



# Journal of the Senate

Number 22

Monday, June 2, 1986

## PRAYER

The following prayer was offered by the Rev. James L. Howell, Pastor, Dixieland Baptist Church, Eaton Park:

Let us seek God's blessings upon this session.

Our kind and loving Heavenly Father, as we gather together in this important session, charged with the responsibility of taking care of the affairs of this great state, we seek thy divine blessings and guidance in these hours. Help these men and women, Lord, to feel the divine presence of your spirit to lead them in the things that are right and just in the eyes of all mankind.

And in the pressures that are exerted upon them in these closing hours of these sessions, dull their ears, Lord, to those who seek selfish and self-motivating purposes and make their ears sensitive to the cry of the poor, the weak, the hungry, the naked and especially to our troubled youth and our forsaken senior citizens.

May, in the closing hours of these sessions, Lord, these men and women be able to rise above pettiness, partiality, or personal glory; that they may seek thy divine will in doing those things that are proper and just and right in thine eyes. May nothing be done that will take away from the blessings that you have blessed this great state. Help them realize the trust we place in them, but help them also to realize the help that is available for all who will ask. Give them the courage, Lord, to stand for what is right rather than what is expedient. Help those who are left at home, to encourage them, support them, pray for them and seek their guidance and direction.

And when these sessions are over, Father, we pray that this shall be a greater state, with greater opportunities to live peaceful, satisfying and happy lives. And of the things that thou does propose for this state will be granted and that your blessed name shall be lifted up for we ask these blessings and favors in thy name and for thy sake. Amen.

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

## CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—38:

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

Excused: Senator Neal, periodically, to work on the appropriations bill; Senator Barron

Excused: members of the various conference committees, periodically throughout the day

## Special Guest

The President introduced the Honorable Claude Pepper, United States Congressman from Florida, who addressed the Senate.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, June 2, 1986:

CS for CS for SB's 230, 337 and 268, SB 946, CS for SB 892, CS for SB 393, CS for SB's 415 and 418, CS for SB 472, CS for SB 1, CS for SB 1166, SB 1221, SB 492, CS for SB 1239, CS for SB 624, CS for SB 99, CS for SB 983, CS for CS for SB 604, CS for CS for SB 103

Respectfully submitted,  
Kenneth C. Jenne, Chairman

The Committee on Commerce recommends a committee substitute for the following: SB 841

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 786

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

The Committee on Commerce recommends committee substitutes for the following: SB 997, SB 1175

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

The Committee on Commerce recommends a committee substitute for the following: SB 1212

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

The Committee on Commerce recommends a committee substitute for the following: SB 1102

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

The Committee on Commerce recommends committee substitutes for the following: SB 794, SB 395

The Committee on Economic, Community and Consumer Affairs recommends committee substitutes for the following: SB 180, CS for SB 978

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

## REQUESTS FOR EXTENSION OF TIME

June 2, 1986

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: Senate Bills 5, 18, 64, 65, 176, 209, 234, 240, 246, 252, 255, 326, 384, 428, 446, 491, 528, 612, 758, 783, 866, 875, 934, 1007, 1014, 1038, 1041, 1077, 1083, 1203, 1236, 1257; House Bills 170, 235

The Committee on Transportation requests an extension of 15 days for consideration of the following: Senate Bills 347, 370, 535, 567, 594, 650, 708, 849, 855, 867, 899, 965, 1070, 1094; House Bill 789

## FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Economic, Community and Consumer Affairs—

**CS for SB 180**—A bill to be entitled An act relating to pharmacy; amending s. 465.002, F.S., relating to legislative intent; amending s. 465.003, F.S., relating to definitions; amending s. 465.004, F.S., relating to the appointment of board members; amending s. 465.005, F.S., relating to rulemaking authority, amending s. 465.007, F.S.; providing for licensure

by endorsement; amending s. 465.008, F.S., relating to license renewal; amending s. 465.009, F.S., relating to continuing education; amending s. 465.012, F.S.; changing inactive status procedures; amending s. 465.0125, F.S., relating to consultant pharmacists; amending s. 465.014, F.S., changing the reference to "supportive personnel"; amending s. 465.015, F.S., relating to violations; amending s. 465.0165, F.S., relating to treatment of impaired practitioners; amending s. 465.185, F.S.; authorizing, rather than requiring, adoption of rules relating to prohibited rebates; amending s. 465.0193, F.S.; changing reference to "radio pharmacy"; amending s. 465.022, F.S.; changing requirements to obtain a pharmacy permit; amending s. 465.023, F.S., relating to disciplinary actions against permittees; amending s. 465.026, F.S., relating to the filling of prescriptions; amending s. 465.027, F.S.; deleting the physician exemption; amending s. 499.028, F.S., relating to manufacturer reporting requirements; creating s. 465.0155, F.S., relating to standards of practice; creating s. 465.0276, F.S.; providing procedures for dispensing practitioners; creating s. 465.029, F.S.; providing for emergency prescription refills; creating s. 465.187, F.S., relating to the sale of medicinal drugs; repealing s. 465.028, F.S., relating to a savings clause; providing for legislative review and repeal; providing an effective date.

By the Committee on Commerce and Senator Hair—

**CS for SB 395**—A bill to be entitled An act relating to workers' compensation; amending s. 440.15, F.S.; revising criteria with respect to wage-loss benefits; amending s. 440.185, F.S.; revising provisions relating to notice and report of injury or death; amending s. 440.20, F.S.; providing for a 2-year sunset-type provision; making submission of report concerning lump-sum settlements to Legislature an annual requirement; extending sunset-type provision relating to total lump-sum settlements in contested cases of compensability under s. 440.20(12), F.S.; prohibiting advance payment in excess of \$2,000 if opposed by the employer or carrier; amending s. 440.34, F.S., specifying criteria to be used in determining amount of attorney's fees; amending s. 440.39, F.S.; providing for a set-off against compensation benefits for the amount recovered from a third party tortfeasor under certain circumstances; amending s. 440.59, F.S.; requiring the division to collect information and publish and distribute certain reports; prohibiting the division from compiling, releasing, or distributing certain information; providing for construction; providing effective dates.

By the Committee on Economic, Community and Consumer Affairs and Senator Malchon—

**CS for SB 786**—A bill to be entitled An act relating to professional regulation; creating the "Dietetics Practice Act"; providing legislative purpose; providing definitions; requiring licensure of dietitians; providing exemptions; providing for the creation, powers, duties and membership of the Dietetic Council; providing powers and duties of the Board of Medical Examiners with respect to regulating the practice of dietetics; providing for the adoption of fees and providing fee caps; specifying requirements for licensure; providing for temporary permits; providing for licensure by examination; providing for the issuance and display of license; providing for licensure by endorsement; providing for biennial license renewal; providing for inactive status of licenses; providing prohibitions and penalties; providing grounds for disciplinary proceedings; providing for injunctive relief; providing that it is unlawful to falsely represent licensure; providing for the application of provisions relating to qualification of immigrants for examination; providing for review and repeal; providing an effective date.

By the Committee on Commerce and Senator Langley—

**CS for SB 794**—A bill to be entitled An act relating to membership campgrounds; creating s. 722.01, F.S.; creating the Florida Membership Campground Act; creating s. 722.02, F.S.; providing legislative purposes; creating s. 722.03, F.S.; providing for the scope of the act; creating s. 722.04, F.S.; providing definitions; creating s. 722.05, F.S.; requiring contracts for the purchase of the right to use campgrounds and facilities pursuant to a membership camping plan; providing for a cancellation period with regard to such contracts; creating s. 722.06, F.S.; requiring a disclosure statement; creating s. 722.065, F.S.; providing for filing membership camping contracts with the Division of Florida Land Sales, Condominiums, and Mobile Homes; providing a fee; providing for filing an affidavit concerning the occupancy level for campgrounds; creating s. 722.07, F.S.; requiring trust accounts; providing penalties; creating s. 722.08, F.S.; requiring non-disturbance instruments or alternative assurances; providing notice to creditors; providing a fee; creating s. 722.081, F.S.; providing circumstances under which an offeror may terminate or relocate camp-

grounds; creating s. 722.09, F.S.; defining advertising materials and providing restrictions; requiring disclosure with respect to certain advertising; providing a fee; creating s. 722.091, F.S.; relating to prize and gift promotional offers; providing requirements; creating s. 722.092, F.S.; relating to vacation and lodging certificates; creating s. 722.10, F.S.; relating to protection of purchasers' interests in planned facilities; planned future development of adjoining properties; transfer of offeror's interest in a campground; dues payments; creating s. 722.11, F.S.; relating to reciprocal programs; requiring a disclosure statement; providing for filing the disclosure statement and for providing the disclosure statement to purchasers; creating s. 722.12, F.S.; relating to registration of salespersons and tour generators; providing civil penalties; creating s. 722.13, F.S.; providing for regulation by the Division of Florida Land Sales, Condominiums, and Mobile Homes; providing penalties and providing for enforcement; creating s. 722.14, F.S.; relating to the applicability of chapter 212, F.S., to fees, penalties, and fines under chapter 722, F.S.; creating s. 722.15, F.S.; providing that proceeds collected pursuant to ch. 722, F.S., be deposited in the Florida Real Estate Time-Sharing Trust Fund; creating positions; providing an appropriation; creating s. 722.16, F.S.; providing for purchasers' remedies; creating s. 722.17, F.S.; providing criminal penalties; providing for severability; providing an effective date.

By the Committee on Commerce and Senator Gordon—

**CS for SB 841**—A bill to be entitled An act relating to wage payment; providing that the Division of Labor, Employment, and Training of the Department of Labor and Employment Security shall be the clearinghouse for complaints regarding wage payment, wage collection, and hours of employment; providing for a toll-free telephone line; providing that employers shall furnish employees with itemized statements of deductions from wages; providing an effective date.

By the Committees on Economic, Community and Consumer Affairs and Natural Resources and Conservation and Senators Kirkpatrick, Stuart, Frank, Malchon and Mann—

**CS for CS for SB 978**—A bill to be entitled An act relating to growth management; amending ss. 161.053, 161.054, 161.055, 161.56, 161.58, 163.3167, 163.3177, 163.3178, 163.3184, 163.3187, 163.3191, 163.3202, 186.508, 186.511, 380.06, 380.07, 380.0651, 380.061, 627.351, F.S.; providing definitions relating to coastal zone protection; providing requirements for coastal zone construction; providing for local enforcement; providing for approval of vehicular traffic on certain coastal beaches; providing requirements for local government comprehensive plans; providing requirements for land development regulations; providing requirements for development orders; providing requirements and statewide guidelines and standards for developments of regional impact; providing for the Florida Land and Water Adjudicatory Commission; providing membership of the Quality Development Review; providing for plan amendments relating to Florida's Quality Developments; authorizing development agreements between local governments and developers; providing a short title and legislative intent; providing for legislative intent of the rule regarding minimum criteria for the review and determination of compliance; providing definitions; providing for applicability; requiring public hearings prior to entering into a development agreement; providing requirements for development agreements; specifying the duration of development agreements; providing for consistency with the comprehensive plan and land development regulations; providing for the application of subsequently adopted laws and policies to a development agreement; providing that a development agreement shall constitute an administrative act by a local government; providing for periodic review of a development agreement; providing for amendment or cancellation of a development agreement; requiring a development agreement to be recorded; providing for modification or revocation of a development agreement to comply with subsequently enacted state and federal laws; providing for enforcement; providing windstorm risk apportionment; providing an effective date.

By the Committee on Commerce and Senator Thurman—

**CS for SB 997**—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.10, F.S.; increasing certain license fees; providing for allocation; creating s. 550.2405, F.S.; prohibiting the use of controlled substances or alcohol by certain occupational licensees during performances; providing for enforcement by the stewards, judges or board of judges; providing penalties to be imposed by the stewards, judges or board of judges and the Division of Pari-mutuel Wagering; providing for use of tests; providing for rulemaking; providing for the legal effect of certain tests or actions; providing an appropriation; providing an effective date.

By the Committee on Commerce and Senator Kiser—

**CS for SB 1102**—A bill to be entitled An act relating to accessibility by handicapped persons; amending s. 553.48, F.S.; providing accessibility requirements of certain buildings; providing exceptions; amending s. 553.49, F.S.; changing provisions relating to modifications and waivers; changing the advisory committee to an accessibility committee; creating s. 553.495, F.S.; providing for accessibility to public entrances, parking areas, and curb-ramps; amending s. 316.1956, F.S.; providing minimum number and requirements of parking spaces by nongovernmental entities for certain disabled persons; amending s. 318.18, F.S.; increasing the fine for certain nonmoving traffic infractions; creating s. 364.391, F.S.; providing for special rulemaking authority by Public Service Commission for pay telephones; providing for review and repeal; providing effective dates.

By the Committee on Commerce and Senators Fox and Thomas—

**CS for SB 1175**—A bill to be entitled An act relating to bail and bail bondsmen; amending s. 648.42, F.S., clarifying the date of registration of bail bondsmen with the sheriff and the clerk of the circuit court; amending s. 648.422, F.S., increasing the amount of noncash collateral security that may be accepted by a bail bondsman; amending s. 648.49, F.S., authorizing the Department of Insurance to require a bondsman whose license has been suspended to complete certain courses; amending s. 903.046, F.S., relating to criteria for bail determination; amending s. 903.09, F.S., authorizing two or more sureties to jointly write a bond; amending s. 903.132, F.S., prohibiting continuation of the original bond if an appeal is taken; amending s. 903.21, F.S., relating to method of surrender and exoneration of obligors prior to breach of a bond; amending s. 903.26, F.S., increasing the time period and conditions under which a surety may obtain discharge of a forfeiture; amending s. 903.27, F.S., relating to vacating or staying a forfeiture judgment; amending s. 903.28, F.S., specifying additional conditions for remission of forfeiture; amending s. 903.29, F.S., relating to arrest of principal by surety after forfeiture; amending s. 903.31, F.S., specifying that an original appearance bond does not guarantee the appearance of the defendant at specified hearings; repealing s. 903.285, F.S., relating to eligibility for bail bond following failure to appear and breach of bond; providing an effective date.

By the Committee on Commerce and Senator Grant—

**CS for SB 1212**—A bill to be entitled An act relating to workers' compensation; amending s. 440.15, F.S.; revising criteria with respect to wage-loss benefits; amending s. 440.34, F.S.; providing clarifying language with respect to attorney's fees; amending s. 440.39, F.S.; revising provisions with respect to compensation for injuries where third persons are liable and where the injured employee or dependent recovers against the third party; amending s. 440.02, F.S.; defining the term "construction design professional"; amending s. 440.09, F.S.; exempting construction design professionals from general civil liability for injuries on construction projects; providing an effective date.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Neal, by two-thirds vote Senate Bills 198, 348, 798, 820 and CS for SB 167 were withdrawn from the Committee on Appropriations.

On motion by Senator Castor, the House was requested to return CS for HB 302.

On motions by Senator Hill, by two-thirds vote Senate Bills 650 and 750 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Crawford, by two-thirds vote CS for SB 986 and CS for SB 1149 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Jenne, by two-thirds vote Senate Bills 200, 622, 734, CS for SB 780, CS for SB 973, Senate Bills 72, 689 and CS for CS for SB's 432 and 281 were added to the special order calendar this day following CS for SB 1166.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

##### First Reading

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

I am directed to inform the Senate that the House of Representatives

has passed House Bills 20, 177, 210, 285, CS for HB 389, House Bills 432, 461, 470, 550, CS for HB's 579 and 844, House Bills 780, 783, CS for HB 825, House Bills 952, 960, 996, 1034, 1038, 1060, 1062, 1067, 1097, 1119, 1223, 1224, 1229, 1243, 1271, 1292, 1311, 1320, 1382, 1389, 1390; has passed as amended CS for HB 12, CS for HB 55, CS for CS for HB 175, CS for HB 207, HB 209, CS for HB 259, CS for HB's 274 and 604, House Bills 357, 361, 399, CS for HB 465, CS for HB 485, House Bills 526, 634, 651, CS for HB 671, CS for HB 731, House Bills 737, 744, 761, 799, CS for CS for HB 782, House Bills 861, 911, 929, 975, 1064, 1065, CS for HB 1070, House Bills 1088, 1121, 1141, 1144, CS for HB 1166, House Bills 1210, 1239, 1252, 1290, 1319, CS for HB 1332 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Stewart and others—

**HB 20**—A bill to be entitled An act relating to education; amending s. 228.072, F.S., relating to the adult general education program; revising a definition, certain criteria for participation in the program, and the location of instruction; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Finance and Taxation and Representative T. C. Brown—

**HB 177**—A bill to be entitled An act relating to taxation of fuels; amending s. 206.404, F.S.; providing that retail dealers shall make monthly reports and remit local option taxes; providing a penalty; amending s. 206.877, F.S., which provides decal fees in lieu of taxes for vehicles powered by alternative fuels; removing certain farm vehicles and vehicles used in harvesting crops from application of said section; providing for partial fees; correcting a reference; amending s. 212.67, F.S.; specifying that the refund for shrinkage applies to licensed retail dealers; amending s. 213.053, F.S., relating to confidentiality of information received under specified tax laws; removing reference to application to chapter 206, F.S., and removing an obsolete reference; amending s. 336.021, F.S., relating to the county voted gas tax, and s. 336.025, F.S., relating to the county local option gas tax; revising provisions relating to collection of such taxes; specifying that the deduction is allowed to licensed retail dealers and jobbers; amending s. 336.026, F.S., relating to the local option tax for metropolitan transportation systems; correcting references; revising provisions for collection and distribution of the tax; providing an effective date.

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

By Representative Smith and others—

**HB 210**—A bill to be entitled An act relating to search warrants; amending s. 933.18, F.S.; authorizing the issuance of search warrants to search a private dwelling for the unlawful sale, possession, or purchase of saltwater products; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representatives McEwan and Souto—

**HB 285**—A bill to be entitled An act relating to criminal penalties; amending s. 775.089, F.S., authorizing the court to order restitution to any third party indemnifying a victim of crime or his dependents or his estate or next of kin and the Crimes Compensation Trust Fund; providing that restitution to the Crimes Compensation Trust Fund shall be primary; changing the types of losses for which restitution may be ordered; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Appropriations and Representative M. E. Hawkins—

**CS for HB 389**—A bill to be entitled An act relating to the investment of state funds; amending s. 215.44, F.S., requiring the Auditor General to conduct postaudits on investment activity of the Board of Administration; amending s. 215.444, F.S., revising the criteria for membership on the Investment Advisory Council; amending s. 215.47, F.S.; authorizing the Board of Administration to invest Florida Retirement System Trust Fund and other available moneys in certain obligations and securities; authorizing investments as deemed appropriate by the board; amending s. 280.03, F.S.; exempting Florida Retirement System Trust

Fund deposits and securities from public deposit security requirements under ch. 280, F.S.; providing an effective date.

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

By Representative Bell—

**HB 432**—A bill to be entitled An act relating to ad valorem tax administration; amending s. 192.091, F.S.; exempting hospital districts from the requirement that certain county tax authorities be billed by the property appraiser for services rendered; specifying that commissions on hospital district taxes be paid by the county; providing an effective date.

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

By Representative Shackelford—

**HB 461**—A bill to be entitled An act relating to Manatee County; amending section 15 of chapter 85-452, Laws of Florida, increasing Ellenton Fire Control District rates in the schedule of special assessment; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Peoples—

**HB 470**—A bill to be entitled An act relating to the North Fort Myers Fire Control District, Lee County; amending section 6 of chapter 30925, Laws of Florida, 1955, as amended; providing for a maximum millage levy of 2 mills; providing a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lombard—

**HB 550**—A bill to be entitled An act relating to the district school system; amending s. 230.2319, F.S.; authorizing bicycle safety training in physical education programs; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Higher Education and Representative Bell and others—

**CS for HB's 579 and 844**—A bill to be entitled An act relating to State University System funding; amending s. 240.271, F.S.; allowing the Board of Regents to reduce enrollment, on a pilot basis, at any state university with an approved plan to improve the quality of undergraduate education; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representative Crady—

**HB 780**—A bill to be entitled An act relating to the National Forest Trust Fund; amending s. 215.551, F.S., providing that the amounts due to the counties from the fund shall be paid in each case in two equal payments divided between the county and the district school board; providing an effective date.

