



Journal of the Senate

Number 11

Wednesday, May 13, 1987

CALL TO ORDER

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

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Stuart
Brown	Grant	Langley	Thomas
Childers, D.	Grizzle	Malchon	Thurman
Childers, W. D.	Hair	Margolis	Weinstein
Crawford	Hill	McPherson	Weinstock
Crenshaw	Hollingsworth	Meek	Woodson
Deratany	Jenne	Myers	
Dudley	Jennings	Peterson	

Excused: Senators Peterson and Thomas from 9:45 until 11:00 a.m.; Senator Scott, periodically

PRAYER

The following prayer was offered by the Rev. Freddy Perez, Pastor, Westchester Christian Church, Miami:

Our Heavenly Father, we are so thankful for being able to be here this morning. We thank you for the opportunity and the privilege of living in this country. Thank you for the opportunity of living in the State of Florida. We thank you for the freedoms that we enjoy here. Thank you for democracy and how good it works and in spite of all our problems and shortcomings, it's still the best system in the world.

We thank you for these elected officials that have given their time to serve us. We pray, Lord, that you will bless them—bless them this day and in this session. We ask a special blessing on their families, Lord, that you will protect them and guide them as they are away from their families. We pray that you will prosper them in their businesses that they would never be accused of any selfish motives. We thank you, Lord, for all of these things and, Lord, we pray that you will help us with the problems that we face.

I would ask a special request that you would help us to find a cure for AIDS; that you will help us to solve the problems that we have with crime, Lord, that you will help us as we face the problems that plague us. Help these men and women here to enact laws that will be of benefit to all. We ask you, Lord, and we thank you for your love. Thank you for what you did for us. Thank you for the Messiah Jesus who died to pay for all of our sins. Thank you that we can expect a better future—future with you in heaven by trusting you as our savior. Thank you for this time. We pray this in the name of Jeshua Ha Mashiach, whom some of us call Jesus Christ. Amen.

Consideration of Resolutions

On motion by Senator Grant, by unanimous consent—

By Senator Grant—

SR 1329—A resolution proclaiming “Federation Equestre Internationale World Cup Week.”

WHEREAS, from April 12 until April 16, 1989, the Federation Equestre Internationale World Cup, the world's top annual show jumping championship, will be held in the United States for the second time in history and for the first time at the Florida State Fairgrounds in Tampa, Florida, and

WHEREAS, direct expenditures from the World Cup itself are expected to be approximately \$4.5 million, and

WHEREAS, holding the world's most prestigious equestrian event in Tampa will position that city with other select international cities holding events involving global participation, and

WHEREAS, Princess Anne, the working president of the Federation Equestre Internationale, will be in attendance, and sellout crowds are anticipated for the five days of competition, and

WHEREAS, other international visitors from a dozen or more of the world's most industrialized nations will be visiting Florida during this week, and

WHEREAS, other events of great economic potential will be held in conjunction with the World Cup at the Florida State Fairgrounds, presenting all of Florida an opportunity to showcase itself to a distinguished group of the world's leading industrialists, and

WHEREAS, Florida and Tampa have become the show jumping capital of North America, hosting the Winter Equestrian Festival, the American Invitational and the American Grandprix Association Championships, NOW, THEREFORE,

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

That the week of April 12-16, 1989, be designated “Federation Equestre Internationale World Cup Week” and the Governor is hereby requested to issue a proclamation calling upon the people of Florida to participate in the activities in connection with the event at the Bob Thomas Equestrian Center at the Florida State Fairgrounds.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate and with the seal of the Senate affixed, be presented to the representatives of the World Cup as a lasting symbol of the esteem and respect of the members of the Florida Senate.

—was introduced out of order and read the first time by title. On motion by Senator Grant, SR 1329 was read the second time in full and unanimously adopted.

On motion by Senator Johnson, by unanimous consent—

By Senator Johnson—

SR 1323—A resolution marking Teachers' Appreciation Week, May 10 through May 16, with special recognition of elementary and secondary school teachers on May 15, as celebrated by the Florida District of Kiwanis International.

WHEREAS, teachers have the important job of sharpening and polishing the potential of our state's citizens of tomorrow, and

WHEREAS, the Florida District of Kiwanis, 342 clubs with 15,917 members covering 30 divisions and also embracing organizations such as the Circle K for college students, the Key Club and Keyettes for high school students, and the Builders Club for middle school students, has long championed education, and

WHEREAS, the Kiwanis International Service Club founded in 1915 has lived up to its motto: “We Build”, and

WHEREAS, the Kiwanis International Service Club's current theme encourages members to “take time to care,” and the Florida District of Kiwanis International's Community Services Committee has spearheaded a campaign to honor Florida's elementary and secondary school teachers and many K-family members will present “an apple to teacher” stamped with the Kiwanis emblem and proclaim that “Kiwanis loves and appreciates our teachers” on Friday, May 15, NOW, THEREFORE,

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

That the Senate join Governor Bob Martinez and Commissioner of Education Betty Castor and the Florida District of Kiwanis International in honoring the teachers of the state, and hereby proclaims May 10 through May 16 Teachers' Appreciation Week.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Senate affixed, be presented to Kiwanis Governor Bob Kline as a tangible token of the sentiments expressed herein.

—was introduced out of order and read the first time by title. On motion by Senator Johnson, SR 1323 was read the second time in full and unanimously adopted.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following Local Bill Calendar for Wednesday, May 13, 1987: CS for CS for SB 86, CS for SB 550, SB 888, SB 1292, SB 1293, SB 1295, SB 1296, SB 1299, SB 1301, SB 1306, SB 1312, SB 1313, SB 1315, SB 1316

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 13, 1987: CS for SB 1184, CS for CS for SB 410, SB 163, CS for SB 265, CS for SB 126, SB 539, SB 373, SB 41, CS for SB 7, SB 433, SB 355, SB 1063, CS for SB 720, SB 790, CS for SB 370, CS for SB 837, SB 694, CS for SB 8, SB 614, SB 820, CS for SB 1080, CS for SB 1130, CS for SB 906, CS for SB 908, SB 696, CS for SB's 1096, 963 and 654

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Education recommends the following pass: SB 786, SB 806

The Committee on Judiciary-Civil recommends the following pass: CS for SB 737, SB 984

The Committee on Natural Resources and Conservation recommends the following pass: SB 828

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

The Committee on Education recommends the following pass: CS for SB 250, CS for SB's 400, 328 and 12

The Committee on Transportation recommends the following pass: SB 952, SB 1106

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

The Committee on Education recommends the following pass: SB 629

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

The Committee on Education recommends the following pass: SB 1123 with 1 amendment

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Education recommends the following pass: SB 1265

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Education recommends the following pass: SB 128 with 2 amendments

The Committee on Transportation recommends the following pass: SB 636

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

The Committee on Education recommends the following not pass: SB 1045

The Committee on Transportation recommends the following not pass: SB 526, SB 1128

The bills contained in the foregoing reports were laid on the table.

The Committee on Commerce recommends a committee substitute for the following: Senate Bills 805, 1127 and 751

The bills with committee substitute attached were referred to the Committee on Agriculture under the original reference.

The Committee on Commerce recommends a committee substitute for the following: SB 831

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1099

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

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1148

The Committee on Judiciary-Criminal recommends a committee substitute for the following: Senate Bills 639 and 1065

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

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 875

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

The Committee on Commerce recommends committee substitutes for the following: SB 600, SB 617, SB 640

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: Senate Bills 693 and 561, SB 1032, SB 1281

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

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 601

The Committee on Judiciary-Criminal recommends a committee substitute for the following: Senate Bills 22, 51, 89, 137, 158, 169, 303, 376, 429, 555, 634 and 796

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

The Committee on Commerce recommends a committee substitute for the following: SB 1189

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

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 377

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

The Committee on Commerce recommends committee substitutes for the following: CS for SB 868, SB 903, SB 935

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1131

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 239, SB 1013

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 631

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 760

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

REQUESTS FOR EXTENSION OF TIME

May 13, 1987

The Committee on Commerce requests an extension of 15 days for consideration of the following: Senate Bills 414, 681, 687, 698, 723, 724, 740, 764, 782, 1041, 1058, 1071, 1085, 1116, 1140, 1150, 1198, 1207, 1210, 1219, 1221, 1222, 1225, 1234, 1236, 1237

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Judiciary-Criminal and Senators D. Childers, Kirkpatrick, Jenne, Hair, Scott, Lehtinen, W. D. Childers, Kiser, Stuart, Ros-Lehtinen, Grant, Beard, Brown, Johnson and Weinstein—

CS for SB's 22, 51, 89, 137, 158, 169, 303, 376, 429, 555, 634 and 796—A bill to be entitled An act relating to drug abuse, prevention, and control; amending ss. 893.03, 893.13, 893.135, 782.04, F.S.; reclassifying cocaine and ecgonine as Schedule I controlled substances; adding "free base" to the definition of cocaine; providing penalties; including anabolic steroids, HCG, and growth hormone among Schedule III controlled substances; providing penalties; prohibiting the purchase, or possession with intent to purchase, of a controlled substance; prohibiting delivery of controlled substances to persons under the age of 18 or the use of persons under the age of 18 in the sale or delivery of such substances under certain circumstances; providing penalties for sale, purchase, or delivery of, or possession of with intent to sell, purchase, or deliver controlled substances within a specified distance of a school; including purchasing of controlled substances within the penalty provisions for trafficking; providing that knowledge essential to establish trafficking exists regardless of which controlled substance the person thinks is involved in the trafficking; providing that the killing of a human being resulting from the unlawful distribution of Schedule I controlled substances constitutes murder in the first degree; providing penalties; providing for mandatory minimum probation for drug felonies; providing for local administrative proceedings for abatement of drug-related nuisances; creating s. 817.565, F.S.; prohibiting acts designed to defraud lawfully administered urine tests; providing a penalty; amending ss. 232.26, 240.133, F.S., relating to public schools, community colleges, and state universities, to provide mandatory expulsion of students who commit violations of chapter 893, F.S.; providing waivers from discipline under certain circumstances; authorizing public employers to dismiss employees found to be unlawfully using Schedule I controlled substances; requiring the Department of Corrections to present a report to the Legislature; providing an effective date.

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

CS for SB 239—A bill to be entitled An act relating to swimming pool facilities; amending s. 514.033, F.S.; providing for a fee; amending s. 514.0115, F.S.; providing an exemption for pools serving certain condominiums and cooperatives from certain requirements imposed by the Department of Health and Rehabilitative Services; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senators Frank, Myers, Langley, Jenne, Weinstein, Gordon, Girardeau, Ros-Lehtinen and Woodson—

CS for SB 377—A bill to be entitled An act relating to organ and tissue donation; amending s. 732.915, F.S.; providing that certain donor registration cards be recorded on microfilm; amending s. 732.922, F.S.; providing that certain requirements concerning organ and tissue donation apply to certain licensed hospital facilities; amending s. 873.01, F.S.; adding to the list of human organs and tissues the purchase or sale of which is prohibited; amending s. 873.05, F.S.; increasing criminal penalties for certain advertising for sale, purchase, or sale of a human embryo; providing an effective date.

By the Committee on Commerce and Senators Meek, Gordon, Margolis and Crenshaw—

CS for SB 600—A bill to be entitled An act relating to the "Unemployment Compensation Law"; amending s. 443.036, F.S., defining the term "employee leasing company" and redefining the term "employment"; amending s. 443.131, F.S., exempting employee leasing companies from certain provisions relating to contribution rates based on benefit experience; providing an effective date.

By the Committee on Commerce and Senators W. D. Childers and Hollingsworth—

CS for SB 617—A bill to be entitled An act relating to dogracing and jai alai; amending ss. 550.09 and 551.06, F.S., revising the tax on handle with respect to certain dogracing and jai alai permittees; providing effective and expiration dates.

By the Committee on Judiciary-Civil—

CS for SB 631—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; postponing until January 1, 1989, the transmitting of certain information by the clerks of court to the Department of State; amending s. 61.1301, F.S.; modifying the statement of rights provided to an obligor; providing for filing interstate income deduction documents with the depository under certain circumstances; establishing child support guidelines; amending s. 61.1352, F.S.; providing that as to support orders filed with the Secretary of State after January 1, 1989, failure to make support payments creates a lien in favor of an obligee on real and personal property of an obligor; amending s. 61.14, F.S.; providing that unpaid support payments become judgments by operation of law; providing notice; providing procedures for enforcement of the judgments; prohibiting a court from retroactively modifying an order of support; amending s. 88.012, F.S.; providing legislative intent as to collecting support arrearages after a child is no longer dependent; amending s. 88.031, F.S.; defining "petitioner's representative"; amending s. 88.065, F.S.; providing that the Governor may require a petitioner's representative to satisfy certain conditions before initiating interstate rendition proceedings; amending s. 88.121, F.S.; providing that when this state is the initiating state the Department of Health and Rehabilitative Services shall represent petitioners in reciprocal support enforcement proceedings only in cases certified pursuant to Title IV-D, Social Security Act; providing that the IV-D agency shall be a party only to certain actions; amending s. 88.181, F.S.; providing duty of petitioner's representative to prosecute cases promptly; amending s. 88.191, F.S.; providing additional duties of petitioner's representative; amending s. 88.211, F.S.; providing that payments be made to the local depository for forwarding to the Department of Health and Rehabilitative Services in certain circumstances; providing enforcement powers to petitioner's representative; requiring petitioner's representative's reports; amending s. 88.297, F.S.; providing that petitioner's representative may commence an appeal of a support order; amending s. 88.345, F.S.; providing that when this state is acting either as a rendering or a registering state in reciprocal support enforcement proceedings, the Department of Health and Rehabilitative Services shall represent petitioners only in cases certified pursuant to Title IV-D, Social Security Act; amending s. 409.2554, F.S.; modifying the definition of "dependent child"; amending s. 409.2561, F.S.; providing that recipients of public assistance assign to the Department of Health and Rehabilitative Services any right to certain support owed to the recipient; providing that public assistance recipients appoint the department as attorney in fact to perform certain acts related to support; amending s. 409.2567, F.S.; providing that the state shall pay the application fee for IV-D services for applicants who are not public assistance recipients; amending s. 409.2571, F.S.; providing that certain fees and bond not be required of the Department of Health and Rehabilitative Services in proceedings pursuant to the IV-D program; amending s. 409.2572, F.S.; modifying the definition of noncooperation by public assistance applicants or recipients; amending s. 409.2577, F.S.; providing that payors and state agencies shall provide certain information to the parent locator service; amending s. 741.30, F.S.; providing that temporary support may be awarded for a minor child or children or the petitioner under an injunction for protection against domestic violence; amending s. 28.24, F.S.; providing an additional service charge by the clerk of the circuit court; repealing s. 409.245, F.S., relating to actions for support of dependent children; providing that this act shall not affect causes of action which accrued prior to or pending upon the effective date; providing that child support guidelines shall apply to cases modified on or after the effective date of this act; providing an effective date.

By the Committee on Judiciary-Criminal and Senators Weinstein and Hill—

CS for SB's 639 and 1065—A bill to be entitled An act relating to victims and witnesses; amending s. 775.089, F.S.; requiring that a restitution order include certain information and, if the defendant is incarcerated, be filed in the official records of the county; amending s. 903.047, F.S.; requiring defendants to be given written notice to refrain from contact with a victim; amending s. 921.143, F.S.; providing that a victim or his next of kin be advised of certain rights and be assisted in preparing a statement for a sentencing court; amending s. 960.001, F.S.; providing

that a victim or guardian or family of a victim, and a witness, receive written notice of certain rights and advance notification of certain proceedings; amending s. 960.03, F.S.; including certain accidents involving death or injury in the definition of the term "crime" for purposes of the Florida Crimes Compensation Act; providing an effective date.

By the Committee on Commerce and Senators Margolis and McPherson—

CS for SB 640—A bill to be entitled An act relating to alcoholic beverages; amending s. 562.11, F.S.; providing an exception to the prohibition against selling, giving, or serving alcoholic beverages to a person who is under the age of 21; amending s. 562.111, F.S.; providing an exception to the prohibition against a person under the age of 21 possessing alcoholic beverages; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senators Myers and Brown—

CS for SB's 693 and 561—A bill to be entitled An act relating to vital statistics; creating ss. 382.001, 382.002, F.S., relating to vital statistics; providing definitions; amending and renumbering ss. 382.01, 382.031, 382.04, 382.37, 382.32, 382.38, F.S.; consolidating provisions relating to vital statistics, the State Registrar, and local registrars of vital statistics; providing for reports; amending and renumbering s. 382.50, F.S., relating to the microfilming and destruction of vital records; amending and renumbering ss. 382.36, 382.33, 382.05, F.S.; consolidating provisions relating to local registrars, deputy registrars, and subregistrars; amending and renumbering s. 382.061, F.S.; changing procedures regarding burial-transit permits; amending s. 382.14, F.S.; revising procedure relating to final disposition of bodies; amending and renumbering ss. 382.081, 382.091, F.S.; clarifying the applicability of certain provisions to fetal deaths; changing certain procedures relating to death registrations; renumbering s. 382.085, F.S.; amending and renumbering s. 382.10, F.S.; changing procedures with respect to certain deaths; creating s. 382.012, F.S.; providing for presumptive death certificates; amending and renumbering s. 382.16, F.S.; changing provisions relating to selection of surnames for birth certificates; amending and renumbering s. 382.17, F.S.; changing birth certificate information which is confidential; amending and renumbering ss. 382.21, 382.22, 382.49, F.S.; changing provisions relating to corrections and substitutions of birth records; amending and renumbering s. 382.215, F.S., relating to new birth certificates for alien children; amending and renumbering ss. 382.40, 382.44, 382.45, 382.48, F.S., relating to delayed birth certificates; amending and renumbering ss. 382.19, 382.20, F.S., relating to filings of birth and death certificates; amending and renumbering ss. 382.23, 382.24, 382.25, F.S., relating to marriage licenses and records of dissolutions of marriage; increasing the filing charge for judgment of dissolution of marriage; amending and renumbering s. 382.29, F.S., relating to records of the Department of Health and Rehabilitative Services; amending and renumbering s. 382.35, F.S.; providing for computer certification of certain records; changing confidentiality requirements; increasing certain fees; providing for the release of certain data to specified persons; authorizing the issuance of special birth and marriage certificates; providing a fee and for the use thereof; amending and renumbering s. 382.39, F.S.; providing for administrative fines for certain violations; amending and renumbering s. 382.51, F.S., relating to adoption information; amending ss. 28.101, 68.07, 383.04, F.S., to conform; repealing ss. 382.02, 382.071, 382.15, 382.26, 382.28, 382.30, 382.321, 382.34, 382.41, 382.42, 382.43, 383.10, F.S., relating to vital records, to conform; amending ss. 63.165, 383.327, 741.02, 943.26, F.S.; correcting cross-references, to conform; providing for review and repeal of s. 382.025(16), F.S.; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Grant—

CS for SB 760—A bill to be entitled An act relating to driving under the influence; amending ss. 316.1932 and 316.1934, F.S.; authorizing the use of physical tests including infrared light measuring devices approved by the Department of Health and Rehabilitative Services for breath testing of motorists to determine blood alcohol levels; providing an effective date.

