 49:

Section 48. Subsection (1) of section 627.829, Florida Statutes, is amended to read:

627.829 Approval, disapproval of application; license renewal.—

(1)(a) The department shall issue the license to engage in the business of an insurance premium finance company upon being satisfied that the requirements of s. 627.828 have been met and that, for an initial license, the issuance of the initial license will contribute to and promote the convenience and advantage of the residents of this state by providing a necessary additional market for the financing of insurance premiums, unless it finds for an initial license or any renewal thereof that the management of the premium finance company filing the application is so lacking in managerial experience as to make the proposed operation hazardous to the insurance-buying public, or unless the department has good reason to believe the management of the premium finance company is affiliated directly or indirectly through ownership, control, or in other business relations with any person whose business operations are or have been marked as detrimental to the public, policyholders, stockholders, investors, or creditors by manipulation of assets or of accounts or by bad faith.

(b) In determining whether an applicant meets the convenience and advantage requirements, the department shall consider all materially relevant factors, including:

1. The location and services offered by existing insurance premium finance companies, credit unions, savings and loan associations, banks, and other lending institutions as defined under chapter 516, chapter 657, chapter 658, chapter 664 or chapter 665 or their federally chartered counterparts.

2. The general economic and demographic characteristics of the area to be served.

3. Whether local conditions indicate reasonable promise of successful operation for the proposed insurance premium finance company and its impact on those insurance premium finance companies and other

lending institutions already established in the primary service area. In determining whether an applicant meets the requirements of this subparagraph, the department shall consider all materially relevant factors, including:

a. Economic and demographic conditions and the growth potential of the community and county in which the proposed insurance premium finance company intends to locate.

b. The growth rate, size, financial strength, and operating characteristics of insurance premium finance companies and other lending institutions already located in the service area of the proposed insurance premium finance company.

Section 49. The provisions of section 48 of this act shall apply to all applicants for a license to engage in the business of an insurance premium finance company which are pending on or after October 1, 1985.

(Renumber subsequent sections.)

Senators Langley and McPherson offered the following amendment which was moved by Senator Langley and adopted:

**Amendment 2**—On page 21, between lines 25 and 26, add a new section and renumber subsequent sections.

Section 32. Subsection (6) of section 651.035, Florida Statutes, is amended to read:

651.035 Minimum liquid reserve requirements.—

(6) The escrow agent or another person designated to act in his place shall notify the department 10 days before the withdrawal of any portion of the minimum liquid reserves in excess of 10 percent of such minimum for purposes other than those authorized in s. 651.033 and 651.041. However, in the event of an emergency, the facility may withdraw up to 10 percent of the required minimum liquid reserves without prior notification, provided the department is notified within 10 days of the transaction. The failure to maintain reserves as provided in this chapter shall subject the provider to the provisions established by s. 651.114.

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

**Amendment 3**—On page 21, between lines 25 and 26, insert new section:

Section 47. Subsection (8) of section 651.033, Florida Statutes, is created to read: 651.033 Escrow accounts.—When funds are required to be deposited in an escrow account pursuant to s. 651.022, s. 651.023, or s. 651.035:

(8) In addition, reserve funds required to be held in escrow under s. 651.035 may be held in escrow in an investment company which is:

1. Registered and subject to the Investment Company Act of 1940, 15 U.S.C. s. 80a, as amended; and

2. An open end diversified investment company as defined in 15 U.S.C. 80a-5(a)(1), as amended, and 15 U.S.C. 80a-5. (b)(1), as amended, respectively; and

3. Approved by the department; and

4. Maintains its investments on the same basis as an insurer is required to maintain its investment under Part II of Chapter 625; and

5. Meets the diversification requirements of s.625 on the same basis as the requirements applies to life insurers.

Department approval of an investment company shall be contingent upon the investment company demonstrating to the satisfaction of the department that it complies with provisions of this subsection and that investment risk will not diminish the funds held in escrow below the minimum required amounts.

**Amendment 4**—In title, on page 4, line 7, after "facility" insert: amending s. 651.033, F.S.; providing requirements for investment companies that hold escrow accounts; amending s. 651.035, F.S., relating to reserve requirements;

Senator Margolis moved the following amendment which was adopted:

**Amendment 5**—In title, on page 4, line 25, strike “Continuing Care Advisory Council; providing for” and insert: Continuing Care Advisory Council; amending s. 627.829, F.S.; requiring a determination by the Department of Insurance that an application for a proposed insurance premium finance company will meet certain standards; providing standards for such determination; providing applicability to pending applications; providing for

On motion by Senator McPherson, by two-thirds vote CS for SB 734 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Gersten, Gordon

On motion by Senator McPherson, the rules were waived and SB 453 and CS for SB 734 after being engrossed were ordered immediately certified to the House.