—was referred to the Committee on Appropriations.

By Representative Tobiassen—

**HB 783**—A bill to be entitled An act relating to the district school system; amending s. 230.23, F.S.; revising provisions relating to the provision of awards by district school boards; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Natural Resources and Representative C. F. Jones—

**CS for HB 825**—A bill to be entitled An act relating to water pollution; creating the "Waste Treatment Cost Efficiency Act of 1986"; providing that the Department of Environmental Regulation submit to the Governor and Legislature a report outlining requirements and recommendations governing wastewater treatment facilities; amending s. 403.021, F.S.; providing legislative intent with respect to application of state water quality standards; providing an effective date.

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

By the Committee on Transportation and Representative B. L. Johnson and others—

**HB 952**—A bill to be entitled An act relating to tax on aviation fuel; amending s. 206.9845, F.S.; revising distribution of the tax proceeds; providing an effective date.

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

By Representative Martinez and others—

**HB 960**—A bill to be entitled An act relating to Hillsborough County; providing authority for the District Board of Trustees of Hillsborough Community College to enter into agreements to allow use of college property not needed for educational purposes when such use will further a legitimate educational purpose; requiring the Board of Trustees of Hillsborough Community College to maintain control of such property; prohibiting the granting of a property interest in such agreements; validating previous agreements entered into in accordance with the provisions of this law; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Peoples and others—

**HB 996**—A bill to be entitled An act relating to Lee County; establishing and organizing a municipality to be known and designated as the City of Fort Myers Beach in said county; defining its territorial boundaries; providing for its government, jurisdiction, powers, franchises, immunities, privileges and means for exercising the same; prescribing the general powers to be exercised by said city; providing for a referendum.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Crotty and others—

**HB 1034**—A bill to be entitled An act relating to Valencia Drainage District, Orange County; providing that said district shall be exempt from certain provisions of ss. 298.11 and 298.12, F.S.; providing that the Board of Supervisors be increased from three to five persons; providing for the terms of the five supervisors; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Peoples and others—

**HB 1038**—A bill to be entitled An act relating to the East Mulloch Drainage District, Lee County; expanding the boundaries of the district; amending section 6 of chapter 63-930, Laws of Florida, as amended; increasing the maintenance tax rate; providing an effective date; providing for a referendum.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Liberti—

**HB 1060**—A bill to be entitled An act relating to Acme Improvement District, Palm Beach County; amending section 3 of chapter 28557, Laws of Florida, 1953, as amended, to permit the Board of Supervisors of said District to distribute water for consumption from its water plants and to provide sewer collection and disposal of waste within and without the District boundaries; providing for obligations of the District to pay interest at a rate not exceeding the maximum allowable by law; creating a lien on property for unpaid water bills, connection fees and other charges made by the District for water and sewer services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Press—

**HB 1062**—A bill to be entitled An act relating to the City of Delray Beach, Palm Beach County; amending section 10 of chapter 25784, Laws of Florida, 1949, as amended, relating to the civil service act of said city; providing clarifications to the functions, procedures, role, and orders of the civil service board and the board counsel; providing separation of the provisions regarding appeals into subsections entitled “appeals and appeal procedures,” “terminations,” “demotions and suspensions without pay in excess of 7 days,” “selection of board counsel,” and “hearing procedures,” and providing a restructuring to have separate provisions under each such subsection to clarify the appellate process; providing clarification that matters which are not disciplinary actions, although such matters may involve certain personnel actions, including terminations for failure to have or maintain job qualifications and requirements, are not appealable to the civil service board; providing clarification that all decisions of the civil service board shall be by simple majority vote and that such decisions to be advisory only regarding the severity of discipline, if any, where the board counsel format is utilized; providing for prehearing stipulation and for providing portions to the civil service board where the board counsel format is utilized; providing for deletion of provisions declaring the board chairman to act as presiding officer; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Liberti—

**HB 1067**—A bill to be entitled An act relating to the Loxahatchee Groves Water Control District, Palm Beach County, created under chapter 298, Florida Statutes; providing for the assessing of taxes of land less than 1 acre in area as a full acre; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative C. Brown and others—

**HB 1097**—A bill to be entitled An act relating to Duval County; providing for the issuance of a special alcoholic beverage license to the Jacksonville Convention Center of the City of Jacksonville by the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation of the State of Florida, for use by the Convention Center for on-premises consumption; authorizing transfer of the license to qualified applicants; providing for automatic reverter of the license; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Dunbar and others—

**HB 1119**—A bill to be entitled An act relating to the Palm Harbor Special Fire Control District; authorizing the district to impose impact fees for new construction; providing for a referendum to allow the district to levy ad valorem taxes not to exceed 1.5 mills; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Regulatory Reform and Representative Kelly—

**HB 1223**—A bill to be entitled An act relating to the Board of Landscape Architecture; amending s. 481.307, F.S.; providing an increase in fees for application and examination for licensure and renewal; providing an effective date.

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

By the Committee on Regulatory Reform and Representative Kelly—

**HB 1224**—A bill to be entitled An act relating to the Board of Architecture; amending s. 481.207, F.S.; providing an increase in the fee for application and examination for licensure; providing an effective date.

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

By the Committee on Regulatory Reform and Representatives Gutman and Metcalf—

**HB 1229**—A bill to be entitled An act relating to veterinary medical practice; amending s. 474.207, F.S., limiting the number of times an applicant may take the licensure examination; providing an effective date.

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

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

**HB 1243**—A bill to be entitled An act relating to the Florida Academic Scholars' Program; amending s. 232.2465, F.S., modifying qualification requirements; providing for establishment of course requirements and alternatives by rule of the State Board of Education; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Commerce and Representative Burnsed—

**HB 1271**—A bill to be entitled An act relating to savings associations; amending s. 665.028, F.S., providing that applications for branch offices do not need to be published in the Florida Administrative Weekly; amending s. 665.0335, F.S., providing additional grounds for the Department of Banking and Finance to take emergency action in order to prevent the probable failure of a savings association; amending s. 665.093, F.S., providing that if an appraisal by the Department of Banking and Finance discloses that any asset of a savings association or its subsidiary is overvalued, the association shall maintain a specific reserve in the amount of the overvaluation; repealing s. 665.046, F.S., relating to the indemnification of officers, directors, and employees of a savings association; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Natural Resources and Representative Smith—

**HB 1292**—A bill to be entitled An act relating to saltwater products; amending s. 370.027, F.S.; limiting rulemaking authority of the Marine Fisheries Commission; amending s. 370.06, F.S.; prescribing who must have a saltwater products license; amending s. 370.07, F.S.; defining the terms “wholesale dealer” and “retail dealer”; deleting the terms “wholesale seafood dealer” and “retail seafood dealer”; conforming language; clarifying language; providing requirements relating to transportation of saltwater products; providing penalties; providing for the confidentiality of certain reports; amending s. 370.071, F.S.; authorizing the Department of Natural Resources to adopt rules relating to specified sanitary practices involving oysters, clams, mussels, and crabs; providing a license requirement; authorizing the department to revoke such license under certain circumstances; authorizing the destruction of certain adulterated or misbranded products; amending s. 6, ch. 83-134, Laws of Florida, as amended; revising the list of statutory provisions relating to marine fisheries that will stand repealed upon adoption of appropriate rules by the Governor and Cabinet; providing that certain rules shall remain in force as rules of the Department of Natural Resources; providing that oysters sold in this state must be labeled as to point of harvest; providing effective dates.

—was referred to the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

By the Committee on Health Care and Insurance and Representative Figg—

**HB 1311**—A bill to be entitled An act relating to public health; amending ss. 381.031 and 381.061, F.S.; changing certain duties of the Department of Health and Rehabilitative Services relating to public health; deleting the Sanitary Code of Florida; creating s. 381.032, F.S.; authorizing the department to adopt rules relating to public health; amending ss. 381.031, 381.111, and 381.121, F.S.; changing certain enforcement powers of the department; amending s. 381.062, F.S., relating to eminent domain power of the department; repealing ss. 381.091, 381.331, and 381.351, F.S., relating to rules, the analysis by the department of human or animal bodies, and the duty of the department with respect to contagious or infectious diseases; amending ss. 381.112, 381.261, 381.294, 381.295, 381.311, 381.472, 386.03, and 513.10, F.S.; correcting cross-references, to conform; reorganizing chapter 387, F.S., relating to public health regulation of water, and transferring related provi-

sions thereto; repealing ss. 387.01-387.10, F.S., relating to the duties of the Department of Health and Rehabilitative Services regarding the pollution of water; amending ss. 153.03, 153.19, 403.726, and 514.033, F.S.; correcting cross-references, to conform; creating a study committee to make recommendations regarding a state plumbing code; requiring a report; providing effective dates.

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

By the Committee on Corrections, Probation and Parole and Representative Meffert—

**HB 1320**—A bill to be entitled An act relating to rights of inmates in a mental health treatment facility; amending s. 945.48, F.S.; authorizing emergency surgical or nonpsychiatric medical care in certain cases when an inmate refuses or is unable to give consent; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By the Committee on Appropriations and Representative Bell—

**HB 1382**—A bill to be entitled An act relating to educational facilities; authorizing construction of a dormitory at the University of Central Florida; repealing section 13 of chapter 82-240, Laws of Florida, relating to relocation of the University of Central Florida Daytona Beach Center; repealing sections 1(l)(k) and 5 of chapter 84-542, Laws of Florida, relating to joint-use facilities between the District School Board of Clay County and St. Johns River Community College and between Daytona Beach Community College and the University of Central Florida, respectively; amending section 35(l)(j) of chapter 85-116, Laws of Florida, as reenacted; deleting reference to deposit of proceeds from the sale of certain property at the University of Central Florida Daytona Beach Center; creating the Daytona Beach Applied Research Center and providing for a consortium of participants; repealing section 35(3)(f) of chapter 85-116, Laws of Florida, as reenacted, relating to the joint-use facility between the District School Board of Clay County and St. Johns River Community College; allocating funds for a performing arts center with the City of Gainesville, the University of Florida, and Santa Fe Community College; authorizing construction of certain facilities from non-PECO sources; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations and Representative Bell—

**HB 1389**—A bill to be entitled An act relating to appropriations; providing a supplemental appropriation to the Department of Corrections; providing a supplemental appropriation to the Judicial Branch; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations and Representative Bell—

**HB 1390**—A bill to be entitled An act relating to the Florida Building and Facilities Act; amending s. 255.502, F.S., relating to the definition of "pool pledged revenues"; amending ss. 255.518 and 255.52, F.S., relating to the use of proceeds of obligations with respect to building acquisition and construction costs; providing an effective date.

—was referred to the Committee on Appropriations.

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

**CS for HB 12**—A bill to be entitled An act relating to worthless checks and drafts; creating s. 832.08, F.S., authorizing certain state attorneys to create a bad check diversion program into which persons accused of violating laws relating to the issuance of worthless checks and drafts may be placed as an alternative to prosecution; providing guidelines; providing notice; providing conditions of diversion; providing for fees; providing an effective date.

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

By the Committee on Finance and Taxation and Representative Friedman and others—

**CS for HB 55**—A bill to be entitled An act relating to county juvenile welfare services; authorizing counties to create independent special dis-

tricts to provide such services; providing for boards of juvenile welfare and their membership and duties; providing financial requirements and budget procedures; authorizing levy of ad valorem taxes and requiring a referendum; requiring certain board members to post bond; authorizing funding of the board by the county; providing an effective date.

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

By the Committees on Appropriations and Transportation and Representative Evans-Jones and others—

**CS for CS for HB 175**—A bill to be entitled An act relating to motor vehicle safety equipment; amending s. 316.515, F.S., authorizing the Department of Transportation to issue special permits for semitrailers for overwidth deliveries of manufactured buildings; amending s. 316.650, F.S.; directing the Department of Highway Safety and Motor Vehicles to prepare affidavit of compliance forms with respect to certain traffic violations; amending s. 318.18, F.S.; providing a \$25 fine for certain violations of s. 316.610, F.S.; providing for a reduced fine where the defect is corrected; amending s. 322.27, F.S.; providing for points with respect to certain traffic violations relating to operating certain motor vehicles in an unsafe condition or which are not properly equipped; providing for no points where defects are corrected; creating s. 316.6105, F.S.; providing a procedure for disposition of fines collected with respect to violations involving the operation of certain motor vehicles in unsafe condition or without required equipment; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By the Committee on Regulated Industries & Licensing and Representative Hodges and others—

**CS for HB 207**—A bill to be entitled An act relating to pari-mutuel wagering; amending ss. 550.082 and 551.031, F.S.; authorizing certain pari-mutuel permitholders additional operating days; providing for repeal; amending ss. 550.09 and 551.06, F.S.; providing for surtax on additional days granted; providing an effective date.

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

By Representative Smith and others—

**HB 209**—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.021, F.S., authorizing law enforcement officers to inspect saltwater products kept in certain areas aboard vessels; providing an effective date.

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

By the Committee on Regulated Industries and Licensing and Representative Martinez—

**CS for HB 259**—A bill to be entitled An act relating to jai alai frontons; creating s. 551.115, F.S., authorizing additional days of operation for certain existing jai alai frontons in certain areas of the state; providing restrictions; amending ss. 550.09 and 551.06, F.S.; providing for surtax on additional days granted; providing an effective date.

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

By the Committee on Community Affairs and Representatives Renke and Bell—

**CS for HB's 274 and 604**—A bill to be entitled An act relating to local government code enforcement boards; amending ss. 162.02, 162.03, 162.04, 162.05, 162.06, 162.07, 162.08, 162.09, 162.10, 162.11, 162.12, F.S.; revising intent with respect to said boards; authorizing creation of more than one board by a local government; revising procedures and requirements for hearings held by said board, notices, and orders issued by said board; providing that a hearing shall be held with respect to certain repeated violations even if the violation has been corrected; providing applications of fines for repeated violations; revising provisions relating to effect and duration of liens; providing an effective date.

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

By Representative Gardner—

**HB 357**—A bill to be entitled An act relating to the Department of State; amending s. 20.10, F.S.; renaming the Division of Archives, History and Records Management as the Division of Historical Resources; renaming the Division of Library Services as the Division of Library and Information Services; amending s. 267.021, F.S.; deleting definitions of "public records," "Florida State Archives," and "records center"; amending and renumbering s. 265.135, F.S., relating to the definition of "Folklife"; amending and renumbering s. 267.042, F.S.; creating the Florida State Archives within the Division of Library and Information Services; providing purposes; providing duties of the division with respect to archives and records; amending and renumbering s. 267.051, F.S.; creating a records and information management program within the Division of Library and Information Services; providing duties of the division with respect to records management; defining "agency" for purposes of cooperation with the division; amending ss. 17.27, 119.01, 119.041, 119.05, 119.09, and 228.093, F.S.; amending and renumbering s. 267.10, F.S.; transferring duties from the former Division of Archives, History and Records Management to the Division of Library and Information Services; creating s. 257.375, F.S., establishing a records management trust fund within said division; amending s. 258.081, F.S.; renaming the Stephen Foster Memorial as the Stephen Foster State Folk Culture Center; amending and renumbering s. 265.136, F.S.; providing duties of the Florida Folklife Council with respect to the Division of Historical Resources and the state folklorist; amending and renumbering s. 265.137, F.S.; providing for multiple Florida Folklife Programs; providing duties of the Division of Historical Resources with respect thereto; providing for the annual Florida Folk Festival; deleting provisions relating to employment of a director for the Florida Folklife Program; providing for employment and duties of a state folklorist; amending and renumbering s. 265.138, F.S.; placing the Florida Folklife Trust Fund under the Division of Historical Resources; modifying use of the trust fund; amending s. 267.031, F.S., removing provisions relating to administration of the Division of Archives, History and Records Management; removing a penalty for violation of division rules; amending s. 267.061, F.S., modifying employment and duties of the State Archaeologist and State Historic Preservation Officer; amending s. 267.072, F.S.; modifying provisions relating to operation of the Museum of Florida History; creating s. 267.17, F.S.; providing for establishment of nonprofit citizen support organizations to promote the archaeology, museum, folklife, and historic preservation programs of the Division of Historical Resources; providing for use of division property and facilities; providing for annual audit; amending ss. 15.18, 193.505, 215.22, 228.0715, 253.025, 257.01, 257.02, 257.031, 257.04, 257.05, 257.12, 257.14, 257.15, 257.16, 257.171, 257.191, 257.192, 257.22, 257.23, 257.24, 258.501, 259.035, 266.106, 266.110, 266.115, 266.206, 266.306, 266.406, 266.506, 267.011, 267.0612, 267.0617, 267.062, 267.073, 267.081, 267.11, 267.12, 267.14, 283.55, 375.021, 380.061, 413.011, 415.103, 415.504, and 561.20, F.S.; amending and renumbering ss. 267.15, 267.151, 267.152, and 267.153, F.S.; conforming name changes, duties, and cross references to the provisions of the act; amending s. 215.22, F.S., providing for service charge deductions from the Records Management Trust Fund; repealing s. 267.041, F.S., relating to duties of the director of the Division of Archives, History and Records Management; repealing s. 267.09, F.S., relating to the transfer of certain powers and duties to said division; providing an effective date.

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

By Representative Shackelford—

**HB 361**—A bill to be entitled An act relating to Manatee County creating the Myakka City Fire Control District; providing for the inclusion of certain unincorporated land in Manatee County into the Myakka City Fire Control District; providing for a board of fire commissioners; providing for the appointment of commissioners; providing for the authority to levy special assessments and charges; providing for the deposit of collected funds; providing for the use of funds; providing for the borrowing power of the district; providing for the authority and power to acquire certain property; providing for the duties of the board of commissioners; providing for the authority to employ qualified personnel; providing for financial reporting; providing for the existence of the district; providing definitions; providing a schedule of special assessments; providing for impact fees; providing severability; providing for liberal interpretation; providing for repeal of conflicting laws; providing for an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mackenzie and others—

**HB 399**—A bill to be entitled An act relating to harness tracks; amending s. 550.37, F.S., providing for shortening of racing season and additional racing days per year for certain harness tracks; amending ss. 550.09 and 551.06, F.S.; providing for surtax on additional days granted; providing an effective date.

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

By the Committee on Criminal Justice and Representative Hanson—

**CS for HB 465**—A bill to be entitled An act relating to trespass and larceny with relation to utility fixtures; amending s. 812.14, F.S.; including political subdivisions within the term "utility" for purposes of provisions prohibiting trespass and larceny with relation to utility or cable television fixtures; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Criminal Justice and Representatives Simon and Morse—

**CS for HB 485**—A bill to be entitled An act relating to firesafety inspectors; amending s. 633.021, F.S., redefining the term "high-hazard occupancy"; creating s. 633.052, F.S.; providing definitions; establishing citations for civil infractions relating to firesafety issued by a firesafety inspector; authorizing local units of government to enact ordinances relating to firesafety; providing civil penalties; authorizing the enacted ordinance to be identical to state law except for penalties; providing a second degree misdemeanor for willful refusal to sign and accept a citation; providing an effective date.