By the Committee on Commerce and Senators Gordon, Peterson and Margolis—

CS for SB's 805, 1127 and 751—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; modifying the definition of the term "employment," as such term relates to agricultural service, for purposes of the Unemployment Compensation Law; postponing coverage of alien agricultural workers; excluding from cover-

age certain nonimmigrant aliens present in the United States for educational purposes; amending s. 443.111, F.S.; changing the weekly benefit amount; providing an effective date.

By the Committee on Commerce and Senator Crawford—

CS for SB 831—A bill to be entitled An act relating to group health insurance; creating s. 627.6617, F.S.; requiring certain group health insurance policies to provide coverage for home health care services; providing conditions; providing exceptions; providing for review and repeal; providing an effective date.

By the Committees on Commerce; and Health and Rehabilitative Services and Senator Myers—

CS for CS for SB 868—A bill to be entitled An act relating to the Hospital Cost Containment Board; amending s. 395.503, F.S.; increasing the size of the board and specifying certain membership; providing for initial lengths of terms; providing an effective date.

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

CS for SB 875—A bill to be entitled An act relating to public health; amending s. 381.503, F.S., revising The Community Hospital Education Act; providing for administration of the program for community hospital education under the Board of Regents; modifying program contents and requirements; modifying qualifications and providing terms for members of the Community Hospital Education Council; deleting obsolete language; providing an effective date.

By the Committee on Commerce and Senator Margolis—

CS for SB 903—A bill to be entitled An act relating to insurance agent limited licenses; amending s. 626.321, F.S.; providing that certain employees of motor vehicle rental and leasing firms may also sell excess motor vehicle liability insurance; providing an effective date.

By the Committee on Commerce and Senator Grant—

CS for SB 935—A bill to be entitled An act relating to banks and trust companies; amending s. 658.35, F.S.; providing for the issuance of stock options, or warrants to directors, officers, and employees of banks and trust companies; providing for limitation of such stock options and warrants; providing an effective date.

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

CS for SB 1013—A bill to be entitled An act relating to long-term care; amending s. 400.304, F.S.; revising language with respect to the composition of the State Nursing Home and Long-Term Care Facility Ombudsman Council; amending s. 400.307, F.S.; revising language with respect to district nursing home and long-term care ombudsman councils; providing an effective date.

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

CS for SB 1032—A bill to be entitled An act relating to delinquency prevention; creating s. 959.30, F.S.; providing definitions; authorizing the establishment of a delinquency prevention council; providing duties; authorizing the Department of Health and Rehabilitative Services to establish delinquency prevention program grants; providing for grant application procedures; providing conditions; amending s. 39.04, F.S.; directing the court to order payment of an intake processing fee upon a finding of delinquency; providing conditions; providing for the deposit of fees collected; creating a Delinquency Prevention Trust Fund; providing an effective date.

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

CS for SB 1099—A bill to be entitled An act relating to proceedings relating to juveniles; amending ss. 39.032, 39.111, 39.402, F.S.; providing for the deposit of certain fees that a court orders to be paid for the support of certain institutionalized juveniles into the Grants and Donations Trust Fund; providing that the Department of Health and Rehabilitative Services may use a portion of the fees to fund fee collection and that the department may contract for fee collection; providing an effective date.

By the Committee on Governmental Operations and Senator Frank—

CS for SB 1131—A bill to be entitled An act relating to services for the hearing impaired; amending ss. 427.503, 427.504, 427.506, and 427.507, F.S.; providing definitions; conforming provisions; providing certification procedures; providing equipment specifications; providing inventory procedures; exempting certain records from s. 119.01, F.S.; providing for compliance with standards of the Florida Council for the Hearing Impaired; amending s. 229.8361, F.S.; expanding the membership of the Florida Council for the Hearing Impaired; providing an effective date.

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

CS for SB 1148—A bill to be entitled An act relating to insurance; amending s. 641.201, F.S.; providing for the application of certain provisions of law to HMO's; amending s. 641.21, F.S.; prohibiting the Department of Insurance from issuing a certificate of authority to certain HMO's; providing clarifying language; amending s. 641.22, F.S., relating to the issuance of certificates of authority; providing criteria; amending s. 641.23, F.S.; providing for the revocation or cancellation of certificates of authority; providing for suspension of enrollment of new subscribers; providing terms of suspension; amending s. 641.25, F.S.; providing for administrative penalty in lieu of suspension or revocation; amending s. 641.26, F.S.; providing for reports by HMO's; providing fines for failure to meet reporting requirements; amending s. 641.27, F.S., relating to examination by the Department of Insurance, to delete reference to the Department of Health and Rehabilitative Services; repealing s. 641.24, relating to denial and revocation proceedings of the Department of Health and Rehabilitative Services; amending s. 641.29, F.S.; deleting distribution of application and annual report fees; repealing s. 641.226, F.S., relating to providers of service and interference with physician's judgment; repealing s. 641.30(4), F.S.; deleting language with respect to construction and relationship to other laws with respect to the Health Maintenance Organization Act; repealing s. 641.31(17), F.S., relating to HMO contract provisions; amending s. 641.36, F.S.; providing that the Department of Insurance shall promulgate rules with respect to HMO's; amending s. 641.403, F.S.; providing that the Department of Insurance shall promulgate rules with respect to the "Prepaid Health Clinic Act"; amending s. 641.405, F.S.; prohibiting the Department of Insurance from issuing a certificate of authority to operate a prepaid health clinic to certain applicants; amending s. 641.406, F.S.; providing conditions for the issuance of a certificate of authority; repealing s. 641.41(1)(d), F.S., relating to the annual report of the prepaid health clinic to delete certain requirements; amending s. 641.418, F.S., relating to examination of prepaid health clinics by the Department of Insurance; amending s. 641.45, F.S.; providing for the revocation or cancellation of certificates of authority; providing for suspension of authority to enroll new subscribers; providing terms of suspension; repealing s. 641.451, F.S., relating to disciplinary proceedings, to delete reference to the Department of Health and Rehabilitative Services; amending s. 641.452, F.S.; providing for administrative penalty in lieu of suspension or revocation; creating part IV of chapter 641, F.S.; providing definitions; providing for the purpose and application of the part; providing exemptions; providing an application procedure for the certification of HMO's and prepaid health clinics as health care providers; providing fees; providing requirements for issuance and maintenance of certificates; providing for a quality assurance program and a second medical opinion requirement; providing for examination; providing for suspension or revocation of a certificate; providing penalties; amending and renumbering s. 641.3109, F.S.; providing for hospital and physician information disclosure; amending and renumbering s. 641.395, F.S., relating to the internal risk management program; creating s. 641.56, F.S.; providing for rulemaking authority; creating s. 641.57, F.S., providing for disposition of certain moneys; creating s. 641.58, F.S.; providing an assessment for health maintenance organizations and prepaid health clinics; providing methodology for determining level of assessment; providing for use of funds generated by assessment; amending s. 458.337, F.S.; providing for reporting of disciplinary actions by health maintenance organizations and prepaid health clinics; providing for review and repeal; providing an effective date.

By the Committee on Commerce and Senator Lehtinen—

CS for SB 1189—A bill to be entitled An act relating to insurance; amending s. 626.9541, F.S.; changing the circumstances in which surcharges may be imposed on motor vehicle insurance premiums due to traffic infractions; providing an effective date.

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

CS for SB 1281—A bill to be entitled An act relating to onsite sewage disposal; providing definitions; providing for the registration of septic tank contractors with the Department of Health and Rehabilitative Services; providing for the administration of the act; providing for registration qualifications; providing for examination; providing for registration renewal; providing for certification of partnerships and corporations; providing for certification renewal; providing for disciplinary actions; providing for the suspension or revocation of registration; providing for fees; providing penalties and prohibitions; providing for prosecution of criminal violations; providing for review and repeal; providing an effective date.

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

CS for SB 1298—A bill to be entitled An act relating to Pasco County; establishing a solid waste disposal and resource recovery system within the territorial boundaries of Pasco County; providing for the collection and disposal of all solid waste generated or brought within the area affected by this act; authorizing the county to finance, refinance, acquire, construct, and operate or provide for the construction and operation or enter into a franchise agreement for the financing, refinancing, acquisition, improvement, construction, operation, maintenance and/or ownership of solid waste disposal and resource recovery facilities; providing definitions; providing a declaration of state policy; vesting exclusive powers in the county to control the collection, supply, and disposal of solid waste within the area affected by this act; providing for the sale of resources recovered and energy generated by the facilities; authorizing the use of right-of-way, easements, and other similar property rights of the state and its local agencies; providing an exemption from the provision of the Florida Antitrust Act of 1980; prescribing standards to which any solid waste disposal and resource recovery system covered by this act must conform; providing for an annual audit; providing that all prior inconsistent laws are superseded; providing for severability; prohibiting impairment of contractual obligations; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Barron, by two-thirds vote Senate Bills 117, 118, 479, 480, 481, 482, 483 and 692 were withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Grant, by two-thirds vote SCR 1100 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Barron, CS for SB 1298 was added to the local bill calendar.

On motions by Senator Crenshaw, by two-thirds vote SB 876 was withdrawn from the committees of reference and indefinitely postponed.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 565 which he approved on May 11, and SB 31 and CS for SB 203 which he approved on May 12, 1987.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 26, CS for HB 196, CS for HB 236, HB 259, CS for HB 282, House Bills 345, 357, CS for HB 370, CS for HB 373, CS for HB 374, House Bills 495, 496, 512, 513, CS for HB 590, CS for HB 703, HB 929, CS for HB 1191, House Bills 1225, 1238, 1255, 1257, 1264, 1271, 1276, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1298, 1299, 1316; has passed as amended HB 15, CS for HB 170, CS for HB 211, CS for HB 338, CS for HB 376, House Bills 428, 492, 501, 555, 560, 830, 1278, 1286, CS for HB 1350 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Retirement, Personnel and Collective Bargaining and Representative Harris—

CS for HB 26—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S., providing a minimum retirement benefit for disabled retirees after return to employment and subsequent retirement; providing retroactive coverage; providing an effective date.

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

By the Committee on Transportation and Representative Deutsch and others—

CS for HB 196—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.2397, F.S., authorizing vehicles of licensed private watchman, guard, or patrol agencies to show or display amber lights under certain circumstances; defining the term “communities”; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Judiciary and Representative Canady—

CS for HB 236—A bill to be entitled An act relating to fraudulent transfers; creating the “Uniform Fraudulent Transfer Act”; providing definitions; defining the term insolvency; providing for value; providing for transfers which are fraudulent as to present and future creditors; providing for transfers fraudulent only as to present creditors; providing for when a transfer is made or an obligation is incurred; providing for remedies of creditors; providing for defenses, liability, and protection of transferee; providing for the extinguishment of a cause of action under the act; providing for the effect of certain other laws; providing for uniformity of application and construction; repealing s. 726.01, F.S., relating to certain fraudulent conveyances deemed void; repealing s. 726.07, F.S., relating to certain fraudulent conveyances which are void against subsequent purchasers; repealing s. 726.08, F.S., relating to certain conveyances with power of revocation void against subsequent purchasers; providing an effective date.

—was referred to the Committees on Judiciary-Civil and Commerce.

By Representative Grindle—

HB 259—A bill to be entitled An act relating to county officials; amending s. 145.19, F.S.; amending the definition of “annual factor” for purposes of calculating annual salary increases for county officers; providing an effective date.

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

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

CS for HB 282—A bill to be entitled An act relating to education; amending s. 230.23, F.S.; providing powers and duties of district school boards relating to recruitment of instructional personnel; providing an effective date.

—was referred to the Committee on Education.

By Representative Woodruff—

HB 345—A bill to be entitled An act relating to insurance; amending s. 627.736, F.S., providing conditions under which a personal injury insurer may withdraw payment of a treating physician without consent of the injured person covered by insurance; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Trammell—

HB 357—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 679.402, F.S., providing, with respect to secured transactions, that a financing statement remains effective notwithstanding transfer of collateral; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Agriculture and Representative Dantzer—

CS for HB 370—A bill to be entitled An act relating to fertilizer; amending s. 576.011, F.S., modifying the definition of “guaranteed analy-

sis”; defining “slow or controlled release fertilizer”; amending s. 576.021, F.S., modifying information required on certain applications for registration; amending s. 576.041, F.S., providing a minimum penalty for failure to submit certain reports and fees; amending s. 576.061, F.S., providing a penalty for certain deficiency in a fertilizer-pesticide mixture; providing a penalty for distributing an unregistered fertilizer; increasing the penalty for faulty labeling; providing administrative penalties; providing an effective date.

—was referred to the Committee on Agriculture.

By the Committee on Transportation and Representative Ascherl and others—

CS for HB 373—A bill to be entitled An act relating to metropolitan planning organizations; amending s. 339.175, F.S.; raising the maximum number of voting members in a metropolitan planning organization; providing metropolitan planning organization membership requirements for counties with five-member county commissions; providing an effective date.

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

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

CS for HB 374—A bill to be entitled An act relating to the membership of state boards, commissions, and councils; amending ss. 20.18, 163.704, 257.02, 292.04, 322.125, 350.031, 385.201, 393.001, 395.503, 458.307, 459.004, 460.404, 461.004, 463.003, 464.004, 465.004, 466.004, 468.144, 468.1665, 470.003, 473.303, 475.02, 481.205, 484.003, 490.004, 570.543, 760.03, F.S.; revising the membership of the Florida Housing Advisory Council, the Florida Advisory Council on Intergovernmental Relations, the State Library Council, The Florida Commission on Veterans' Affairs, the Medical Advisory Board, the Florida Public Service Commission Nominating Council, the Florida Cancer Control and Research Advisory Board, the Florida Developmental Disabilities Planning Council, the Hospital Cost Containment Board, the Board of Medicine, the Board of Osteopathic Medical Examiners, the Board of Chiropractic, the Board of Podiatric Medicine, the Board of Optometry, the Board of Nursing, the Board of Pharmacy, the Board of Dentistry, the Florida State Advisory Council of Speech-Language Pathology and Audiology, the Board of Nursing Home Administrators, the Board of Funeral Directors and Embalmers, the Board of Accountancy, the Florida Real Estate Commission, the Board of Architecture, the Board of Opticianry, the Board of Psychological Examiners, the Florida Consumers' Council, and the Florida Commission on Human Relations in order to provide for representation of persons who are 60 years of age or older on said boards, commissions, and councils and to provide lay representation on those boards, and councils not presently required to have such representation; deleting provisions that have had their effect or have served their purpose; providing for applicability of act; providing an effective date.

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

By the Committee on Agriculture and Representative Mitchell and others—

HB 495—A bill to be entitled An act relating to boll weevils; establishing the Florida Boll Weevil Eradication Law; providing definitions; providing powers and duties of the Department of Agriculture and Consumer Services; providing authority of the department to enter premises, carry out eradication activities, and make inspections; requiring certain reports from cotton growers; providing for the quarantine and movement of regulated articles; regulating the collection, transportation, distribution, and movement of cotton; authorizing cooperative programs; authorizing the department to designate eradication zones; providing for assessment of penalty fees against noncomplying cotton growers and for destruction of cotton grown in an eradication zone under certain circumstances; providing authority to regulate pasturage, entry of persons, and location of honeybee colonies in eradication zones or certain other areas; providing for eligibility and certification of a cotton growers' organization; providing for a referendum among cotton growers respecting assessment of costs of boll weevil suppression and eradication programs; providing for levy and payment of assessments; providing for mandamus and injunction; providing penalties; requiring the department to deposit cer-

tain moneys received into the Plant Industry Trust Fund; providing an effective date.

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

By the Committee on Agriculture and Representatives Mitchell and Harris—

HB 496—A bill to be entitled An act relating to the Florida Commercial Feed Law; amending s. 580.051, F.S., expanding label requirements to include certain minerals and exempting certain dating requirements; amending s. 580.091, F.S., clarifying provisions relating to sampling of feeds exempted from inspection fees; providing for payment of certain analysis fees out of the General Inspection Trust Fund; providing procedure upon challenge of a microscopic determination; amending s. 580.131, F.S., providing penalty for failure to meet certain guarantees; delaying the effective date of penalties for certain violations relating to feeds and feedstuffs; conforming cross references; amending s. 580.151, F.S., providing for per diem and travel expenses for members of the Commercial Feed Technical Council; providing an effective date.

—was referred to the Committees on Agriculture and Appropriations.

By the Committee on Regulatory Reform and Representative Lippman—

HB 512—A bill to be entitled An act relating to firefighters standards and training; amending ss. 633.30, 633.31, and 633.35, F.S., relating to the Firefighters Standards and Training Council; reorganizing sections and deleting obsolete language; repealing ss. 633.32 and 633.33, F.S., relating to organization and special powers of the council; saving ss. 633.30(4) and 633.31, F.S., from Sundown repeal; providing for future review and repeal of ss. 633.30, 633.31, 633.34, 633.35, 633.351, 633.353, and 633.38, F.S., relating to firefighter standards and training; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Regulatory Reform and Representative Brown—

HB 513—A bill to be entitled An act relating to fire prevention and safety; amending ss. 633.021, 633.511, 633.517, 633.521, 633.527, 633.534, and 633.549, F.S., relating to the Florida Fire Safety Board; changing the board to a council and increasing membership thereof; providing for initial appointment of new members; conforming sections throughout; reorganizing and clarifying provisions; deleting obsolete language; repealing s. 633.514, F.S., relating to board duties, meetings, officers, quorum, compensation, and seal; saving s. 633.511, F.S., from Sundown repeal; providing for future review and repeal of ss. 633.021(1), 633.065, 633.071, 633.081, 633.162, 633.163, 633.171, and 633.511, F.S., relating to fire prevention and safety; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Regulatory Reform and Representative Crotty—

CS for HB 590—A bill to be entitled An act relating to investigative and patrol services; amending s. 493.30, F.S., defining the term "conviction"; amending s. 493.301, F.S., providing that certain state law governing investigative and patrol services does not apply to unarmed repossessors; amending s. 493.319, F.S., providing clarifying language with respect to grounds for disciplinary action; providing for the effect of a conviction of certain crimes based on a plea of nolo contendere; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Agriculture and Representative R. C. Johnson—

CS for HB 703—A bill to be entitled An act relating to the Amusement Ride and Attraction Insurance Act; amending s. 546.006, F.S., exempting certain permanent site attractions or rides from the act; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Frankel and others—

HB 929—A bill to be entitled An act relating to disability of nonage; creating s. 743.0645, F.S.; authorizing certain minors to consent to medical treatment related to an alleged sexual battery; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By the Committee on Transportation and Representative Burnsed—

CS for HB 1191—A bill to be entitled An act relating to unlawful speed; amending s. 316.183, F.S.; providing for an increase in the maximum speed limit under certain circumstances on limited access highways; amending s. 335.14, F.S.; eliminating the requirement that new or replacement speed limit signs erected by the Department of Transportation must show the speed limit in both miles per hour and kilometers per hour; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Judiciary and Representatives Simon and Dunbar—

HB 1225—A bill to be entitled An act relating to dissolution of marriage; creating s. 61.075, F.S., requiring courts to equitably distribute marital assets and liabilities; defining marital and nonmarital assets and liabilities; establishing the date for determining such assets and liabilities and the value thereof; providing a presumption as to marital assets and liabilities; establishing the vesting of rights in marital assets; amending s. 61.08, F.S., including marital assets and liabilities distributed to each party within a list of economic factors considered by the court in fixing alimony; providing for the application of the act; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Regulatory Reform and Representative Brown—

HB 1238—A bill to be entitled An act relating to fire prevention and control; repealing s. 633.60, F.S., relating to automatic fire sprinkler systems for one-family and two-family dwellings and mobile homes; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Regulatory Reform and Representative Lippman—

HB 1255—A bill to be entitled An act relating to handicapped persons; amending s. 320.0848, F.S.; authorizing podiatrists to certify persons as eligible for handicapped parking permits; providing an effective date.

