



Journal of the Senate

Number 16

Wednesday, May 27, 1987

CALL TO ORDER

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

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kiser	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	Peterson	

Excused: Senator Kirkpatrick until 3:20 p.m.; Senator Ros-Lehtinen

PRAYER

The following prayer was offered by the Rev. John Boone, Pastor, Lakeview Baptist Church, Tallahassee:

"That first of all, supplications, prayers, intercessions and giving of thanks, be made for all men, for kings, and for all that are in authority, that we may lead a quiet and peaceful life, in all godliness and honesty." (I Timothy 2:1-3)

Our Father in Heaven, I pray for the members of this body and their many responsibilities. May this Senate take the opportunity to do what is right and not especially popular or profitable. Help this body to be an example of honest dealings, straight talk and faith in God.

Make us mindful that we are heirs of a great heritage and trustees of a priceless responsibility. Cause us to be strong in conviction with insight to stand for what is just and good.

Father, never let us forget the price that was paid for our freedom and never let us refuse to count the cost to preserve that freedom. May this body recognize that all authority comes from you and that you have entrusted to them the responsibility of good government.

In the name of the Lord Jesus Christ, I pray. Amen.

Consideration of Resolutions

On motion by Senator Peterson, by two-thirds vote SR 1254 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Peterson—

SR 1254—A resolution commending Mr. C. W. Monts De Oca for his 38 years of service with the Department of Transportation.

WHEREAS, Mr. C. W. Monts De Oca entered the Army in July 1943, and progressed to the rank of platoon sergeant for an infantry rifle company in the Philippines and Japan, and

WHEREAS, soon after his honorable discharge from the United States Army in 1946, Mr. C. W. Monts De Oca began working with the State Road Department, now the Department of Transportation, as a draftsman in the Bartow district office, and

WHEREAS, Mr. Monts De Oca progressively undertook studies that enhanced his job performance, including a 1948 highway engineering course at the University of Florida, for which he qualified by competitive examination; a 1950-1951 highway engineering I.C.S. course; and, beginning in 1953, a 3-year inservice training program, the first offered by the department, which included materials testing, design, construction, maintenance, location, and drainage, and

WHEREAS, in 1957, Mr. Monts De Oca was appointed District Senior Designer and was placed in charge of all consultant design work for the 14-county district, and

WHEREAS, in 1960, he was appointed Resident Engineer in charge of construction in Pinellas, Hillsborough, and Pasco Counties, and

WHEREAS, in November 1962, he passed the Florida State Board of Engineers' Examination for Professional Civil Engineer and was appointed Assistant District Engineer in charge of construction for all 14 counties of the district, and

WHEREAS, in 1964, he was appointed Deputy District Engineer, and

WHEREAS, in 1966, Mr. Monts De Oca was appointed District Engineer, a position which he has held for 20 years of his 38 years of service with the department, and

WHEREAS, Mr. Monts De Oca's family was among the original settlers of this state, and

WHEREAS, he and his wife, Doris, continue to live in Lakeland, where he attended school and lettered in football, baseball, and track, and

WHEREAS, his lifelong devotion to this state and the development of its roadways and his exemplary performance of his duties are outstanding and have earned him great respect, NOW, THEREFORE,

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

That Mr. C. W. Monts De Oca is commended for devoting 38 years of his life to outstanding service with the Department of Transportation, where he rose to the rank of District Engineer.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Mr. C. W. Monts De Oca as a tangible token of the sentiments of the Florida Senate.

—was read the second time in full and unanimously adopted.

The President requested Senator Peterson to escort Mr. Monts De Oca to the rostrum where he was presented a copy of the resolution.

On motion by Senator Weinstock, by two-thirds vote SR 1311 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Weinstock—

SR 1311—A resolution commending Patrick F. Ross, designee of the "Law Enforcement Officer of the Year" award from the Florida Citizens Against Crime, Inc.

WHEREAS, Patrick F. Ross, an officer of the West Palm Beach Police Department, has upheld the ideal of justice and the highest level of professionalism in serving the citizens of West Palm Beach and the state, and

WHEREAS, Officer Patrick F. Ross was awarded the West Palm Beach Department Meritorious Duty Award for diverting gunfire toward himself and away from civilians until a suspect was subdued, and

WHEREAS, Officer Patrick F. Ross was awarded the West Palm Beach Police Department Exceptional Merit Award for entering a burning apartment building to assist in the rescue of a second-floor occupant, and

WHEREAS, Officer Patrick F. Ross entered a gun battle between rival drug factions to rescue a wounded child, and

WHEREAS, Florida Citizens Against Crime, Inc., an organization that promotes positive relations between the public and law enforcement agencies, has proclaimed Officer Patrick F. Ross as "Law Enforcement Officer of the Year" for 1987 for contributions to law enforcement above and beyond the call of duty, NOW, THEREFORE,

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

That Officer Patrick F. Ross is hereby commended for his exemplary service and effort in protecting and serving the citizens of West Palm Beach and the state and for his earning the designation "Law Enforcement Officer of the Year" from the Florida Citizens Against Crime, Inc.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Officer Ross as a tangible token of the respect and admiration of the Senate.

—was read the second time in full and unanimously adopted.

On motion by Senator Stuart, by two-thirds vote SR 1314 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Stuart—

SR 1314—A resolution commending the United Way.

WHEREAS, since earliest times it has been the American tradition to join together to help each other and to strengthen our communities, and

WHEREAS, our deep-rooted spirit of caring, of neighbor helping neighbor, has become an American trademark and way of life, and

WHEREAS, over the years, our generous and inventive people have created an ingenious network of voluntary organizations to give help when and where help is needed, and

WHEREAS, United Way gives that help and has truly exemplified the true spirit of voluntarism since the first communitywide fund raising campaign in Denver, Colorado, in 1887, and

WHEREAS, in 1987, more than 2,200 local United Ways across the land raise funds for more than 37,000 voluntary groups that assist millions of people, and

WHEREAS, last year, 41 local Florida United Ways raised more than \$78 million to support the human service programs of some 700 member agencies throughout Florida, and

WHEREAS, the United Way of caring allows volunteers from all walks of life to effectively meet critical needs and solve community problems, and

WHEREAS, it is most fitting that the State of Florida recognize and commend all of the good that United Way has done and continues to do, NOW, THEREFORE,

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

That the United Way is hereby commended for its 100 years of service dedicated to the American public and for continuing the spirit of voluntary effort to raise money for critical needs and community problems across our nation.

—was read the second time in full and unanimously adopted.

On motion by Senator Grant, by unanimous consent—

By Senator Grant—

SR 1357—A resolution proclaiming May 27, 1987, as "Jerusalem Day."

WHEREAS, Israel and other countries have designated May 27, 1987, as the date of the 20th anniversary of the historic reunification of the City of Jerusalem, and

WHEREAS, this occasion is a reminder of the unique significance of Jerusalem to the history, culture, and religion of the Jewish people, as well as its religious significance to Christians and the followers of Islam, and

WHEREAS, the survival of the Jewish people through two millennia of dispersion and persecution was inextricably linked to the memory of Jerusalem and to the determination to return to Jerusalem, a continuity of faith and nation unprecedented in world history, and

WHEREAS, due to the reunification of Jerusalem, a city where different religious and ethnic and social groups live and work side by side, the holy places of all religions with an interest in the city function freely under their own autonomous control, and

WHEREAS, since reunification, substantial improvements in municipal services have been made, including improvements in transportation, electrical services, health care, education, and cultural events, and Jerusalem has again become the seat of Israel's democratic government and of Israel's leading academic, cultural, and religious institutions, and

WHEREAS, the reunification of Jerusalem has made possible extensive archeological exploration within the city that has revealed Jerusalem's glorious past and has advanced the world's knowledge of ancient Jerusalem and of the cultural heritage of the Jews, Christians, and Muslims, and

WHEREAS, the observance of the 20th anniversary of the reunification of the City of Jerusalem provides an opportunity for all to reflect upon the values that the united, peaceful city represents, preserves, and enhances, NOW, THEREFORE,

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

That May 27, 1987 is hereby proclaimed to be "Jerusalem Day" and that the Florida Senate joins the world in celebrating the 20th anniversary of the reunification of the City of Jerusalem.

—was introduced out of order and read the first time by title. On motion by Senator Grant, SR 1357 was read the second time in full and unanimously adopted.

On motion by Senator Gordon, by two-thirds vote SR 1354 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Gordon—

SR 1354—A resolution declaring May 27, 1987, Senior Citizens' Day.

WHEREAS, senior citizens have for many years contributed to the moral, economic, and social well-being of the country and the State of Florida, and

WHEREAS, senior citizens have worked long and hard to build our country, to realize their dreams, and to give their children and their children's children a better world in which to live, and

WHEREAS, the contributions of senior citizens have resulted in the growth and prosperity of our society, at both the state and national levels, and

WHEREAS, traditionally, communities, organizations, and civic groups have recognized May as Senior Citizens' Month, NOW, THEREFORE,

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

That May 27, 1987, is hereby declared to be Senior Citizens' Day in honor of those citizens who have succeeded in giving us a better world in which to live.

—was read the second time in full and unanimously adopted.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 27, 1987: CS for CS for SB's 484, 498 and 247, CS for SB 1161, SB 465, SB 666, CS for SB 1193, CS for SB 1145, CS for SB 1075, SB 710, CS for SB 494, CS for SB 564, SB 645, SB 841, SB 360, SB 1173, HB 369, CS for SB 1134, CS for SB 903, CS for SB 754, SB 75, SB 295, CS for SB 323, SB 543

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Economic, Community and Consumer Affairs recommends the following pass: HB 1390 with 7 amendments

The Committee on Education recommends the following pass: SB 884, SB 1151

The Committee on Finance, Taxation and Claims recommends the following pass: CS for SB 110, CS for SB 120 with 1 amendment, CS for SB's 149, 150, 248 and 260, CS for SB 230 with 4 amendments, CS for SB 250, SB 347, CS for SB 486 with 2 amendments, CS for SB 559 with 4 amendments, SB 952 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1232 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 460, SB 1212

The Committee on Judiciary-Criminal recommends the following pass: HB 560 with 5 amendments

The Committee on Natural Resources and Conservation recommends the following pass: SB 857 with 2 amendments

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

The Committee on Judiciary-Civil recommends the following pass: CS for HB 236, HB 358 with 2 amendments

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

The Committee on Commerce recommends the following pass: SB 217, SB 642 with 1 amendment, SB 1170 with 3 amendments

The Committee on Natural Resources and Conservation recommends the following pass: SB 1178

The bills contained in the foregoing reports were referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Judiciary-Criminal recommends the following pass: CS for HB 1467 with 2 amendments

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

The Committee on Education recommends the following pass: HB 1324, SB 665

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

The Committee on Judiciary-Civil recommends the following pass: SB 1232 with 2 amendments

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

The Committee on Commerce recommends the following pass: CS for HB 344, SB 1225

The bills were referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Education recommends the following pass: CS for HB 417

The Committee on Judiciary-Civil recommends the following pass: SB 1297

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

The Committee on Commerce recommends the following pass: CS for HB 619

The Committee on Economic, Community and Consumer Affairs recommends the following pass: HB 501 with 2 amendments, SB 1330 with 1 amendment

The Committee on Judiciary-Criminal recommends the following pass: HM 1340

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

The Committee on Natural Resources and Conservation recommends the following pass: SB 649

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

The Committee on Appropriations recommends the following pass: SB 33, SB 58 with 1 amendment, SB 102 with 2 amendments, CS for SB 109, CS for SB 182 with 2 amendments, SB 269 with 1 amendment, SB

272, CS for SB 413, SB 544, CS for SB 663 with 4 amendments, CS for SB's 715, 664 and 850 with 1 amendment, CS for SB 733, CS for SB's 799 and 132 with 1 amendment, CS for SB's 805, 1127 and 751 with 1 amendment, CS for SB 976, CS for SB 982, CS for SB 1247, CS for SB 1256

The Committee on Commerce recommends the following pass: HB 162, CS for HB 703, SB 256 with 2 amendments, SB 425

The Committee on Economic, Community and Consumer Affairs recommends the following pass: HB 830, HB 1063, SB 500, SB 1286

The Committee on Education recommends the following pass: SB 257

The Committee on Finance, Taxation and Claims recommends the following pass: HB 59, SB 337, SB 394, SB 397, SB 730 with 3 amendments, CS for SB 827, SB 1309 with 1 amendment

The Committee on Judiciary-Civil recommends the following pass: HB 549, SB 417, SB 725, SB 781, CS for SB's 942, 945 and 946

The Committee on Judiciary-Criminal recommends the following pass: CS for HB 338, HB 463 with 1 amendment

The Committee on Transportation recommends the following pass: SB 635 with 2 amendments

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

The Special Master on Claims recommends the following not pass: CS for HB 55, SB 85

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

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: Senate Bills 270 and 386

The Committee on Education recommends committee substitutes for the following: CS for SB 875, SB 913

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: CS for SB 540, CS for SB 574, SB 598

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 1174

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

The Committee on Commerce recommends committee substitutes for the following: SB 15, SB 986

The bills with committee substitutes attached were referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends committee substitutes for the following: SB 120, SB 827

The Committee on Education recommends a committee substitute for the following: SB 1282

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 921

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 Commerce recommends a committee substitute for the following: SB 1219

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 546

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

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 399, CS for SB's 484, 498 and 247, SB 1072

The Committee on Commerce recommends a committee substitute for the following: SB 829

The Committee on Economic, Community and Consumer Affairs recommends committee substitutes for the following: SB 956, SB 1274

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 519, CS for SB 572, CS for SB 1081

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

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Kirkpatrick—

SB 1355—A bill to be entitled An act relating to Marion County; providing permanent status for certain employees of the Marion County Sheriff; specifying rights of such employees; providing procedures for appeal of disciplinary actions and complaints against employees of the sheriff; providing for the appointment of boards to hear appeals and procedures with respect thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 1356 was introduced and adopted May 25.

SR 1357 was introduced and adopted this day.

By Senator Kirkpatrick—

SB 1358—A bill to be entitled An act relating to Alachua County; repealing chapter 67-1078, Laws of Florida, as amended, relating to comprehensive planning and comprehensive plan implementation activities in Alachua County; requiring comprehensive planning and land development regulation by Alachua County or by a municipality in the county to be in compliance with general law; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 1359 was introduced and adopted May 25.

By Senator Plummer—

SB 1360—A bill to be entitled An act relating to Monroe County; amending chapter 67-1724, Laws of Florida, as amended, and chapter 73-555, Laws of Florida, as amended; expanding the powers and duties of the governing board of the Lower Florida Keys hospital district; authorizing bond issuance for acquisition and development of real property; deleting requirements that voting at bond elections be limited to freeholders and providing for issuance of bonds upon approval of a majority of the electors voting; deleting the cap on interest for interest-bearing bonds; authorizing the establishment of medical facilities or other health care related facilities in addition to hospitals; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Commerce and Senator Kirkpatrick—

CS for SB 15—A bill to be entitled An act relating to energy conservation standards; creating part VIII of chapter 553, F.S., the Florida Energy Conservation Standards Act; providing powers of the Department of Community Affairs; specifying products covered by the act; providing for such standards and requiring compliance therewith; providing for test methods; providing for exemptions; providing for revision of standards; requiring manufacturers to submit certification statements; providing for enforcement and penalties; requiring reports to the Governor and Legislature by the Public Service Commission; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senators Kirkpatrick, Malchon, Peterson and McPherson—

CS for SB 120—A bill to be entitled An act relating to professional regulation; creating the "Dietitian Certification Act"; providing legislative purpose; providing definitions; providing for certification of dietitians

and public health nutritionists; providing exemptions; providing for the creation, powers, duties, and membership of the Dietetic Council; providing powers and duties of the Board of Medical Examiners with respect to regulating dietitians; providing for the adoption of fees and providing fee caps; specifying requirements for certification; providing for certification by examination; providing for the issuance and display of certificates; providing for certification by endorsement; providing for biennial certificate renewal; providing for inactive status of certificates; providing prohibitions and penalties; providing grounds for disciplinary proceedings; providing for injunctive relief; providing for future review and repeal; creating the "Nutrition Certification Act"; providing definitions; providing for the creation, powers, and membership of the Nutrition Board; specifying requirements for certification; providing for certification by endorsement; providing for issuance and display of certificates; providing for expiration and renewal of certificates; providing grounds for disciplinary action and penalties therefor; providing that it is unlawful to falsely represent certification; providing a penalty; providing for future review and repeal; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senators Stuart and Kirkpatrick—

CS for SB's 270 and 386—A bill to be entitled An act relating to psychological services; amending ss. 490.002, 490.003, 490.004, 490.005, 490.006, 490.007, 490.008, 490.009, 490.0111, 490.012, 490.014, and 490.015, F.S.; removing provisions relating to regulation of clinical social workers, marriage and family therapists, and mental health counselors; modifying provisions relating to psychologists and school psychologists; conforming language; removing obsolete language; modifying provisions relating to definitions, qualifications for licensure, licensure by endorsement, and license renewal; increasing license renewal fee; modifying provisions relating to inactive status, disciplinary actions, violations, and exemptions; creating s. 490.0143, F.S., relating to the practice of sex therapy; creating s. 490.0147, F.S., relating to confidentiality and privileged communications; creating chapter 491, F.S.; providing intent; providing definitions; creating the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling; providing for qualifications and licensure for clinical social workers, marriage and family therapists, and mental health counselors; providing for licensure or certification by endorsement; providing for renewal; providing for inactive status; providing for continuing education and for approval of providers, programs, and courses; providing an application fee; providing disciplinary actions and grounds therefor; prohibiting sexual misconduct; providing violations; providing a penalty; providing for injunction; providing exemptions from the provisions of the chapter; providing for the practice of hypnosis; providing for the practice of sex therapy; providing for certification of certified master social workers; providing an examination fee; providing for confidentiality and privileged communications; providing duties of the Department of Health and Rehabilitative Services; providing for continuation of certain rules, legal and administrative proceedings, and licenses; amending ss. 232.02, 394.455, F.S.; conforming language and cross-references; rescheduling review and repeal of chapter 490, F.S.; providing for review and repeal of chapter 491, F.S.; providing an effective date.

