



Journal of the Senate

Number 24

Wednesday, June 4, 1986

PRAYER

The following prayer was offered by Mrs. Jackie Sharkey, Administrative Assistant to the Senate Sergeant at Arms:

Shalom, Shalom. I want to tell a short story before we pray so that you will understand more fully. This story is told about our beloved, deceased Parson Jeffrey Alfriend who served St. John's Episcopal Church for 34 years. While attending a local civic meeting, one of the good ministers said, "Parson, would you do our opening prayer; maybe one of your nice printed prayers." Parson smiled and said, "Of course. Would you all please join me as we pray our Lord's prayer."

Our Father, who art in heaven, hallowed be thy name, thy kingdom come, thy will be done, in earth as it is in heaven. Give us this day our daily bread and forgive us our debts as we forgive our debtors. Lead us not into temptation, but deliver us from evil for thine is the kingdom, the power and glory, for ever and ever. Amen.

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—32:

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

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

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

REPORTS OF COMMITTEES

Report of Committee on Rules and Calendar

Senator Jenne reported that the Committee on Rules and Calendar had determined that an emergency exists compelling the introduction of SJR 1345 by Senator Stuart, notwithstanding the fact that the final day had passed for introduction of bills.

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, June 4, 1986: CS for CS for SB 1090, SCR 641, SCR 286, CS for SB's 1005 and 121, CS for CS for CS for SB 1022, CS for SB 590, CS for SB 1006, CS for SB 1034, CS for CS for SB's 1180 and 1230, CS for SB 1225, CS for SB 685, CS for SB 460, CS for SB 84, SB 692, CS for SB's 859 and 879, SB 950, HB 1091, CS for SB 809, CS for CS for SB's 711 and 597, CS for CS for SB's 639, 675 and 1146, CS for CS for CS for SB 122, CS for SB 376, SB 559, CS for SB 754, CS for SB 672, CS for SB 60, CS for SB 864, CS for SB 644, SB 1173, SB 63

Respectfully submitted,
Kenneth C. Jenne, Chairman

The Committee on Rules and Calendar recommends a committee substitute for the following: CS for CS for SJR's 54 and 3

The bills with committee substitute attached were placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

June 4, 1986

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following: Senate Bills 160, 562, 827, 1217, 1250; House Bill 1319

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senators Langley and Deratany—

SR 1343—A resolution commending the Florida Thoroughbred Breeding Industry for its four victories in the nation's prestigious Championship Breeders' Cup Races and for its exceptional year producing stakes winners across the country.

—was referred to the Committee on Rules and Calendar.

By Senator Thurman—

SB 1344—A bill to be entitled An act relating to Hernando County; establishing and organizing a municipality to be known and designated as the City of Spring Hill 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; abolishing the Spring Hill Fire and Rescue District and providing for assumption of its assets and liabilities by the city; providing a referendum.

—was referred to the Committee on Rules and Calendar.

By Senator Stuart—

SJR 1345—A joint resolution proposing an amendment to Section 9, Article VII of the State Constitution, relating to ad valorem taxation for water management purposes.

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

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committees on Rules and Calendar, Appropriations and Finance, Taxation and Claims and Senators Crawford, Castor and Neal—

CS for CS for CS for SJR's 54 and 3—A joint resolution proposing an amendment to Section 6 of Article VII and the creation of Section 20 of Article XII of the State Constitution, relating to homestead tax exemptions.

Senator Stuart presiding

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Neal, by two-thirds vote HB 1390, Senate Bills 292, 1082, 1252, CS for SB 786 and SJR 836 were withdrawn from the Committee on Appropriations.

On motions by Senator Neal, by two-thirds vote Senate Bills 271, 1084 and 1190 were withdrawn from the committees of reference and indefinitely postponed.

EXECUTIVE BUSINESS

The Honorable Harry A. Johnston, II
President, The Florida Senate

June 2, 1986

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Accountancy, Member Appointee: Argiz, Antonio L.	12/26/88	Board of Trustees of Manatee Community College, Member Appointee: Hackney, Charles E.	05/31/90
Board of Architecture, Members Appointees: Finch, Linda M. Mudano, Frank R.	12/17/89 12/17/89	Board of Trustees of Miami-Dade Community College, Members Appointees: Parks, Arva Moore Reeves, Garth C.	05/31/90 05/31/90
Board of Building Codes and Standards, Member Appointee: Brabham, Lewis C.	12/08/89	Board of Trustees of North Florida Junior College, Mem- bers Appointees: Protsman, Norman O. Townsend, Wallace S.	05/31/90 05/31/90
Secretary of Business Regulation Appointee: Kearney, E. James	Pleasure of Governor	Board of Trustees of Okaloosa-Walton Junior College, Member Appointee: Baldwin, John Edwin	05/31/90
Florida Citrus Commission, Members Appointees: Becker, R. William Crocker, James A. D'Albora, Jr., John V. Davis, Sr., Joe L. Hamrick, David O. Schirard, John H. Snively, Pate Taylor, Sr., Thomas H.	05/31/88 05/31/89 05/31/89 05/31/88 05/31/89 05/31/88 05/31/89 05/31/88	Board of Trustees of Pasco-Hernando Community College, Members Appointees: Blessing, L. Brant Browning, Mark E. Gay, Gregory G. Sasser, James H.	05/31/89 05/31/90 05/31/90 05/31/90
Clinical Laboratories Advisory Council, Member Appointee: Meyers, Judith Watson	11/30/89	Board of Trustees of Pensacola Junior College, Members Appointees: Merts, Robert H. Noonan, Jr., W. J. Timmons, William A.	05/31/90 05/31/90 05/31/90
Secretary of Community Affairs Appointee: Lewis, Jr., Thomas E.	Pleasure of Governor	Board of Trustees of Polk Community College, Members Appointees: Harris, Jr., George W. Jackson, Larry R. Senft, Jr., H. Paul	05/31/90 05/31/89 05/31/89
State Board of Community Colleges, Member Appointee: Greene, Sylvia F.	09/30/90	Board of Trustees of St. Johns River Community College, Members Appointees: Cotton, William R. Hancock, Frank M. Newell, Homer L.	05/31/90 05/31/90 05/31/90
Board of Trustees of Brevard Community College, Mem- bers Appointees: Dobson, Roger W. Nohrr, P. F.	05/31/90 05/31/90	Board of Trustees of St. Petersburg Junior College, Mem- bers Appointees: McElroy, J. Patrick Young, Robert C.	05/31/90 05/31/90
Board of Trustees of Broward Community College, Mem- bers Appointees: Roach, Margaret L. Wilkov, Elinor	05/31/90 05/31/90	Board of Trustees of Santa Fe Community College, Mem- bers Appointees: Dorsey, Mable S. Farnsworth, Jr., Harold C. Rowe, Robert R.	05/31/90 05/31/90 05/31/90
Board of Trustees of Chipola Junior College, Members Appointees: Donaldson, John Harold James, Michael R.	05/31/90 05/31/90	Board of Trustees of Seminole Community College, Mem- bers Appointees: Ringling, Julius C. Stenstrom, Carolyn P.	05/31/90 05/31/90
Board of Trustees of Daytona Beach Community College, Members Appointees: Beighle, J. Wayne Sacks, Leonard	05/31/90 05/31/90	Board of Trustees of South Florida Community College, Members Appointees: Collins, Sylvia M. Frierson, Gary Kelly, Clifton M.	05/31/90 05/31/90 05/31/90
Board of Trustees of Florida Junior College at Jacksonville, Members Appointees: Carr, Jr., John M. Yates, Alton Wendell Zell, Donald D.	05/31/90 05/31/90 05/31/90	Board of Trustees of Tallahassee Community College, Members Appointees: Hinson, Stewart M. McWilliams, Spurgeon W. Shingles, Josephus J.	05/31/90 05/31/90 05/31/90
Board of Trustees of Gulf Coast Community College, Mem- bers Appointees: Poyner, James A. Tapper, George G. Whitehead, C. A.	05/31/90 05/31/90 05/31/90	Board of Cosmetology, Members Appointees: Grayson, Louella L. Ward, Jr., H. Glen	01/01/89 01/01/90
Board of Trustees of Hillsborough Community College, Members Appointees: Hill, III, Benjamin H. Poppell, R. T.	05/31/90 05/31/90	Board of Dentistry, Members Appointees: Chichetti, Richard J. Mitchell, Orrin D.	02/07/90 02/07/90
Board of Trustees of Indian River Community College, Members Appointees: Dixon, Sr., Ben F. Sumner, Elder M. Supank, Harold Wyatt, John R.	05/31/90 05/31/90 05/31/90 05/31/90	Florida Elections Commission, Member Appointee: Boothby, Sylvia C.	12/10/89
Board of Trustees of Lake City Community College, Mem- bers Appointees: Bowdoin, Leroy Floyd, Ben H. Levy, Alfonso	05/31/90 05/31/90 05/31/90	Electrical Contractors' Licensing Board, Member Appointee: Taylor, Jack H.	12/17/89

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Professional Engineers, Members Appointees: Cromartie, William D. Spangler, Byron D.	12/20/89 12/20/89	East Central Florida Regional Planning Council, Region 6, Member Appointee: Hamilton, John M.	10/01/88
Environmental Regulation Commission, Members Appointees: Buford, Jr., A. L. Jack Hill, Jacqueline	07/01/89 07/01/89	Tampa Bay Regional Planning Council, Region 8, Members Appointees: Porter, James Don Stewart, J. Benton	10/01/88 10/01/88
Secretary of Health and Rehabilitative Services Appointee: Page, William J.	Pleasure of Governor	Southwest Florida Regional Planning Council, Region 9, Member Appointee: Singletary, D. Michael	10/01/88
Board of Hearing Aid Specialists, Member Appointee: Kennedy, June F.	07/30/89	State Retirement Commission, Members Appointees: Barrett, Lucia C. Crawford, Jr., Lucius	12/31/87 12/31/85 12/31/89
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools, Member Appointee: Collins, Arthur R.	07/01/88	Board of Trustees of the John and Mable Ringling Museum of Art, Member Appointee: Padron, Eduardo J.	11/05/89
Investment Advisory Council, Member Appointee: Crum, Gary R.	12/12/88	Florida High Technology Innovation Research and Devel- opment Board, Members Appointees: Fox, Richard Q. Logue, Christine A. Monteleone, Raymond Smith, Jr., Nathaniel Ware, Joel D. Wilson, Jr., Clyde H.	03/01/90 03/01/88 03/01/90 03/01/89 03/01/89 03/01/87
Board of Professional Land Surveyors, Member Appointee: Durden, H. Bruce	12/06/89	Secretary of Transportation Appointee: Drawdy, Thomas E.	Pleasure of Governor
Board of Landscape Architecture, Members Appointees: Milligan, David F. Ousley, Debra D.	03/04/90 03/04/90	Governing Board of the Southwest Florida Water Manage- ment District, Member Appointee: Bramson, Robert T.	07/01/88
Board of Medical Examiners, Members Appointees: Shea, J. Darrell Shorstein, Sylvia H. Stuart, Kathryn Ann	08/01/89 08/01/89 08/01/89	As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the quali- fications, experience, and general suitability of each appointee.	
Orange, Osceola and Seminole Counties Metropolitan Transportation Authority, Members Appointees: Lewis, Sue B. Lowrie, Walter O. Stevenson, Thomas J. Tompkins, Thomas N. Tyndal, W. J.	06/18/89 06/18/86 06/18/88 06/18/89 06/18/87	After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends:	
Board of Nursing, Members Appointees: Cruz, Natalia Nadal Sanders, Midlean L.	08/01/87 08/01/89	(1) That the executive appointments of the above-named appointees, to the office and for the term indicated, be <i>confirmed</i> by the Senate.	
Board of Opticianry, Member Appointee: Hullman, Geoffrey David	12/26/89	(2) That Senate action on said appointments be taken prior to the adjournment of the 1986 Regular Session.	
Board of Pharmacy, Member Appointee: Lutz, David L.	08/01/89	(3) That there is no necessity known to the committee for the deliber- ations on said appointments to be held in executive session.	
Board of Pilot Commissioners, Member Appointee: Young, William H.	06/30/89	Respectfully submitted,	
Ponce DeLeon Port Authority, Member Appointee: Sizemore, Jr., Thad R.	02/01/89	<i>W. D. Childers, Chairman</i> <i>Toni Jennings</i> <i>Franklin B. Mann, Vice Chairman</i> <i>Patrick K. Neal</i> <i>Betty Castor</i>	
Postsecondary Education Planning Commission, Member Appointee: Hightower, W. A.	02/04/89	On motion by Senator W. D. Childers, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:	
Historic Pensacola Preservation Board of Trustees, Member Appointee: Yates, Cooper	02/09/90	Yeas—23	
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc., Member Appointee: Wainwright, Louie L.	09/30/89	Mr. President Deratany Jenne Plummer Beard Fox Jennings Scott Childers, D. Frank Johnson Stuart Childers, W. D. Gordon Langley Thomas Crawford Grant Malchon Weinstein Crenshaw Hill Margolis	
Florida Real Estate Commission, Member Appointee: Yerkes, Elizabeth H.	11/16/89	Nays—None	
West Florida Regional Planning Council, Region 1, Member Appointee: Bergman, Celeste L.	10/01/88		
North Central Florida Regional Planning Council, Region 3, Members Appointees: Wilson, Edward E. Young, Aubra E.	10/01/88 10/01/88		

Vote after roll call:

Yea—Castor, Gersten, Meek, Neal

The Honorable Harry A. Johnston, II
President, The Florida Senate

June 2, 1986

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Greater Orlando Aviation Authority, Member Appointee: Sands, Fenton B.	04/16/86
Education Standards Commission, Member Appointee: Northrop, Grace M.	09/30/85
Harbor Master for the Port of Boca Grande Appointee: Johnson, Robert W.	11/21/85
Governing Board of the Southwest Florida Water Management District, Member Appointee: Crane, Jr., Donald R.	07/01/88

The Senate Committee on Executive Business has failed to consider these appointments because the committee finds that the terms of Fenton B. Sands, Grace M. Northrop and Robert W. Johnson have expired. Mr. Donald R. Crane, Jr., has resigned from the Governing Board of the Southwest Florida Water Management District. Therefore, the committee respectfully advises and recommends:

- (1) That the Senate fail to consider the appointments during the 1986 Regular Session.
- (2) That the failure to consider the appointments be noted in the pages of the Journal of the Senate in accordance with s. 114.05(1)(e), Florida Statutes.

Respectfully submitted,

W. D. Childers, Chairman *Toni Jennings*
Franklin B. Mann, Vice Chairman *Patrick K. Neal*
Betty Castor

On motion by Senator W. D. Childers, the report was adopted and the Senate failed to consider the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee.

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 CS for HB 15, CS for HB 396, CS for HB 456, CS for HB 655; has passed as amended HB 16, CS for HB 224, CS for CS for HB 320, CS for HB 338, CS for HB 447, HB 679, CS for HB 701, House Bills 706, 736, CS for CS for HB 870, CS for HB 925, CS for CS for HB 1023, CS for HB 1057, House Bills 1268, 1281, 1282, 1288, 1342, 1352, 1366, 1393 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance and Taxation and Representative Liberti—

CS for HB 15—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.

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

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

CS for HB 396—A bill to be entitled An act relating to domestic violence; amending s. 741.30, F.S., relating to action by a spouse for injunction for protection against domestic violence; revising conditions for standing; revising contents of petition; clarifying language; providing for civil or indirect criminal contempt; providing for bail in arrests for certain violations of such injunction; creating s. 741.31, F.S., providing a penalty for certain violations of such injunction; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Criminal Justice and Representative Gordon—

CS for HB 456—A bill to be entitled An act relating to domestic violence; amending s. 415.601, F.S.; providing legislative intent; amending s. 415.602 and s. 741.30, F.S.; redefining "domestic violence" by changing the definition of what constitutes such violence and who constitutes a victim of such violence; defining the term "cohabitating"; conforming provisions relating to actions for protection against domestic violence; amending s. 741.29, F.S.; specifying that certain particulars be in a police report of an alleged incident of domestic violence; providing an effective date.

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

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

CS for HB 655—A bill to be entitled An act relating to fraternal benefit societies; creating ss. 632.601-632.639, F.S.; substantially revising provisions relating to fraternal benefit societies; repealing ss. 632.011-632.571, F.S.; abolishing existing regulation of such societies; providing for review and repeal; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Gordon—

HB 16—A bill to be entitled An act relating to criminal history records; amending s. 943.058, F.S.; requiring the Department of Law Enforcement to notify the state attorney of certain unlawful orders of expunction or sealing and providing for corrective action; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Natural Resources and Representative Arnold—

CS for HB 224—A bill to be entitled An act relating to state parks and preserves; amending s. 258.007, F.S., authorizing the Division of Recreation and Parks of the Department of Natural Resources to use the power of condemnation to acquire property or property rights of parcels surrounded by parks under the jurisdiction of the division; providing a size limitation; specifying certain enumerated lands for eminent domain proceedings; amending s. 286.23, F.S., relating to the disclosure of beneficial interest in certain corporations; amending F.S. 258.42, exempting certain activities in aquatic preserves; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Judiciary-Civil.

By the Committees on Finance & Taxation; and Health and Rehabilitative Services and Representative R. C. Johnson and others—

CS for CS for HB 320—A bill to be entitled An act relating to mosquito control; creating s. 388.0101, F.S.; providing legislative intent; amending s. 388.011, F.S.; providing definitions; amending s. 388.021, F.S.; providing for the control of arthropods in certain areas; amending s. 388.101, F.S.; revising provisions with respect to district boards of commissioners; amending s. 388.141, F.S.; increasing the amount of salary which may be paid to district boards of commissioners; amending s. 388.201, F.S.; modifying the time for promulgation and notice of certain district budget proceedings; amending s. 388.221, F.S.; modifying district taxing procedures and providing for compensation for county tax officers; amending s. 388.241, F.S., relating to the authority of the boards of county commissioners of certain counties with respect to mosquito control; amending s. 388.271, F.S.; directing the Department of Health and Rehabilitative Services to guide and approve activities of agencies receiv-

ing state funds for arthropod control; amending s. 388.281, F.S., relating to the use of state funds for source reduction and enhancement of ecological integrity; amending s. 388.291, F.S.; providing for source reduction rather than eliminative control; amending s. 388.361, F.S.; providing for rules of the Department of Health and Rehabilitative Services; creating s. 388.3711, F.S.; providing for enforcement; creating s. 388.4111, F.S.; providing for arthropod control on public lands; amending s. 388.42, F.S.; providing for the duties of the West Florida Arthropod Research Laboratory; creating s. 388.45, F.S.; authorizing the Secretary of Health and Rehabilitative Services to declare a threat to public health with respect to infectious diseases transmitted by arthropods; creating s. 388.46, F.S.; creating the Florida Coordinating Council on Mosquito Control; providing for review and repeal; providing effective dates.

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

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

CS for HB 338—A bill to be entitled An act relating to insurance; amending s. 286.28, F.S.; clarifying the extent of waiver of sovereign immunity by political subdivisions which purchase liability insurance; amending s. 627.626, F.S.; providing for return of unearned premiums on canceled health insurance policies within a specified period; amending s. 641.30, F.S., relating to location of records of a health maintenance organization; providing an effective date.

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

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

CS for HB 447—A bill to be entitled An act relating to surveying; amending ss. 472.001, 472.003, 472.005, 472.007, 472.011, 472.013, 472.015, 472.017, 472.021, 472.023, 472.027, 472.029, 472.031, 472.033, 472.037 and 472.039, F.S., eliminating the use of the term "land" with respect to surveyors and surveying wherever the term appears in the statutes governing surveying; changing the name of the Board of Professional Land Surveyors to the Board of Professional Surveyors; revising criteria with respect to the licensure examination; providing for mandatory continuing education requirements; revising criteria for liability with respect to officers, agents, or employees of certain corporations; amending s. 471.005, F.S., redefining the term "engineering" to exclude certain described items from engineering surveys; providing an effective date.

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

By Representative Nergard and others—

HB 679—A bill to be entitled An act relating to motor vehicles; amending s. 320.0848, F.S., providing for annual renewal of the exemption entitlement parking permit for handicapped persons; revising permit specifications; providing for renewal decals; providing for fees and the disposition thereof; providing an effective date.

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

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

CS for HB 701—A bill to be entitled An act relating to continuing care contracts; amending s. 651.021, F.S., relating to certificates of authority; providing an exemption; amending s. 651.023, F.S., providing an exemption under certain circumstances; amending s. 651.033, F.S., providing additional requirements with respect to escrow accounts; providing penalties; providing additional notification requirements on escrow agents and providers with respect to escrow funds; providing exceptions; amending s. 651.035, F.S., deleting requirements for escrow agents with respect to minimum liquid reserve requirements; amending s. 651.055, F.S., providing for the application of the provisions relating to agreements and the right to rescind; amending s. 651.095, F.S., providing for the application of the provisions governing advertising; amending s. 651.106, F.S., providing additional grounds for discretionary refusal, suspension, or revocation of certificate of authority; amending s. 651.114, F.S., revising provisions with respect to delinquency proceedings for all escrowed funds; creating s. 651.116, F.S., providing additional provisions with respect to delinquency proceedings; creating s. 651.117, F.S., provid-

ing for duties of the Department of Health and Rehabilitative Services; creating s. 651.118, F.S., providing for certificates of need of the Department of Health and Rehabilitative Services with respect to sheltered beds and community beds; providing for review and repeal; providing an effective date.

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

By Representative Ward—

HB 706—A bill to be entitled An act relating to "the Beverage Law", amending section 561.01(4), F.S., defining alcoholic beverages; amending sections 561.01(5), 561.37, 561.54, 562.15, 562.34, 562.41, 562.47, 563.02, 563.05, 564.01, 564.02(3)(a), 564.04, 564.06, 565.01, 565.08, 565.12, 567.001, 568.01, 568.07, F.S., converting alcohol by weight to alcohol by volume; amending section 564.02, F.S., defining authorized sales under beer and wine licenses; amending s. 561.20, F.S., authorizing issuance of special licenses under the Beverage Law to civic centers; providing for transferability; providing for reversion; amending ss. 210.70 and 561.12, F.S., and creating s. 561.025, F.S.; creating an Alcoholic Beverage and Tobacco Trust Fund and providing for deposit of specified funds therein; creating ss. 563.025 and 564.025, F.S.; imposing a surtax on license fees for vendors of beer and wine; creating ss. 563.045 and 564.041, F.S.; requiring brand registration for beer and wine; providing fees; providing a penalty; amending s. 565.09, F.S.; increasing the brand registration fee for spirituous liquors; amending s. 215.22, F.S.; authorizing a service charge deduction from the trust fund; amending s. 561.20, F.S.; including certain restaurants in certain counties within provisions relating to special liquor licenses; repealing s. 562.113, F.S., relating to the sale of alcoholic beverages to persons on active duty in the Armed Services of the United States; amending s. 563.06, F.S., relating to malt beverages with respect to required stamps; providing an effective date.

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

By Representatives Gardner and Souto—

HB 736—A bill to be entitled An act relating to schools; creating s. 230.335, F.S.; requiring law enforcement agencies to notify the appropriate superintendent of schools of certain convictions of a student or employee of the school district; providing for confidentiality; creating s. 230.336, F.S., requiring the Department of Health and Rehabilitative Services to notify the appropriate superintendent of schools of any student or employee of the school district who contracts certain diseases; providing for confidentiality; creating s. 230.337, F.S.; providing a penalty; providing an effective date.

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

By the Committees on Appropriations, Governmental Operations and Representative Lippman and others—

CS for CS for HB 870—A bill to be entitled An act relating to fire safety; creating s. 550.155, F.S., directing the Division of Pari-Mutuel Wagering to make described rules with respect to firesafety standards concerning horseracing stables; amending s. 550.16, F.S., redefining the term "capital improvements"; providing for the expenditures of funds for certain capital improvements; amending ss. 400.441 and 633.05, F.S.; providing for uniform firesafety standards for nonresidential child care facilities and adult congregate living facilities; providing legislative intent; amending s. 83.43, F.S.; defining smoke detection device; creating the Florida Fire Sprinkler Trust Fund and providing an appropriation thereto from the Insurance Commissioner's Regulatory Trust Fund; authorizing the State Fire Marshal's Office to draw upon such funds to provide loans to licensed adult congregate living facilities and developmental services group homes for purchase and installation of automatic sprinkler systems; providing for approval of such systems; providing for loan agreements; giving preference to certain facilities; providing an appropriation for employment of personnel to manage the Florida Fire Sprinkler Trust Fund; providing an effective date.