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

By Representative Shackelford—

**HB 526**—A bill to be entitled An act relating to Manatee County; amending section 15 of chapter 84-477, Laws of Florida, as amended, relating to the Oneco-Tallevast Fire Control District; increasing the maximum assessments which may be levied against taxable real property within the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bell—

**HB 634**—A bill to be entitled An act relating to the Florida Council for the Hearing Impaired; amending s. 229.8361, F.S., authorizing employment of an administrator; amending s. 427.504, F.S., authorizing attestation of a deaf services center director for purposes of certifying persons as deaf, hearing impaired, or speech impaired; amending s. 427.506, F.S., authorizing lease, rather than sublease, of certain equipment to impaired persons; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representatives Mitchell and Robinson—

**HB 651**—A bill to be entitled An act relating to freshwater fish dealers; amending s. 372.65, F.S., providing for an aquaculture game fish license; providing a fee; providing an effective date.

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

By the Committee on Health Care and Insurance and Representative Figg—

**CS for HB 671**—A bill to be entitled An act relating to insurance; amending s. 624.610, F.S., eliminating a prohibition against an insurer ceding or retroceding credit life insurance, credit disability insurance, or both to described insurers; creating s. 631.0515, F.S., authorizing appointment of a receiver for an insurance holding company; providing an effective date.

—was referred to the Committee on Commerce.

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

**CS for HB 731**—A bill to be entitled An act relating to obscenity; creating s. 847.0135, F.S., creating the "Computer Pornography and Child Exploitation Prevention Act of 1986"; providing definitions; prohibiting the transmission of computer pornography involving minors; providing penalties; amending chapter 847, Florida Statutes; adding a definition section; revising the elements of the sale or distribution of harmful materials to a child, retail display of materials harmful to minors, and exposing minors to harmful motion pictures, exhibitions, shows, presentations, or representations; removing obsolete language; providing for the confiscation and destruction of obscene material; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representative Young—

**HB 737**—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.082, F.S., and creating s. 551.115, F.S., authorizing certain dogracing and jai alai permittees to operate for additional time periods; amending ss. 550.09 and 551.06, F.S.; providing for surtax on additional days granted; providing an effective date.

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

By Representative Harris—

**HB 744**—A bill to be entitled An act relating to Clewiston Drainage District, Hendry County; amending sections 4 and 7 of chapter 65-803, Laws of Florida, as amended, relating to the rate of the annual maintenance tax levy and authority of the Board of Supervisors; amending section 1 of chapter 77-560, Laws of Florida, as amended, relating to the rate and levy of the restoration tax; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Young—

**HB 761**—A bill to be entitled An act relating to municipal public works; amending s. 180.13, F.S.; providing that condominium or cooperative homeowners' associations may provide security to meet the utility deposit requirements of their members; providing a definition; providing an effective date.

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

By Representative Martinez and others—

**HB 799**—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 943.05, F.S.; providing for the establishment, implementation and maintenance of a statewide automated fingerprint identification system; providing an effective date.

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

By the Committees on Appropriations and Community Affairs and Representative Mackenzie and others—

**CS for CS for HB 782**—A bill to be entitled An act relating to child care; amending ss. 400.441 and 633.05, F.S.; providing for uniform fire-safety standards for nonresidential child care facilities and adult congregate living facilities; providing legislative intent; exempting such homes from certain local zoning regulations; providing an effective date.

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

By Representative Evans-Jones—

**HB 861**—A bill to be entitled An act relating to beverage law enforcement; amending s. 562.45, F.S.; authorizing counties and incorporated municipalities to enact ordinances regulating certain conduct at certain establishments licensed under the Beverage Law; amending s. 561.20, F.S., authorizing issuance of special licenses under the Beverage Law to civic centers; providing for transferability; providing for reversion; providing an effective date.

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

By the Committee on Agriculture and Representative Mitchell—

**HB 911**—A bill to be entitled An act relating to law enforcement officers; amending ss. 784.07, 843.01, 843.02, and 843.08, F.S.; providing a uniform definition of law enforcement officers relating to assault and battery, resisting arrest with and without violence, and falsely impersonating an officer; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Agriculture and Representative Mitchell—

**HB 929**—A bill to be entitled An act relating to public fairs and exhibitions; amending s. 616.091, F.S., providing safety standards for the operation of amusement devices at festivals, celebrations, bazaars and parking lot still dates; providing for registration and inspection fees; providing an appropriation; providing an effective date.

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

By Representative C. Brown and others—

**HB 975**—A bill to be entitled An act relating to the Jacksonville Port Authority; adding ss. 1(f), (2)(i), and amending s. 4, ch. 63-1447, Laws of Florida, as amended; establishing a port district, coterminous with the County of Duval, to be known as the "Jacksonville Port District"; authorizing the levy of a 1-mill tax on all real property in the port district; providing for the use of the revenues by the port authority for certain capital expenditures; providing for approval or revision of the budget of the authority by the Council of the City of Jacksonville; deleting obsolete provisions; eliminating the payment of \$800,000 per fiscal year by the city council; providing for assessment and collection of tax; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hill—

**HB 1064**—A bill to be entitled An act relating to the Loxahatchee River Environmental Control District; amending section 8 of chapter 71-822, Laws of Florida, as amended, providing for a change in the method of collection and enforcement of unpaid fees and charges for the services and facilities of the Loxahatchee River Environmental Control District; providing that unpaid fees and charges for the services and facilities of the Loxahatchee River Environmental Control District shall constitute liens on any parcel or property affected thereby; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Kimmel—

**HB 1065**—A bill to be entitled An act relating to the Palm Beach County Free Public Library Taxing District, Palm Beach County; amending ss. 10 and 11 of chapter 67-1869, Laws of Florida, as amended, providing authority to the Board of County Commissioners of Palm Beach County to submit a special referendum to voters of the district for a levy of up to one-half mill for up to 2 years, the proceeds of which shall be used for library capital improvements; providing for any municipality entering the district after successful district referendum and successful municipal referendum to be taxed for that millage rate and number of years approved in the district referendum, beginning with the fiscal year it enters; providing that the value of any municipal library resources transferred to the district be deducted from the amount levied in the municipality; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Judiciary and Representatives Gordon and Bloom—

**CS for HB 1070**—A bill to be entitled An act relating to pardons; providing that any person who has received a full and unconditional pardon for a felony or misdemeanor in this state may be granted a license by, employment in any occupation regulated by, or employment with the

Department of Health and Rehabilitative Services; providing that the department shall not be required to deny, suspend, or revoke the license of such person's employer solely on the basis of having employed such person; providing an exemption; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Corrections, Probation and Parole; and Judiciary-Criminal.

By Representative Nergard and others—

**HB 1088**—A bill to be entitled An act relating to St. Lucie County; relating to the enforcement of the St. Lucie County Animal Control Ordinance and the City of Port St. Lucie Animal Control Ordinance; providing for the issuance of citations; requiring compliance with the respective animal control ordinance; allowing specific penalties for the violation thereof; authorizing enactment of an ordinance establishing procedures to implement this act; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Jamerson and others—

**HB 1121**—A bill to be entitled An act relating to Pinellas County; authorizing the Division of Alcoholic Beverages and Tobacco, Department of Business Regulation, to issue an alcoholic beverage license to the City of St. Petersburg for use only in and for facilities which are owned by the City of St. Petersburg and in which the sale and consumption of alcoholic beverages are not otherwise prohibited; authorizing transfer of the license to qualified applicants; providing for automatic reverter of the license; prohibiting sales for consumption off premises; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Bass and others—

**HB 1141**—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 6 of chapter 21483, Laws of Florida, 1941, as amended, relating to the automatic retirement of employees; repealing section 8 of chapter 1713, Laws of Florida, 1957, relating to the maximum age for employment in the fire department; superseding existing laws relating thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bass and others—

**HB 1144**—A bill to be entitled An act relating to the Firemen's Relief and Pension Fund of the City of Pensacola, Escambia County; amending section 5, subsection (g) of chapter 21483, Laws of Florida, 1941, as amended, relating to the minimum amount of pension received, and by whom; superseding existing laws relating thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Regulatory Reform and Representative Bloom and others—

**CS for HB 1166**—A bill to be entitled An act relating to respiratory care; amending s. 468.354, F.S.; modifying procedure for filling vacancies on the Advisory Council on Respiratory Care; amending s. 468.357, F.S.; providing that examinations for certification as a respiratory therapy technician shall be offered in a language other than English upon request for a certain period; providing that such examinations shall be offered at least four times a year for a certain period; grandfathering certain persons; providing a continuing education requirement; extending the examination deadline for certain persons; amending s. 468.368, F.S.; providing an exemption for certain persons; providing an effective date.

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

By the Committee on Tourism and Economic Development and Representative Carlton and others—

**HB 1210**—A bill to be entitled An act relating to economic development; amending s. 159.705, F.S., revising powers of research and development authorities; creating the Florida Council on Far East Research and Development; providing its powers and duties; providing for application of certain confidentiality and related penalty provisions; creating a Privatization Study Commission; providing commission membership; specifying items for study inclusion; providing a repeal date; providing effective and expiration dates.

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

By Representatives T. C. Brown and Selph—

**HB 1239**—A bill to be entitled An act relating to the Auditor General; amending s. 11.42, F.S.; revising the procedures for appointment and providing for a performance review and reappointment of the Auditor General; revising the minimum qualifications for the Auditor General; providing minimum qualifications for financial auditors; amending s. 11.45, F.S.; revising the definition of performance audit; requiring the Auditor General to maintain a schedule of performance audits to be conducted; extending the time for certain officials to submit responses to audit findings; requiring agencies to inform the Legislative Auditing Committee of the status of audit recommendations; providing an effective date.

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

By Representative Lewis and others—

**HB 1252**—A bill to be entitled An act relating to the Consolidated City of Jacksonville and the City of Atlantic Beach; excluding certain described areas, commonly known as "Seminole Beach," from the territory of the Consolidated City of Jacksonville and annexing such areas to the City of Atlantic Beach; providing for referendums; providing an effective date.

—was referred to the Committee on Rules and Calendar.

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

**HB 1290**—A bill to be entitled An act relating to finance of district public schools; amending s. 236.013, F.S.; defining all full-time equivalent student membership in terms of hours per school year; restricting the full-time equivalent value of a student in kindergarten through grade 12 or prekindergarten exceptional to one; amending s. 236.081, F.S.; deleting a requirement for aggregating certain information relating to full-time equivalent membership; providing that the program cost factor used shall be identified in the current year's General Appropriations Act; changing part-time equivalent student membership to hours per school year; changing the program titles to current application; changing the capping procedures to three cap groups reflecting current application; changing the visually handicapped program additional full-time equivalent student assignment to current application; funding life management skills at the appropriate basic program cost factor; requiring approval by regional coordinating councils of vocational or adult general full-time equivalent students; providing for the phase down or phase out of residential care facilities; deleting the sparsity supplement; prohibiting the counting of state inmates in the full-time equivalent count; providing that specific dollar amounts of expenditures for inservice educational personnel training be identified in the current year's General Appropriations Act; requiring that a specific percentage of funds earned in vocational programs be expended for replacement, updating, maintenance, or repair of equipment; adding sparsity supplement, kindergarten through grade 3 improvement, state compensatory education supplement, written skills enhancement, and school bus replacement to categorical programs listing; deleting comprehensive school construction and debt service; clarifying underallocation or overallocation adjustment criteria; changing minimum guarantee to provide a percentage increase in funds by full-time equivalent student membership over prior year according to current usage; providing that a certain percentage of full-time equivalent student membership decline resulting from transfer of programs shall not be counted in declining enrollment calculation; providing for discretionary tax equalization according to current application; creating s. 236.0851, F.S.; providing for the sparsity supplement as a categorical program designation; amending ss. 232.2462, 236.0815, 236.25, 237.071, 237.34, and 402.22, F.S.; correcting cross references and conforming provisions; providing effective dates.

—was referred to the Committees on Education and Appropriations.

By the Committee on Corrections, Probation and Parole and Representative Meffert—

**HB 1319**—A bill to be entitled An act relating to executions and corrections; amending s. 922.09, F.S., providing for continued effect of death warrants; amending s. 922.06, F.S., prescribing a period in which the date of execution of a death sentence shall be set following dissolution of a stay of the sentence; amending s. 922.08, F.S., requiring the Governor to notify the Attorney General when he lifts a stay of execution for pregnancy; amending s. 922.11, F.S., requiring the appropriate medical examiner to determine cause of death following an execution and to maintain certain records; amending s. 922.12, F.S., providing that the warrant shall be returned to the Secretary of State rather than the Governor following execution; amending s. 944.598, F.S., relating to the capacity of the state correctional system and the emergency release of inmates; amending s. 945.091, F.S.; providing for extending limits of confinement with respect to certain inmates in certain rehabilitative programs; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Judiciary-Criminal.

By the Committees on Appropriations and Regulatory Reform and Representatives Lippman and Kelly—

**CS for HB 1332**—A bill to be entitled An act relating to pharmacy; amending s. 465.002, F.S., clarifying legislative findings; amending s. 465.003, F.S., revising definitions; amending s. 465.004, F.S., requiring members of the Board of Pharmacy to have practiced in this state; deleting obsolete language; amending s. 465.005, F.S., clarifying rulemaking authority; amending s. 465.007, F.S., providing clarifying language with respect to licensure by examination; requiring an additional test of Spoken English; amending s. 465.008, F.S., relating to license renewal; providing clarifying language; amending s. 465.009, F.S., clarifying continuing education requirements; amending s. 465.012, F.S., providing for revised inactive status requirements; amending s. 465.0125, F.S., relating to consultant pharmacists; amending s. 465.014, F.S., providing for the supervision of pharmacy technicians; amending s. 465.015, F.S., providing that it is unlawful to sell samples or complimentary packages of drug products; creating s. 465.0155, F.S., providing for standards of practice; creating s. 465.0156, F.S., providing for disclosure by mail service pharmacies; amending s. 465.0193, F.S., revising language to include reference to nuclear pharmacy; amending s. 465.022, F.S., providing revised pharmacy permit requirements; amending s. 465.026, F.S., providing for the transfer of out-of-state prescriptions; providing clarifying language with respect to prescriptions; amending s. 465.027, F.S., deleting an exception to the operation of the chapter; creating s. 465.0275, F.S., providing for emergency prescription refills; creating s. 465.0276, F.S., regulating dispensing practitioners; creating s. 465.187, F.S., relating to the sale of medicinal drugs; amending s. 499.028, F.S., requiring a report concerning complimentary drugs; prohibiting the sale of complimentary packages of drug products; providing administrative fines; repealing s. 465.028, F.S., relating to savings clauses; saving the chapter from Sunset repeal; providing for review and repeal; providing an effective date.

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

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

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 3, 4 and 5 and passed as amended CS for SB 870.

*Allen Morris, Clerk*

The bill contained in the foregoing message was ordered engrossed and then enrolled.

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

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to HB 1381 and requests the Senate to recede, and in the event the Senate refuses to recede, requests a Conference Committee.

**HB 1381**—A bill to be entitled An act relating to state government; providing legislative intent; authorizing the Administration Commission to approve certain transfers related to reorganization; providing requirements for the purchasing or leasing of automobiles; restricting the transfer or utilization of services of certain employees; restricting price at

which vehicles may be purchased; restricting lease or installment purchase of equipment by the executive or judicial branches unless approved by the Comptroller; providing legislative intent regarding the expenditure of certain funds available as a result of litigation against oil companies and refiners and distributors; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of such restrictions; providing for deposit of certain revenues received by the Department of Law Enforcement into the Forfeiture and Investigative Support Trust Fund; providing for the advance of funds in any specific appropriation under certain conditions; authorizing the expenditure of certain funds by state attorneys and public defenders and requiring a report with respect thereto; requiring the Department of Transportation to allocate resources to districts prior to a specified date; authorizing Deputy Assistant Secretaries in the Department of Transportation to reallocate certain resources within their district under certain circumstances; providing for reports; authorizing the Department of Transportation to advance certain funds to the Tallahassee Municipal Airport; authorizing the Department of Transportation to advance certain funds to Tri-County Airport, Walton County Airport, TICO Airport, Gainesville Airport, Orlando International Airport, and Pensacola Regional Airport; providing for expenditure of certain funds for a new Florida Highway Patrol Station in Brevard County, rather than in Melbourne; specifying that certain funds shall be a loan from the Department of Professional Regulation to the Soil Survey Program of the Department of Agriculture and Consumer Services; restricting the use of Special Category Contract Education funds of the Department of Corrections; providing for contract educational services; abrogating the abolition of the trust funds of certain agencies; providing procedures for state agencies with respect to solicitation for contractual training needs; providing for reimbursement to school districts for costs of residential nonpublic school contracts and providing conditions, eligibility, and funding with respect thereto; providing that appropriations to the Department of Education for certain purchases of electronic data processing equipment by school districts, community colleges, and the Board of Regents are subject to approval by the Commissioner of Education; providing for the inclusion of certain students in educational alternative programs; retitling certain educational programs; modifying procedures for determining annual allocations to school districts; providing for the establishment of enrollment ceilings by program groups; restricting the implementation of certain provisions of law; providing that district school boards may levy a nonvoted discretionary millage; providing procedures to be used in determining annual allocations through the Florida Education Finance Program; amending s. 212.11, F.S., providing additional criteria for the payment of estimated sales taxes; authorizing the Comptroller to withhold certain funds for electronic data processing equipment pending security related risk analysis; requiring budget entities to meet certain approved annual salary rate restrictions; authorizing an appropriation from the Public Medical Assistance Trust Fund to Jackson Memorial Hospital for indigent care; directing the Department of Administration to ensure reimbursement for health insurance claims within a certain period; authorizing assessment of penalties or withholding of fees; limiting Department of Health and Rehabilitative Services expenditures for the purchase of wood pellets; authorizing certain transfer of funds from the Working Capital Fund to the General Revenue Fund to offset reductions in federal funds; authorizing the Department of Administration to use the discretionary paid holiday for Career Service System employees as a paid holiday commemorating the birthday of Dr. Martin Luther King, Jr.; providing a retroactive effective date and an expiration date.

*Allen Morris, Clerk*

On motions by Senator Neal, the Senate refused to recede from Senate amendments to HB 1381 and acceded to the request for a conference committee. The President appointed Senators Neal, Kirkpatrick, Mann, Castor and Thomas. The action of the Senate was certified to the House.

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

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

**SB 83**—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; increasing the minimum property value necessary for a theft to be classified as grand theft of the second degree; providing that theft of any livestock is grand theft of the second degree and a felony of the third degree; amending ss. 832.041, 832.05, F.S.; increasing the minimum monetary value necessary for certain worthless check offenses to be classified as a felony of the third degree; providing penalties; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

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

Section 1. Paragraph (b) of subsection (2) of section 812.014, Florida Statutes, is amended to read:

812.014 Theft.—

(2)

(b) It is grand theft of the second degree and a felony of the third degree, punishable as provided in ss. 775.082, 775.083, and 775.084, if the property stolen is:

1. Valued at \$300 \$100 or more, but less than \$20,000.
2. A will, codicil, or other testamentary instrument.
3. A firearm.
4. A motor vehicle.
5. Any livestock, including all animals of the equine, bovine, or swine class, and other grazing animals member of the genus *Bos* (cattle) or the genus *Equus* (horse), or any hybrid of the specified genera.
6. Any fire extinguisher.
7. Any amount of citrus fruit consisting of 2,000 or more individual pieces of fruit.
8. Taken from a designated construction site identified by the posting of a sign as provided for in s. 810.09(2)(d).

Section 2. Paragraph (d) of subsection (1), subsection (2), paragraph (a) of subsection (3), and subsections (4), (5), and (6) of section 812.015, Florida Statutes, are amended to read:

812.015 Retail and farm theft; mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.—

(1) As used in this section:

(d) "Retail theft" means the taking possession of or carrying away of merchandise, money, or negotiable documents, altering or removing a label or price tag, transferring merchandise from one container to another, or removing a shopping cart, with intent to deprive the merchant of possession, use, benefit, or full retail value.