By the Committees on Appropriations; and Personnel, Retirement and Collective Bargaining and Senators W. D. Childers, Margolis, Hollingsworth, Thomas, Meek, Barron, Frank and Stuart—

CS for CS for SB 399—A bill to be entitled An act relating to retired public officers and employees; amending s. 112.0801, F.S.; requiring state agencies to allow retired employees or their dependents to participate in the agency's group insurance programs or self-insurance plans; requiring such retirees or their dependents to be offered the same health insurance coverage that is offered to active employees and at the same cost; requiring commingling of claims experience under certain circumstances; providing an exception; providing for notification; providing a date certain to accept or reject health insurance program participation; creating s. 112.363, F.S.; providing for a monthly health insurance subsidy payment for all persons retired under a state-supported retirement system; providing for eligibility; specifying health insurance subsidy amount; creating the Retiree Health Insurance Subsidy Trust Fund; providing for investment of the trust fund; providing for administration of the health insurance subsidy payments by the Division of Retirement of the Department of Administration; providing an appropriation; providing for administration of the health insurance subsidy payments by the Division of Retirement of the Department of Administration; providing payment of benefits; amending ss. 121.052, 121.055, and 121.071, F.S.; increasing the

employer contributions for members of the Florida Retirement System; amending s. 121.35, F.S.; providing the contribution for the health insurance subsidy shall be paid to the annuity company for members of the optional retirement program for the State University System; providing an effective date.

By the Committees on Appropriations; and Health and Rehabilitative Services and Senators Myers, Ros-Lehtinen, Stuart, Lehtinen, Grant, Woodson, Margolis, Malchon and Hair—

CS for CS for SB's 484, 498 and 247—A bill to be entitled An act relating to indigent health care; amending s. 125.01, F.S.; enabling a county to establish municipal service taxing or benefit units to provide indigent health care services in unincorporated areas; authorizing a county to establish a dependent special district or an independent special district to provide indigent health care services throughout the county; providing for appointment and duties of the governing board of the independent special district; providing authority for the indigent health care board to prepare and adopt a budget; authorizing the levy of ad valorem taxes subject to referendum; limiting the millage rate; providing for expenditure of tax revenues; providing for financial reports; amending s. 154.01, F.S.; allowing county public health units to deliver services directly or to broker services provided by others; requiring a formal request-for-proposal process in selecting counties for primary care programs; limiting start-up costs; authorizing counties to pool resources and jointly provide primary care programs; specifying components of primary care programs; requiring primary care programs to coordinate with the Improved Pregnancy Outcome Program; requiring certain patients be provided with prenatal services; creating s. 154.011, F.S.; requiring each county to establish a primary health care panel; providing for membership of the panel; providing for the development of a plan for the delivery of primary care services through the county public health unit; providing for duties of the panel; amending s. 155.40, F.S.; requiring hospitals which reorganize as not-for-profit corporations to continue to provide indigent care as required by this act; amending s. 395.502, F.S.; modifying definitions used by Hospital Cost Containment Board; amending s. 409.266, F.S.; requiring the purchase of medical services for eligible persons in a specified manner; increasing the Public Medical Assistance Trust Fund contribution for primary care services through county public health units; authorizing disbursement from Public Medical Assistance Trust Fund to hospitals on a pro rata formula basis for uncompensated care; deleting provision authorizing moneys in the Public Medical Assistance Trust Fund to be used to establish primary care programs for certain persons; extending Medicaid services to financially eligible pregnant women, children under age 5, elderly persons, and disabled persons; providing for fee increases to Medicaid noninstitutional providers; directing the Department of Health and Rehabilitative Services to implement procedures for contracting for onsite Medicaid eligibility determinations; requiring a report; requiring the Auditor General to contract for a study of certain aspects of the Medicaid program; providing an appropriation; requiring the Auditor General to conduct a program audit of the Medicaid program and its implementation by the department and issue a report; amending s. 409.2662, F.S.; prescribing purposes for expenditures from the Public Medical Assistance Trust Fund; providing for a one-time disbursement from the fund for uncompensated hospital care; providing for further disbursements for such care under certain circumstances; creating s. 409.2673, F.S.; establishing a shared county and state health care program for low-income persons; providing for eligibility for the program; providing for county and state share of the program funding for counties participating in the program; delineating state and county responsibility should the funds of either be depleted; requiring participating counties to maintain current indigent health care efforts; providing for eligibility determination; specifying conditions for reimbursement to hospitals; providing for participation by special taxing districts or authorities in the funding of the county's financial responsibility for the shared county and state program; providing for development and adoption of rules governing the program; amending s. 395.5094, F.S.; excluding certain funds in calculating the excess over an approved hospital budget; authorizing the establishment of the Florida Small Business Health Access Corporation; providing for the organization and operation of the corporation, including collection of premiums, establishment of benefits, payment of claims; authorizing staff to administer the program; providing that the corporation shall not be licensed by the Department of Insurance; providing for reinsurance; amending s. 395.503, F.S.; increasing the membership of the Hospital Cost Containment Board; providing for the appointment of such additional members; providing for review and repeal of the Medicaid medically needy program; providing an effective date.

By the Committee on Judiciary-Civil and Senator Meek—

CS for SB 519—A bill to be entitled An act relating to civil liability; establishing a defense to civil liability for injuries sustained by criminals during the commission of forcible felonies; providing an effective date.

By the Committees on Finance, Taxation and Claims and Judiciary-Civil—

CS for CS for SB 540—A bill to be entitled An act relating to liability of governmental entities; amending s. 230.23, F.S.; deleting statutory waiver of the defense of governmental immunity due to purchase of insurance; amending s. 768.28, F.S.; authorizing certain governmental entities to settle a claim in excess of liability limits if insurance coverage is obtained; amending s. 240.213, F.S.; deleting references to separate waiver of governmental immunity; prohibiting suit by or against a self-insurance program; providing for payment of claims by the Board of Regents; exempting claims files of such programs from public records requirements; providing for review and repeal; repealing s. 30.55, F.S., relating to statutory waiver of the defense of governmental immunity due to purchase of insurance by sheriff; repealing s. 286.28, F.S., relating to statutory waiver of the defense of governmental immunity due to purchase of insurance by counties, state agencies, and certain political subdivisions; providing an effective date.

By the Committee on Natural Resources and Conservation and Senators Kirkpatrick and Brown—

CS for SB 546—A bill to be entitled An act relating to hazardous waste management; amending s. 403.7225, F.S.; providing alternative procedure for updating assessments; amending s. 403.7264, F.S.; continuing amnesty days for collecting small quantities of hazardous waste from homeowners, farmers, schools, state agencies, and small businesses; requiring participation by the regional planning councils; setting a schedule for amnesty days; amending s. 403.7265, F.S.; providing for revisions of the plan for collecting small quantities of hazardous waste from homeowners, farmers, and businesses; requiring the Department of Environmental Regulation to establish a grant program for local governments to provide, through private entities, for regional hazardous waste collection centers; deleting the matching requirement; increasing the maximum amount of a regional collection center grant; requiring the department to submit a strategy for a local hazardous waste collection center network by 1990; requiring the department to recommend a multipurpose hazardous waste facility site by 1988; requiring review of regional planning council regional storage facility site designations; providing appropriations from the Water Quality Assurance Trust Fund and the General Revenue Fund; providing an effective date.

By the Committees on Judiciary-Civil and Transportation and Senator Stuart—

CS for CS for SB 572—A bill to be entitled An act relating to real property acquired through the exercise of eminent domain; amending s. 74.051, F.S.; providing for a period of time in which a deposit may be made on real property sought to be acquired through such process; creating s. 74.052, F.S.; providing legislative intent; requiring the owner of real property that is to be acquired through such process to remove hazardous substances, pollutants, or contaminants from such property; providing for withdrawal of deposit with the court; providing method for determining the amount of compensation to be awarded in certain condemnation proceedings; excluding payment of attorney fees and costs; amending s. 337.27, F.S.; authorizing the Department of Transportation to acquire certain property through eminent domain when reasonably necessary for securing applicable environmental permits; providing exemption from ch. 376 and ch. 403 liability; providing for interagency agreements; providing an effective date.

By the Committees on Finance, Taxation and Claims; and Economic, Community and Consumer Affairs—

CS for CS for SB 574—A bill to be entitled An act relating to bond financing; amending s. 159.802, F.S.; providing a purpose; amending s. 159.803, F.S.; providing definitions; amending s. 159.804, F.S.; providing for the allocation of the state volume limitation for private activity bonds; amending s. 159.805, F.S.; providing procedures for obtaining allocations; providing limitations on allocations; providing for notice of issuance; amending s. 159.806, F.S.; providing for regional allocation pools; amending s. 159.807, F.S.; providing for a state allocation pool; providing for applicability to the Florida Housing Finance Agency; amending s. 159.809, F.S.; providing for recapture of unused amounts; amending s.

159.81, F.S.; providing for carryforward of unused allocations and volume limitation amounts; amending s. 159.812, F.S.; providing a grandfather clause; amending s. 159.813, F.S.; providing for future federal amendments; creating s. 159.816, F.S.; providing for the director to sign the volume limitation certificate; amending s. 215.68, F.S.; providing for negotiated sale of certain bonds; repealing s. 159.808, F.S., relating to the small issuer pool; repealing s. 420.5097, F.S., relating to the allocation of single-family mortgage revenue bonds, mortgage credit certificates, or similar instruments; providing an effective date.

By the Committees on Finance, Taxation and Claims; and Economic, Community and Consumer Affairs—

CS for SB 598—A bill to be entitled An act relating to housing; amending s. 420.503, F.S.; redefining the terms “eligible persons” and “project” for purposes of the Florida Housing Finance Agency Act; amending s. 420.509, F.S.; providing a limitation on the use of bond proceeds; creating s. 420.5099, F.S.; designating the Florida Housing Finance Agency as the state housing credit agency; authorizing the agency to allocate low-income housing tax credits; providing for appeals with respect to allocations or denials; amending s. 420.607, F.S.; providing procedures relating to the Community-Based Organization Loan Program; amending s. 159.603, F.S., relating to housing finance authorities; repealing s. 420.5097, F.S., relating to allocation of mortgage revenue bonds, mortgage credit certificates, or other federally tax-subsidized instruments; providing an effective date.

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

CS for SB 827—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; authorizing any county levying the tax to elect to collect and administer the tax on a local basis; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose certain information to the governing body of a county or subcounty district levying a local option tax which the department administers; providing for application of confidentiality and penalty provisions to the governing body and its officers and employees; providing an effective date.

By the Committee on Commerce and Senator Crawford—

CS for SB 829—A bill to be entitled An act relating to uninsured motorist insurance; amending s. 627.727, F.S.; providing that insurers may offer policies providing uninsured motorist coverage which contain particular policy provisions under certain circumstances; providing an effective date.

By the Committees on Education; and Health and Rehabilitative Services and Senator Kirkpatrick—

CS for 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 Education and Senator Peterson—

CS for SB 913—A bill to be entitled An act relating to education; amending s. 229.6053, F.S.; changing the composition of the commission; authorizing additional duties for the commission; authorizing private donations to be deposited into the Latin American Caribbean Basin Scholarship Trust Fund; amending s. 240.1201, F.S.; repealing the provision for Latin American and Caribbean Basin Scholarship recipients to be classified as Florida residents for tuition purposes; amending s. 229.6055, F.S.; allowing the waiver of out-of-state tuition for students enrolled in postsecondary international linkage institutes; amending s. 240.414, F.S.; specifying that recipients of federal scholarships must meet certain criteria; establishing the Florida Inter-American Scholarship Foundation; specifying the duties of the foundation; repealing s. 240.126, F.S., relating to a consortium of institutions of higher education; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Langley—

CS for SB 921—A bill to be entitled An act relating to money laundering; creating the “Florida Money Laundering Act”; providing for the filing of information with the Department of Revenue relating to speci-

fied trade or business currency transactions; providing an exception for certain financial institutions; defining the offense of money laundering; providing fines and penalties; providing for notification of the reporting requirements by local governing authorities to all trades and businesses which they license; authorizing the Department of Revenue to enforce compliance and to be custodian of the information submitted; providing that such information shall be confidential; providing an exception for law enforcement agencies; providing an effective date.

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

CS for SB 956—A bill to be entitled An act relating to regulation of the construction industry; amending s. 489.103, F.S.; revising exemptions from such regulation provided for sale or installation of certain finished products, construction or improvement of owner-occupied structures, work performed by licensed dealers in liquefied petroleum gas, and sale or installation of heating or air conditioning units; creating s. 489.108, F.S.; providing rulemaking authority of the Construction Industry Licensing Board; amending s. 489.113, F.S.; specifying requirements relating to subcontracting of certain swimming pool work; specifying requirements relating to subcontracting of certain roofing; prohibiting certain persons from acting as roofing contractors; providing an effective date.

By the Committee on Commerce and Senators Thurman, Frank and Vogt—

CS for SB 986—A bill to be entitled An act relating to asbestos; providing definitions; providing for an asbestos management program; requiring asbestos surveys; providing for a review of such surveys; directing certain state agencies to maintain a record with respect to asbestos surveys; providing for assessments of airborne asbestos fibers; providing for operation and maintenance plans; prohibiting issuance of contracts to certain asbestos contractors; providing for liability of asbestos consultants; providing for indemnification and hold-harmless agreements; providing for insurance for asbestos contractors; providing for bonds; providing for safety requirements; providing requirements for project completion; providing for rules of the Department of Labor and Employment Security; requiring asbestos consultants to be licensed; providing for licensure; providing for fees; providing licensure requirements; providing for licensure revocation, suspension, denial of issuance or renewal; providing for rules of the appropriate licensing board or Department of Professional Regulation; providing for required courses; creating the Asbestos Oversight Program Team; providing for review and repeal; providing appropriations; providing an effective date.

By the Committee on Appropriations and Senator Hill—

CS for SB 1072—A bill to be entitled An act relating to the cigarette industry; creating the Cigarette Industry and Tax Study Commission; providing for the composition of the commission; specifying responsibilities of the commission; providing that the commission is subject to the policies and procedures of the Joint Legislative Management Committee; providing an appropriation; providing an effective date.

By the Committees on Judiciary-Civil; and Health and Rehabilitative Services and Senators Ros-Lehtinen and Lehtinen—

CS for CS for SB 1081—A bill to be entitled An act relating to children; amending s. 63.032, F.S.; providing a definition of the term “mother” for purposes of the Florida Adoption Act; amending s. 63.212, F.S.; prohibiting contracts for the transfer of parental rights for any child, whether conceived or not, for consideration; providing penalties; providing an effective date.

By the Committee on Judiciary-Civil and Senator Frank—

CS for SB 1174—A bill to be entitled An act relating to public guardianship; amending s. 744.703, F.S.; removing a restriction upon the appointment of a nonprofit corporation as public guardian; providing an appropriation for two new pilot programs; providing an effective date.

By the Committee on Commerce and Senator Hair—

CS for SB 1219—A bill to be entitled An act relating to apportionment of damages; amending s. 240.213, F.S.; providing an exception to the apportionment of damages with respect to certain judgments; providing an exclusive remedy; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senator D. Childers—

CS for SB 1274—A bill to be entitled An act relating to building construction standards; amending s. 553.06, F.S.; providing for a State Plumbing Code; amending s. 553.11, F.S.; relating to application of part I of ch. 553, F.S.; providing that such part is applicable to certain counties and municipalities; specifying standards for all building codes; amending s. 553.73, F.S.; prescribing additional conditions upon adoption of local standards which are more stringent than those in the State Minimum Building Codes; amending s. 553.79, F.S.; requiring building permit applications to be acted on within a specified time; repealing ss. 553.12, 553.13, F.S., relating to exemptions for certain counties; providing an effective date.

By the Committee on Education and Senator Margolis—

CS for SB 1282—A bill to be entitled An act relating to educational facilities; providing for the "Educational Facilities Construction and Finance Act of 1987"; amending s. 230.23, F.S., relating to powers and duties of school boards; revising the conditions of lease-purchase agreements; authorizing the use of certain funds; providing a definition; amending s. 235.056, F.S., relating to lease-purchase agreements; providing requirements of such agreements; providing an exemption from ad valorem taxation; providing that agreements do not create a debt or obligation of the state or school board; amending s. 236.25, F.S.; increasing the maximum capital outlay millage each district may levy; authorizing use of funds to finance school bus purchases, rather than replacement, lease-purchase agreements, and payment of certain loans; deleting obsolete provisions; amending s. 200.065, F.S., to conform; amending s. 235.435, F.S., relating to allocations for capital outlay projects; saving s. 236.25(2), F.S., from repeal; providing for future review and repeal; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Langley, by two-thirds vote SB 351 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Johnson, by two-thirds vote CS for HB 417 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Margolis, by two-thirds vote CS for SB 15 and CS for SB 986 were withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Kiser, by two-thirds vote SB 665 and CS for SB 986 were withdrawn from the Committee on Governmental Operations.

On motion by Senator Barron, by two-thirds vote HB 1299 was withdrawn from the Committee on Rules and Calendar.