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

By the Committee on Transportation and Representative Crotty—

CS for HB 925—A bill to be entitled An act relating to the county road system; amending s. 336.02, F.S., authorizing the board of county

commissioners to approve maps of right-of-way reservation for any road within the county's jurisdiction; providing for public hearing; providing a procedure for recording the map; providing required content; providing for a hearing; providing for the issuance of permits; amending s. 337.241, F.S.; providing for the recording or certain maps by the Department of Transportation or certain expressway authorities after an advertised public hearing; providing for minor amendments to maps; providing for a 5-year extension of the maps; extending the time for the department or expressway authority to acquire certain property following an administrative hearing; metropolitan transportation authorities; amending s. 163.805, F.S., providing a definition; revising voting requirements with respect to certain actions; amending s. 163.806, F.S., restricting the improvements on which funds may be expended by metropolitan transportation authorities; amending s. 163.807, F.S., revising language with respect to certain powers of the metropolitan transportation authorities; amending s. 163.818, F.S., relating to consolidation with expressway authorities; including reference to transit authorities; creating s. 73.145, F.S.; authorizing persons from whom property is appropriated or purchased to file civil actions to recover the property if the use for which the property was acquired is abandoned; creating a rebuttable presumption; providing a defense; providing for damages; providing exceptions; providing for retroactive effect; providing intent; providing severability; providing an effective date.

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

By the Committees on Appropriations, Higher Education and Representative Lawson—

CS for CS for HB 1023—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; including developmental research schools within the definition of public schools; creating s. 228.053, F.S.; establishing developmental research schools; providing missions; providing admission criteria; providing for fees; providing for supplemental support organizations; providing for personnel; creating an advisory board; providing duties; providing for funding; creating a Developmental Research School Educational Facility Trust Fund; providing for the deposit of funds in a Developmental Research School Trust Fund; providing for implementation; providing for audits; creating s. 230.015, F.S.; designating developmental research schools as special school districts; providing accountability to the Department of Education; amending s. 236.0817, F.S., relating to funding for developmental research schools; amending s. 228.072, F.S.; providing fee requirements for certain adult students; creating s. 229.13, F.S.; requiring school districts and community colleges to collect specified information when registering students; providing for approval of registration forms and related documents; amending s. 229.565, F.S.; providing for the evaluation of public school and community college programs; providing for the adjustment of funding allocations and penalties in the event of audit discrepancies; amending s. 230.645, F.S.; providing exemptions from the payment of student fees for specified students; requiring the payment of fees for all students not granted exemptions; providing for the establishment of student fees in the General Appropriations Act; authorizing school districts to waive or defer fees; providing for limitation of fee waivers in the General Appropriations Act; providing penalties for erroneous enrollment reporting; amending s. 230.66, F.S., relating to the industry services training program; authorizing the Department of Education to lease or transfer title to equipment under its jurisdiction; exempting training programs contracted through the department from the provisions of chapter 119, F.S.; providing for review; amending s. 236.081, F.S.; changing the method by which fees are calculated as a part of the district required local effort; amending s. 240.235, F.S.; and repealing subsections (3) and (4), relating to fee waivers in state universities; providing penalties for erroneous state university enrollment reporting; providing for methods of fee payment; authorizing state universities to waive or defer fees; providing for limitation of fee waivers in the General Appropriations Act; amending s. 240.301, F.S.; providing a delineation of community college student fees; amending s. 240.345, F.S.; providing for fee deferments; amending s. 240.35, F.S.; providing for the reporting and calculating of students for funding purposes; providing penalties for erroneous community college enrollment reporting; deleting provisions relating to fee waivers; authorizing community colleges to waive fees; providing for limitation of fee waivers in the General Appropriations Act; amending ss. 112.1904 and 112.1914, F.S., to conform; repealing s. 233.051, F.S., relating to remedial instruction; repealing ss. 240.227(9), 240.319(3)(r), 240.345(2)(c), 240.349(2), 240.359(3)(i), and 240.414(6), F.S., relating to postsecondary fee waivers for university and community college employees, persons 60

years of age or older, and certain students from Latin American and Caribbean countries; providing for rules; providing for developmental research schools to be designated as teacher education centers for inservice training; providing for the use of funds from the Developmental Research School Trust Fund for inservice activities; providing assent to the Morrill Land-Grant Act; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Natural Resources and Representative Jones—

CS for HB 1057—A bill to be entitled An act relating to restoration of Lake Hancock, Polk County, directing the Department of Natural Resources to coordinate the program; prescribing department's responsibilities; requiring reports to the Legislature; creating the Lake Hancock Advisory Council and prescribing the duties of the council; directing the Florida Institute of Phosphate Research to secure data, prepare a mining and reclamation program and secure data for permits or statements; creating the Lake Hancock Restoration Trust Fund; providing for funding, expenditures, and uses of the trust fund; providing appropriations; providing an effective date.

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

By the Committee on Health Care and Insurance and Representative Abrams and others—

HB 1268—A bill to be entitled An act relating to indigent health care; amending s. 409.266, F.S., relating to medical assistance; requiring the purchase of Medicaid program services in a cost-efficient manner; requiring the Medicaid program to emphasize certain kinds of services; setting priorities for establishing primary care programs through county public health units; increasing the fees paid under the Medicaid program for physician office visits and creating a trust fund for such purpose; creating demonstration projects for the cost-effective delivery of comprehensive health care services to certain indigent persons and specifying program guidelines, eligibility for participation, and funding; amending s. 409.2662, F.S., to authorize funding of the medically indigent demonstration projects from the Public Medical Assistance Trust Fund; creating a task force on state-supported health services, requiring a review of existing state health care policy, and requiring a report; directing the Department of Health and Rehabilitative Services to review and revise its Medicaid eligibility certification and provider reimbursement procedures and forms, and requiring a report; directing the Auditor General to conduct a program audit of the Medicaid program; providing an effective date.

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

By the Committee on Community Affairs and Representative Martin—

HB 1281—A bill to be entitled An act relating to the Formation of Local Governments Act; amending s. 165.022, F.S.; expanding the prohibition against special laws or general laws of local application in conflict with said act to municipal creation and dissolution and the dissolution of special districts; amending s. 165.061, F.S.; revising standards for municipal incorporation; providing an effective date.

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

By the Committee on Community Affairs and Representative Martin and others—

HB 1282—A bill to be entitled An act relating to the Biscayne Bay Aquatic Preserve; amending s. 258.397, F.S.; providing for further protection and improvement of water quality in Biscayne Bay and its major tributaries; providing for further protection and management of resources of the bay; modifying the dredge and fill permitting process in the bay area; amending s. 403.814, F.S., to conform; providing appropriations; providing an effective date.

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

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

HB 1288—A bill to be entitled An act relating to economic development; amending s. 288.075, F.S.; redefining the term "economic develop-

ment agency"; providing a penalty; providing for the creation of one or more Florida Equity Exchanges for certain purposes, contingent upon a feasibility study; providing for a committee to write a constitution and bylaws for the exchange; providing requirements with respect to the self-regulation thereof; providing for a members' security fund; providing for legislative consideration of tax policy for the exchange; providing for the applicability of securities laws; providing for reimbursement of administrative costs; providing for limitations on investments in exchange members; providing an effective date.

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

By the Committee on Regulatory Reform and Representative Robinson—

HB 1342—A bill to be entitled An act relating to fitting and dispensing of hearing aids; amending s. 484.0401, F.S., relating to purpose; amending s. 484.041, F.S., providing definitions; amending s. 484.042, F.S., expanding membership of the Board of Hearing Aid Specialists; modifying qualifications for membership; amending s. 484.044, F.S., revising authority of the board to make rules; deleting reference to an apprenticeship program; creating s. 484.0445, F.S., providing for establishment of a training program; providing requirements; providing for licensure of persons who complete the training program; creating s. 484.04451, F.S., providing examination, licensure, trainee registration, and license renewal fees; amending s. 484.045, F.S., revising requirements for licensure by examination; amending s. 484.046, F.S., revising requirements for licensure by endorsement; amending s. 484.047, F.S., revising requirements for license renewal; deleting a continuing education requirement; amending s. 484.048, F.S., revising provisions relating to inactive status; amending s. 484.0501, F.S., revising provisions relating to minimal procedures and equipment for fitting and selling hearing aids; amending s. 484.051, F.S., providing for disclosure of prices; providing procedures with respect to sales; creating s. 484.0513, F.S., providing for cancellation upon certain medical advice; amending s. 484.053, F.S., modifying a prohibition; adding prohibition and penalty; amending s. 484.054, F.S., providing a penalty for repeated offenses; amending s. 484.056, F.S., providing additional grounds for disciplinary actions by the boards; providing for disciplinary action by the department against non-licensed owners in violation; creating s. 484.058, F.S., requiring establishment of a regular place of business; amending s. 484.059, F.S., prohibiting certain unlicensed practice; exempting certain trainees; saving part II of chapter 484, F.S., from Sunset repeal; providing for future repeal; providing an effective date.

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

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

HB 1352—A bill to be entitled An act relating to nursing; amending s. 464.002, F.S., clarifying purpose; amending s. 464.003, F.S., clarifying definitions; amending s. 464.004, F.S., providing for diverse membership on the Board of Nursing; amending s. 464.006, F.S., clarifying authority to make rules; amending s. 464.008, F.S., permitting examination for licensure upon completion of program requirements; amending s. 464.009, F.S., modifying requirements for licensure by endorsement; amending s. 464.012, F.S., clarifying provisions relating to certification of advanced registered nurse practitioners; amending s. 464.013, F.S., clarifying provisions relating to license or certificate renewal; amending s. 464.014, F.S., revising procedures for inactive status; revising requirements for license reactivation; providing for fees; providing for license expiration; amending s. 464.015, F.S., relating to titles and abbreviations with respect to professional nurses; amending s. 464.016, F.S., increasing the penalty for obtaining a license or certificate through misrepresentation; amending s. 464.018, F.S., revising procedures with respect to compelling a licensee to submit to a physical or mental examination; amending s. 464.0185, F.S., providing for impaired program; amending s. 464.022, F.S., expanding and clarifying exceptions to the act; repealing s. 464.007, F.S., relating to expenditures and disposition of fees; repealing s. 464.023, F.S., relating to saving clauses; saving chapter 464, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

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

By the Committee on Regulatory Reform and Representative Kelly—

HB 1366—A bill to be entitled An act relating to legislative review of regulatory programs and functions and of advisory bodies; repealing ss. 390.011(2) and 390.012-390.021, F.S., relating to regulation and licensing of abortion clinics; repealing s. 390.026, F.S., relating to internal risk management programs of facilities licensed under chapters 390, 389, and 395; repealing s. 520.085, F.S., relating to simple-interest contracts under The Motor Vehicle Sales Finance Act; repealing s. 520.125, F.S., relating to variable-rate contracts for the purchase of mobile homes; repealing s. 520.345, F.S., relating to simple-interest contracts under The Retail Installment Sales Act; repealing s. 520.785, F.S., relating to simple-interest contracts under The Home Improvement Sales and Finance Act; repealing s. 624.075, F.S., relating to the treatment of certain foreign or alien insurers as commercially domiciled insurers; repealing s. 624.124, F.S., relating to the automobile services exemption from the insurance code; repealing s. 624.21, F.S., relating to the prospective nature of amendments to the insurance code; repealing s. 624.34, F.S., relating to the authority of the Department of Law Enforcement to accept fingerprints of, and exchange history records with respect to, insurers and certain other persons being investigated under the insurance code; repealing s. 624.4095, F.S., relating to the authority of the Department of Insurance to place restrictions on premiums written by insurers; repealing s. 624.4241, F.S., relating to the filing requirements of the National Association of Insurance Commissioners; repealing ss. 624.441-624.446, F.S., relating to multiple-employer welfare arrangements; repealing ss. 628.520-628.530, F.S., relating to change of domicile by a foreign insurer to this state and by a domestic insurer to another state and to the effect of redomestication; repealing s. 628.535, F.S., relating to authority of Department of Insurance to adopt rules under chapter 628; repealing ss. 628.801-628.803, F.S., relating to registration and regulation of insurance holding companies; repealing s. 631.153, F.S., relating to intervention in insurer delinquency proceedings; repealing s. 641.225, F.S., relating to surplus requirements of health maintenance organizations; repealing s. 641.226, F.S., relating to use of services of unlicensed providers by health maintenance organizations; repealing s. 641.3005, F.S., relating to application of chapter 85-177, Laws of Florida, to health maintenance organizations; repealing part V of chapter 626, F.S., relating to regulation and licensing of title insurance agents; repealing s. 627.0652, F.S., relating to insurance discounts for certain persons completing safety courses; repealing s. 627.3515, F.S., relating to the market assistance plan for the placement of property and casualty risks; repealing s. 627.6401, F.S., relating to refund of premiums with respect to certain persons who have reached age 64; repealing ss. 627.7773, 627.7776, 627.7842, 627.791, and 627.792, F.S., relating to title insurance provisions respecting accounting and auditing of forms, furnishing of supplies, policy exceptions, penalties for violations by persons or entities not licensed, and liability of title insurers for defalcation by title insurance agents; repealing s. 627.8281, F.S., relating to levy by claimants upon certain deposits of premium finance companies; repealing s. 399.125, F.S., relating to filing of elevator accident reports; repealing s. 381.294, F.S., relating to regulation and permitting of bottled water plants; repealing part II of chapter 210, F.S., relating to the tax on tobacco products other than cigarettes or cigars and distributors of such products; providing for legislative review of the foregoing repealed sections pursuant to the Regulatory Sunset Act; repealing ss. 943.085(3), 943.131-943.1395, 943.171-943.175, 943.22, and 943.25, F.S., relating to the Criminal Justice Standards and Training Commission and to standards and training for, and employment of, law enforcement officers and correctional officers; repealing part II of chapter 427, F.S., relating to telephone communication services for the deaf and the Florida Council for the Hearing Impaired; repealing s. 159.445, F.S., relating to the Florida High Technology Innovation Research and Development Fund and board; repealing s. 229.552, F.S., relating to the Florida Center for Educational Statistics Advisory Committee; repealing s. 20.16(4), F.S., relating to the Florida Pari-mutuel Commission; providing for legislative review of the foregoing repealed sections pursuant to the Sundown Act; amending s. 5 of chapter 85-200, Laws of Florida, which prospectively repeals certain laws relating to the Florida Inland Navigation District and the West Coast Inland Navigation District, to change the date of repeal; amending ss. 49 and 51 of chapter 85-175 and s. 3 of chapter 85-127, Laws of Florida, which prospectively repeal laws relating to alternative methods of payment of malpractice damage awards against health care providers, court-ordered arbitration in negligence actions against health care providers, and the obligation of district school boards to eliminate major emergency conditions, to delete the provisions for review of such laws under s. 11.61, F.S., and to change the repeal date for the law relating to alternative methods of payment of malpractice damage

awards; repealing s. 240.421(4), F.S.; saving the Florida Council of Student Financial Aid Advisors from Sundown repeal and providing for future review and repeal; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Regulatory Reform and Representatives Lippman and Grindle—

HB 1393—A bill to be entitled An act relating to optometry; creating s. 463.0001, F.S., providing a short title; amending s. 463.001, F.S., providing legislative purpose and intent; amending s. 463.002, F.S., providing definitions; amending s. 463.003, F.S., providing membership and terms of the Board of Optometry; amending s. 463.005, F.S., providing authority of the board; creating s. 463.0055, F.S., providing for administration and prescription of topical ocular pharmaceutical agents by certified optometrists; providing requirements for certification; providing for a formulary of authorized topical ocular pharmaceutical agents; amending s. 463.006, F.S., providing for licensure by examination; amending s. 463.007, F.S., providing for renewal of license; providing for continuing education; amending s. 463.008, F.S., providing for inactive status; amending s. 463.009, F.S., providing for supervision of supportive personnel; amending s. 463.011, F.S., providing for exhibition of license; amending s. 463.012, F.S., providing for optical prescription filing, release, and duplication; creating s. 463.0135, F.S., providing standards of practice; requiring referral and consultation under certain conditions; amending s. 463.014, F.S., prohibiting certain acts; amending s. 463.015, F.S., providing violations and penalties; amending s. 463.016, F.S., providing grounds for disciplinary action and penalties; amending s. 463.019, F.S., providing saving clauses; saving chapter 463, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

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

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed HB 333, CS for CS for HB 644, CS for HB 805 and HB 1124 as amended.

Allen Morris, Clerk

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 333, 406, 513, CS for SB 536, Senate Bills 546, 548, 564, CS for SB 628, Senate Bills 695, 768, 1282, 1292, 1294, 1295, 1296, 1303, 1304, 1311 and 1290.

Allen Morris, Clerk

The bills contained in the foregoing message were ordered enrolled.

SPECIAL ORDER

On motion by Senator Fox, consideration of CS for CS for SB 1090 was deferred until 11:00 a. m.

Consideration of Senate Concurrent Resolutions 641 and 286 was deferred.

CS for SB's 1005 and 121—A bill to be entitled An act relating to protection from abuse, neglect, and exploitation; amending s. 415.101, F.S., creating the "Adult Protective Services Act"; clarifying legislative intent with respect to such protection for aged persons and disabled adults; amending s. 415.102, F.S., modifying definitions and providing additional definitions; amending s. 415.103, F.S., clarifying language; specifying additional persons who are required to report known or suspected abuse, neglect, or exploitation of aged persons or disabled adults; specifying contents of and modifying procedures with respect to reports; providing for expunction of records under certain circumstances; providing the tollfree number for the central abuse registry; providing immunity to persons making reports; amending s. 415.104, F.S., requiring on-site investigation of reports by the Department of Health and Rehabilitative Services; providing a time limit; requiring report of criminal justice agency investigations; requiring certain notification to the state attorney; requiring monthly reports from the state attorney; amending s. 415.105, F.S., providing departmental procedures with respect to provision of protective services when consent is given, when consent is withdrawn, when the person involved lacks capacity to consent, or when a caregiver refuses to allow services; providing for hearings; authorizing emergency protec-

tive services intervention, emergency entry of and removal from premises, and medical treatment, under certain circumstances; providing for petition, hearing, and notice; amending s. 415.106, F.S., requiring certain interprogram agreements or procedures; providing for interagency cooperation; amending s. 415.107, F.S., permitting access to confidential reports to certain additional persons; providing for notification of investigation upon request of the person making the initial report of abuse, neglect, or exploitation; providing for investigation of applicants for licensure of certain facilities; disqualifying certain persons from licensure; providing for exemptions; creating s. 415.1085, F.S., authorizing use of photographs, medical examinations, and X-rays in investigations of abused or neglected aged persons or disabled adults; providing for recovery of costs; providing procedures with respect to medical treatments; amending ss. 415.109, 415.112, 400.304, and 400.307, F.S., to conform to the act; amending s. 415.111, F.S., providing penalties for abusing, neglecting, or exploiting an aged person or disabled adult; repealing s. 415.108, F.S., relating to immunity from liability in reporting abuse, neglect or exploitation of aged or disabled persons; repealing s. 827.09, F.S., relating to penalties for abuse, neglect, or exploitation of aged or disabled persons; providing an effective date.

—was read the second time by title.

Senator Malchon moved the following amendments which were adopted:

Amendment 1—On page 22, strike all of lines 9-27 and insert:

(c) Authorization for medical treatment.—If, immediately upon admission to a medical facility, a person who is legally authorized to give consent for the provision of medical treatment to an aged person or disabled adult has not given or has refused to give such consent, and it is the professional opinion of the medical staff of the facility that treatment is necessary to prevent serious physical harm or death, the medical facility may proceed with treatment to the aged person or disabled adult. The person who is authorized to give consent may petition an appropriate court to prevent or withdraw treatment.

Amendment 2—On page 31, lines 27-31, and on page 32, lines 1-18, strike all of said lines and insert:

(1) Any person authorized by law to investigate cases of alleged abuse or neglect of an aged person or disabled adult may take or cause to be taken photographs of the areas of trauma visible on the aged person or disabled adult who is the subject of a report, and photographs of the surrounding environment, with the consent of the subject or guardian or guardians. If the areas of trauma visible on the aged person or disabled adult indicate a need for medical examination, the department may, with the consent of the subject or guardian or guardians, cause the aged person or disabled adult to be referred to a licensed physician or any emergency department in a hospital or health care facility for medical examination and X-rays, if deemed necessary by the examining physician. Medical examinations performed and X-rays taken pursuant to this section shall be paid for by third-party reimbursement, if available, or by the subject or his guardian, if they are determined to be financially able to pay; or, if neither is available, the department shall pay the costs within available emergency services funds.

Amendment 3—On page 32, lines 22-31 and on page 33, lines 1-11, strike all of said lines.

Amendment 4—In title, on page 2, strike line 22 and insert: adults;

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

On motion by Senator Malchon, by two-thirds vote CS for SB's 1005 and 121 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Vote after roll call:

Yea—Castor, Gersten, Kirkpatrick, Meek, Vogt

The President presiding

CS for CS for CS for SB 1022—A bill to be entitled An act relating to taxation on fuels; creating s. 336.027, F.S.; providing that a county may impose an additional motor fuel tax by a majority plus one vote of the commission; providing for the collection, administration, and distribution of the tax; providing that bonds may be issued pursuant to the State Bond Act pledging the revenues from the tax; providing that a county or municipality may use the proceeds of the tax for transportation programs and to advance state road and public transportation projects; providing for reimbursement for expenditures on state projects; providing that a county or municipality must specify the projects on which the proceeds of the tax will be expended; prohibiting the Department of Transportation from reducing its program allocations in those counties or municipalities which have contributed revenues from the tax for state projects; amending s. 336.025, F.S.; requiring periodic adjustments in the distribution of local option gas tax moneys when the distribution is not covered by an interlocal agreement; providing additional circumstances when an interlocal agreement may be entered into; providing for distribution of tax moneys to newly incorporated municipalities; amending s. 206.9825, F.S.; specifying that the local option motor fuel tax pursuant to s. 336.027, F.S., does not apply to aviation fuel; amending s. 165.071, F.S.; requiring that a procedure be established for distributing local option gas tax moneys when incorporating a new municipality; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 17, between lines 7 and 8, insert:

Section 5. Paragraph (d) of subsection (1) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.—

(d) Proceeds from the surtax shall be:

1. Deposited by the county in the rapid transit trust fund and shall be used only for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, and related costs of a fixed guideway rapid transit system; or:

2. Remitted by the governing body of the county to an expressway or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, maintenance of roads or bridges in the county, or the payment of principal and interest on bonds issued for the construction of such roads or bridges.

(Renumber subsequent section.)

Amendment 2—On page 2, line 5, after the semicolon (;), insert: amending s. 212.055, F.S.; authorizing charter counties to impose a discretionary sales surtax to be used by certain authorities for roads or bridges, including payment of principal and interest of bonds;

On motion by Senator Gordon, by two-thirds vote CS for CS for CS for SB 1022 was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—24

Mr. President	Childers, W. D.	Dunn	Frank
Childers, D.	Crawford	Fox	Girardeau

Gordon	Jenne	Langley	McPherson
Grant	Jennings	Malchon	Neal
Hair	Johnson	Mann	Scott
Hill	Kiser	Margolis	Weinstein

Nays—4

Beard	Plummer	Stuart	Thomas
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Vote after roll call:

Yea—Castor, Deratany, Grizzle, Meek, Myers, Vogt

Nay—Peterson

CS for SB 590—A bill to be entitled An act relating to juveniles; amending s. 39.01, F.S.; providing definitions; amending s. 39.407, F.S., relating to medical treatment for dependent children; authorizing medical screening by the Department of Health and Rehabilitative Services when a child is to be detained in shelter care; requiring certain consent to medical treatment; authorizing consent by the department under certain circumstances; providing for court orders for medical examination or treatment; providing for mental health or retardation services in emergency situations; deleting conflicting language; providing financial responsibilities of the child's parents or guardian; clarifying provisions relating to authority of the department as legal custodian of a child; authorizing adoption of rules; amending s. 415.507, F.S., to conform provisions relating to investigation of child abuse or neglect; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for SB 590 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Frank	Jennings	McPherson
Beard	Girardeau	Johnson	Neal
Childers, D.	Gordon	Kiser	Plummer
Childers, W. D.	Grant	Langley	Thomas
Crawford	Hair	Malchon	Weinstein
Dunn	Hill	Mann	
Fox	Jenne	Margolis	

Nays—None

Vote after roll call:

Yea—Castor, Deratany, Gersten, Kirkpatrick, Meek, Peterson, Vogt

Consideration of CS for SB 1006 and CS for SB 1034 was deferred.

CS for CS for SB's 1180 and 1230—A bill to be entitled An act relating to education; providing definitions; prohibiting the order or purchase, for use in public schools, of art or craft materials containing toxic substances; authorizing exemptions; providing for rules; specifying duties of the Department of Health and Rehabilitative Services and the Department of Education; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for CS for SB's 1180 and 1230 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

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

Nays—None

Vote after roll call:

Yea—Castor, Deratany, Gersten, Jenne, Kirkpatrick, Malchon, Meek, Peterson

CS for SB 1225—A bill to be entitled An act relating to consumer protection; providing legislative intent; providing definitions; specifying labeling requirements for the distribution and sale of art and craft materials containing toxic substances; requiring that certain notification be made; providing a civil penalty and for deposit of fines to a certain trust fund; providing for rules; providing effective dates.

—was read the second time by title.

Three amendments were adopted to CS for SB 1225 to conform the bill to CS for HB 610.