—was referred to the Committee on Transportation.

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

HB 1257—A bill to be entitled An act relating to the Florida State Commission on Hispanic Affairs; saving s. 14.25, F.S., from Sundown repeal; 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 Representative Gordon—

HB 1264—A bill to be entitled An act relating to land surveying; amending s. 472.017, F.S.; providing for continuing education; providing an effective date.

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

By the Committee on Judiciary and Representative Drage and others—

HB 1271—A bill to be entitled An act relating to constitutional amendments; creating s. 16.065, F.S.; requiring the Secretary of State to submit amendments proposed by initiative petition to the Attorney General; requiring the Attorney General to request an advisory opinion from the Supreme Court; amending s. 100.371, F.S.; providing the Supreme Court an opportunity to issue an advisory opinion prior to ballot certification; providing an effective date.

—was referred to the Committees on Judiciary-Civil; and Rules and Calendar.

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

HB 1276—A bill to be entitled An act relating to the formation of local governments; amending s. 165.041, F.S., to clarify provisions relating to the formation of cities and/or special districts by merger; providing an effective date.

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

By the Committee on Rules and Calendar and Representative Carpenter—

HB 1287—A reviser's bill to be entitled An act relating to the Florida Statutes; amending s. 697.206, Florida Statutes, and ss. 697.203(1), (3), (5), 697.204(1), (2)(a), (b), (g), (h), (5)-(7), and 697.205(1)(b), (c), (2)(b), Florida Statutes (1986 Supplement); conforming such sections to ch. 86-267, Laws of Florida, which requires substitution of the term "department" for the terms "agency" and "Florida Housing Finance Agency" and the term "Department of Insurance" for the term "Department of Community Affairs."

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules and Calendar and Representative Carpenter—

HB 1288—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 27.25(1), 27.53(1), 27.57, 27.705(4), 215.3205(1)(e), and 282.309(2), Florida Statutes; conforming such sections to ch. 85-46, Laws of Florida, which renamed the "Judicial Administrative Commission" as the "Justice Administrative Commission."

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules and Calendar and Representative Carpenter—

HB 1289—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 210.01(9), (18), 210.04(3), (5), (7), (8), 210.06(1), 210.07(2), 210.09(1), (3), 210.10(1), (2), 210.11, 210.12(4), 210.13, 210.14(1), 210.15(1)(g), (5), 210.16(1), (2), (3), (4), 210.18(1), (2), (3), (6)(a), (b), (8)(a), and 210.22, Florida Statutes, and ss. 210.05(1), (2), (3)(a), (4), (5) and 210.20(1), (3), Florida Statutes (1986 Supplement); replacing references to "chapter" with "part" to conform to ch. 85-141, Laws of Florida, which designated sections 210.01-210.22 as part I of chapter 210.

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules and Calendar and Representative Carpenter—

HB 1290—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 25.073(1), 27.14(1), 30.09(4), 39.09(1)(a), 57.111(3)(c), 63.212(1)(c), 73.072(1), 77.083, 90.803(23)(b), (c), 92.54(2), 106.1435(1), 112.51(1), 120.55(1)(a), 125.485, 129.011(1), 145.021(1), 145.071(1), 161.57(2), 163.3211, 163.3213(8), 163.387(7), 163.566(12), 163.805(2), (8), 163.808(3)(a), 163.809(4), 177.101(3), 186.021(3), 190.004(2), 197.192, 197.2301(5), 197.532, 199.175(1), 199.185(1)(e), 200.132(1), 203.62, 205.054(2), (4), 206.026(4), 206.03(2), 206.09(3), 206.18(4), 213.29, 215.422(5), 218.21(8), 218.60(1)(a), 222.061(5), 228.074(4), 240.331(3), 240.409(2)(c), 242.62(1), 252.61, 255.503(1), (2), (8), 255.507, 255.51, 282.403(1), and 288.709(14), Florida Statutes, and ss. 106.07(9)(b), 110.403(3)(c), 161.58(1), 163.3178(1), 197.413(5), 203.01(3), 203.012(5), 206.59(2), 210.60, 210.65(1), 212.67(1)(e), 213.053(2), 215.22(28), 216.181(7), 229.565(4), 231.532(3)(e), 232.23(3), 240.209(3)(a), 255.518(6)(f), (g), 265.606(6)(a), and 282.308(2), Florida Statutes (1986 Supplement); repealing s. 27.3455(3)(c), Florida Statutes (1986 Supplement); and reenacting ss. 190.005(2)(e), 240.299(1), and 283.422, Florida Statutes, and s. 20.315(8), (13), Florida Statutes (1986 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have served their purpose or have been impliedly repealed or superseded; replacing incorrect cross-references; correcting grammatical, typographical, and like errors; removing inconsistencies; improving the clarity of the statutes and facilitating their correct interpretation; correcting errors in the editing, publishing, and printing of the Florida Statutes; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules and Calendar and Representative Carpenter—

HB 1291—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 320.0807(1), 350.06(9), 373.409(3), and 383.325(2), Florida Statutes, and ss. 316.545(9)(a), 390.026(1), (2), and 402.33(8)(b), Florida Statutes (1986 Supplement); repealing s. 321.13, Florida Statutes; and reenacting ss. 316.1955(1), 316.262(2), 316.6135(2), 320.015, 320.822(16), 321.203(1), 322.13(1)(b), 324.031, 328.17(4)(c), (7)(b), 330.38, 336.023, 336.505(1), 341.051(2)(a), 341.344(1), 341.361, 341.366, 341.369(2), 365.171(13)(a), 367.081(4)(d), 373.109, 374.975(1), 383.18, 383.32(1)(c), (d), (e), 399.061(1), 400.162(6), 400.619(3), 400.622(1), 401.30(2), 402.305(1)(c), 402.310(2), 402.3125(5)(d), 402.313(6), (7)(c), 403.772, 403.815, 403.913(5), (7), 410.2015, 420.424(7), 426.002(3), (4), (6)(a), 426.005(1)(a), 442.111(4), 462.13, 471.003(2)(i), 474.2141(2), 474.217(1)(a), 479.107(1), 480.041(1)(b), 501.012(3)(d), 513.114, 513.115, 514.021, 514.025(2), 517.141(4), 517.201(4), 520.34(3), 526.305(1), 546.006, and 550.262(3)(g), (4), Florida Statutes, and ss. 316.545(7), 320.01, 330.30(2)(a), 370.07(3)(c), 376.11(6), 380.055(7), (10), 403.771(3), (5)(b), 459.015(1)(k), (v), (x), (gg), (ii), and 465.186(1), Florida Statutes (1986 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions inadvertently omitted from republication in the amendatory process.

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules and Calendar and Representative Carpenter—

HB 1292—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 561.42(8), 626.945(1)(e), 631.62(2), 638.081(2), 731.201(31), 733.604(2), 945.025(1), 946.009(2), 948.031(2)(d), and 951.22(1), Florida Statutes, and s. 626.843(3), Florida Statutes (1986 Supplement); repealing ss. 624.501(21), 634.405(8), and 712.02(2), Florida Statutes; and reenacting ss. 581.185(11), 601.16(4)(c), 607.325(1)(b), 616.001(3), (5), (7), (12), (14), 616.05, 624.402(3), 624.4081(1), (2), 624.411(2)(d), 624.418(2)(d), 624.509(3)(b), 626.101(1), 626.112(5)(b), 626.621(6), 626.6215(5)(h), 626.741(4)(a), 626.752(3), 626.797(2), 626.909(2), 627.031(3), 627.736(1), 627.776(2), 628.607(3), 628.611(6), 629.518, 634.191(5), 635.051(3), 635.091, 637.144(5), 637.152, 637.303(5), 637.315, 637.415(3), 638.125, 638.201, 638.241, 641.37(5), 641.412(2), 641.448, 642.043(5), 651.107(1), 651.121(1), 663.03, 686.41, 710.108(3), 710.124, 718.403(1), (7), 721.10(1), 732.402(6), 733.707(1)(b), 752.01, 768.61(1), (2), 893.035(1)(a), 916.107(2)(a), (10)(a), 916.145, 944.10(2)(a), 944.31, and 959.225(1), (2), Florida Statutes, and ss. 564.06(10)(a), (b), (12), (13), 624.610(8), 626.8443(3), 626.8457(1), 626.9541(1)(c), 627.356(1), 627.357(4), 628.461(8), 629.501(6), and 651.095(5), Florida Statutes (1986 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation.

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules and Calendar and Representative Carpenter—

HB 1293—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 15.091(3), 102.081, 106.20, 193.507, 197.012, 197.0121, 197.0124, 197.0125, 197.0126, 197.0127, 197.0129, 197.0134, 197.0135, 197.0136, 197.0138, 197.0146, 197.0147, 197.0151, 197.0152, 197.062, 197.066, 197.072, 197.076, 197.077, 197.086, 197.092, 197.101, 197.106, 197.116, 197.121, 197.136, 197.141, 197.151, 197.156, 197.161, 197.176, 197.181, 197.186, 197.191, 197.196, 197.201, 197.206, 197.216, 197.221, 197.226, 197.231, 197.236, 197.241, 197.297, 197.351, 199.072, 199.112, 199.122, 199.252, 203.011, 372.576, 372.61, 372.62, 372.69, 401.413, 531.55, 944.063, 945.025(1)(e), and 946.30, Florida Statutes, and ss. 212.02(19) and 290.015(2), Florida Statutes (1986 Supplement), all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may not be omitted from publication in the Florida Statutes 1987 except through the process of reviser's bill duly enacted by the Legislature.

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules and Calendar and Representative Carpenter—

HB 1294—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 413.22, 413.23, 413.24, 413.26(1), (3), 413.27(1), (2)(b), 413.28, 413.29, 413.30(1), 413.32, 413.36, 413.37, 413.38(4), 413.39, 413.40, 413.41, 413.42, 413.43, 413.46, 413.47(1), 413.48, and 413.49, Florida Statutes; conforming such sections to ss. 20, 21, and 26, ch. 86-220, Laws of Florida, which transferred all powers and duties of the Department of Health and Rehabilitative Services relating to vocational rehabilitation as provided in ss. 413.30-413.612, except ss. 413.50, 413.501, 413.502, and 413.503, to the Department of Labor and Employment Security and assigned the powers and duties to the Division of Vocational Rehabilitation of the Department of Labor and Employment Security.

—was referred to the Committee on Rules and Calendar.

By the Committee on International Trade and Economic Development and Representative Bass—

HB 1298—A bill to be entitled An act relating to motor vehicle licenses; creating s. 320.0811, F.S.; providing for the issuance of license plates to honorary foreign consuls; providing an effective date.

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

By the Committee on International Trade and Economic Development and Representative Bass—

HB 1299—A bill to be entitled An act relating to economic development; amending section 1 of chapter 86-216, Laws of Florida; renaming the Florida Council on Far East Research and Development; increasing the membership of the council; revising the date of a required report of the council; extending the expiration date of the council; providing an effective date.

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

By the Committee on International Trade and Economic Development and Representatives Glickman and Rush—

HB 1316—A bill to be entitled An act relating to historic preservation; amending ss. 266.401, 266.402, 266.406, and 266.407, F.S.; providing for the establishment and preservation of landmarks; defining the terms "landmark" and "landmark site"; revising the membership and length of terms of the architectural review board; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Representative Davis and others—

HB 15—A bill to be entitled An act relating to state employment; providing legislative intent; amending s. 110.221, F.S., revising current provisions on maternity leave to include paternity leave; providing an effective date.

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

By the Committee on International Trade and Economic Development and Representative Arnold—

CS for HB 170—A bill to be entitled An act relating to human graves and burials; creating s. 872.05, F.S.; authorizing the Division of Historical Resources of the Department of State to assume responsibility for and jurisdiction over certain unmarked human burials; requiring notification of certain authorities when a burial is discovered or disturbed; requiring that certain authorities be notified when a burial is discovered during an archaeological excavation; providing duties and responsibilities for the State Archaeologist regarding a newly discovered unmarked human burial; requiring certain reports; providing for the loan of burial artifacts for educational purposes; requiring the division to adopt rules regarding the public display of human remains; providing that excavation of a burial is not required except under certain circumstances; providing penalties; amending s. 872.02, F.S.; including burial mounds and certain monuments in provisions prohibiting the disturbing of graves or tombs, for which there are penalties; providing exemptions; providing an effective date.

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

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

CS for HB 211—A bill to be entitled An act relating to education; repealing s. 3 of chapter 85-144, Laws of Florida, which provides for the repeal of provisions relating to regular school attendance and home education programs; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Health and Rehabilitative Services and Representative Clark and others—

CS for HB 338—A bill to be entitled An act relating to medical examiners; amending s. 406.11, F.S., requiring the Medical Examiners Commission to make rules providing for notification of the next of kin that an investigation by the medical examiners office is being conducted; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

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

CS for HB 376—A bill to be entitled An act relating to cosmetology; amending s. 477.0135, F.S., providing an exemption for graduates of cosmetology schools, pending licensing examination results; providing a limitation; providing an effective date.

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

By Representative Gustafson—

HB 428—A bill to be entitled An act relating to insurance; amending s. 624.155, F.S., requiring additional information to be included in a notice of an alleged violation by an insurer as a condition to bringing a civil remedy action; specifying authority of the Department of Insurance relative to such notices; requiring insurers to report on the disposition of the violation; providing an effective date.

—was referred to the Committees on Commerce and Judiciary-Civil.

By the Committee on Agriculture and Representative Mitchell and others—

HB 492—A bill to be entitled An act relating to consumer products; amending definitions in s. 499.003, F.S., to conform to chapter 501, F.S.; creating s. 501.93, F.S., the "Florida Anti-Tampering Act"; defining "consumer product," "labeling," and "bodily injury," for purposes of the act; providing penalties for tampering with, or attempting or conspiring to tamper with, a consumer product, or rendering the label or container thereof false or misleading, or threatening such actions, or communicating false information that a consumer product has been tampered with; authorizing certain actions by the Department of Agriculture and Consumer Services and the Department of Health and Rehabilitative Services to safeguard the public welfare; providing an effective date.

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

By the Committee on Regulatory Reform and Representative Harris—

HB 501—A bill to be entitled An act relating to consumer services; amending s. 570.543, F.S., relating to the Florida Consumers' Council; providing for the number and terms of council members; clarifying council duties, call and conduct of council business, and provision of support services; providing for inspection of records; saving s. 570.543, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

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

By the Committee on Regulatory Reform and Representative Grindle—

HB 555—A bill to be entitled An act relating to loss prevention; amending s. 284.50, F.S.; providing for reporting responsibilities of department heads; providing for alternate representation on the Interagency Advisory Council on Loss Prevention; providing for reporting of department attendance at council meetings and for explanation of absences; specifying annual report contents; providing for evaluation of

departmental compliance with loss prevention programs by the Auditor General; saving s. 284.50(2), F.S., relating to the Interagency Advisory Council on Loss Prevention, from Sundown repeal; providing for future review and repeal; providing an effective date.

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

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

HB 560—A bill to be entitled An act relating to criminal justice standards and training; amending s. 943.13, F.S.; clarifying that commission of any felony makes one ineligible for employment or appointment as an officer; amending s. 943.1395, F.S.; providing for suspension proceedings; amending s. 943.25, F.S.; making a technical change; amending s. 318.21, F.S., to correct a cross-reference; saving ss. 943.085(3), 943.10(5), 943.11, 943.12, 943.13, 943.131, 943.133, 943.135, 943.137, 943.139, 943.1395, 943.14, 943.16, 943.17, 943.171, 943.173, 943.175, 943.18, 943.19, 943.22, and 943.25, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

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

By the Committee on Governmental Operations and Representative Hodges—

HB 830—A bill to be entitled An act relating to real property transactions; amending s. 475.011, F.S., to include state and local governmental employees acting within the scope of their employment under an exemption from provisions regulating real estate brokers and salesmen; expanding the scope of authority under said exemption; providing an effective date.

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

By the Committee on Governmental Operations and Representative Hodges—

HB 1278—A bill to be entitled An act relating to the State Board of Administration; amending s. 215.515, F.S., providing for review by the Executive Office of the Governor of charges established by the board; requiring certain consideration of such review; amending s. 215.422, F.S.; increasing the filing time requirement for vouchers authorizing payment of invoices submitted to state agencies that must be filed with the Comptroller; decreasing the time within which warrants in payment of such invoices must be mailed after filing such vouchers; providing an effective date.

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

By the Committee on Rules and Calendar and Representative Carpenter—

HB 1286—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1987 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1987 shall be effective immediately upon publication; providing that general laws enacted at the 1985 regular legislative session and prior thereto and not included in the Florida Statutes 1987 are repealed; providing that general laws enacted during the 1986 regular and special sessions, the February 1987 special session, and the 1987 regular session are not repealed by this adoption act.

—was referred to the Committee on Rules and Calendar.