(2) Upon a second or subsequent conviction for petit theft involving ~~merchandise or farm produce~~ taken from a merchant or farmer, the offender shall be punished as provided in s. 812.014(2)(c), except that the court shall impose a fine of not less than \$50 nor more than \$1,000. However, in lieu of such fine, the court may require the offender to perform public services designated by the court. In no event shall any such offender be required to perform fewer than the number of hours of public service necessary to satisfy the fine assessed by the court, as provided by this subsection, at the minimum wage prevailing in the state at the time of sentencing.

(3)(a) A law enforcement officer, a merchant, a merchant's employee, or a farmer who has probable cause to believe that ~~retail merchandise or farm theft produce~~ has been committed ~~unlawfully taken~~ by a person and that he can recover the property by taking the person into custody may, for the purpose of attempting to effect such recovery or for prosecution, take the person into custody and detain him in a reasonable manner for a reasonable length of time. In the case of a farmer, taking into custody shall be effectuated only on property owned or leased by the farmer. In the event the merchant, merchant's employee, or farmer takes the person into custody, a law enforcement officer shall be called to the scene immediately after the person has been taken into custody.

(4) Any law enforcement officer may arrest, either on or off the premises and without warrant, any person he has probable cause to believe has committed theft of ~~merchandise~~ in a retail or wholesale establishment or ~~of farm produce~~ on commercial or private farm lands of a farmer.

(5) A merchant, merchant's employee, or farmer who takes a person into custody, as provided in subsection (3), or who causes an arrest, as provided in subsection (4), of a person for ~~retail or farm theft of merchandise or farm produce~~ shall not be criminally or civilly liable for false arrest or false imprisonment when the merchant, merchant's employee, or farmer has probable cause to believe that the person committed ~~retail or farm theft of merchandise or farm produce~~.

(6) An individual who resists the reasonable effort of a law enforcement officer, merchant, merchant's employee, or farmer to recover the property ~~merchandise or farm produce~~ which the law enforcement officer, merchant, merchant's employee, or farmer had probable cause to believe the individual had concealed or removed from its place of display or elsewhere and who is subsequently found to be guilty of theft of the subject ~~property merchandise or farm produce~~ is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, unless the individual did not know, or did not have reason to know, that the person seeking to recover the ~~property merchandise or farm produce~~ was a law enforcement officer, merchant, merchant's employee, or farmer.

Section 3. Section 817.037, Florida Statutes, is created to read:

817.037 Fraudulent refunds.—

(1) Any person who engages in a systematic, ongoing course of conduct to obtain a refund for merchandise from a business establishment by knowingly giving a false or fictitious name or address as his own or the name or address of any other person without that person's knowledge and approval is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084.

(2) In order for a person to be convicted under this section, a conspicuous notice must have been posted in the business establishment in the area where refunds are made, advising patrons of the provisions of this section and the penalties provided.

Section 4. Subsection (3) of section 817.481, Florida Statutes, is amended to read:

817.481 Credit cards; obtaining goods by use of false, expired, etc.; penalty.—

(3)(a) If the value of the property, goods, or services obtained or which are sought to be obtained in violation of this section is \$300 \$100 or more, the offender shall be guilty of grand larceny.

(b) If the value of the property, goods, or services obtained or which are sought to be obtained in violation of this section is less than \$300 \$100 the offender shall be guilty of petit larceny.

Section 5. Subsection (3) of section 817.562, Florida Statutes, is amended to read:

817.562 Fraud involving a security interest.—

(3) Any person who knowingly violates this section shall be punished as follows:

(a) If the value of the property sold, secreted, withheld, or disposed of or the proceeds from the sale or disposition of the property is \$300 \$100 or more, such person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the value of the property sold, secreted, withheld, or disposed of or the proceeds obtained from the sale or disposition of the property is less than \$300 \$100, such person is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. Subsection (1) of section 817.62, Florida Statutes, is amended to read:

817.62 Fraud by person authorized to provide goods or services.—

(1) ILLEGALLY OBTAINED OR ILLEGALLY POSSESSED CREDIT CARD; FORGED, REVOKED, OR EXPIRED CREDIT CARD.—A person who is authorized by an issuer to furnish money, goods, services, or anything else of value upon presentation of a credit card by the cardholder, or any agent or employee of such person, who, with intent to defraud the issuer or the cardholder, furnishes money, goods, services, or anything else of value upon presentation of a credit card obtained or retained in violation of this part or a credit card which he knows is forged, expired, or revoked violates this subsection and is subject to the penalties set forth in s. 817.67(1), if the value of all money, goods, services, and other things of value furnished in violation of this subsection does not exceed \$300 \$100 in any 6-month period. The violator is subject to the penalties set forth in s. 817.67(2) if such value does exceed \$300 \$100 in any 6-month period.

Section 7. Subsection (1) of section 832.04, Florida Statutes, is amended to read:

832.04 Stopping payment; purchase of farm or grove products.—

(1) Whoever, with intent to defraud any producer of farm or grove products or product of such products or product shall, in person or by agent, make, draw, utter, deliver, or give to such producer any check, draft or written order for the payment of money upon any bank, person or corporation, and secure from such producer such products or product for or on account of such check, draft or written order, whether such products or product be valued at the amount of such check, draft or written order or at a greater or lesser value, and shall, pursuant to and in furtherance of such intent to defraud, stop payment on such check, draft or written order, shall be deemed to be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the value of the products or product secured for or on account of such check, draft or written order be \$150 \$50 or more; and if the value of the products or product secured for or on account of such check, draft or written order be less than \$150 \$50, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 8. Subsection (1) of section 832.041, Florida Statutes, is amended to read:

832.041 Stopping payment with intent to defraud.—

(1) Whoever, with intent to defraud any person shall, in person or by agent, make, draw, utter, deliver or give any check, draft or written order for the payment of money upon any bank, person or corporation, and secure from such person goods or services for or on account of such check, draft or written order, whether such goods or services be valued at the amount of such check, draft or written order or at a greater or lesser value, and shall, pursuant to and in furtherance of such intent to defraud, stop payment on such check, draft or written order, shall be deemed to be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the value of the goods or services secured for or on account of such check, draft or written order be \$150 \$50 or more; and if the value of the goods or services secured for or on account of such check, draft or written order be less than \$150 \$50, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 9. Paragraph (b) of subsection (2) and paragraph (c) of subsection (4) of section 832.05, Florida Statutes, are amended to read:

832.05 Knowingly drawing, making, uttering, issuing, delivering, or using worthless checks, drafts, and debit card orders; obtaining property in return for worthless instruments; penalty; duty of drawee; evidence.—

(2) WORTHLESS CHECKS, DRAFTS, OR DEBIT CARD ORDERS; PENALTY.—

(b) A violation of the provisions of this subsection constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless the check, draft, debit card order, or other written order drawn, made, uttered, issued, or delivered is in the amount of \$150 \$50, or its equivalent, or more and the payee or a subsequent holder thereof receives something of value therefor. In that event, the violation constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) OBTAINING PROPERTY OR SERVICES IN RETURN FOR WORTHLESS CHECKS, DRAFTS, OR DEBIT CARD ORDERS; PENALTY.—

(c) A violation of the provisions of this subsection, if the check, draft, other written order, or debit card order is for an amount less than \$150 \$50 or its equivalent, constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A violation of the provisions of this subsection, if the check, draft, other written order, or debit card order is in the amount of \$150 \$50, or its equivalent, or more, constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Paragraph (a) of subsection (1) of section 832.07, Florida Statutes, is amended to read:

832.07 Prima facie evidence of intent; identity.—

(1) INTENT.—

(a) In any prosecution or action under this chapter, the making, drawing, uttering, or delivery of a check, draft, or order, payment of which is refused by the drawee because of lack of funds or credit, shall be

prima facie evidence of intent to defraud or knowledge of insufficient funds in, or credit with, such bank, banking institution, trust company, or other depository, unless such maker or drawer, or someone for him, shall have paid the holder thereof the amount due thereon, together with a service charge not to exceed \$20 \$10 or 5 percent of the face amount of the check, whichever is greater, within 7 days after receiving written notice that such check, draft, or order has not been paid to the holder thereof, and bank fees incurred by the holder. In the event of legal action for recovery, the maker or drawer may be additionally liable for court costs and reasonable attorney's fees. Notice mailed by certified or registered mail, evidenced by return receipt, to the address printed on the check or given at the time of issuance shall be deemed sufficient and equivalent to notice having been received by the maker or drawer, whether such notice shall be returned undelivered or not. The form of such notice shall be substantially as follows:

"You are hereby notified that a check, numbered . . . , issued by you on . . . (date) . . . , drawn upon . . . (name of bank) . . . , and payable to . . . , has been dishonored. Pursuant to Florida law, you have 7 days from receipt of this notice to tender payment of the full amount of such check plus a service charge of \$20 \$10 or 5 percent of the face amount of the check, whichever is greater, the total amount due being \$. . . and . . . cents. Unless this amount is paid in full within the time specified above, the holder of such check may turn over the dishonored check and all other available information relating to this incident to the state attorney for criminal prosecution. You may be additionally liable in a civil action for the amount of the check, together with a service charge, court costs, reasonable attorney's fees, and incurred bank fees."

Any party holding a worthless check and giving notice in a substantially similar form to that provided above shall be immune from civil liability for the giving of such notice and for proceeding under the forms of such notice.

Section 11. This act shall take effect July 1, 1986.

**Amendment 2**—On page 1, in the title, lines 2-13, strike all of said lines and insert: An act relating to criminal activities; amending s. 812.014, F.S.; changing the monetary limits which define theft; providing that theft of any livestock is grand theft of the second degree and a felony of the third degree; amending s. 812.015, F.S.; redefining "retail theft"; revising language with respect to retail and farm theft; creating s. 817.037, F.S.; to make it a misdemeanor to engage in the practice of fraudulently seeking a refund; requiring the posting of notice by business establishments; amending s. 817.481, F.S.; changing the monetary limits defining fraudulent use of credit cards; amending s. 817.562, F.S.; changing the monetary limits defining fraud involving a security interest; amending s. 817.62, F.S.; changing the monetary limits defining fraud by persons authorized to provide goods or services upon presentation of a credit card; amending s. 832.04, F.S.; changing the monetary limits defining stopping payment on any check, draft, or written order for payment for farm or grove products; amending s. 832.041, F.S.; changing monetary limits defining stopping payment on a check with intent to defraud; amending s. 832.05, F.S.; changing monetary limits defining worthless checks, drafts or debit card orders; amending s. 832.07, F.S.; increasing the amount of the service charge which may be imposed on worthless checks; providing for liability for court costs, attorney fees and incurred bank fees; providing an effective date.

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

**Amendment 1**—On page 9, line 26, strike "\$20.00" and insert: \$10.00

On motions by Senator W. D. Childers, the Senate concurred in House Amendment 1 as amended and House Amendment 2 and the House was requested to concur in the Senate amendment to the House amendment.

SB 83 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crenshaw	Grizzle	Kirkpatrick
Beard	Dunn	Hair	Kiser
Castor	Fox	Hill	Langley
Childers, D.	Frank	Jenne	Malchon
Childers, W. D.	Girardeau	Jennings	Mann
Crawford	Grant	Johnson	Margolis

McPherson	Neal	Scott	Thurman
Meek	Peterson	Stuart	Vogt
Myers	Plummer	Thomas	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten

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

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

**SB 391**—A bill to be entitled An act relating to bonds; creating ss. 132.33-132.47, F.S., the Advance Refunding Law; providing definitions; authorizing issuance of general obligation refunding bonds by taxing units; providing requirements, procedures, and limitations; requiring a refunding bond resolution and providing for contents thereof; providing for levy of ad valorem tax; requiring a certification of debt service savings; providing for notice to holders of bonds to be redeemed and for covenants with bondholders; specifying duties of escrow agent; providing for investment of escrow funds; providing for pledge and use of proceeds of refunding bonds; specifying effect of invalidity of prior proceedings; providing for applicability to school districts; amending ss. 215.68 and 215.79, F.S.; authorizing the sale of refunding bonds; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 15, following line 14, insert new Sections 2, 3, 4, and 5 to read as follows:

Section 2. Subsection (6) of section 215.44, Florida Statutes, is amended to read:

215.44 Board of Administration; powers and duties in relation to investment of trust funds.—

(6) The Auditor General shall audit annually the entire operation of the board. In addition to his regular financial and compliance audit, the Auditor General shall also perform or cause to be performed a performance audit of the management by the board of investments, including among other things his independent verification of the data included by the board in its reports to the Legislature required by subsection (5). The Auditor General may elect to contract with a private professional firm qualified in investment portfolio management to conduct the performance audit of investment management required by this subsection. *In addition to the duties prescribed in this subsection, the Auditor General shall conduct performance postaudits of each investment under s. 215.47(6), which is not otherwise authorized under ss. 215.44-215.53. These reviews will be initiated within 60 days following the final approval of investments by the board. The Auditor General shall submit such audit report to the board, the President of the Senate, the Speaker of the House of Representatives, and their designees.*

Section 3. Subsection (2) of section 215.444, Florida Statutes, is amended to read:

215.444 Investment Advisory Council.—

(2) The members of the council shall be appointed by the board and shall be subject to confirmation by the Senate. *These individuals shall possess special knowledge, experience, and familiarity with financial investments and portfolio management.* Initially, the board shall appoint two members for terms of 3 years each, two members for terms of 2 years each, and two members for terms of 1 year each. Thereafter, members shall be appointed for 3-year terms. A vacancy shall be filled for the remainder of the unexpired term. ~~No member shall serve for more than one 3-year term.~~

Section 4. Paragraph (n) is added to subsection (1) of section 215.47, Florida Statutes, present subsections (5), (6), (7), and (8) are renumbered as subsections (7), (8), (9), and (10), respectively, and new subsections (5) and (6) are added to said section, to read:

215.47 Investments; authorized securities.—Subject to the limitations and conditions of the State Constitution or of the trust agreement relating to a trust fund, moneys available for investments under ss. 215.44-215.53 may be invested as follows:

(1) Without limitation in:

(n) *Short-term obligations not authorized elsewhere in this section to be purchased individually or in pooled accounts or other collective investment funds, for the purpose of providing liquidity to any fund or portfolio.*

(5) *With no more than 5 percent of any fund in corporate obligations and securities of any kind of a foreign corporation or a foreign commercial entity having its principal office located in any country other than the United States of America or its possessions or territories, not including U. S. dollar-denominated securities listed and traded on a United States exchange which are a part of the ordinary investment strategy of the board.*

(6) *With no more than 5 percent of any fund to be invested as deemed appropriate by the board, notwithstanding investment limitations otherwise expressed in this section. Prior to the board engaging in any investment activity not otherwise authorized under ss. 215.44-215.5 excluding investments in publicly traded securities, options, financial futures or similar instruments, the board shall present to the Investment Advisory Council a proposed plan for such investment. Said plan shall include, but not be limited to, the expected benefits and potential risks of such activity, methods for monitoring and measuring the performance of the investment, a complete description of the type, nature, extent and purpose of the investment, including, description of issuer, security in which investment is proposed to be made, voting rights, or lack thereof, and control to be acquired, restrictions upon voting, transfer, and other material rights of ownership, and the existence of any contracts, arrangements, understandings or relationships with any person or entity (naming the same) with respect to the proposed investment, and assurances that sufficient investment expertise is available to the board to properly evaluate and manage such activity. The Investment Advisory Council may obtain independent investment counsel to provide expert advice with regard to such proposed investment activity by the board and the board shall defray such costs.*

Section 5. Subsection (2) of section 280.03, Florida Statutes, is amended to read:

280.03 Public deposits to be secured; exceptions.—

(2) Every public deposit held in trust or in escrow pursuant to the provisions of any trust indenture or escrow agreement authorized by law is, unless provided otherwise in the documents or proceedings authorizing the terms of and the execution of the trust indenture or escrow agreement, and moneys of the System Trust Fund, as defined in s. 121.021(36), and securities acquired with such moneys pursuant to s. 215.47, are exempt from the requirements of this chapter.

(Renumber subsequent sections.)

**Amendment 2**—On page 1, in the title, line 18, following “districts;” insert: relating to the investment of state funds; amending s. 215.44, F.S., requiring the Auditor General to conduct postaudits on investment activity of the Board of Administration; amending s. 215.444, F.S., revising the criteria for membership on the Investment Advisory Council; amending s. 215.47, F.S.; authorizing the Board of Administration to invest Florida Retirement System Trust Fund and other available moneys in certain obligations and securities; authorizing investments as deemed appropriate by the board; amending s. 280.03, F.S.; exempting Florida Retirement System Trust Fund deposits and securities from public deposit security requirements under ch. 280, F.S.;

**Amendment 3**—On page 15, between lines 28 and 29, insert:

Section 4. Subsection (21) of section 159.27, Florida Statutes, is amended to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(21) “Preservation or rehabilitation of a certified historic structure” means any *rehabilitation, restoration or renovation* ~~“certified rehabilitation” as defined in s. 48(g)(3)(C) of the Internal Revenue Code of 1954, as amended, of a “certified historic structure,” as defined in s. 48(g)(3) of the Internal Revenue Code of 1954, as amended, or any rehabilitation, restoration or renovation of any structure in a “registered historic district” defined in s. 48(g)(3)(B) of the Internal Revenue Code of 1954, as amended.~~

Section 5. Subsection (2) of section 159.345, Florida Statutes, is amended to read:

159.345 Local agency reporting requirement.—

(2) The Division of Bond Finance of the Department of General Services shall:

(a) Upon receipt, provide a copy of the information supplied pursuant to subsection (1) to the Division of Economic Development of the Department of Commerce.

(b) Prepare and submit an annual report to the Governor and the Legislature by ~~March 15 February 15~~, detailing the information provided pursuant to subsection (1) on each bond issued in the preceding year.

Section 6. Subsection (2) of section 159.475, Florida Statutes, is amended to read:

159.475 Authority reporting requirement.—

(2) The Division of Bond Finance of the Department of General Services shall:

(a) Upon receipt, provide a copy of the information supplied pursuant to subsection (1) to the Division of Economic Development of the Department of Commerce.

(b) Prepare and submit an annual report to the Governor and the Legislature by ~~March 15 February 15~~, detailing the information provided pursuant to subsection (1) on each bond issued in the preceding year.

Section 7. Subsection (2) of section 159.7055, Florida Statutes, is amended to read:

159.7055 Authority reporting requirement.—

(2) The Division of Bond Finance of the Department of General Services shall:

(a) Upon receipt, provide a copy of the information supplied pursuant to subsection (1) to the Division of Economic Development of the Department of Commerce.

(b) Prepare and submit an annual report to the Governor and the Legislature by ~~March 15 February 15~~, detailing the information provided pursuant to subsection (1) on each bond issued in the preceding year.

Section 8. Subsection (3) of section 159.803, Florida Statutes, is amended to read:

159.803 Definitions.—As used in this part:

(3) "Director" means the director of the Division of Bond Finance of the Department of General Services or his designee.

Section 9. Subsection (2) of section 159.804, Florida Statutes, is amended to read:

159.804 Allocation of private activity bonds.—

(2) Each *general purpose* unit of government is authorized to assign a portion of its private activity bond limit to a constituted or regional *authorities and special purpose units of government authority* located wholly or partially within its borders.

Section 10. Subsection (6) of section 159.805, Florida Statutes, is amended to read:

159.805 Procedures for obtaining allocations; requirements; limitations on allocations.—

(6) In the event an agency files a notice of intent to issue a private activity bond seeking a written confirmation which would exceed the total allocation then available to the division for written confirmations of an allocation, the director shall not issue a written confirmation to the agency. In such event, notices of intent to issue filed with the division shall be kept consecutively in the order received. The director shall issue written confirmations for such notices of intent to issue when a portion of the current total yearly allocation of private activity bonds sufficient to provide allocations next becomes available to the *division office*.