On motion by Senator Gordon, by two-thirds vote CS for HB 610 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Gordon—

CS for HB 610—A bill to be entitled An act relating to consumer protection; providing legislative intent; providing definitions; specifying labeling requirements for the distribution and sale of art and craft materials containing toxic substances; requiring that certain notification be made; providing a civil penalty and for deposit of fines to a certain trust fund; providing for rules; providing applicability to the affixing of artificial nails; providing effective dates.

—a companion measure, was substituted for CS for SB 1225 and read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for HB 610 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Frank	Johnson	Plummer
Beard	Girardeau	Kiser	Scott
Childers, D.	Gordon	Langley	Stuart
Childers, W. D.	Grant	Malchon	Thomas
Crenshaw	Hair	Mann	Vogt
Deratany	Hill	McPherson	Weinstein
Fox	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Castor, Gersten, Jenne, Kirkpatrick, Meek, Neal

CS for SB 1225 was laid on the table.

CS for SB 685—A bill to be entitled An act relating to drugs, devices, and cosmetics; creating s. 499.0052, F.S.; prohibiting certain false or misleading advertisement, or the manufacture, repackaging, sale, or distribution of any falsely advertised or labeled drug, device, or cosmetic; prohibiting advertisement that a drug or device has any effect on certain conditions, disorders, diseases, or processes; creating s. 499.0053, F.S.; providing an exemption for certain advertisements directed at health professionals, for products approved as safe and effective by the United States Food and Drug Administration, or provided for educational purposes; providing for advertisement of drugs or devices for self-medication, under certain circumstances; amending s. 499.066, F.S.; increasing the fine for violation of the Florida Drug and Cosmetic Act; providing for deposit of fines in the Florida Drug, Device, and Cosmetic Trust Fund; providing for review and repeal; providing an effective date.

—was read the second time by title.

Senator Malchon moved the following amendment which was adopted:

Amendment 1—On page 4, line 3, strike “is directed” and insert: if it is disseminated

On motion by Senator Malchon, by two-thirds vote CS for SB 685 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—24

Mr. President	Gersten	Jennings	Margolis
Beard	Girardeau	Johnson	Myers
Childers, D.	Grant	Kiser	Scott
Crenshaw	Hair	Langley	Stuart
Fox	Hill	Malchon	Thomas
Frank	Jenne	Mann	Vogt

Nays—None

Vote after roll call:

Yea—Castor, W. D. Childers, Deratany, Kirkpatrick, Meek, Neal, Peterson, Plummer, Weinstein

CS for SB 460—A bill to be entitled An act relating to health insurance; creating the “Child Health Assurance Act”; creating ss. 627.6416, 627.6579, F.S.; requiring certain individual and group, blanket, or fran-

chise health insurance policies and health care services plan contracts to provide coverage for child health supervision services; providing definitions; providing exceptions; amending s. 627.651, F.S.; requiring compliance by multiple-employer welfare arrangements; amending s. 627.6515, F.S.; providing a cross reference with respect to out-of-state groups; providing for review and repeal; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendment which was adopted:

Amendment 1—On page 4, line 21, strike “1992” and insert: 1989

On motion by Senator Jenne, by two-thirds vote CS for SB 460 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—25

Mr. President	Gersten	Langley	Stuart
Beard	Grant	Mann	Thomas
Childers, D.	Hair	Margolis	Vogt
Childers, W. D.	Jenne	McPherson	Weinstein
Crawford	Jennings	Myers	
Crenshaw	Johnson	Neal	
Fox	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Castor, Deratany, Frank, Kirkpatrick, Meek, Peterson

Yea to Nay—Crenshaw, Hair

On motions by Senator Margolis, by two-thirds vote CS for HB 389 was withdrawn from the Committees on Finance, Taxation and Claims and Rules and Calendar.

On motion by Senator Margolis—

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.

—a companion measure, was substituted for CS for SB 84 and read the second time by title.

Senator Girardeau moved the following amendments which were adopted:

Amendment 1—On page 4, line 15, insert:

(11) Notwithstanding any other provision of law, the board shall not buy any obligation or security of any South African corporation or of any South African government-owned corporation or of the South African government.

Amendment 2—In title, on page 1, line 13, after “board;” insert: and prohibiting certain investments;

On motion by Senator Margolis, by two-thirds vote CS for HB 389 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Frank	Kirkpatrick	Myers
Beard	Gersten	Kiser	Plummer
Childers, D.	Girardeau	Langley	Scott
Crawford	Grant	Malchon	Stuart
Crenshaw	Hill	Mann	Vogt
Deratany	Jennings	Margolis	Weinstein
Fox	Johnson	McPherson	

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Meek, Neal, Peterson

CS for SB 84 was laid on the table.

Consideration of SB 692 was deferred.

On motions by Senator Crawford, by two-thirds vote CS for HB 825 was withdrawn from the Committees on Natural Resources and Conservation and Appropriations.

On motion by Senator Crawford—

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.

—a companion measure, was substituted for CS for SB’s 859 and 879 and read the second time by title. On motion by Senator Crawford, by two-thirds vote CS for HB 825 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Meek, Neal, Peterson

CS for SB’s 859 and 879 was laid on the table.

Consideration of Resolutions

On motion by Senator Langley, by two-thirds vote SR 1343 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Langley—

SR 1343—A resolution commending the Florida Thoroughbred Breeding Industry for its four victories in the nation’s prestigious Championship Breeders’ Cup Races and for its exceptional year producing stakes winners across the country.

WHEREAS, the Florida Thoroughbred Breeding Industry won four of the seven Breeders’ Cup Championship Races held at Aqueduct Race Track in New York on November 2, 1985, and

WHEREAS, “Tasso”, bred and owned by Gerald Robins and Timothy Sams of Williston, Florida, was named Florida’s 2-year-old champion colt and the Nation’s 2-Year-Old Male Eclipse Champion, due in part to his Breeders’ Cup victory, and

WHEREAS, “Twilight Ridge”, bred by the late Dr. Thomas Burrow in Florida and owned by Eugene Klein, was named Florida’s 2-year-old champion filly, due in part to her Breeders’ Cup victory, and

WHEREAS, “Cozzene”, bred and owned by John Nerud of Ocala, Florida, was named Florida’s Grass Champion and the Nation’s Male Grass Eclipse Champion, due in part to his Breeders’ Cup victory, and

WHEREAS, “Precisionist”, bred and owned by Fred W. Hooper of Ocala, Florida, was named Florida’s Horse of the Year, Sprinter Champion, and Older Male Horse Champion, and the Nation’s Sprinter Eclipse Champion, due in part to his Breeders’ Cup victory, and

WHEREAS, the Florida Thoroughbred Breeding Industry won nearly 400 stakes races nationwide last year, including 75 graded stakes races, competing and winning against the best racehorses in the country, and

WHEREAS, the Legislature has supported a continuing docket for a strong breeders’ awards program and of encouraging thoroughbred horse breeders to move to Florida and to breed, raise, and train their horses in the Sunshine State, NOW, THEREFORE,

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

That the Florida Legislature is proud of the entire Florida Thoroughbred Breeding Industry and commends the breeders and owners of the Florida-bred horses for their notable victories at the prestigious Breeders’ Cup Championship Races and commends the thousands of Florida thoroughbred breeders for their outstanding year producing quality thoroughbred horses which have bestowed tremendous national respect upon the great State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President and Secretary of the Senate, with the Great Seal of the State of Florida affixed, be presented to the Florida Thoroughbred Breeders’ Association, which represents the Florida Thoroughbred Breeding Industry, and to each of the owners and breeders of the victorious Florida-bred horses at the 1985 Breeders’ Cup Championship Races.

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

The President appointed Senators Langley and Deratany as a committee to escort Mike O’Farrell, Scot Dudley and Ket Barber to the rostrum where they were presented a copy of the resolution.

On motion by Senator Myers, by two-thirds vote SCR 1333 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Myers—

SCR 1333—A concurrent resolution designating “Mental Illness Awareness Week.”

WHEREAS, a mental illness is a problem of grave concern and consequence in American society, though one widely but unnecessarily feared and misunderstood, and

WHEREAS, 31 to 41 million Americans annually suffer from clearly diagnosable mental disorders involving significant disability with respect to employment, attendance at school, or independent living, and

WHEREAS, more than 10 million Americans are disabled for long periods of time by schizophrenia, manic depressive disorder, and major depression, and

WHEREAS, between 30 and 50 percent of the homeless suffer serious, chronic forms of mental illness, and

WHEREAS, alcohol, drug, and mental disorders affect almost 19 percent of American adults in any 6-month period, and

WHEREAS, mental illness in at least 12 million children interferes with vital development and maturational processes, and

WHEREAS, mental disorder-related deaths are estimated to be 33,000, with suicide accounting for at least 29,000, although the real number is thought to be at least three times higher, and

WHEREAS, our growing population of the elderly is particularly vulnerable to mental illness, and

WHEREAS, mental disorders result in staggering costs to society, totaling an estimated \$106,200,000,000 in direct treatment and support and indirect costs to society, including cost productivity, and

WHEREAS, mental illness is increasingly a treatable disability with excellent prospects for amelioration and recovery when properly recognized, and

WHEREAS, families of mentally ill citizens and those persons themselves have begun to join self-help groups seeking to combat the unfair stigma of the diseases, to support greater national investment in research, and to advocate for an adequate continuum of care from hospital to community, and

WHEREAS, in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior, and

WHEREAS, research in recent decades has led to a wide array of new and more effective modalities of treatment (both somatic and psychosocial) for some of the most incapacitating forms of mental illness (including schizophrenia, major effective disorders, phobias, and panic disorders), and

WHEREAS, appropriate treatment of mental illness has been demonstrated to be cost-effective in terms of restored productivity, reduced utilization of other health services, and lessened social dependence, and

WHEREAS, recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergency of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems, NOW, THEREFORE,

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

That the Legislature of the State of Florida designates the week beginning October 5, 1986, as "Mental Illness Awareness Week" and the Governor is requested to issue a proclamation calling upon the people of the State of Florida to observe such week with appropriate ceremonies and activities.

—was taken up out of order by unanimous consent, read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—27

Mr. President	Dunn	Johnson	Myers
Beard	Fox	Kirkpatrick	Plummer
Childers, D.	Frank	Langley	Stuart
Childers, W. D.	Gersten	Malchon	Thomas
Crawford	Girardeau	Mann	Vogt
Crenshaw	Grant	Margolis	Weinstein
Deratany	Hill	McPherson	

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Meek, Neal

On motion by Senator Vogt—

SCR 943—A concurrent resolution relating to the designation of "Space Exploration Day."

WHEREAS, on July 20, 1969, people of the world were brought closer together by the first manned exploration of the moon, and

WHEREAS, a purpose of the United States space program is the peaceful exploration of space for the benefit of all mankind, and

WHEREAS, the United States space program has provided scientific and technological benefits affecting many areas of concern to mankind, and

WHEREAS, the United States space program, through Project Apollo, Viking, and Voyager missions to the planets, the space shuttle, and other space efforts, has provided the nation with scientific and technological leadership in space, and

WHEREAS, the National Aeronautics and Space Administration, the United States aerospace industry, and educational institutions throughout the nation contribute research and development to the United States space program, and to the strength of the economy of the nation, and

WHEREAS, the space program reflects technological skill of the highest order and the best in the American character—sacrifice, ingenuity, and the unrelenting spirit of adventure, and

WHEREAS, the spirit that put man on the moon may be applied to all noble pursuits involving peace, brotherhood, courage, unity of the human spirit, and the exploration of new frontiers, and

WHEREAS, the human race will continue to explore space for the benefit of future generations, NOW, THEREFORE,

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

That July 20 is designated as "Space Exploration Day" and the Governor is hereby requested to issue a proclamation calling upon the people of Florida to observe the day with appropriate programs, ceremonies, and activities.

—was taken up out of order by unanimous consent, read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—22

Mr. President	Dunn	Hill	Plummer
Childers, D.	Fox	Johnson	Thomas
Childers, W. D.	Frank	Kirkpatrick	Vogt
Crawford	Gersten	Mann	Weinstein
Crenshaw	Girardeau	McPherson	
Deratany	Grant	Myers	

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Meek, Neal

On motion by Senator Thomas, by two-thirds vote SR 1340 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Thomas—

SR 1340—A resolution commemorating the 150th anniversary of Trinity Episcopal Church of Apalachicola, Florida.

WHEREAS, the history of Trinity Episcopal Church began with the establishment of services in 1836, and

WHEREAS, on February 11, 1837, Trinity Episcopal Church was incorporated by an Act of the Governor of the Territory of Florida, Richard Keith Call, and

WHEREAS, the incorporators of Trinity Episcopal Church were Dr. John Gorrie, Colin Mitchell, E. Wood, George Middlebrook, Hiram Nourse, William G. Porter, C.E. Bartlett, L.S. Chrittenden, and George Field, and

WHEREAS, construction of Trinity Episcopal Church began in 1837 and was completed in 1838, and the church is considered to be the first prefabricated building in Florida, having been prepared out of white pine in New York and shipped to Apalachicola by schooner, and *

WHEREAS, Trinity Episcopal Church was one of the five original churches of the Diocese of Florida formed in January, 1838, and

WHEREAS, the Henry Erben Tracker hand-pumped organ, installed in the church in the 1840's, is still in use today, and

WHEREAS, between 1845 and 1848, a gallery was added to the church to accommodate slaves of communicants who attended services, and

WHEREAS, during the Civil War, the carpets and cushions from the church were given to the Confederate Army to be made into blankets and the church bell was melted for cannon, and

WHEREAS, distinguished past communicants of Trinity Episcopal Church include Dr. John Gorrie, inventor of the artificial ice machine, Dr. Alvin Wenworth Chapman, an outstanding botanist, and, as church pastor in 1873, the Reverend John Oven, whose son, W. J. Oven, was a judge in Tallahassee, and

WHEREAS, the Rectory was built in 1900, and in 1920, the church was enlarged and three stained glass windows and a Pilcher pipe organ were installed by the John Ruge and Elizabeth Lind families, and

WHEREAS, the first phase of the parish house was completed in 1932 and named after a distinguished pastor of Trinity Episcopal Church, Reverend George E. Benedict, and

WHEREAS, the Centennial Celebration was held at the Trinity Episcopal Church on January 30, 1936, with Bishop Frank A. Juhan leading the services, and

WHEREAS, on June 30, 1972, Trinity Episcopal Church was listed in the Federal Register of Historic Places, and

WHEREAS, Trinity Episcopal Church is presently a member of the Diocese of the Central Gulf Coast, whose bishop is Charles F. Duvall, and

WHEREAS, during its 150 years of continuous services, Trinity Episcopal Church has been loyally supported by membership and clergy and has faithfully served the people of Apalachicola and Franklin County, and

WHEREAS, Trinity Episcopal Church will celebrate its 150th anniversary on October 18 and 19, 1986, NOW, THEREFORE,

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

That the Florida Senate, by this resolution, recognizes the glorious history of Trinity Episcopal Church of Apalachicola, and the Senate expresses its best wishes to the membership and clergy of the church in the church's 150th year of service to the Apalachicola community.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to The Very Reverend Thomas C. Weller, Jr., Rector of Trinity Episcopal Church of Apalachicola, as a tangible token of the sentiments expressed herein.

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

SPECIAL ORDER, continued

On motion by Senator Kirkpatrick, by two-thirds vote HCR 1132 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Kirkpatrick—

HCR 1132—A concurrent resolution commending Ernest Ellison for 22 years of outstanding service as Auditor General of the State of Florida.

—a companion measure, was substituted for SCR 641, read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Meek, Peterson

SCR 641 was laid on the table.

On motion by Senator Kirkpatrick, by two-thirds vote HCR 415 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Kirkpatrick—

HCR 415—A concurrent resolution confirming the appointment of Charles L. Lester to the office of auditor as Auditor General.

—a companion measure, was substituted for SCR 286, read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Neal, Peterson

SCR 286 was laid on the table.

SB 692—A bill to be entitled An act relating to a surtax on documents; creating an advisory council in those counties which have implemented the provisions of ch. 83-220, Laws of Florida, as amended; specifying membership and terms of office; providing for removal of members; providing staff assistance; providing for meetings; providing an effective date; providing an expiration date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote SB 692 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Castor, Gersten, Jenne, Neal, Peterson

CS for SB 1034—A bill to be entitled An act relating to uniform fire-safety standards; amending ss. 400.441, 633.05, F.S.; providing for uniform firesafety standards for nonresidential child care facilities and adult congregate living facilities; providing legislative intent; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 1034 to conform the bill to CS for CS for HB 782.

Pending further consideration of CS for SB 1034 as amended, on motion by Senator Fox, by two-thirds vote CS for CS for HB 782 was withdrawn from the Committees on Health and Rehabilitative Services and Commerce.

On motion by Senator Fox—

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.

—a companion measure, was substituted for CS for SB 1034 and read the second time by title. On motion by Senator Fox, by two-thirds vote CS for CS for HB 782 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	Grant	Malchon	Thomas
Crenshaw	Grizzle	Margolis	Thurman
Deratany	Hair	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Neal

CS for SB 1034 was laid on the table.

SB 950—A bill to be entitled An act relating to the Board of Regents; amending s. 240.213, F.S.; providing for the board to insure or self-insure the H. Lee Moffit Cancer Center and Research Institute; deleting a provision which provides that certain insurers of the board are not entitled to the benefit of the defense of governmental immunity and which waives the board's immunity to the extent of such coverage provided therein; providing immunity from suit and prohibiting suit by self-insurance pro-

grams established by the board; protecting the claims files of such programs from discovery in civil actions or examination under the public records law; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 950 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Neal, Vogt

HB 1091—A bill to be entitled An act relating to bridge designation; designating and naming the bridge connecting Bronough Street and Duval Street to Adams Street in Tallahassee, Leon County, Florida, as the “M. S. Thomas Bridge”; providing for appropriate markers to be erected by the Department of Transportation; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1091 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick, Neal, Vogt

CS for SB 809—A bill to be entitled An act relating to insurance representatives; amending s. 626.231, F.S.; deleting the requirement that an application for licensure as an insurance agent, solicitor, or adjuster be approved prior to the applicant's examination; deleting a waiting period for certain applicants; amending ss. 626.732 and 626.739, F.S.; to conform; repealing s. 626.211(2), F.S., relating to notification of such requirement, to conform; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote CS for SB 809 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick, Neal

CS for CS for SB's 711 and 597—A bill to be entitled An act relating to the Beverage Law; amending ss. 561.01, 561.37, 561.54, 562.15, 562.34, 562.41, 562.47, 563.02, 563.05, 564.01, 564.04, 564.06, 565.01, 565.08, 565.12, 567.001, 568.01, 568.07, F.S.; defining “alcoholic beverage” to mean a beverage containing not less than one-half of 1 percent of alcohol by volume, rather than more than 1 percent by weight; converting percentages of alcohol by weight to percentages by volume; clarifying definitions of “liquor” and “distilled spirits”; repealing s. 562.113, F.S., relating to the drinking age for active duty military personnel; amending s. 564.02, F.S.; defining authorized sales under beer and wine licenses; providing an effective date.

—was read the second time by title.

Senator D. Childers moved the following amendment:

Amendment 1—On page 1, line 20, strike everything after the enacting clause and insert:

Section 1. Subsection (4), (5) of 561.01, Florida Statutes, are amended to read:

561.01 Definitions.—As used in the Beverage Law:

(4)(a) “Alcoholic beverages” means *distilled spirits* and all beverages containing *one half of one percent or more alcohol by volume* ~~more than 1 percent of alcohol by weight~~.

(b) The percentage of alcohol by *volume weight* shall be determined by measuring the *volume weight* of the standard ethyl alcohol in the beverage and comparing it with the *volume weight* of the remainder of the ingredients as though said remainder ingredients were distilled water. ~~It is the intent of this subsection that the volume and weight tables for standard ethyl alcohol and distilled water as established by the National Bureau of Standards shall be conclusive regardless of the actual weight, which variance from the weight of distilled water is due to the adding of sugar, flavoring, or other ingredients used in making the final product.~~

(5) “Intoxicating beverage” and “intoxicating liquor” mean only those alcoholic beverages containing more than ~~4.007~~ *3.2* percent of alcohol by *volume weight*.

Section 2. Section 561.37, Florida Statutes, is amended to read:

561.37 Bond for payment of taxes.—Each manufacturer, distributor, or exporter shall file with the division a surety bond acceptable to the division in the sum of \$25,000 as surety for the payment of all taxes, provided, however, that when in the discretion of the division the amount of business done by the manufacturer or distributor is of such volume that a bond of less than \$25,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in a lesser sum than \$25,000, but in no event shall it accept bond of less than \$10,000, and it may at any time in its discretion require any bond in an amount less than \$25,000 to be increased so as not to exceed \$25,000; provided, however, that the amount of bond required for a brewer shall be \$20,000, except that where, in the discretion of the division, the amount of business done by the brewer is of such volume that a bond of less than \$20,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in a lesser sum than \$20,000, but in no event shall it accept bond of less than \$10,000, and it may at any time in its discretion require any bond in an amount less than \$20,000 to be increased so as not to exceed \$20,000; provided further that the amount of the bond required for a wine or wine and cordial manufacturer shall be \$5,000, except that, in the case of a manufacturer engaged solely in the experimental manufacture of wines and cordials from Florida products, where in the discretion of the division the amount of business done by such manufacturer is of such volume that a bond of less than \$5,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in a lesser sum than \$5,000, but in no event shall it accept a bond of less than \$1,000 and it may at any time in its discretion require a bond in an amount less than \$5,000 to be increased so as not to exceed \$5,000; provided, further, that the amount of bond required for a distributor who sells only beverages containing not more than ~~4.007~~ *3.2* percent of alcohol by *volume weight*, in counties where the sale of intoxicating liquors, wines, and beers is prohibited, and to distributors who sell only beverages containing not more than ~~17.259~~ *14* percent of alcohol by *volume weight* and wines regardless of alcoholic content, in counties where the sale of intoxicating liquors, wines, and beers is permitted, shall file with the division a surety bond acceptable to the division

in the sum of \$25,000, as surety for the payment of all taxes; provided, however, that where in the discretion of the division the amount of business done by such distributor is of such volume that bond of less than \$25,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law the division may accept a bond in a lesser sum than \$25,000 but in no event shall it accept a bond less than \$1,000 and it may at any time in its discretion require any bond in an amount less than \$25,000 to be increased so as not to exceed \$25,000; provided, further, that the amount of bond required for a distributor in a county having a population of 15,000 or less who procures a license by which his sales are restricted to distributors and vendors who have obtained licenses in the same county, shall be \$5,000. Each exporter shall file with the division a surety bond acceptable to the division in the sum of \$5,000 as surety for the payment of all taxes; provided, however, that where in the discretion of the division the amount of business done by the exporter is of such volume that a bond of less than \$5,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in a lesser sum than \$5,000 but in no event shall it accept bond of less than \$1,000.

Section 3. Section 561.54, Florida Statutes, is amended to read:

561.54 Certain deliveries of beverages prohibited.—It is unlawful for common or permit carriers, operators of privately owned cars, trucks, buses, or other conveyances or out-of-state manufacturers or suppliers to make delivery from without the state of any alcoholic beverage containing more than 1 percent alcohol by weight to any person, association of persons, or corporation within the state, except to qualified manufacturers, distributors, and exporters of such beverages so delivered and to qualified bonded warehouses in this state.

Section 4. Section 562.15, Florida Statutes, is amended to read:

562.15 Unlawful possession; unpaid taxes.—It is unlawful for any person to own or possess within this state any alcoholic beverage containing more than 1 percent of alcohol by weight, unless full compliance has been had with the pertinent provisions of the Beverage Law as to payment of excise taxes on beverages of like alcohol content. Provided, that this section shall not apply to manufacturers or distributors licensed under the Beverage Law, to state bonded warehouses or to common carriers; provided, further, this section shall not apply to persons possessing not in excess of 1 gallon of such beverages; provided, the beverage shall have been purchased by said possessor outside of the state in accordance with the laws of the place where purchased and shall have been brought into this state by said possessor. The burden of proof that such beverages were purchased outside the state and in accordance with the laws of the place where purchased shall in all cases be upon the possessor of such beverages.

Section 5. Subsections (1), (2) and (3) of Section 562.34, Florida Statutes, are amended to read:

562.34 Containers; seizure and forfeiture.—

(1) It shall be unlawful for any person to have in his possession, custody or control any cans, jugs, jars, bottles, vessels, or any other type containers which are being used, are intended to be used or are known by the possessor to have been used to bottle or package alcoholic beverages containing more than 1 percent of alcohol by weight; provided, that this provision shall not apply to any person properly licensed to bottle or package such alcoholic beverages or to any person intending to dispose of such containers to a person, firm or corporation properly licensed to bottle or package such alcoholic beverages.

(2) It shall be unlawful for any person to sell or otherwise dispose of any cans, jugs, jars, bottles, vessels, or any other type containers knowing that such are to be used in the bottling or packaging of alcoholic beverages containing more than 1 percent of alcohol by weight, unless the person receiving same, by purchase or otherwise, shall hold a license to manufacture or distribute such alcoholic beverages.