By the Committee on Appropriations and Natural Resources and Representative Martin and others—

CS for HB 1350—A bill to be entitled An act relating to water resources; creating part V of chapter 373, F.S., the "Surface Water Improvement and Management Act"; providing for the design and implementation of plans and programs by the state's five regional water management districts; providing for participation by state agencies and local governments; providing for general assessment of needs and designation of priorities based on specified criteria; providing for review of plans by the Department of Environmental Regulation, the Florida Game and Fresh Water Fish Commission, and the Department of Natural

Resources; providing for review by the Governor and Cabinet sitting as the Land and Water Adjudicatory Commission; creating the Surface Water Improvement and Management Trust Fund within the Department of Environmental Regulation; providing for allocation of moneys in the trust fund to the five water management districts; specifically establishing priority surface water improvement programs for Lake Okeechobee, Lake Apopka, Tampa Bay, the Lower St. Johns River, Biscayne Bay, and the Indian River Lagoons System; creating advisory councils; providing for matching funds; amending s. 373.016, F.S., relating to the "Florida Water Resources Act" declaration of policy; amending s. 373.083, F.S., relating to rulemaking authority of the water management district governing boards; amending s. 373.503, F.S., relating to use by local governments of funds generated by water management district ad valorem tax levies; removing certain restrictions on the use of millage levied by the St. Johns River Water Management District; increasing the authorized millage for the South Florida Water Management District; changing the allocation of basin and district millage assessed in the South Florida Water Management District and the Southwest Florida Water Management District; amending s. 403.061, F.S., to conform provisions relating to administrative duties of the Department of Environmental Regulation; providing an effective date.

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

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 837.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

LOCAL CALENDAR

CS for CS for SB 86—A bill to be entitled An act relating to Palm Beach Junior College, Palm Beach County; amending sections 1, 2, and 3 of chapter 79-538, Laws of Florida; providing for an annual ad valorem tax levy, not to exceed one-half mill annually, for 5 years in the county for the purpose of funding fixed capital outlay expenditures of the junior college; providing that the proceeds of said tax levy shall not reduce state funding for the junior college; providing for a referendum; providing form of ballot; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote CS for CS for SB 86 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Johnson	Ros-Lehtinen
Barron	Girardeau	Kiser	Scott
Beard	Gordon	Langley	Stuart
Brown	Grant	Lehtinen	Thomas
Childers, D.	Grizzle	Malchon	Weinstein
Childers, W. D.	Hair	Margolis	Weinstock
Crawford	Hill	McPherson	Woodson
Crenshaw	Hollingsworth	Meek	
Deratany	Jenne	Myers	
Dudley	Jennings	Plummer	

Nays—3

Kirkpatrick	Peterson	Thurman
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CS for SB 550—A bill to be entitled An act relating to Brevard County; creating the Brevard Police Testing and Certification Center at Brevard Community College; setting forth the purpose, powers, duties, structure, and organization of the center; providing that the center shall establish and undertake standardized screening, testing, examination, and investigation of applicants for law enforcement positions in law enforcement agencies in Brevard County; providing for funding of the center through the assessment of an additional court cost of \$3 against every person convicted of a violation of a criminal statute, ordinance, or traffic offense in Brevard County; providing for additional funding of the center through user fees, donations, and grants; providing that activities of the center shall not generate state funding; providing for budgeting requirements; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote CS for SB 550 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

SB 888—A bill to be entitled An act relating to Brevard County; authorizing the City of Indian Harbour Beach to levy and collect special assessments upon real property for special benefits conferred upon such property by any bridge over navigable water; providing for the payment of all or any part of the cost of maintenance, operation, and replacement of such bridge out of the proceeds of such special assessments; providing an effective date.

—was read the second time by title.

Senator Deratany moved the following amendments which were adopted:

Amendment 1—On pages 2 and 3, strike everything after the enacting clause and insert:

Section 1. (1) The City of Indian Harbour Beach shall have the power, exercised through the city council, to levy and collect taxes in the form of special assessments upon property accessed by a bridge for special benefits conferred upon such property by such bridge for the purpose of payment of all costs of maintenance, operation, and replacement of such bridge. Such power to levy and collect special assessments shall provide for the payment of all of the maintenance, operation, and replacement costs of such bridge out of the proceeds of any such special assessments, and all such maintenance, operation, and replacement. All costs associated with bridges shall be borne solely by those benefited by the bridge.

(2) The term "bridge," as used in this section, means a structure over navigable water, including supports, streets, and drainage and storm sewer improvements appurtenant to the structure, constructed to carry vehicular or pedestrian traffic or other moving loads.

(3) The method for levying, financing, securing, and collecting such special assessments for the maintenance, operation, and replacement of such bridges shall be as provided by ordinance. To the extent not inconsistent with this act, the provisions of such ordinance shall follow the procedures and requirements set forth in chapter 170, Florida Statutes.

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

Amendment 2—In title, on pages 1 and 2, strike everything before the enacting clause and insert: A bill to be entitled An act relating to Brevard County; authorizing the City of Indian Harbour Beach to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any bridge over navigable water; providing for the payment of all or any part of the cost of maintenance, operation, and replacement of such bridge out of the proceeds of such special assessments; providing an effective date.

WHEREAS, the City of Indian Harbour Beach, Brevard County, is presently considering the adoption of an ordinance prescribing guidelines for the design, construction, inspection, maintenance, and operation of bridges within the city, and

WHEREAS, the city wishes to eliminate the potential recurrence of the problems and failures associated with a private bridge known as the Tortoise Island Bridge, immediately north of the city limits, and

WHEREAS, the city council has determined that it is in the best interests of the residents of the city that any bridge structure in the city be under the control and supervision of the city, and

WHEREAS, it has been determined that the only existing available method for funding the maintenance and operation of said bridge in the city would be by the creation of a special district pursuant to chapter 165, Florida Statutes, requiring the approval of a majority of the electors to establish a millage rate in the area affected by the said bridge, and

WHEREAS, the city would have to fund the maintenance, operation, and replacement of such a bridge from general revenues which the city presently does not have available and would not have available in the future if a millage rate is not approved, NOW, THEREFORE,

On motion by Senator Deratany, by two-thirds vote SB 888 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

SB 1292—A bill to be entitled An act relating to Brevard County; prohibiting the taking or attempting to take, except by specified nets or hook and line, of fish in certain manmade residential saltwater canals, lakes, and lagoons; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote SB 1292 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

SB 1293—A bill to be entitled An act relating to Lee County; amending chapter 63-1552, Laws of Florida, as amended by chapter 69-1235 and chapter 72-600, Laws of Florida; authorizing the Hospital Board of Directors of Lee County to establish additional hospitals and healthcare facilities; providing for the creation and regulation of medical staffs for said hospitals and facilities; providing for services to be furnished without charge under certain circumstances; authorizing the hospital board to establish charges for services; providing methods by which the hospital board may pay out and invest its funds; providing for a chief executive officer for the hospitals and facilities; authorizing the hospital board to sell and lease real and personal property and enter into arrangements with other organizations to further the purposes of the board; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote SB 1293 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crenshaw	Grizzle	Kirkpatrick
Barron	Deratany	Hair	Kiser
Beard	Dudley	Hill	Langley
Brown	Frank	Hollingsworth	Lehtinen
Childers, D.	Girardeau	Jenne	Malchon
Childers, W. D.	Gordon	Jennings	Margolis
Crawford	Grant	Johnson	McPherson

Meek	Plummer	Stuart	Weinstein
Myers	Ros-Lehtinen	Thomas	Weinstock
Peterson	Scott	Thurman	Woodson

Nays—None

SB 1295—A bill to be entitled An act relating to Nassau County; amending s. 3 of chapter 21418, Laws of Florida, 1941, as amended; increasing the maximum salary of members of the Board of Port Commissioners of the Ocean Highway and Port Authority; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote SB 1295 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

SB 1296—A bill to be entitled An act relating to Acme Improvement District, formerly Acme Drainage District, in Palm Beach County, Florida; amending section 3 of chapter 28557, Laws of Florida, 1953, as amended; authorizing the board of supervisors of the district to distribute water for consumption from its water plants and to provide sewer collection and disposal of waste within and without the district boundaries; providing for obligations of the district to pay interest at a rate not exceeding the maximum allowable by law; providing for review and approval by the board of county commissioners of activities without the district and prohibiting activities which are inconsistent with certain plans; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote SB 1296 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Woodson
Dudley	Jennings	Myers	

Nays—1

Weinstock

SB 1299—A bill to be entitled An act relating to the Estero Fire Protection and Rescue Service District, Lee County; changing the boundaries of the district to include additional lands in Lee County; providing a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote SB 1299 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Childers, D.	Deratany	Gordon
Barron	Childers, W. D.	Dudley	Grant
Beard	Crawford	Frank	Grizzle
Brown	Crenshaw	Girardeau	Hair

Hill	Kiser	Meek	Stuart
Hollingsworth	Langley	Myers	Thomas
Jenne	Lehtinen	Peterson	Thurman
Jennings	Malchon	Plummer	Weinstein
Johnson	Margolis	Ros-Lehtinen	Weinstock
Kirkpatrick	McPherson	Scott	Woodson

Nays—None

SB 1301—A bill to be entitled An act relating to Lee County; creating the Lee County Aviation Authority to operate, construct, and control aviation projects within the county; providing definitions; providing for the composition of the governing board of the authority and for the qualifications, terms, and manner of selecting and removing its members and the method of filling vacancies; providing for its officers and their compensation and duties; providing for its meetings and procedures; providing for veto of certain of its actions by the board of county commissioners; authorizing it to acquire and dispose of property and construct and improve projects and facilities; authorizing it to grant franchises and set rates, charges, fees, and tolls for services; authorizing it to issue revenue bonds; authorizing it to employ persons and fix their compensation and benefits and provide for their retirement; authorizing it to enter into contracts and agreements; authorizing it to adopt and enforce rules and regulations for the orderly, safe, efficient, and sanitary operation of its projects and facilities; authorizing it to employ guards and security personnel who have the power of arrest and to provide fire protection and crash and rescue services; authorizing it to acquire existing aviation projects; authorizing it to exercise power with respect to the operation, acquisition, construction, and financing of airports and airport projects and with respect to the regulation and control of aviation; providing for the transfer of existing projects owned or controlled by the county; providing for trust agreements; providing for remedies of bondholders; providing for a code of ethics for officers, employees, and agents of the authority; providing for proposed changes to the Lee County Comprehensive Plan; providing for effect of county and municipal ordinances; authorizing other governmental entities to aid and cooperate with the authority and to donate property to the authority; providing for interlocal agreements; providing for assumption of assets and liabilities of the authority by the county under specified conditions; providing for the construction and severability of provisions of the act; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 8, line 14, after “resolution” insert: which provides for the issuance of revenue bonds or which adopts the budget of the aviation authority

Amendment 2—On page 27, strike all of lines 25 and 26 and insert:

Section 22. Paragraph (a) of subsection (1) of section 3, subsection (2) of section 4, and subsection (1) of section 5 of this act are amended to read:

Section 3. Lee County Aviation Authority.—The Lee County Aviation Authority is hereby created as a public corporation for the purpose of administering this act.

(1)(a) The governing board of the aviation authority shall be composed of 5 members. Members of the governing board shall be appointed for 4-year terms by the board of county commissioners in the manner provided in paragraph (b). Members shall be subject to removal by the board of county commissioners for any ground specified in the State Constitution for the suspension by the Governor of county officers or for three or more unexcused absences from meetings of the governing board of the aviation authority within any 12-month period. A vacancy occurs upon the death of the incumbent or his removal from office, resignation, expiration of a term, succession to another office, unexplained absence for 60 consecutive days, failure to maintain the qualifications when appointed, or failure to qualify within 30 days after the commencement of the term. A vacancy on the governing board of the aviation authority shall be filled in the same manner as the original appointment.

Section 4. Proceedings of the governing board.—

(2) All actions taken by the governing board of the aviation authority must be taken by resolution of the governing board. A resolution must be adopted in accordance with the same procedures applicable to resolutions of a board of county commissioners. A resolution which provides for the issuance of revenue bonds or which adopts the budget of the aviation

authority may not be adopted until at least 7 days after notice of intention to adopt the resolution has been published in a newspaper of general circulation in the county. Three members of the governing board of the aviation authority constitute a quorum for the transaction of business, and the affirmative vote of three members is required for the adoption of any resolution. Each resolution adopted by the governing board of the aviation authority is subject to veto by a majority vote of the Board of County Commissioners of Lee County pursuant to section 5. Each resolution shall, unless vetoed, take effect on the date it becomes no longer subject to action of the board of county commissioners or on a later date specified in the resolution. A resolution becomes no longer subject to action of the board of county commissioners on the date the board of county commissioners waives its right to veto the resolution or upon the expiration of the period of time within which the board of county commissioners is authorized to veto the resolution, whichever first occurs.

Section 5. Resolutions which are subject to veto by the board of county commissioners.—

(1) Each resolution adopted by the governing board of the aviation authority shall be submitted by the secretary of the aviation authority to the Board of County Commissioners of Lee County within 7 days after its adoption. The board of county commissioners may veto such resolution at a public meeting held within 30 days after the date the resolution is submitted to it, except that a resolution which amends the adopted budget must be vetoed at a public meeting held within 15 days after the date the resolution is submitted to it. The board of county commissioners must give at least 7 days' notice of the public meeting. In all cases except for budget resolutions, the veto must extend to the entire resolution. The board of county commissioners may veto any specific appropriation in a budget resolution, but may not veto any qualification or restriction without also vetoing the appropriation to which it relates. Within 5 days after vetoing any resolution or any specific appropriation in a budget resolution, the board of county commissioners shall transmit its objections thereto to the governing board of the aviation authority. Any resolution, and any specific appropriation in a budget resolution, which is vetoed is void.

Section 23. This act shall take effect upon becoming a law, except that section 22 shall take effect only if a majority of the electors of Lee County voting in a referendum election to be called and held by the Board of County Commissioners of Lee County in conjunction with the Presidential Preference Primary Election to be held in March 1988 vote in the negative on the following question: "Shall the members of the Lee County Aviation Authority be elected?" If a majority of the electors of Lee County voting on such question vote in the negative, section 22 shall take effect upon the certification of the election returns by the canvassing board. If less than a majority of the electors of Lee County voting on such question vote in the negative, section 22 is repealed upon the certification of the election returns by the canvassing board.

Amendment 3—In title, on page 2, line 19, after the semicolon (;) insert: providing, subject to the results of the vote of the electors of Lee County, for appointment of the governing board of the aviation authority and for revision of provisions relating to removal of members, filling of vacancies, and adoption and veto of resolutions; providing for a referendum;

On motion by Senator Dudley, by two-thirds vote SB 1301 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Bead	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

SB 1306—A bill to be entitled An act relating to Gilchrist County; amending sections 3 and 4 of chapter 30778, Laws of Florida, 1955, as amended; providing that certain members of the Gilchrist County Park

Board shall be appointed jointly by the school board and the board of county commissioners; deleting language with respect to the authority of the Governor over appointments; authorizing compensation for board members; deleting language prohibiting compensation for the clerk of the circuit court of Gilchrist County serving ex officio as clerk of the park board; authorizing the park board to borrow money and issue certificates or notes pledging revenue in a certain amount; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 1306 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Bead	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

SB 1312—A bill to be entitled An act relating to Walton County; authorizing the Board of County Commissioners of Walton County, the Board of Hospital Trustees of Walton County, and Walton County Hospital, Inc., to lease Walton County Hospital; authorizing the sale of the equipment and personal property of the hospital in connection with such lease and the repurchase of such equipment and personal property upon expiration of the lease; providing for the disposition of the proceeds of such lease; providing that Walton County and Walton County Hospital, Inc., are not responsible and have no power, for the administration and operation of the hospital during the period of the lease; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 1312 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Bead	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

SB 1313—A bill to be entitled An act relating to Indian Rocks Special Fire Control District, Pinellas County; amending s. 3, chapter 29438, Laws of Florida, 1953; providing that commissioners of the district be elected by a majority vote of the electors of the district; revising provisions relating to qualifying for such office; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote SB 1313 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Childers, W. D.	Frank	Hair
Barron	Crawford	Girardeau	Hill
Bead	Crenshaw	Gordon	Hollingsworth
Brown	Deratany	Grant	Jenne
Childers, D.	Dudley	Grizzle	Jennings

Johnson	Malchon	Peterson	Thomas
Kirkpatrick	Margolis	Plummer	Thurman
Kiser	McPherson	Ros-Lehtinen	Weinstein
Langley	Meek	Scott	Weinstock
Lehtinen	Myers	Stuart	Woodson

Nays—None

SB 1315—A bill to be entitled An act relating to Escambia County; prohibiting construction on Santa Rosa Island under specified circumstances; requiring governmental approval for such construction; specifying criteria for such approval; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 1315 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

SB 1316—A bill to be entitled An act relating to Holiday Park, Park and Recreation District, Sarasota County; amending chapter 81-441, Laws of Florida, providing for the regulation of the use of roads within Holiday Park, Park and Recreation District; providing that Holiday Park, Park and Recreation District may contract with the City of North Port, Florida, for the enforcement of regulations concerning the use of roads within Holiday Park, Park and Recreation District; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 1316 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

CS for SB 1298—A bill to be entitled An act relating to Pasco County; establishing a solid waste disposal and resource recovery system within the territorial boundaries of Pasco County; providing for the collection and disposal of all solid waste generated or brought within the area affected by this act; authorizing the county to finance, refinance, acquire, construct, and operate or provide for the construction and operation or enter into a franchise agreement for the financing, refinancing, acquisition, improvement, construction, operation, maintenance and/or ownership of solid waste disposal and resource recovery facilities; providing definitions; providing a declaration of state policy; vesting exclusive powers in the county to control the collection, supply, and disposal of solid waste within the area affected by this act; providing for the sale of resources recovered and energy generated by the facilities; authorizing the use of right-of-way, easements, and other similar property rights of the state and its local agencies; providing an exemption from the provision of the Florida Antitrust Act of 1980; prescribing standards to which any solid waste disposal and resource recovery system covered by this act must conform; providing for an annual audit; providing that all prior inconsistent laws are superseded; providing for severability; prohibiting impairment of contractual obligations; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote CS for SB 1298 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

SPECIAL ORDER

EXECUTIVE BUSINESS

The Honorable John W. Vogt
President, The Florida Senate

May 11, 1987

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>
Board of Accountancy, Member Appointee: Schine, Jerome A.	12/26/90
Secretary of Administration Appointee: Vila, Adis Maria	Pleasure of Governor
State Athletic Commission, Member Appointee: Scituro, Joseph J.	09/30/88
Board of Chiropractic, Members Appointees: Hebert, John T. Kaplan, Stanley S.	08/01/90 08/01/89
Escambia County Civil Service Board, Member Appointee: Baroco, Jr., J. H.	02/15/91
Board of Trustees of Miami-Dade Community College, Member Appointee: Alvarado, Jose Antonio	05/31/89
Board of Correctional Education, Members Appointees: Helms, Beverly Marques, Jose A. Thompson, Paul D.	07/01/90 07/01/88 07/01/90
Board of Dentistry, Members Appointees: Cadle, Jr., Donald I. Robinson, William F. Stern, Kathy	02/07/91 10/01/90 10/01/90
Education Standards Commission, Member Appointee: Henley, Carlton	09/30/89
Commission on Ethics, Member Appointee: Gilbert, Richard A.	06/30/88
Board of Funeral Directors and Embalmers, Member Appointee: Vega, Vicki	08/01/90
Secretary of Health and Rehabilitative Services Appointee: Coler, Gregory L.	Pleasure of Governor
Florida High Speed Rail Transportation Commission, Members Appointees: Blumberg, David Dockery, C. C. Kirschenbaum, Malcolm R.	06/30/90 06/30/90 06/30/90