Section 11. Section 159.813, Florida Statutes, is amended to read:

159.813 Future federal amendments.—In the event that s. 103(n) of the Internal Revenue Code of 1954, *as amended*, or the regulations issued thereunder are amended or ~~replaced~~ ~~changed~~ or amendments, or successor provisions to said section or regulations are proposed which are or would be ~~in a manner that is~~ inconsistent with this part or would have the effect of impeding the purposes of this part or the purposes for which bonds are authorized to be issued under the laws of this state, the Governor may issue an executive order that shall ~~revise~~ ~~conform~~ the allocation system provided in this part to be consistent with said section or regulations, as amended or as proposed to be amended or replaced. The authority granted to the Governor under this section may be exercised for allocation of any volume cap imposed by any enacted or proposed federal law or regulation upon bonds authorized to be issued in this state, including, but not limited to, industrial development revenue bonds, single- and multifamily housing bonds, qualified redevelopment bonds and bonds issued for the benefit of a not-for-profit entity. If such executive order is issued, the division shall notify the President of the Senate and the Speaker of the House of Representatives in writing of such an order and the reasons such order was issued, within 10 days of the issuance of the order. Any such order shall remain effective until this part is amended to be consistent with federal law or the regulations issued thereunder. *If any such order is issued based upon proposed amendments or successor provisions to s. 103(n) of the Internal Revenue Rule of 1954, as amended, or any regulations issued or proposed to be issued thereunder, the allocation system provided in this part and the system provided under any such order shall be administered concurrent with one another, to the extent feasible, as long as may be required due to the pendency of any proposed amendments or successor provisions to said section or regulations.*

(Renumber subsequent section.)

**Amendment 4**—On page 1, line 20, after the semicolon (;) insert: amending s. 159.27, F.S.; redefining preservation or rehabilitation of a certified historic structure for the purposes of the Florida Industrial Development Financing Act; amending ss. 159.345, 159.475 and 159.7055, F.S.; changing the date on which a report is due; amending s. 159.803, F.S.; including the designee of the director of the Division of Bond Finance within the definition of director; amending s. 159.804, F.S.; clarifying to whom general purpose units of government may assign a portion of their allocation under the Florida Private Activity Bond Allocation Act; amending s. 159.805, F.S.; correcting an incorrect reference; amending s. 159.813, F.S., providing that an executive order may be issued changing the allocation system provided in the Florida Private Activity Bond Allocation Act if amendments to certain federal statutes or regulations are enacted or proposed to be enacted;

**Amendment 5**—On page 15, following line 14, strike Sections 2, 3, 4, and 5 and renumber subsequent sections.

**Amendment 6**—On page 1, in the title, line 18, following "districts;" strike the remainder of the title, and insert: providing an effective date.

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

SB 391 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gersten

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

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

**SB 1152**—A bill to be entitled An act relating to St. Lucie County, water, sewer, and utilities; creating the St. Lucie County Water and Sewer Utilities Regulatory Act; providing legislative intent; providing definitions; providing for the St. Lucie County Water and Sewer Authority; providing powers and duties; providing for the issuance of certificates to certain utilities; providing for application for deletion of territory; providing for extension of certificate; providing for the sale, assignment or transfer of certificate, facilities, or control; providing for rates; providing for interim rates; providing for the determination of the official date of filing; providing rates for new classes of service; providing for charges for service availability; providing for service by utilities within certain time periods; providing for the examination and testing of meters; providing for service for resale; providing procedures to prohibit the abandonment of a utility governed by the act; providing a regulatory fee; providing for application fees; providing for an annual report; providing for notice of hearing; providing for review of final actions and orders; providing penalties; providing for repeal of this act; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 2, line 3, strike everything after the enactment clause and insert:

Section 1. Short title.—This act shall be known and may be cited as the “St. Lucie County Water and Sewer Utilities Regulatory Act.”

Section 2. Declaration of legislative intent.—The provisions of chapter 367, Florida Statutes, to the contrary, notwithstanding, it is the intent and purpose of this act to authorize the Board of County Commissioners of St. Lucie County to establish by ordinance the St. Lucie County Water and Sewer Authority which shall have the powers and duties as provided in this act. The ordinance establishing the St. Lucie County Water and Sewer Authority shall also provide a procedure for abolishment of the authority.

Section 3. Definitions.—As used in this act, the following terms shall mean:

(1) “Authority” means the St. Lucie County Water and Sewer Authority.

(2) “Board” means the Board of County Commissioners of St. Lucie County.

(3) “Certificate” means a document issued by the authority authorizing a utility to provide service in a specific territory.

(4) “Corporate undertaking” means the unqualified guarantee of a utility to pay a refund and any interest connected therewith which may be ordered by the authority at such time as the obligation becomes fixed and final.

(5) “Governmental agency” means a political subdivision authorized to provide water or sewer service.

(6) “Official date of filing” means the date upon which it has been determined pursuant to section 11 by the authority or its designee that the utility has filed the minimum filing requirements as established by rule of the authority.

(7) “Party” means any person having an identifiable interest in the proceeding including any individual customer of a utility company.

(8) “Person” means any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, or any other legal entity.

(9) “System” means facilities and property used or useful in providing service and upon a finding by the authority may include a combination of functionally related facilities and property.

(10) “Territory” means the geographical area described in a certificate, which may be within or without the boundaries of an incorporated municipality.

(11) “Utility” means any person, lessee, trustee, or receiver owning, operating, managing, or controlling a system or proposing construction of a system who is providing or proposes to provide water or sewer services to the public for compensation, but shall not include:

(a) The sale, distribution, or furnishing of bottled water;

(b) Systems owned, operated, managed, or controlled by governmental agencies;

(c) Manufacturers providing service solely in connection with their operations;

(d) Public lodging establishments providing service solely in connection with service to their guests; and

(e) Landlords providing service to their tenants without specific compensation for the service.

Section 4. St. Lucie County Water and Sewer Authority; powers and duties.—

(1) The authority shall have the following powers and duties under this act:

(a) To upon request or its own motion, approve, modify, or deny certificates or applications for certificates.

(b) To upon request or its own motion, approve, modify, or deny any regulation or rule proposed or established by a utility.

(c) To upon request or its own motion, prescribe fair and reasonable rates and charges, classifications, standards of quality, and measurements in accordance with section 9.

(d) To upon request or its own motion, prescribe by rule a uniform system and classification of accounts for all utilities which among other things shall establish adequate, fair, and reasonable depreciation rates and charges.

(e) To require such regular or emergency reports from a utility, including, but not limited to, financial reports, as the authority deems necessary and, if the authority finds a financial report to be incomplete, incorrect, or inconsistent with the uniform system and classification of accounts, to require a new report or a supplemental report, either of which the authority may require to be certified by an independent certified public accountant licensed under chapter 473, Florida Statutes.

(f) To require repairs, improvements, additions, and extensions to any facility, or to require the construction of a new facility, if reasonably necessary to provide adequate and proper service to any person entitled to service or if reasonably necessary to provide any prescribed quality of service, except that no utility shall be required to extend its service outside the geographic territory described in its certificate, or make additions to its plant or equipment to serve outside such territory, unless the authority first finds that the utility is financially able to make such additional investment without impairing its capacity to serve its existing customers.

(g) To make recommendations to the board regarding the employment and compensation of technical, legal, and clerical employees deemed necessary to carry out the provisions of this act.

(h) To do all things necessary or convenient to the full and complete exercise of its jurisdiction and the enforcement of its orders and requirements.

(i) To order interconnections of service or facilities between utilities, and to approve any plant capacity charges or wholesale service charges or rates related thereto, provided the authority first finds that the utility is financially able to make such additional investment as is required without impairing its capacity to serve its existing customers.

(j) The authority or its duly authorized representatives may, during all reasonable hours, enter upon any premises occupied by any utility and set up and use thereon any necessary apparatus and appliance for the purpose of making investigations, inspections, examinations, and tests and exercising any power conferred by this act. Such utility shall have the right to be notified of and be represented at the making of such investigations, inspections, examinations, and tests.

(k) The authority may make and prescribe such rules as are reasonably necessary and appropriate for the proper administration and

enforcement of the provisions of this act. These rules shall not become effective until a public hearing before the board has been held upon the proposed rule and the rule has been approved by the board and filed with the clerk of the board. A notice stating the time and place of the hearing and the general nature of the proposed rule shall be served by regular mail on the affected utilities 2 weeks before the date of the hearing and shall be published by the board in a newspaper of general circulation in St. Lucie County once a week for 2 consecutive weeks before the date of the hearing. Upon approval by the board, such rules shall have the full force and effect of law within St. Lucie County.

(1) The authority may prescribe forms for use by utilities in compliance with the provisions of this act.

(2) The authority shall consist of nine members appointed by the board. Four members shall be deemed technical members and five members shall be deemed lay members. The board shall collectively appoint the technical members. Each one of the five county commissioners shall individually appoint one of the lay members.

(3) The technical members shall be appointed based on their expertise in one or more of the following areas:

- a. Engineering with experience in water and sewer systems.
- b. Law with experience in utilities regulation.
- c. Finance and/or accounting experience.
- d. Business administration.

More than one technical member may be appointed from the same area of expertise, if necessary. Initially, at the discretion of the board, one technical member shall be appointed for a 1-year term, one for a 2-year term, one for a 3-year term, and one for a 4-year term. Thereafter, each appointment shall be for a term of 4 years.

(4) The lay members shall be appointed on the basis of civic pride, integrity, experience, and expertise in the areas of utility services and management, rate making, utility regulations, or other endeavors considered by the board to be beneficial to the proper functioning of the authority. Lay members may be appointed from the same areas of expertise as the technical members so long as the lay members are specifically designated as such. The lay members shall serve a 4-year term coinciding with the term of the commissioner who appointed them. Initial terms of some of the lay members may therefore be less than a full 4-year term.

(5) No member of the authority shall be employed by or be connected with or have any financial interest in, directly or indirectly, or serve as an agent or representative of, any utility as defined by this act. Members of the authority shall be subject to financial disclosure as required by s. 112.3145, Florida Statutes. No member may be an employee of St. Lucie County. No member of the authority may serve more than two consecutive full 4-year terms. Individuals appointed initially to less than a 4-year term may serve two full 4-year terms in addition to their initial term. Members shall hold office until their successors have been duly appointed and qualified.

(6) Members of the authority shall be compensated in an amount to be determined by the board and shall be reimbursed for their necessary expenses incurred in the performance of their official duties, as shall be determined and approved by the board.

(7) Before entering upon the duties of office each member shall file written acceptance of appointment and take and subscribe to the oath of office prescribed by law, which shall be filed in the office of the clerk of the board.

(8) A member of the authority may be removed from office only by a four-fifths vote of the entire membership of the board. However, whenever a member of the authority shall fail to attend three consecutive meetings without cause, the authority chairman shall certify the same to the board. Upon such certification the member may be deemed to have been removed and the board shall fill the vacancy by appointment. In the case of a vacancy of a lay member, the board member who originally appointed the lay member shall make the appointment. In the case of a vacancy of a technical member, the board shall collectively make the appointment.

(9) The members of the authority shall select a chairman and vice chairman who shall serve at the pleasure of the authority and such other officers as may be deemed necessary or desirable.

(10) Minutes of each authority meeting shall be kept and prepared under the supervision and direction of the authority, and copies of such minutes shall be filed with the clerk of the board.

(11) The authority shall meet as often as necessary, but not less than bimonthly, to discharge its duties pursuant to this chapter. Five members shall constitute a quorum except for matters involving the setting of rates or charges. In situations involving rate setting or charges, a quorum of seven is required and a majority of five members is required before any action may be taken. In all other situations a majority vote of those present is required to take any action pursuant to this act.

(12) Any hearing before the authority, provided for in this act, shall be a public hearing and comply with the notice requirements of section 21. Any person, as defined in section 3, with an identifiable interest in the proceeding, including any individual customer of a utility, may be deemed a party and shall be afforded the opportunity to address the authority. The authority may make and prescribe such rules as are necessary for the proper conduct of these hearings. Such rules shall become effective upon compliance with section 4 of this act.

#### Section 5. Issuance of certificates.—

(1) On the date the ordinance adopted pursuant to this act becomes effective, any utility which was regulated by the Florida Public Service Commission shall be entitled to receive a certificate for each area for which the utility held a certificate from the Florida Public Service Commission upon filing the following with the authority:

- (a) A map of its existing system or system under construction;
- (b) A certified copy of the certificate issued by the Public Service Commission including a legal description of the area for which the certificate was issued;
- (c) A tariff, listing all rates and charges then in effect, which shall remain in effect until thereafter lawfully changed;
- (d) A copy of the operating regulations and procedures of the utility then in effect, which shall remain in effect until thereafter lawfully changed; and
- (e) The then-current rate base of the utility, which shall then continue to be the rate base of the utility until thereafter lawfully changed.

(2) It shall be unlawful for any new utility to provide service within St. Lucie County until such utility has obtained a certificate from the authority.

(3) Except as provided in subsection (1), each applicant for the issuance of a new certificate or extension of an existing certificate shall:

- (a) Provide information required by rule of the authority which may include a detailed inquiry into the ability of the applicant to provide service, the territory, and facilities involved, the need for service in the territory involved, and the existence or nonexistence of service from other sources within geographical proximity to the territory applied for;
- (b) File with the authority schedules showing all rates, classifications, and charges for service of every kind furnished by it and all rules, regulations, and contracts relating thereto;
- (c) File the application fee as established from time to time by the board.

(d) Submit an affidavit that the applicant has caused notice of its intention to file an application to be given by mail or personal delivery to the board, the governing body of any municipality affected, and to the authority and such other persons and in such other manner as may be prescribed by authority rule. Notice shall be given no later than 30 days prior to the filing of the application.

(4) If the authority does not receive written objection to the application within 20 days following the official date of filing of the application, the authority may dispose of the application without a hearing. If the applicant is dissatisfied with the disposition, he shall be entitled to a hearing before the authority.

(5) If, within 20 days following the official date of filing, the authority receives from the board or a governmental agency, or from a utility or consumer who would be substantially affected by the requested certification, a written objection requesting a hearing, the authority shall order such hearing conducted. Notwithstanding the ability to object on any

other ground, any local government including the board has standing to object on the ground that the issuance of the certificate will violate established local comprehensive plans developed pursuant to ss. 163.3161-163.3211, Florida Statutes. The transcript of the hearing and any material submitted at or before the hearing shall be considered as part of the record of the application and any proceeding related thereto.

(6) In reviewing the application, the authority shall consider the ability of the applicant to provide service, the territory and facilities involved, the need for service in the territory involved, and the existence or nonexistence of service from other sources within geographical proximity to the territory applied for.

(7) The authority may grant a certificate in whole or in part or with modifications or it may deny a certificate. In no event may the authority grant authority greater than that requested in the application or amendments thereto. The authority shall not grant a certificate for a proposed system or for the extension of an existing system which will be in competition with, or a duplication of, any other system or portion of a system, unless it first determines that such other system or portion of a system is inadequate to meet the reasonable needs of the public or that the person operating the system is unable, refuses, or neglects to provide reasonably adequate service.

(8) Revocation, suspension, transfer, or amendment of a certificate shall be subject to the provisions of this act except that the authority shall give notice when it initiates such action.

#### Section 6. Application for deletion of territory.—

(1) Each applicant for deletion of territory shall:

(a) Provide the information required by rule of the authority, which may include a detailed inquiry into the ability or lack of ability of the applicant to provide service, the need or lack of need for service in the territory sought to be deleted, and the existence or nonexistence of service from other sources within geographical proximity to the territory sought to be deleted.

(b) File the application fee as established from time to time by the board.

(c) Submit an affidavit that the applicant has caused notice of its intention to file an application to be given by mail or personal delivery to the board, the governing body of any municipality affected, and to the authority and such other persons and in such other manner as may be prescribed by authority rule. Notice shall be given no later than 30 days before the filing of the application.

(2) If the authority does not receive written objection to the application within 20 days following the official date of filing of the application, the authority may dispose of the application without a hearing. If the applicant is dissatisfied with the disposition, the applicant shall be entitled to a hearing before the authority.

(3) If, within 20 days following the official date of filing, the authority receives from the board or a governmental agency, or from a utility or consumer who would be substantially affected by the requested certification, a written objection requesting a hearing, the authority shall order such hearing conducted. The transcript of the hearing and any material submitted at or before the hearing shall be considered as part of the record of the application and any proceeding related thereto.

(4) The authority may authorize the deletion of territory in whole or in part.

#### Section 7. Extension of certificate.—

(1) A utility may extend its service outside the territory described in its certificate if the extension does not involve territory that is described in the certificate of an organizationally unrelated utility, that is served by a governmental agency, or that is receiving similar service from any other utility or governmental agency.

(2) Proposed extensions of service other than as authorized in subsection (1) shall not be commenced until the utility first obtains an amended certificate for such extensions.

(3) A utility proposing to extend service in accordance with subsection (1) must complete all noticing requirements in the manner prescribed by section 5 at least 30 days before commencing construction of the proposed extension.

(4) If at the end of 30 days following the completion of all noticing requirements the authority has not received a written objection to the extension, the utility may commence construction and provide service in the territory for which notice was given.

(5) If an objection is received, the matter will be disposed of in accordance with section 5.

(6) An application to amend a certificate shall be made at any time within 1 year following notice as required in subsection (3), unless for good cause the authority extends such time for application. The application shall contain a description of all additional territory served. The authority shall issue an amended certificate describing all territory which the utility had theretofore been authorized to serve, together with the additional territory served by such extension.

(7) An application made pursuant to this section shall be accompanied by a fee as established from time to time by the board.

#### Section 8. Sale, assignment, or transfer of certificate, facilities, or control.—

(1) No utility shall sell, assign, or transfer its certificate, facilities, or any portion thereof, or majority organizational control without determination and approval of the authority that the proposed sale, assignment, or transfer is in the public interest.

(2) An application for proposed sale, assignment, or transfer shall be accompanied by a fee as established from time to time by the board. No fee is required to be paid by a governmental agency that is the buyer, assignee, or transferee.

(3) An application shall be disposed of as provided in section 5 except that:

(a) The sale or transfer of a certificate or facilities to a governmental agency shall be approved as a matter of right. However, the governmental agency shall, prior to taking any official action, obtain from the authority with respect to the authority or facilities to be sold or transferred the most recent available income and expense statement, balance sheet, and statement of rate base for regulatory purposes, and contributions-in-aid-of-construction.

(b) When paragraph (a) does not apply, the authority shall amend the certificate as necessary to reflect the change resulting from the sale, assignment, or transfer.

(4) The authority by order may establish the rate base for a utility or its facilities or property when the authority approved a sale, assignment, or transfer thereof, except for any sale, assignment, or transfer to a governmental agency.

#### Section 9. Rates.—

(1) Except as provided in subsection (5) rates and charges of a utility shall be changed only upon approval of the authority after a public hearing has been held.

(2) Except as provided in subsection (5), an application for a rate or charge change shall be submitted to the authority accompanied by a fee as established from time to time by the board.

(3) In every rate review, the authority shall consider the value and quality of the service and the cost of providing the service, which shall include, but not be limited to, debt interest; the requirements of the utility for working capital; maintenance, depreciation, tax, and operating expenses incurred in the operation of all property used and useful in the public service; and a fair return on the investment of the utility in property used and useful in the public service. However, contributions-in-aid-of-construction shall not be included in the rate base of any utility during a rate proceeding; and accumulated depreciation on such contributions-in-aid-of-construction shall not be used to reduce the rate base, nor shall depreciation on such contributed assets be considered a cost of providing utility service. Contributions-in-aid-of-construction include any amount or item of money, services, or property received by a utility, from any person or governmental agency, any portion of which is provided at no cost to the utility, which represents a donation or contribution to the capital of the utility, and which is utilized to offset the acquisition, improvement, or construction costs of the utility services to the public. The investment of the utility in property required by duly authorized governmental authority to be constructed in the public interest within a reasonable time in the future, not to exceed 24 months shall also be considered.