**CS for SB 68**—A bill to be entitled An act relating to ad valorem tax assessments; amending s. 194.011, F.S.; allowing a condominium association to file with the property appraisal adjustment board a joint petition on behalf of certain association members; amending s. 194.013, F.S.; providing that the board may charge a fee for filing joint petitions based on costs; amending s. 194.034, F.S.; providing additional procedures for hearing joint petitions; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 28, strike “substantially”

**Amendment 2**—On page 2, lines 19 and 20, strike “special master for the time involved in hearing” and insert: *property appraisal adjustment board in processing*

Senators Dunn and Hair offered the following amendments which were moved by Senator Dunn and adopted:

**Amendment 3**—On page 3, strike lines 1 and 2 and insert:

Section 4. Section 196.295, Florida Statutes, is amended to read:

196.295 Property transferred to exempt governmental unit; tax payment into escrow; *abatement of taxes upon destruction or damage to buildings and structures due to fire or other disaster.*—

(1) In the event fee title to property shall be acquired between January 1 and November 1 of any year by a governmental unit exempt under this chapter by any means except condemnation or shall be acquired by any means except condemnation for use exclusively for federal, state, county, or municipal purposes, the taxpayer shall be required to place in escrow with the county tax collector an amount equal to the current taxes prorated to the date of transfer of title, based upon the current assessment and millage rates on the land involved. This fund shall be used to pay any ad valorem taxes due, and the remainder of taxes which would otherwise have been due for that current year shall stand canceled.

(2) *If buildings or other structures on land are destroyed or damaged due to fire, lightning, windstorm, explosion, riot, or civil commotion, so that such buildings or structures are not capable of being used and occupied, upon application filed with the property appraiser, taxes may be partially abated in the following manner:*

(a) *Application must be filed by the owner with the property appraiser between January 1 and March 1, following the tax year in which the destruction or damage resulting in loss of use and occupancy occurred. Failure to file such application prior to March 1, shall constitute a waiver of any claim for partial abatement.*

(b) *The application shall identify the property and describe the event or calamity which caused the destruction or damage, shall state the date thereof, and shall include the number of months of loss of use and occupancy.*

(c) *The application shall be verified under oath under penalty of perjury.*

(d) *Upon receipt of the application the property appraiser shall investigate the statements contained therein to determine if the applicant is entitled to such partial abatement. If he determines that the applicant is entitled to such partial abatement, no later than April 1 he shall issue an official written statement to the tax collector, which shall contain:*

1. *The number of months the building or structure was not capable of use and occupancy. In calculating the number of months, the property appraiser shall consider each 30 day period as a month. Partial 30 day periods of 15 days or less shall not be considered but partial periods of 16 days to 25 days shall be calculated as a 30 day monthly period.*

2. *The value of the building or structure as determined by the property appraiser prior to damage or destruction.*

3. *Total taxes due on the building or structure as reduced, based on the ratio that the number of months of loss of use and occupancy bears to 12.*

4. *The amount of reduction in taxes.*

(e) *Upon receipt of the written statement from the property appraiser, the tax collector shall reduce the taxes on the property shown on the tax collection roll to the amount shown by the property appraiser to be due.*

(f) *No later than May 1, the tax collector shall notify the board of county commissioners and the Department of Revenue of the total reduction in taxes for all property which received a partial abatement of taxes pursuant to this section.*

(g) *For purposes of this subsection:*

1. *“Loss of use and occupancy” means that the building or structure, or some self-sufficient unit within it cannot be used for the purpose for which it was constructed during a period of 60 days or more.*

2. *“Building or structure” does not include amenities not essential to use and occupancy such as detached utility buildings, bulkheads, fences, detached carports, swimming pools, and other similar items or property.*

Section 5. This act shall take effect upon becoming a law and shall apply to taxes levied on the 1985 ad valorem tax roll.

**Amendment 4**—In title, on page 1, line 11, after the semicolon (;) insert: amending s. 196.295, F.S.; providing partial abatement of taxes on buildings or structures which are destroyed or damaged by fire or certain other disasters; providing procedures for application for such partial abatement;

On motion by Senator Margolis, by two-thirds vote CS for SB 68 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Gersten, Gordon

The Senate resumed consideration of—

**SB 758**—A bill to be entitled An act relating to Medicaid; amending s. 409.266, F.S.; authorizing the imposition of administrative sanctions against a provider who is guilty, regardless of adjudication, of fraud related to Medicaid or Medicare; providing that a plea of nolo contendere be considered a conviction; authorizing imposition of administrative sanctions against a Medicaid provider who has refused access to Medicaid records to investigators of the Medicaid Fraud Control Unit of the Office of the Auditor General; providing an effective date.

—which was taken up with pending Amendment 2.

Senator Johnson moved the following substitute amendment which was adopted:

**Amendment 3**—On page 3, strike line 11 and insert a new section 2: Notwithstanding any other provision of law, in the event any local hospital board or county enters into a sale or lease agreement with a for profit corporation, for the operation of the county owned hospital, all funds received by the Board or County from any such or related agreements shall only be used to provide direct health care services to the residents of the county, including indigents and medically underserved, on a county wide basis. All funds expended pursuant to this provision or such agreements shall be available to all health care facilities and residents of the county on a county-wide basis. As a pre-condition to such lease or related agreement, the corporation shall be required to provide, on an annual basis, not less than the same percentage of the local hospital's gross revenues attributed to charity care, uncompensated care, Medicaid, bad debt, and obligations under the Hill Burton Act provided by the local hospital, as indicated in the latest reports filed by the hospital with the Hospital Cost Containment Board prior to the execution of the agreement. This shall not effect a contract for administrative services where the local hospital board has not relinquished its authority.