(3) It shall be unlawful for any person to transport any cans, jugs, jars, bottles, vessels, or any other type containers intended to be used to bottle or package alcoholic beverages containing more than 1 percent of alcohol by weight; however, this section shall not apply to any firm or corporation holding a license to manufacture or distribute such alcoholic beverages; and provided, further, that this section shall not apply to any person transporting such containers to any person, firm, or corporation holding a license to manufacture or distribute such alcoholic beverages.

Section 6. Subsection (2) of Section 562.41, Florida Statutes, is amended to read:

562.41 Searches; penalty.—

(2) Any authorized employee of the division, any sheriff, any deputy sheriff, or any police officer may enter, in the daytime, any building or place where any beverages subject to tax under the Beverage Law or which would be subject to tax thereunder if such beverages were manufactured in or brought into this state in accordance with the regulatory provisions thereof, or any alcoholic intoxicating beverages containing more than 1 percent of alcohol by weight, are manufactured, produced, or kept, so far as may be necessary, for the purpose of examining said beverages. When such premises are open at night, such officers may enter them while so open, in the performance of their official duties.

Section 7. Subsection (1) of 562.47, Florida Statutes is amended to read:

562.47 Rules of evidence; Beverage Law.—In all prosecutions for violations of "The Beverage Law":

(1) Proof that the liquor in question was and is known as whiskey, moonshine whiskey, shine, rum, gin, or brandy or by another similar name or names shall be prima facie evidence that such liquor is intoxicating and contains more than 4.007 3-2 percent of alcohol by volume weight and that same is intoxicating.

Section 8. Subsections (1) and (3) of Section 563.02, Florida Statutes, are amended to read:

563.02 License fees; vendors; manufacturers and distributors.—

(1) Each vendor of malt beverages containing alcohol of one half of one more than 1 percent or more by volume weight shall pay an annual state license tax as follows:

(a) Vendors operating places of business where beverages are sold only for consumption off the premises, an amount equal to 50 percent of the amount of the license tax herein provided for vendors in the same county operating places of business where consumption on the premises is permitted. Vendors holding such off-premises sales licenses shall not be subject to zoning by municipal and county authorities.

(b) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 100,000, according to the latest state or federal census, \$200.

(c) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 75,000 and not over 100,000, according to the latest state or federal census, \$160.

(d) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 50,000 and less than 75,000, according to the latest state or federal census, \$120.

(e) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 25,000 and less than 50,000, according to the latest state or federal census, \$80.

(f) Vendors operating places of business where consumption on the premises is permitted in counties having a population of less than 25,000, according to the latest state or federal census, \$40.

(3) Each distributor who shall distribute or sell alcoholic beverages containing less than 17.259 1-4 percent alcohol by volume weight shall pay an annual state license tax of \$1,250 for each establishment or branch he may operate.

Section 9. Section 563.05, Florida Statutes, is amended to read:

563.05 Excise taxes on malt beverages.—As to malt beverages containing one half of one more than 1 percent or more of alcohol by volume weight, there shall be paid by all manufacturers, distributors, and vendors, as herein defined, a tax of 48 cents per gallon upon all such beverages in bulk or in kegs or barrels; and, when such beverages are sold in containers of less than 1 gallon, the tax will be 6 cents on each pint or fraction thereof in the container. However, the excise taxes required to be paid by this section upon malt beverages are not required to be paid upon such beverages when they are sold to post exchanges, ship service stores, and base exchanges located in military, naval, or air force reservations within this state.

Section 10. Subsection (2) of Section 564.01, Florida Statutes, is amended to read:

564.01 Definitions.—

(2) "Fortified wine" means all wines containing more than ~~17.259~~ 14 percent of alcohol by *volume weight*.

Section 11. Subsection (1) and Subsection (3) of Section 564.02, Florida Statutes, are amended to read:

564.02 License fees; vendors; manufacturers and distributors.—

(1) Each vendor authorized to sell brewed beverages containing malt, wines and fortified wines ~~of beverages containing alcohol of more than 1 percent by weight and not more than 14 percent by weight, and wines regardless of alcoholic content,~~ shall pay an annual state license tax, as follows:

(a) Vendors operating places of business where beverages are sold only for consumption off the premises shall pay an amount equal to 50 percent of the amount of the license tax herein provided for vendors in the same county operating places of business where consumption on the premises is permitted.

(b) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 100,000, according to the latest state or federal census, shall pay \$280.

(c) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 75,000 and not over 100,000, according to the latest state or federal census, shall pay \$240.

(d) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 50,000 and less than 75,000, according to the latest state or federal census, shall pay \$200.

(e) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 25,000 and less than 50,000, according to the latest state or federal census, shall pay \$160.

(f) Vendors operating places of business where consumption on the premises is permitted in counties having a population of less than 25,000, according to the latest state or federal census, shall pay \$120.

(3)(a) Each distributor authorized to sell brewed beverages containing malt, wines and fortified wines ~~who sells beverages containing alcohol of more than 1 percent by weight and not more than 14 percent by weight, and wines regardless of alcoholic content,~~ in counties where the sale of intoxicating liquors, wines, and beers is permitted shall pay for each and every such establishment or branch he may operate or conduct a state license tax of \$1,250.

(b) A bona fide religious order, monastery, church, or religious body that has a tax-exempt status as a religious organization as provided by s. 212.08(7)(a) may be licensed as a distributor under this subsection if its sales and distribution are limited to wines sold solely for religious or sacramental purposes to holders of valid permits obtained under s. 564.03; and such religious order, monastery, church, or religious body shall pay a state license tax of \$50 for each and every such distribution establishment to be operated by the licensee.

Section 12. Section 564.04, Florida Statutes, is amended to read:

564.04 Labeling regulations; wine.—The division is fully authorized to make and promulgate reasonable rules and regulations governing the labeling of all wines containing *one half of one more than 1 percent or more* of alcohol by *volume weight*, which rules and regulations shall not conflict with the federal regulations pertaining to such labeling.

Section 13. Subsections (1), (2) and (3) of Section 564.06, Florida Statutes, are amended to read:

564.06 Excise taxes on wines and beverages; exemptions.—

(1) As to beverages including wines, except natural sparkling wines and malt beverages, containing *one half of one more than 1 percent or more* alcohol by *volume weight* and less than ~~17.259~~ 14 percent alcohol by *volume weight*, there shall be paid by all manufacturers and distributors a tax at the rate of \$2.25 per gallon.

(2) As to all wines, except natural sparkling wines, containing *one half of one more than 1 percent or more* alcohol by *volume weight* and less than ~~17.259~~ 14 percent alcohol by *volume weight*, of which the alcoholic content is manufactured exclusively from citrus fruits or varieties of the species *Vitis rotundifolia*, *Vitis aestivalis* ssp. *simpsoni*, *Vitis aestivalis* ssp. *smalliana*, *Vitis shuttleworthii*, *Vitis munsoniana*, or *Vitis berlandieri*, or from concentrates thereof, except for flavoring extracts, and upon all other such beverages, except malt beverages, containing *one half of one more than 1 percent or more* alcohol by *volume weight* and less than ~~17.259~~ 14 percent alcohol by *volume weight*, of which the alcoholic content is manufactured exclusively from citrus fruits, varieties of the species *Vitis rotundifolia*, *Vitis aestivalis* ssp. *simpsoni*, *Vitis aestivalis* ssp. *smalliana*, *Vitis shuttleworthii*, *Vitis munsoniana*, or *Vitis berlandieri*, citrus products, citrus byproducts, sugarcane, sugarcane byproducts, or from concentrates thereof, except for flavoring extracts, the tax imposed by subsection (1) shall not apply.

(3) As to all wines, except natural sparkling wines containing ~~17.259~~ 14 percent or more alcohol by *volume weight*, there shall be paid by manufacturers and distributors a tax at the rate of \$3 per gallon, except that this tax shall not be required to be paid upon all wines of which the alcoholic content is manufactured exclusively from citrus fruits or varieties of the species *Vitis rotundifolia*, *Vitis aestivalis* ssp. *simpsoni*, *Vitis aestivalis* ssp. *smalliana*, *Vitis shuttleworthii*, *Vitis munsoniana*, or *Vitis berlandieri*, or from concentrates thereof, except for flavoring extracts, and containing ~~17.259~~ 14 percent or more of alcohol by *volume weight*.

Section 14. Section 565.01, Florida Statutes is amended to read:

565.01 Definition; liquor.—The words "liquor," or "distilled spirits," "spirituous liquors," "spirtuous beverages," or "distilled spirituous liquors" mean that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. ~~mean all spirituous beverages created by distillation and by mixture of distilled beverages by what is commonly termed "blending".~~

Section 15. Section 565.08, Florida Statutes, is amended to read:

565.08 Labeling regulations; liquor.—The division is fully authorized to make and promulgate reasonable rules and regulations governing the labeling of all liquors containing *one half of one more than 1 percent or more* of alcohol by *volume weight*, which rules and regulations shall not conflict with the federal regulations pertaining to such labeling.

Section 16. Subsections (1) and (2) of Section 565.12, Florida Statutes, are amended to read:

565.12 Excise tax on liquors and beverages.—

(1)(a) As to beverages containing ~~17.259~~ 14 percent or more of alcohol by *volume weight* and not more than ~~55.780~~ 48 percent of alcohol by *volume weight*, except wines, there shall be paid by every manufacturer, distributor, and vendor a tax at the rate of \$6.50 per gallon. ~~As to beverages containing less than 17.259 percent of alcohol by volume, there shall be paid by every manufacturer, distributor, and vendor a tax at the rate provided in chapter 564.~~

(b) As to all such beverages of which the distilled spirits are manufactured exclusively from citrus products, citrus byproducts, sugarcane, and sugarcane byproducts, except for flavoring extracts, the tax imposed by paragraph (a) does not apply. However, in lieu thereof there shall be paid by every manufacturer and distributor a tax at the rate of \$4.35 per gallon.

(c) The tax rate provided in paragraph (b) shall not apply:

1. To alcoholic beverages manufactured in states, territories, or countries which impose discriminatory taxes or requirements on alcoholic beverages manufactured or bottled outside of their boundaries;

2. To alcoholic beverages manufactured or bottled in states, territories, or countries which provide agricultural price supports or other economic incentives or advantages exclusively for alcoholic beverages produced within their boundaries; or

3. To alcoholic beverages manufactured or bottled in states, territories, or countries which provide export subsidies for agricultural products used in making said alcoholic beverages.

Those beverages shall be taxed at the rate set forth in paragraph (a).

(2)(a) As to beverages containing more than 55.780 48 percent of alcohol by volume weight, there shall be paid by every manufacturer, distributor, and vendor a tax at the rate of \$9.53 per gallon.

(b) As to all such beverages of which the distilled spirits are manufactured exclusively from citrus products, citrus byproducts, sugarcane, and sugarcane byproducts, except for flavoring extracts, the tax imposed by paragraph (a) does not apply. However, in lieu thereof there shall be paid by every manufacturer and distributor a tax at the rate of \$4.95 per gallon.

(c) The tax rate provided in paragraph (b) shall not apply:

1. To alcoholic beverages manufactured in states, territories, or countries which impose discriminatory taxes or requirements on alcoholic beverages manufactured or bottled outside of their boundaries;

2. To alcoholic beverages manufactured or bottled in states, territories, or countries which provide agricultural price supports or other economic incentives or advantages exclusively for alcoholic beverages produced within their boundaries; or

3. To alcoholic beverages manufactured or bottled in states, territories, or countries which provide export subsidies for agricultural products used in making said alcoholic beverages.

Those beverages shall be taxed at the rate set forth in paragraph (a).

Section 17. Section 567.001, Florida Statutes, is amended to read:

567.001 Alcoholic content of intoxicating liquors.—For the purposes of this chapter, any liquor, wine, or beer containing more than 6.243 6 percent of alcohol by volume weight is deemed and held to be an intoxicating liquor, wine, or beer and is subject to the provisions of this chapter.

Section 18. Section 568.01, Florida Statutes, is amended to read:

568.01 Alcoholic content of intoxicating liquors.—For the purposes of this chapter, all liquors, wines, or beer containing more than 6.243 5 percent of alcohol by volume weight shall be deemed and held to be intoxicating liquors, wines, or beer and subject to the provisions of this chapter.

Section 19. Subsection (1) of Section 568.07, Florida Statutes, is amended to read:

568.07 Name sufficient proof; competency of witness.—

(1) In every prosecution for a violation of this chapter, proof that the liquor in question was and is known as whiskey, moonshine whiskey, shine, rum, gin, or brandy or by any other similar name or names shall be prima facie evidence that such liquor is intoxicating and contains more than 6.243 5 percent of alcohol by volume weight and that same is intoxicating. Any person who by experience in the past in the handling or use of intoxicating liquors, or who by taste, smell, or the drinking of such liquors, has knowledge as to the intoxicating nature of such liquors may testify as to this opinion, whether such beverage or liquor is or is not intoxicating; and a verdict based upon such testimony shall be valid.

Section 20. Section 210.70, Florida Statutes, is amended to read:

210.70 Disposition of funds.—As collections from the taxes and license fees imposed under this part are received by the division, it shall pay the same into the General Revenue Fund.

Section 21. Section 561.025, Florida Statutes, is created to read:

561.025 Alcoholic Beverage and Tobacco Trust Fund.—There is created within the State Treasury the Alcoholic Beverage and Tobacco Trust Fund. All funds collected by the division under the provisions of ss. 561.181, 561.19(2), 561.27, 561.32, 561.331, 561.422, 561.57, 561.65, 563.02, 563.025, 563.045, 564.02, 564.025, 564.041, 565.02, 565.03, 565.09, 210.15, and 210.40 shall be deposited in the State Treasury to the credit of the trust fund, notwithstanding any other provision of law to the contrary. All moneys deposited to the credit of the trust fund shall be used to operate the division and to provide a proportionate share of the operation of the office of the Secretary of Business Regulation, except that the revenue transfer provisions of ss. 561.32 and 561.342(1) and (2) shall continue in full force and effect, and the division shall cause such revenue to be returned to the municipality or county in the manner provided for in s. 561.32 or s. 561.342(1) and (2). The Department of Business Regulation shall review annually the balance remaining in the trust fund and any funds found to be in excess of the needs of the divi-

sion shall be transferred to the General Revenue Fund. In no event shall the department permit the fund to retain a fund equity in excess of 15 percent of the prior year's receipts.

Section 22. Section 561.12, Florida Statutes, is amended to read:

561.12 Deposit of revenue.—Except as provided in s. 561.025, all funds collected by the state under the Beverage Law shall be paid into the State Treasury to the credit of the General Revenue Fund.

Section 23. Section 563.025, Florida Statutes, is created to read:

563.025 Surtax on license fees.—Each vendor of malt beverages containing alcohol of one-half of one percent or more by volume shall pay an annual surtax in an amount equal to 40 percent of the license fee imposed by s. 563.02(1).

Section 24. Section 563.045, Florida Statutes, is created to read:

563.045 Brands or labels to be registered; qualification to do business; fee; revocation.—

(1) No manufacturer, brewer, bottler, distributor, or importer of malt beverages, whether licensed under the beverage laws of this state or not, shall sell or offer for sale in this state, or move or cause to be moved within this state, or into this state, any malt beverages, without first qualifying to do business in the State and registering its name and the brands or labels under which the malt beverages are to be sold or moved and furnishing such samples and information as to content, quality, and formula of such malt beverages as the division may require.

(2) Each registrant shall pay an annual registration fee of \$30 for a brand or label. Any registration may be suspended or revoked in the same manner as a beverage license for any violation of the Beverage Law.

(3) The purchase by any licensed wholesaler of any malt beverage from any manufacturer, brewer, bottler, distributor, or importer who has not complied with the provisions of subsection (1) is prohibited.

(4) The division shall promulgate rules to carry out the purpose of this section.

Section 25. Section 564.025, Florida Statutes, is created to read:

564.025 Surtax on license fees.—Each vendor of beverages containing alcohol of one-half of one percent or more by volume and not more than 14 percent by weight, and wines regardless of alcoholic content, shall pay an annual surtax in an amount equal to 40 percent of the license fee imposed by s. 564.02(1).

Section 26. Section 564.041, Florida Statutes, is created to read:

564.041 Brands or labels to be registered; qualification to do business; fee; revocation.—

(1) No manufacturer, bottler, distributor, or importer of wines, whether licensed under the beverage laws of this state or not, shall sell or offer for sale in this state, or move or cause to be moved within this state, or into this state, any wines, without first qualifying to do business in the state and registering its name and the brands under which the wines are to be sold or moved and furnishing such samples and information as to content, quality, age, and formula of such wines as the division may require.

(2) Each registrant shall pay an annual registration fee of \$15 for a brand. Any registration may be suspended or revoked in the same manner as a beverage license for any violation of the Beverage Law.

(3) The purchase by any licensed wholesaler of any wines from any manufacturer, bottler, distributor, or importer who has not complied with the provisions of subsection (1) is prohibited.

(4) The division shall promulgate rules to carry out the purpose of this section.

Section 27. Subsections (1) and (2) of section 565.09, Florida Statutes, are amended to read:

565.09 Brands or labels to be registered; qualification to do business; fee; revocation.—

(1) No manufacturer, distiller, rectifier, processor, blender, bottler, distributor, or importer of spirituous liquors, whether licensed under the

beverage laws of this state or not, shall sell or offer for sale in this state, or move or cause to be moved within this state, or into this state, any spirituous liquors, without first qualifying to do business in the state in accordance with the provisions of chapter 613 and registering its name and the brands or labels under which the spirituous liquors are to be sold or moved and furnishing such samples and information as to content, quality, age, proof, and formula of such spirituous liquors as the division may require.

(2) Each registrant shall pay an annual registration fee of \$30 \$20 for a brand or label. Any registration may be suspended or revoked in the same manner as a beverage license for any violation of the Beverage Law.

Section 28. Subsection (39) is added to section 215.22, Florida Statutes, to read:

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

(39) *The Alcoholic Beverage and Tobacco Trust Fund established pursuant to s. 561.025.*

The enumeration of the above moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust fund should be exempt herefrom, as it is the purpose of this law to exempt all trust funds from its force and effect when, by the operation of this law, federal matching funds or contributions to any trust fund would be lost to the state.

Section 29. Paragraph (b) of subsection (2) of section 561.20, Florida Statutes, is amended to read:

561.20 Limitation upon number of licenses issued.—

(2)(a) No such limitation of the number of licenses as herein provided shall henceforth prohibit the issuance of a special license to:

1. Any bona fide hotel, motel, or motor court of not fewer than 100 guest rooms; or any bona fide hotel or motel of fewer than 100 guest rooms which derives at least 51 percent of its gross revenue from the rental of hotel or motel rooms, which is licensed as a public lodging establishment by the Division of Hotels and Restaurants, and which is listed on the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, or is within and contributes to a registered historic district pursuant to 26 U.S.C. 48(g)(3)(B), or has been found to meet the criteria of historical significance of the Division of Archives, History and Records Management of the Department of State, as certified by that division or by a locally established historic preservation board or commission, or like body, which has been granted authority to designate historically significant properties by the jurisdiction within which the hotel or motel is located; provided that the provisions of this subparagraph shall supersede local laws requiring a greater number of hotel rooms;

2. Any condominium accommodation of which no fewer than 100 condominium units are wholly rentable to transients and which is licensed under the provisions of chapter 509, except that the license shall be issued only to the person or corporation which operates the hotel or motel operation and not to the association of condominium owners; or

3. Any restaurant having 2,500 square feet of service area and equipped to serve 150 persons full-course meals at tables at one time, and deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages; however, no restaurant granted a special license on or after January 1, 1958, pursuant to general or special law shall operate as a package store, nor shall intoxicating beverages be sold under such license after the hours of serving food have elapsed. However, any license heretofore issued to any such hotel, motel, motor court, or restaurant or hereafter issued to any such hotel, motel, or motor court, including a condominium accommodation, under the general law shall not be moved to a new location, such license being valid only on the premises of such hotel, motel, motor court, or restaurant. Licenses issued to hotels, motels, motor courts, or restaurants under the general law and held by such hotels, motels, motor courts, or restaurants on May 24, 1947, shall be counted in the quota limitation contained in subsection (1). Any license issued for any hotel, motel, or motor court under the provisions of this law shall be issued only to the owner of the hotel, motel, or motor court

or, in the event the hotel, motel, or motor court is leased, to the lessee of the hotel, motel, or motor court; and the license shall remain in the name of the owner or lessee so long as the license is in existence. Any special license now in existence heretofore issued under the provisions of this law cannot be renewed except in the name of the owner of the hotel, motel, motor court, or restaurant or, in the event the hotel, motel, motor court, or restaurant is leased, in the name of the lessee of the hotel, motel, motor court, or restaurant in which the license is located and must remain in the name of the owner or lessee so long as the license is in existence. Any license issued under this section shall be marked "Special," and nothing herein provided shall limit, restrict, or prevent the issuance of a special license for any restaurant or motel which shall hereafter meet the requirements of the law existing immediately prior to the effective date of this act, if construction of such restaurant has commenced prior to the effective date of this act and is completed within 30 days thereafter, or if an application is on file for such special license at the time this act takes effect; and any such licenses issued under this proviso may be annually renewed as now provided by law. Nothing herein prevents an application for transfer of a license to a bona fide purchaser of any hotel, motel, motor court, or restaurant by the purchaser of such facility or the transfer of such license pursuant to law.

(b) Any county in which special licenses were issued under the provisions of s. 561.20(2)(b) in effect prior to the effective date of this act shall continue to qualify for such licenses pursuant to those provisions in effect prior to the effective date of this act, and shall not be affected by the provisions of paragraph (a), *except in such counties, any restaurant located in a specialty center built on municipally owned land shall be subject to the provisions of paragraph (a). A specialty center means any development having at least 50,000 square feet of leasable area, containing restaurants, entertainment facilities, and specialty shops, and located adjacent to a navigable water body.*

Section 30. Paragraph (g) of subsection (2) of section 561.20, Florida Statutes, is amended, and paragraph (h) is added to said subsection to read:

561.20 Limitation upon number of licenses issued.—

(2)

(g) In addition to any special licenses issued under the Beverage Law, the division may issue a special license for consumption on the premises only to any public fair or exposition which is organized in accordance with chapter 616 ~~or to any civic center authority which is authorized by state law or by a local government ordinance.~~ No licensee under this special license shall enter into any exclusive contract for its use. The special license may not be used in connection with any youth agricultural activity or during any regularly scheduled public fair or exposition, and such license may be used only in connection with special events held on the premises of the fairgrounds ~~or civic center~~, which premises are considered to be licensed premises under the dominion and control of the public fair or exposition ~~or civic center~~ authority at all times. This special license is not transferable, and the license tax shall be in accordance with those established in s. 565.02(1)(b)-(f).

(h) *In addition to any special licenses issued under the Beverage Law, the division may issue a special license for consumption on the premises only to any civic center authority which is authorized by law or by local government ordinance or which is otherwise owned by a political subdivision. Such license may be transferred to a qualified applicant that is authorized by contract with the civic center to provide food service at the civic center. The license shall at all times remain the exclusive property of the civic center and shall revert to the civic center upon any termination of the contract.*

Section 31. Subsections (1) and (6) of section 563.06, Florida Statutes, are amended to read:

563.06 Malt beverages; stamp on crown or can lid, size of containers.—

(1) On and after October 1, 1959, all taxable malt beverages packaged in bottles or cans, possessed by any person in the state for the purpose of sale or resale in the state, except operators of railroads, sleeping cars, steamships, buses, and airplanes engaged in interstate commerce and licensed under this section, shall have printed or lithographed on the crown or can lid thereof, the word "Florida" and no other state name or abbreviation of any state name in not less than 8-point type; crown closures and can lids shall bear the manufacturer's insignia, name or trade-

mark in addition to the word "Florida." Manufacturers of the malt beverages shall be required to submit samples of crowns or lids to the division for approval as to the "Florida" designation. However, manufacturers of malt beverages who have heretofore submitted samples of crowns or lids to the division and had said samples approved shall not be required to resubmit such samples for approval.

(6) All malt beverages packaged in bottles or cans sold or offered for sale by vendors at retail in this state shall be in containers containing only 8, 12, 16, or 32 ounces of such malt beverages; provided however, that nothing contained in this subsection shall affect malt beverages packaged in bulk or in kegs or in barrels or in any container containing 1 gallon or more of such malt beverage regardless of container type.

Section 32. *Section 562.113, Florida Statutes, is hereby repealed.*

Section 33. This act shall take effect upon becoming a law except that section 32 shall take effect October 1, 1986.

Senator D. Childers moved the following amendment to Amendment 1:

Amendment 1A—On page 16, between lines 10 and 11, insert:

Section 21. Section 1 of Committee Substitute for Senate Bill 32 (1986), is amended to read:

Section 1. Section 316.1936, Florida Statutes, is created to read:

316.1936 Consumption of alcoholic beverages in motor vehicle being operated prohibited; penalties.—

(1) This section may be cited as the "Florida Open Container Law."

(2) As used in this section, "open container" means any container which is immediately capable of being consumed from, or the seal of which has been broken.