(4) The authority may determine the prudent cost of providing service during the period of time the rates will be in effect following the entry of a final order relating to the rate request of the utility and may use such costs to determine the revenue requirements that will allow the utility to earn a fair rate of return on its rate base.

(5)(a) The approved rate of any utility which receives all or any portion of its utility service from a governmental agency or from a water or sewer utility regulated by the authority and which redistributes that service to its utility customers shall be automatically increased or decreased without hearing, upon verified notice to the authority 30 days prior to its implementation of the increase or decrease that the rates charged by the governmental agency or other utility have changed. The approved rates of any utility which is subject to an increase or decrease in the rates that it is charged for electric power or the amount of ad valorem taxes assessed against its property shall be increased or decreased by the utility, without action by the authority, upon verified notice to the authority 30 days prior to its implementation of the increase or decrease that the rates charged by the supplier of the electric power or the taxes imposed by the governmental body have changed. The new rates authorized shall reflect the amount of the change of the ad valorem taxes or rates imposed upon the utility by the governmental agency, other utility, or supplier of electric power. The approved rate of any utility shall be automatically increased without hearing, upon verified notice to the authority 30 days prior to implementation of the increase, that costs have been incurred for water quality testing required by the Department of Environmental Regulation or that costs have been incurred as the result of the promulgation of rules by other governmental agencies related to treatment procedures for water and sewage. The new rates authorized shall reflect, on an amortized basis, the cost of, or the amount of change, in the cost of, required water quality testing performed by laboratories approved by the Department of Environmental Regulation for that purpose. The new rates, however, shall not reflect the costs of any required water quality testing already included in a utility's rates. A utility may not use this procedure to increase its rates as a result of an increase in the cost of purchased water services, sewer services, or electric power or in assessed ad valorem taxes, which increase was initiated more than 12 months before the filing by the utility. The provisions of this subsection do not prevent a utility from seeking a change in rates pursuant to the provisions of subsection (3).

(b) Before implementing a change in rates under this section, the utility shall file an affirmation under oath as to the accuracy of the figures and calculations upon which the change in rates is based, stating that the change will not cause the utility to exceed the range of its last authorized rate of return. Whoever makes a false statement in the affirmation required hereunder, which statement he does not believe to be true in regard to any material matter may be subject to prosecution for a misdemeanor, punishable as provided by law.

(c) If, within 15 months after the filing of an annual report as required by section 20, the authority finds that the utility exceeded the range of its last authorized rate of return, after an adjustment in rates as authorized by this subsection implemented within the year for which the report was filed or implemented in the preceding year, the authority may order the utility to refund the difference plus interest to the ratepayers and adjust rates accordingly. This provision shall not be construed to require a bond or corporate undertaking not otherwise required.

(d) Notwithstanding anything herein to the contrary, a utility may not adjust its rates under this section more than two times in any 12-month period.

(e) The authority may regularly, not less often than once each year, establish by order a leverage scale or scales that reasonably reflect the range of returns on common equity for an average water or sewer utility and which, for purposes of this section, shall be used to calculate the last authorized rate of return for any utility which otherwise would have no established rate of return. In any other proceeding in which an authorized rate of return is to be established, a utility, in lieu of presenting evidence on its rate of return on common equity, may move the authority to adopt the range of rates of return on common equity that has been established under this paragraph.

(6) The authority may withhold consent to the operation of any rate request or any portion thereof by filing an order to that effect with the clerk of the board within 60 days after the date of filing of the rate request. The order shall state a reason or statement of good cause for the withholding of consent. The authority shall provide a copy of the order

to the utility and all interested persons who have requested notice. Such consent shall not be withheld for a period longer than 8 months following the date of filing. The new rates or all or any portion thereof not consented to may be placed into effect by the utility under a bond or corporate undertaking subject to refund at the expiration of such period upon notice to the authority and upon filing the appropriate tariffs. The authority shall determine whether the corporate undertaking may be filed in lieu of the bond. The utility shall keep accurate, detailed accounts of all amounts received because of such rates becoming effective under bond or corporate undertaking subject to refund, specifying by whom and in whose behalf such amounts were paid. In its final order relating to such rate request, the authority shall direct the utility to refund, with interest at a fair rate to be determined by the authority in such manner as it may direct, such portion of the increased rates which are found not to be justified and which are collected during the periods specified. The authority shall provide for the disposition of any funds not refunded, but in no event shall such funds accrue to the benefit of the utility. The authority shall take final action and enter its final order within 8 months of the receipt of the completed application.

#### Section 10. Interim rates.—

(1) The authority may, during any proceeding for a change of rates, upon its own motion, or petition from any party, authorize the collection of interim rates until the effective date of the final order. Such interim rates may be based upon a test period different from the test period used in the request for permanent rate relief. To establish a prima facie entitlement for interim relief, the authority, the petitioning party, or the utility, shall demonstrate that the utility is earning outside the range of reasonableness on rate of return calculated in accordance with subsection (4).

(a) In a proceeding for an interim increase in rates, the authority shall authorize, within 60 days of the filing for such relief the collection of rates sufficient to earn a rate of return at the minimum of the range of the last authorized rate of return. The difference between the interim rates and the previously authorized rates shall be collected under bond or corporate undertaking subject to refund with interest at a rate ordered by the authority.

(b) In a proceeding for an interim decrease in rates, the authority shall authorize, within 60 days of the filing for such relief, the continued collection of the previously authorized rates. However, revenues collected under those rates sufficient to reduce the achieved rate of return to the maximum of the last authorized rate of return shall be placed under bond or corporate undertaking subject to refund with interest at a rate ordered by the authority.

(c) The authority shall determine whether corporate undertaking may be filed in lieu of the bond.

(2) In granting such relief, the authority may, in an expedited hearing, but within 60 days of the commencement of the proceeding, upon petition or upon its own motion, preclude the recovery of any extraordinary or imprudently incurred expenditures or, for good cause shown, increase the amount of the bond or corporate undertaking.

(3) Any refund ordered by the authority shall be calculated to reduce the utility's rate of return during the pendency of the proceeding to the same level within the range of the newly authorized rate of return which is found fair and reasonable on a prospective basis, but the refund shall not be in excess of the amount of the revenues collected subject to refund and in accordance with paragraph (1)(b). In addition, the authority may require interest on the refund at a rate established by the authority.

(4)(a) In setting interim rates or setting revenues subject to refund, the authority shall determine the revenue deficiency or excess by calculating the difference between the achieved rate of return of a utility and its required rate of return applied to an average investment rate base or an end-of-period investment rate base.

(b) For purposes of this subsection:

1. "Achieved rate of return" means the rate of return earned by the company for the most recent 12-month period. The achieved rate of return shall be calculated by applying appropriate adjustments consistent with those which were used in the most recent rate case of the utility and annualizing any rate changes occurring during such period.

2. "Required rate of return" shall be calculated as the weighted average cost of capital for the most recent 12-month period, using the last

authorized rate of return on equity of the utility, the current embedded cost of fixed-rate capital, the actual cost of short-term debt, the actual cost of variable-cost debt, and the actual cost of other sources of capital which were used in the last rate case of the utility.

3. In a proceeding for an interim increase, the term "last authorized rate of return on equity" used in paragraph (1)(b) means the minimum of the range of the last authorized rate of return on equity established in the most recent rate case of the utility company. In a proceeding for an interim decrease, the term "last authorized rate of return on equity" used in paragraph (1)(b) means the maximum of the range of the last authorized rate of return on equity established in the most recent rate case of the utility.

(5) Nothing in this section shall be construed to prohibit the authority from authorizing interim rates for a utility which does not have an authorized rate of return previously established by the authority.

Section 11. Determination of official date of filing.—Within 30 days after receipt of an application, rate request, or other written document for which an official date of filing is to be established, the authority or its designee shall either determine the official date of filing or issue a statement of deficiencies to the applicant, specifically listing why said applicant has failed to meet the minimum filing requirements. Such statement of deficiencies shall be binding upon the authority to the extent that, once the deficiencies in the statement are satisfied, the official date of filing shall be promptly established as provided herein. Thereafter, within 15 days after the applicant indicates to the authority that it believes that it has met the minimum filing requirements, the authority or its designee shall either determine the official date of filing or issue another statement of deficiencies, specifically listing why the requirements have not been met, in which case this procedure shall be repeated until the applicant meets the minimum filing requirements and the official date of filing is established. When the authority initiates a hearing, the official date of filing shall be the date upon which the order initiating the hearing is issued.

Section 12. Rates for new class of service.—If any request for service of a utility shall be for a new class of service not previously approved, the utility may furnish the new class of service and fix and charge just, reasonable, and compensatory rates or charges therefor. A schedule of rates or charges so fixed shall be filed with the authority within 10 days after the service is furnished. The authority may approve such rates or charges as filed or may approve such other rates or charges for the new class of service which it finds are just, reasonable, and compensatory.

Section 13. Charges for service availability.—

(1) The authority by rule, may set standards for service-availability charges and service-availability conditions. Charges and conditions made by a utility shall be just and reasonable. The authority shall, upon request or upon its own motion, investigate agreements or proposals for charges and conditions to be made by a utility for service-availability. The authority shall set just and reasonable charges and conditions for service-availability.

(2) An application for approval of charges and conditions for service-availability shall be accompanied by a fee as established from time to time by the board.

Section 14. Service.—

(1) Each utility shall provide service to the territory described in its certificate within a reasonable time. If the authority finds that any utility has failed to provide service to any person reasonably entitled thereto, or finds that extension of service to any such person could be accomplished only at an unreasonable cost and that addition of the deleted territory to that of another utility company is economical and feasible, it may amend the certificate to delete the territory not served or not properly served by the utility, or it may rescind the certificate. If utility service has not been provided to any part of the territory which a utility is authorized to serve, whether or not there has been a demand for such service, within 5 years after the date of authorization for service to such part, such authorization may be reviewed and amended or revoked by the authority.

(2) Each utility shall provide to each person reasonably entitled thereto such safe, efficient, and sufficient service as is prescribed by the Florida Safe Drinking Water Act and the Florida Air and Water Pollution Control Act, or rules adopted pursuant thereto, or, if applicable, Chapter 17-22, Florida Administrative Code; but such service shall not be

less safe, less efficient, or less sufficient than is consistent with the approved engineering design of the system and the reasonable and proper operation of the utility in the public interest.

Section 15. Examination and testing of meters.—

(1) The authority may provide for the examination and testing of all meters used for measuring any product or service of a utility.

(2) Any customer or user may have such meter tested by the utility upon payment of the fee fixed by the authority.

(3) The authority shall establish reasonable fees to be paid for testing such meters on the request of the customers. The fee shall be paid by the customer or user at the time of his request. However, the fee shall be paid by the utility and repaid to the customer or user if the meter is found defective or incorrect to the disadvantage of the customer or user in excess of the degree or amount of tolerance customarily allowed for such meters, or as may be provided for in rules of the authority. No fee may be charged for any such testing done by the authority or its representatives.

Section 16. Service for resale.—The authority may require a utility to provide service for resale. However, before requiring the provision of service, the authority shall first find that the utility is financially able to make such additional investment as is required without impairing its capacity to serve its existing customers. Any utility which provides service for resale shall provide such service upon terms and conditions established by the authority, and no utility shall discontinue such service without the approval of the authority. In the event a governmental agency voluntarily enters into an agreement for resale, such agreement shall provide that the service will not be discontinued without 90 days notice being given to the purchaser prior to discontinuing such service. Nothing contained herein shall be construed to prohibit the governmental agency from requiring adequate security be given to such agency to ensure payments required in the agreement.

Section 17. Abandonment.—It is the intent of the authority that water or sewer service to the customers of a utility not be interrupted by the abandonment or placement into receivership of the utility. To that end:

(1) No person, lessee, trustee, or receiver owning, operating, managing, or controlling a utility shall abandon the utility without giving 60 days notice to the municipalities in which the utility is located, to the authority, and to the board.

(2) After receiving such notice, the municipalities or board acting jointly shall petition the circuit court of the judicial circuit in which such utility is domiciled to appoint a receiver, which may be the governing body of a political subdivision or any other person deemed appropriate. The receiver shall operate the utility from the date of abandonment until such time as the receiver disposes of the property of the utility in a manner designed to continue the efficient and effective operation of utility service.

(3) The notification to the authority under subsection (1) is sufficient cause for revocation, suspension, or amendment of the certificate of the utility as of the date of abandonment. The receiver operating such utility shall be considered to hold a temporary authorization from the authority and the approved rates of the utility shall be deemed to be the interim rate of the receiver until modified by the authority.

Section 18. Regulatory fee.—

(1) Each utility shall pay to the authority a regulatory fee as established from time to time by the board to pay for the ongoing costs of supervising and regulating utilities in the county and enforcing and administering the act. The gross revenues for the utility's current fiscal year shall be used in determining the amount of such fee. However, whenever a purchase at wholesale is made of any water or sewer service and a fee is paid or payable thereon by the selling utility and the utility purchasing such water or sewer service resells the same directly to customers, the purchasing utility shall be entitled to, and shall receive, credit on such fees as may be due by it under this section to the extent of the tax paid or payable upon such water or sewer service by the utility from whom such purchase was made.

(2) This fee shall be paid in four installments, within 15 days of the end of each quarter of the utility's current fiscal year. At such time the utility shall file with the authority a statement sworn to by the financial

officer of the utility, of gross receipts for that quarter. This fee shall become due and payable after the first complete fiscal quarter after the effective date of this act and shall remain in effect for all subsequent fiscal quarters.

Section 19. Application fees.—Any application filed by a utility, shall be accompanied by a fee set by the board and based upon the existing or proposed capacity of the system, extension, or deletion.

Section 20. Annual report.—Each utility shall annually, within 60 days of the close of its fiscal year, file with the authority a financial report of its operation in St. Lucie County during the fiscal year sworn to by the financial officer of the utility and certified by an independent certified public accountant. Any adjustments in the total regulatory fee due for the year being reported shall be paid with submission of the annual report. Where the annual report shows that overpayments have been made by the utility, a credit for the amount of the overpayment shall be issued by the county for the next fiscal year.

Section 21. Notice of hearing.—A notice of any hearing, pursuant to this act, containing the name of the applicant and the general nature of the proposed change shall be served by certified mail, return receipt requested on the affected utility 2 weeks before the date of the hearing and shall be published by the authority in a newspaper of general circulation in St. Lucie County once a week for 2 consecutive weeks before the date of the hearing. The affected utility shall serve a similar notice by regular mail to each of its customers at least 2 weeks before the date of any hearing pursuant to this act.

Section 22. Review of final actions and orders.—

(1) Once the authority has rendered a written decision, affected parties may petition for rehearing before the authority within 15 days of issuance of the written order. No action or order of the authority shall be considered final until expiration of the time period for petitioning for rehearing. The authority shall consider petitions for rehearing and shall render final orders within 45 days from the filing of petitions for rehearing. The purpose of petitions for rehearing is to bring to the attention of the authority evidence not previously considered by the authority.

(2) Any party, including any individual customer of a utility, who is dissatisfied with any final action or final order of the authority may request review by the board by filing a petition for review within 15 days of issuance of the final order of the authority. Upon the filing of the petition, the board shall schedule the matter for public hearing. Notice of the hearing shall be published in a newspaper of general circulation in St. Lucie County once a week for 2 consecutive weeks before the date of the hearing. The board shall consider the record of the proceedings before the authority and the legal arguments of the affected utility, any party, and of staff. The board shall enter a written decision within 60 days of the filing of the petition for review either affirming, revising, or denying the order of the authority which is then the final order. Any party still dissatisfied with the decision may appeal pursuant to the Florida Rules of Appellate Procedure.

Section 23. The violation of any provision of this act is declared to be a criminal offense and misdemeanor within the meaning of s. 775.08, Florida Statutes, and shall be punishable as provided by law.

Section 24. The provisions of this act shall stand repealed effective September 30, 1991.

Section 25. Except for this section, this act shall take effect only upon its approval by a majority of those qualified electors of St. Lucie County voting in a referendum to be held by the Board of County Commissioners of St. Lucie County in conjunction with the primary election to be held on September 2, 1986, and the question to be placed on the ballot shall be as follows:

**ST. LUCIE COUNTY WATER AND SEWER AUTHORITY**

Shall the St. Lucie County Water and Sewer Utilities Regulatory Act be approved? If approved by the voters, the Act will authorize the Board of County Commissioners of St. Lucie County to adopt an ordinance establishing the St. Lucie County Water and Sewer Authority. The Authority will have the power to issue or deny certificates for the operation of private water and sewer systems, to regulate the rates, rules, and classification of accounts of these systems, to require financial reports from these systems, to require repairs necessary for the provision of adequate service, and to inspect these systems for compliance with the rules of the Authority. Members of the Authority will be appointed by the Board of County Commissioners. Appeals from final decisions of the Authority shall be taken to the Board of County Commissioners.

Said referendum shall be held in accordance with the provisions of law relating to elections currently in force. This section shall take effect upon becoming a law.

**Amendment 2**—On page 1, in the title, lines 1-30, strike all of said lines and insert: A bill to be entitled An act relating to St. Lucie County, water, sewer, and utilities; creating the St. Lucie County Water and Sewer Utilities Regulatory Act; providing legislative intent; providing definitions; providing for the St. Lucie County Water and Sewer Authority; providing powers and duties; providing for the issuance of certificates to certain utilities; providing for application for deletion of territory; providing for extension of certificate; providing for the sale, assignment or transfer of certificate, facilities, or control; providing for rates; providing for interim rates; providing for the determination of the official date of filing; providing rates for new classes of service; providing for charges for service availability; providing for service by utilities within certain time periods; providing for the examination and testing of meters; providing for service for resale; providing procedures to prohibit the abandonment of a utility governed by the act; providing a regulatory fee; providing for application fees; providing for an annual report; providing for notice of hearing; providing for review of final actions and orders; providing penalties; providing for repeal of this act; requiring referendum approval of the act.