(Renumber subsequent sections.)

Senator Johnson moved the following amendment which was adopted:

**Amendment 4**—In title, on page 1, strike line 13 and insert after the semicolon (;): providing requisite funding under certain conditions for Medicaid and other health consumers in the event of the lease or sale of local hospitals;

On motion by Senator W. D. Childers, by two-thirds vote SB 758 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Gersten, Gordon, Neal

On motion by Senator W. D. Childers, the rules were waived and SB 758 after being engrossed was ordered immediately certified to the House.

On motion by Senator Vogt, the rules were waived and SB 1185 after being engrossed was ordered immediately certified to the House.

Consideration of SB 802 was deferred.

**CS for SB 806**—A bill to be entitled An act relating to the State Fire Marshal; amending s. 633.111, F.S.; providing an advance fee for certain reports released by the State Fire Marshal; providing exemptions; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 806 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Fox	Johnson	Myers
Beard	Frank	Kiser	Plummer
Carlucci	Girardeau	Langley	Scott
Childers, D.	Grant	Malchon	Stuart
Childers, W. D.	Hair	Mann	Thurman
Crawford	Hill	Margolis	Weinstein
Deratany	Jenne	McPherson	
Dunn	Jennings	Meek	

Nays—None

Vote after roll call:

Yea—Gersten, Gordon, Neal

On motion by Senator Margolis—

**HB 553**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S., providing a procedure for the examination of ballots under the public records law; providing an effective date.

—a companion measure, was substituted for CS for SB 1078 and read the second time by title. On motion by Senator Margolis, by two-thirds vote HB 553 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Fox	Kiser	Plummer
Beard	Frank	Langley	Scott
Carlucci	Girardeau	Malchon	Stuart
Childers, D.	Grant	Mann	Thurman
Childers, W. D.	Hair	Margolis	Weinstein
Crawford	Hill	McPherson	
Deratany	Jennings	Meek	
Dunn	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Gersten, Gordon, Jenne, Neal

CS for SB 1078 was laid on the table.

**CS for SB 616**—A bill to be entitled An act relating to collateral appeals in capital cases; providing intent; amending s. 27.51, F.S., providing for the termination of representation of capital defendants by the public defender; creating part III of chapter 27, F.S.; providing for the appointment of a capital collateral representative and providing his duties; providing for the appointment of substitute counsel in cases of conflict of interest; providing for the appointment of assistants and other staff and providing a method of payment; providing for salaries and expenses of the office; prohibiting the private practice of law by the capital collateral representative and his full-time assistants; authorizing investigators to serve process; authorizing access to prisoners; amending s. 43.16, F.S., providing for administrative services, assistance, and budget submittal to and on behalf of the capital collateral representative by the Judicial Administrative Commission; amending s. 790.25, F.S., authorizing certain investigators to carry firearms; providing for severability; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendments which were adopted:

**Amendment 1**—On page 3, strike line 13 and insert: be appointed by the Governor, *subject to confirmation by the Senate*, from three or more nominations

**Amendment 2**—On page 8, line 20, insert:

Section 5. It is the intent of the Legislature that any public defender representing an inmate in any collateral proceedings in any court on the effective date of this act shall continue representation of that inmate in all post conviction proceedings unless relieved of responsibility from further representation by the court.

(Renumber subsequent sections.)

Senator Langley moved the following amendment:

**Amendment 3**—On page 8, between lines 19 and 20, insert:

Section 6. 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 sections.)

#### Senator Jenne presiding

Senator Gordon moved the following amendment to Amendment 3 which failed:

**Amendment 3A**—On page 2, strike line 19 and insert: (j) always wears a bullet-proof vest

(Renumber subsequent subsections.)

#### The President presiding

Further consideration of CS for SB 616 was deferred.