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Hospital Cost Containment Board, Members Appointees: del Portal, Carlos A. Mustian, M. T.	01/01/90 01/01/90	Board of Trustees of the John and Mable Ringling Museum of Art, Member Appointee: Meyer, Judith S.	11/05/90
Board of Trustees of South Lake County Hospital District, Member Appointee: Green, Beverly D.	07/05/87	Florida High Technology Innovation Research and Development Board, Member Appointee: Grimm, William A.	03/01/88
Board of Professional Land Surveyors, Member Appointee: Sliger, Gus A.	05/17/90	Governing Board of the South Florida Water Management District, Member Appointee: York, James Doyne	07/01/90
Governor's Mansion Commission, Member Appointee: White, Beverly F.	09/30/90	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 qualifications, experience, and general suitability of each appointee.	
Marine Fisheries Commission, Members Appointees: Fox, Jr., William W. Newberger, Mitchell A.	08/01/90 08/01/90	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 Massage, Member Appointee: Kousaleos, George Peter	01/01/90	(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 Medicine, Member Appointee: Moya, Frank	08/01/90	(2) That Senate action on said appointments be taken prior to the adjournment of the 1987 Regular Session.	
Florida Pari-mutuel Commission, Members Appointees: Brown, Berton L. White, Armer E.	06/30/90 06/30/89	(3) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.	
Board of Pharmacy, Member Appointee: Lowe, Talmadge Ray	08/01/89	Respectfully submitted,	
Jacksonville Port Authority, Member Appointee: Ringhaver, Randal L.	09/30/90	<i>Mary R. Grizzle, Chairman</i> <i>Fred R. Dudley, Vice Chairman</i> <i>Curt Kiser</i>	
Tampa Port Authority, Member Appointee: Hirons, III, Fred M.	11/14/90	<i>William G. Myers</i> <i>Laurence H. Plummer</i> <i>Eleanor Weinstock</i>	
Historic Tampa-Hillsborough County Preservation Board of Trustees, Member Appointee: Dunn, Hampton	11/01/90	On motion by Senator Grizzle, 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:	
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc., Members Appointees: Kynes, James W. Miller, Daniel J. Whyte, James L.	09/30/90 09/30/90 09/30/88	Yeas—39	
Secretary of Professional Regulation Appointee: Poole, Van B.	Pleasure of Governor	Mr. President	Frank
Public Employees Relations Commission, Member Appointee: Sloan, James W.	01/01/90	Barron	Girardeau
East Central Florida Regional Planning Council, Region 6, Members Appointees: Cummins, Jr., Walter M. Futch, Howard E. Godwin, Larry Hill, Eugene Livingston, Jr., George D.	10/01/89 10/01/88 10/01/89 10/01/89 10/01/89	Beard	Gordon
Tampa Bay Regional Planning Council, Region 8, Members Appointees: Reed, J. Wilson Stipanovich, C. Coleman	10/01/89 10/01/89	Brown	Grant
Southwest Florida Regional Planning Council, Region 9, Members Appointees: D'Andrea, Thomas M. Henderson, B. R. James, Douglas	10/01/89 10/01/89 10/01/89	Childers, D.	Grizzle
Treasure Coast Regional Planning Council, Region 10, Members Appointees: Bilancio, Joseph W. Foley, Kevin J. Gonzalez, Ed	10/01/88 10/01/89 10/01/89	Childers, W. D.	Hair
South Florida Regional Planning Council, Region 11, Member Appointee: Huebner, Robert E.	10/01/89	Crawford	Hill
		Crenshaw	Hollingsworth
		Deratany	Jennings
		Dudley	Johnson
			Petersor
		Nays—None	
		Consideration of CS for SB 1184 was deferred.	
		CS for CS for SB 410—A bill to be entitled An act relating to pollutants; amending s. 206.9935, F.S.; providing an extension of the excise tax on certain pollutants until a date certain; providing for future legislative review of such tax; amending ss. 376.303, 376.3071, F.S.; extending the period of time during which certain owners or operators of petroleum storage systems may receive certain trust fund moneys and avoid certain liabilities; requiring the secretary of the Department of Environmental Regulation to establish certain site cleanup criteria; providing for receiving reimbursement for site cleanup; requiring notice of certain site cleanup activities; amending ss. 489.105, 489.113, F.S.; providing that certain requirements relating to pollutant storage systems be applied to the removal of such systems; providing procedures for application for county administration of inspection programs; authorizing the Department of Professional Regulation to register precision tank testers; providing that persons registered with the department are exempt from local registration requirements; providing for certain rule review and comment by the Department of Environmental Regulation; providing an effective date.	
		—was read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for CS for SB 410 was read the third time by title, passed and certified to the House. The vote on passage was:	

Yeas—37

Mr. President	Frank	Johnson	Ros-Lehtinen
Barron	Girardeau	Kirkpatrick	Scott
Beard	Gordon	Langley	Stuart
Brown	Grant	Lehtinen	Thurman
Childers, D.	Grizzle	Malchon	Weinstein
Childers, W. D.	Hair	Margolis	Weinstock
Crawford	Hill	McPherson	Woodson
Crenshaw	Hollingsworth	Meek	
Deratany	Jenne	Myers	
Dudley	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Peterson, Thomas

On motion by Senator Thurman, the rules were waived and CS for SB 410 was ordered immediately certified to the House.

Consideration of SB 163 was deferred.

CS for SB 265—A bill to be entitled An act relating to the Auditor General; amending s. 11.45, F.S.; authorizing district school boards to select an independent auditor to perform a required financial audit; providing for the duty of the Auditor General with respect to such audits; providing that the district school board annual financial audit may be required to be completed in a certain time period; providing for duties of the Auditor General; changing certain reporting requirements; providing an effective date.

—was read the second time by title.

Senator Thurman moved the following amendments which were adopted:

Amendment 1—On page 7, line 14, insert:

p. To be qualified to respond to a request for a proposal for a local governmental entity audit, the certified public accountant in charge of the audit to be performed must have completed within the immediate preceeding 3 years at least 24 hours of continuing professional education programs that are approved by the Board of Accountancy and are directly related to the government environment and to governmental auditing.

Amendment 2—In title, on page 1, line 7, after the semicolon (;) insert: specifying qualifications for response to a request for a proposal for a local governmental entity audit;

On motion by Senator Weinstein, by two-thirds vote CS for SB 265 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	Dudley	Jennings	Myers
Barron	Frank	Johnson	Plummer
Beard	Girardeau	Kirkpatrick	Ros-Lehtinen
Brown	Grant	Kiser	Scott
Childers, D.	Grizzle	Langley	Stuart
Childers, W. D.	Hair	Lehtinen	Thurman
Crawford	Hill	Malchon	Weinstein
Crenshaw	Hollingsworth	Margolis	Weinstock
Deratany	Jenne	McPherson	Woodson

Nays—None

Vote after roll call:

Yea—Gordon, Peterson, Thomas

CS for SB 126—A bill to be entitled An act relating to scholarships; establishing the "Ronald E. McNair Memorial Scholarship Program"; providing for eligibility criteria; providing for administration by the Department of Education; providing for a trust fund; specifying a maximum amount for each annual award; requiring unused award moneys to be returned to the trust fund; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote CS for SB 126 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thurman
Childers, W. D.	Hair	Malchon	Weinstein
Crawford	Hill	Margolis	Weinstock
Crenshaw	Hollingsworth	McPherson	Woodson
Deratany	Jenne	Meek	
Dudley	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Peterson, Thomas

SB 539—A bill to be entitled An act relating to contraband forfeitures; amending s. 932.704, F.S.; allowing proceeds from contraband forfeiture sales to be expended for drug abuse education and treatment purposes; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 539 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Girardeau	Jennings	Myers
Beard	Gordon	Johnson	Plummer
Brown	Grant	Kirkpatrick	Ros-Lehtinen
Childers, D.	Grizzle	Langley	Scott
Childers, W. D.	Hair	Lehtinen	Thurman
Crenshaw	Hill	Margolis	Weinstein
Dudley	Hollingsworth	McPherson	Weinstock
Frank	Jenne	Meek	Woodson

Nays—None

Vote after roll call:

Yea—Malchon, Peterson, Stuart, Thomas

SB 373—A bill to be entitled An act relating to access to public accommodations; amending s. 413.08, F.S.; providing that a guide dog trainer is entitled to the same access to public accommodations as is provided for deaf or blind persons with dog guides while training a dog; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 19, strike "or seeing eye dog,"

On motion by Senator Woodson, by two-thirds vote SB 373 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thurman
Childers, W. D.	Hair	Malchon	Weinstein
Crawford	Hill	Margolis	Weinstock
Crenshaw	Hollingsworth	McPherson	Woodson
Deratany	Jenne	Meek	
Dudley	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Peterson, Thomas

On motion by Senator Woodson, the rules were waived and SB 373 after being engrossed was ordered immediately certified to the House.

CS for SB 1184—A bill to be entitled An act relating to security with respect to governmental property; providing confidentiality for certain systems and records; providing an effective date.

—was read the second time by title.

Senator Frank moved the following amendment:

Amendment 1—On page 1, line 8, insert:

Section 1. Section 286.011, Florida Statutes, is amended to read:

286.011 Public meetings and records; public inspection; penalties.—

(1) All meetings of the Legislature or any legislative committee or of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.

(2) All meetings between agencies or officers within the executive branch and the Legislature or any legislative committee at which official acts are to be discussed are declared to be public meetings open to the public at all times.

(3)(2) The minutes of any such a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(4)(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any public officer subject to the provisions of this section person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)(4) Whenever an action has been filed against any person subject to the provisions of this section board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such person board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such person agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of any such board or commission or of the Legislature; provided, that in any case where the board or commission or Legislature seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission or of the Legislature. However, this subsection shall not apply to a state attorney or his duly authorized assistants or any officer charged with enforcing the provisions of this section.

(6)(5) Whenever any person subject to the provisions of this section board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said person board, commission, agency, or authority to have violated this section, and such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such person board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission or of the Legislature; provided, that in any case where the board or commission or the Legislature seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission or of the Legislature.

(7)(6) All persons subject to subsection (1) or subsection (2) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(8)(7) Whenever any person member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission or the Legislature is authorized to reimburse said person member for any portion of his reasonable attorney's fees.

(Renumber subsequent section.)

Point of Order

Senator Barron raised a point of order that the amendment was identical to SB 1215 which was in the Committee on Rules and Calendar and to remove it from the committee as an amendment would bypass the committee system.

Further consideration of CS for SB 1184 was deferred.

SB 41—A bill to be entitled An act relating to alimony, support, maintenance, and child support payments; amending s. 61.181, F.S.; providing a maximum fee for receiving, recording, reporting, disbursing, monitoring, or handling such payments; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 25, strike "\$10 per month" and insert: \$5 \$10

On motion by Senator Grant, by two-thirds vote SB 41 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thurman
Childers, W. D.	Hair	Malchon	Weinstein
Crawford	Hill	Margolis	Weinstock
Crenshaw	Hollingsworth	McPherson	Woodson
Deratany	Jenne	Meek	
Dudley	Jennings	Myers	
Frank	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Peterson, Thomas

CS for SB 7—A bill to be entitled An act relating to durable family power of attorney; amending s. 709.08, F.S.; adding to the list of those who may be designated as an attorney-in-fact; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for SB 7 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Crenshaw	Grizzle	Kirkpatrick
Barron	Deratany	Hair	Kiser
Beard	Dudley	Hill	Langley
Brown	Frank	Hollingsworth	Lehtinen
Childers, D.	Girardeau	Jenne	Margolis
Childers, W. D.	Gordon	Jennings	McPherson
Crawford	Grant	Johnson	Meek

Myers	Scott	Weinstein
Plummer	Stuart	Weinstock
Ros-Lehtinen	Thurman	Woodson

Nays—None

Vote after roll call:

Yea—Malchon, Peterson, Thomas

SB 433—A bill to be entitled An act relating to debt exemptions; exempting certain pension or profit-sharing benefits from execution, attachment, or garnishment process; prohibiting a debtor from electing certain exemptions in a bankruptcy action and allowing him to elect others; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendments which were adopted:

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

Section 1. Section 222.21, Florida Statutes, is created to read:

222.21 Exemption of pension money and retirement or profit-sharing benefits from legal processes.—

(1) Money received by any debtor as pensioner of the United States within 3 months next preceding the issuing of an execution, attachment, or garnishment process may not be applied to the payment of the debts of the pensioner when it is made to appear by the affidavit of the debtor or otherwise that the pension money is necessary for the maintenance of the debtor's support or a family supported wholly or in part by the pension money. The filing of the affidavit by the debtor, or the making of such proof by the debtor, is prima facie evidence; and it is the duty of the court in which the proceeding is pending to release all pension moneys held by such attachment or garnishment process, immediately, upon the filing of such affidavit or the making of such proof.

(2)(a) Except as provided in paragraph (b), any money or other assets payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement or profit-sharing plan that is qualified under section 401(a), section 403(a), section 403(b), section 408, or section 409 of the Internal Revenue Code of 1986, as amended, is exempt from all claims of creditors of the beneficiary or participant.

(b) Any plan or arrangement described in paragraph (a) is not exempt from the claims of an alternate payee under a qualified domestic relations order. However, the interest of any alternate payee under a qualified domestic relations order is exempt from all claims of any creditor, other than the Department of Health and Rehabilitative Services, of the alternate payee. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meanings ascribed to them in section 414(p) of the Internal Revenue Code of 1986.

(c) The provisions of paragraphs (a) and (b) apply to any proceeding that is filed on or after October 1, 1987.

Section 2.(1) Notwithstanding s. 222.20, Florida Statutes, an individual debtor under the federal Bankruptcy Reform Act of 1978 may exempt, in addition to any other exemptions allowed under state law, any property listed in subsection (d)(10) of section 522 of that act.

(2) The provisions of this section apply to any bankruptcy action that is filed on or after October 1, 1987.

Section 3. This act shall take effect October 1, 1987.

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to debt exemptions; creating s. 222.21, F.S.; exempting certain pension or profit-sharing benefits from execution, attachment, or garnishment process; allowing a debtor to elect certain exemptions in a bankruptcy action; providing an effective date.

On motion by Senator Kiser, by two-thirds vote SB 433 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Johnson	Ros-Lehtinen
Barron	Girardeau	Kirkpatrick	Scott
Beard	Gordon	Kiser	Stuart
Brown	Grant	Langley	Thurman
Childers, D.	Grizzle	Lehtinen	Weinstein
Childers, W. D.	Hair	Margolis	Weinstock
Crawford	Hill	McPherson	Woodson
Crenshaw	Hollingsworth	Meek	
Deratany	Jenne	Myers	
Dudley	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Malchon, Peterson, Thomas

SB 355—A bill to be entitled An act relating to sales, storage, and use taxes; amending s. 212.06, F.S.; exempting from use tax certain property used for a specified period before it is imported into this state; amending s. 212.08, F.S.; providing an exemption for boats that are temporarily docked in this state or docked in this state for repairs, alterations, refitting, or modifications, as specified; requiring certain forms to be sent to the Department of Revenue; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 11, after "1." insert: *Notwithstanding the provisions of Chapters 327 and 328, Florida Statutes, pertaining to the registration of vessels,*

On motion by Senator Crawford, by two-thirds vote SB 355 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thurman
Childers, W. D.	Hair	Malchon	Weinstein
Crawford	Hill	Margolis	Weinstock
Crenshaw	Hollingsworth	McPherson	Woodson
Deratany	Jenne	Meek	
Dudley	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Peterson, Thomas

SB 1063—A bill to be entitled An act relating to the submittal times of local government comprehensive plans; amending s. 163.3167, F.S.; extending the deadline for submission of local comprehensive plans by noncoastal counties and municipalities located therein; providing an effective date.

—was read the second time by title.

Senator Frank moved the following amendments which were adopted:

Amendment 1—On page 1, line 29, after "government" insert: *, shall establish equal, staggered submission dates,*

Amendment 2—On page 1, line 25, strike "1986" and insert: 1987

On motion by Senator Margolis, by two-thirds vote SB 1063 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	Plummer
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Langley	Scott
Brown	Grant	Lehtinen	Stuart
Childers, D.	Grizzle	Malchon	Thurman
Childers, W. D.	Hair	Margolis	Weinstein
Crenshaw	Hollingsworth	McPherson	Weinstock
Deratany	Jenne	Meek	Woodson
Dudley	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Peterson, Thomas

Consideration of CS for SB 720 was deferred.

SB 790—A bill to be entitled An act relating to the Board of Professional Land Surveyors; creating s. 472.008, F.S.; providing rulemaking authority; providing an effective date.

—was read the second time by title.

Senator Grizzle moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 15 and 16, insert:

Section 2. Subsection (1) of section 472.017, Florida Statutes, is amended to read:

472.017 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and fee, *proof of compliance with the continuing education requirement of s. 472.018*, and, if a demonstration of competency is required by law or rule, upon certification by the board that the licensee has satisfactorily demonstrated his competence in land surveying.