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 CS for HB 37, CS for HB 155, CS for HB 195, CS for HB 226, House Bills 367, 509, 522, 625, 630, 658, 664, 666, 667, 668, 669, 670, 671, 672, 673, 677, 679, 696, 733, 746, 762, 784, CS for HB 850, House Bills 857, 888, 890, 925, 949, 954, 956, 958, 959, 963, 1074, 1075, 1076, 1126, 1195, 1200, 1224, CS for HB 1248, HB 1253, House Bills 1306, 1335, 1341, 1345, 1415; has passed as amended CS for HB's 12 and 74, CS for HB 115, CS for HB 204, House Bills 484, 500, CS for HB 516, House Bills 575, 665, 751, 907, 910, CS for HB 972, HB 995, CS for HB 1237, CS for HB 1241, CS for HB 1280, House Bills 1281, 1307, 1338, 1339, 1423, 1440 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on Appropriations and Health Care and Representative Ostrau and others—

CS for CS for HB 37—A bill to be entitled An act relating to catastrophic illness and accident compensation; creating a Commission on Catastrophic Illness and Accident Compensation; providing membership requirements, functions, and duties; requiring a report and proposed legislation; providing an effective date.

—was referred to the Committees on Commerce, Governmental Operations and Appropriations.

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

CS for HB 155—A bill to be entitled An act relating to child abuse; amending s. 415.503, F.S.; expanding the meaning of "harm" which constitutes "child abuse or neglect" for purposes of protective services programs and proceedings to include physical dependency of a newborn infant upon scheduled drugs; providing an effective date.

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

By the Committee on Health Care and Representative Deutsch and others—

CS for HB 195—A bill to be entitled An act relating to the State Group Insurance Program Law; amending s. 110.123, F.S., directing the Department of Administration to provide for contracts by competitive bid process with health maintenance organizations; providing for premiums; providing an effective date.

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

By the Select Committee on Claims and Representative Smith—

CS for HB 226—A bill to be entitled An act relating to the City of Hialeah; providing for the relief of Vincent James Mazzilli and Charles Story, to compensate them for injuries suffered in connection with an assault and battery upon them by a City of Hialeah police officer, for which the city was responsible through the doctrine of respondeat superior; providing an effective date.

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

By Representative Harris—

HB 367—A bill to be entitled An act relating to Clewiston Drainage District, Hendry County; amending sections 4 and 7 of chapter 65-803, Laws of Florida, as amended, changing the limits on the rate of the annual maintenance tax levy and authorizing the Board of Supervisors to assess impact fees for connection to or use of district works; amending section 1 of chapter 77-560, Laws of Florida, as amended, relating to the rate and levy of the restoration tax; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harris—

HB 509—A bill to be entitled An act relating to Devil's Garden Water Control District, created under the provisions of Chapter 298, Florida Statutes; extending the boundaries of the District to include described land in Hendry and Collier Counties, Florida; expanding the power of the District to include the construction, financing and maintenance of roads for ingress and egress to lands in the District, to create units of improvement within the District, and to acquire, construct, and maintain pumping stations, water control facilities, levees and retention ponds for water control; providing that all lands in the District receiving benefits shall be subject to the District Taxes notwithstanding any previous provisions of law or court order; providing an effective date.

Proof of publication of the required notice was attached.

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

By the Committee on Community Affairs and Representative C. F. Jones and others—

HB 522—A bill to be entitled An act relating to emergency telephone number "911"; amending s. 365.171, F.S.; requiring annual approval of certain proposed fees by the Division of Communications of the Department of General Services; providing procedure for collection of recurring charges; providing a limitation; providing for return to county of certain fees collected by telephone company; providing for retention of certain fees; providing for audits and fee adjustments; providing for report to the division; requiring telephone company to provide to county certain information regarding delinquent subscribers; preserving telephone company from certain liability; providing an effective date.

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

By Representative Metcalf—

HB 625—A bill to be entitled An act relating to personnel of the district school system; amending s. 29 of chapter 86-225, Laws of Florida; changing the effective date of provisions which expand the eligibility to participate in the Student Loan Forgiveness Program to persons certified to teach pursuant to applicable certification requirements; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representative Hawkins—

HB 630—A bill to be entitled An act relating to Collier County; providing specified authority with respect to the duties of the property appraiser; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Peoples—

HB 658—A bill to be entitled An act relating to the City of Punta Gorda, Charlotte County; making it unlawful at all times to fish for commercial purposes in the canals of the City of Punta Gorda, Florida; defining commercial purposes and providing that possession of nets, seines, and traps shall be prima facie evidence of fishing for commercial purposes; providing a penalty; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 664—A bill to be entitled An act relating to Manatee County; amending section 2 of chapter 78-556, Laws of Florida; providing for the Clerk of the Circuit Court of Manatee County to serve as the clerk and accountant for the Manatee County Civic Center Authority; providing for duties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 666—A bill to be entitled An act relating to Manatee County; repealing chapter 57-1547, Laws of Florida, as amended, which is an act regulating the occupancy and business of plumbing and plumbing contracting in Manatee County, defining plumbing and plumbing contractors, prescribing qualifications of plumbers and plumbing contractors to engage in said occupation or business in said area, and providing for registration of those now engaged in said areas in said occupancy or business; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 667—A bill to be entitled An act relating to Manatee County; repealing chapter 57-1548, Laws of Florida, as amended, which provides for the licensing, bonding, and examination of building contractors in Manatee County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 668—A bill to be entitled An act relating to Manatee County; providing for the repeal of chapter 57-1554, Laws of Florida, as amended, which provides for the licensing and examination of electrical contractors in Manatee County, Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 669—A bill to be entitled An act relating to Manatee County; providing for the repeal of chapter 61-2447, Laws of Florida, which is an act providing for the regulation of building construction, erection, alteration, repair, removal, demolition, use, occupancy and condemnation of buildings, structures, or premises in all areas of Manatee County, lying therein, providing for the creation and adoption or amendment of a building code, providing a procedure therefor and providing for rules and regulations governing the safe construction, erection, alteration, repair, removal, demolition, use, occupancy and condemnation of buildings, structures or premises, in the territory affected, prescribing the rights, authority and duty of the board of county commissioners of said county in relation thereto, and providing for the adoption or amendment of a building code by any municipality in Manatee County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 670—A bill to be entitled An act relating to Manatee County; amending section 4 of chapter 63-1600, Laws of Florida; providing the manner in which the board of county commissioners may adopt, amend, and rescind codes for the several trades requiring expert technical knowledge for the construction, erection, alteration, repair, removal, demolition, and the use and occupancy of buildings and their premises and component parts and systems; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 671—A bill to be entitled An act relating to Manatee County; repealing chapter 29262, Laws of Florida, 1953, which is an act providing for the regulation of electrical installation, construction and repairs in all areas in Manatee County, Florida, not embraced within the corporate limits of any municipality thereof; providing for the appointment of electrical inspectors; providing for the creation and adoption of an electrical code; providing a proceeding therefor and providing for rules and regulations governing the installation, construction and repairing of electrical apparatus, wiring or fixtures in the territory affected and prescribing the rights, authority and duty of the board of county commissioners and said county in relation thereto, and providing for the adoption of the provisions of this act and code by certain municipalities; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 672—A bill to be entitled An act relating to Manatee County; providing for the repeal of chapter 30956, Laws of Florida, 1955, requiring county plumbing, building and electrical inspectors, their deputies and assistants, to furnish bond to said board and providing for all persons required to comply with the electrical code of Manatee County to furnish bond to said board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 673—A bill to be entitled An act relating to Manatee County; amending section 2 and section 12 of chapter 86-381, Laws of Florida; providing for the amendment of the legal description for Myakka City Fire Control District; providing for the amendment of provisions relating to the annual budget of the Myakka City Fire Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Figg and others—

HB 677—A bill to be entitled An act relating to Hillsborough County; amending sections 2, 3, 13, 16, and 19 of chapter 84-446, Laws of Florida,

relating to the Hillsborough County Environmental Protection Commission; expanding legislative intent; adding and deleting definitions; clarifying open burning regulations; expanding prohibitions; expanding use of the pollution recovery fund; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Carpenter and others—

HB 679—A bill to be entitled An act relating to Hillsborough County; relating to the Civil Service Act; amending section 4 of chapter 85-424, Laws of Florida, to delete reference to the Hillsborough County school board and to provide that said school board by interlocal agreement with the civil service board may participate in the civil service system; amending sections 6 and 13 of chapter 85-424, Laws of Florida, and section 14 of chapter 85-424, Laws of Florida, as amended, to delete references to said school board; amending section 15 of chapter 85-424, Laws of Florida, to delete reference to said school board and to reduce the membership of the review committee; repealing chapter 85-423, Laws of Florida, relating to definitions and classes of certain school board employees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hawkins—

HB 696—A bill to be entitled An act relating to Collier County; creating the Golden Gate Fire Control and Rescue District; providing for the creation and election of a district board; defining the district board's duties, powers, and authority; prohibiting certain activity by district board members; providing compensation for district commissioners; providing for an annual budget estimate; providing for the raising of funds by taxation on all property within the district and providing methods of levying, collecting, and disbursing such funds; providing transitional provisions; repealing chapters 82-284, 84-413, and 85-403, Laws of Florida, relating to the Golden Gate Fire Control and Rescue District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representatives Hawkins and Harris—

HB 733—A bill to be entitled An act relating to the Immokalee Fire Control District, Collier County; amending section 9 of chapter 30666, Laws of Florida, 1955, as amended, to increase the millage cap for the levy of taxes by the district; providing for a referendum.

—was referred to the Committee on Rules and Calendar.

By Representative McEwan—

HB 746—A bill to be entitled An act relating to group health insurance; creating s. 627.6698, F.S.; providing for award of attorney's fees in an action against an insurer under a group health insurance policy under certain circumstances; providing for expiration of section and for review pursuant to s. 11.61, F.S., in advance of expiration; providing an effective date.

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

By Representative Simone—

HB 762—A bill to be entitled An act relating to the Palmetto Fire Control District in Palmetto and certain areas in Manatee County; amending section 15 of chapter 84-475, Laws of Florida, as amended; amending provisions relating to the schedule of special assessments charged by the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Upchurch—

HB 784—A bill to be entitled An act relating to the Sixteen Mile Creek Water Control District, in St. Johns and Flagler Counties, created under chapter 298, Florida Statutes, relating to the creation and organization of water control districts; providing that the name of the district

shall be changed to Flagler Estates Road and Water Control District; repealing section 4, chapter 81-481 and section 3, chapter 82-294, Laws of Florida, relating to the limit on maintenance tax levied by the district; providing an effective date.

Proof of publication of the required notice was attached.

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

By the Committee on Insurance and Representatives McEwan and Reddick—

CS for HB 850—A bill to be entitled An act relating to liability insurance; amending s. 626.321, F.S., providing for motor vehicle excess liability insurance with respect to certain rented or leased motor vehicles; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Simone—

HB 857—A bill to be entitled An act relating to Manatee County; amending sections 2, 3, and 10 of chapter 84-471, Laws of Florida, relating to gill net fishing licenses; deleting obsolete provisions; requiring such license to be carried on the boat; validating such license for certain persons; authorizing issuance of such license by endorsement on the licensee's saltwater products license card; requiring the Department of Natural Resources to issue decals signifying possession of such license; providing requirements of such decals; authorizing a licensee to fish from the vessel of another licensee; delaying scheduled repeal of chapter 84-471, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tobin—

HB 888—A bill to be entitled An act relating to Broward County; amending section 2 of chapter 71-580, Laws of Florida, as amended, expanding the boundaries of the North Springs Improvement District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tobin—

HB 890—A bill to be entitled An act relating to Broward County; amending chapter 65-1541, Laws of Florida, as amended, relating to the Downtown Development Authority of the City of Fort Lauderdale, Florida; adding section 35 to chapter 65-1541, Laws of Florida, as amended; expanding the boundaries of the Downtown Development Authority of the City of Fort Lauderdale; extending the annual mill tax levy authorized pursuant to said chapter 65-1541, Laws of Florida, as amended, for operations and for outstanding bond issues to the expanded area; providing for a referendum to approve said tax levy in the expanded area; amending paragraph (5) of section 1 of chapter 65-1541, Laws of Florida, as amended; eliminating "contiguous proprietorship" and adding in its place "common ownership"; eliminating "or leased"; amending paragraphs (4) and (5) of section 17 of chapter 65-1541, Laws of Florida, as amended; eliminating "contiguous proprietorship" and adding in its place "freehold"; providing for validation of notice of intent to apply for this legislation; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Nergard and others—

HB 925—A bill to be entitled An act relating to St. Lucie County; amending section 1 of chapter 29502, Laws of Florida, 1953, as amended, providing for future changes in the boundaries of the St. Lucie County Mosquito Control District; amending section 2 to delete the provision for compensation to the governing body of the St. Lucie County Mosquito Control District, to amend the rates of reimbursement to the governing board of the St. Lucie County Mosquito Control Board for travel and meal expenses, to amend the provision requiring advertisement for bids for certain contracts and purchase agreements entered into by the St. Lucie County Mosquito Control District, and to authorize and empower

the governing board of the St. Lucie County Mosquito Control District to consider petitions for amendment of the boundaries of the district; amending section 29, establishing a procedure for petitioning for amendment of the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hawkins—

HB 949—A bill to be entitled An act relating to Collier County; providing that revenue from pari-mutuel funds be paid to the school board; providing a referendum.

—was referred to the Committee on Rules and Calendar.

By Representative Hill—

HB 954—A bill to be entitled An act relating to the South Indian River Water Control District in Palm Beach County, Florida; providing for the annexation of certain lands into the District and extending the boundary lines of the District to include the West one-half section of Section 4 and the East one-half section of Section 5, Township 41 South, Range 41 East, less the State Road 706 right-of-way; providing that the Plan of Reclamation for the area to be annexed shall be that Plan which was approved by the District Engineer; providing maximum outfall from the annexed area into the remainder of the District for 25-year and 100-year storm conditions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Liberti—

HB 956—A bill to be entitled An act relating to Palm Beach County; granting the Board of Supervisors of the Loxahatchee Groves Water Control District the authority to expend funds of the district to pay for engineering studies and plans for the purpose of developing a road improvement plan; extending the life of the district perpetually; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Press—

HB 958—A bill to be entitled An act relating to Palm Beach County; relating to Lake Worth Drainage District, a corporation under the drainage laws of the State of Florida existing and operating in Palm Beach County; changing the boundary lines of said district so as to include additional lands within the district; providing the right to said district to assess and tax said additional lands in the same fashion as other lands within the district and subject said lands to the same powers and jurisdiction as all other lands within the district have heretofore been subjected; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hill—

HB 959—A bill to be entitled An act relating to Jupiter Inlet District, a special taxing district in Palm Beach County; amending section 2 of chapter 10727, Laws of Florida, 1925, as amended; providing for election of commissioners of the district by numbered district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hill—

HB 963—A bill to be entitled An act relating to Palm Beach County; repealing chapter 77-617, Laws of Florida, as amended, the Codes Enforcement Act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lombard and others—

HB 1074—A bill to be entitled An act relating to Sarasota County; prohibiting the use of a gill net in the saltwaters of Sarasota County without a license; providing for an annual license fee; providing for the form of the license; providing for display; providing for disposition of license fees; providing for application of the act; providing that persons holding or applying for a saltwater products license may credit that license fee against the gill net license fee; providing that certain similar licenses issued in other Florida counties shall be valid in Sarasota County; providing a penalty; providing for repeal; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Jennings and others—

HB 1075—A bill to be entitled An act relating to Sarasota and Manatee Counties; amending section 4 of chapter 77-651, Laws of Florida, the Sarasota-Manatee Airport Authority Act; providing for health, accident, and disability payments for members of the authority; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Jennings and others—

HB 1076—A bill to be entitled An act relating to the Sarasota County Public Hospital Board, Sarasota County; amending section 8(b), chapter 26468, Laws of Florida, 1949, as amended, relating to powers of the hospital board; enabling the hospital board to construct hospitals, health facilities, buildings and accessories within the Memorial Hospital Core without regard to municipal and county zoning regulations; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tobiassen and others—

HB 1126—A bill to be entitled An act relating to Escambia County; amending section 4, chapter 83-405, Laws of Florida; revising the manner in which the funding for the civil service board is calculated; revising the manner in which such funding is allocated; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tobiassen and others—

HB 1195—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending chapter 21483, Laws of Florida, 1941, as amended, relating to the Firemen's Relief and Pension Fund of the City of Pensacola; providing benefits for firefighters disabled not in the line of duty through no intentional and self-inflicted injury; providing for payment of contributions to the estate of certain deceased firefighters; providing for legal counsel for the board of trustees; providing for the safekeeping of funds and securities; removing ineligibility for benefits for retired firefighters residing outside of the United States; amending section 5(E) to reduce normal retirement age; reducing vested right to 10 years; providing for superseding of provisions inconsistent with chapter 175, Florida Statutes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representatives Mackey and Gaffney—

HB 1200—A bill to be entitled An act relating to hospital penalties; amending s. 395.5094, F.S.; exempting from penalties hospitals which treated certain patients; providing an effective date.

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

By the Committee on Judiciary and Representative Dunbar—

HB 1224—A bill to be entitled An act relating to the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.019, F.S., creating the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to be used for designated purposes; eliminating the Florida Land Sales Trust Fund; amending s. 498.049, F.S., conforming to the act; amending s. 718.501, F.S., deleting reference to the Florida Condominiums Trust Fund and referring to the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund; increasing unit fees paid by condominium associations; revising the date for late payment of fees; amending s. 718.502, F.S., increasing condominium developer fees; amending s. 718.509, F.S., eliminating the Florida Condominiums Trust Fund and substituting therefor the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund; amending s. 719.501, F.S., increasing unit fees paid by cooperative associations; revising the date for late payments; amending s. 719.502, F.S., increasing cooperative developer fees; amending s. 721.26, F.S., deleting reference to the Florida Real Estate Time-Sharing Trust Fund; amending s. 721.28, F.S., eliminating the Florida Real Estate Time-Sharing Trust Fund and substituting therefor the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund; amending s. 723.006, F.S., conforming to the act; amending s. 723.009, F.S., eliminating the Florida Mobile Home Trust Fund and substituting therefor the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund; dissolving the Florida Land Sales Trust Fund, the Florida Condominiums Trust Fund, and the Florida Mobile Home Trust Fund; providing for transfer of funds; providing an effective date.