The hour of 4:30 p.m. having arrived, the Senate proceeded to consideration of—

**CS for SB 848**—A bill to be entitled An act relating to educational facilities; amending ss. 235.001, 235.002, 235.011, 235.014, 235.04, 235.054, 235.055, 235.06, 235.15, 235.195, 235.196, 235.197, 235.211, 235.212, 235.26, 235.30, 235.31, 235.32, 235.33, 235.34, 235.41, 235.42, 235.435, F.S.; repealing ss. 235.065, 235.193(4), F.S.; amending the short title; providing legislative intent; providing definitions; providing for functions of the Office of Educational Facilities of the Department of Education; amending the minimum utilization rate for postsecondary classrooms; providing for the disposal of real property by certain educational boards; providing procedures for proposed purchases of real property by certain boards; authorizing certain construction on short-term leased property by the Board of Regents; providing for safety and sanitation standards and inspection of public educational and ancillary plants; deleting provision which empowered a local governing body to reject residential development plans under certain circumstances; providing for the cooperative development and use of facilities by two or more boards under certain circumstances; providing procedures and requirements for requests for moneys to construct certain community educational facilities; amending provisions relating to the use of relocatable facilities and providing for the transfer of title of such facilities; deleting provisions requiring that the state board develop and provide certain prototype design criteria; providing for use of designs for natural or natural and low-energy usage mechanical ventilation in certain new educational facilities under certain circumstances; providing for the adoption of a state uniform building code for educational and ancillary plants; requiring conformity of certain plans to the code; providing for enforcement; providing for the awarding of certain contracts; requiring inspection of certain facilities prior to occupancy or final payment to the contractor; prohibiting local legislation amending the uniform building code after a certain date; providing for supervision and inspection of certain construction; increasing the maximum amount a project may cost to be done on a day-labor basis; deleting certain provisions relating to the advertising and awarding of contracts

and prequalification of contractors; requiring contractors to furnish a performance and payment bond; authorizing the expenditure of funds for certain roads and traffic control devices; amending provisions relating to legislative capital outlay budget requests; revising the sources which comprise the Public Education Capital Outlay and Debt Service Trust Fund; revising the method for allocating moneys from the fund; repealing provision relating to maintenance and operation of educational plants; reviving and adopting certain provisions scheduled for repeal; providing for the future repeal of certain provisions; providing a retroactive effective date.

—was read the second time by title.

#### Senator Scott presiding

Senator Neal moved the following amendments which were adopted:

#### Amendment 1—On page 62, between lines 24 and 25, insert:

Section 28. Present sections 203.01-203.10, Florida Statutes, are hereby designated as part I of chapter 203, Florida Statutes.

Section 29. Subsection (1) of section 203.01, Florida Statutes, 1984 Supplement, is amended to read:

#### 203.01 Tax on gross receipts for utility services.—

(1) Every person, including a municipal corporation, that receives payment for electricity for light, heat, or power; for natural or manufactured gas for light, heat, or power; and for telecommunication services; and for the sending of telegrams and telegraph messages shall report quarterly to the Department of Revenue, not later than January 31 for the 3 months ending December 31, not later than April 30 for the 3 months ending March 31, not later than July 31 for the 3 months ending June 30, and not later than October 31 for the 3 months ending September 30, under oath of the secretary or some other officer of such person, the total amount of gross receipts derived from business done within this state, or between points within this state, for the preceding 3 months and, at the same time, shall pay into the State Treasury an amount equal to 1.5 percent the sum of \$1.50 upon each \$100 of such gross receipts. Such collections shall be certified by the Comptroller upon the request of the State Board of Education.

Section 30. Paragraph (b) of subsection (2), paragraph (a) of subsection (4), and subsection (5) of section 203.012, Florida Statutes, 1984 Supplement, are amended to read:

#### 203.012 Definitions.—As used in this chapter:

(2)

(b) Gross receipts for telecommunication services do not include:

1. Charges for customer premises equipment, including such equipment that is leased or rented by the customer from any source;

2. Charges made to the public for commercial or cable television, unless it is used for two-way communication; however, if such two-way communication service is separately billed, only the charges made for two-way communication service will be subject to tax hereunder;

3. Charges made by hotels and motels, which are required under the provisions of s. 212.03 to collect transient rentals tax from tenants and lessees, for local telephone service or toll telephone service, when such charge occurs incidental to the right of occupancy in such hotel or motel; or

4. Connection and disconnection charges; move or change charges; suspension of service charges; and service order, number change, and restoration charges.

5. Any tax collected pursuant to part II of this chapter.

(4) The term "private communication service" means:

(a) A communication service furnished to a subscriber or user that entitles the subscriber or user to exclusive or priority prior use of a communication channel or groups of channels, or to the use of an intercommunication system for the subscriber's stations, regardless of whether such channel, groups of channels, or intercommunication system may be connected through switching with a service described in subsection (3), subsection (6), or subsection (7);

(5) The term "telecommunication service" means local telephone service, toll telephone service, telegram or telegraph service, teletypewriter or computer exchange service, private communication service, cellular mobile telephone or telecommunication service, specialized mobile radio, and pagers and paging service, including but not limited to "beepers" and any other form of mobile and portable one-way or two-way communication.

Section 31. Subsection (1) of section 203.013, Florida Statutes, 1984 Supplement, is amended to read:

203.013 *Telecommunication services; assessment; apportionment of business done within this state with respect to interstate telecommunication services.—*

(1)(a) Except as provided in subsection (2), the tax on gross receipts from the provision of telecommunication services when the communication originates but does not terminate in this state and terminates in another state, or originates in another state and terminates but does not originate in this state and the charge for such communication is billed or charged to a Florida telecommunications number or device, Florida telephone number or telephone, or Florida customer, shall be reported and paid in the same manner as provided in part II. s. 203.01 on the portion of the gross receipts for such interstate telecommunication services which is equal to the sum of:

1. The total access charges paid or payable by the provider for access into the local Florida telephone system for interstate telecommunication services; and

2. The amount determined by multiplying the amount determined by subtracting the total access charges paid or payable by the provider for access into all local telephone systems in the United States for all interstate telecommunication services from the total gross receipts of the provider for all interstate telecommunication services by a fraction the numerator of which is the total access charges paid or payable by the provider for access into the local Florida telephone system for all interstate telecommunication services and the denominator of which is the total access charges paid or payable by the provider for access into all local telephone systems in the United States for all interstate telecommunication services.