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

SB 1152 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford, Gersten

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

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

**CS for SB 194**—A bill to be entitled An act relating to child abuse or neglect; amending s. 415.505, F.S.; allowing certain school instructional staff members to be present at initial interviews with children in certain child protective and criminal investigations; prohibiting school personnel from being present at investigations under any other circumstances; prohibiting disclosure of information; providing for confidentiality; prohibiting schools or school instructional staff from maintaining records; providing penalties; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 2, in the title, lines 7-20, strike all of said lines and insert: *School instructional staff may only be present when authorized by this subsection. Information received during the interview or from any other source regarding the alleged abuse or neglect of the child shall be confidential, except as otherwise provided by court order. A separate record of the investigation of the abuse or neglect shall not be maintained by the school or school instructional staff member. Violation of this subsection constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

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

CS for SB 194 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Childers, D.	Grant	Kiser	Plummer
Crenshaw	Grizzle	Langley	Scott
Deratany	Hair	Mann	Stuart
Dunn	Hill	McPherson	Thomas
Fox	Jenne	Myers	Thurman
Frank	Johnson	Neal	Vogt
Girardeau	Kirkpatrick	Peterson	Weinstein

Nays—None

Vote after roll call:

Yea—W. D. Childers, Crawford, Gersten

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

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

**SB 371**—A bill to be entitled An act relating to mechanics' liens; amending s. 713.135, F.S., requiring the authority issuing a building permit to provide the owner of the real property upon which improvements are to be constructed with a printed statement explaining the effect of the mechanics' lien law; authorizing an increase in the maximum fee for furnishing copies of certain forms and statements with respect to the Florida Mechanics' Lien Law; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk***Amendment 1**—On page 2, line 28, insert:

Section 2. Section 713.04, Florida Statutes, is amended to read:

(1) Any lienor who, regardless of privity, performs services or furnishes material to real property for the purpose of making it suitable as the site for the construction of an improvement or improvements shall be entitled to a lien on the real property for any money that is owed to him for his services or materials furnished in accordance with his contract and the direct contract. The total amount of liens allowed under this section shall not exceed the amount of the direct contract under which the lienor furnishes labor, materials, or services. The work of making real property suitable as the site of an improvement shall include but shall not be limited to the grading, leveling, excavating, and filling of land, including the furnishing of fill soil; the grading and paving of streets, curbs, and sidewalks; the construction of ditches and other area drainage facilities; the laying of pipes and conduits for water, gas, electric, sewage, and drainage purposes; and the construction of canals and shall also include the altering, repairing, and redoing of all these things. When the services or materials are placed on land dedicated to public use and are furnished under contract with the owner of the abutting land, the cost of the services and materials, if unpaid, may be the basis for a lien upon the abutting land. When the services or materials are placed upon land under contract with the owner of the land who subsequently dedicates parts of the land to public use, the person furnishing the services or materials placed upon the dedicated land shall be entitled to a lien upon the land abutting the dedicated land for the unpaid cost of the services and materials placed upon the dedicated land, or in the case of improvements that serve or benefit real property that is divided by the improvements, to a lien upon each abutting part for the equitable part of the full amount due and owing. If the part of the cost to be borne by each parcel of the land subject to the same lien is not specified in the contract, it shall be prorated equitably among the parcels served or benefited. No lien under this section shall be acquired until a claim of lien is recorded. No notice of commencement shall be filed for liens under this section. No lienor shall be required to serve a notice to owner for liens under this section.

If a lienor under this section who is not in privity with the owner serves a notice on the owner in accordance with the provisions of s. 713.06(2), payment of lienors by the owner under this section shall be governed by ss. 713.06(3) (c), (d), (e), (f), (g), (h) and (4).

(3) The owner shall not pay any money on account of a direct contract before actual furnishing of labor and services or materials for subdivision improvements. The payment shall not qualify as a proper payment under this section.

(Renumber subsequent sections.)

**Amendment 2**—On page 1, in the title, line 11, following the semicolon insert: amending s. 713.04, F.S.; providing that where a lienor for subdivision improvements who is not in privity serves required notice proper payments on the direct contract may be made by the owner only in a specified manner;

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

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

713.04 Subdivision improvements.—

On motion by Senator Vogt, the Senate concurred in House Amendment 1 as amended and House Amendment 2 and the House was requested to concur in the Senate amendment to the House amendment.

SB 371 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Kirkpatrick

**SPECIAL ORDER**

**CS for CS for SB's 230, 337 and 268**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.055, F.S.; authorizing counties to levy, by ordinance, a discretionary sales surtax to finance criminal justice or courthouse facilities and projects related thereto; authorizing certain counties to levy a regional jail construction surtax; providing for the administration, collection, and distribution of tax proceeds; providing penalties; creating s. 950.001, F.S.; authorizing the establishment of regional jails; providing for regional jail boards and the powers, organization, and duties thereof; allocating responsibility for certain jail and transportation expenses; providing for the withdrawal of a county from a regional jail agreement under certain circumstances; amending s. 212.05, F.S.; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote CS for CS for SB's 230, 337 and 268 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

**SB 946**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.35, F.S.; deleting certain limitations on insurers who may offer annuities under the optional retirement programs for state university employees; 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, line 2, after the period (.) insert: Upon application by a qualified Florida domestic company, the division shall

give reasonable notice to all other such companies that it intends to designate one of such companies as a fifth company from which annuity contracts may be purchased pursuant to this section and that they may apply for such designation prior to the deadline established by said notice. At least sixty days after giving such notice and upon receipt of the recommendation of the Board of Regents, the division shall so designate one of such companies as the fifth company from which such contracts may be purchased.

**Amendment 2**—In title, on page 1, line 6, after the colon (:) insert: providing for participation by a Florida domestic insurance company under certain conditions;

On motion by Senator Kirkpatrick, by two-thirds vote SB 946 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**CS for SB 892**—A bill to be entitled An act relating to the Division of Administrative Hearings; amending s. 120.65, F.S.; deleting provisions which exempt the division from the planning and budgeting provisions of ch. 216, F.S.; providing a procedure for the division to appeal certain actions of the Executive Office of the Governor which affect the division's operation; requiring certain governmental entities to provide facilities for the division's use in conducting proceedings; amending s. 216.023, F.S.; providing for the division to submit budget requests directly to the Legislature; amending s. 216.181, F.S.; providing for the salary rate for the division to be established in the General Appropriations Act or statement of intent; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for SB 892 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Gersten, Kirkpatrick

**CS for SB 393**—A bill to be entitled An act relating to professional malpractice; amending s. 395.011, F.S.; expanding provisions granting an exemption from liability to certain persons in provisions relating to staff membership and professional clinical privileges at licensed hospitals or ambulatory surgical centers; amending s. 395.041, F.S.; requiring hospitals and ambulatory surgical centers to hire risk managers by a specified date; providing for risk management education and training for nonphysician personnel; amending s. 455.213, F.S.; changing continuing educational requirements for certain health care providers; amending ss. 458.320 and 459.0085, F.S.; changing financial responsibility requirements for licensed physicians and osteopathic physicians; exempting federal officers, employees, or agents and certain inactive physicians and osteopathic physicians from such requirements; amending s. 626.944, F.S.; changing qualifications for health care risk managers; reenacting s. 627.4147, F.S.; correcting an inadvertent error in provisions relating to

medical malpractice insurance contracts; amending s. 641.395, F.S.; changing the circumstances in which health maintenance organizations must employ a risk manager; amending s. 768.48, F.S.; providing factors included in itemized verdicts; amending s. 768.57, F.S.; clarifying existing language; amending s. 768.575, F.S.; providing procedure for arbitration panels in medical malpractice actions; providing for payment to such arbitrators; providing immunity from liability for such arbitrators; providing that decisions of medical malpractice arbitration panels are non-binding; amending s. 768.58, F.S.; modifying provisions relating to mandatory settlement conferences in medical malpractice actions; amending s. 768.585, F.S.; requiring parties to reject offers of judgment or demands for judgment within a specified period; amending s. 768.66, F.S.; expanding the information to be studied as part of the medical malpractice impact study by the Department of Insurance; providing severability; providing for future repeal and legislative review of s. 768.51, F.S., relating to methods of payment of damage awards; repealing s. 51, ch. 85-175, Laws of Florida, relating to legislative review; providing effective dates.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

**Amendment 1**—On page 4, line 11, insert:

(5)(a) Each licensed facility subject to this section shall submit an annual report to the department summarizing the incident reports that have been filed in the facility for that year. The report shall be on a form prescribed by rule of the department and shall include:

1. The total number of adverse incidents causing injury to patients.
2. A listing, by category, of the types of operations, diagnostic or treatment procedures, or other actions causing the injuries, and the number of incidents occurring within each category.
3. A listing, by category, of the types of injuries caused and the number of incidents occurring within each category.
4. A code number identifying the name of each individual directly involved in adverse incidents causing injury to patients, the relationship of the individual to the facility, and the number of incidents in which each individual has been directly involved.
5. A description of all malpractice claims filed against the facility, including the total number of pending and closed claims and the nature of the incident which led to, the persons involved in, and the status and disposition of each claim. Each report shall update status and disposition for all prior reports.

6. A report of all disciplinary actions pertaining to patient care taken against any medical staff member, including the nature and cause of the action.

(b) The annual report shall also contain the name of the risk manager of the facility, a copy of its policy and procedures which govern the measures taken by the facility and its risk manager to reduce the risk of injuries and adverse or untoward incidents, and the results of such measures. The report shall be held confidential and shall not be available to the public pursuant to s. 119.07 or any other law providing access to public records, nor be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the department and the appropriate regulatory board.

**Amendment 2**—On page 24, between lines 17 and 18, insert:

Section 18. Sections 458.320 and 459.0085, Florida Statutes, as created by Chapter 85-175, Laws of Florida, are hereby repealed.

(Renumber subsequent section.)

**Amendment 3**—On page 2, line 21, after the semicolon (;) insert: repealing ss. 458.320 and 459.0085, F.S.; deleting the mandatory financial responsibility requirements for physicians and osteopaths;

Senator Hair moved the following amendments which were adopted:

**Amendment 4**—On page 24, between lines 6 and 7, add a new Section 15:

Section 15. Subsection (2) of section 627.912, Florida Statutes, is amended to read:

627.912 Professional liability claims and actions; reports by insurers.—

(2) The reports required by subsection (1) shall contain:

(a) The name, address, and specialty coverage of the insured.

(b) The insured's policy number.

(c) The date of the occurrence which created the claim.

(d) The date the claim was reported to the insurer or self-insurer.

(e) *The name of the injured person. This information shall be privileged and confidential and shall not be disclosed by the department without the injured person's consent. This information may be used by the department for purposes of identifying multiple or duplicate claims arising out of the same occurrence.*

(f)(e) The date of suit, if filed.

(g)(f) The injured person's age and sex.

(h)(g) The total number and names of all defendants involved in the claim.

(i)(h) The date and amount of judgment or settlement, if any, including the itemization of the verdict as required under s. 768.48, together with a copy of the settlement or judgment.

(j)(i) In the case of a settlement, such information as the department may require with regard to the injured person's incurred and anticipated medical expense, wage loss, and other expenses.

(k)(j) The loss adjustment expense paid to defense counsel and all other allocated loss adjustment expense paid.

(l)(k) The date and reason for final disposition, if no judgment or settlement.

(m)(l) A summary of the occurrence which created the claim, which shall include:

1. The name of the institution, if any, and the location within the institution at which the injury occurred.

2. The final diagnosis for which treatment was sought or rendered, including the patient's actual condition.

3. A description of the misdiagnosis made, if any, of the patient's actual condition.

4. The operation, diagnostic, or treatment procedure causing the injury.

5. A description of the principal injury giving rise to the claim.

6. The safety management steps that have been taken by the insured to make similar occurrences or injuries less likely in the future.

(n)(m) Any other information required by the department to analyze and evaluate the nature, causes, location, cost, and damages involved in professional liability cases.

(Renumber subsequent sections.)

**Amendment 5**—In title, on page 2, line 16, after the semicolon (;) insert: amending s. 627.912, F.S.; providing for reports by insurers;

On motion by Senator Hair, by two-thirds vote CS for SB 393 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	Gersten	Kirkpatrick	Peterson
Beard	Girardeau	Kiser	Plummer
Childers, D.	Gordon	Langley	Scott
Childers, W. D.	Grant	Malchon	Stuart
Crawford	Grizzle	Mann	Thomas
Crenshaw	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

**CS for SB's 415 and 418**—A bill to be entitled An act relating to motor vehicle insurance; creating s. 316.646, F.S.; requiring certain operators of motor vehicles to possess proof of maintenance of required security when operating a motor vehicle; providing for display of proof of maintenance of such security; providing noncriminal and criminal penalties; amending s. 318.14, F.S.; authorizing proof of compliance in lieu of fines for violations in certain circumstances; amending s. 320.02, F.S.; requiring that insurance proof of purchase cards provide notice of the criminal penalty; amending s. 627.733, F.S.; requiring the Department of Highway Safety and Motor Vehicles to suspend the registration and operator's license of any owner or registrant upon receipt of a cancellation notice from an insurer; amending ss. 627.732, 627.733, F.S.; removing the exclusion of taxicabs and limousines from the definition of "motor vehicle" for purposes of such law; excluding taxicabs and limousines from the security requirements of such law; providing an effective date.

—was read the second time by title.

Senator Plummer moved the following amendments which were adopted:

**Amendment 1**—On page 8, between lines 5 and 6, insert:

Section 7. Subsection (1) of section 627.727, Florida Statutes, is amended to read:

627.727 Motor vehicle insurance; uninsured and underinsured vehicle coverage; insolvent insurer protection.—

(1) No motor vehicle liability insurance policy shall be delivered or issued for delivery in this state with respect to any specifically insured or identified motor vehicle registered or principally garaged in this state unless uninsured motor vehicle coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, resulting therefrom. However, the coverage required under this section is not applicable when, or to the extent that, any insured named in the policy rejects the coverage in writing. When a motor vehicle is leased for a period of 1 year or longer and the lessor of such vehicle, by the terms of the lease contract, provides liability coverage on the leased vehicle, the lessee of such vehicle shall have the sole privilege to reject uninsured motorist coverage or to select lower limits than the bodily injury liability limits, regardless of whether the lessor is qualified as a self-insurer pursuant to s. 324.171. Unless the named insured, or lessee having the privilege of rejecting uninsured motorist coverage, requests such coverage or requests higher uninsured motorist limits in writing, the coverage or such higher uninsured motorist limits need not be provided in or supplemental to any other policy which renews, extends, changes, supersedes, or replaces an existing policy with the same bodily injury liability limits when the named insured or lessee had rejected the coverage. When the named insured or lessee has initially selected limits of uninsured motorist coverage lower than his bodily injury liability limits, higher limits of uninsured motorist coverage need not be provided in or supplemental to any other policy which renews, extends, changes, supersedes, or replaces an existing policy with the same bodily injury liability limits unless the named insured requests higher uninsured motorist coverage in writing. The rejection or selection of lower limits shall be made on a form approved by the Insurance Commissioner. The form shall fully advise the applicant of the nature of the coverage and shall state that the coverage is equal to bodily injury liability limits unless lower limits are requested or the coverage is rejected. The heading of the form shall be in 12-point bold type and shall state: "You are electing not to purchase certain valuable coverage which protects you and your family or you are purchasing uninsured motorist limits less than your bodily injury liability limits when you sign this form. Please read carefully." If this form is signed by a named insured, it will be conclusively presumed that there was an informed, knowing rejection of coverage or election of lower limits. The insurer shall notify the named insured at least annually of his options as to the coverage required by this section. Such notice shall be part of the notice of premium, shall provide for a means to allow the insured to request such coverage, and shall be given in a manner approved by the department. The coverage described under this section shall be over and above, but shall not duplicate, the benefits available to an insured under any workers' compensation law, personal injury protection benefits, disability benefits law, or similar law; under any automobile medical expense coverage; under any motor vehicle liability insurance

coverage; or from the owner or operator of the uninsured motor vehicle or any other person or organization jointly or severally liable together with such owner or operator for the accident; and such coverage shall cover the difference, if any, between the sum of such benefits and the damages sustained, up to the maximum amount of such coverage provided under this section. The amount of coverage available under this section shall not be reduced by a setoff against any coverage, including liability insurance. Such coverage shall not inure directly or indirectly to the benefit of any workers' compensation or disability benefits carrier or any person or organization qualifying as a self-insurer under any workers' compensation or disability benefits law or similar law.

(Renumber subsequent section.)

**Amendment 2**—In title, on page 1, line 23, after the semicolon (;) insert: amending s. 627.727, F.S.; clarifying the applicability of provisions authorizing certain motor vehicle lessees to accept or reject uninsured motor vehicle coverage;

On motion by Senator Gordon, by two-thirds vote CS for SB's 415 and 418 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crawford

**CS for SB 472**—A bill to be entitled An act relating to traffic control; amending ss. 316.003, 316.302, 316.545, 316.655, 316.70, F.S.; creating s. 316.3025, F.S.; providing definitions; providing rules and regulations for certain commercial vehicles; providing exceptions; providing limitations on the amount of time certain drivers may be on duty or drive; providing that no person under a certain age may operate a commercial motor vehicle; providing exceptions; providing penalties; providing for rules authorizing cooperative agreements; providing for enforcement; providing fines; providing for the attachment of a lien and foreclosure proceedings against certain commercial motor vehicle owners; providing for deposit of penalties; providing for review of contested penalties; providing for a Transportation Review Board; requiring that certain rules be consistent with federal regulations; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for SB 472 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford, Kirkpatrick

**CS for SB 1**—A bill to be entitled An act relating to the Beverage Law; amending s. 562.51, F.S.; prohibiting licensees from discriminating against persons on specified grounds; amending s. 220.13, F.S.; disallowing business expenses paid to discriminating licensees; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment:

**Amendment 1**—On pages 2-4, strike everything after the enacting clause and insert:

Section 1. Section 562.51, Florida Statutes, as created by section 4 of chapter 85-285, Laws of Florida, is amended to read:

(Substantial rewording of section. See s. 4 of ch. 85-285, Laws of Florida, for present text.)

562.51 Discrimination by licensees.—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, a social club, any organization which is oriented to a particular religion, or which is ethnic in character. As used in this section, "social club" means a facility or institution primarily used for or devoted to personal, social, or recreational activities, and not the conduct of trade or business.

Section 2. Subsection (5) is added to section 561.15, Florida Statutes, to read:

561.15 Licenses; qualifications required.—

(5) No license authorized to be issued pursuant to s. 565.02(4), shall be issued to an applicant who maintains a policy or practice in violation of the provisions of s. 562.51.

Section 3. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

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

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

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

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

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

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. The provisions of this subparagraph shall expire and be void on June 30, 1994.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. The provisions of this subparagraph shall expire and be void on December 31, 1994.

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

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

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

9. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooper-

ative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

10. *Business expenses paid or accrued to a person, firm, or corporation who withholds membership, its facilities, or services from any person on account of race, religion, sex, or national origin.*

Section 4. SEVERABILITY.—If any provision of this act or application of it to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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

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

**Amendment 1A**—On page 3, line 29, strike the period (.) and insert: , except any nationally recognized fraternal organization which by its nature is all of one gender, a social club, any organization which is oriented to a particular religion or which is ethnic in character

#### Point of Order

Senator Langley raised a point of order that the amendment would affect appropriations and the bill had not been to the Committee on Appropriations. The President asked the Appropriations Committee chairman to look at the amendment.

Further consideration of CS for SB 1 was deferred.

**CS for SB 1166**—A bill to be entitled An act relating to special assessments; amending s. 197.363, F.S.; requiring a public hearing for adoption of ad valorem special assessments; amending s. 200.068, F.S.; requiring that copies of ordinances or resolutions levying such special assessments accompany the certified statement of compliance; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for SB 1166 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

On motion by Senator Dunn—

**HB 144**—A bill to be entitled An act relating to professional regulation; creating s. 455.245, F.S.; providing for immediate suspension of licenses of certain health care practitioners convicted of certain offenses; providing an effective date.

—a companion measure, was substituted for SB 200 and read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 144 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 200 was laid on the table.

On motion by Senator Johnson, by two-thirds vote HB 550 was withdrawn from the Committee on Education.

On motions by Senator Johnson—

**HB 550**—A bill to be entitled An act relating to the district school system; amending s. 230.2319, F.S.; authorizing bicycle safety training in physical education programs; providing an effective date.

—a companion measure, was substituted for SB 622 and by two-thirds vote read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 550 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

SB 622 was laid on the table.

Consideration of SB 734 was deferred.