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

By the Committees on Appropriations; and Corrections, Probation and Parole and Representative Kelly and others—

CS for HB 1248—A bill to be entitled An act relating to corrections; creating ss. 944.701-944.705, F.S.; creating the "Transition Assistance Program Act" to provide reentry to society facilitation for inmates released from incarceration by the Department of Corrections; providing legislative intent; providing inmate eligibility standards; providing transition assistance coordinators; establishing a pre-release orientation program; amending s. 944.601, F.S.; providing for release assistance stipends to be administered by the Department of Corrections and the Department of Labor and Employment Security; creating s. 944.707, F.S.; providing for post-release special services, including housing and job placement; directing the Department of Corrections and the Department of Labor and Employment Security to promulgate rules; providing for repeal and review; providing an effective date.

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

By Representative Meffert and others—

HB 1253—A bill to be entitled An act relating to Marion County; creating the Marion County Sports Authority; providing legislative intent; providing creation of the authority; providing membership and organization of the authority; providing definitions; providing general powers of the authority; providing public subscription; providing a referendum.

—was referred to the Committee on Rules and Calendar.

By Representative Hodges—

HB 1306—A bill to be entitled An act relating to the Cedar Key Special Water and Sewerage District, Levy County; amending section 6 of chapter 63-1569, Laws of Florida; increasing the maximum amount of bonds which the district is authorized to have outstanding at any one time; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Community Affairs and Representative C. F. Jones and others—

HB 1335—A bill to be entitled An act relating to traffic control; providing a declaration of public purpose; amending s. 316.003, F.S., modifying the definitions of "private road or driveway" and "street or highway" to provide for applicability of traffic laws to certain private roads and other limited access roads; amending s. 316.006, F.S., authorizing municipi-

palities and counties to control traffic on certain private roads and other limited access roads by written agreement with the owning or controlling party or parties; providing for terms, including reimbursement for costs incurred; providing for consultation with the sheriff; providing a limitation as to the effective date of county agreements; providing for waiver of such limitation; providing for construction; amending s. 316.640, F.S., providing for enforcement; providing an effective date.

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

By the Committee on Criminal Justice and Representative Canady—

HB 1341—A bill to be entitled An act relating to false reports to law enforcement authorities; creating s. 843.032, F.S.; prohibiting the obstruction of justice by false information; providing a penalty; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Judiciary and Representative Upchurch—

HB 1345—A bill to be entitled An act relating to filing fees; amending s. 28.241, F.S.; increasing surcharges for deposit into the Court Education Trust Fund; providing an effective date.

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

By Representatives B. L. Johnson and Bass—

HB 1415—A bill to be entitled An act relating to the boundaries of Santa Rosa County and Escambia County; amending ss. 7.17 and 7.55, F.S.; redefining the boundaries of Escambia and Santa Rosa Counties; providing that Navarre Beach shall be included in the boundary of Santa Rosa County; providing an effective date.

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

By the Committee on Judiciary and Representative Dunbar and others—

CS for HB's 12 and 74—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 509.013, F.S., redefining the term "public lodging establishment" to include reference to condominiums and cooperatives; defining the term "operator"; amending s. 718.111, F.S., providing that condominium accounting records may be maintained in another county if located within 50 miles of the condominium property; amending s. 718.202, F.S., providing that title insurers may act as escrow agents in condominium transactions; amending s. 719.303, F.S., relating to attorneys' fees in lawsuits involving cooperatives; amending s. 723.061, F.S., relating to eviction; repealing s. 723.061(2)(a)2.e., F.S., relating to the value of certain items with respect to eviction; repealing s. 723.061(2)(e), F.S., relating to eviction from a mobile home park based upon a change of land use to delete a repeal of procedures governing such eviction; providing an effective date.

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

By the Committee on Appropriations and Representative Lippman and others—

CS for HB 115—A bill to be entitled An act relating to fire safety; creating the Florida Fire Sprinkler Trust Fund and providing an appropriation thereto from the Insurance Commissioner's Regulatory Trust Fund; authorizing the State Fire Marshal's Office to draw upon such funds to provide loans to licensed adult congregate living facilities and developmental services group homes for purchase and installation of automatic sprinkler systems; providing for approval of such systems; providing for loan agreements; giving preference to certain facilities; providing an appropriation to fund operating expenses and for employment of personnel to implement the Florida Fire Sprinkler Trust Fund Act; amending s. 509.013, F.S., redefining the term "public lodging establishment" to include reference to condominiums and cooperatives; defining the term "operator"; providing an effective date.

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

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

CS for HB 204—A bill to be entitled An act relating to electrolysis; creating the "Electrolysis Practice Act"; providing legislative intent; providing definitions; creating the Electrolysis Council under the Board of Medicine in the Department of Professional Regulation; providing membership and terms; providing powers and duties of the board and council; requiring licensure of electrologists and providing a civil penalty; providing for application and examination for licensure; providing for temporary permits and temporary licenses; providing for license renewal; providing for reactivation, renewal, and expiration of an inactive license; providing for establishment and use of fees; authorizing disciplinary actions against licensees; providing exemptions; providing for continuing education; providing for the approval of schools of electrology; providing for curriculum; providing for licensure of instructors; providing for infection control; providing for maintenance of the physical environment of electrology offices; providing for a code of ethics and advertisements; providing for review and repeal; providing an effective date.

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

By Representative Brown and others—

HB 484—A bill to be entitled An act relating to Duval County; amending section 19.06 of chapter 67-1320, Laws of Florida, being the charter of the City of Jacksonville; as amended by chapter 83-427, Laws of Florida, allowing certified public accountants, and certain other accounting-related employees of the Duval County School Board Finance or Business Affairs Divisions, to elect whether or not they wish to be covered by or excepted from civil service status; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Holland—

HB 500—A bill to be entitled An act relating to Hardee County; amending chapter 65-1607, Laws of Florida, as amended; authorizing the Hospital District Board of Hardee County to transfer and convey title to the capital facilities of Hardee Memorial Hospital to a nonprofit corporation under certain conditions; providing for the dissolution of the hospital district board; providing for the reestablishment of the hospital district board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Judiciary and Representative Rush—

CS for HB 516—A bill to be entitled An act relating to lost or abandoned property and unclaimed evidence; amending s. 705.01, F.S.; providing definitions; deleting language with respect to county court judge ordered sales; amending s. 705.02, F.S.; providing for reporting of lost or abandoned property; providing a penalty; deleting provisions with respect to method of ascertaining salvage; amending s. 705.03, F.S.; providing a procedure with respect to lost or abandoned property; deleting language with respect to disposition of proceeds of sale; providing penalties; creating s. 705.041, F.S.; providing for title to lost or abandoned property; amending s. 705.05, F.S.; providing a procedure with respect to unclaimed evidence; deleting provisions requiring the sheriff to report certain money received to the county court judge; amending s. 705.17, F.S., to correct a cross-reference; repealing s. 705.07, F.S., relating to failure of finder of derelict goods to report goods; repealing s. 705.08, F.S., relating to the finder of derelict goods appropriating such goods; repealing ss. 705.09, 705.10, 705.11, 705.12, 705.13, 705.14, 705.15, F.S., relating to the forfeiture and disposition of seized goods; repealing s. 705.16, F.S., relating to abandoned property and supplemental procedure for removal and destruction of property; repealing s. 925.06, F.S., relating to sale or destruction of unclaimed personal property in criminal proceedings; repealing ss. 116.23, 116.24, 116.25, 116.26, 116.27, 116.28, 116.29, 116.30, 116.31, 116.32, F.S., relating to forfeiture of personal property intended for use as evidence in the custody of the clerk of the circuit court; repealing s. 715.01, F.S., relating to title to personal property found in public places; providing an effective date.

(Substituted for SB 645 on the special order calendar this day.)

By the Committee on Housing and Representative Jamerson and others—

HB 575—A bill to be entitled An act relating to the homeless; creating s. 420.621, F.S.; providing definitions; creating s. 420.623, F.S.; providing for establishment of local coalitions for delivery of services to the homeless; providing functions; providing for development of guidelines by the Department of Health and Rehabilitative Services; creating s. 420.625, F.S.; providing legislative findings and intent; providing purpose; providing for establishment of a grant-in-aid program to help local communities serve the homeless; providing for allocation of grant funds to department districts; providing for distribution of funds to local agencies; providing for evaluation of spending plans; providing for local matching funds; creating s. 420.627, F.S.; providing legislative findings; providing a definition; providing for establishment of an emergency financial assistance program for needy families; providing for development of criteria; providing for administration of program; creating s. 409.2351, F.S.; providing for short-term emergency financial assistance for housing; providing for review and repeal; providing an effective date.

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

By Representative Simone—

HB 665—A bill to be entitled An act relating to Manatee County; relating to the Manatee Valley Drainage District, Oneco Drainage District, Pearce Drain, Pomello Drainage District, Sugar Bowl Drainage District and Tampa Gap Drainage District organized and existing under the general and special laws of Florida relating to drainage districts; providing for winding up of the affairs of the districts and dissolution of the districts; abolishing the boards of supervisors of the districts; providing for the discharge of the duties and obligations by the Board of County Commissioners of Manatee County, the Clerk of the Circuit Court of Manatee County, and by the attorney for the Board of County Commissioners of Manatee County; constituting the Board of County Commissioners of Manatee County as the ex officio board of supervisors of the districts; qualifying the members of the board of county commissioners who are not landowners in the district to assume the powers, duties, obligations, and property rights of the district; providing for the discharge of any indebtedness of the district and for the assessment of fees and charges for any outstanding indebtedness or obligations of the districts; providing for the disposition of any assets and property belonging to the districts; providing for the repeal of all laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Burnsed—

HB 751—A bill to be entitled An act relating to the City of Lakeland Municipal Hospital Board; amending subsections (2)(d) and (3) of section 56a of Division II, Article VII of the City of Lakeland Charter, as created by chapter 84-462, Laws of Florida, and adding subsection (4) to said section; providing that the municipal hospital board shall be abolished under certain circumstances; providing for the resignation of the board members under certain circumstances; authorizing the city commission to reestablish the municipal hospital board with such powers and duties, and subject to such terms and conditions, as the city commission may determine by ordinance; providing for the appointment of members to the reestablished board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 907—A bill to be entitled An act relating to Manatee County; amending section 15 of chapter 85-454, Laws of Florida; revising the schedule of special assessments for the Braden River Fire Control and Rescue District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mitchell—

HB 910—A bill to be entitled An act relating to Walton County; amending chapter 13528, Laws of Florida, 1927, as amended, authorizing the Board of County Commissioners and the Board of Hospital Trustees of Walton County and Walton County Hospital, Inc., to lease Walton County Hospital; providing authorization for the sale of the personal equipment of the hospital in connection with a lease and for the repurchase of the personal equipment upon expiration of the lease; providing for the disposition of the proceeds from the lease; providing that while any such lease is in effect, the Board of Hospital Trustees of Walton County and Walton County Hospital, Inc., shall be released of responsibilities and powers for operating and managing the hospital; requiring the corporation to provide certain gross revenues for charity care, indigent care, and Medicaid; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Commerce and Representative Dunbar and others—

CS for HB 972—A bill to be entitled An act relating to electric utilities; amending s. 177.091, F.S., providing an additional requirement for plats of subdivisions; creating s. 337.4061, F.S., providing definitions; providing that it is unlawful to use the right-of-way of any state-maintained road for cable service purposes unless the cable system holds a franchise from the municipality or county for the area in which the right-of-way is located; providing a penalty; creating s. 366.031, F.S.; providing definitions; prohibiting electric utilities or their affiliates from giving certain preferential treatment relating to cable television service; providing penalties; providing for actual damages and the award of costs and attorney's fees; providing a severability clause; providing an effective date.

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

By Representative Sansom and others—

HB 995—A bill to be entitled An act relating to Brevard County; creating the Technological Research and Development Authority; establishing the purposes of the authority; setting a commission to govern the authority; prescribing the duties and responsibilities of the commission and terms of office; providing a procedure for the appointment of the commission; providing for liberal construction; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committees on Appropriations and Education, K-12 and Representative B. L. Johnson and others—

CS for HB 1237—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; revising the definition of "dropout"; amending s. 230.2313, F.S.; requiring each school district to implement a plan for providing student services; expanding guidance services and providing duties of counselors; providing for a district-level tracking system; amending s. 232.245, F.S., relating to the pupil progression program; requiring provisions for assisting students to achieve required grade point average; amending s. 232.246, F.S.; amending effective date; requiring school district policies designed to assist students in meeting the grade point requirement; providing for the award of a certificate of completion when grade point requirements are not met; creating s. 232.2463, F.S.; providing for a standardized grading system in public high schools; amending s. 232.301, F.S.; requiring the Department of Education to disseminate findings of model dropout prevention programs; requiring the department to conduct a study relating to certificates of completion and dropout prevention; amending s. 228.0617, F.S., directing the Department of Education to establish two demonstration projects; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committees on Appropriations and Education, K-12 and Representative B. L. Johnson and others—

CS for HB 1241—A bill to be entitled An act relating to adult basic and functional literacy; creating the Florida Model Literacy Program Act; creating s. 228.0713, F.S.; requiring the state and each local educational

agency to develop literacy plans; defining basic literacy and functional literacy; providing for review and approval of local plans by the Commissioner of Education; amending s. 237.34, F.S.; providing for reporting separate adult general education program costs for adult basic skills and adult high school; amending ss. 236.081 and 240.359, F.S.; establishing an adult basic skills education program adjustment; amending s. 228.0715, F.S., relating to the Adult Literacy Act; providing definitions; clarifying language; providing for coordination of adult, individualized instruction programs with nonprofit organizations; authorizing nonprofit organizations to use appropriated funds for certain purposes; directing local literacy sponsors to submit certain information and the Commissioner of Education to prepare a summary report; providing annual appropriations; prohibiting supplanting of such funds; amending s. 228.072, F.S., relating to adult general education; clarifying language; establishing a priority for basic literacy instruction; requiring local educational agencies to test certain persons for basic or functional literacy skills; providing for interagency cooperation; creating s. 228.0725, F.S.; providing for a model noninstructional adult literacy center pilot program; providing for selection; providing for evaluation and reporting; amending s. 240.301, F.S.; authorizing provisions for the general educational development examination; providing that adult students may take courses on any day of the week under certain circumstances; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committees on Appropriations and Education, K-12 and Representative B. L. Johnson and others—

CS for HB 1280—A bill to be entitled An act relating to education; amending s. 232.2465, F.S.; revising eligibility requirements for qualification as a Florida Academic Scholar; creating s. 229.602, F.S., the Florida Private Sector and Education Partnership Act; providing intent; providing for the designation of an office to function as a clearinghouse; providing duties; requiring an annual report; providing for an advisory board; providing for the designation of district private sector and education partnership coordinators; providing duties; providing for Florida public schools challenge grants to school districts; providing for the Florida compact pilot program; providing for partnership vocational education programs; amending s. 230.645, F.S.; providing for in-kind contributions relating to postsecondary student fees; amending s. 236.081, F.S.; listing partnership vocational education as a program under the Florida Education Finance Program; deleting cost factors and providing for their inclusion in the General Appropriations Act; creating Florida Linkage Institutes; providing for governance and administration; providing for advisory committees; amending s. 229.8021; revising membership of the board of directors of the Department of Education direct support organization; providing for funding of the Florida Private Sector and Education Partnership Act; providing an effective date.

—was referred to the Committees on Education and Appropriations.

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

HB 1281—A bill to be entitled An act relating to education; amending s. 233.065, F.S., providing that the pledge of allegiance to the flag shall be said at the beginning of the day in every elementary and secondary public school in the state; exempting certain students; amending s. 233.067, F.S.; changing the comprehensive health education program in the public schools to the comprehensive health education and substance abuse prevention program; providing for establishment of a Prevention Resource Center as a clearinghouse; creating an advisory council to the center; providing for inservice training in substance abuse identification and prevention; providing for management training programs; providing for instruction in substance abuse prevention; providing for district contact persons to coordinate the program; requiring each district school board, laboratory school, or consortia thereof, to submit a proposed program; revising proposal contents; providing for model programs; providing for evaluation and dissemination of effective programs; amending s. 232.245, F.S.; requiring specification of the minimum number of hours of instruction for each grade level; amending s. 230.23, F.S.; requiring the district code of student conduct to include disciplinary action that may be imposed; requiring school board rules to specify disciplinary action for use, sale, or possession of alcoholic beverages or controlled substances; encouraging alternatives to suspension or expulsion; amending s. 236.0811, F.S.; requiring training in substance abuse prevention education to be included as a component in the master plan for inservice training; amending s. 231.603, F.S.; requiring inservice training programs of teacher education centers to include substance abuse prevention educa-

tion; creating s. 230.2318, F.S.; creating a statewide school resource officer program; providing for proposed program plans by school districts; providing contents; providing for approval of plans and provision of funding by the Commissioner of Education; providing conditions for state funding and for matching grants; providing duties of school resource officers; authorizing application for federal funds; providing for funding through the General Appropriations Act; authorizing school boards to provide instruction in acquired immune deficiency syndrome education; providing for review and repeal; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Housing and Representative Jamerson and others—

HB 1307—A bill to be entitled An act relating to housing; amending s. 420.503, F.S., relating to the Florida Housing Finance Agency; modifying definitions of "eligible persons" and "project"; creating s. 420.5099, F.S., designating said agency as the state housing credit agency with responsibility for allocation of federal low-income housing tax credits; amending ss. 159.603(6), 159.603(7), F.S., relating to housing finance authorities; amending s. 420.509, F.S., providing income targeting for the use of taxable bond proceeds; amending s. 420.607, F.S., specifying security requirements applicable to recipients of loans under the community-based organization loan program for developing affordable housing; providing for foreclosure or other action upon default on a loan; providing for transfer of title to the state of land which is not developed for housing; providing for disposition of such property; repealing s. 420.5097, F.S., relating to certain limited federally tax-subsidized instruments providing allocations for housing finance; amending s. 420.405, F.S., providing for additional extension of time for loan repayment; providing an effective date.