(b) If the amount as so determined does not accurately reflect the amount of such interstate gross receipts attributable to this state, the Department of Revenue may, by rule, provide for the use of any other method that will produce a substantially just and correct determination of the amount of such interstate receipts attributable to this state.

(c) For the purposes of computing gross receipts and access charges paid or payable under this subsection, there shall be taken into account the gross receipts and access charges paid or payable by the provider and all other providers who are commonly owned and who jointly provide the same type of services as are subject to this tax. For the purpose of apportionment as provided herein, the term "gross receipts" means the total gross receipts of the provider, without any deduction or reduction for gross receipts which result from the sale of telecommunication services for resale.

Section 32. Part II of chapter 203, Florida Statutes, consisting of sections 203.60, 203.61, 203.62, and 203.63, Florida Statutes, is created to read:

#### PART II GROSS RECEIPTS TAX ON INTERSTATE AND INTERNATIONAL TELECOMMUNICATIONS SERVICES

##### 203.60 Intent.—

(1) It is the intent of the Legislature that telecommunications services which originate but do not terminate in this state or which terminate but do not originate in this state, and the charge for such service is billed or charged to a Florida telecommunication number or device, Florida telephone or number, or Florida customer, shall be subject to the tax imposed by this part.

(2) The Legislature hereby finds and declares that, as a matter of necessity, and truth in pricing related to average toll rates, the gross receipts tax applicable to telecommunications services which originate but do not terminate in this state, or which terminate but do not originate in this state shall be levied and collected exclusively as provided in this part.

203.61 Definitions.—As used in this part, the definitions or services described in chapter 203, part I shall apply.

203.62 Applicability of specified sections of part I.—

The provisions of ss. 203.01, 203.012, 203.02, 203.03, 203.04, 203.06, 203.07, and 203.13(1) shall be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part.

203.63 Tax on interstate and international telecommunication services.—

(1) The tax imposed pursuant to this part relating to the provision of any telecommunications services, other than those set forth in s. 203.013(2), at the option of the person supplying the taxable services may be separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of such taxable services and may be added as a component part of such charge. Whenever a provider of taxable services elects to separately state such tax as a component of the charge for the provision of such taxable services, every person, including all governmental units, shall remit the tax to the person who provides such taxable services as a part of the total bill and the tax is a debt of the purchaser to the person who provides such taxable services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such taxable services.

(2) The tax is imposed upon every person for the privilege of conducting a telecommunications business, and each provider of the taxable services remains fully and completely liable for the tax even if the tax is separately stated as a line item or component of the total bill.

(3) Any person who provides such services and who fails, neglects, or refuses to collect or remit the tax imposed in this part, either by himself or through his agents or employees, is liable for the tax and is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 33. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Renumber subsequent sections.)

**Amendment 2**—On page 62, between lines 2 and 3, insert:

Section 25. Section 235.436, Florida Statutes, is created to read:

235.436 Appropriations from the Public Education Capital Outlay and Debt Service Trust Fund; requirements.—

(1) No appropriation shall be made from the Public Education Capital Outlay and Debt Service Trust Fund except in the General Appropriations Act.

(2) No bond pledging moneys appropriated from the Public Education Capital Outlay and Debt Service Trust Fund may be issued unless the appropriation of such funds was made in the General Appropriations Act.

(Renumber subsequent sections.)

Senator Peterson moved the following amendment which was adopted:

**Amendment 3**—On page 19, strike line 21 and insert: *colleges should appear on either the Board of Regents or the State*

Senator Johnson moved the following amendment which was adopted:

**Amendment 4**—On page 23, lines 19-22, strike *“The value of the site may be included in the total cost estimate only if a new site must be purchased for the purpose of constructing the community educational facility.”* and insert: *The purchase price of a site may be included in meeting the matching requirements of the noneducational governmental agency or the educational governmental agency if the site was recently acquired for the purpose of developing a community educational facility.*

Senator Castor moved the following amendment which was adopted:

**Amendment 5**—On page 62, between lines 24 and 25, insert:

Section 28. Paragraph (a) of subsection (2) of section 236.25, Florida Statutes, 1984 Supplement, is amended to read:

236.25 District school tax.—

(2)(a) In addition to the maximum millage levy as provided in subsection (1), each school board may, until July 1, 1985, levy not more than a 2-mill equivalent against the nonexempt assessed valuation for school purposes, and, beginning on July 1, 1985, may levy not more than 1.5 mills against the nonexempt assessed valuation for school purposes to fund:

1. New construction and remodeling projects, as set forth in s. 235.435(3)(b), without regard to the prioritization in that section, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, or ancillary facilities.