(3) It is unlawful and punishable as provided in this section for any person to consume an alcoholic beverage while operating a motor vehicle in the state or while riding in a motor vehicle being operated in the state. However, it shall not be unlawful for a passenger in a commercial passenger vehicle for hire or a passenger in a recreational vehicle as defined in s. 320.01(1)(b) to consume an alcoholic beverage, provided that the driver of such a vehicle shall not consume an alcoholic beverage or have an open container of alcoholic beverage in or about the driver's area.

(4) The presence of an open container of alcoholic beverage in either actual or constructive possession of the operator or passenger of a motor vehicle shall be evidence of guilt.

(5) An open container shall not be considered to be in the actual or constructive possession of an operator or passenger of a motor vehicle when the container is located in a compartment of the vehicle such as a locked glove compartment, trunk, or other nonpassenger area of the motor vehicle.

(6) Violations of this section shall constitute a noncriminal traffic infraction, punishable as provided in s. 318.18(3) and s. 322.27.

(Renumber subsequent sections.)

Point of Order

Senator Scott raised a point of order that the amendment was not germane. The President appointed Senators Jenne and Thomas to examine the amendment.

Further consideration of CS for CS for SB's 711 and 597 was deferred.

Consideration of CS for CS for SB's 639, 675 and 1146 was deferred.

CS for CS for SB 1090—A bill to be entitled An act relating to medical practice; revising, reviving, and readopting, notwithstanding scheduled repeal, ch. 458, F.S.; amending ss. 458.301, 458.303, 458.305, 458.307, 458.309, 458.311, 458.313, 458.319, 458.321, 458.322, 458.324, 458.327, 458.331, 458.3315, 458.347, F.S.; creating s. 458.314, F.S.; providing purpose; providing exceptions; changing the name of the Board of Medical Examiners to the Board of Medicine; increasing membership of the board; specifying effect of rules; providing fees; providing for licensure by examination; providing for licensure by endorsement; providing for certification of foreign educational institutions; providing for renewal of licenses; providing for reactivation of inactive licenses; providing for notice relating to Medicare assignments; prohibiting certain unregistered practice; providing penalties; specifying grounds for disciplinary actions;

establishing an Impaired Practitioners Committee; providing for approval of treatment providers; providing for appointment of impaired practitioner consultants; providing for involvement of a board's probable cause panel; providing that certain collaboration between a treatment provider or consultant and the practitioner is a felony of the third degree; providing penalties; providing immunity from liability; deleting reference to shortage and geographic maldistribution of health care services in the state; redefining "physician assistant", "supervision", and "proficiency examination"; outlining the performance of supervising physicians, assistants, and trainees; establishing new certification and temporary certification guidelines for physician assistants; deleting reference to application approval; creating a physician assistant committee; deleting reference to revocation of approval; providing provisions for denial, suspension, or revocation of certification; deleting reference to fees; amending s. 458.3485, F.S.; providing an additional duty for a medical assistant; imposing a duty on physicians to provide indigent health care; providing for an indigent care assessment; providing for exceptions to the assessment; increasing Medicaid physician fees; allowing to stand repealed as scheduled ss. 458.315, 458.316, 458.317, 458.333, F.S., relating to temporary certificates of need, public health certificates, limited licenses, and prescription of amygdalin (laetrile); amending s. 110.131, F.S.; requiring the Department of Administration to approve extensions for other personal service employment under certain circumstances; amending s. 768.28, F.S.; providing a definition and extending sovereign immunity to certain persons; providing that certain physicians may renew their certificate or license; providing for future repeal and legislative review; repealing s. 458.320, F.S., relating to financial responsibility; providing an effective date.

—was read the second time by title.

Senator Fox moved the following amendment which was adopted:

Amendment 1—On page 12, line 26, strike "1980" and insert: 1982

Senators Fox and Myers offered the following amendments which were moved by Senator Fox and adopted:

Amendment 2—On page 13, line 19, through page 16, line 31, strike all of said language and insert:

Section 7. Section 458.313, Florida Statutes, is amended to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee not to exceed \$400 set by the board, demonstrates to the board that he has met the qualifications for licensure in s. 458.311 (1)(b) through (f) and:

~~(a) Is more than 18 years of age;~~

~~(b) Is of good moral character and has not committed any act or offense within or without the state which would constitute the basis for disciplining a physician pursuant to s. 458.331;~~

~~(c) Is a graduate of a medical school or college maintaining a standard and reputation approved by the board pursuant to s. 458.311; and~~

(a)(d)1. Has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX) or on the examination of the National Board of Medical Examiners; provided that said examination required shall have been so taken within the 10 years immediately preceding the filing of his application for licensure under this section; or

(b) 2. Is licensed through written examination in at least one state in the United States the examination requirements of which have been approved by the board as substantially equivalent to or more stringent than those of this state; has received a score on said examination which was equal to or greater than the score required by this state for licensure by examination; is a holder of a license in good standing in such state; has continuously and actively engaged in the practice of medicine in such state for any 4 of the preceding 5 years immediately prior to application; has been examined, certified, and is currently certified as a specialist by one of the appropriate American specialty boards accredited by the Council on Medical Education of the American Medical Association; holds a faculty appointment in a medical school accredited by the Liaison Committee on Medical Education; and is employed full time and exclusively by a not-for-profit corporation organized under s. 617.01(3) or a not-for-profit corporation which meets the requirements set forth in s.

617.01(3)(a). Licensure under this subparagraph is valid only while the physician holds said faculty appointment and is employed by the not-for-profit corporation and is not valid for any other kind of medical practice. The license of such physician shall be void upon his termination of such employment. The corporation shall notify the board of the termination immediately after the termination. No more than 35 current employees of a corporation organized under s. 617.01(3) shall hold a license issued pursuant to this subparagraph.

(2)(a) The board may require oral examinations of any applicant under the provisions of this section, except that an oral examination shall be required of an applicant under the provisions of subparagraph (1)(d)2. However, the applicant must be given adequate notice of the examination, both as to the time, place, nature, and scope thereof, as well as a statement of the reasons requiring such examination.

(b) Any oral examination of an applicant under the provisions of subparagraph (1)(d)2. shall be limited to the specialty field of the applicant, provided that this examination shall not be a condition precedent to issuance of a license to an applicant and that such examination may be administered no sooner than 90 days and no later than 365 days after the initial issuance of a license. Failure to successfully complete an oral examination, if required by the board, shall result in revocation of the license.

(3) A license so issued by endorsement shall become void and of no force and effect unless the recipient utilizes the same by actively engaging in the practice of medicine in this state within 3 years after issuance of the license and continues his practice in this state for a minimum period of 1 year. Use and residence may be postponed until the holder has been discharged from military service of the United States.

(4) The board may promulgate rules and regulations, to be applied on a uniform and consistent basis, which may be necessary to carry out the provisions of this section.

(5) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for an act which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 458.331 shall apply.

~~(6) Each applicant who is not a Florida resident shall pay a license fee of \$1,000 which shall be disbursed in the manner prescribed by rule of the department to provide assistance in quality improvement of Florida's public medical schools, the first accredited school of osteopathic medicine at the Southeast College of Osteopathic Medicine, and the first accredited medical school at the University of Miami.~~

(Renumber subsequent sections.)

Amendment 3—On page 19, between lines 25 and 26, insert:

Section 9. Section 458.3145, Florida Statutes, is created to read:

458.3145 Medical faculty certificate.—

(1) A medical faculty certificate may be issued without examination to an individual who:

- (a) Demonstrates to the board that he is a graduate of an accredited medical school or its equivalent;
- (b) Holds a valid, current license to practice medicine in another jurisdiction in the United States; and
- (c) Meets the requirements of s. 458.311(1)(a)-(f).

(2) The certificate shall authorize the holder to practice only in conjunction with his teaching duties at an accredited medical school or in its main teaching hospitals. Such certificate shall automatically expire when the holder's relationship with the medical school is terminated or after a period of 24 months, whichever occurs sooner, and shall not be renewable.

(3) Notwithstanding the provision of subsection (2), the medical faculty certificate shall be renewable every 2 years by a holder of the certificate who applies to the board on a form prescribed by the board and who:

- (a) Is currently licensed to practice medicine in another jurisdiction in the United States;
- (b) Has been offered and has accepted a full-time faculty appointment to teach in a program of medicine at either the University of Florida, the University of Miami, or the University of South Florida; and

(c) Provides certification by the dean of the university offering such appointment that the holder is a distinguished medical scholar and outstanding practicing physician.

(4) The recipient of a renewal certificate may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the medical school.

(5) The maximum number of persons holding such extended medical faculty certificates in any year shall not exceed five persons at each of the institutions named in paragraph (3)(b).

Section 10. Section 458.316, Florida Statutes, is amended to read:

458.316 Public health certificate.—

~~(1) Any person desiring to obtain a public health certificate shall submit a fee not to exceed \$100 and shall demonstrate to the Board of Medical Examiners shall issue a public health certificate to an individual who remits an application fee not to exceed \$25, as set by the board, and who demonstrates to the board that he is a graduate of an accredited medical school and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, or is licensed to practice medicine without restriction in another jurisdiction in the United States state and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, and shall meet the requirements set forth in s. 458.311.~~

(2)(1) Such certificate shall be issued pursuant to the following conditions:

(a) The certificate shall authorize the holder to practice only in conjunction with his employment duties with ~~the Department of Health and Rehabilitative Services a public health unit authorized in s. 154.01~~ and shall automatically expire when the holder's relationship with the ~~Department of Health and Rehabilitative Services public health unit~~ is terminated.

(b) The certificate is subject to *biennial* annual renewal and shall be renewable only if the secretary of the Department of Health and Rehabilitative Services recommends in writing that the certificate be renewed.

~~(c) The certificate shall not be issued to a person who has been adjudged unqualified or guilty of any of the acts enumerated in this chapter.~~

~~(2) The board shall administer an abbreviated oral examination to determine the physician's competency, but no written regular examination is necessary.~~

~~(3) The board may revoke the public health certificate for noncompliance with any part of this section or on any ground for which a regular license of such board may be revoked by law.~~

Section 11. Section 458.3165, Florida Statutes, is created to read:

458.3165 Public Psychiatry Certificate.—The board shall issue a public psychiatry certificate to an individual who remits an application fee not to exceed \$100, as set by the board, and who demonstrates to the board that he is a board certified psychiatrist and is licensed to practice medicine without restriction in another state.

(1) Such certificate shall be issued pursuant to the following conditions:

(a) The certificate shall authorize the holder to practice only in a public mental health facility or program, which facility or program is funded in part or entirely by state funds.

(b) The certificate shall be issued and shall be renewable annually only if the secretary of the Department of Health and Rehabilitative Services and the chairman of the Department of Psychiatry at one of the public medical schools or the chairman of the Department of Psychiatry at the accredited medical school at the University of Miami recommend in writing that the certificate be issued or renewed.

(c) The certificate shall automatically expire if the holder's relationship with a public mental health facility or program expires.

(d) The certificate shall not be issued to a person who has been adjudged unqualified or guilty of any of the acts enumerated in this chapter.

(2) The board may revoke the public psychiatry certificate for non-compliance with any part of this section or on any ground for which a regular license of such board may be revoked by law.

Section 12. Section 458.317, Florida Statutes, is amended to read:

~~458.317 Limited licenses; restrictions, review.—Notwithstanding any contrary provisions in this chapter, the Board of Medical Examiners shall grant for a fee of \$100 to a physician licensed to practice in another state a limited license to practice in this state. A limited license shall not be issued to a person who has been adjudged unqualified or guilty of any of the acts enumerated in s. 458.~~

(1) *Any person desiring to obtain a limited license shall* ~~Limited~~ licenses shall be issued pursuant to the following conditions:

(a)1. ~~Submit The license shall apply to the board of along with the licensure application and fee not to exceed \$100 Medical Examiners on a form prescribed by the board and shall submit with such application an affidavit stating under oath that such person he has been licensed to practice medicine his profession in any jurisdiction in the United States such state in good standing and pursuant to law for at least 10 years, and is currently has now retired from the practice of medicine; and, and was in good standing at the time of retirement.~~

2. *Meet the requirements set forth in s. 458.311.*

(b) If it has been more than 3 5 years since active practice was conducted by the applicant, the full-time director of the county public local health unit or other licensed physician approved by the board shall supervise the applicant for a period of 6 months after before such applicant is granted a limited license for practice, unless the board determines that a shorter period of supervision will be sufficient to ensure that the applicant is qualified for licensure pursuant to this section. Procedures for such supervision shall be established by the board.

(e) ~~Applications adopted by the board shall indicate areas of medical specialty.~~

(c)(d) The recipient of a limited license may practice only in the employ of public agencies or institutions or nonprofit agencies or institutions meeting the requirements of s. 501(c)(3) of the Internal Revenue Code, which agencies or institutions are located in the areas of critical medical need as determined by the board. Determination of medically underserved areas shall be made by the board after consultation with the Department of Health and Rehabilitative Services and statewide medical organizations, ~~the provisions of s. 458.315 to the contrary notwithstanding~~; however, such determination shall include, but not be limited to, health manpower shortage areas designated by the United States Department of Health and Human Services.

Nothing herein limits in any way any policy by the board, otherwise authorized by law, to grant licenses to physicians duly licensed in other states under conditions less restrictive than the requirements of this section.

(2) The board shall notify the director of the full-time local health unit of any county in which a licensee intends to practice under the provisions of this act. The director of the full-time health unit shall assist in the supervision of any licensee within his county and shall notify the board which issued the licensee his license if he becomes aware of any actions by the licensee which would be grounds for revocation of the limited license. The board shall establish procedures for such supervision.

(3) The board shall review the practice of each licensee ~~biennially~~ annually to verify compliance with the restrictions prescribed in this section and other applicable provisions of this chapter. ~~If it is determined that a licensee is not complying with such restrictions, the board shall revoke the license of such licensee. A license may also be revoked by a board on any ground for which a regular license of such board may be revoked by law.~~

(Renumber subsequent sections.)

On motion by Senator Fox, the rules were waived and the Senate reconsidered the vote by which Amendment 3 was adopted.

Senators Fox and Myers offered the following amendments to Amendment 3 which were moved by Senator Fox and adopted:

Amendment 3A—On page 48, line 29, through page 49, line 4, strike all of said language and renumber subsequent sections.

Amendment 3B—On page 49, line 10, strike “sections 458.315, 458.316, 458.317, and” and insert: section

Amendment 3 as amended was adopted.

Senators Fox and Myers offered the following amendments which were moved by Senator Fox and adopted:

Amendment 4—In title, on page 1, line 6, after “458.313” insert: 458.316, 458.317

Amendment 5—In title, on page 1, line 8, strike “s. 458.314” and insert: ss. 458.314, 458.3145, and 458.3165

Amendment 6—In title, on page 1, line 16, after the semicolon (;) insert: providing for a medical faculty certificate; amending provisions relating to the public health certificate and limited license; providing for a public psychiatry certificate;

Amendment 7—In title, on page 2, line 21, strike “ss. 458.315, 458.316, 458.317,” and insert: s.

Amendment 8—In title, on page 2, line 31, through page 3, line 2, strike “providing that certain physicians may renew their certificate or license”

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

Amendment 9—On page 43, line 30, through page 45, line 14, strike all language beginning with the period (.) on line 30 through line 14, on page 45 and insert: In order to fund an increase in the reimbursement to physicians who treat Medicaid patients, there is hereby imposed a 1-percent premium tax on untaxed health insurance premiums in the state, including group and individual policies, and all policies which provide health care benefits regardless of the other benefits provided for in the policy. Proceeds from the tax shall be deposited in the Medicaid Physicians Trust Fund.

(Renumber subsequent subsection.)

Senators Fox and Myers offered the following amendments which were moved by Senator Fox and adopted:

Amendment 10—On page 24, between lines 12 and 13, insert:

(c) *Referring any patient, for health care goods or services, to any partnership, firm, corporation, or other business entity in which the physician or the physician's employer has an equity interest of 10 percent or more, unless prior to such referral, the physician notified the patient of his financial interest and of the patients right to obtain such goods or services at the location of the patients choice. This section shall not apply to the following types of equity interest:*

1. *The ownership of registered securities issued by a publicly held corporation or the ownership of securities issued by a publicly held corporation, the shares of which are traded on a national exchange or over the counter market;*

2. *A physicians own practice, whether the physician is a sole practitioner or part of a group, when the health care good or service is prescribed or provided solely for the physicians own patients and is provided or performed by the physician or under the physician's supervision; or*

3. *An interest in real property resulting in a landlord-tenant relationship between the physician and the entity in which the equity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant, or is otherwise unrelated to fair market value.*

Amendment 11—On page 31, between lines 26 and 27 insert:

(gg) *Referring any patient, for health care goods or services, to any partnership, firm, corporation, or other business entity in which the physician or the physician's employer has an equity interest of 10 percent or more, unless prior to such referral, the physician notifies the patient of his financial interest and of the patients right to obtain such goods or services at the location of the patients choice. This section shall not apply to the following types of equity interest:*

1. *The ownership of registered securities issued by a publicly held corporation or the ownership of securities issued by a publicly held corporation, the shares of which are traded on a national exchange or the over the counter market;*

2. A physicians own practice, whether the physician is a sole practitioner or part of a group, when the health care good or service is prescribed or provided solely for the physicians own patients and is provided or performed by the physician or under the physician's supervision; or

3. An interest in real property resulting in a landlord-tenant relationship between the physician and the entity in which the equity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant, or is otherwise unrelated to fair market value.

Amendment 12—In title, on page 1, line 30, after the semicolon (;) insert: providing that it is a first degree misdemeanor to make certain referrals to a business entity in which the physician or the physician's employer has an equity interest, as specified,

Amendment 13—In title, on page 2, lines 16-19, strike all of said language to the semicolon (;) on line 19 and insert: imposing a premium tax on certain health insurance policies;

On motion by Senator Fox, by two-thirds vote CS for CS for SB 1090 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

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

Nays—3

Childers, W. D. Gersten Gordon

Vote after roll call:

Yea—Peterson

Ruling on Point of Order

Upon recommendation of the assigned committee, the President ruled on the point of order by Senator Scott that Amendment 1A was germane because of the broad scope of the bill and therefore the point was not well taken.

The Senate resumed consideration of—

CS for CS for SB's 711 and 597—A bill to be entitled An act relating to the Beverage Law; amending ss. 561.01, 561.37, 561.54, 562.15, 562.34, 562.41, 562.47, 563.02, 563.05, 564.01, 564.04, 564.06, 565.01, 565.08, 565.12, 567.001, 568.01, 568.07, F.S.; defining "alcoholic beverage" to mean a beverage containing not less than one-half of 1 percent of alcohol by volume, rather than more than 1 percent by weight; converting percentages of alcohol by weight to percentages by volume; clarifying definitions of "liquor" and "distilled spirits"; repealing s. 562.113, F.S., relating to the drinking age for active duty military personnel; amending s. 564.02, F.S.; defining authorized sales under beer and wine licenses; providing an effective date.

—with pending Amendment 1A.

Amendment 1A—On page 16, between lines 10 and 11, insert:

Section 21. Section 1 of Committee Substitute for Senate Bill 32 (1986), is amended to read:

Section 1. Section 316.1936, Florida Statutes, is created to read:

316.1936 Consumption of alcoholic beverages in motor vehicle being operated prohibited; penalties.—

(1) This section may be cited as the "Florida Open Container Law."

(2) As used in this section, "open container" means any container which is immediately capable of being consumed from, or the seal of which has been broken.

(3) It is unlawful and punishable as provided in this section for any person to consume an alcoholic beverage while operating a motor vehicle in the state or while riding in a motor vehicle being operated in the state. However, it shall not be unlawful for a passenger in a commercial passenger vehicle for hire or a passenger in a recreational vehicle as defined in s. 320.01(1)(b) to consume an alcoholic beverage, provided that the driver of such a vehicle shall not consume an alcoholic beverage or have an open container of alcoholic beverage in or about the driver's area.

(4) The presence of an open container of alcoholic beverage in either actual or constructive possession of the operator or passenger of a motor vehicle shall be evidence of guilt.

(5) An open container shall not be considered to be in the actual or constructive possession of an operator or passenger of a motor vehicle when the container is located in a compartment of the vehicle such as a locked glove compartment, trunk, or other nonpassenger area of the motor vehicle.

(6) Violations of this section shall constitute a noncriminal traffic infraction, punishable as provided in s. 318.18(3) ~~and s. 322.27.~~

(Renumber subsequent sections.)

Amendment 1A was adopted. The vote was:

Yeas—23

Mr. President	Dunn	Hair	Malchon
Beard	Frank	Hill	Margolis
Castor	Gersten	Jenne	Myers
Childers, D.	Girardeau	Jennings	Peterson
Childers, W. D.	Gordon	Kiser	Thomas
Crawford	Grant	Langley	

Nays—5

Deratany	McPherson	Scott
Mann	Meek	

Vote after roll call:

Yea to Nay—Jennings

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

Amendment 1B—On page 24, between lines 16 and 17, insert:

Section 31. Paragraph (c) is added to subsection (1) of section 561.32, Florida Statutes, and paragraph (a) of subsection (3) of said section is amended to read:

561.32 Transfer of licenses; change of officers or directors; transfer of interest.—

(1) Licenses issued under the provisions of the Beverage Law shall not be transferable except as follows:

(c) As a result of a corporate reorganization, each license owned by the corporation may be transferred from the corporation simultaneously to one or more wholly owned subsidiary corporations when there is no change in ownership or control and the subsidiary corporations are owned or controlled by the same principal owner as the person who owned or controlled the parent corporation.

(3)(a) Before the issuance of any transfer of license herein provided, the transferee shall pay a transfer fee of 10 percent of the annual license tax to the division, except for simultaneous transfers under paragraph (1)(c) pursuant to which such transfers shall be treated as a single transfer for fee purposes the fee for which shall be \$5,000, except for those licenses issued pursuant to s. 565.02(1) and subject to the limitation imposed in s. 561.20(1), for which the transfer fee shall be assessed on the average annual value of gross sales of alcoholic beverages for the 3 years immediately preceding transfer and levied at the rate of 4 mills, except that such transfer fee shall not exceed \$5,000; in lieu of the 4-mill assessment, the transferor may elect to pay \$5,000. Further, the maximum fee shall be applied with respect to any such license which has been inactive for the 3-year period. Records establishing the value of such gross sales shall accompany the application for transfer of the license, and falsification of such records shall be punishable as provided in s. 562.45. All transfer fees collected by the division on the transfer of licenses issued pursuant to s. 565.02(1) and subject to the limitation imposed in s.

561.20(1) shall be returned by the division to the municipality in which such transferred license is operated or, if operated in the unincorporated area of the county, to the county in which such transferred license is operated.

(Renumber subsequent sections.)

Amendment 1 as amended was adopted:

Senators Gordon, Jenne, Girardeau, Margolis, Plummer, Weinstein, Frank and W. D. Childers offered the following amendment to the bill as amended which was moved by Senator Gordon:

Amendment 2—On page 25, strike all of lines 17 and 18 and insert:

Section 21. 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 22. 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 23. 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' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

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, 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.*

Section 24. 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 25. This act shall take effect upon becoming a law, except that sections 1 through 20 shall take effect October 1, 1986.

Further consideration of CS for CS for SB's 711 and 597 was deferred.

On motion by Senator Jenne, by two-thirds vote CS for SB 99 was added to the end of the special order calendar this day.

On motion by Senator Jenne, the Senate recessed at 12:02 p.m. to reconvene at 3:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 3:00 p.m. A quorum present—39:

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

SPECIAL ORDER, continued

The Senate resumed consideration of—

CS for CS for SB's 711 and 597—A bill to be entitled An act relating to the Beverage Law; amending ss. 561.01, 561.37, 561.54, 562.15, 562.34, 562.41, 562.47, 563.02, 563.05, 564.01, 564.04, 564.06, 565.01, 565.08, 565.12, 567.001, 568.01, 568.07, F.S.; defining "alcoholic beverage" to mean a beverage containing not less than one-half of 1 percent of alcohol by volume, rather than more than 1 percent by weight; converting percentages of alcohol by weight to percentages by volume; clarifying definitions of "liquor" and "distilled spirits"; repealing s. 562.113, F.S., relating to the drinking age for active duty military personnel; amending s. 564.02, F.S.; defining authorized sales under beer and wine licenses; providing an effective date.

—with pending Amendment 2 which was adopted.

Senator McPherson moved the following amendment to the bill as amended which failed:

Amendment 3—On page 16, between lines 10 and 11, insert:

Section 21. Subsection (6) of section 563.06, Florida Statutes, is hereby repealed.

(Renumber subsequent sections.)