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

By the Committee on Education, K-12 and Representative B. L. Johnson—

HB 1338—A bill to be entitled An act relating to education; amending s. 230.2312, F.S.; establishing class size maximums for primary grades; providing a penalty for noncompliance; providing for exceptions; providing a reporting requirement; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Education, K-12 and Representatives B. L. Johnson and Lombard—

HB 1339—A bill to be entitled An act relating to education; providing the "Educational Efficiency Act of 1987"; amending s. 229.814, F.S.; deleting provisions relating to State Board of Education rules for the secondary level examination program; amending s. 230.2312, F.S., relating to the Florida Primary Education Program; correcting cross-references; amending s. 231.141, F.S., relating to teacher aides; correcting a cross-reference; amending s. 231.608, F.S.; deleting requirement for submission of the teacher education center annual report to the Education Standards Commission; amending s. 233.37, F.S.; deleting provisions relating to the use of instructional materials; amending s. 236.088, F.S.; deleting provisions relating to the termination of funding for certain compensatory education programs; amending s. 236.49, F.S., conforming language; amending ss. 237.161 and 237.162, F.S.; deleting provisions relating to Department of Education approval or rejection of school board proposals to incur obligations; repealing s. 229.551(1)(f), F.S., correcting a cross-reference; repealing s. 229.561, F.S., relating to educational research and development; repealing s. 229.585, F.S., relating to computerized instructional management system programs; repealing s. 229.841, F.S., relating to adoption of metric system; repealing ss. 229.861, 229.863, 229.865, and 229.867, F.S., relating to the Board of Public Schools; repealing s. 230.2311, F.S., relating to early childhood and basic skills development programs; repealing s. 232.301(2), F.S., relating to obsolete provisions of the model programs for the prevention of student failures and dropouts; repealing s. 233.051, F.S., relating to programs of remediation; repealing s. 233.055(2), F.S., relating to obsolete provisions of the remedial reading education plan; repealing s. 233.34(2)(b), F.S., relating to survey of districts which have selected certain instructional materials; repealing s. 233.46(2), F.S., relating to solicitation and submission of comments on instructional materials; repealing s. 235.197, F.S., relating to relocatable facilities; repealing s. 235.41(3)(b) and (c), F.S., relating to items to be included in the comprehensive capital outlay budget request; repealing s. 235.435(1)(b), (3)(c), and (4), F.S., relating to allocations for capital outlay projects and use of such funds; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representative Sansom and others—

HB 1423—A bill to be entitled An act relating to Brevard County; amending chapter 72-480, Laws of Florida, relating to the Brevard County Free Public Library District; providing for the pledging of revenues of Brevard County other than taxes levied by the district for the purpose of constructing capital improvements for library purposes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tobin—

HB 1440—A bill to be entitled An act relating to Port Everglades Authority, Broward County; amending section 2, article 2, part VI, chapter 59-1157, Laws of Florida, as amended, relating to the definition and description of lands defined as "Port Operational Lands"; amending section 6, article 2, part VI, chapter 59-1157, Laws of Florida, as amended, relating to the lease of lands owned by the Port Everglades Authority in the Port Jurisdictional Area, other than Port Operational Lands, for any term exceeding 10 years but not exceeding 50 years so as to authorize the leasing of certain of said lands for a term not exceeding 99 years; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 91 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 91—A bill to be entitled An act relating to jurors; amending s. 40.013, F.S.; providing that any person that is responsible for the care of a person incapable of caring for himself shall be excused from jury service; providing an effective date.

Amendment 1—On page 1, line 15, strike: *age*,

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

SB 91 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Excused: Ros-Lehtinen

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 539 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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.

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

Section 1. Paragraph (a) of subsection (3) and subsection (5) of section 932.704, Florida Statutes, are amended to read:

932.704 Forfeiture proceedings.—

(3)(a) Whenever the head of the law enforcement agency effecting the forfeiture deems it necessary or expedient to sell the property forfeited rather than to retain it for the use of the law enforcement agency, or if the property is subject to a lien which has been preserved by the court, he shall cause a notice of the sale to be made by publication as provided by law and thereafter shall dispose of the property at public auction to the highest bidder for cash without appraisal. In lieu of the sale of the property, the head of the law enforcement agency, whenever he deems it necessary or expedient, may salvage the property or transfer the property to any public or nonprofit organization, provided such property is not subject to a lien preserved by the court as provided in s. 932.703(3). The proceeds of sale shall be applied: first, to payment of the balance due on any lien preserved by the court in the forfeiture proceedings; second, to payment of the cost incurred by the seizing agency in connection with the storage, maintenance, security, and forfeiture of such property; third, to payment of court costs incurred in the forfeiture proceeding. The remaining proceeds shall be deposited in a special law enforcement trust fund established by the board of county commissioners or the governing body of the municipality and such proceeds and interest earned therefrom shall be used for *school resource officer, crime prevention, or drug education programs or for other law enforcement purposes only*. These funds may be expended only upon request by the sheriff to the board of county commissioners or by the chief of police to the governing body of the municipality, accompanied by a written certification that the request complies with the provisions of this subsection, and only upon appropriation to the sheriff's office or police department by the board of county commissioners or the governing body of the municipality. *Such requests for expenditures shall include a statement describing anticipated recurring costs for the agency for subsequent fiscal years.* Such funds may be expended only to defray the costs of protracted or complex investigations; to provide additional technical equipment or expertise, which may include automated fingerprint identification equipment and an automated uniform offense report and arrest report system; to provide matching funds to obtain federal grants; or for *school resource officer, crime prevention, or drug abuse education programs or such other law enforcement purposes as the board of county commissioners or governing body of the municipality deems appropriate and shall not be a source of revenue to meet normal operating needs of the law enforcement agency.* In the event that the seizing law enforcement agency is a state agency, all remaining proceeds shall be deposited into the state General Revenue Fund. However, in the event the seizing law enforcement agency is the Department of Law Enforcement, the proceeds accrued pursuant to the provisions of this chapter shall be deposited into the Forfeiture and Investigative Support Trust Fund; and, if the seizing law enforcement agency is the Department of Natural Resources, the proceeds accrued pursuant to the provisions of this chapter shall be deposited into the Motorboat Revolving Trust Fund to be used for law enforcement purposes.

(5) Any law enforcement agency receiving or expending forfeited property, or proceeds from the sale of forfeited property in accordance with this act, shall submit a quarterly report documenting the receipts and expenditures, on forms promulgated by the Department of Law Enforcement, to the entity which has budgetary authority over such agency, which report shall specify, for such period, the type, approximate value, and disposition of the property received and the amount of any proceeds received or expended. *The entity which has budgetary authority over such agency shall forward to the Department of Law Enforcement such reports for collection.* Neither the law enforcement agency nor the entity having budgetary control shall anticipate future forfeitures or proceeds therefrom in the adoption and approval of the budget for the law enforcement agency.

Section 2. This act shall take effect October 1, 1987.

Amendment 2—On page 1 in the title, lines 1-6, strike the entire title and insert: 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 school resource officer, crime prevention, or drug abuse education programs; providing for quarterly reports to the Department of Law Enforcement; providing an effective date.

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

SB 539 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Excused: Ros-Lehtinen

Vote after roll call:

Yea—Hill, Peterson, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 496 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 496—A bill to be entitled An act relating to certification of school teachers; amending s. 231.17, F.S.; revising certain requirements for certification; revising requirements for the issuance of a temporary certificate; revising provisions relating to issuance of temporary certificates; providing an effective date.

Amendment 1—On page 2, lines 5 and 6, strike "*can be earned in a college of education,*" and insert: *shall be earned in a college of education unless the applicant's courses in the specialization field were offered only in the college of education.*

Amendment 3—On page 1, line 12, insert:

Section 1. Paragraph (a) of subsection (2) of section 20.15, Florida Statutes, 1986 Supplement, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(2)(a) The following divisions of the Department of Education are established:

1. Division of Blind Services.
2. Division of Community Colleges.
3. Division of Public Schools.
4. Division of Universities.
5. Division of Vocational, Adult, and Community Education.
6. *Division of Human Resource Development.*

(Renumber subsequent sections)

Amendment 5—On page 1, line 3, after the semicolon (;) insert: *amending s. 20.15, F.S.; establishing the Division of Human Resource Development within the Department of Education;*

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

CS for SB 496 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Brown	Childers, W. D.	Deratany
Beard	Childers, D.	Crenshaw	Dudley

Frank	Hollingsworth	Malchon	Stuart
Girardeau	Jenne	Margolis	Thomas
Gordon	Jennings	Meek	Thurman
Grant	Johnson	Myers	Weinstein
Grizzle	Kiser	Peterson	Weinstock
Hair	Langley	Plummer	Woodson
Hill	Lehtinen	Scott	

Nays—None

Excused: Ros-Lehtinen

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 2 and 3 to CS for HB 1350 and requests the Senate to recede, and in the event the Senate refuses to recede, requests a Conference Committee. The Speaker has appointed Representatives Martin, Wallace, Arnold, Dunbar; Alternates Cosgrove, Dantzer and Drage as the Conferees on the part of the House.

John B. Phelps, Clerk

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.

On motions by Senator Crawford, the Senate refused to recede from Senate Amendments 2 and 3 to CS for HB 1350 and acceded to the request for a conference committee. The President appointed Senators Crawford, Hair, McPherson, Kiser, and alternates: Senators Lehtinen, Brown and Weinstock. The action of the Senate was certified to the House.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 889 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 889—A bill to be entitled An act relating to the North Brevard County Hospital District; adding section 17 to chapter 28924, Laws of Florida, 1953, as amended, to provide for the leasing of the property and facilities owned by the North Brevard County Hospital District to third parties in furtherance of the district's purposes; providing an effective date.

Amendment 1—On page 1, lines 13-21, strike everything after the enacting clause and insert:

Section 1. Section 17 is added to chapter 28924, Laws of Florida, 1953, as amended, to read:

Section 17. The North Brevard County Hospital District Board is hereby authorized and empowered to lease such portions of its property and facilities to third parties when it shall be deemed necessary by the board for carrying out the purposes of this act.

Section 2. Section 18 is added to chapter 28924, Laws of Florida, 1953, as amended, to read:

Section 18. In the event the North Brevard County Hospital District Board enters into a lease agreement as provided in Section 17, the facility shall be required to provide, on an annual basis, not less than the same percentage of the hospital's gross revenues attributed to charity care, indigent care, and Medicaid, previously provided by the hospital as reported to the Hospital Cost Containment Board prior to the execution of the agreement.

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

Amendment 2—On page 1 in the title, lines 1-9, strike the entire title and insert: A bill to be entitled An act relating to the North Brevard County Hospital District; adding sections 17 and 18 to chapter 28924, Laws of Florida, 1953, as amended, to provide for the leasing of the property and facilities owned by the North Brevard County Hospital District to third parties in furtherance of the district's purposes; requiring a facility to provide certain gross revenues for charity care, indigent care, and Medicaid; providing an effective date.

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

SB 889 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Ros-Lehtinen

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 39, 41, CS for CS for SB 123, CS for SB 223, SB 243, CS for SB 265, SB 313, CS for SB 327, CS for SB 363, CS for SB 407, Senate Bills 591, 623, 708, CS for SB 720, CS for SB 787, Senate Bills 798, 888, 1292, 1306, 1316; has adopted SCR 1079.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed as amended CS for HB 376.

John B. Phelps, Clerk

MATTERS ON RECONSIDERATION

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

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.

—as amended passed May 21.

On motion by Senator Langley, by two-thirds vote the Senate reconsidered the vote by which HB 428 was read the third time.

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

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

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

Section 2. Paragraph (a) of subsection (7) of section 627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority.—

(7) MENTAL AND PHYSICAL EXAMINATION OF INJURED PERSON; REPORTS.—

(a) Whenever the mental or physical condition of an injured person covered by personal injury protection is material to any claim that has been or may be made for past or future personal injury protection insurance benefits, such person shall, upon the request of an insurer, submit to mental or physical examination by a physician or physicians. The costs of any examinations requested by an insurer shall be borne entirely by the insurer. Such examination shall be conducted within the city of residence of the insured. If there is no qualified physician to conduct the examination within the city of residence of the insured, then such examination shall be conducted in an area of the closest proximity to the insured's residence. Personal protection insurers are authorized to include reasonable provisions in personal injury protection insurance policies for mental and physical examination of those claiming personal injury protection insurance benefits. *An insurer may not withdraw payment of a treating physician without the consent of the injured person covered by the personal injury protection, unless the insurer first obtains a report, by a physician licensed under the same licensing law as the treating physician whose treating authorization is sought to be withdrawn, stating that treatment was not reasonable, related, or necessary.*

(Renumber subsequent section.)

Amendment 4—On page 1, between lines 9 and 10, insert: amending s. 627.736, F.S.; prohibiting the withdrawal of payment of a treating physician without the consent of the injured insured under certain circumstances;

On motion by Senator Langley, by two-thirds vote HB 428 as amended was read the third time by title.

Further consideration of HB 428 was deferred.

Motion

On motions by Senator Crenshaw, by two-thirds vote CS for CS for HB 1247 was withdrawn from the Committees on Commerce; Education; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Crenshaw, by unanimous consent—

CS for CS for HB 1247—A bill to be entitled An act relating to the state lottery; creating the Florida Public Education Lottery Act; providing intent; providing definitions; creating the Department of the State Lottery; creating the State Lottery Commission and providing for its membership and duties; providing for application of financial disclosure provisions; specifying powers and duties of the department; providing requirements with respect to operation of a state lottery; specifying authority of department regarding procurement and state property; providing requirements relating to department officers and employees; prohibiting certain conflicts of interest and providing for penalties; providing duties of the Division of Security; providing law enforcement officer status for certain persons in the division; specifying such persons' powers, including certain searches without warrant; providing for assistance of the Department of Law Enforcement and other agencies; requiring security audits; providing for certain confidentiality and providing for review and repeal; providing for rules, including emergency rules; authorizing the department to contract with lottery vendors; requiring certain disclosure; providing qualifications and restrictions; authorizing bond requirements; providing for contracts with lottery retailers; providing qualifications; declaring certain persons to be ineligible; providing for grounds for

suspension and termination of contracts; requiring retailers to display certificates of authority and provide certain information to the public; providing for compensation of retailers; authorizing bond requirements; requiring certain accessibility; providing for participation by minority business enterprises; authorizing preferences and programs; providing procedures for the deposit of funds and control of lottery transactions; providing restrictions upon the payment of prizes; providing time limits; providing for disposition of unclaimed prizes; providing for release from liability; authorizing the Comptroller to offset amounts due state agencies from certain prizes; prohibiting certain purchases and sales of lottery tickets and declaring certain other activities to be unlawful; providing penalties; providing for deposit of revenues in an Administrative Trust Fund for payment of expenses and prizes; providing a continuing appropriation; providing for adoption of annual budgets by the department; providing for the allocation of revenues; providing for transfer of net revenues to a trust fund under the Department of Education; providing public educational purposes for which revenues may be used; exempting prizes and ticket sales from taxes; specifying inapplicability of certain other laws; providing for audits; providing for the transfer of start-up funds to the department and for repayment thereof; providing an effective date.

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

Senator Crenshaw moved the following amendments which were adopted:

Amendment 1—On page 3, line 7, strike everything after the enacting clause and insert:

Section 1. Short title.—This act may be cited as the State Lottery Act.

Section 2. Purpose and intent.—

(1) The purpose of this act is to implement Art. X, s. 15 of the State Constitution in a manner that enables the people of the state to benefit from significant additional moneys for education and also enables the people of the state to play the best lottery games available.

(2) The intent of the Legislature is:

(a) That the net proceeds of lottery games conducted pursuant to this act be used to support education and that such proceeds not be used as a substitute for existing resources for education.

(b) That the lottery games be operated by a department of state government that is organized under chapter 20, Florida Statutes, and that, consistent with such chapter, runs as much as possible in the manner of an entrepreneurial business enterprise. The Legislature recognizes that the operation of a lottery is a unique activity for state government and that structures and procedures appropriate to the performance of other governmental functions are not necessarily appropriate to the operation of a state lottery.

(c) That the lottery games be operated by a self-supporting, revenue-producing department.

(d) That the department be accountable to the Legislature and the people of the state through a system of audits and reports and through compliance with financial disclosure, open meetings, and public records laws.

Section 3. Definitions.—As used in this act:

(1) "Department" means the Department of the Lottery.

(2) "Secretary" means the secretary of the department.

(3) "Vendor" means a person who provides or proposes to provide goods or services to the department, but does not include an employee of the department, a retailer, or a state agency.

(4) "Retailer" means a person who sells lottery tickets on behalf of the department pursuant to a contract.

(5) "Gross revenues" means the total amount of moneys derived from the sale of lottery tickets and investment income earned on all moneys other than moneys set aside for deferred payment of prizes.

(6) "Expenses" means all costs of doing business, including, but not limited to, commissions and other payments to retailers, payments to vendors, advertising costs, payroll, and other operating costs.

(7) "Net proceeds" means gross revenues less expenses, fixed capital outlay disbursements, and prizes.