Section 3. Section 472.018, Florida Statutes, is created to read:

472.018 Continuing education.—The department may not renew a license until the licensee submits proof satisfactory to the board that during the 2 years prior to his application for renewal, he has completed at least 24 hours of continuing education. Criteria and course content shall be approved by the board by rule.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 4, after the semicolon (;) insert: amending s. 472.017, F.S.; creating s. 472.018, F.S.; providing a continuing education requirement for license renewal;

On motion by Senator Grizzle, by two-thirds vote SB 790 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Johnson	Ros-Lehtinen
Barron	Girardeau	Kirkpatrick	Scott
Beard	Gordon	Langley	Stuart
Brown	Grant	Lehtinen	Thurman
Childers, D.	Grizzle	Malchon	Weinstein
Childers, W. D.	Hair	Margolis	Weinstock
Crawford	Hill	McPherson	Woodson
Crenshaw	Hollingsworth	Meek	
Deratany	Jenne	Myers	
Dudley	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Peterson, Thomas

CS for SB 370—A bill to be entitled An act relating to contractors; amending s. 489.127, F.S.; prohibiting any person from advertising himself as available to engage in the business or act in the capacity of a contractor without being duly registered or certified; providing penalties; creating s. 489.5331, F.S.; providing for award of treble damages, costs, and attorney's fees against certain contractors for certain injuries; creating s. 624.447, F.S.; requiring insurers, upon request, to verify a certificate

of insurance on any contractor; amending s. 713.01, F.S.; redefining the terms "contractor," "subcontractor," and "sub-subcontractor" for purposes of the mechanics' lien law; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 370 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dudley	Jenne	Myers
Barron	Frank	Jennings	Plummer
Beard	Girardeau	Johnson	Ros-Lehtinen
Brown	Gordon	Kirkpatrick	Scott
Childers, D.	Grant	Lehtinen	Stuart
Childers, W. D.	Grizzle	Malchon	Thurman
Crawford	Hair	Margolis	Weinstock
Crenshaw	Hill	McPherson	Woodson
Deratany	Hollingsworth	Meek	

Nays—None

Vote after roll call:

Yea—Peterson, Thomas

CS for SB 837—A bill to be entitled An act relating to pari-mutuel wagering; creating s. 550.012, F.S.; authorizing the Florida Pari-mutuel Commission to grant additional operating days to permitholders; providing guidelines; providing for an application fee; providing the Division of Pari-mutuel Wagering with certain rulemaking authority; amending ss. 550.08, 550.082, 550.0831, F.S.; authorizing additional operating days for certain dogracing permitholders; deleting a rule of construction; amending s. 550.37, F.S.; permitting certain harness tracks to obtain additional racing days; prescribing hours that racing may be conducted on the additional days; amending s. 551.031, F.S.; creating s. 551.115, F.S.; authorizing additional operating days for certain jai alai permitholders; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendment:

Amendment 1—On page 1, line 22, strike everything after the enacting clause and insert:

Section 1. Section 550.012, Florida Statutes, is created to read:

550.012 Additional operating days.—

(1) The Legislature finds that a degree of flexibility in the process of authorizing days of operation for pari-mutuel permitholders will further the public interest by allowing for rational determinations of the number of authorized days that take into account competitive, economic, and fiscal factors. The purpose of this section is to authorize the Florida Pari-mutuel Commission, subject to the guidelines contained in this section, to provide recommendations to the Legislature for additional days of operation in such a flexible and rational manner.

(2) In addition to its other powers and duties, the commission may, on an annual basis, hear the request of any permitholder licensed pursuant to this chapter or chapter 551 for up to 105 days of operation in addition to those authorized by law, provided that such requests must be submitted to the commission by October 15 of each year. In considering such requests, the commission shall conduct public hearings. The commission shall submit a report of its findings with recommendations to the Legislature by February 1 of the following year. In determining whether to recommend the granting of such additional operating days, the commission shall consider:

(a) The impact of the requested additional days on the handle, attendance, and income of permitholders within a 50-mile radius of the requesting permitholder;

(b) The similarities and dissimilarities of competing permitholders within a 50-mile radius of the requesting permitholder;

(c) The impact of the requested additional days on state revenues generated by the pari-mutuel industry; and

(d) The impact on the division as it relates to the division's operating budget and manpower resources.

(3) Any permitholder seeking additional operating days shall submit a request for such days to the commission by October 15 of each year. The request shall contain the following information:

- (a) The number of additional days and performances requested;
 - (b) Projected increase in handle and attendance as a result of such extra days and performances;
 - (c) Projected increase in state taxes and revenues as a result of such extra days and performances; and
 - (d) Any other pertinent information as required by division rule.
- (4) The division shall review all requests for additional operating days and shall make recommendations to the commission regarding such days. The division may contract with accountants, economists, attorneys, and other persons as may be required to determine the required economic and fiscal impacts of the requested additional days. To ensure that the requests for additional operating days are reviewed in a timely manner by the division, it is exempt from the provisions of s. 287.057 with regard to contracts awarded to review or determine the economic and fiscal impacts of the requested additional days. However, in awarding such contracts, the division shall consider the cost and the ability and resources of the individual or firm to perform the review or study in a competent and timely manner.

(5)(a) Each request for additional operating days shall be accompanied by an application fee to be deposited into the Pari-mutuel Wagering Trust Fund.

(b) The division is authorized to charge the permitholder any anticipated costs incurred by the division in determining whether to grant or deny applications by a permitholder for additional operating days.

(c) The division may, by rule, determine the manner of payment of its anticipated costs and the procedure for filing applications in conjunction with payments of said costs.

(d) The division shall furnish to the applicant an itemized statement of actual costs incurred during the investigation.

(e) In the event there are unused funds at the conclusion of such investigation, such funds shall be returned to the applicant within 60 days thereafter.

(f) In the event actual costs of investigation exceed anticipated costs, the division shall assess the applicant those moneys necessary to recover all actual costs.

(6) The commission shall consider and make final recommendations to the Legislature on each request for additional operating days no later than February 1 of each year.

(7) The division shall adopt rules to implement the provisions of this section.

Section 2. Section 550.08, Florida Statutes, is amended to read:

550.08 Maximum length of race meeting.—

(1) No license shall be granted to any person or to any racetrack for a meet or meeting in any county to extend longer than an aggregate of 90 racing days for thoroughbred horse racing, 120 days for quarter horse racing, 120 days for harness horse racing, and 105 days for dogracing in any racing season. Nothing in this section shall be construed to expand or otherwise alter the provisions of ss. 550.081 and 550.41.

(2) *With respect to dogracing permitholders only in any county of the state where there is only one dogracing permitholder and no other active pari-mutuel permitholder within a radius of 50 miles, that permitholder may apply for and shall be granted up to 50 operating days, including not more than 25 matinee performances, in addition to those days authorized in this chapter.*

(3) *Any other provision of law to the contrary notwithstanding, in any county where there are only three pari-mutuel permitholders operating under valid outstanding permits issued by the Division of Pari-mutuel Wagering, one of whom is a jai alai permitholder and two of whom are greyhound permitholders, the greyhound permitholders may apply for and shall be granted up to 50 days of operation in addition to the 105 regular days of operation already permitted.*

Section 3. Subsection (3) is added to section 550.082, Florida Statutes, to read:

550.082 Special allocation of periods of operation of certain dogracing tracks; *additional days.*—

(3) *Notwithstanding the provisions of subsection (2), any dogracing permitholder located in any county where there are only two pari-mutuel permits, one of which is a jai alai permit, in existence for the conduct of pari-mutuel wagering within a 35-mile radius of each other, shall be entitled to operate up to 105 additional days each year, including up to 54 matinee performances. This provision shall not apply to counties lying wholly east of the St. Johns River, south of an east-west line from the Matanzas Inlet to said river, and north of latitude 28 degrees 35 minutes. The provisions of this subsection shall expire and be void and inoperative on July 1, 1989.*

Section 4. Subsection (3) is added to section 550.0831, Florida Statutes, to read:

550.0831 Dogracing; racing periods.—

(3) *Notwithstanding any other provision of this chapter, any dogracing permitholder located in any area of the state wherein there exists only one dogracing permitholder, whose racetrack is located more than 75 miles away from any other pari-mutuel permitholder and who during its 1986 fiscal year reported a handle in excess of \$40 million, shall, in addition to the 105 regular days of operation permitted by law, be entitled to operate up to an additional 105 days, including not more than 54 additional matinees. The provisions of this subsection shall expire and be void and inoperative on July 1, 1989.*

Section 5. Paragraphs (c) and (d) of subsection (3) of section 550.09, Florida Statutes, is amended to read:

550.09 Payment of daily license fee and taxes.—

(3) **TAX ON HANDLE.**—Each permitholder shall pay a tax on contributions to pari-mutuel pools, the aggregate of which is hereinafter referred to as "handle," on races conducted by the permitholder. The tax shall be imposed daily and shall be based on the total contributions to all pari-mutuel pools conducted during the daily performance. In the event that a permitholder is authorized by the Florida Pari-mutuel Commission to conduct, and does conduct, more than one performance daily, the tax shall be imposed on each performance separately. A "performance" is defined as a series of races conducted consecutively under a single admission charge.

(c) ~~The tax on handle for any horse track where the average daily handle on June 4, 1980, is less than \$400,000 shall be 3.3 percent of the handle in excess of \$500,000 for each performance per day; however, at the completion of each racing season the Division of Pari-mutuel Wagering shall review the records of the average daily handle of that horse track, and at such time as the average daily handle exceeds \$500,000, the permitholder shall be taxed at the rate established in the provisions of paragraph (a).~~

(d) ~~The tax on handle for dogracing shall be 7.6 percent of the handle in excess of \$25,000 for each performance per day. However, when the handle is less than \$30 million and \$15 million or more, then the tax shall be paid on the handle in excess of \$40,000 for each performance per day, and when the handle is less than \$15 million, then the tax shall be paid on the handle in excess of \$50,000 for each performance per day.~~

Section 6. Subsection (4) of section 550.37, Florida Statutes, 1986 Supplement, is amended to read:

550.37 Operation of certain harness tracks.—

(4)(a) No permit shall be issued by the Division of Pari-mutuel Wagering for the operation of a harness track within 75 air miles of a location of a harness track licensed and operating under the provisions of this chapter. All harness tracks licensed under the provisions of this chapter shall be granted by the Florida Pari-mutuel Commission racing dates during the winter horseracing season as provided by s. 550.291, which racing dates may commence on or after October 1 of each year and shall conclude on or before June 1 of each year, and such permitholder and licensee shall be permitted and authorized to race every day. However, no more than 120 days, plus scholarship and charity days, may be allocated in the period between October 1 of any year and June 1 of the succeeding year.

(b) Any harness track that operates the full 120 days as set forth in this section may apply for and shall obtain from the division up to 50 additional racing days per winter horseracing season, and such permit-holder shall be permitted to operate such additional days of harness racing from 7 p.m. until 12 midnight.

Section 7. Subsection (3) is added to section 551.031, Florida Statutes, to read:

551.031 Fixing dates for operation of frontons.—

(3) In any county of the state where there is only one jai alai permit-holder and no other active pari-mutuel permit-holder within a radius of 25 miles that conducted pari-mutuel performances prior to May 1, 1987, that permit-holder may apply for and shall be granted up to 50 operating days, including not more than 25 matinee performances, in addition to those authorized in chapter 550.

Section 8. Subsection (3) of section 551.06, Florida Statutes, is amended to read:

551.06 Daily license fee; admission tax; taxes on handle and breaks; surtax.—

(3) Each permit-holder shall pay a tax on contributions to pari-mutuel pools, the aggregate of which is hereinafter referred to as "handle," on games conducted by the permit-holder. The tax shall be imposed daily and shall be based on the total contributions to all pari-mutuel pools conducted during the daily performance. In the event that a permit-holder is authorized by the Florida Pari-mutuel Commission to conduct more than one performance daily, the tax shall be imposed on each performance separately. A "performance" is defined as a series of games conducted consecutively under a single admission charge. The tax on handle for jai alai shall be 7.1 percent of the handle in excess of \$25,000 per performance per day. However, when the handle for the preceding racing season is less than \$30 million and \$15 million or more, then the tax shall be paid on the handle in excess of \$40,000 for each performance per day, and when the handle for the preceding racing season is less than \$15 million, then the tax shall be paid on the handle in excess of \$50,000 for each performance per day.

Section 9. Section 551.115, Florida Statutes, is created to read:

551.115 Additional jai alai days; restrictions.—Any jai alai permit-holder located in any county where there are only two pari-mutuel permits, one of which is a dogracing permit, in existence for the conduct of pari-mutuel wagering within a 35-mile radius of each other, shall be entitled to operate up to 105 additional days each year, including up to 54 matinee performances. This provision shall not apply to counties lying wholly east of the St. Johns River, south of an east-west line from the Matanzas Inlet to said river, and north of latitude 28 degrees 35 minutes. The provisions of this section shall expire and be void and inoperative on July 1, 1989.

Section 10. Section 551.116, Florida Statutes, is created to read:

551.116 Additional jai alai days; restrictions.—

(1) Any jai alai permit-holder located in any area of the state where there are three or more permits, only one of which is a thoroughbred racing permit, in existence for the conduct of pari-mutuel wagering within a 35-mile radius of each other, shall, in addition to the 105 regular days of operation permitted, be entitled to operate up to 105 days between the period of May 8 and September 3 of each year.

(2) The additional days of operation permitted in subsection (1) shall not conflict with any days of operation currently authorized for any of the permit-holders located within a 35-mile radius of such jai alai fronton.

Section 11. Section 551.155, Florida Statutes, is created to read:

551.155 Additional jai alai days; restrictions.—Any other provision of law to the contrary notwithstanding, in any county where there are only three pari-mutuel permit-holders operating under valid outstanding permits issued by the Division of Pari-mutuel Wagering, one of whom is a jai alai permit-holder and two of whom are greyhound permit-holders, the jai alai permit-holder may apply for and shall be granted up to 105 days of operation between the period of May 4 and September 4 of each year, in addition to the 105 regular days of operation already permitted.

Section 12. Additional taxes.—

(1) In lieu of the tax on handle as provided in s. 550.09(3), Florida Statutes, for dogracing and horseracing permit-holders and s. 551.06(3), Florida Statutes, for jai alai permit-holders, the tax on handle for any additional days awarded under this act shall be as follows:

(a) For a permit-holder conducting dogracing the tax on handle shall be 8.6 percent of the handle in excess of a daily exemption to be determined based on the average handle per performance for the preceding race season according to the following schedule:

1. Average daily handle less than \$150,000 per performance: \$50,000 tax exempt handle each performance.

2. Average daily handle from \$150,000 to \$300,000 per performance: \$40,000 tax exempt handle each performance.

3. Average daily handle over \$300,000 per performance: \$25,000 tax exempt handle each performance.

(b) For a permit-holder conducting horseracing the tax on handle shall be 4.3 percent of the handle in excess of \$300,000 each performance.

(c) For a permit-holder conducting jai alai the tax on handle shall be 8.1 percent of the handle in excess of a daily exemption to be determined based on the average handle per performance for the preceding race season according to the following schedule:

1. Average daily handle less than \$150,000 per performance: \$50,000 tax exempt handle each performance.

2. Average daily handle from \$150,000 to \$300,000 per performance: \$40,000 tax exempt handle each performance.

3. Average daily handle over \$300,000 per performance: \$25,000 tax exempt handle each performance.

(2) In addition to the surtax on additional takeout as provided in s. 550.09(5), Florida Statutes, for dogracing and horseracing permit-holders and in s. 551.06(5), Florida Statutes, for jai alai permit-holders, the surtax on additional takeout for any additional days awarded under the provisions of this section shall be as follows:

(a) A permit-holder conducting dogracing is subject to a surtax which shall be levied at the rate of 50 percent and be imposed upon any sums withheld to be used for capital improvements or to reduce capital improvement debt pursuant to s. 550.162(3)(a), Florida Statutes.

(b) A permit-holder conducting horseracing is subject to a surtax which shall be levied at the rate of 50 percent and be imposed upon any sums withheld to be used for capital improvements or to reduce capital improvement debt pursuant to s. 550.16(2)(a)1., Florida Statutes.

(c) A permit-holder conducting jai alai is subject to a surtax which shall be levied at the rate of 50 percent and be imposed upon any sums withheld to be used for capital improvements or to reduce capital improvement debt pursuant to s. 551.09(2)(a), Florida Statutes.

(3) The provisions of this section shall expire and be void and inoperative on July 1, 1989.

Section 13. (1) For the purposes of this section, the term "simulcasting" means the live broadcasting at one location of events occurring at another location, by the transmittal, retransmittal, reception, and rebroadcast of television or radio signals by wire, cable, satellite, microwave, or other electrical or electronic means for receiving or rebroadcasting such events.

(2) In any county in which there has been issued by the Division of Pari-mutuel Wagering of the Department of Business Regulation, as of January 1, 1987, two quarter horse racing permits, neither of which was utilized for racing prior to January 1, 1987, and only one jai alai permit; the Division of Pari-mutuel Wagering shall issue not more than one license in any qualifying county for the receipt and display of live thoroughbred horse races by simulcasting and for the acceptance of all legally authorized forms of pari-mutuel wagering on such races, which facility may not be located at the premises of any other pari-mutuel wagering permit-holder licensed under chapters 550 and 551, Florida Statutes. Such facility shall meet the following criteria:

(a) Be a multi-purpose entertainment complex, built, maintained, and managed by the private sector and donated to the citizens of the local community after the recoupment of the investment by the private sector.

(b) Be divided into three levels as follows:

1. The ground level to be an auditorium with a seating capacity of not less than 1,500 people.

2. The second level to feature a restaurant with a seating capacity of not less than 350 people.

3. The third level to offer private meeting rooms.

(3) To be eligible for such license, an applicant must comply with the provisions of s. 550.181, Florida Statutes, as though the applicant were an applicant for a pari-mutuel wagering permit, provided that no applicant shall have any interest in any other permit. A licensee under this section may only operate pari-mutuel wagering pools through a thoroughbred horse racetrack licensed under the laws of this state.

(4) A licensee issued a license under this section may receive at its facility broadcasts of thoroughbred horse races conducted at thoroughbred horse racetracks located inside or outside this state provided that any out-of-state race may be transmitted only upon approval under the Federal Interstate Horseracing Act, and any wagers placed on out-of-state races must be placed through a Florida thoroughbred permitholder's pari-mutuel pool.

(5) All provisions of chapter 550, Florida Statutes, that apply to a thoroughbred horseracing permitholder that are not inconsistent with this act, except for s. 550.011, Florida Statutes, shall also apply to a licensee licensed under this section. All pari-mutuel wagers placed at the facility of a licensee licensed under the provisions of this section shall be combined with the pari-mutuel pools of the thoroughbred horseracing permitholder transmitting the horse race. Distribution of the combined pool shall be subject to the same provisions of chapter 550, Florida Statutes, as pari-mutuel pools conducted solely by the thoroughbred permitholders except that the portion of the pari-mutuel pools that is wagered at the facility of the licensee licensed under this section is not subject to the provisions of chapter 550, Florida Statutes, with regard to purse requirements and capital improvement requirements. Each thoroughbred permitholder contracting with the licensee under this section shall allow such licensee, on each dollar contributed to the pari-mutuel pools, to withhold from regular wagers the sum of 7 percent of the total amount contributed to the licensee's pari-mutuel pool; and to withhold from exotic wagers the sum of 8 percent of the total amount contributed to the licensee's pari-mutuel pool, which amount withheld shall be compensation for the taking of wagers by the licensee.

The balance of the authorized take-out shall be distributed in accordance with chapter 550, Florida Statutes, except that the purse requirements set forth in s. 550.262, Florida Statutes, shall not apply and thoroughbred permitholders shall, after all reasonable and necessary expenses, including the tax on handle levied under s. 550.09, Florida Statutes, divide the balance as follows: 50 percent to the thoroughbred permitholder; 35 percent to purses; and 15 percent to breeders awards. In addition, the division shall approve by rule a method for the frequency of balancing of payments between a licensee and a thoroughbred permitholder which payments shall be made at least monthly.