2. Maintenance, renovation, and repair of existing school plants. However, these funds shall not supplant current expenditures from operating revenues for maintenance, renovation, and repair, based on the average of the prior 3 fiscal years; and such funds shall be subject to the provisions of s. 4 of chapter 79-583, Laws of Florida.

3. School bus replacement.

4. The purchase of new and replacement equipment ~~is restricted to new construction and remodeling projects.~~ *However, these funds shall not supplant current expenditures from operating revenues for the purchase of new and replacement equipment, based on the average of the prior 3 fiscal years.*

Violations of these expenditure provisions shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

Senator Neal moved the following amendments which were adopted:

**Amendment 6**—In title, on page 3, line 6, after the semicolon (;) insert: designating part I of chapter 203, F.S.; amending s. 203.01, F.S.; specifying the rate of the gross receipts tax; amending s. 203.012, F.S.; providing definitions; amending s. 203.013, F.S.; revising the formula for taxing certain telecommunications services; designating part I of chapter 203, F.S.; creating part II of chapter 203, F.S., consisting of ss. 203.60, 203.61, 203.62, and 203.63, F.S.; providing for imposing a gross receipts tax on interstate and international telecommunications services; providing legislative intent; providing definitions; providing for application of certain sections of part I; providing severability;

**Amendment 7**—In title, on page 3, line 4, after the semicolon (;) insert: creating s. 235.436, F.S.; requiring that appropriations from the Public Education Capital Outlay and Debt Service Trust Fund be made in the General Appropriations Act; prohibiting the pledging of funds from the trust fund unless the appropriation of such funds was made in the General Appropriations Act;

Senator Dunn moved the following amendment which was adopted:

**Amendment 8**—On page 19, line 29, after “appropriate” insert: *The provisions of this subsection requiring the determination of priorities and eligibility shall not be applicable to projects that have been funded by the Legislature, in whole or in part, prior to May 1, 1985.*

On motion by Senator Peterson, by two-thirds vote CS for SB 848 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Jenne

On motion by Senator Peterson, the rules were waived and CS for SB 848 after being engrossed was ordered immediately certified to the House.

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 788 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Weinstock—

**HB 788**—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; relating to the West Palm Beach Firemen Pension Fund; amending section 17 (5), Service pension, adding paragraph (d) entitled "Supplemental pension distribution"; amending section 17 (5)(b), adding subparagraph 3. entitled "Deferred Retirement"; amending section 17 (6)(c), "Duty Disability Requirements"; adding subsection (16) to section (17), "Review Procedures," of chapter 24981, Laws of Florida, 1947, as amended; repealing all laws in conflict herewith; providing effective dates.

Proof of publication of the required notice was attached.

—was read the first time by title. On motion by Senator D. Childers, the rules were waived and the bill was placed on the local calendar.

On motions by Senator D. Childers, by unanimous consent, HB 788 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Jenne

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1341 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Liberti—

**HB 1341**—A bill to be entitled An act relating to the City of West Palm Beach; amending Section 16, West Palm Beach Police Pension and Relief Fund, amending subsection (8)(a)3., "Age and Service Retirement"; amending subsection (8)(c), "Deferred Retirement"; amending subsection (15)(b)1., "Member's Contributions"; and adding subsection (21), "Review Procedures," Chapter 24981, Laws of Florida, 1947, as amended; repealing all laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title. On motion by Senator D. Childers, the rules were waived and the bill was placed on the local calendar.

On motions by Senator D. Childers, by unanimous consent, HB 1341 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Jenne

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 689 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Martin—

**HB 689**—A bill to be entitled An act relating to Alachua County; creating the "Alachua County Library District Act"; establishing the Alachua County Library District and its governing board and boundaries; providing the powers of the governing board, including power to levy ad valorem taxes and powers of eminent domain; providing for issuance of bonds, notes, and other certificates of indebtedness; providing for referendum approval; limiting the use of such ad valorem tax revenues; authorizing supplemental appropriations and services in-kind; establishing the Alachua County Library Board of Trustees; providing for appointment and terms; providing for removal; providing for filling vacancies; providing for travel and per diem expenses; providing for quorum, rules of procedure, and seal; providing powers and duties; providing for support services; providing for entitlement of special district residents to library services; providing for limitation of trustee liability; providing for severability; prohibiting certain taxing authorities from exercising certain taxing powers in Alachua County; providing for future referenda on authority to issue bonds; providing for transitional authority; requiring referendum approval of ad valorem taxing authority; providing a conditional effective date.

Proof of publication of the required notice was attached.

—was read the first time by title. On motion by Senator Kirkpatrick, the rules were waived and the bill was placed on the local calendar.