Senator D. Childers moved the following amendments which were adopted:

Amendment 4—In title, on page 1, strike all of lines 1-17 and insert: A bill to be entitled An act relating to "the Beverage Law", amending section 561.01(4), F.S., defining alcoholic beverages; amending sections

561.01(5), 561.37, 561.54, 562.15, 562.34, 562.41, 562.47, 563.02, 563.05, 564.01, 564.02(3)(a), 564.04, 564.06, 565.01, 565.08, 565.12, 567.001, 568.01, 568.07, F.S., converting alcohol by weight to alcohol by volume; amending section 564.02, F.S., defining authorized sales under beer and wine licenses; amending s. 561.20, F.S., authorizing issuance of special licenses under the Beverage Law to civic centers; providing for transferability; providing for reversion; amending ss. 210.70 and 561.12, F.S., and creating s. 561.025, F.S.; creating an Alcoholic Beverage and Tobacco Trust Fund and providing for deposit of specified funds therein; creating ss. 563.025 and 564.025, F.S.; imposing a surtax on license fees for vendors of beer and wine; creating ss. 563.045 and 564.041, F.S.; requiring brand registration for beer and wine; providing fees; providing a penalty; amending s. 565.09, F.S.; increasing the brand registration fee for spirituous liquors; amending s. 215.22, F.S.; authorizing a service charge deduction from the trust fund; amending s. 561.20, F.S.; including certain restaurants in certain counties within provisions relating to special liquor licenses; repealing s. 562.113, F.S., relating to the sale of alcoholic beverages to persons on active duty in the Armed Services of the United States; amending s. 563.06, F.S., relating to malt beverages with respect to required stamps; providing an effective date.

Amendment 5—In title, on page 1, between lines 16 and 17, insert: amending s. 1 of Committee Substitute for Senate Bill 32 (1986); changing the penalty provisions with respect to consumption of alcoholic beverages in motor vehicles while being operated;

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

Amendment 6—In title, on page 2, line 15, after the semicolon (;) insert: amending s. 561.32, F.S.; providing for the transfer of licenses under certain circumstances;

Senator Gordon moved the following amendment which was adopted:

Amendment 7—In title, on page 1, strike line 17 and insert: amending s. 562.51, F.S.; prohibiting licensees from discriminating against persons on specified grounds; providing a definition; amending s. 561.15, F.S.; providing for the withholding of certain licenses to applicants that practice discrimination; amending s. 220.13, F.S.; disallowing business expenses paid to licensees that discriminate; providing severability; providing effective dates.

On motion by Senator D. Childers, by two-thirds vote CS for CS for SB's 711 and 597 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—4

Beard	Deratany	McPherson	Vogt
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On motions by Senator Dunn, by two-thirds vote CS for HB's 274 and 604 was withdrawn from the Committees on Economic, Community and Consumer Affairs and Judiciary-Civil.

On motion by Senator Dunn—

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.

—a companion measure, was substituted for CS for CS for SB's 639, 675 and 1146 and read the second time by title.

Senator Langley moved the following amendment which was adopted:

Amendment 1—On page 7, line 15, strike the number "10" and insert: 5

Senator Dunn moved the following amendments which were adopted:

Amendment 2—On page 8, strike all of lines 5 and 6 and insert: ~~mail would not be effective~~, by hand delivery by the *sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body.*

Amendment 3—On page 4, strike all of lines 24-28 and insert: *safety, and welfare, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing proceed directly to the procedure in s. 162.07 without notifying the violator.*

Amendment 4—On page 8, between lines 6 and 7 insert:

Section 12. Section 92.525, Florida Statutes, is created to read:

92.525 Verification of documents; perjury by false written declaration, penalty.—

(1) When it is authorized or required by law, by rule of an administrative agency, or by rule or order of court that a document be verified by a person, the verification may be accomplished in the following manner:

(a) Under oath or affirmation taken or administered before an officer authorized under s. 92.50 to administer oaths; or

(b) By the signing of the written declaration prescribed in subsection (2).

(2) A written declaration means the following statement: "Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true," followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the words "to the best of my knowledge and belief" may be added. The written declaration shall be printed or typed above the signature of the person making the declaration and at the end of or immediately below the document being verified.

(3) A person who knowingly makes a false declaration under subsection (2) is guilty of the crime of perjury by false written declaration, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) As used in this section:

(a) The term "administrative agency" means any department or agency of the state or any county, municipality, special district, or other political subdivision.

(b) The term "document" means any writing including, without limitation, any form, application, claim, notice, tax return, inventory, affidavit, pleading, or paper.

(c) The requirement that a document be verified means a requirement that the document must be signed or executed by a person and that the person must state under oath or affirm that the facts or matters stated or recited in the document are true, or words of that import or effect.

(Renumber subsequent section.)

Amendment 5—In title, on page 1, line 16, after the semicolon (;) insert: creating s. 92.525, F.S.; providing methods for verifying documents; providing that knowingly verifying a document by a false written declaration is unlawful; providing penalties;

On motion by Senator Dunn, by two-thirds vote CS for HB's 274 and 604 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Jenne, Neal

CS for CS for SB's 639, 675 and 1146 was laid on the table.

CS for CS for CS for SB 122—A bill to be entitled An act relating to guardianship; creating part IX of chapter 744, F.S.; creating the "Public Guardianship Act"; providing legislative intent; providing for the office of public guardian; providing for appointment and notification; providing for powers and duties; providing for costs of the office of public guardian; providing for the preparation of a budget; providing for procedures; providing for reports; providing for a surety bond; amending s. 744.351, F.S.; conforming language to the act; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

Amendment 1—On page 6, line 19, strike "Auditor General" and insert: internal auditor of the Supreme Court

Amendment 2—On page 8, line 11, insert new sections 3, 4, and 5:

Section 3. Subsection (16) of section 744.441, Florida Statutes, is amended to read:

744.441 Powers of guardian upon court approval.—After obtaining approval of the court in accordance with s. 744.447, a guardian of the property may:

(16) Pay reasonable funeral, interment, and grave-marker expenses for the ward from the ward's estate, in an amount not to exceed \$3,000 \$1,500.

Section 4. Section 744.521, Florida Statutes, is amended to read:

744.521 Termination of guardianship.—When a ward becomes sui juris, the property of a ward has been lawfully exhausted, or the ward dies or is restored to competency, or the guardian has been unable to locate the ward through diligent search, the guardian of the property shall file a final return and receive his discharge. The court may require proof of the removal of incompetency or of the need of the continuance of the guardianship.

Section 5. Section 744.534, Florida Statutes, is created to read:

744.534 Disposition of unclaimed funds held by guardian.—

(1) In all cases in which there has been a termination of guardianship due to the ward's death and in which property in the hands of the guardian of the property cannot be distributed because no estate proceeding has been instituted, the guardian shall be considered an interested person pursuant to s. 733.202 and may, after a reasonable time, institute such a proceeding. In the alternative, the guardian of the property may follow the procedures set forth in subsection (2).

(2)(a) In those cases in which there has been a termination of guardianship pursuant to s. 744.521, and in which property in the hands of a guardian of the property cannot be distributed to the ward or his estate solely because the guardian of the property is unable to locate the ward through diligent search, the court shall order the guardian of the property to sell the property of the ward and deposit the proceeds and cash already on hand after retaining those amounts provided for in paragraph (e) with the clerk of the court exercising jurisdiction over the guardianship and receive a receipt. The clerk shall deposit the funds in the registry of the court, to be disposed of as follows:

1. If the value of the funds is \$50 or less, the clerk shall post a notice for 30 days at the courthouse door giving the amount involved, the name of the ward, and other pertinent information that will put interested persons on notice.

2. If the value of the funds is over \$50, the clerk shall publish the notice once a month for 2 consecutive months in a newspaper of general circulation in the county.

3. After the expiration of 6 months from the posting or first publication, the clerk shall deposit the funds with the State Treasurer after deducting his fees and the costs of publication.

(b) Upon receipt of the funds, the State Treasurer shall deposit them to the credit of public guardianship. All interest and all income that may accrue from the money while so deposited shall belong to the fund. The funds so deposited shall constitute and be a permanent appropriation for payments by the State Treasurer in obedience to court orders entered as provided by paragraph (c).

(c) Within 10 years from the date of deposit with the State Treasurer, on written petition to the court that directed the deposit of the funds and informal notice to the Department of Legal Affairs, and after proof of his right to them, any person entitled to the funds, before or after payment to the State Treasurer and deposit as provided for in paragraph (a), may obtain a court order directing the payment of the funds to him. All funds deposited with the State Treasurer and not claimed within 10 years from the date of deposit shall escheat to the state for the benefit of public guardianship.

(d) Upon depositing the funds with the clerk, the guardian of the property may proceed with the filing of his final return and application for discharge under s. 744.527.

(e) The guardian of the property depositing assets with the clerk is permitted to retain from the funds in his possession a sufficient amount to pay the final costs of administration, including guardian and attorney's fees accruing between the deposit of the funds with the clerk of the court and the order of discharge. Any surplus funds so retained must be deposited with the clerk prior to discharge of the guardian of the property.

(Renumber subsequent sections.)

Amendment 3—In title, on page 1, line 13, after "appropriation;" insert: amending s. 744.441, F.S.; increasing the maximum amount payable for funeral interment, and gravemarker expenses for the ward by the guardian; amending s. 744.521, F.S.; providing that where a guardian has been unable to locate the ward through diligent search the guardian may be discharged; creating s. 744.534, F.S.; providing for the disposition of unclaimed funds held by the guardian;

On motion by Senator Weinstein, by two-thirds vote CS for CS for CS for SB 122 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	Gersten	Kirkpatrick	Plummer
Beard	Girardeau	Kiser	Scott
Castor	Gordon	Langley	Stuart
Childers, D.	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Crenshaw	Hill	McPherson	Weinstein
Deratany	Jenne	Meek	
Dunn	Jennings	Myers	
Frank	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Neal

On motion by Senator Castor, by two-thirds vote CS for HB 396 was withdrawn from the Committee on Judiciary-Civil.

On motions by Senator Castor—

CS for HB 396—A bill to be entitled An act relating to domestic violence; amending s. 741.30, F.S., relating to action by a spouse for injunction for protection against domestic violence; revising conditions for standing; revising contents of petition; clarifying language; providing for

civil or indirect criminal contempt; providing for bail in arrests for certain violations of such injunction; creating s. 741.31, F.S., providing a penalty for certain violations of such injunction; providing an effective date.

—a companion measure, was substituted for CS for SB 376 and by two-thirds vote read the second time by title.

Senator Castor moved the following amendment:

Amendment 1—On page 6, strike all of line 30 and insert:

Section 3. Subsection (2) of section 741.01, Florida Statutes, is amended to read:

741.01 County court judge or clerk of the circuit court to issue marriage license; fee.—

(2) The fee charged for each marriage license issued in the state shall be increased by the sum of \$20 \$10. This fee shall be collected upon receipt of the application for the issuance of a marriage license. The Executive Office of the Governor shall establish a trust fund for the purpose of collecting and disbursing funds generated from the increase in the marriage license fee. Such funds which are generated shall be directed to the Department of Health and Rehabilitative Services for the specific purpose of funding domestic violence centers, and the funds shall be appropriated in a "grants-in-aid" category to the Department of Health and Rehabilitative Services for the purpose of funding domestic violence centers.

Section 4. This act shall take effect July 1, 1986 or upon becoming a law, whichever occurs later, except that sections 1 and 2 shall take effect October 1, 1986.

Further consideration of CS for HB 396 with pending Amendment 1 was deferred.

Senator Langley presiding

SB 559—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052, F.S.; providing a limited period within which an elected county officer may purchase additional retirement credit in the Elected State Officers' Class of that system by paying only one-half of the contributions and interest due the system trust fund for the purchase of such additional retirement credit if the other half is paid by the county employer or district school board employer, as appropriate; prohibiting counties or district school boards from making such payments after that period has closed; providing an effective date.

—was read the second time by title.

Senator Hill moved the following amendments which were adopted:

Amendment 1—On page 5, line 6, strike "*elects to purchase*" and insert: *declares his intention to purchase*

Amendment 2—On page 5, strike lines 15 and 16 and insert: *respect to any elected county officer who declares his intention to purchase such retirement credit after December 31, 1987. To declare his intentions, the officer shall pay during the above specified dates a sum of not less than \$1,000 to the system trust fund with the remainder, plus interest as required, due prior to retirement.*

Senator Hill moved the following amendment which failed:

Amendment 3—On page 5, between lines 16 and 17, insert:

(3)(a) The definitions set forth in s. 121.021 and all other provisions of this chapter apply to the Elected State Officers' Class, except when the definitions and provisions are in conflict with, or are superseded or modified by, the provisions of this section.

(b) A member of the Elected State Officers' Class shall have the same normal retirement date as defined in s. 121.021(29) for a regular member of the Florida Retirement System, except that only 8 years of creditable service in this class are needed to attain the normal retirement date specified in s. 121.021(29)(a). Any public service commissioner who is removed from the Elected State Officers' Class on July 1, 1979, after attaining at least 8 years of creditable service in that class shall be considered to have reached normal retirement age upon attaining the age required in s. 121.021(29)(a).

(c) The average final compensation of a member of the Elected State Officers' Class shall be as defined in s. 121.021(24) or the average annual compensation of the 5 best of the last 8 years of service if the member has less than 10 years of creditable service at the time of retirement, termination, or death.

(d) *Effective October 1, 1986, for any county elected officer whose salary is less than the amount which he would receive if it were established pursuant to either chapter 145, or s. 230.202, respectively, then his average final compensation, as defined in s. 121.021(24), shall be determined as if the salary received by the county elected officer subsequent to October 1, 1986, were based upon the respective salary schedules in chapter 145 or s. 230.202, as applicable, provided, however that an employer contributes an amount determined as if the member's gross compensation was computed in accordance with chapter 145 or s. 230.202.*

(4)

(f) From and after July 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal to 19.3 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. *Effective October 1, 1986, the employer of a county elected officer whose average final compensation is determined in accordance with s. 121.052(3)(d), shall contribute an amount determined as if the member's gross compensation was computed in accordance with chapter 145 or s. 230.202, as applicable.* The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

(g) *Effective July 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal to 20.25 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal to 16.97 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1986, the employer of a county elected officer whose average final compensation is determined in accordance with s. 121.052(3)(d), shall contribute an amount determined as if the member's gross compensation was computed in accordance with chapter 145 or s. 230.202, as applicable.* The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

Senator Hill moved the following amendment:

Amendment 4—On page 1, strike lines 19 and 20 and insert:

Section 1. Paragraph (d) of subsection (1), subsection (3), and paragraphs (f) and (g) of subsection (4) of section 121.052, Florida Statutes, are amended to read:

Further consideration of SB 559 was deferred.

On motion by Senator Kirkpatrick, the House was requested to return CS for CS for SB's 1180 and 1230.

On motion by Senator Grizzle, 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—

CS for SB 776—A bill to be entitled An act relating to nursing homes; amending s. 400.211, F.S., changing certification requirements for nursing assistants in nursing homes by the Department of Education; authorizing the department to deny, suspend, or revoke the certification of a nursing assistant in any nursing home; providing grounds therefor; amending s. 400.23, F.S.; changing the term of a superior rated license; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

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

Section 1. Section 400.211, Florida Statutes, is amended to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(1) No person who is not certified pursuant to this section, other than a registered nurse or practical nurse licensed in accordance with the provisions of chapter 464, or an applicant for such licensure who is permitted to practice nursing in accordance with rules promulgated by the Board of Nursing pursuant to chapter 464, may serve as a nursing assistant in any nursing home. The Department of Education shall issue a certificate to any person who:

(a) Has successfully completed a nursing assistant program from a state-approved school or program; or

(b) Is at least 18 years of age and *who presents documented evidence of successful full-time employment of at least 6 months within the last 3 years as a nursing assistant at a long-term health care facility or who is presently and successfully employed as a nursing assistant in a licensed nursing home and has achieved a minimum score of 75 percent on the state certification examination approved by the Department of Education for nursing assistants. An oral version of the state certification examination shall be administered upon request. ~~has demonstrated to the Department of Education, through such procedures as the department may develop, that he is competent and capable of providing services as a nursing assistant at a nursing home. If testing is used to assess the competency and skill of an applicant for certification, an oral examination shall be administered upon request.~~*

(2) Any candidate for certification under paragraph (1)(b) who, prior to receiving instruction, satisfactorily demonstrates the competency and skill required for certification shall be exempt from related classroom attendance requirements.

(3) After September 30, 1984, no person shall be employed as a nursing assistant in a nursing home unless he is certified in accordance with this section or is enrolled or agrees to enroll in the next certification program approved by the Department of Education for nursing assistants offered in his community or in the community where the nursing home is located. However, any person employed as a nursing assistant on July 1, 1983, shall meet certification requirements by October 1, 1986. Within 7 working days of employing an uncertified aide or one who is not enrolled in an approved program leading to certification, the nursing home facility licensee shall submit to the district school board an application to enroll the new employee in a certification program *or shall make an application for the new employee to take the state certification examination approved by the Department of Education for nursing assistants.* A copy of such application shall be retained in the employee's file.

(4) *The Department of Education may deny, suspend, or revoke the certification of any person to serve as a nursing assistant in a nursing home based upon written notification from the Department of Health and Rehabilitative Services of an adjudication of guilt as identified in ss. 415.101-415.113 by a criminal justice agency.*

(5)(4) The Department of Education may adopt such rules as are necessary to carry out this section.

Section 2. Paragraph (g) of subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; minimum standards; evaluation and rating system; fee for review of plans.—

(3) The department shall, at least annually, evaluate all nursing home facilities and make a determination as to the degree of compliance by each licensee with minimum standards under this part and the rules promulgated thereunder as a basis for assigning a rating to that facility. The department shall base its evaluation on the most recent annual inspection report, taking into consideration findings from other official reports, surveys, interviews, investigations, and inspections.

(g) *A superior rated license shall continue until it is replaced by a rating based on a later survey ~~rating shall automatically expire after 1 year from date of issuance.~~* A superior rating may be revoked at any time for failure to exceed minimum standards specified for any Level I area.

Deficient Level II areas shall be corrected to the point of meeting or exceeding minimum standards as provided for in paragraph (b) within a reasonable period determined by the department, or the superior rating shall be revoked.

Section 3. This act shall take effect upon becoming a law.

Amendment 2—On page 1, in the title, lines 1-12, strike all of said lines and insert:

A bill to be entitled An act relating to nursing homes; amending s. 400.211, F.S., changing certification requirements for nursing assistants in nursing homes by the Department of Education; authorizing the department to deny, suspend, or revoke the certification of a nursing assistant in any nursing home; providing grounds therefor; amending s. 400.23, F.S.; changing the term of a superior rated license; providing an effective date.

Amendment 3—On page 1, line 14, insert:

Section 1. Paragraph (k) of subsection (1) of section 400.022, Florida Statutes, is amended to read:

400.022 Residents' rights.—

(1) All licensees of nursing home facilities shall adopt and make public a statement of the rights and responsibilities of the residents of such facilities and shall treat such residents in accordance with the provisions of that statement. The statement shall assure each resident the following:

(k) The right to be transferred or discharged only for medical reasons or for the welfare of other residents, and the right to be given reasonable advance notice of no less than 30 days of any involuntary transfer or discharge, except in the case of an emergency as determined by a licensed professional on the staff of the nursing home, or in the case of conflicting rules and regulations which govern Title XVIII or Title XIX of the Social Security Act. For nonpayment of a bill for care received, the resident shall be given 15 days' advance notice. A licensee certified to provide services under Title XIX of the Social Security Act may not transfer or discharge a resident solely because the source of payment for care changes. Admission to a nursing home facility operated by a licensee certified to provide services under Title XIX of the Social Security Act may not be conditioned upon a waiver of such right, and any document or provision in a document which purports to waive or preclude such right is void and unenforceable. Any licensee certified to provide services under Title XIX of the Social Security Act that obtains or attempts to obtain such a waiver from a resident or potential resident shall be construed to have violated the resident's rights as established herein and is subject to disciplinary action as provided in subsection (3). The resident and the family or representative of the resident shall be consulted in choosing another facility. *The nursing home licensee shall not place recipients of Title XIX of the Social Security Act in separate or distinct parts of the facility based on source of payment only, except in the instance of intermediate care beds as required by federal regulation. In order to avoid stigmatization and intrafacility transfer trauma, the initial implementation of this provision shall be accomplished by the redistribution of beds currently located in Medicaid distinct parts as beds become available.*

(Renumber subsequent sections.)

Amendment 4—On page 1, in the title, line 2, after the semicolon insert: amending s. 400.022, F.S.; prohibiting certain nursing home licensees from providing distinct areas for Medicaid beds;

On motions by Senator Grizzle, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

SPECIAL ORDER, continued

CS for SB 754—A bill to be entitled An act relating to ad valorem tax assessment and fee time-share real property; amending s. 192.001, F.S.; providing definitions; amending s. 192.037, F.S.; providing that the unit of assessment and taxation shall be the fee time-share unit; repealing s. 197.472(8), F.S.; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of lines 26-29 and insert: *appraised values together. The assessed value of*

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

(3) The property appraiser shall annually notify the managing entity of the proportions to be used in allocating the valuation, taxes, and special assessments on time-share property among the various time-share periods. Such notice shall be provided on or before the mailing of notices pursuant to s. 194.011. Ad valorem taxes and special assessments shall be allocated by the managing entity based upon the proportions provided by the property appraiser pursuant to this subsection.

(4) All rights and privileges afforded property owners by chapter 194 with respect to contesting or appealing assessments shall apply both to the managing entity responsible for operating and maintaining the time-sharing plan and to each *time-share owner person having a fee interest in a time-share unit or time-share period.*

(5) The managing entity, as an agent of the time-share *owners period titleholders*, shall collect and remit the taxes and special assessments due on *each the fee time-share unit real property.* In allocating taxes, special assessments, and common expenses to individual time-share *owners period titleholders*, the managing entity must clearly label the portion of any amounts due which are attributable to ad valorem taxes and special assessments.

(6)(a) Funds received by a managing entity or its successors or assigns from time-share *owners titleholders* for ad valorem taxes or special assessments shall be placed in escrow as provided in this section for release as provided herein.

(b) The escrow account shall be placed with an independent escrow agent who shall comply with the provisions of this chapter relating to escrow agents.

(c) The principal of such escrow account shall be paid only to the tax collector of the county in which the *fee time-share real property development* is located or to his deputy.

(d) Interest earned upon any sum of money placed in escrow under the provisions of this section shall be paid to the managing entity or its successors or assigns for the benefit of the owners of *fee time-share units*; however, *no interest may be paid unless all taxes on the time-share development have been paid.*

(e) A statement of receipts and disbursements of the escrow account shall be forwarded to the division within 30 days after any disbursement has been made, appropriately showing the amount of principal and interest in such account.

(7) The tax collector shall accept only full payment of the taxes and special assessments due on *each fee the time-share unit development.*

(8) The managing entity shall have a lien pursuant to s. 718.121 or s. 721.16 on the time-share *estates periods* for the taxes and special assessments.

(9) All provisions of law relating to enforcement and collection of delinquent taxes shall be administered with respect to *each fee the time-share unit development as a whole* and the managing entity as *the an agent of each the time-share owner period titleholders*; if, however, *a tax certificate is sold an application is made* pursuant to s. 197.432 197-502, the time-share *owners period titleholders* shall receive the *rights and* protections afforded by chapter 197.

The President presiding

Amendment 3—On page 4, line 30, after the period (.) insert: *This subsection shall not be construed to require the tax collector to notify each individual time-share owner of the fact that a tax certificate is outstanding. Such notices shall be sent to the managing entity as agent for the individual time-share owner.*

Amendment 4—On page 5, lines 1-3, strike Section 3 and renumber the subsequent sections.

Amendment 5—On page 5, strike lines 4 and 5 and insert:

Section 4. This act shall take effect January 1, 1987.

Amendment 6—In title, on page 1, line 7, strike "repealing s. 197.472(8), F.S.;"

Further consideration of CS for SB 754 was deferred.

CS for SB 672—A bill to be entitled An act relating to elections; amending s. 101.24, F.S.; providing for ballot transfer containers; amending s. 101.5609, F.S.; revising ballot requirements; amending s. 101.5610, F.S.; providing for inspection of ballot information by election board; amending s. 101.5614, F.S., relating to canvass of returns; providing an effective date.

—was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On page 1, line 2, after the semicolon (;) insert: amending s. 97.063, F.S.; providing that it is optional, rather than mandatory, to complete and mail certain forms to notify a registration official of a cancellation of prior registration;

Amendment 2—On page 1, between lines 12 and 13, insert:

Section 1. Subsection (6) of section 97.063, F.S., is amended to read:
97.063 Eligibility for absentee registration.—

(6) If the elector is registered in any other county of Florida, or in any other state, the supervisor *may shall* also have the elector complete a separate form, signed by the elector, to be mailed by the supervisor to the registering official in the jurisdiction in which such elector was last registered for the purpose of advising such official to cancel the elector's former registration.

(Renumber subsequent sections.)

Amendment 3—On page 1, between lines 12 and 13, insert:

Section 1. Section 98.461, Florida Statutes, is amended to read:

98.461 Registration form, precinct register; contents.—A registration form, approved by the Department of State, containing the information required in s. 98.111 shall be filed alphabetically in the office of the supervisor as the master list of electors of the county. *As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451.* A computer printout may be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name and middle name or initial; party affiliation; residence address; registration number; date of birth; sex; race; state or country of birth; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register may also contain a list of the forms of identification approved by the Department of State, which shall include, but not be limited to, the voter registration identification card and Florida driver's license. The precinct register may also contain a space for the elector's signature, a space for the initials of the witnessing clerk or inspector, and a space for the signature slip or ballot number.