(6) The racing season of a licensee under this section is a calendar year.

(7) A licensee issued a license under this section may annually renew its license upon application to the Division of Pari-mutuel Wagering, accompanied by proof, in such form as the division may require, that the licensee still possesses all the qualifications required for issuance of such license.

(8) The Division of Pari-mutuel Wagering may revoke the license of a licensee under this section for the same reasons that it may revoke the permit of a thoroughbred horse racing permitholder.

(9)(a) Any holder of a thoroughbred horse racing permit in this state may contract with the licensee holding a simulcasting facility license under this section to simulcast thoroughbred horse races at the location authorized in the simulcasting facility license.

(b) A licensee under this section, or a thoroughbred horse racing permitholder with respect to transmissions to a facility licensed under this section, is not subject to the provisions of ss. 550.35(1)(a), (2)-(8), and 550.262, Florida Statutes.

(10) The Division of Pari-mutuel Wagering shall promulgate rules to implement this section.

Section 14. This act shall take effect upon becoming a law.

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

Amendment 1A—On page 6, lines 24 and 27, after "handle" insert: for the preceding racing season

Amendment 1 as amended was adopted.

Senator Jennings moved the following amendment which was adopted:

Amendment 2—In title, on page 1, line 22, strike everything before the enacting clause and insert: A bill to be entitled An act relating to pari-mutuel wagering; creating s. 550.012, F.S.; authorizing the Florida Pari-mutuel Commission to recommend to the Legislature additional days of operation upon request of pari-mutuel permitholders; providing procedures and requirements; providing duties of the Division of Pari-mutuel Wagering; providing for fees and assessment of costs; creating ss. 551.115, 551.116, and 551.155, F.S., and amending ss. 550.08, 550.082, 550.0831, 550.37, and 551.031, F.S.; authorizing certain dogracing, jai alai, quarter horse racing, and harness permittees to operate for additional time periods for a specified period; providing for taxes on such additional days; amending ss. 550.09 and 551.06, F.S.; revising the structure of the taxes on handle; limiting the number of performances for dogracing, jai alai, harness and quarter horse racing permitholders; providing expiration dates; defining the term "simulcasting"; authorizing the Division of Pari-mutuel Wagering to issue a license in certain counties for the receipt and display of live thoroughbred horse races by simulcast; providing criteria for simulcast facilities; providing eligibility; providing broadcast requirements; providing for the application of certain pari-mutuel statutes; providing for the season; providing for subsequent annual licenses; providing for revocation; providing for contracts; providing for rules; providing an effective date.

On motion by Senator Jennings, by two-thirds vote CS for SB 837 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Girardeau	Kirkpatrick	Ros-Lehtinen
Barron	Gordon	Kiser	Scott
Beard	Grant	Langley	Stuart
Brown	Grizzle	Lehtinen	Thurman
Childers, D.	Hair	Malchon	Weinstein
Childers, W. D.	Hill	Margolis	Weinstock
Crawford	Hollingsworth	McPherson	Woodson
Crenshaw	Jenne	Meek	
Deratany	Jennings	Myers	
Frank	Johnson	Plummer	

Nays—1

Dudley

Vote after roll call:

Yea—Thomas

Nay—Peterson

On motion by Senator Jennings, the rules were waived and CS for SB 837 after being engrossed was ordered immediately certified to the House.

SB 694—A bill to be entitled An act relating to trespass on property; amending s. 810.011, F.S.; providing and alphabetizing definitions; prohibiting trespass on a military installation or on a space transportation facility; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendments which were moved by Senator Deratany and adopted:

Amendment 1—On page 3, line 7, strike "structure,"

Amendment 2—On page 3, line 11, strike "or structure"

Amendment 3—On page 3, between lines 29 and 30, insert:

Section 2. Paragraphs (d) and (e) are added to subsection (2) of section 810.08, Florida Statutes, to read:

810.08 Trespass in structure or conveyance.—

(1) Whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance, or, having been authorized, licensed, or invited, is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses to do so, commits the offense of trespass in a structure or conveyance.

(2)(a) Except as otherwise provided in this subsection, trespass in a structure or conveyance is a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) If a trespass occurs in any structure or conveyance located on the real property of a space transportation facility, the offender is guilty of a felony of the third degree as provided in s. 775.082, s. 775.083, or s. 775.084, if the real property is legally posted as provided in s. 810.09(2)(e).

(e) If a trespass occurs in any structure or conveyance located on the real property of a military installation, the offender is guilty of a felony of the third degree as provided in s. 775.082, s. 775.083, or s. 775.084, if the real property is legally posted as provided in s. 810.09(2)(f).

(Renumber subsequent sections.)

Amendment 4—In title, on page 1, strike all of lines 3 and 4 and insert: amending ss. 810.011, 810.08, 810.09, F.S.; providing and alphabetizing definitions; prohibiting trespass in structures or conveyances and trespass on property other than structures or conveyances

Senator Hair presiding

Senators Meek and Girardeau offered the following amendment which was moved by Senator Girardeau and failed:

Amendment 5—On page 5, line 18, strike "felony" and insert: 1st degree misdemeanor

The President presiding

Senators Malchon and Weinstein offered the following amendment which was moved by Senator Malchon and failed:

Amendment 6—On page 5, line 11, strike "." and insert: " and if damage is caused to the facility or equipment in the facility by the offender. or if intent to cause damage is shown

On motion by Senator Deratany, by two-thirds vote SB 694 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Deratany	Jennings	Plummer
Barron	Dudley	Johnson	Ros-Lehtinen
Beard	Frank	Kirkpatrick	Scott
Brown	Grant	Kiser	Thomas
Childers, D.	Grizzle	Langley	Thurman
Childers, W. D.	Hair	Margolis	Weinstein
Crawford	Hill	McPherson	
Crenshaw	Hollingsworth	Myers	

Nays—9

Girardeau	Lehtinen	Stuart
Gordon	Malchon	Weinstock
Jenne	Meek	Woodson

Vote after roll call:

Yea—Peterson

Explanation of Vote

My vote against SB 694 should not be construed as condoning the act of trespass upon military installations. Rather, my opposition to this bill is related to the extreme severity of a felony conviction. A first degree misdemeanor is punishable for up to one year of jail time. If this penalty were imposed to its maximum for those guilty of trespass, I believe that action would produce the desired deterrent to trespass.

To impose a felony punishment of five years and loss of voting rights as a penalty is unwarranted, in my view, unless there is damage or intent to do damage.

Marlene Woodson, 24th District

CS for SB 8—A bill to be entitled An act relating to consumer products; creating s. 501.93, F.S., the "Florida Anti-Tampering Act"; defining "consumer product," "labeling," and "bodily injury"; providing penalties for tampering with, or attempting or conspiring to tamper with, a consumer product, rendering the label or container thereof false or misleading, threatening such actions, or communicating false information that a consumer product has been tampered with; authorizing certain actions by the Department of Agriculture and Consumer Services and the Department of Health and Rehabilitative Services to safeguard the public welfare; providing an effective date.

—was read the second time by title.

Senator Johnson moved the following amendments which were adopted:

Amendment 1—On page 1, line 18, insert:

Section 1. Subsections (7), (8), and (14) of section 499.003, Florida Statutes, are amended to read:

499.003 Definitions of terms used in ss. 499.001-499.081.—For the purpose of ss. 499.001-499.081, the term:

(7) "Device" means any instrument, apparatus, implement, machine, or contrivance, implant, in vitro reagent, or other similar or related article, including its components, parts, or accessories, which is intended:

(a) Recognized in the official National Formulary or the United States Pharmacopoeia, or any supplement thereof;

(b)(a) Intended for use in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in man or other animals; or

(c)(b) Intended to affect the structure or any function of the body of man or other animals;

and which does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(8) "Drug" means an agent or product:

(a) Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement thereto;

(b) Other than food, which agent or product is intended for use in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in man or other animals;

(c) Intended to affect the structure or any function of the body of man or other animals; or

(d) Intended for use as a component of any article specified in paragraph (a), paragraph (b), or paragraph (c), but does not include devices or their components, parts, or accessories.

(14) "Labeling" means all labels and other written, printed, or graphic matters:

(a) Upon an article, agent, or product, or substance, or any of its containers or wrappers; or

(b) Accompanying or related to such article, agent, or product, or substance thereof or under such conditions of use as are customary or usual.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 2, after the semicolon (;) insert: amending definitions in s. 499.003, F.S., to conform to certain definitions in chapter 501, F.S.;

Amendment 3—On page 4, strike line 29 and insert: shall initiate and coordinate seizure actions under s. 499.062 necessary to safeguard

On motion by Senator Johnson, by two-thirds vote CS for SB 8 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Johnson	Ros-Lehtinen
Barron	Girardeau	Kirkpatrick	Scott
Beard	Gordon	Langley	Stuart
Brown	Grant	Lehtinen	Thomas
Childers, D.	Grizzle	Malchon	Thurman
Childers, W. D.	Hair	Margolis	Weinstein
Crawford	Hill	McPherson	Weinstock
Crenshaw	Hollingsworth	Meek	Woodson
Deratany	Jenne	Myers	
Dudley	Jennings	Plummer	

Nays—None

SB 614—A bill to be entitled An act relating to bail bondsmen and runners; amending s. 51, ch. 84-103, Laws of Florida; postponing the date for Sunset review of ch. 648, F.S., relating to bail bondsmen and runners; providing an effective date.

—was read the second time by title. On motion by Senator Lehtinen, by two-thirds vote SB 614 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thurman
Childers, W. D.	Hair	Malchon	Weinstein
Crawford	Hill	Margolis	Weinstock
Crenshaw	Hollingsworth	McPherson	Woodson
Deratany	Jenne	Meek	
Dudley	Jennings	Myers	

Nays—None

SB 820—A bill to be entitled An act relating to insurance; amending ss. 624.482, 624.488, F.S.; expanding provisions relating to the making and use of rates to cover commercial self-insurance funds which write workers' compensation and employer's liability insurance; amending s. 627.041, F.S.; defining the term "insurer"; amending s. 627.091, F.S.; revising certain time periods for notification with respect to rating organizations with responsibility for workers' compensation and employer's liability insurance rates; amending s. 627.096, F.S.; providing a technical change; amending s. 627.211, F.S.; modifying the type of notice the department is to give when a deviation is approved or disapproved; amending s. 627.215, F.S.; modifying the reporting period to better identify excess profits; amending s. 627.4133, F.S.; providing the guidelines for the notice of renewal or nonrenewal for workers' compensation and employer's liability insurance; reviving and readopting ss. 627.091, 627.092, 627.093, 627.096, 627.101, 627.111, 627.141, 627.151, 627.171, 627.191, 627.211, 627.215, 627.281, 627.291, F.S., notwithstanding repeals scheduled pursuant to the Regulatory Sunset Act; providing for repeal and review; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 820 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Kirkpatrick	Ros-Lehtinen
Barron	Girardeau	Kiser	Scott
Beard	Gordon	Langley	Stuart
Brown	Grant	Lehtinen	Thomas
Childers, D.	Grizzle	Malchon	Thurman
Childers, W. D.	Hair	Margolis	Weinstein
Crawford	Hollingsworth	McPherson	Weinstock
Crenshaw	Jenne	Myers	Woodson
Deratany	Jennings	Peterson	
Dudley	Johnson	Plummer	

Nays—None

CS for SB 1080—A bill to be entitled An act relating to captive insurers; transferring, renumbering, and amending s. 628.035, F.S.; defining a "captive insurer"; creating s. 628.903, F.S.; defining an "industrial insured captive insurer"; transferring, renumbering, and amending s.

628.601, F.S.; limiting when a captive insurer may apply for a license; specifying risks that an industrial insured captive insurer may insure; providing that such insurer need not be incorporated in this state; authorizing industrial insured captive insurers to provide workers' compensation and employer's liability insurance under certain circumstances; transferring, renumbering, and amending s. 628.607, F.S.; providing that industrial insured captive insurers are subject to certain provisions of the Florida Insurance Code and exempt from certain other provisions; transferring, renumbering, and amending s. 628.613, F.S.; excluding certain captive insurers from joining any joint underwriting association or guaranty fund; transferring and renumbering ss. 628.605, 628.609, 628.611, 628.617, F.S.; designating ss. 628.901, 628.903, 628.905, 628.907, 628.909, 628.911, 628.913, 628.915, 628.917, F.S., as part III of chapter 628, F.S., entitled "Captive Insurers"; providing for future repeal and legislative review; providing an effective date.

—was read the second time by title. On motion by Senator Lehtinen, by two-thirds vote CS for SB 1080 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crawford	Hill	Margolis	Weinstein
Crenshaw	Hollingsworth	McPherson	Weinstock
Deratany	Jenne	Meek	Woodson
Dudley	Jennings	Myers	

Nays—None

CS for SB 1130—A bill to be entitled An act relating to insurance; amending s. 629.401, F.S.; expanding the applicability of the surplus lines law to direct Florida risks underwritten by the exchange; revising the composition of the board of governors; providing for the elimination of reinsurance risk for guaranty fund coverage and mandating effective dates; restricting the exposure of the security fund; clarifying the department's investigatory powers regarding changes in directors or principal officers of an underwriting member; expanding the financial reporting requirements for underwriting members; providing capitalization requirements for new underwriting members; providing increased capitalization requirements and a transition schedule for existing underwriting members; deleting provisions for a pooled underwriting member; reducing the ratio of net premiums written to policyholder surplus; establishing a ratio of gross premiums written to policyholder surplus; allowing the use of projections in calculating the ratios of gross and net premiums written to policyholder surplus; eliminating the exclusions of certain lines of insurance from the calculation of the ratios; clarifying the loss reserve requirement for underwriting members; limiting the amount and method of distribution of profits; expanding the grounds for liquidation, rehabilitation, and restrictions; deleting redundant language; expanding the department's regulatory authority regarding tender and exchange offers; providing investment restrictions regarding underwriting members and brokers; providing a transition schedule; defining the term "underwriting manager"; providing a restriction on investment in an underwriting manager by a broker member or affiliated person; providing a restriction on investment in a broker member by an underwriting manager or affiliated person; prohibiting reinsurance between an underwriting member and affiliate or controlling company; amending s. 625.305, F.S.; limiting insurers' investment in certain bonds or other debt obligations; providing definitions; requiring certain recordkeeping by insurers; providing guidelines for insurers with noninvestment grade bonds or other debt obligations; providing an effective date.

—was read the second time by title.

Senator Thomas offered the following amendments which were moved by Senator Jennings and adopted:

Amendment 1—On page 5, line 26, through page 7, line 22, strike all of said lines and insert:

2. *With respect to contracts of insurance written or renewed on or after the effective date of this act:*

a. The security fund shall pay that amount of each covered claim which is determined to be payable in accordance with the constitution and bylaws and is in excess of \$100 and less than \$300,000, except that the fund shall not be obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent underwriting member under the policy from which the claim arises.

b. The security fund shall have no obligation and shall make no payment of any obligation arising under any such contract or with respect to any contract of reinsurance written or renewed on or after the effective date of this act to the extent the payment or payments exceed, either individually or in the aggregate, 10 percent of the insolvent underwriting member's surplus as to policyholders as reflected on the most recent sworn annual statement of the insolvent underwriting member filed with the department prior to issuance of such contract.

c. For the purposes of this subparagraph 2., each reinsurance treaty and each contract of insurance inuring to the benefit of multiple parties shall constitute only one contract and covered claims includes unpaid claims, including claims of unearned premiums, which arise out of and are within the coverage and are not in excess of the applicable limits of an insurance policy issued by an insolvent underwriting member through the facilities of the exchange.

Amendment 2—In title, on page 1, lines 7-8, strike "the elimination of reinsurance risk for guaranty" and insert: restrictions on security

On motion by Senator Jennings, by two-thirds vote CS for SB 1130 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Kirkpatrick	Ros-Lehtinen
Barron	Girardeau	Kiser	Scott
Beard	Grant	Langley	Stuart
Brown	Grizzle	Lehtinen	Thomas
Childers, D.	Hair	Malchon	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crawford	Hollingsworth	Meek	Weinstock
Crenshaw	Jenne	Myers	Woodson
Deratany	Jennings	Peterson	
Dudley	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Gordon

CS for SB 906—A bill to be entitled An act relating to insurance; amending s. 631.011, F.S.; defining the term "affiliate"; amending s. 631.263, F.S.; providing conforming cross-reference; amending s. 631.361, F.S.; deleting a time limit on the duration of certain ex parte orders in delinquency proceedings against insurers; amending s. 631.52, F.S.; providing exceptions to the scope of part II of ch. 631, F.S.; amending s. 631.57, F.S.; increasing assessments levied against any insurer; creating s. 631.71, F.S.; providing for certain premium or income tax credits for assessments paid by member insurers; amending s. 631.713; providing when coverage will apply to certain insurance policies; amending s. 651.071, F.S.; conforming cross-reference; repealing s. 631.575, F.S., relating to assessments against domestic insurers and income tax credits for assessments; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote CS for SB 906 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Crenshaw	Grant	Jennings
Barron	Deratany	Grizzle	Johnson
Beard	Dudley	Hair	Kirkpatrick
Childers, D.	Frank	Hill	Kiser
Childers, W. D.	Girardeau	Hollingsworth	Langley
Crawford	Gordon	Jenne	Lehtinen

Malchon	Myers	Thomas	Woodson
Margolis	Peterson	Thurman	
McPherson	Ros-Lehtinen	Weinstein	
Meek	Scott	Weinstock	

Nays—None

CS for SB 908—A bill to be entitled An act relating to insurance fraud; amending s. 626.989, F.S., defining the term "fraudulent insurance act"; providing that persons who furnish certain information to the Division of Insurance Fraud are protected from civil liability; providing the Commissioner of Insurance and employees of the Department of Insurance with protection from civil liability for certain official activities; providing for information or reports to the division of suspected fraudulent insurance acts; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote CS for SB 908 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Kirkpatrick	Plummer
Barron	Girardeau	Kiser	Scott
Beard	Gordon	Langley	Stuart
Brown	Grant	Lehtinen	Thurman
Childers, D.	Grizzle	Malchon	Weinstein
Childers, W. D.	Hair	Margolis	Weinstock
Crawford	Hollingsworth	McPherson	Woodson
Crenshaw	Jenne	Meek	
Deratany	Jennings	Myers	
Dudley	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Ros-Lehtinen

On motions by Senator Beard, by two-thirds vote HB 493 was withdrawn from the Committees on Agriculture and Governmental Operations.