Section 4. Department of the Lottery.—There is created the Department of the Lottery. The head of the department is the secretary, who shall be appointed by the Governor, subject to the confirmation of the Senate. The secretary shall serve at the pleasure of the Governor. It is the intent of the Legislature that, prior to appointing a secretary of the department, the Governor conduct a thorough search to find the most qualified appointee available. In conducting such search, the Governor shall emphasize such considerations as business management experience, marketing experience, computer experience, and lottery management experience.

Section 5. Departmental structure.—

(1) Any provision of law to the contrary notwithstanding, the secretary may create divisions and bureaus within the department and allocate the various functions of the department among such divisions and bureaus.

(2) There is created a Division of Security. The division shall perform all functions related to security of the lottery, except as otherwise provided in this act.

Section 6. Offices.—The headquarters of the department shall be located by the secretary, in the most convenient and efficient location in the state. The department may establish regional offices throughout the state.

Section 7. State Lottery Council.—

(1) There is created within the department the State Lottery Council, composed of five members appointed by the Governor. All members shall be residents of the state. Vacancies shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(2) Members shall be appointed to serve terms of 4 years each, except that of the initial members, one member shall be appointed to a term of 1 year, one member shall be appointed to a term of 2 years, one member for a term of 3 years and the remaining two members shall be appointed to terms of 4 years each. No member shall serve more than two consecutive 4-year terms, except that those members initially appointed to terms of less than 4 years may serve two additional 4-year terms.

(3) The council shall annually select a chairman.

(4)(a) The council shall meet at least once each quarter or more often at the call of the chairman or secretary.

(b) Any meeting or portion of a meeting of the council is exempt from the provisions of s. 286.011, Florida Statutes, when the council is discussing matters which are confidential pursuant to this act.

(c) When the council meets at the call of the chairman or secretary, such meetings are exempt from the notice provisions of chapter 120, Florida Statutes, in the event that, due to the nature of the matters to be addressed by the council, such notice is impractical, in which case the council shall give such notice as is calculated to afford interested persons notice and which is reasonable under the circumstances, which may include but not be limited to published notice in a newspaper of general circulation, notice by broadcasting by electronic media, and notice by telephone or other notice to persons who have requested such notice.

(d) The members of the council shall be entitled to per diem and travel expenses as provided in s. 112.061, Florida Statutes, while engaged in the performance of their duties.

(5) The purpose of the council is to serve as a resource for the department and to provide the secretary with private-sector perspectives on the operation of a large marketing enterprise.

(6) The council shall review the performance of the department and may:

(a) Advise the secretary and make recommendations to him regarding operations of the department.

(b) Identify potential improvements in this act, the rules of the department, and the management of the department.

(c) Request from the department any information the council determines to be relevant to its duties.

(d) Regularly report to the secretary, the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding its findings and recommendations.

(7) This section is repealed on October 1, 1997, and shall be reviewed by the Legislature prior to that date pursuant to s. 11.611, Florida Statutes.

Section 8. Powers and duties of department.—

(1) The department may:

(a) Sue and be sued in the corporate name of the department.

(b) Adopt a corporate seal and a symbol.

(c) Hold copyrights, trademarks, and service marks and enforce its rights with respect thereto.

(d) Enter into agreements with other states to participate in multi-state lotteries. The authority conferred by this paragraph is not effective until 3 years after the first day of lottery ticket sales.

(e) Recommend improvements in lottery operations to the Governor or the Legislature.

(f) Acquire real property and make improvements thereon. The title to such property shall be vested in the Board of Trustees of the Internal Improvement Trust Fund. The Board of Trustees shall give the department preference in leasing state-owned lands under the board's control and may not exercise any jurisdiction over lands purchased or leased by the department while such lands are actively used by the department. Actions of the department under this paragraph are exempt from the time limitations and deadlines of chapter 253, Florida Statutes.

(g) Charge fees to persons applying for contracts as vendors or retailers, which fees are reasonably calculated to cover the costs of investigations and other activities related to the processing of the application.

(2) The department shall:

(a) Supervise and administer the lottery pursuant to this act and the rules adopted pursuant to this act.

(b) Submit monthly and annual reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing financial statements which include, but are not limited to, disclosure of gross revenues, expenses, prizes, and net proceeds for the period. The annual report shall additionally describe the organizational structure of the department, including its hierarchical structure, and identifying divisions and bureaus created by the secretary and summarizing the departmental functions performed by each.

(c) Adopt by rule a system of continuous internal audits.

(d) Maintain weekly or more frequent records of lottery transactions, including distribution of tickets to retailers, revenues received, claims for prizes, prizes paid, and all other financial transactions of the department.

(e) Maintain a continuous study of lottery operations in this state and other states to determine improvements that may be made in lottery operations.

(f) Conduct marketing and demographic research to improve lottery sales and public relations.

(g) Conduct annual security studies and reviews to determine potential improvements in lottery security, or contract with outside consultants to perform such studies and reviews.

(h) Adopt rules governing the conduct of the lottery games, including rules specifying:

1. The types of games to be conducted.

2. The sale price of tickets.

3. The number and amount of prizes.

4. The method and location of selecting or validating winning tickets.

5. The means of conducting drawings, which drawings shall be public and shall be witnessed by an independent certified public accountant.

6. The manner of payment of prizes.

7. The frequency of games and drawings.
8. The manner and amount of compensation to retailers.
9. Any other matters necessary or desirable for the efficient and effective operation of the lotteries or for the convenience of the public.

(i) Specify by rule the information that is confidential and exempt from laws relating to public records and open meetings. Such information is limited to trade secrets, information obtained pursuant to background investigations of current or potential employees, retailers, or vendors, and other information found by the department to be necessary to the security or integrity of the lotteries. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.14, Florida Statutes.

(j) Adopt by rule a code of ethics for officers and employees of the department which supplements the standards of conduct for public officers and employees imposed by law.

Section 9. Administrative procedure.—

(1) The department may at any time adopt emergency rules pursuant to s. 120.54(9), Florida Statutes. The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to benefit the public. The Legislature further finds that the unique nature of state lottery operations requires, from time to time, that the department respond as quickly as is practicable to changes in the marketplace. Therefore, in adopting such emergency rules, the department need not make the findings required by s. 120.54(9)(a), Florida Statutes. Notwithstanding s. 120.54(9)(c), Florida Statutes, an emergency rule adopted under this section may not be effective for a period longer than 180 days, except during the pendency of a challenge to proposed rules addressing the subject of the emergency rule. If such proposed rules are declared wholly or partly invalid, the emergency rule may be renewed for not longer than an additional 180 days to address exigencies that would not otherwise be addressed by rule as a result of such declaration of invalidity.

(2) The provisions of s. 120.53(5), Florida Statutes, apply to the department's contracting process, except that:

(a) A formal written protest of any decision, intended decision, or other action subject to protest shall be filed within 72 hours after receipt of notice of the decision, intended decision, or other action.

(b) As an alternative to any provision in s. 120.53(5)(c), Florida Statutes, the department may proceed with the bid solicitation or contract award process when the secretary of the department sets forth in writing particular facts and circumstances which require the continuance of the bid solicitation process or the contract award process in order to avoid a substantial loss of funding to the state or to avoid substantial disruption of the timetable for any scheduled lottery game.

Section 10. Venue.—The venue for all civil or administrative actions against the department shall be in Leon County.

Section 11. Personnel.—

(1) The department shall establish and maintain a personnel program for its employees, including but not limited to a personnel program and pay plan which may provide any benefits provided in the Senior Management Service, the Selected Exempt Service, or the Career Service. Such plan must be approved by the Governor prior to implementation. In addition thereto or in lieu thereof, the department may procure alternative benefit programs or group insurance plans. Each officer or employee of the department shall be a member of the Florida Retirement System. The retirement class of each officer or employee shall be the same as other persons performing comparable functions for other agencies. Employees of the department shall serve at the pleasure of the secretary and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the secretary. Such personnel actions are exempt from the provisions of chapter 120, Florida Statutes. All employees of the department are exempt from the Career Service System, and, notwithstanding the provisions of s. 110.205(5), Florida Statutes, are not included in the Senior Management Service or the Selected Exempt Service. The department may perform any of the functions of the Department of Administration specified in s. 216.262(1), Florida Statutes, with respect to authorized positions within the depart-

ment. The compensation of the secretary shall be set annually by the Governor.

(2) A person may not be employed by the department if he has been found guilty of a felony committed within the preceding 10 years, unless the department determines that:

(a) The person has been pardoned or his civil rights have been restored; or

(b) Subsequent to such finding of guilt the person has engaged in the kind of law-abiding commerce and good citizenship that would reflect well upon the integrity of the lottery.

(3) No officer or employee of the department having decisionmaking authority may participate in any decision involving any vendor or retailer with whom the officer or employee has a financial interest. No such officer or employee may participate in any decision involving any vendor or retailer with whom the officer or employee has discussed employment opportunities without the approval of the secretary, or, if such officer is the secretary, without the approval of the Governor. Any officer or employee of the department shall notify the secretary of any such discussion or, if the officer is the secretary, he shall notify the Governor. A violation of this subsection is punishable in accordance with s. 112.317, Florida Statutes.

(4) No officer or employee of the department who leaves the employ of the department may represent any vendor or lottery retailer before the department regarding any specific matter in which the officer or employee was involved while employed by the department for a period of 2 years following cessation of employment with the department. A violation of this subsection is punishable in accordance with s. 112.317, Florida Statutes.

Section 12. Procurement.—The department may perform any of the functions of the Department of General Services under chapter 255, chapter 273, chapter 281, chapter 283, or chapter 287, Florida Statutes, or any rules adopted under any such chapter, and may grant approvals provided for under any such chapter or rules. If the department finds by rule that compliance with any such chapter would impair or impede the effective or efficient operation of the lottery, the department may adopt rules providing alternative procurement procedures. Such alternative procedures shall be designed to allow the department to evaluate competing proposals and select the proposal that provides the greatest long-term benefit to the state with respect to the quality of the products or services, dependability and integrity of the vendor, dependability of the vendor's products or services, security, competence, timeliness, and maximization of gross revenues and net proceeds over the life of the contract.

Section 13. Games; tickets; game materials.—

(1) It is the intent of the Legislature that a full range of lottery games, including both instant games and on-line games, be available to the public as soon as sound business practices and the long-term interests of the department allow, and that in fulfilling this intent the department should emphasize quality rather than speed. The department shall initiate the sale of lottery tickets no later than April 1, 1988. If the secretary finds that a state of emergency exists that would prohibit the department from initiating such sale on or before such date or that would cause the initiation of such sale on or before such date to be clearly contrary to the integrity of the state, the secretary shall certify such finding to the Governor. If the Governor verifies such finding, the department shall initiate the sale of lottery tickets on the earliest feasible date after the abatement of such state of emergency.

(2) No name of an elected official may appear on:

(a) The ticket, play slip, promotional material, or informational pamphlet of any lottery game.

(b) Any prize or on any instrument used for the payment of prizes, unless such prize is in the form of a state warrant.

(3) No game may employ any player-activated machine.

(4) It is the intent of the Legislature that any potential negative effect of the state lottery on the pari-mutuel industry be kept to a minimum. Therefore, in the selection of games and the method of determining winners, the department shall be sensitive to the effect of the lottery on

the pari-mutuel industry and may use for any game the theme of horse-racing, dogracing, or jai alai.

Section 14. Advertising and promotion.—

(1) The Legislature recognizes the need for extensive and effective advertising and promotion of lottery games. It is the intent of the Legislature that such advertising and promotion be consistent with the dignity and integrity of the state. In advertising the value of a prize that will be paid over a period of years, the department may refer to the sum of all prize payments over the period.

(2) The department may act as a retailer and may conduct promotions which involve the dispensing of lottery tickets free of charge.

Section 15. Security.—

(1) The Department of Law Enforcement shall, at the request of the Division of Security, perform full criminal background investigations on all potential vendors and potential employees of the Department of the Lottery at the level of secretary, division director, or bureau chief and at any level within the Division of Security. The Department of the Lottery shall reimburse the Department of Law Enforcement for the actual costs of such investigations.

(2) The Division of Security shall:

(a) Conduct criminal background investigations and credit investigations on all potential retailers and investigate all potential employees of the department not referred to in subsection (1).

(b) Supervise ticket validation and lottery drawings.

(c) Inspect without a warrant at times determined solely by the division the facilities of any vendor in order to determine the integrity of the vendor's product and in order to determine whether the vendor is in compliance with its contract.

(d) Report any suspected violations of this act to the appropriate state attorney and law enforcement agencies.

(e) Upon request, provide assistance to any state attorney or law enforcement agency investigating a violation of this act.

(3) The Division of Security may employ law enforcement officers certified under chapter 943, Florida Statutes, for the purposes specified in this section.

Section 16. Lottery vendors.—

(1) The department may purchase, lease, or lease-purchase such goods or services as are necessary for effectuating the purposes of this act. The department may not contract with any person or entity for the total operation and administration of the state lottery, but may make procurements which integrate functions such as lottery game design, supply of goods and services, and advertising. In all procurement decisions, the department shall take into account the particularly sensitive nature of the state lottery and shall act to promote and ensure security, honesty, fairness, and integrity in the operation and administration of the lottery and the objective of raising net proceeds for the benefit of the public purpose described in this act.

(2) The department shall investigate the financial responsibility, security, and integrity of any person who submits a bid, proposal, or offer as part of a procurement which the department anticipates will cost more than \$50,000 in any year. At a minimum, each such person shall first disclose at the time of submitting such bid, proposal, or offer to the department all of the following items:

(a) A disclosure of the vendor's name and address and, as applicable, the name and address of the following:

1. If the vendor is a corporation, the officers, directors, and each stockholder in such corporation; except that, in the case of owners of equity securities of a publicly traded corporation, only the names and addresses of those known to the corporation to own beneficially 5 percent or more of such securities need be disclosed.

2. If the vendor is a trust, the trustee and all persons entitled to receive income or benefit from the trust.

3. If the vendor is an association, the members, officers, and directors.

4. If the vendor is a partnership or joint venture, all of the general partners, limited partners, or joint venturers.

(b) A disclosure of all the states and jurisdictions in which the vendor does business, and the nature of that business for each such state or jurisdiction.

(c) A disclosure of all the states and jurisdictions in which the vendor has contracts to supply gaming goods or services, including, but not limited to, lottery goods and services, and the nature of the goods or services involved for each such state or jurisdiction.

(d) A disclosure of all the states and jurisdictions in which the vendor has applied for, has sought renewal of, has received, has been denied, has pending, or has had revoked a gaming license of any kind, and the disposition of such in each such state or jurisdiction. If any gaming license has been revoked or has not been renewed or any gaming license application has been either denied or is pending and has remained pending for more than 6 months, all of the facts and circumstances underlying the failure to receive such a license must be disclosed.

(e) A disclosure of the details of any finding of guilt, in a state or federal court, against the vendor for any felony or any other criminal offense other than a traffic violation.

(f) A disclosure of the details of any bankruptcy, insolvency, reorganization, or any pending litigation of the vendor.

(g) Such additional disclosures and information as the department may determine to be appropriate for the procurement involved.

If the vendor subcontracts any substantial portion of the work to be performed under the contract to a subcontractor, the vendor shall disclose all of the information required by this subsection for the subcontractor as if the subcontractor were itself a vendor.

(3) A contract for a procurement with any vendor subject to subsection (2) who has not complied with the disclosure requirements described in subsection (2) may not be entered into, and any contract with such a vendor is unenforceable. Any contract with any vendor who does not comply with such requirements for periodically updating such disclosures during the tenure of such contract as may be specified in such contract may be terminated by the department. This subsection and subsection (2) shall be construed broadly and liberally to achieve the ends of full disclosure of all information necessary to allow for a full and complete evaluation by the department of the competence, integrity, background, and character of vendors for major procurements.

(4) A contract may not be entered into with any vendor who has been found guilty of a felony committed within the preceding 10 years, unless the department determines that:

(a) The vendor has been pardoned or the vendor's civil rights have been restored; or

(b) Subsequent to such finding of guilt the vendor has engaged in the kind of law-abiding commerce and good citizenship that would reflect well upon the integrity of the lottery; or

(c) If the vendor is a firm, association, partnership, trust, corporation, or other entity, the vendor has terminated its relationship with the individual whose actions directly contributed to the vendor's finding of guilt.

(5) Each vendor shall, at the time of executing the contract with the department, post a performance bond with the department, using a surety acceptable to the department, in an amount equal to the full amount estimated to be paid annually to the vendor under the contract. In lieu of the bond, a vendor may, to assure the faithful performance of its obligations, deposit and maintain with the State Treasurer securities that are interest bearing or accruing and that, with the exception of those specified in paragraph (a) or paragraph (b), are rated in one of the four highest classifications by an established nationally recognized investment rating service. Securities eligible under this subsection are limited to:

(a) Certificates of deposit issued by solvent banks or savings associations organized and existing under the laws of this state or under the laws of the United States and having their principal place of business in this state.

(b) United States bonds, notes, and bills for which the full faith and credit of the government of the United States is pledged for the payment of principal and interest.

(c) General obligation bonds and notes of any political subdivision of the state.

(d) Corporate bonds of any corporation that is not an affiliate or subsidiary of the depositor.

Such securities must be held in trust and must have at all times a market value at least equal to the full amount estimated to be paid annually to the lottery vendor under contract.

(6) Every contract entered into by the department pursuant to this section shall contain a provision for payment of liquidated damages to the department for any breach of contract by the vendor.

(7) Each vendor shall be qualified to do business in this state and shall file appropriate tax returns as provided by the laws of this state. All contracts under this section shall be governed by the laws of this state.

Section 17. Lottery retailers.—

(1) The department shall adopt rules specifying the terms and conditions for contracting with retailers who will best serve the public interest and promote the sale of lottery tickets.