(Renumber subsequent sections.)

Amendment 4—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 98.461, F.S.; allowing the electronic reproduction and storage of information from the form for the registration of electors;

On motion by Senator Dunn, by two-thirds vote CS for SB 672 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Neal

The Senate resumed consideration of—

SB 559—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052, F.S.; providing a limited period within which an elected county officer may purchase additional retirement credit in the Elected State Officers' Class of that system by paying only one-half of the contributions and interest due the system trust fund for the purchase of such additional retirement credit if the other half is paid by the county employer or district school board employer, as appropriate; prohibiting counties or district school boards from making such payments after that period has closed; providing an effective date.

—with pending Amendment 4 which was adopted.

Senator Hill moved the following amendment which was adopted:

Amendment 5—In title, on page 1, line 5, after "may" insert: declare his intent to

Senator Gersten moved the following amendment:

Amendment 6—On page 5, between lines 16 and 17, insert:

Section 2. Subsection (1) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—

(1) **NORMAL RETIREMENT BENEFIT.**—Upon attaining his normal retirement date, the member, upon application to the administrator, shall receive a monthly benefit which shall commence on the last day of the month of retirement and be payable on the last day of each month thereafter during his lifetime. The amount of monthly benefit shall be determined as the product of A and B, subject to the adjustment of C, if applicable, when:

(a) A is 1.60 percent of his average monthly compensation, up to his normal retirement age. The first year after his normal retirement age, A is 1.63 percent of his average monthly compensation. The second year after his normal retirement age, A is 1.65 percent of his average monthly compensation. The third year after his normal retirement age, A is 1.68 percent of his average monthly compensation. A shall not exceed 1.68 percent of his average monthly compensation, except that for all creditable years of special risk service, A is 2 percent of his average monthly compensation for all creditable years prior to October 1, 1974, for which additional retirement credit has not been purchased, and 3 percent of his average monthly compensation for all others until October 1, 1978, when all years of creditable service thereafter as a special risk member shall be worth 2 percent of his average monthly compensation; however, the normal retirement benefit, including any past or additional retirement credit, may not exceed 100 percent of the average final compensation;

(b) B is the number of his years and any fractional part of a year of creditable service earned subsequent to November 30, 1970; and

(c) C is the normal retirement benefit credit brought forward as of November 30, 1970, by a former member of an existing system. Such normal retirement benefit credit shall be determined as the product of A and B when A is the percentage of average final compensation which the member would have been eligible to receive if he had attained his normal retirement date as of November 30, 1970, all in accordance with the existing system under which the member is covered on November 30, 1970, and B is average monthly compensation as defined in s. 121.021(25). However, any member of an existing retirement system who is eligible to retire and who does retire, become disabled, or die prior to April 15, 1971, may have his retirement benefits calculated on the basis of the best 5 of the last 10 years of service.

By permission, Amendment 6 was withdrawn.

On motion by Senator Hill, by two-thirds vote SB 559 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Langley

Vote after roll call:

Yea—Hair

On motion by Senator Langley, 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—

CS for SB 137—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.003, F.S., providing definitions; amending s. 723.004, F.S., relating to enforcement of rights and duties under ch. 723, F.S.; amending s. 723.011, F.S., revising language with respect to disclosure prior to rental of a mobile home lot, the prospectus, filing, and approval; amending s. 723.012, F.S., providing additional requirements with respect to the prospectus or offering circular; amending s. 723.031, F.S., revising language with respect to mobile home lot rental agreements; amending s. 723.032, F.S., revising language with respect to the duration of a mobile home tenancy; amending s. 723.037, F.S., revising language with respect to lot rental increases; amending s. 723.041, F.S., prohibiting certain fees; amending s. 723.059, F.S., providing for the nonassumability of certain leases; amending s. 723.061, F.S., providing criteria for objections to changes in land use; creating s. 723.0615, F.S., prohibiting certain retaliatory conduct; amending s. 723.076, F.S., relating to incorporation; providing for the applicability of certain portions of the act; providing for future repeal of s. 723.061(1)(d), F.S., relating to eviction; 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 enacting clause and insert:

Section 1. Section 723.003, Florida Statutes, is amended to read:

723.003 Definitions.—As used in this chapter, the following words and terms have the following meanings unless clearly indicated otherwise:

(1) The term "division" means the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation.

(2) *The term "lot rental amount" means all financial obligations, except user fees, which are required as a condition of the tenancy.*

(3)(2) The term "mobile home" means a residential structure, transportable in one or more sections, which is 8 body feet or more in width, over 35 body feet in length with the hitch, built on an integral chassis, and designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

(4)(3) The term "mobile home lot rental agreement" or "rental agreement" means any mutual understanding, or lease, or tenancy, whether oral or written, between a mobile home owner and a mobile home park owner in which the mobile home owner is entitled to place his mobile home on a mobile home lot for either direct or indirect remuneration of the mobile home park owner.

(5)(4) The term "mobile home owner" or "home owner" means a person who owns a mobile home and rents or leases a lot within a mobile home park for residential use.

(6)(5) The term "mobile home park" or "park" means a use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes and in which the primary use of the park is residential.

(7)(6) The term "mobile home park owner" or "park owner" means an owner or operator of a mobile home park.

(8)(7) The term "mobile home subdivision" means a subdivision of mobile homes where individual lots are owned by owners and where a portion of the subdivision or the amenities exclusively serving the subdivision are retained by the subdivision developer.

(9) The term "pass-through charge" means the mobile home owner's proportionate share of the necessary and actual direct costs and impact or hookup fees for a governmentally mandated capital improvement, which may include the necessary and actual direct costs and impact or hookup fees incurred for capital improvements required for public or private regulated utilities.

(10)(8) The term "unreasonable" means arbitrary, capricious, or inconsistent with this chapter.

(11) The term "user fees" means those amounts charged in addition to the lot rental amount for nonessential optional services provided by or through the park owner to the mobile home owner under a separate written agreement between the mobile home owner and the person furnishing the optional service or services.

(12) The term "discrimination" or "discriminatory" means that a homeowner is being treated differently as to the rent charged, the services rendered, or an action for possession or other civil action being taken by the park owner, without a reasonable basis for the different treatment.

Section 2. Subsection (4) of section 723.004, Florida Statutes, is amended to read:

723.004 Legislative intent; preemption of subject matter.—

(4) Nothing in this chapter shall be construed to prevent the enforcement of a right or duty under this section, s. 723.022, s. 723.023, s. 723.031, s. 723.032, s. 723.033, s. 723.035, s. 723.037, s. 723.038, s. 723.061, s. 723.0615, s. 723.062, s. 723.063, or s. 723.081 by civil action after the party has exhausted its administrative remedies, if any.

Section 3. Subsection (3) of section 723.006, Florida Statutes, is amended to read:

723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(3) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any book, document, or other tangible thing and the identity and location of any person having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon a person's failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance. Any books and other financial records of a mobile home park acquired by the division shall be for use by the division only and are exempt from chapter 119. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 4. Subsection (1) of section 723.011, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

723.011 Disclosure prior to rental of a mobile home lot; prospectus, filing, approval.—

(1)(a) In mobile home parks containing 26 or more lots, the park owner shall file a prospectus with the division. Prior to entering into an enforceable rental agreement for a mobile home lot, the park owner shall deliver to the homeowner a prospectus approved by the division. This subsection shall not be construed to invalidate those lot rental agreements for which an approved prospectus was required to be delivered and which was delivered on or before July 1, 1986, if the mobile home park owner had:

1. Filed a prospectus with the division prior to entering into the lot rental agreement;

2. Made a good faith effort to correct deficiencies cited by the division by responding within the time limit set by the division, if one was set; and

3. Delivered the approved prospectus to the mobile home owner within 45 days of approval by the division.

This paragraph shall not preclude the finding that a lot rental agreement is invalid on other grounds and shall not be construed to limit any rights of a mobile home owner or to preclude a mobile home owner from seeking any remedies allowed by this chapter, including a determination that the lot rental agreement or any part thereof is unreasonable or unconscionable. ~~Every mobile home park owner of a park which contains 26 or more lots shall file a prospectus or offering circular with the division prior to entering into an enforceable rental agreement.~~

(b) The division shall determine whether the proposed prospectus or offering circular is adequate to meet the requirements of this chapter and shall notify the park owner by mail, within 45 days of receipt of the document, that the division has either approved the prospectus or offering circular or found specified deficiencies. In the event the division does not approve the prospectus or advise the park owner of deficiencies within 45 days, the prospectus shall be deemed to be approved.

~~(c) The division shall prepare a form prospectus which may be prepared and filed by park owners of mobile home parks in which fewer than 100 spaces are offered. The form shall provide for the same information as is required by s. 723.012 but shall allow for preparation by the park owner responding to questions or requests for specific information that is to be provided.~~

(c)(d)1. Filings for mobile home parks in which lots have not been offered for lease prior to June 4, 1984, the effective date of this chapter shall be accompanied by a filing fee of \$10 per lot offered for lease by the park owner; provided, that the fee shall not be less than \$100.

2. Filings for mobile home parks in which lots have been offered for lease prior to the effective date of this chapter shall be accompanied by a filing fee as follows:

- a. For a park in which there are 26-50 lots: \$100.
- b. For a park in which there are 51-100 lots: \$150.
- c. For a park in which there are 101-150 lots: \$200.
- d. For a park in which there are 151-200 lots: \$250.
- e. For a park in which there are 201 or more lots: \$300.

(4) The mobile home park owner may request that the homeowner sign a receipt indicating that the homeowner has received a copy of the prospectus, the rules and regulations, and other pertinent documents so long as any such documents are clearly identified in the receipt itself. Such a receipt shall indicate nothing more than that the documents identified herein have been received by the mobile home owner. The receipt, if requested, shall be signed at the time of delivery of the identified documents. If the homeowner refuses to sign the receipt, the park owner shall still deliver to the homeowner a copy of the prospectus, rules and regulations, and any other documents which otherwise would have been delivered upon execution of the receipt. However, the homeowner shall thereafter be barred from claiming that the park owner has failed to deliver such documents. The refusal of the homeowner to sign the receipt shall under no circumstances constitute a ground for eviction of the homeowner or of a mobile home or for the imposition of any other penalty.

Section 5. Subsections (8), (9), (10), (11), (12), and (13) of section 723.012, Florida Statutes, are amended to read:

723.012 Prospectus or offering circular.—The prospectus or offering circular, which is required to be provided by s. 723.011, must contain the following information:

(8) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, cable television, water supply, and storm drainage, will be provided, and the person or entity furnishing them. The services and the lot rental amount or user fees charged by the park owner for the services provided by the park owner shall also be disclosed.

(9) An explanation of the manner in which the lot rental amount rents and other charges will be raised, including, but not limited to:

(a) Notification of the mobile home owner at least 90 days in advance of the increase.

(b) Disclosure of any factors ~~rate increases or pass-through of such increases~~ which may affect the lot rental amount lot rental fees, including, but not limited to:

1. Water rates.
2. Sewer rates.
3. Waste disposal rates.
4. Maintenance costs, including costs of deferred maintenance.
5. Management costs.
6. Property taxes.
7. Major repairs or improvements.
8. Any other fees, costs, entrance fees, or charges to which the mobile home owner may be subjected.

(c) Disclosure of the manner in which the pass-through charges will be assessed.

(10) Disclosure of all user fees currently charged for services offered which the homeowner may elect to incur and the manner in which the fees will be increased.

(11)(10) The park rules and regulations and an explanation of the manner in which park rules or regulations will be set, changed, or promulgated, including:

(a) Current park rules or regulations in effect governing mobile home owners' behavior, guest procedures, and times for using recreational and other facilities and any other rules.

(b) The procedures pertaining to rule and regulation changes and adoption of new park rules or regulations.

(12)(11) A statement describing the existing zoning classification of the park property and permitted uses under such classification.

(13)(12) A statement of the nature and type of zoning under which the mobile home park operates, the name of the zoning authority which has jurisdiction over the land comprising the mobile home park, and, if applicable, a detailed description of any definite future plans which the park owner has for changes in the use of the land comprising the mobile home park.

(14)(13) Copies of the following, to the extent they are applicable, as exhibits:

(a) The ground lease or other underlying leases of the mobile home park or a summary of the contents of the lease or leases when copies of the same have been filed with the division.

(b) A copy of the mobile home park lot layout showing the location of the recreational areas and other common areas.

(c) All covenants and restrictions and zoning which will affect the use of the property and which are not contained in the foregoing.

(d) A copy of the rental agreement or agreements to be offered for rental of mobile home lots.

Section 6. Subsections (3), (4), (5), (6), (7), (8), and (9) of section 723.031, Florida Statutes, are amended to read:

723.031 Mobile home lot rental agreements.—

(3) The homeowner shall have no financial obligation to the park owner as a condition of occupancy in the park, except the lot rental amount. The parties may agree otherwise as to user fees which the homeowner chooses to incur. No user fees shall be charged by the park owner to the mobile home owner for any services or amenities which were previously provided by the park owner and included in the lot rental amount unless there is a corresponding decrease in the lot rental amount. The rental agreements offered by any mobile home park owner must be bona fide offers to rent for a specified term.

(4) No rental agreement shall be offered by a park owner for a term of less than 1 year, and if there is no written rental agreement, no rental term shall be less than 1 year from the date of initial occupancy; however, the an initial term tenancy may be less than 1 year in order to permit the park owner to have all rental agreements within the park commence at the same time. Thereafter, all terms tenancies shall be for a minimum of 1 year.

(5) The rental agreement shall contain the lot rental amount and of the rent, any security deposit, installation charges, fees, assessments, services included. An increase in lot rental amount upon expiration of the term of the lot rental agreement shall be in accordance with s. 723.037 or s. 723.059(4), whichever is applicable, provided that, pursuant to s. 723.059(4), the amount of the lot rental increase is disclosed and agreed to by the purchaser, in writing. An increase in lot rental amount shall not be arbitrary or discriminatory between similarly situated tenants in the park. No lot rental amount may be increased during the term of the lot rental agreement except:

(a) When the manner of the increase is disclosed in a lot rental agreement with a term exceeding 12 months and which provides for such increases not more frequently than annually.

(b) Pass-through charges as defined in s. 723.003(9).

(c) No charge may be collected that results in payment of money for sums previously collected as part of the lot rental amount. The provisions hereof notwithstanding, the mobile home park owner may pass on, at any time during the term of the lot rental agreement, ad valorem property taxes and utility charges, or increases of either, provided that the ad valorem property taxes and the utility charges are not otherwise being collected in the remainder of the lot rental amount, and provided further that the passing on of such ad valorem taxes or utility charges, or increases of either, was disclosed prior to tenancy, was being passed on as a matter of custom between the mobile home park owner and the mobile home owner, or such passing on was authorized by law. Such ad valorem taxes and utility charges shall be a part of the lot rental amount as defined by this chapter. and any other financial obligations of the mobile home owner. However, for a tenancy in existence on the effective date of this act and until the term of the existing rental agreement expires, this provision shall not be construed to prevent the mobile home park owner from passing on to the mobile home owner any costs, including any increased cost for utilities, which are incurred due to the actions of any state or local government.

(6) No fee or charge other than a fee or charge set forth in the prospectus, if one is required, shall be charged by the park owner during the tenancy.

(6) Except for pass-through charges, as defined in this chapter, failure on the part of the mobile home park owner or developer to disclose fully all fees, charges, or assessments prior to tenancy, unless it can be shown that such fees, charges, or assessments have been collected as a matter of custom between the mobile home park owner and the mobile home owner, shall prevent the park owner or operator from collecting said fees, charges, or assessments and refusal by the mobile home owner to pay any such fee, charge, or assessment shall not be used by the park owner or developer as a cause for eviction in any court of law.

(7) No park owner may increase the lot rental amount until an approved prospectus has been delivered if one is required. This subsection shall not be construed to prohibit those increases in lot rental amount for those lot rental agreements for which an approved prospectus was required to be delivered and which was delivered on or before July 1, 1986, if the mobile home park owner had:

(a) Filed a prospectus with the division prior to entering into the lot rental agreement;

(b) Made a good faith effort to correct deficiencies cited by the division by responding within the time limit set by the division, if one was set; and

(c) Delivered the approved prospectus to the mobile home owner within 45 days of approval by the division.

This subsection shall not preclude the finding that a lot rental increase is invalid on other grounds and shall not be construed to limit any rights of a mobile home owner or to preclude a mobile home owner from seeking any remedies allowed by this chapter, including a determination that the lot rental agreement or any part thereof is unreasonable or unconscionable.

(8)(7) If a mobile home owner has deposited or advanced money on a rental agreement as security for performance of the rental agreement, which money is held in excess of 3 months by the mobile home park owner or his agent, such deposit shall be handled pursuant to s. 83.49.

(9)(8) No rental agreement shall provide for the eviction of a mobile home owner on a ground other than one contained in s. 723.061.

(10)(9) The rules and regulations *and the prospectus* shall be deemed to be incorporated into the rental agreement.

Section 7. Subsection (1) of section 723.032, Florida Statutes, is amended to read:

723.032 Prohibited or unenforceable provisions in mobile home lot rental agreements.—

(1) A mobile home lot rental agreement may provide a specific duration with regard to the amount of rental payments and other conditions of the tenancy, but the rental agreement shall neither provide for, nor be construed to provide for, the termination of any *tenancy rental agreement* except as provided in s. 723.061.

Section 8. Section 723.037, Florida Statutes, is amended to read:

723.037 Lot rental increases; reduction in services or utilities; change in rules and regulations; mediation or arbitration.—

(1) A park owner shall give written notice to each *affected mobile home owner and the board of directors of the homeowners' association, if one has been formed*, at least 90 days prior to any increase in lot rental amount or ~~lot rental increase~~, reduction in services or utilities provided by the park owner, or change in rules and regulations. *The notice shall identify all other affected homeowners, which may be by lot number, name, group, or phase. If the affected homeowners are not identified by name, the park owner shall make the names and addresses available upon request.* Rules adopted as a result of restrictions imposed by governmental entities and required to protect the public health, safety, and welfare may be enforced prior to the expiration of the 90-day period but are not otherwise exempt from the requirements of this chapter. *Pass-through charges must be separately listed as to the charge being levied. Notices of increase in the lot rental amount due to a pass-through charge shall state the additional payment and starting and ending dates of the pass-through charges. The homeowners' association shall have no standing to challenge the increase in lot rental amount, reduction in services or utilities, or change of rules and regulations unless a majority of the affected homeowners agree, in writing, to such representation.*

(2) Notice as required by this section shall only be required to include the change in the present lot rental amount, the reduction in services or utilities, or the change in rules and regulations and the effective date thereof.

(3)(2) A committee, not to exceed five in number, designated by a majority of the *affected mobile home owners or, if a homeowners' association has been formed*, by the board of directors of the homeowners' association if applicable, shall meet at a mutually convenient time with the park owner ~~to discuss such change~~ within 30 days of the notice ~~from the park owner to discuss the reasons for the increase in lot rental amount, reduction in services or utilities, or change in rules and regulations.~~

(4)(3) Within 30 ~~15~~ days of the date of the scheduled meeting described in subsection (3)(2), the home owners shall request that the dispute be submitted to mediation pursuant to s. 723.038 if a majority of the affected home owners, ~~or a majority of the members of the homeowners' association if one has been established~~, have designated ~~stated~~, in writing, that:

(a) The rental increase is unreasonable;

(b) The rental increase has made the lot rental amount unreasonable;

(c)(b) The decrease in services or utilities is not accompanied by a corresponding decrease in rent or is otherwise unreasonable; or

(d)(e) The change in the rules and regulations is unreasonable.

(5)(4) If both parties subsequently agree, they may request that the dispute be arbitrated rather than mediated.

(6)(5) No action relating to a dispute described in this section may be filed in any court unless and until a request has been submitted to the division for mediation or arbitration and the request has been processed in accordance with s. 723.038.

(7)(6) If a party refuses to agree to mediate or arbitrate, or fails to request mediation, upon proper request, that party shall not be entitled to attorneys' fees in any action relating to a dispute described in this section.

Section 9. Subsection (3) is added to section 723.041, Florida Statutes, to read:

723.041 Entrance fees; refunds; exit fees prohibited.—

(3) *No entrance fee may be charged by the park owner to the purchaser of a mobile home situated in the park that is offered for sale by a resident of the park.*

Section 10. Subsection (5) is added to section 723.059, Florida Statutes, to read:

723.059 Rights of purchaser.—

(5) *Lifetime leases, both existing and those entered into after July 1, 1986, shall be nonassumable unless otherwise provided in the lot rental agreement or the transferee is the homeowner's spouse. The renewal provisions in automatically renewable leases, both existing and those entered into after July 1, 1986, are not assumable unless otherwise provided in the lease agreement.*

Section 11. Paragraphs (a) and (d) of subsection (1) of section 723.061, Florida Statutes, are amended, subsections (2) and (3) are renumbered as subsections (3) and (4), respectively, and a new subsection (2) is added to said section, to read:

723.061 Eviction; grounds, proceedings.—

(1) A mobile home park owner may evict a mobile home owner or a mobile home only on one or more of the grounds provided in this section.

(a) Nonpayment of lot rental amount ~~rent~~. If a mobile home owner fails to pay the lot rental amount ~~rent~~ when due and if the default continues for 5 ~~3~~ days after delivery of a written demand by the mobile home park owner for payment of the lot rental amount ~~rent~~, the park owner may terminate the tenancy. However, if the mobile home owner pays the lot rental amount ~~rent~~ due, including any late charges, court costs, and attorney's fees, the court may, for good cause, deny the order of eviction, provided such nonpayment has not occurred more than twice.

(d) Change in use of the land comprising the mobile home park, or the portion thereof from which mobile homes are to be evicted, from mobile home lot rentals to some other use, provided all tenants affected are given at least 1 year's ~~6 months'~~ notice, ~~or longer if provided for in a valid rental agreement~~, of the projected change of use and of their need to secure other accommodations.

(2) *In the event of eviction for change of land use, homeowners must object to the change in land use by petitioning for administrative or judicial remedies within 90 days of the date of the notice or they will be barred from taking any subsequent action to contest the change in land use. This provision shall not be construed to prevent any homeowner from objecting to a zoning change at any time.*

(a) *Within 90 days from the time the park owner gives the 1-year notice, he shall notify the homeowner of his election to either buy the mobile home, or relocate the mobile home to another park owned by the park owner, or pay to relocate the mobile home to another mobile home park, as follows:*

1. *Pay as damages, the actual cost, including setup fees, to move evicted mobile homes, with comparable and any required appurtenances, to a comparable mobile home park within a 50-mile radius of the mobile home park or other distance agreed upon by the park owner and mobile home owner. Since the amount of damages that a homeowner will suffer due to the change in land use by the park owner cannot be easily estimated and would be difficult and expensive to determine, it is the intent of the Legislature that the payment contained herein be considered in the nature of liquidated damages and not a penalty. It is the intent of the Legislature that the liquidated damages to which the mobile home owner is entitled be limited to the damages defined in this subparagraph only for so long as this subsection remains in effect. The liquidated damages apply only to the harm incurred by the homeowner for having to relocate and this provision shall not preclude incidental damages that might occur in relocating the mobile home; or*

2. Purchase the mobile home and all appurtenances thereto at a value to be determined as follows:

a. A mutually agreed upon appraiser will assess the book value of the mobile home and cash value of all appurtenances thereto and the market value of the mobile home as situated immediately prior to the notice of change in land use. The NADA Mobile Home/Manufactured Housing Appraisal Guide shall be used as a guide for determining such value.

b. The homeowner will be entitled to the book value of the mobile home and cash value of the appurtenances, plus the following portion of the difference between the book value and cash value of the appurtenances and the market value of the mobile home. If the homeowner has resided in the mobile home at the time of notice of land use change by the park owner:

- 0 years up to 5 years 40 percent
- 5 years up to 15 years 60 percent
- 15 years up to 20 years 80 percent
- 20 years or more 100 percent

c. The homeowner who has become a resident of the park within 0-5 years of the notice of change in land use shall be entitled, in addition to the compensation set forth above, to 60 percent of the difference between the book value and the market value of the mobile home.

d. Between the date of the appraisals referred to in this subsection and the delivery of title and possession of the mobile home and all appurtenances thereto to the park owner, the mobile home and the appurtenances shall be maintained by the homeowner in the condition existing on the date of the appraisals, ordinary wear and tear excepted; or

3. Reach a mutually agreed to settlement between the park owner and the homeowner.

(b) Either the mobile home owner or the park owner may apply to the circuit court in the county where the mobile home lot is located for purposes of selecting an appraiser to determine the value of the mobile home and appurtenances or for resolution of any other dispute arising under this subsection.

(c) In any dispute in a circuit court regarding the value of the mobile home as appraised pursuant to this subsection, the court shall determine the amount to be deposited into the registry of the court as will fully secure and fully compensate the homeowner as ultimately determined by the final judgment. The court shall fix the time within which and the terms upon which the homeowner shall be required to surrender possession and title to the park owner. The order of the court shall not become effective unless the deposit of the required sum is made in the registry of the court.