On motion by Senator Beard—

HB 493—A bill to be entitled An act relating to milk and milk products; amending s. 502.222, F.S.; providing for the confidentiality of information relating to trade secrets; providing duties of the Department of Agriculture and Consumer Services; providing an effective date.

—a companion measure, was substituted for SB 696 and read the second time by title. On motion by Senator Beard, by two-thirds vote HB 493 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Lehtinen	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	

Nays—None

SB 696 was laid on the table.

CS for SB's 1096, 963 and 654—A bill to be entitled An act relating to civil liability; amending s. 607.014, F.S.; authorizing corporations to indemnify directors, officers, employees, agents, and volunteers against liability and related expenses; providing for a procedure to pay such expenses; providing limitations on such indemnity; amending s. 617.028, F.S.; providing civil immunity to such persons associated with corporations not for profit; providing limitations on such immunity; providing for the approval and authorization of certain transactions negotiated by such persons; creating s. 607.1645, F.S.; providing officers, directors, and volunteers of a corporation immunity from civil liability; providing limitations; creating s. 607.165, F.S.; providing for the approval

and authorization of certain transactions negotiated by an officer or director, the board of directors, or shareholders of a corporation; providing directors, officers, committee members, chief operating officers, executive officers and volunteers, of credit unions immunity from civil liability; providing limitations; providing trustees, officers, or volunteers of a self-insurance trust fund immunity from civil liability; providing limitations; providing trustees, directors, officers, members, or volunteers of a nonprofit organization immunity from civil liability; providing limitations; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendments which were adopted:

Amendment 1—On page 10, strike all of lines 12-16 and insert: 607.165 apply to corporations not for profit or rural electric cooperatives organized under chapter 425. Any reference to “directors” in those sections that section includes the directors, managers, or trustees of a corporation not for profit, including rural electric cooperatives organized under chapter 425. Any reference to “shareholders” in those sections includes members of a corporation not for profit or a rural electric cooperative organized under chapter 425.

Amendment 2—On page 12, between lines 14 and 15, insert:

(3) Notwithstanding subsection (1), nothing in this section shall affect or modify the liability of such persons for acts or omissions arising out of the operation of a motor vehicle.

Amendment 3—On page 15, between lines 22 and 23, insert:

(3) Notwithstanding subsection (1), nothing in this section shall affect or modify the liability of such persons for acts or omissions arising out of the operation of a motor vehicle.

Amendment 4—On page 17, between lines 4 and 5, insert:

(3) Notwithstanding subsection (1), nothing in this section shall affect or modify the liability of such persons for acts or omissions arising out of the operation of a motor vehicle.

Amendment 5—On page 18, between lines 24 and 25, insert:

(3) Notwithstanding subsection (1), nothing in this section shall affect or modify the liability of such persons for acts or omissions arising out of the operation of a motor vehicle.

Amendment 6—On page 10, strike all of lines 23 and 24 and insert: any other person for any action taken in his official capacity as a director or officer or in the performance of his officially designated duties as a volunteer, or any failure to take such action, unless the

Amendment 7—On page 12, strike all of lines 23-29 and renumber subsequent paragraphs.

Amendment 8—On page 13, line 19, strike “or a committee thereof”

Amendment 9—On page 13, line 31, strike “chapter 657, Florida Statutes” and insert: state or federal law

Amendment 10—On page 14, strike all of lines 2-4 and insert: its members, and any other persons for any action taken in his official capacity as a director, officer, chief operating officer, committee member, or executive officer, or in the performance of his officially designated duties as a volunteer, or any failure to take such

Amendment 11—On page 15, strike all of lines 28 and 29 and insert: any action taken in his official capacity as a trustee or officer or in the performance of his officially designated duties as a volunteer, or any failure to take such action, unless the person asserting

Amendment 12—On page 17, strike all of lines 8 and 9 and insert: in his official capacity as a director, officer, trustee, or member, or in the performance of his officially designated duties as a volunteer, or any failure to take such action, unless the person asserting

Amendment 13—On page 18, line 26, before the period (.) insert: and shall apply to all causes of action accruing on or after the effective date of this act. Nothing in this act shall affect the validity of any bylaw, agreement, vote of shareholders or disinterested directors, or otherwise pursuant to s. 607.014, F.S., before the effective date of this act.

Amendment 14—In title, on page 1, line 10, before the semicolon (;) insert: and rural electric cooperatives

On motion by Senator Jennings, by two-thirds vote CS for SB’s 1096, 963 and 654 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Girardeau	Kirkpatrick	Ros-Lehtinen
Barron	Gordon	Kiser	Scott
Beard	Grant	Langley	Stuart
Brown	Grizzle	Lehtinen	Thomas
Childers, D.	Hair	Malchon	Thurman
Childers, W. D.	Hill	Margolis	Weinstein
Crawford	Hollingsworth	Meek	Weinstock
Crenshaw	Jenne	Myers	Woodson
Deratany	Jennings	Peterson	
Dudley	Johnson	Plummer	

Nays—1

Frank

Vote after roll call:

Yea—McPherson

Motion

On motion by Senator Barron, the rules were waived and time of adjournment was extended until final action on CS for SB 720 and Motions Relating to Committee Reference.

CS for SB 720—A bill to be entitled An act relating to the misuse of funds paid for contracting services; creating s. 713.345, F.S.; providing first-degree misdemeanor penalties for misuse of funds received on account of improving real property; amending s. 713.34, F.S.; deleting provisions which make misapplication of such funds embezzlement; amending s. 489.129, F.S.; listing circumstances which constitute financial mismanagement or misconduct by a contractor; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 2, lines 5-31, and on page 3, lines 1-27, strike all of said lines and insert:

Section 2. Subsection (5) of section 713.02, Florida Statutes, is amended to read:

713.02 Types of lienors and exemptions.—

(5) Any improvement for which the *direct* contract price is \$2,500 or less shall be exempt from all other provisions of this part I except the provisions of s. 713.05.

Section 3. Subsection (2) of section 713.06, Florida Statutes, is amended to read:

713.06 Liens of persons not in privity; proper payments.—

(2)(a) All lienors under this section, except laborers, as a prerequisite to perfecting a lien under this chapter and recording a claim of lien, shall be required to serve a notice on the owner setting forth the lienor’s name and address, a description sufficient for identification of the real property, and the nature of the services or materials furnished or to be furnished. A sub-subcontractor or a materialman to a subcontractor shall serve a copy of the notice on the contractor as a prerequisite to perfecting a lien under this chapter and recording a claim of lien. A materialman to a sub-subcontractor shall serve a copy of the notice to owner on the contractor and subcontractor of the sub-subcontractor as a prerequisite to perfecting a lien under this chapter and recording a claim of lien. The notice must be served before commencing, or not later than 45 days from commencing, to furnish his services or materials, but, in any event, before the date of the owner’s disbursement of the final payment after the contractor has furnished the affidavit under subparagraph (3)(d)1. or abandonment, whichever shall occur first. The notice must be served regardless of the method of payments by the owner, whether proper or improper, and shall not give to the lienor serving the notice any priority over other lienors in the same category; and the failure to serve the

notice, or to timely serve it, shall be a complete defense to enforcement of a lien by any person. The serving of the notice shall not dispense with recording the claim of lien. The notice shall not be a lien, cloud, or encumbrance on the real property nor actual or constructive notice of any of them.

(b) If the owner, in his notice of commencement, shall have designated a person in addition to himself to receive a copy of such lienor's notice, as provided in s. 713.13(1)(g), the lienor shall mail a copy of his notice to the person so designated. Failure by the lienor to mail such copy, however, shall not invalidate an otherwise valid lien.

(c) The notice may be in substantially the following form:

NOTICE TO OWNER

To . . . (Owner's name and address) . . .

The undersigned hereby informs you that he has furnished or is furnishing services or materials as follows:

. . . (General description of services or materials) . . . for the improvement of the real property identified as . . . (property description) . . . under an order given by.

Florida law prescribes the serving of this notice and restricts your right to make payments under your contract in accordance with s. 713.06, Florida Statutes.

Copies to: . . . (Lienor's signature and address) . . .

(d) If a lienor has substantially complied with the provisions of paragraphs (a), (b), and (c), any errors or omissions shall not prevent the enforcement of a claim against a person who has not been adversely affected by such omission or error.

Section 4. Paragraph (d) of subsection (1) of section 713.135, Florida Statutes, 1986 Supplement, is amended to read:

713.135 Notice of commencement and applicability of mechanic's lien.—

(1) When any person applies for a building permit, the authority issuing such permit shall:

(d) When required to do so by ordinance or resolution of the governing body, furnish to the applicant two or more copies of a form of notice of commencement conforming with the provisions of s. 713.13, together with a concise printed statement explaining the provisions of the Florida Mechanics' Lien Law, part I of this chapter, relating to the recording and to the posting of copies of notices of commencement and encouraging the owner to record a notice of commencement and post a copy thereof in accordance with the provisions of s. 713.13. A completed copy of the notice of commencement provided by the applicant shall be attached to the building permit at the time the building permit is issued by the issuing authority. Nothing herein shall be interpreted as requiring or encouraging the recording of a notice of commencement prior to the issuance of a building permit.

Section 5. Paragraph (e) of subsection (1), and subsection (3) of section 713.23, Florida Statutes, are amended to read:

713.23 Payment bond.—

(1)

(e) In addition, a lienor shall be required, as a condition precedent to recovery under the bond, to serve a written notice of nonpayment to the contractor and the surety within 90 days of the failure to receive any payment which is then due and owing from the delivery date for any labor, services, or materials. Failure of a lienor to receive retainage sums not in excess of 10 percent of the value of labor, services, and materials furnished by said lienor shall not be considered a nonpayment requiring the service of the notice provided under this paragraph. ~~any lienor who is not in privity with the contractor and who has not received payment shall serve the contractor with written notice of the performance of the labor or delivery of materials and supplies and the nonpayment therefor within 90 days after performance of the labor or complete delivery of materials and supplies.~~ The notice under this paragraph may be in substantially the following form:

NOTICE OF NONPAYMENT

To . . . (name of contractor and address) . . .

. . . (name of surety and address) . . .

The undersigned notifies you that he has furnished . . . (describe labor, services, or materials) . . . for the improvement of the real property identified as . . . (property description) . . . owned by . . . (owner's name and address) . . . under order given by The last of the labor, services, or materials was furnished on, 19. The amount now due and unpaid is \$.

. . . (Signature and address of lienor) . . .

(3)(a) A payment bond in substantially the following form shall be sufficient:

PAYMENT BOND

BY THIS BOND We,, as Principal, and, a corporation, as Surety, are bound to, herein called Owner, in the sum of \$. for the payment of which we bind ourselves, our heirs, personal representatives, successors and assigns, jointly and severally.

THE CONDITION OF THIS BOND is that if Principal:

1. Promptly makes payments to all lienors supplying labor, material, and supplies used directly or indirectly by Principal in the prosecution of the work provided in the contract dated, 19., between Principal and Owner for construction of, the contract being made a part of this bond by reference; and

2. Pays Owner all loss, damage, expenses, costs, and attorney's fees, including appellate proceedings, that Owner sustains because of default by Principal under paragraph 1. of this bond;

then this bond is void; otherwise, it remains in full force.

Any changes in or under the contract documents and compliance or noncompliance with formalities connected with the contract or with the changes do not affect Surety's obligation under this bond.

DATED on, 19.

. . . (Principal) . . . (SEAL)

. . . (Surety's name) . . .

By
As Attorney-in-Fact

(b) A copy of a recorded payment bond under this section, certified by the clerk, shall be posted by the owner of the real property at the site of the construction or improvement before commencement of the construction or improvement. A certified copy of all payment bonds under this section shall be recorded by the surety in the county wherein the construction or improvement to real property is to take place within 45 days of the date of issuance of the bond. Failure to record the bond voids the exemptions from mechanics' liens under part I of this chapter.

Section 6. Subsections (1) and (3) of section 713.24, Florida Statutes, are amended to read:

713.24 Transfer of liens to security.—

(1) Any lien claimed under part I may be transferred, by any person having an interest in the real property upon which the lien is imposed or the contract under which the lien is claimed, from such real property to other security by either:

(a) Depositing in the clerk's office a sum of money, or

(b) Filing in the clerk's office a bond executed as surety by a surety insurer licensed to do business in this state,

either to be in an amount equal to the amount demanded in such claim of lien, plus interest thereon at the legal rate 6 percent per year for 3 years, plus \$500 \$100 to apply on any court costs which may be taxed in any proceeding to enforce said lien. Such deposit or bond shall be conditioned to pay any judgment or decree which may be rendered for the satisfaction of the lien for which such claim of lien was recorded, and costs not to exceed \$100. Upon making such deposit or filing such bond, the clerk shall make and record a certificate showing the transfer of the lien from the real property to the security and mail a copy thereof by registered or certified mail to the lienor named in the claim of lien so transferred, at the address stated therein. Upon filing the certificate of trans-

fer, the real property shall thereupon be released from the lien claimed, and such lien shall be transferred to said security. The clerk shall be entitled to a fee for making and serving the certificate, in the sum of \$10. If the transaction involves the transfer of multiple liens, an additional charge of \$5 for each additional lien shall be charged. For recording the certificate and approving the bond, the clerk shall receive his usual statutory service charges as prescribed in s. 28.24. Any number of liens may be transferred to one such security.

(3) Any party having an interest in such security or the property from which the lien was transferred may at any time, and any number of times, file a complaint in chancery in the circuit court of the county where such security is deposited or file a motion in a pending action to enforce a lien for an order to require additional security, reduction of security, change or substitution of sureties, payment of discharge thereof or any other matter affecting said security.

Section 7. Section 713.34, Florida Statutes, is amended to read:

713.34 Misapplication of funds shall constitute embezzlement.—

(1) For the purpose of this section the net proceeds of a loan shall be deemed to be the amount remaining after deducting from the principal amount of the loan:

(a) Fees and charges legally incident to the procuring of the loan;

(b) The amount required to satisfy prior encumbrances against the real property which is security for such loan and the fees and charges legally incident thereto, if such encumbrances are paid or to be paid with the consent of the lender, from the proceeds of the loan; and

(c) The amount of fees and charges for professional services for which liens are not provided by this part I and which are bona fide rendered in connection with the improving of the real property.

(2) Any person, firm, corporation or agent, officer or employee thereof who procures a loan secured by mortgage or other encumbrance on real property, representing that the net proceeds thereof are to be used for the purpose of improving such real property and who, with intent to defraud, shall use the net proceeds, as defined in subsection (1), or any part thereof for any other purpose than to pay for labor or services performed on, or material furnished for, this specific improvement, while any amount for which he may be or become liable for such labor, services, or materials remains unpaid or while any amount of which he has received notice of nonpayment prescribed by this part I remains unpaid, shall be guilty of embezzlement and shall be prosecuted and, upon conviction, punished in accordance with the provisions of the laws of this state; provided, however, that a person's intent to defraud may be presumed upon his failure to pay for such labor, services or materials furnished for this specific improvement after receipt of such loan shall constitute prima facie evidence of intent to defraud.

~~(3) Any person, firm, corporation or agent, officer or employee thereof who, with intent to defraud, shall use the proceeds of any payment made to him on account of improving certain real property, for any other purpose than to pay for labor or services performed on or materials furnished for this specific improvement, while any amount for which he may be or become liable for such labor, services, or materials remains unpaid shall be guilty of embezzlement and shall be prosecuted and, upon conviction, punished in accordance with the provisions of the laws of this state; provided, however, that failure to pay for such labor, services or materials furnished for this specific improvement after receipt of such proceeds shall constitute prima facie evidence of intent to defraud.~~

(3)(4) Subsection The provisions of subsections (2) does and (3) shall not apply to mortgage bankers or their agents, servants or employees for their acts in the usual course of the business of lending or disbursing mortgage funds.

Section 8. Section 713.347, Florida Statutes, is created to read:

713.347 Funds to be held in trust.—Any contractor, subcontractor, or sub-subcontractor, who receives funds which are owed by that person directly to a subcontractor, sub-subcontractor, materialman, or other lienor under this part shall hold such funds in trust for such subcontractor, sub-subcontractor, materialman, or other lienor, and shall not use such funds for any other purpose. This section does not apply when the contractor has a legal or equitable interest in the property which interest is attachable under this chapter.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, strike all of lines 2-12, and insert: An act relating to mechanics' liens and to the misuse of funds paid for contracting services; creating s. 713.345, F.S.; providing first-degree misdemeanor penalties for misuse of funds received on account of improving real property; amending s. 713.02, F.S.; providing an exemption; amending s. 713.06, F.S.; providing for limitation of defense resulting from error or omission relating to notice to owner; amending s. 713.135, F.S.; requiring certain authorities to provide copies of notices of commencement and that such notice be attached to the building permit upon issuance; amending s. 713.23, F.S.; requiring service of notice of nonpayment on contractors and sureties; requiring recordation of payment bonds; amending s. 713.24, F.S.; increasing amount of bond required for the transfer of certain liens and setting interest at the legal rate; providing for the filing of a motion in a pending action to enforce a lien to obtain an order affecting security; amending s. 713.34, F.S.; deleting provisions which make misapplication of funds embezzlement; providing for inference of intent to defraud in certain cases; creating s. 713.347, F.S.; providing that funds owed to lienors under the mechanics' lien laws are held in trust; amending s. 489.129, F.S.; listing circumstances which constitute financial mismanagement or misconduct by a contractor; providing an effective date.

On motion by Senator Thurman, by two-thirds vote CS for SB 720 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Kiser, by two-thirds vote SB 1170 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Margolis, by two-thirds vote SB 815 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Plummer, by two-thirds vote SB 897 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Hollingsworth, by two-thirds vote CS for SB 1075 was withdrawn from the Committee on Agriculture.

On motions by Senator Scott, by two-thirds vote CS for SB 124 and CS for SB 142 were withdrawn from the Committee on Appropriations.

On motions by Senator Deratany, by two-thirds vote CS for SB 1195, CS for SB 400 and CS for SB 600 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Deratany, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider CS for SB's 693 and 561; CS for SB's 1098 and 296; SB 916 and CS for SB 365 at the meeting May 14.

On motions by Senator Lehtinen, by two-thirds vote SJR 451 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Jennings, by two-thirds vote CS for HB 124 was withdrawn from the Committee on Commerce.

On motion by Senator Gordon, by two-thirds vote SB 163 was removed from the calendar and indefinitely postponed.

Senator Myers moved that the rules be waived and the following bill be introduced notwithstanding the fact that the final day had passed for introduction of bills:

A bill to be entitled An act relating to Florida Atlantic University West Palm Beach Center

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

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 12 was corrected and approved.

RECESS

Senator Barron moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Tuesday, May 19 at 10:00 a.m. The motion was adopted.

Pursuant to the motion by Senator Barron, the Senate recessed at 12:12 p.m. to reconvene at 10:00 a.m., Tuesday, May 19.