(2) In the selection of retailers, the department shall consider factors such as financial responsibility, integrity, reputation, accessibility of the place of business or activity to the public. In the consideration of these factors, the department may require the information it deems necessary of any person applying for authority to act as a lottery retailer. However, the department may not establish a limitation upon the number of retailers and shall make every effort to allow small business participation as retailers. It is the intent of the Legislature that retailer selections be based on business considerations and the public convenience, and that retailers be selected without regard to political affiliation.

(3) The department may not contract with any person as a retailer who:

(a) Is less than 18 years of age.

(b) Is engaged exclusively in the business of selling lottery tickets; however, this paragraph does not preclude the department from contracting with nonprofit charitable organizations or units of local government.

(c) Been found guilty of a felony committed within the preceding 10 years, unless the department determines that:

1. The person has been pardoned or his civil rights have been restored;

2. Subsequent to such finding of guilt, he has engaged in the kind of law-abiding commerce and good citizenship that would reflect well upon the integrity of the lottery; or

3. If the person is a firm, association, partnership, trust, corporation, or other entity, it has terminated its relationship with the individual whose actions directly contributed to the finding of guilt.

(4) Any contract executed by the department pursuant to this section shall specify the reasons for any suspension or termination of the contract by the department, including, but not limited to:

(a) Commission of a violation of this act or rule adopted pursuant thereto.

(b) Failure to accurately account for lottery tickets, revenues, or prizes as required by the department.

(c) Commission of any fraud, deceit, or misrepresentation.

(d) Insufficient sale of tickets.

(e) Conduct prejudicial to public confidence in the lottery.

(f) Any material change in any matter considered by the department in executing the contract with the retailer.

(5) A contract with a retailer may not authorize the sale of lottery tickets at more than one location, and a retailer may sell lottery tickets only at the location stated in the contract.

(6) With respect to any retailer whose rental payments for premises are contractually computed, in whole or in part, on the basis of a percentage of retail sales, and where such computation of retail sales is not explicitly defined to include sales of tickets in a state-operated lottery, the compensation received by the retailer from the department shall be deemed to be the amount of the retail sale for the purposes of such contractual compensation.

(7)(a) The department may require each retailer to post a bond with the department, using a surety acceptable to the department, in an amount not to exceed twice the average lottery ticket sales of the retailer for the period within which the retailer is required to remit lottery funds to the department. For the first 90 days of sales of a new retailer, the amount of the bond may not exceed twice the average estimated lottery ticket sales for the period within which the retailer is required to remit lottery funds to the department. This paragraph does not apply to lottery tickets which are prepaid by the retailers.

(b) In lieu of such bond, the department may purchase blanket bonds covering all or selected retailers or may allow a retailer to deposit and maintain with the Treasurer securities that bear or accrue interest and that, with the exception of those specified in subparagraph 1. or subparagraph 2., are rated in one of the four highest classifications by an established nationally recognized investment rating service. Securities eligible under this paragraph are limited to:

1. Certificates of deposit issued by solvent banks or savings associations organized and existing under the laws of this state or under the laws of the United States and having their principal places of business in this state.

2. United States bonds, notes, and bills for which the full faith and credit of the government of the United States is pledged for the payment of principal and interest.

3. General obligation bonds and notes of any political subdivision of the state.

4. Corporate bonds of any corporation that is not an affiliate or subsidiary of the depositor.

Such securities must be held in trust and must have at all times a market value at least equal to an amount required by the department.

(8) Each contract entered into by the department pursuant to this section must contain a provision for payment of liquidated damages to the department for any breach of contract by the retailer.

(9) The department shall establish procedures by which each retailer must account for all tickets sold by the retailer and to account for all funds received by the retailer from such sales. The contract with each retailer must include provisions relating to the sale of tickets, payment of moneys to the department, reports, service charges, and interest and penalties, if necessary, as the department deems appropriate.

(10) No payment by a retailer to the department for tickets may be in cash. All such payments shall be in the form of a check, bank draft, electronic fund transfer, or other financial instrument authorized by the secretary.

(11) Each retailer shall provide accessibility for disabled persons on habitable grade levels. This subsection does not apply to a retail location which has an entrance door threshold more than 12 inches above ground level.

Section 18. Minority participation.—It is the intent of the Legislature that the department encourage participation by minority business enterprises as defined in s. 288.703, Florida Statutes. Accordingly, 15 percent of all lottery retailers must be minority business enterprises as defined in s. 288.703(2), Florida Statutes; however, no more than 35 percent of such retailers may be owned by the same type of minority person, as defined in s. 288.703(3), Florida Statutes. The department shall undertake training programs and other educational activities to enable such persons to compete for such contracts on an equal basis. This section does not preclude or prohibit a minority person from competing for any other retailing or vending agreement awarded by the department.

Section 19. Bank deposits and control of lottery transactions.—

(1) All moneys received by each retailer from the operation of the state lottery, including, but not limited to, all ticket sales, interest, gifts, and donations, less the amount retained as compensation for the sale of

the tickets and the amount paid out as prizes, shall be remitted to the department. The department shall have the responsibility for all administrative functions related to the receipt of funds. The department may also require each retailer to file with the department reports of the retailer's receipts and transactions in the sale of lottery tickets in such form and containing such information as the department may require. The department may require any person, including a qualified public depository, to perform any function, activity, or service in connection with the operation of the lottery as it deems advisable pursuant to this act and rules of the department, and such functions, activities, or services shall constitute lawful functions, activities, and services of such person.

(2) The department may require retailers to establish separate electronic funds transfer accounts for the purpose of receiving moneys from ticket sales, making payments to the department, and receiving payments from the department.

(3) Each retailer is liable to the department for any tickets accepted or generated by any employee or representative of that retailer, and such tickets are deemed to have been purchased by the retailer unless returned to the department within the time and in the manner prescribed by the department. All moneys received by a retailer from the sale of lottery tickets, less the amount paid out as prizes by the retailer, shall be held in trust prior to delivery to the department.

Section 20. Payment of prizes.—

(1) The department shall adopt rules to establish a system of verifying the validity of tickets claimed to win prizes and to effect payment of such prizes; however:

(a) The right of any person to a prize is not assignable. However, a prize may be paid to the estate of a deceased prize winner or to a person designated pursuant to an appropriate judicial order.

(b) No prize may be paid to any person under the age of 18 years unless the winning ticket was lawfully purchased and made a gift to the person. In such case the department shall direct payment to an adult member of the person's family or the legal guardian of the person on behalf of such person. The person named as custodian shall have the same powers and duties as prescribed for a custodian pursuant to the Florida Uniform Transfers to Minors Act.

(c) No prize may be paid arising from claimed tickets that are stolen, counterfeit, altered, fraudulent, unissued, produced or issued in error, unreadable, not received or not recorded by the department within applicable deadlines, lacking in captions that confirm and agree with the play symbols as appropriate to the lottery game involved, or not in compliance with such additional specific rules and public or confidential validation and security tests of the department appropriate to the particular lottery game involved.

(d) No particular prize in any lottery game may be paid more than once, and in the event of a binding determination that more than one claimant is entitled to a particular prize, the sole remedy of such claimants is the award to each of them of an equal share in the prize.

(e) For the convenience of the public, a retailer may be authorized to pay winners up to \$599 after the retailer performs validation procedures appropriate to the lottery game involved.

(f) A holder of a ticket may claim a prize within 365 days after the drawing in which the prize was won; except that with respect to any game in which the player may determine instantly if he has won or lost, the holder may claim a prize within 60 days after the end of the lottery game. If a valid claim is not made for a prize within the applicable period, the prize shall constitute an unclaimed prize for purposes of subsection (2).

(g) No prize may be paid upon a ticket purchased or sold in violation of this act or to any person who is prohibited from purchasing a lottery ticket. Any such prize shall constitute an unclaimed prize for purposes of subsection (2).

(2) Any unclaimed prize money shall be added to the pool from which future prizes are to be awarded or used for special prize promotions.

(3) The department is discharged of all liability upon payment of a prize.

(4) It is the responsibility of the appropriate state agency and of the Judicial Branch to identify to the department, in the form and format prescribed by the department, persons owing an outstanding debt to any

state agency or owing child support collected through a court. Prior to the payment of a prize of \$600 or more to any claimant having such outstanding obligation, the department may transmit the prize money to the Comptroller, who may authorize payment of the balance to the prize winner after deduction of the debt. If a prize winner owes multiple debts subject to offset under this subsection and the prize is insufficient to cover all such debts, the amount of the prize shall be applied in the manner that the Comptroller deems appropriate.

Section 21. Unlawful purchase of lottery tickets; penalty.—

(1) No person may purchase a lottery ticket who is less than 18 years of age; however, this subsection does not prohibit the purchase of a lottery ticket for the purpose of making a gift to a minor.

(2) No officer or employee of the department or any relative living in the same household with such officer or employee may purchase a lottery ticket.

(3) No officer or employee of any vendor under contract with the department or any relative living in the same household with such officer or employee may purchase a lottery ticket.

(4) No retailer or employee of such retailer or any relative living in the same household with such retailer or employee may purchase a lottery ticket at the premises where the retailer is authorized to sell tickets.

(5) Any person who violates this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 22. Unlawful sale of lottery tickets; penalty.—Any person who knowingly:

(1) Sells a state lottery ticket when not authorized by the department to engage in such sale,

(2) Sells a state lottery ticket to a person who is prohibited from purchasing a ticket, or

(3) Sells a state lottery ticket at any price other than that established by the department

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 23. Other prohibited acts; penalties.—

(1) **UNLAWFUL EXTENSIONS OF CREDIT.**—Any retailer who extends credit or lends money to a person for the purchase of a lottery ticket is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

(2) **UNLAWFUL ASSIGNMENT OR TRANSFER OF RIGHT TO CLAIM PRIZE.**—Any person who induces another to assign or transfer his right to claim a prize, who offers for sale his right to claim a prize, or who offers for compensation to claim the prize of another is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

(3) **COUNTERFEIT OR ALTERED TICKETS.**—Any person who:

(a) Knowingly presents a counterfeit or altered state lottery ticket,

(b) Knowingly transfers a counterfeit or altered state lottery ticket to another to present for payment, or

(c) With intent to defraud, falsely makes, alters, forges, passes, or counterfeits a state lottery ticket

is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(4) **BREACH OF CONFIDENTIALITY.**—Any person who knowingly and willfully discloses any information relating to the lottery designated as confidential pursuant to this act or department rule is guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(5) **UNLAWFUL REPRESENTATION.**—

(a) Any person who uses point-of-sale materials issued by the department or otherwise holds himself out as a retailer and who is not authorized by the department to act as a retailer is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

(b) Any person who for any commercial or pecuniary purpose uses the term "Florida Lottery," "State Lottery," "Florida State Lottery," or any similar term in reference to an enterprise other than a lottery conducted under this act is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 24. Corporate name.—The corporate name of a corporation shall not contain the word "lottery" unless the Department of the Lottery approves such name in writing. The Department of State shall require each corporation existing on the effective date of this act to comply with this section no later than 6 months after the effective date of this act.

Section 25. Preemption.—All matters relating to the operation of lotteries authorized by Art. X, s. 15 of the State Constitution are preempted to the state.

Section 26. Exemption from chapter 849.—The provisions of chapter 849, Florida Statutes, do not apply to any lottery conducted under this act.

Section 27. Exemption from taxation.—

(1) State lottery tickets are exempt from any form of taxation under chapter 212, Florida Statutes.

(2) Prizes paid or payable under this act are exempt from all forms of state or local taxation.

Section 28. Other exemptions.—Activities of the department under this act are exempt from the provisions of:

(1) Chapter 616, Florida Statutes, relating to public fairs and exhibitions.

(2) Sections 365.02, 365.03, and 365.05, Florida Statutes, relating to use of wire services.

(3) Chapter 946, Florida Statutes, relating to correctional work programs.

(4) Chapter 282, Florida Statutes, relating to communications and data processing.

(5) Sections 186.021 and 186.022, Florida Statutes, relating to agency functional plans.

(6) Section 283.315, Florida Statutes, relating to publications.

Section 29. Audits.—A financial postaudit of the books and records of the department shall be conducted annually by an independent certified public accountant selected by the Legislative Auditing Committee. The postaudit shall be conducted pursuant to rules adopted by the Auditor General and shall be paid for by the department. The Auditor General may at any time conduct such additional audits of the department as he deems necessary or desirable. All such audits shall be filed with the Governor, the President of the Senate, and the Speaker of the House of Representatives. The department shall reimburse the Auditor General for the actual costs of any audits performed by him.

Section 30. Financial matters.—

(1) There is hereby created in the State Treasury an Administrative Trust Fund to be administered in accordance with chapters 215 and 216, Florida Statutes, by the department. All money received by the department shall be deposited into the Administrative Trust Fund.

(2) The department shall allocate an amount to be paid by the department to prize winners. Such amount, including prizes paid by retailers, shall be not less than 50 percent of gross revenues in any fiscal year.

(3) Not later than the fifth working day of each month, the Department of the Lottery shall transfer the net proceeds from the previous month from the Administrative Trust Fund to the State Education Lotteries Trust Fund created by Art. X, s. 15 of the State Constitution, which trust fund shall be administered by the Department of Education. It is the intent of the Legislature that the goal of the Department of the Lottery be to turn over at least 35 percent of gross revenues to the State Education Lotteries Trust Fund each fiscal year. The Legislature shall annually make appropriations from the State Education Lotteries Trust Fund for education only.

(4) Moneys in the Administrative Trust Fund which the department anticipates will be available for the payment of prizes on an annuity basis may be invested in direct United States Treasury obligations. These instruments may be in varying maturities with respect to payment of annuities and may be in book-entry form.

(5) Any action required by law to be taken by the State Treasurer or the Comptroller shall be taken within 2 business days after the department's request therefor. If the request for such action is not approved or rejected within such period, the request shall be deemed to be approved. The department shall reimburse the State Treasurer or the Comptroller for any additional costs involved in providing the level of service required by this subsection.

(6) The department shall cooperate with the State Treasurer, the Comptroller, and the Auditor General by giving employees designated by any of them access to facilities of the department for the purpose of efficient compliance with their respective responsibilities.

(7) With respect to any reimbursement that the department is required to pay to any state agency, the department may enter into an agreement with such state agency under which the department shall pay to such state agency an amount reasonably anticipated to cover such reimbursable expenses in advance of such expenses being incurred.

(8) Notwithstanding the provisions of section 216.262, Florida Statutes, the Governor may authorize any additional positions for any agency for the implementation of any lottery program until July 1, 1989.

(9) The Secretary of the Department of Administration may authorize a sales incentive program for employees of the department for the purpose of increasing the sales volume and distribution of lottery tickets.

Section 31. State Lottery Estimating Conference.—

(1) Notwithstanding the provisions s. 216.136(3), Florida Statutes, the State Lottery Estimating Conference shall develop such official information with respect to anticipated gross revenues and net proceeds of the state lotteries as the conference determines is needed for the state planning and budgeting system.

(2) The following persons or offices or their designees are the principals of the State Lottery Estimating Conference: the Executive Office of the Governor; the director of the Division of Economic and Demographic Research of the Joint Legislative Management Committee; and professional staff who have forecasting expertise from the Department of the Lottery, the Senate, and the House of Representatives.

Section 32. Transitional provisions.—

(1) The sum of \$15 million is hereby appropriated from the Administrative Trust Fund to the department for the fiscal period ending June 30, 1988 for the purpose of paying all costs related to operation of the department during the start-up period, including fixed capital outlay. All net proceeds of the lotteries shall be used to repay such loans received pursuant to s. 215.18, Florida Statutes, back to any fund from which a loan was made until the full amount is repaid, together with interest at the same rate earned by the Treasurer on investments of amounts in such fund.

(2) The secretary shall be appointed and shall actually be in office no later than 90 days after the effective date of this act.

Section 33. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 3, line 7, strike everything before the enacting clause and insert: A bill to be entitled An act relating to state lotteries; creating the State Lottery Act; implementing Art. X, s. 15, State Constitution; providing purpose and intent; providing definitions; creating the Department of the Lottery; providing for appointment of a secretary; specifying qualifications; authorizing creation of divisions and bureaus; creating a Division of Security; providing for departmental offices; creating the State Lottery Council; providing membership and terms; specifying duties of the council; providing for per diem and travel expenses; providing for future repeal; providing powers and duties of the department; providing for audits and reports; providing for use and acquisition of real property; providing for fees; providing for adoption of rules; providing for confidentiality; providing exemptions from the Administrative Procedure Act; providing venue; providing for adoption of emergency rules; providing for employment of personnel; providing restrictions; providing post-employment restrictions; providing procure-

ment procedures; providing for lottery games; providing restrictions on games; providing for advertising and promotion; authorizing reference to future value of prizes; specifying functions of the Department of Law Enforcement and the Division of Security; providing for employment of law enforcement officers; specifying relationship with lottery vendors; providing restrictions; providing for investigations; requiring disclosure of certain information; providing for performance bond; specifying relationship with lottery retailers; providing restrictions; providing for bond; providing accounting procedures; requiring retailers to provide accessibility for disabled persons; providing for preferences and programs for minority business enterprises; providing for bank deposits and control of lottery transactions; providing for payment of prizes; prohibiting certain persons from purchasing lottery tickets; prohibiting certain extensions of credit; prohibiting certain assignments or transfers of rights to claim prizes; prohibiting counterfeiting or altering of tickets; prohibiting breaches of confidentiality; prohibiting certain representations; providing penalties; providing restrictions on corporate names; exempting lotteries under the act from ch. 849, F.S.; exempting lottery tickets and lottery prizes from taxation; exempting activities of the department from provisions of law relating to public fairs and expositions, wire services, correctional work programs, communications and data processing, agency functional plans, and publications; providing for deposit of gross revenues in a trust fund; providing for allocation of a specified portion of gross revenues to the payment of prizes; requiring monthly deposit of net proceeds in the State Education Lotteries Trust Fund to be appropriated by the Legislature; specifying method and purpose of such appropriations; providing for advance payment of costs to be reimbursed by the department; providing deadlines for certain actions of the State Treasurer and of the Comptroller; requiring the department to cooperate with state agencies; providing for authorization of additional positions; providing for a sales incentive program; creating a State Lottery Estimating Conference; providing for investment of certain moneys; providing an appropriation; providing for repayment of such appropriation out of the net proceeds; providing a date by which the secretary shall be appointed and in office; providing an effective date.