On motions by Senator Kirkpatrick, by unanimous consent, HB 689 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Jenne

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1105 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Martin—

HB 1105—A bill to be entitled An act relating to the City of Gainesville and Alachua County; establishing the "Gainesville-Alachua County Regional Airport Authority Act"; providing definitions; establishing the Gainesville-Alachua County Regional Airport Authority; providing for membership, terms, powers, duties and expenses; providing for the authority to submit an annual budget; providing for the employment of an airport manager; providing for the relationship between the authority and certain governmental entities; providing for title to airport land; providing for notice of meetings; providing for bonding power and rights; providing for building restrictions; providing application with respect to certain legal actions; providing for public hearings; providing for reports; providing for a referendum; providing effective dates.

—was read the first time by title. On motion by Senator Kirkpatrick, the rules were waived and the bill was placed on the local calendar.

On motions by Senator Kirkpatrick, by unanimous consent, HB 1105 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Jenne

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1408 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Martin and Mills—

HB 1408—A bill to be entitled An act relating to the City of Gainesville and Alachua County; providing a short title and intent; creating a Committee for Visions for the Future of Gainesville and Alachua County; providing membership and powers and duties of the committee; providing for recommendations on specified issues; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title. On motion by Senator Kirkpatrick, the rules were waived and the bill was placed on the local calendar.

On motions by Senator Kirkpatrick, by unanimous consent, HB 1408 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Jenne

SPECIAL ORDER, continued

The Senate resumed consideration of CS for SB 616.

Point of Order

Senator Hair raised a point of order that Amendment 3 was not germane to the bill. The President appointed Senators Jenne, Thomas and Langley to resolve the point.

SB 22—A bill to be entitled An act relating to campaign financing; amending ss. 106.011, 106.07, 106.08, 106.141, F.S.; defining "unopposed candidate"; providing reporting requirements and filing deadlines for unopposed candidates; restricting use of campaign accounts of unopposed candidates; prohibiting acceptance of certain contributions and expenditure of funds; providing penalties; providing an effective date.

—was read the second time by title.

Senator Mann moved the following amendment:

Amendment 1—On page 2, lines 23-31; on page 3, lines 1-31; and on page 4, lines 1-20, strike all of said lines and insert:

Section 3. Section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1) No political committee or committee of continuous existence may make contributions to any candidate or political committee in this state, for any election, in excess of the following amounts:

- (a) To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, \$500.
- (b) To a candidate for the Florida House of Representatives or for a multicounty office other than a legislative office, \$750.
- (c) To a candidate for the Florida Senate, \$750.
- (d) To a candidate for statewide office, \$1,500.
- (e) To a candidate for county court judge or circuit judge, \$500.
- (f) To a candidate for retention as a judge of a district court of appeal, \$1,000.
- (g) To a candidate for retention as a justice of the Supreme Court, \$1,500.

(2)(1) No person may or political committee shall make contributions to any candidate or political committee in this state, for any election, in excess of the following amounts:

- (a) To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, \$1,000.
- (b) To a candidate for legislative or multicounty office, \$1,000.
- (c) To a candidate for statewide office, \$3,000.
- (d) To any political committee in support of, or in opposition to, an issue to be voted on in a statewide election, \$2,000.
- (e) To any political committee in support of, or in opposition to, an issue to be voted on in a countywide, districtwide, or less than countywide election, \$1,000.

(d)(f) To a political committee supporting or opposing one or more candidates, \$1,000.

(e)(g) To a candidate for county court judge or circuit judge, \$1,000.

(f)(h) To a candidate for retention as a judge of a district court of appeal, \$2,000.

(g)(i) To a candidate for retention as a justice of the Supreme Court, \$3,000.

(3) A candidate or political committee shall be subject to the following aggregate contribution limits regarding contributions received for any election from political committees, committees of continuous existence, and corporations:

- (a) For a candidate for countywide office or a candidate in any election conducted on less than a countywide basis, \$10,000.

(b) For a candidate for the Florida House of Representatives or for a multicounty office other than a legislative office, \$15,000.

(c) For a candidate for the Florida Senate, \$30,000.

(d) For a candidate for statewide office, \$500,000.

(e) For a candidate for circuit judge or county court judge, \$10,000.

(f) For a candidate for retention as a judge of a district court of appeal, \$20,000.

(g) For a candidate for retention as justice of the Supreme Court, \$50,000.

(4) No candidate who becomes an unopposed candidate or the campaign treasurer or a deputy treasurer of such candidate or a deputy treasurer of a political committee supporting or opposing such candidate may accept a contribution on behalf of or in opposition to the candidate after the date upon which the candidate becomes an unopposed candidate.

(5) The contribution limits provided in subsections (1), (2), and (3) paragraphs (a) through (i) shall not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his own campaign. The limitations provided by subsections (1), (2), and (3) this subsection shall apply to each election. For purposes of subsections (1), (2), and (3), this subsection the first primary, second primary, and general election shall be deemed separate elections or election time segments, whether or not the candidate has opposition in the respective elections. However, for the purpose of contribution limits with respect to candidates for retention as a justice of the Supreme Court or judge of a district court of appeal, there shall be only one election, which shall be the general election, and with respect to candidates for circuit judge or county court judge, there shall be only two elections, which shall be the first primary election and general election.