**CS for SB 780**—A bill to be entitled An act relating to local parking regulation; amending s. 316.008, F.S.; authorizing counties and municipalities to provide, by ordinance, increased fines for violation of specified fire-safety related noncriminal traffic violations; providing for use of increased fines for firefighter education programs; providing for reporting of fine collections by clerks of court; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for SB 780 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**CS for SB 973**—A bill to be entitled An act relating to municipal annexation; amending s. 171.062, F.S.; specifying that contracts in effect prior to annexation are not affected by annexation; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for SB 973 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Childers, D.	Deratany	Frank
Beard	Childers, W. D.	Dunn	Gersten
Castor	Crawford	Fox	Girardeau

Grant	Kiser	Myers	Thurman
Grizzle	Malchon	Neal	Vogt
Hill	Mann	Plummer	Weinstein
Jennings	Margolis	Scott	
Johnson	McPherson	Stuart	
Kirkpatrick	Meek	Thomas	

Nays—None

Vote after roll call:

Yea—Jenne

Yea to Nay—Stuart

On motion by Senator McPherson, by two-thirds vote HB 210 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator McPherson—

**HB 210**—A bill to be entitled An act relating to search warrants; amending s. 933.18, F.S.; authorizing the issuance of search warrants to search a private dwelling for the unlawful sale, possession, or purchase of saltwater products; providing an effective date.

—a companion measure, was substituted for SB 72 and by two-thirds vote read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 210 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Peterson

SB 72 was laid on the table.

Consideration of SB 689 was deferred.

**CS for CS for SB's 432 and 281**—A bill to be entitled An act relating to beach management; amending s. 161.021, F.S.; transferring regulatory powers of Division of Marine Resources under ch. 161, F.S., to the Division of Beaches and Shores; defining "beach renourishment" and "beach restoration" and other terms; amending s. 161.041, F.S.; placing restrictions on permits for construction of a coastal inlet jetty or excavation or maintenance of such an inlet; amending s. 161.053, F.S.; providing coastal construction and excavation regulation; amending s. 161.054, F.S.; providing liability for damage to sovereignty lands or to beaches, shores, or beach-dune systems, including animal, plant, or aquatic life thereon; creating s. 161.088, F.S.; declaring public policy relating to beach erosion control and beach restoration and renourishment projects; amending s. 161.091, F.S.; providing for use of moneys in the Beach Management Trust Fund; amending s. 161.101, F.S.; providing for state and local participation in federally authorized projects and studies relating to beach management and erosion control; amending s. 161.131, F.S.; providing for statutory construction of ss. 161.011-161.212, F.S.; amending s. 161.141, F.S.; providing property rights of state and private upland owners in beach restoration project areas; creating s. 161.142, F.S.; declaring public policy relating to improved navigation inlets; regulating construction and maintenance dredging; requiring placement of sand on downdrift beaches; providing for a management plan to mitigate adverse impacts of coastal inlets on beaches; amending s. 161.161, F.S.; providing for a management plan; providing procedures for approval of projects; amending s. 161.26, F.S.; providing that local beach renourishment or restoration projects may not be undertaken without certain approvals; amending s. 253.03, F.S.; providing that the Board of Trustees of the Internal Improvement Trust Fund and other state agencies may levy a charge or attach a lien on materials dredged from certain lands; amending s. 315.03, F.S.; authorizing counties, port districts, port authorities, and municipali-

ties to expend moneys to mitigate adverse impacts of inlets on beaches; amending s. 373.026, F.S.; providing powers and duties for the Department of Environmental Regulation with respect to plans or projects for coastal inlets; amending s. 403.813, F.S.; providing for the Board of Trustees of the Internal Improvement Trust Fund to fix a charge for the removal of material to create or maintain a coastal inlet; amending s. 403.8163, F.S.; providing for selection of sites for disposal of spoil from maintenance dredge operations; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment which was adopted:

**Amendment 1**—On page 26, between lines 6 and 7, insert:

(4) Construction waterward of the coastal construction control line in downdrift coastal areas on islands substantially created by the deposit of spoil located within one mile of the centerline of navigation channels or inlets providing access to ports listed in section 403.021(9)(b), which suffer or have suffered erosion caused by such navigation channel maintenance or construction, shall be exempt from the permitting requirements and prohibitions of subsections (2), (5) and (6) of section 161.053, F.S. The timing and sequence of any construction in such coastal areas shall comply with 44 C.F.R. Part 60 and shall provide protection to nesting sea turtles and hatchlings and their habitats and to native salt resistant vegetation and endangered plant communities.

Senator Stuart moved the following amendment which was adopted:

**Amendment 2**—On page 29, line 22, after "those" insert: historically established

Senator Gordon moved the following amendment which was adopted:

**Amendment 3**—In title, on page 2, line 6, after "beaches;" insert: exempting certain island downdrift coastal areas from several subsections of section 161.053;

On motion by Senator Stuart, by two-thirds vote CS for CS for SB's 432 and 281 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair, Kirkpatrick

**Special Guest**

The President introduced the Honorable Gary Hart, United States Senator from Colorado, who addressed the Senate.

**Ruling on Point of Order**

After a report from the chairman of the Appropriations Committee, the President ruled on the point of order by Senator Langley on CS for SB 1 as amended that the fiscal impact was not ascertainable and therefore the point was not well taken.

The Senate resumed consideration of—

**CS for SB 1**—A bill to be entitled An act relating to the Beverage Law; amending s. 562.51, F.S.; prohibiting licensees from discriminating against persons on specified grounds; amending s. 220.13, F.S.; disallowing business expenses paid to discriminating licensees; providing an effective date.

—with pending Amendment 1 as amended.

Amendment 1 as amended was adopted.

Senator Gordon moved the following amendment which was adopted:

**Amendment 2**—In title, on page 1, line 5, after “grounds;” insert: providing a definition; amending s. 561.15, F.S.; providing for the withholding of certain licenses;

On motion by Senator Gordon, by two-thirds vote 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—30

Mr. President	Girardeau	Malchon	Plummer
Castor	Gordon	Mann	Scott
Childers, D.	Grant	Margolis	Stuart
Childers, W. D.	Grizzle	McPherson	Thomas
Dunn	Hill	Meek	Thurman
Fox	Jenne	Myers	Weinstein
Frank	Kirkpatrick	Neal	
Gersten	Kiser	Peterson	

Nays—7

Beard	Deratany	Johnson	Vogt
Crenshaw	Jennings	Langley	

Vote after roll call:

Yea—Crawford

Yea to Nay—Myers

On motion by Senator Gordon, 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 with amendments—

**SB 217**—A bill to be entitled An act relating to funds for teaching writing skills; amending s. 236.1223, F.S.; increasing the maximum number of students per teacher in writing skills classes; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 29, insert new Section 2:

Section 2. Paragraph (f) subsection (3) of section 231.532, F.S., is amended to read:

231.532 District quality instruction incentives programs.—There is established the quality instruction incentives program. The goals of this program are to increase the performance of public school students and to provide economic incentives to instructional personnel, and other personnel as specified in paragraph (3)(f), based upon approved district incentive plans.

(3) In order to be approved, the quality instruction incentives program of a school district shall provide awards based on the category specified in paragraph (f); and the program may also provide awards on the basis of one or more of the categories specified in paragraphs (a), (b), (c), (d), (e), (g), and (h).

(f) Employment at a meritorious school. Such a school shall be selected by being at least exceeding its statistically verifiable expectancy level on an approved standardized test in the upper quartile of district schools pursuant to a local school district plan based on verifiable prog-

~~ress in the accomplishment of district established goals and objectives which shall include student gain as measured by tests of verbal and quantitative achievement. However, when too few elementary schools, middle schools, junior high schools, or senior high schools exist within a district to determine the upper quartile, the meritorious designation of a school shall be specified in the school district plan. The school selection process shall be evaluated by the department to determine that the procedures of the district have assured to the fullest extent possible that:~~

1. All participating schools, regardless of socioeconomic differences and grade levels, have an equal chance to be recognized as meritorious;

2. The local evaluation and measurement procedures are not such that the same schools would tend to be selected each year or that it would be too difficult for a school to be selected 2 years in a row;

3. The procedures are fair and nonbiased; and

4. A standard of standards shall be selected from at least one of the following measurement categories:

a. Standardized tests, such as the national physical fitness test or the state student assessment tests.

b. Participation standards, such as membership in formal school support organizations or student participation in science fairs.

c. Achievement standards, such as vocational placements or winners of district, regional, or state competitions.

d. Discipline standards, such as suspension rates or attendance rates.

Each program approved under this section shall include provisions for recognizing student progress at meritorious schools. Noninstructional personnel and school-level administrators and supervisors may be included under the provisions of this paragraph.

(Renumber subsequent sections.)

**Amendment 2**—On page 1, in the title, line 5, insert: after “classes;” amending s. 231.532, F.S., revising criteria for selection as a meritorious school for purposes of the district quality instruction incentives programs;

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

SB 217 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crawford

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

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed as amended—

**HB 123**—A bill to be entitled An act relating to professional regulation; creating s. 455.2273, F.S., requiring regulatory boards to establish disciplinary guidelines by rule; amending s. 455.2285, F.S., requiring additional information in an annual report; amending s. 455.223, F.S., providing that subpoenas shall be supported by affidavit; amending s. 455.225, F.S., eliminating anonymous complaints as a basis for departmental investigation; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1 to Senate Amendment 1**—On page 1, line 11, insert:

Section 1. Foreign-trained professionals.—

(1) The Department of Professional Regulation shall, by rule, provide procedures under which exiled professionals may be examined for licensure within each practice act. A person shall be eligible for such examination if he:

(a) Immigrated to the United States after leaving his home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States; and

(b) Applies to the Department and submits a fee; and

(c) Was a Florida resident immediately preceding his application for licensure; and

(d) Demonstrates to the department, through submission of documentation verified by his respective professional association in exile, that he was graduated with an appropriate professional or occupational degree from a college or university; provided, however, the department may not require receipt of any documentation from the Republic of Cuba as a condition of eligibility under this section; and

(e) Lawfully practiced his profession for at least 3 years; and

(f) Prior to 1980, successfully completed an approved course of study pursuant to Chapters 74-105 and 75-177, and

(g) Presents a certificate demonstrating the successful completion of a continuing education program which provides the applicant with a course of study which will prepare him for the examination offered under subsections (2) and (3). The Department shall develop rules for the approval of such programs.

(2) Upon request of a person who meets the requirements of subsection (1) and submits an examination fee, the department shall provide a written practical examination which tests his current ability to practice his profession competently in accordance with the actual practice of his profession. Evidence of meeting the requirements of subsection (1) shall be treated by the department as evidence of the applicant's preparation in the academic and preprofessional fundamentals necessary for successful professional practice and the applicant shall not be examined by the department on such fundamentals.

(3) The Department shall issue a Podiatric Technician license to those applicants who meet the requirements of Subsections (1) and (2), however the applicant for such license may choose whether the examination is a written or a clinical practical examination. A licensed Podiatric Technician may perform the treatment of corns, calluses and the nonsurgical treatment of ingrown toenails. A licensed Podiatric Technician is subject to all of the requirements of this Chapter and Chapter 461.

(4) The fee charged for the examinations offered under subsections (2) and (3) shall be established by the department by rule and shall be sufficient to develop or to contract for the development of the examination and its administration, grading and grade reviews.

(5) The Department shall license any applicant who meets the requirements of subsections (1) and (2) or (3). All licenses so issued are subject to the administrative requirements of Chapter 455 and the respective practice act under which the license is issued. All applicants so licensed are subject to all provisions of this chapter and the respective practice act under which their license was issued.

(6) Upon a request by an applicant otherwise qualified under this section, the examinations offered under subsections (2) and (3), may be given in the applicant's native language, provided that any translation costs are borne by the applicant or applicants.

(7) The Department shall not issue an initial license nor renew a license to any applicant or licensee who is under investigation in any jurisdiction for an action which would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until such time as the investigation is complete, at which time the provisions of the professional practice acts shall apply.

(Renumber subsequent sections.)

**Amendment 1 to Senate Amendment 2**—On page 1 in the title, line 14, after the semicolon, insert: requiring the department to adopt procedures for examination of foreign-trained professionals for licensure; providing fees; providing eligibility; providing that qualified applicants shall not be examined on fundamental knowledge; providing that licensees are subject to the provisions of Chapter 455 and their respective practice acts; providing for the licensure of Podiatric Technicians; providing for the translation of examinations; providing that the department shall neither issue nor renew a license if the applicant or licensee is under investigation for an action which would constitute a violation of Chapter 455 or their respective Practice Act;

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

HB 123 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford, Kirkpatrick

On motion by Senator Castor, by two-thirds vote SR 1330 was withdrawn from the Committee on Rules and Calendar.

**Consideration of Resolution**

On motion by Senator Castor—

**SR 1330**—A resolution commending the Forest Hills Spirit of the Forest Hills Youth Soccer League.

WHEREAS, the Forest Hills Spirit of the Forest Hills Youth Soccer League is consistently among the most successful youth soccer teams in the state, and

WHEREAS, under the direction of Coach Edward J. Matesich, the team posted a 1986 record of 22 wins, 3 losses, and 3 ties, and

WHEREAS, the Forest Hills Spirit is made up of players from the Hillsborough County communities of Carrollwood, Forest Hills, Town and Country, Odessa, and Brandon, and

WHEREAS, the team consists of Troy Arch, Steve Barr, Edward Burge, Michael Buttery, Brian Crane, Dale Ferrera, Jerry Griffith, Garrett Jabaut, Vernon Kilpatrick, Dru Kniskern, Steve Matesich, Sherman Moorer, Alex Mynatt, Aritz Onaindia, Joseph Rowan, Kerry VanVoorhis, and Juan Villaveces, all of whom were born in the year 1973, and

WHEREAS, in June, 1986, the team will be competing in the Pikes Peak Soccer Tournament at the Air Force Academy, and will be the only Florida team among the 250 teams from 16 states competing in the tournament, and

WHEREAS, the team deserves the encouragement of all Floridians and commendation as an example of excellence in youth sports, NOW, THEREFORE,

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

That the Forest Hills Spirit of the Forest Hills Youth Soccer League is commended as an example of excellence in youth sports and is given the best wishes of the Florida Senate in its upcoming tournament.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Garrett Jabaut, a member and representative of the Forest Hills Spirit of the Forest Hills Youth Soccer League, 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.

**SPECIAL ORDER, continued**

**SB 734**—A bill to be entitled An act relating to insurance; amending s. 624.610, F.S.; removing certain prohibitions against an insurer from ceding or retroceding credit life or disability insurance to another insurer; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendments which were adopted:

**Amendment 1**—On page 1, following line 20, insert a new Section 2 to read as follows:

Section 2. Section 631.0515, Florida Statutes, is created to read:

631.0515. *Appointment of receiver; Insurance Holding Company.*—

(1) *A delinquency proceeding pursuant to this Chapter constitutes the sole and exclusive method of dissolving, liquidating, rehabilitating, reorganizing, conserving or appointing a receiver of a Florida corporation which is not insolvent as defined by Section 607.004(9), which through its shareholders, board of directors, or governing body is deadlocked in the management of its affairs, and which directly or indirectly owns all of the stock of a Florida domestic insurer. The Department may petition for an Order directing it to rehabilitate such corporation if the interests of policyholders or the public will be harmed as a result of the deadlock. The Department shall use due diligence to resolve the deadlock. Whether or not the Department petitions for an order, the circuit court shall not have jurisdiction pursuant to Section 607.271., 607.274 or 607.277 to dissolve, liquidate or appoint receivers with respect to a Florida corporation which directly or indirectly owns all of the stock of a Florida domestic insurer and which is not insolvent as defined by Section 607.004(9).*

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 6, following “insurer;” insert: creating s. 631.0515, F.S., authorizing appointment of receiver for an insurance holding company;

On motion by Senator Hair, by two-thirds vote 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—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**Reconsideration**

On motion by Senator Hair, the Senate reconsidered the vote by which SB 734 as amended passed.

On motion by Senator Hair, by two-thirds vote CS for HB 671 was withdrawn from the Committee on Commerce.

On motions by Senator Hair—

**CS for HB 671**—A bill to be entitled An act relating to insurance; amending s. 624.610, F.S., eliminating a prohibition against an insurer ceding or retroceding credit life insurance, credit disability insurance, or both to described insurers; creating s. 631.0515, F.S., authorizing appointment of a receiver for an insurance holding company; providing an effective date.

—a companion measure, was substituted for SB 734 and by two-thirds vote read the second time by title. On motion by Senator Hair, by two-thirds vote CS for HB 671 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Gersten

SB 734 was laid on the table.

On motion by Senator Jenne, the rules were waived and the Senate reverted to—

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator Jenne, by two-thirds vote HB 1210, SB 774 and CS for SB 511 were referred to the Committee on Appropriations as the first committee of reference.

On motions by Senator Jenne, by two-thirds vote CS for SB 84 and CS for SB 60 were added to the special order calendar for Wednesday, June 4.

On motions by Senator Jenne, by two-thirds vote SB 1221, SB 492, CS for SB 1239, CS for SB 624, CS for SB 99, CS for CS for SB 604, CS for CS for SB 103 and SB 689 were added to the special order calendar for Tuesday, June 3.

On motion by Senator Neal, the rules were waived and the Committee on Appropriations was granted permission to meet this day upon adjournment until 6:30 p.m. to consider the following bills: CS for SB 369, SB 149, CS for SB 986, SB 552, CS for SB 75, CS for SB 962, CS for SB 1108, SB 560, CS for CS for SB 600, SB 869, SB 769, SB 805, SB 69, CS for SB 81, SB 26, CS for SB 1045, CS for SB's 101 and 288, CS for SB 1149, SB 476, CS for SB's 126, 36 and 662, CS for SB 901, SB 35, CS for CS for SB's 218 and 219, CS for SB 1231, CS for SB 538, SB 762, SB 1173, CS for CS for SB 730, HB 1210, SB 774 and CS for SB 511.

On motions by Senator Jenne, by two-thirds vote HB 230 and CS for SB 1175 were withdrawn from the Committee on Finance, Taxation and Claims; SB 728 was withdrawn from the Committee on Judiciary-Civil; SB 521 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining; SB 797 and CS for HB 1104 were withdrawn from the Committee on Economic, Community and Consumer Affairs; HB 1147 was withdrawn from the Committee on Natural Resources and Conservation; and CS for SB 1212 was withdrawn from the Committee on Judiciary-Civil.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

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

I am directed to inform the Senate that the Speaker has appointed Representatives Gordon, Lippman, Messersmith, R. Johnson, with alternates Representatives Upchurch, and M. E. Hawkins, Subcommittee I; Representatives Gardner, Gustafson, Crotty, Hodges, with alternates Ogden, and Gallagher, Subcommittee II; Representatives Mills, Morgan, Easley, Wetherell, with alternates Carpenter, Burnsed, and Silver, Subcommittee III; Representatives Hodges, Gallagher, Bell, with alternate Ward, Subcommittee IV; as the Managers on the part of the House on HB 1381.

*Allen Morris, Clerk*

**ENROLLING REPORTS**

CS for SB 870, SB 1031 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 2, 1986.

*Joe Brown, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of May 30 was corrected and approved as follows:

Page 530, column 1, line 16, from bottom, strike “320” and insert: 302

**RECESS**

On motion by Senator Jenne, the Senate recessed at 5:06 p.m. to reconvene at 9:00 a.m., Tuesday, June 3.

**SENATE PAGES**

June 2-6

John Alsobrook, Gainesville; Kevin Baker, Tampa; Chip Beggs, Madi-

son; Hunter Jackson Brownlee, Howey-in-the Hills; Santanu Datta, Tallahassee; Stephanie Susan Durrance, Lakeland; Joel Cleveland Hardee, Tallahassee; Robert Hartman, Tallahassee; Amy Lewallen, Gainesville; James Daniel Lewis, III, Jacksonville; Andrew (Andy) L. Lott, Bronson; Stephen E. Mason, Jacksonville; Marcia Plummer, Monticello; Joell Reiter, West Palm Beach; Scott Schanbacher, Tallahassee; Daniel Edward Sprague, Daytona Beach; Kevin Sutton, Brooksville; Stephen S. van Wert, Ormond Beach; Christina Ann Vickers, Flagler Beach; Jim Woodroffe, IV, Tampa