(d) The provisions of s. 723.083 shall not be applicable to any park where the provisions of this subsection apply.

(e) This subsection is repealed on July 1, 1987.

Section 12. Section 723.0615, Florida Statutes, is created to read:

723.0615 Retaliatory conduct.—

(1) It is unlawful for a mobile home park owner to discriminatorily increase a homeowner's rent or discriminatorily decrease services to a homeowner, or to bring or threaten to bring an action for possession or other civil action, primarily because the park owner is retaliating against the homeowner. In order for the homeowner to raise the defense of retaliatory conduct, the homeowner must have acted in good faith and not for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. Examples of conduct for which the park owner may not retaliate include, but are not limited to, situations where:

(a) The homeowner has in good faith complained to a governmental agency charged with responsibility for enforcement of a building, housing, or health code of a suspected violation applicable to the mobile home park;

(b) The homeowner has organized, encouraged, or participated in a homeowners' organization; or

(c) The homeowner has complained to the park owner for failure to comply with s. 723.022.

(2) Evidence of retaliatory conduct may be raised by the homeowner as a defense in any action brought against him for possession.

(3) In any event, this section does not apply if the park owner proves that the eviction is for good cause. Examples of such good cause include, but are not limited to, good faith actions for nonpayment of the lot rental amount, violation of the rental agreement or of park rules, or violation of the terms of this chapter.

Section 13. Section 723.076, Florida Statutes, is amended to read:

723.076 Incorporation; notification of park owner.—

(1) Upon receipt of its certificate of incorporation, the homeowners' association shall notify the park owner in writing of such incorporation and shall advise the park owner of the names and addresses of the officers of the homeowners' association by personal delivery upon the park owner's representative as designated in the prospectus or by certified mail, return receipt requested.

(2) The homeowners' association shall file a notice of its right to purchase the mobile home park as set forth in s. 723.071. The notice shall contain the name of the association, the name of the park owner, and the address or legal description of the park. The notice shall be recorded with the clerk of the circuit court in the county where the mobile home park is located. Within 10 days of the recording, the homeowners' association shall provide a copy of the recorded notice to the park owner at the address provided by the park owner by certified mail, return receipt requested.

Section 14. The provisions of subsection (2) of section 723.037, Florida Statutes, as created by this act, are intended to be remedial and all previous notices of increase in lot rental amount, reduction in services or utilities, or change in rules and regulations provided in conformance with such section shall be considered proper notice. A park owner who has provided a second notice of an increase in lot rental amount that provides for recoupment of lost income due to an initial notice which may have been deficient under the rules of the Division of Florida Land Sales, Condominiums, and Mobile Homes between October 1, 1984, and July 1, 1986, shall not be allowed to recover said lost income twice by the provisions of such section.

Section 15. The provisions of subsection (2) of section 723.061, Florida Statutes, as created by this act, shall take effect upon becoming a law and shall apply to all changes in land use for which notice was given by the park owner on or after June 10, 1986.

Section 16. Except as otherwise provided herein, this act shall take effect July 1, 1986.

Amendment 2—On page 1 in the title, line 6, following the semicolon (;) insert: amending s. 723.006, F.S., relating to powers and duties of the division;

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

CS for SB 137 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—39

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

Nays—None

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives returns CS for HB 302 as requested.

Allen Morris, Clerk

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

CS for HB 302—A bill to be entitled An act relating to education; amending s. 233.057, F.S., relating to responsibilities of reading resource specialists; providing an effective date.

—as amended passed May 30.

Senator Weinstein moved the following amendments which were adopted by two-thirds vote:

Amendment 5—On page 2, between lines 19 and 20, insert:

Section 2. Interim Instructional Materials Study Commission.—

(1) There is created, within the Department of Education, the Interim Instructional Materials Study Commission to be appointed by the Commissioner of Education. The commission shall be composed of three Department of Education staff members, three district administrative personnel, two instructional personnel, and two representatives of the publishing industry.

(2) The scope of the commission study shall include, but not be limited to, examining and recommending changes concerning:

- (a) The selection and adoption of instructional materials;
- (b) The number of state and local adoptions;
- (c) The lengths of adoptions;
- (d) State and District Instructional Materials Council membership and training; and
- (e) Adoption dates of instructional materials.

(3) The Department of Education shall provide staff assistance and other support to carry out the purposes of the commission.

(4) As soon as practicable following appointment of the commission, the Commissioner of Education shall call an organizational meeting of the commission. By majority vote, the commission shall elect a chairman from its members and adopt rules for its governance. The chairman shall preside over meetings of the commission and perform other duties directed by the commission or required by its rules.

(5) The commission shall meet as often as it deems necessary to carry out its duties and responsibilities.

(6) Members of the commission shall serve without compensation but entitled to be reimbursed for travel and per diem expenses pursuant to s. 112.061, Florida Statutes, while performing their duties under the provisions of this section.

(7) Members of the commission shall serve until the adjournment of the regular session of the Legislature in 1987, at which time the commission is abolished.

(8) The commission shall report its progress, findings, and recommendations to the State Board of Education and the Legislature by March 16, 1987.

(9) The commission shall be financed from funds appropriated by the Legislature for the Department of Education's 1986-1987 budget.

(Renumber subsequent section.)

Amendment 6—In title, on page 1, line 4, after the semicolon (;) insert: creating the Interim Instructional Materials Study Commission; prescribing membership, powers, and duties; providing for staff support; providing for meetings; providing for per diem and travel expenses; providing for termination of the commission; requiring reports; providing for funding;

CS for HB 302 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Grizzle	Kiser	Meek	Thurman
Hair	Langley	Myers	Vogt
Hill	Malchon	Peterson	Weinstein
Jennings	Mann	Plummer	
Johnson	Margolis	Stuart	
Kirkpatrick	McPherson	Thomas	

Nays—None

Vote after roll call:

Yea—Jenne, Neal

The Honorable Harry A. Johnston, II, President

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

CS for SB 576—A bill to be entitled An act relating to prostitution; amending s. 796.07, F.S.; defining "sexual activity" for purposes of the prohibition against prostitution; deleting obsolete language; providing penalties; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 19-21, strike all of said lines after the word hire on line 19 and insert: ~~and shall also be construed to include the giving or receiving of the the body for licentious sexual intercourse without hire~~

Amendment 2—On page 3, between lines 20 and 21, insert:

Section 2. Section 796.08, Florida Statutes, is created to read:

796.08 Screening for sexually transmissible diseases; providing penalties.—

(1) Any person arrested under s. 796.07 may request screening for a sexually transmissible disease under direction of the Department of Health and Rehabilitative Services and, if infected, shall submit to appropriate treatment and counseling.

(2) Any person convicted of prostitution under the provisions of s. 796.07, shall be required to undergo screening for a sexually transmissible disease under direction of the Department of Health and Rehabilitative Services and, if infected, shall submit to treatment and counseling as a condition of release from probation, community control or incarceration. For the purposes of this section, "sexually transmissible disease" means a bacterial, viral, fungal or parasitic disease, determined by rule of the department to be sexually transmissible, a threat to the public health and welfare, and a disease for which a legitimate public interest will be served by providing for regulation and treatment. In considering which diseases are to be designated as sexually transmissible diseases, the department shall consider such diseases as chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/Acute Salpingitis, syphilis, and human T-lymphotropic virus type III (HTLV-III) infection for designation, and shall consider the recommendations and classifications of the Centers for Disease Control and other nationally recognized authorities. Not all diseases that are sexually transmissible need be designated for purposes of this statute.

(3) Any person who has been convicted of prostitution, has tested positive for a sexually transmissible disease, knows or has been informed that he has a positive test result for one or more of these diseases, and that he may communicate this disease to another person through sexual activity as defined in s. 796.07, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The sentence may be served through the utilization of electronic monitoring devices at the person's place of work release, if any, and place of residence.

(Renumber subsequent section.)

Amendment 3—On page 1, in the title, at the end of line 5, insert: creating s. 796.08, F.S.; providing that persons arrested for prostitution may be screened for sexually transmissible disease; requiring persons convicted of prostitution to be screened for sexually transmissible disease;

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

Amendment 1—On page 2, strike all of lines 12-21 and insert:

(3) Any person who commits prostitution and who, prior to the commission of such crime, had tested positive for a sexually transmissible disease and knew or had been informed that he had tested positive for a sexually transmissible disease and that he could possibly communicate such disease to another person through sexual activity is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083, s. 775.083, or s. 775.084. A person may be convicted and sentenced separately for a violation of this subsection and for the underlying crime of prostitution.

Senator Frank moved the following amendment to House Amendment 3 which was adopted:

Amendment 1—In title, on page 1, lines 11-15, strike everything after "insert:" and insert: redefining the elements of prostitution; creating s. 796.08, F.S.; providing for screening for sexually transmissible diseases for persons arrested for or convicted of prostitution; making it unlawful for persons tested positive for certain sexually transmissible diseases to engage in prostitution;

On motions by Senator Frank, the Senate concurred in House Amendment 1 and in House Amendments 2 and 3 as amended, and the House was requested to concur in the Senate amendments to the House amendments.

CS for SB 576 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Jenne

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 1 and Senate Amendment 1 to House Amendment 2; has refused to concur in Senate Amendment 2 to House Amendment 1 and Senate Amendment 2 to House Amendment 2 and requests the Senate to recede; has further amended, concurred in same as amended and passed CS for SB's 517, 407 and 540, as further amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

CS for SB's 517, 407 and 540—A bill to be entitled An act relating to motor vehicle registration and drivers' licenses; amending ss. 318.14, 318.18, 320.0605, 320.07, 320.10, 322.03, 322.15, F.S.; exempting search and rescue units from motor vehicle license taxes; providing that operating a motor vehicle without a valid registration or a valid drivers' license constitutes a noncriminal infraction; providing exceptions; providing for dismissal of charges in certain cases; providing a fee; providing penalties; amending s. 320.27, F.S.; deleting the requirement that motor vehicle dealers' records be made available to all law enforcement officers for inspection; requiring the name and address of motor vehicle auction on the reassignment of title form; deleting the requirement that dealers carry uninsured motorist coverage; creating s. 316.253, F.S.; requiring certain vehicles used for retail sale of certain goods to display warnings; providing penalties; providing an effective date.

Amendment 5—On page 13, line 11, insert:

Section 11. Subsection (1) of section 316.2956, Florida Statutes, is amended to read:

316.2956 Violation of provisions relating to windshields, windows, and sunscreening material; penalties.—

(1) Any person who operates a motor vehicle on which, after June 20, 1984, material was installed in violation of ss. 316.2951-316.2954 is guilty of a *noncriminal traffic infraction subject to the penalty provided in s. 318.18(2) misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.084.*

Section 12. Paragraph (b) of subsection (4) of section 321.05, Florida Statutes, is amended to read:

321.05 Duties, functions, and powers of patrol officers.—

(4)

(b) Any person so arrested and released on his own recognizance by an officer and who shall fail to appear or respond to a notice to appear shall, in addition to the traffic violation charge, be guilty of a *noncriminal traffic infraction subject to the penalty provided in s. 318.18(2) misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(Renumber subsequent section.)

Amendment 6—On page 1 in the title, line 22, after "penalties;" insert: amending s. 316.2956, F.S.; providing that operation of a motor vehicle on which unlawful suncreening was installed is a noncriminal traffic infraction; amending s. 321.05, F.S.; providing that failure to appear on a traffic violation charge is a noncriminal traffic offense;

On motions by Senator Gordon, the Senate concurred in House Amendments 5 and 6; and receded from Amendment 2 to House Amendment 1 and Amendment 2 to House Amendment 2.

CS for SB's 517, 407 and 540 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	Dunn	Jennings	Peterson
Barron	Fox	Johnson	Plummer
Beard	Frank	Kiser	Scott
Castor	Gersten	Malchon	Stuart
Childers, D.	Gordon	Mann	Thomas
Childers, W. D.	Grant	Margolis	Thurman
Crawford	Grizzle	McPherson	Vogt
Crenshaw	Hair	Meek	Weinstein
Deratany	Hill	Myers	

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick, Neal

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Neal, by two-thirds vote CS for SB's 77 and 191 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Neal, the rules were waived and the Committee on Appropriations was granted permission to meet this day at 5:00 p.m. until completion of the agenda to consider CS for SB 986 and CS for SB's 77 and 191.

On motions by Senator Neal, by two-thirds vote CS for SB 324, CS for CS for SB 1118 and SB 1271 were withdrawn from the Committee on Appropriations.

SPECIAL ORDER, continued

CS for SB 60—A bill to be entitled An act relating to utilities; amending s. 366.04, F.S.; providing that the Public Service Commission shall have exclusive authority to prescribe and enforce safety standards for transmission and distribution facilities of certain utilities and cooperatives; providing that certain standards shall be adopted by the commission as initial standards; providing for modification and revision; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 30, strike "health and"

Amendment 2—On page 2, line 7, strike "health and"

Amendment 3—On page 2, between lines 11 and 12, insert:

Provided, however, nothing herein shall be construed as superseding, repealing or amending the provisions of section 403.523(1) and (14), Florida Statutes.

Amendment 4—On page 2, strike line 12 and insert:

Section 2. Subsection (30) is added to section 403.061, Florida Statutes, to read:

403.061 Department; powers and duties.—

(30) *Establish requirements by rule that reasonably protect the public health and welfare from electric and magnetic fields associated with existing 230 kV or greater electrical transmission lines, new 230 kV and greater electrical transmission lines for which an application for certification under the Transmission Line Siting Act, ss. 403.52-403.536, is not filed, new or existing electrical transmission or distribution lines with voltage less than 230 kV, and substation facilities. Notwithstanding any other provision in chapter 403, or other law of this state or political subdivision thereof, the department shall have exclusive jurisdiction in the regulation of electric and magnetic fields associated with all electrical transmission and distribution lines and substation facilities. Provided, however, that nothing herein shall be construed as superseding or repealing the provisions of sections 403.523(1) and (14), Florida Statutes.*

Section 3. There is hereby appropriated from the Regulatory Trust Fund of the Florida Public Service Commission the sum of \$170,000 to be transferred to, pursuant to a mutually agreed upon interagency agreement, the Grants and Donations Trust Fund of the Department of Environmental Regulation from which it is hereby appropriated for the purpose of funding the determination and establishment of standards for electric and magnetic fields as required in Section 2. The Florida Public Service Commission shall ensure, pursuant to the interagency agreement, that the appropriated funds are used only for this stated purpose.

Section 4. Subsection (2) of section 501.122, Florida Statutes, is amended to read:

501.122 Control of nonionizing radiations; laser; penalties.—

(2) **AUTHORITY TO ISSUE REGULATIONS.**—*Except for electrical transmission and distribution lines and substation facilities subject to regulation by the Florida Department of Environmental Regulation pursuant to chapter 403, Florida Statutes, the department shall promulgate such rules and regulations as it may determine to be necessary to protect the health and safety of persons exposed to laser devices and other nonionizing radiation, including the user or any others who might come in contact with such radiation. The department is further authorized:*

Section 5. Subsection 403.523(14), Florida Statutes, is amended to read:

403.523 Department of Environmental Regulation; powers and duties.—*The department shall have the following powers and duties:*

(14) *To set requirements that reasonably protect the public health, safety, and welfare from the electric and magnetic fields of transmission lines for which an application is filed after the effective date of this act.*

Section 6. Subsection 403.803(13), Florida Statutes, is amended to read:

403.803 Definitions.—*When used in this act, the term, phrase, or word:*

(13) *"Standard" means any rule of the Department of Environmental Regulation related to air and water quality, noise, and solid waste management, and electric and magnetic fields associated with electrical transmission and distribution lines and substation facilities. The term "standard" does not include rules of the department which relate exclusively to the internal management of the department, the procedural processing of applications, the administration of rulemaking or adjudicatory proceedings, the publication of notices, the conduct of hearings, or other procedural matters.*

Section 7. The amendments to ss. 403.061, 403.523(14), 403.803, and 501.122 provided for in Sections 2, 4, 5, and 6 herein are not intended to reflect the prior legislative intent of ss. 403.52-403.539 or imply in any manner what procedures were proper prior to the effective date of this act.

Section 8. This act shall take effect upon becoming law.

Senator Myers moved the following amendment which was adopted:

Amendment 5—On page 2, strike line 12 and insert:

Section 2. Subsection (2) of section 234.051, Florida Statutes, is amended to read:

234.051 School buses.—*School buses shall be defined and meet specifications as follows:*

(2) **SPECIFICATIONS.**—*Each school bus with a total seating space of more than 10 lineal feet which is rented, leased, purchased, or contracted for purchase, and each school bus with a total seating space of more than 10 lineal feet shall meet the applicable Federal Motor Vehicle Safety Standards and other specifications as prescribed by regulations of the state board.*

Section 3. Section 234.101, Florida Statutes, is amended to read:

234.101 Specific requirements driver training program; contract.—

(1) *The State Board of Education shall adopt requirements which school bus drivers must meet prior to employment by district school boards.*

(2) *Each district school board may provide a school bus driver training program and may make such program available to nonpublic school bus drivers by contract.*

Section 4. Subsection (4) of section 316.615, Florida Statutes, is amended, subsection (5) is renumbered as subsection (6), and a new subsection (5) is added to said section, to read:

316.615 Inspection of school buses; physical requirements of drivers.—

(4) *All school buses and all motor vehicles covered by subsection (1) shall be inspected annually by the department and, when found satisfactory for safe operation, shall display on the vehicle a current certificate of inspection. The department is authorized to conduct a pilot program utilizing qualified private contractors selected in accordance with chapter 287 for inspections required for nonpublic school buses by this subsection.*

(5) *Nonpublic school buses shall be allowed to deliver and pick up students in either the same areas as public school buses, or in other areas adjacent to the public school bus delivery and pick-up zones, as determined by the appropriate government entities.*

Section 5. This act shall take effect July 1, 1986.

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

Amendment 6—In title, on page 1, strike line 2 and insert: An act relating to transmission, distribution and substations of electric utilities; providing for the safety, health and welfare of the public; amending s.

Amendment 7—In title, on page 1, line 10, after the semicolon (;) insert: amending s. 403.061; providing that the Department of Environmental Regulation have exclusive jurisdiction to adopt rules to protect the public health and welfare for electric and magnetic fields associated with electrical transmission and distribution lines and substations; providing for funds to be appropriated from the Regulatory Trust Fund of the Florida Public Service Commission to the Department of Environmental Regulation for funding establishment of electric and magnetic field standards; amending s. 501.122; deleting the authority of the Department of Health and Rehabilitative Services to regulate electric and magnetic fields from transmission and distribution lines and substations; amending s. 403.523(14), deleting the authority to regulate safety of transmission lines from the Department of Environmental Regulation; amending s. 403.803, providing that standards include rules pertaining to electric and magnetic fields associated with electrical transmission and distribution lines and substations; providing for legislative intent.

Senator Myers moved the following amendment which was adopted:

Amendment 8—In title, on page 1, line 10, after the semicolon (;) insert: amending s. 234.051, F.S.; requiring school buses to meet applicable Federal Motor Vehicle Safety Standards; amending s. 234.101, F.S.; authorizing district school boards to provide school bus driver training programs and to make them available to nonpublic school bus drivers by contract; amending s. 316.615, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to conduct a pilot program for the inspection of nonpublic school buses, utilizing qualified private contractors; allowing nonpublic school buses to deliver and pick up students in either the same areas as public school buses or in other areas adjacent to public school bus delivery and pick-up zones;

On motion by Senator Myers, by two-thirds vote CS for SB 60 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Neal, Vogt

The Senate resumed consideration of—

CS for SB 754—A bill to be entitled An act relating to ad valorem tax assessment and fee time-share real property; amending s. 192.001, F.S.; providing definitions; amending s. 192.037, F.S.; providing that the unit of assessment and taxation shall be the fee time-share unit; repealing s. 197.472(8), F.S.; providing an effective date.

—as amended.

Senator Gordon moved the following amendments which were adopted:

Amendment 7—On page 5, between lines 3 and 4, insert:

Section 4. Subsection (9) is added to section 196.199, Florida Statutes, to read:

196.199 Exemptions for property owned by governmental units.—

(9) Improvements to real property which are located on state-owned land and which are leased to a public educational institution shall be deemed owned by the public educational institution for purposes of this section where, by the terms of the lease, the improvement will become the property of the public educational institution or the state of Florida at the expiration of the lease.

(Renumber subsequent section.)

Amendment 8—In title, on page 1, lines 2 and 3, strike “tax assessment and fee time-share real property;” and insert: taxes; amending s. 196.199, F.S.; providing that certain improvements to real property on state-owned land and leased to public educational institutions shall be deemed to be owned by such institution;

On motion by Senator Stuart, by two-thirds vote CS for SB 754 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—4

Mr. President Childers, D. Frank Neal

Vote after roll call:

Yea—Vogt

Yea to Nay—Johnson

On motion by Senator Hair, the rules were waived and time of adjournment was extended until completion of CS for SB 864.

On motion by Senator Thomas, the rules were waived and by two-thirds vote CS for SB 644, SB 1173, SB 63, CS for SB 99 and CS for HB 396 were added to the beginning of the special order calendar for Thursday, June 5.

Reconsideration

On motion by Senator Dunn, the Senate reconsidered the vote by which CS for SB 672 as amended passed this day.

On motion by Senator Dunn—

HB 256—A bill to be entitled An act relating to elections; amending s. 101.24, F.S., providing for ballot transfer containers; amending s. 101.5609, F.S.; revising ballot requirements; amending s. 101.5610, F.S.; providing for inspection of ballot information by election board; amending s. 101.5614, F.S., relating to canvass of returns; providing an effective date.

—a companion measure, was substituted for CS for SB 672 and read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On page 1, line 13, insert:

Section 1. Section 98.461, Florida Statutes, is amended to read:

98.461 Registration form, precinct register; contents.—A registration form, approved by the Department of State, containing the information required in s. 98.111 shall be filed alphabetically in the office of the supervisor as the master list of electors of the county. *As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451.* A computer printout may be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name and middle name or initial; party affiliation; residence address; registration number; date of birth; sex; race; state or country of birth; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register may also contain a list of the forms of identification approved by the Department of State, which shall include, but not be limited to, the voter registration identification card and Florida driver's license. The precinct register may also contain a space for the elector's signature, a space for the initials of the witnessing clerk or inspector, and a space for the signature slip or ballot number.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 13, insert:

Section 1. Subsection (6) of section 97.063, F.S., is amended to read:

97.063 Eligibility for absentee registration.—

(6) If the elector is registered in any other county of Florida, or in any other state, the supervisor ~~may~~ shall also have the elector complete a separate form, signed by the elector, to be mailed by the supervisor to the registering official in the jurisdiction in which such elector was last registered for the purpose of advising such official to cancel the elector's former registration.

(Renumber subsequent sections.)

Amendment 3—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 98.461, F.S.; allowing the electronic reproduction and storage of information from the form for the registration of electors;

On motion by Senator Dunn, by two-thirds vote HB 256 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Jenne

CS for SB 672 was laid on the table.

SPECIAL ORDER, continued

CS for SB 864—A bill to be entitled An act relating to state-administered retirement systems; amending s. 121.113, F.S.; providing for participation by a surviving spouse of an elected official who dies in office before accumulating the required number of years of creditable service, upon the payment of certain contributions into the system trust fund; providing for such participation when the spouse has received a refund of the member's contributions, upon the repayment of the refunded contributions plus interest and the payment of certain contributions into the system trust fund; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote CS for SB 864 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Crawford	Frank	Grizzle
Beard	Crenshaw	Gersten	Hair
Castor	Deratany	Girardeau	Jennings
Childers, D.	Dunn	Gordon	Johnson
Childers, W. D.	Fox	Grant	Kirkpatrick

Kiser	Margolis	Peterson	Thurman
Langley	McPherson	Plummer	Vogt
Malchon	Meek	Scott	Weinstein
Mann	Neal	Thomas	

Nays—None

Vote after roll call:

Yea—Jenne, Myers

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Kirkpatrick, the rules were waived and the Committee on Appropriations was granted permission to consider SB 141 at the meeting this day.

On motions by Senator Jenne, by two-thirds vote House Bills 1120, 1121, 916 and 1097 were withdrawn from the Committee on Commerce, and SB 396 was withdrawn from the Committees on Commerce and Judiciary-Civil.

On motions by Senator Jenne, by two-thirds vote CS for HJR 71, CS for HB 72, CS for SJR 1160 were withdrawn from the Committee on Rules and Calendar.

On motions by Senator Jenne, by two-thirds vote SB 1326 and HB 11 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Jenne, CS for SB 1298, SB 1338, House Bills 1034, 696, 916, 1097, 1120, 1121 and 996 were added to the local bill calendar for Thursday, June 5.

On motion by Senator Jenne, by two-thirds vote CS for SB 990, CS for SB 511, CS for SB 600, SJR 836, SB 869, CS for SB 353, SB 263 and CS for SB 758 were added to the end of the special order calendar for Thursday, June 5.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 3 was corrected and approved.

RECESS

On motion by Senator Jenne, the Senate recessed at 5:09 p.m. to reconvene at 9:30 a.m., Thursday, June 5.