(6)(2) Any contribution received by a candidate with opposition in an election or the campaign treasurer or a deputy treasurer of such candidate, or by the treasurer or a deputy treasurer of a political committee supporting or opposing a candidate with opposition or supporting or opposing an issue on the ballot in an election, on the day of that election or less than 5 days prior to the day of that election shall be returned by him to the person or political committee contributing it and shall not be used or expended by or on behalf of the candidate or political committee. Any contribution received by a candidate or the campaign treasurer or a deputy treasurer of a candidate after the date at which the candidate withdraws his candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office, shall be returned to the person or political committee contributing it and shall not be used or expended by or on behalf of the candidate.

(7)(3) No person shall make any contribution in support of or opposition to a candidate for election or nomination, in support of or opposition to an issue, or to any political committee, through or in the name of another, directly or indirectly, in any election. The solicitation from, and contributions by, candidates, political committees, and party executive committees to any religious, charitable, civic, eleemosynary, or other causes or organizations established primarily for the public good is expressly prohibited. However, it shall not be construed as a violation of this subsection for a candidate to continue regular personal contributions to religious, civic, or charitable groups of which he is a member or to which he has been a regular contributor for more than 6 months.

(8)(4) Any person who knowingly and willfully makes a contribution in violation of subsection (1), subsection (2), or subsection (7)(3), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (6)(2), is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity is convicted of knowingly and willfully violating this section, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity who aids, abets, advises, or participates in a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(9)(5) Any person who knowingly and willfully violates the provisions of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

(10)(6) The provisions of this section shall not apply to the transfer of funds between a primary depository and a savings account or certificate of deposit or to any interest earned on such account or certificate.

Section 4. Section 106.081, Florida Statutes, is created to read:

106.081 Corporate political expenditures.—

(1) The purpose of this section is to:

(a) Prevent the evasion of this chapter through the use of the corporation laws of this state; and

(b) Provide, to the extent reasonable, for uniform treatment of the political activities of corporations and political committees.

(2) Each corporation which anticipates making political expenditures during a calendar year in an aggregate amount exceeding \$500 or seeks the signatures of registered electors in support of an initiative, but which is not required to register as a political committee, shall:

(a) Designate a campaign treasurer and deputy treasurers and campaign depositories in the same manner as a political committee, except that such designations shall relate only to funds to be used in attempting to influence the result of an election.

(b) Register with the Division of Elections or the appropriate supervisor of elections in the same manner as a political committee, except that the statement of organization shall include:

1. The name and address of the corporation;
2. The names, addresses, and relationships of affiliated or connected organizations that engage in political activities;
3. The area, scope, or jurisdiction of the political activities of the corporation;
4. The name, address, and position of the person having custody of those books and accounts of the corporation that relate to the receipt or expenditure of moneys in attempting to influence the result of an election;
5. The name, address, and position of the principal officers of the corporation and of the members of the finance committee, if any;
6. The name, address, office sought, and party affiliation of each candidate the corporation is supporting for nomination or election;
7. Any issue the corporation is supporting or opposing;
8. A statement as to whether the corporation is supporting the entire ticket of any party, and, if so, which party;
9. A listing of all banks, safe-deposit boxes, and other depositories used for moneys set aside by the corporation for the purpose of influencing the result of an election; and
10. A statement of the reports required to be filed by the corporation with federal officials, if any, and the names, addresses, and positions of such officials.

(c) File reports of expenditures made in the same manner as a political committee, except that such report need not include any moneys expended for any purpose other than influencing the result of an election.

(d) Be subject to the same limitations as apply to a political committee with respect to contributions made to a candidate or to a political committee.

(e) Expend moneys for the purpose of influencing the result of an election in the same manner as provided for political committees.

(Renumber subsequent sections.)

Further consideration of SB 22 was deferred.

On motion by Senator Gordon, by two-thirds vote all bills not reached on the special order calendar this day were placed at the end of the special order calendar for May 24.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 1000, 1012, 1296, CS for SB 1221, CS for SB 584 and CS for SB 1159 were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 592 and CS for SB 603 were withdrawn from the Committee on Governmental Operations.

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 363 was withdrawn from the Committee on Agriculture.

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 499 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Gordon, the rules were waived and by two-thirds vote HB 623 was withdrawn from the Committee on Transportation.

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 1240 was withdrawn from the Committee on Judiciary-Civil.

On motions by Senator Kirkpatrick, the rules were waived and House Bills 788, 1341, 689, 1105 and 1408 were ordered immediately certified to the House.

**ENROLLING REPORTS**

Senate Bills 32, 450, 508, 943, 947, CS for SB 416, CS for SB 233 and CS for SB 961 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 23, 1985.

*Joe Brown, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of May 22 was corrected and approved.

**CO-INTRODUCER**

Senator Myers—CS for SB 451

**RECESS**

On motion by Senator Jenne, the Senate recessed at 5:05 p.m. to reconvene at 9:00 a.m., Friday, May 24.