On motion by Senator Crenshaw, by two-thirds vote CS for CS for HB 1247 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Excused: Ros-Lehtinen

On motion by Senator Crenshaw, the rules were waived and CS for CS for HB 1247 was ordered immediately certified to the House.

SPECIAL ORDER

On motion by Senator Myers, by two-thirds vote—

CS for CS for SB's 484, 498 and 247—A bill to be entitled An act relating to indigent health care; amending s. 125.01, F.S.; enabling a county to establish municipal service taxing or benefit units to provide indigent health care services in unincorporated areas; authorizing a county to establish a dependent special district or an independent special district to provide indigent health care services throughout the county; providing for appointment and duties of the governing board of the independent special district; providing authority for the indigent health care board to prepare and adopt a budget; authorizing the levy of ad valorem taxes subject to referendum; limiting the millage rate; providing for expenditure of tax revenues; providing for financial reports; amending s. 154.01, F.S.; allowing county public health units to deliver services directly or to broker services provided by others; requiring a formal request-for-proposal process in selecting counties for primary care programs; limiting start-up costs; authorizing counties to pool resources and jointly provide primary care programs; specifying components of primary care programs; requiring primary care programs to coordinate with the

Improved Pregnancy Outcome Program; requiring certain patients be provided with prenatal services; creating s. 154.011, F.S.; requiring each county to establish a primary health care panel; providing for membership of the panel; providing for the development of a plan for the delivery of primary care services through the county public health unit; providing for duties of the panel; amending s. 155.40, F.S.; requiring hospitals which reorganize as not-for-profit corporations to continue to provide indigent care as required by this act; amending s. 395.502, F.S.; modifying definitions used by Hospital Cost Containment Board; amending s. 409.266, F.S.; requiring the purchase of medical services for eligible persons in a specified manner; increasing the Public Medical Assistance Trust Fund contribution for primary care services through county public health units; authorizing disbursement from Public Medical Assistance Trust Fund to hospitals on a pro rata formula basis for uncompensated care; deleting provision authorizing moneys in the Public Medical Assistance Trust Fund to be used to establish primary care programs for certain persons; extending Medicaid services to financially eligible pregnant women, children under age 5, elderly persons, and disabled persons; providing for fee increases to Medicaid noninstitutional providers; directing the Department of Health and Rehabilitative Services to implement procedures for contracting for onsite Medicaid eligibility determinations; requiring a report; requiring the Auditor General to contract for a study of certain aspects of the Medicaid program; providing an appropriation; requiring the Auditor General to conduct a program audit of the Medicaid program and its implementation by the department and issue a report; amending s. 409.2662, F.S.; prescribing purposes for expenditures from the Public Medical Assistance Trust Fund; providing for a one-time disbursement from the fund for uncompensated hospital care; providing for further disbursements for such care under certain circumstances; creating s. 409.2673, F.S.; establishing a shared county and state health care program for low-income persons; providing for eligibility for the program; providing for county and state share of the program funding for counties participating in the program; delineating state and county responsibility should the funds of either be depleted; requiring participating counties to maintain current indigent health care efforts; providing for eligibility determination; specifying conditions for reimbursement to hospitals; providing for participation by special taxing districts or authorities in the funding of the county's financial responsibility for the shared county and state program; providing for development and adoption of rules governing the program; amending s. 395.5094, F.S.; excluding certain funds in calculating the excess over an approved hospital budget; authorizing the establishment of the Florida Small Business Health Access Corporation; providing for the organization and operation of the corporation, including collection of premiums, establishment of benefits, payment of claims; authorizing staff to administer the program; providing that the corporation shall not be licensed by the Department of Insurance; providing for reinsurance; amending s. 395.503, F.S.; increasing the membership of the Hospital Cost Containment Board; providing for the appointment of such additional members; providing for review and repeal of the Medicaid medically needy program; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 11, between lines 2 and 3, insert:

(4) *The department shall adopt rules to govern the operation of primary care programs authorized by this section. Such rules shall include, but not be limited to, quality of care, case management, and Medicaid participation and shall be developed by the State Health Officer. Rules governing services to clients under 21 years of age shall be developed in conjunction with Children's Medical Services and shall at a minimum include preventive services as set forth in section 627.6579.*

Amendment 2—On page 8, line 19, after "amended" insert: , present subsections (4) and (5) of said section are redesignated as subsections (5) and (6), respectively, and a new subsection (4) is added to said section.

Amendment 3—On page 20, line 23, through page 22, line 27, strike all of said lines and insert:

(b) ~~Beginning July 1, 1984, The department is authorized to use funds up to \$10 million from the Public Medical Assistance Trust Fund, as created in s. 409.2662, to establish primary care programs for low-income persons through the county public health units pursuant to s. 154.01(2)(c). The department shall enter into contracts with counties for~~

~~the purpose of this paragraph and shall establish priorities for funding based on the need and willingness of counties to participate.~~

(c) ~~Beginning July 1, 1986,~~ The department shall provide by rule for the delivery of Medicaid services to:

1. Financially eligible individuals under age 21 who are children in intact families;
2. Financially eligible unemployed parents and their children who are under age 18; and
3. Financially eligible married pregnant women.

Financial eligibility shall be based on the income and resource standards for Aid to Families with Dependent Children. The definition of the term "unemployed" shall be based on federal regulations.

(d)1. ~~The department shall provide, by rule, for the delivery of federally approved, pregnancy-related Medicaid services to qualified pregnant women whose family incomes are below 100 percent of the federal nonfarm poverty level.~~

2. ~~The department shall provide, by rule, for the delivery of federally approved Medicaid services to qualified elderly persons and disabled persons whose family incomes are below 100 percent of the federal nonfarm poverty level.~~

3. ~~The department shall provide, by rule, for the delivery of federally approved Medicaid services to qualified children under the age of 2 years whose family incomes are below 100 percent of the federal nonfarm poverty level.~~

4. ~~Effective October 1, 1988, the department shall provide, by rule, for the delivery of federally approved Medicaid services to qualified children under the age of 3 years whose family incomes are below 100 percent of the federal nonfarm poverty level.~~

5. ~~Effective October 1, 1989, the department shall provide, by rule, for the delivery of federally approved Medicaid services to qualified children under the age of 4 years whose family incomes are below 100 percent of the federal nonfarm poverty level.~~

6. ~~Effective October 1, 1990, the department shall provide, by rule, for the delivery of federally approved Medicaid services to qualified children under the age of 5 years whose family incomes are below 100 percent of the federal nonfarm poverty level.~~

~~The Medicaid services to be provided for in this paragraph shall be those authorized by the Federal Sixth Omnibus Budget Reconciliation Act and provided for in the General Appropriations Act.~~

(e)(d) ~~Beginning July 1, 1986,~~ The department shall establish by rule a Medicaid medically needy program that will provide services for which categorically eligible persons are entitled, except for long-term institutional services. These services shall be provided to persons who meet categorical eligibility requirements, other than requirements relating to income limitations. The maximum income eligibility for services through the medically needy program shall be set at up to 133 1/3 percent of the payment standard for eligibility for Aid to Families with Dependent Children, the percentage to be set by the department in consultation with the appropriations committees of the Senate and the House of Representatives and based upon recurring funds available.

(f) ~~The department shall:~~

Senator Myers moved the following amendment:

Amendment 4—On page 42, line 1, before "Section" insert:

Section 16. Subsections (1) and (3) of section 381.493, Florida Statutes, are amended to read:

381.493 Health facilities and health services planning.—

(1) **SHORT TITLE.**—Sections 381.493, 381.494, 381.4945, 381.495, 381.498, and 381.499 shall be known as the "Health Facilities and Health Services Planning Act."

(3) **DEFINITIONS.**—As used in ss. 381.493-381.499, unless the context clearly requires otherwise:

(a) ~~"Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care and in which the patient is~~

~~admitted to and discharged from such facility within the same working day, and which is not part of a hospital. However, a facility existing for the primary purpose of performing therapeutic abortions, an office maintained by a physician for the practice of medicine, or an office maintained for the practice of dentistry shall not be construed to be an ambulatory surgical center.~~

(a)(b) "Capital expenditure" means an expenditure, including a force account expenditure (an expenditure for a construction project undertaken by a health care facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance; which exceeds the minimum as specified in s. 381.494(1)(c), changes the bed capacity of the facility, or substantially changes the services of the health care facility, health service provider, or hospice with respect to which such expenditure is made and which includes the cost of the studies, surveys, designs, plans, working drawings, specifications, refinancing costs, and other activities essential to acquisition, improvement, expansion, or replacement of the plant and equipment.

(b)(e) "Certificate of need" means a written statement issued by the department evidencing community need for a new, converted, expanded, or otherwise significantly modified health care facility, health service, or hospice.

(c)(d) "Commenced construction" means initiation of and continuous activities beyond site preparation associated with erecting or modifying a health care facility, including procurement of a building permit applying the use of department-approved construction documents, proof of an executed owner/contractor agreement or an irrevocable or binding forced account, and actual undertaking of foundation forming with steel installation and concrete placing.

(d)(e) "Department" means the Department of Health and Rehabilitative Services.

(f) ~~"Freestanding hemodialysis center" means a facility, separate and apart from any other health care facility, which provides renal dialysis to persons with kidney disease.~~

(e)(g) "Health care facility" means a hospital, skilled nursing facility, or intermediate care facility, ~~ambulatory surgical center, or freestanding hemodialysis center.~~ A facility, such as one provided by the Christian Science Church, relying solely on spiritual means through prayer for healing shall not be included as a health care facility within the meaning of ss. 381.493-381.497.

(f)(h) "Health maintenance organization" means a health care provider organization defined and authorized in part II of chapter 641.

(g)(i) "Health services" means clinically related (i.e., diagnostic, curative, or rehabilitative) services and includes alcohol, drug abuse, and mental health services.

(h)(j) "Home health agency" means an agency that is certified or seeks certification as a Medicare home health service provider.

(i)(k) "Hospice" or "hospice program" means an autonomous, centrally administered, nonprofit, as defined in chapter 617, medically directed, nurse-coordinated program providing a continuum of home, outpatient, and inpatient care for the terminally ill patient and his family. It employs an interdisciplinary team to assist in providing palliative and supportive care to meet the special needs arising out of the physical, emotional, spiritual, social, and economic stresses which are experienced during the final stages of illness and during dying and bereavement. This care is available 24 hours a day, 7 days a week, and is provided on the basis of need regardless of inability to pay.

(j)(l) "Hospital" means a health care facility licensed under chapter 395.

(k)(m) "Institutional health service" means a health service which is provided by or through a health care facility and which entails an annual operating cost of \$250,000 or more. The \$250,000 minimum shall be adjusted pursuant to an index designated by the Secretary of Health and Human Services.

(l)(n) "Intermediate care facility" means an institution which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who, because of their

mental or physical condition, require health-related care and services, above the level of room and board.

(m)(e) "Intermediate care facility for the mentally retarded" or "ICF/MR" means a residential facility licensed under chapter 400 or chapter 393 and certified by the Federal Government pursuant to the Social Security Act as a provider of Medicaid services to persons who are mentally retarded or who have related conditions.

(n)(f) "Local health council" means a comprehensive local health council which is a public or private nonprofit agency serving the counties of a service district of the department as set forth in s. 20.19. The members of each council shall be appointed in an equitable manner by the county commissions having jurisdiction in the respective district. Each council shall be composed of a number of persons equal to 1½ times the number of counties which comprise the district or 12 members, whichever is greater. Each county in a district shall be entitled to at least one member on the council. The balance of the membership of the council shall be allocated among the counties of the district on the basis of population, rounded to the nearest whole number; except that, in a district composed of only two counties, no county shall have fewer than four members. The department shall promulgate a rule which allocates membership of the various counties pursuant to this paragraph; which designates the number of initial appointments from each county, which appointees shall be representatives of health care providers, health care purchasers, and nongovernmental health care consumers, not to exclude elected government officials; and which provides for an orderly rotation of the appointment of the various classifications of members among the counties in each district. The members of the consumer group shall include a representative number of persons over 60 years of age. A majority of council members shall consist of health care purchasers and health care consumers. Members shall serve for terms of 2 years and may be eligible for reappointment.

(q) ~~"Major medical equipment" means equipment which is used to provide medical and other health services and which costs in excess of \$400,000.~~

(o)(r) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(p)(e) "Skilled nursing facility" means an institution, or a distinct part of an institution, which is primarily engaged in providing to inpatients skilled nursing care and related services for patients who require medical or nursing care or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

(q)(t) "State health planning agency" means the Department of Health and Rehabilitative Services.

(r)(u) "Statewide Health Council" means a state-level comprehensive health council which is advisory to the department, the membership of which consists of the 11 chairmen of the local health councils, two members appointed by the Governor, two members appointed by the President of the Senate, and two members appointed by the Speaker of the House of Representatives.

Section 17. Subsections (1) and (5) of section 381.494, Florida Statutes, are amended to read:

381.494 Health-related projects; certificate of need.—

(1) APPLICATION.—All health care related projects as described in paragraphs (a)-(m)(n) shall be subject to review under this act and, accordingly, shall file applications for a certificate of need.

(a) The addition of beds by new construction or alteration.

(b) The new construction or establishment of additional health care facilities.

(c) A capital expenditure of \$600,000 or more by or on behalf of a hospital, skilled or intermediate nursing facility, ~~ambulatory surgical center, intermediate care facility, or hospice, or freestanding hemodialysis center.~~ Capital expenditure limits shall be adjusted pursuant to an index designated by the Secretary of Health and Human Services.

(d) The conversion from one type of health care facility to another, including the conversion from one level of care to another in a skilled or intermediate nursing facility, if such conversion effects a change in the level of care of 10 beds or 10 percent of total bed capacity of such skilled

or intermediate nursing facility within a 2-year period. If such nursing facility is certified for both skilled and intermediate nursing care, the provisions of this paragraph do not apply.

(e) An increase in licensed bed capacity.

(f) The establishment of a new home health agency or hospice.

(g) A substantial change in health services provided by a health care facility which results in either a capital expenditure in any amount or entails an annual operating cost of at least \$250,000 or a change in the number of psychiatric or rehabilitation beds.

(h) An acquisition by, or on behalf of, a health care facility or health maintenance organization, by any means, which would have required review if the acquisition had been by purchase, including an acquisition at less than fair market value if the fair market value is greater than the capital expenditure threshold.

(i) The offering of inpatient institutional health services, ~~the acquisition of major medical equipment,~~ or the obligation of capital expenditures for the offering of inpatient institutional health services by a health maintenance organization or health care facility to the extent that the health maintenance organization or health care facility is not exempt pursuant to s. 381.495(4)(5).

(j) The acquisition by any means of an existing health care facility by any person, unless such person provides the department with at least 30 days' written notice of the proposed acquisition, which notice is to include the services to be offered and the bed capacity of the facility, and unless the department does not determine, within 30 days of receipt of such letter of intent, that the services to be provided and the bed capacity of the facility will be changed.

~~(k) The acquisition by any means of major medical equipment which will not be owned or located in a health care facility by any person, unless such person provides the department with at least 30 days' written notice of the proposed acquisition, which notice is to include the proposed utilization of the equipment, and unless the department does not determine, within 30 days of receipt of such letter of intent, that the equipment will be utilized to provide services for inpatients of a hospital.~~

(k)(4) Capital expenditures, by or on behalf of a health care facility, which are required to eliminate or prevent safety hazards as defined by federal, state, or local codes or regulations; to comply with state licensure standards; or to comply with accreditation standards, which compliance is required for reimbursements under Title XVIII or Title XIX of the Social Security Act.

(l)(m) An increase in the cost of a project for which a certificate of need has been issued when such increase in cost exceeds the limits set forth in paragraphs (c) and (g) ~~and in s. 381.493(3)(e).~~

(m)(n) A transfer of a certificate of need, in which case an expedited review shall be conducted.

(5) NOTICE TO THE LOCAL HEALTH COUNCIL AND THE DEPARTMENT.—The department by rule shall provide for applications to be submitted on a timetable or cycle basis; provide for review on a timely basis; and provide for all completed applications pertaining to similar types of services ~~or, facilities, or equipment~~ affecting the same service district to be considered in relation to each other no less often than two times a year. At least 30 days prior to filing an application, a letter of intent shall be submitted by the applicant to the local health council and the department respecting the development of a proposal subject to review. A letter of intent shall not be required for expedited projects, as defined by rule. The department shall provide a mechanism by which providers may enter a batching cycle to compete with all letters of intent filed. At the time of filing an application with the department, the applicant shall send a copy of the application to the local health council. Within 30 working days after the commencement of the applicable review cycle, the department shall determine whether the application is complete. If the application is deemed incomplete by the department, the department shall request from the applicant specific information necessary for the application to be deemed complete. Subsequent to the receipt of an application, the department may make only one request for specific additional information. If an applicant does not provide the specific additional information requested by the department within 45 days of the request, the application shall be deemed withdrawn from consideration. Not later than 60 days after an application is deemed complete and the review period is initiated, if such period is not extended as hereinafter provided, the department shall issue or deny a certificate of need.

Section 18. Subsections (1) and (4) of section 381.495, Florida Statutes, are amended and subsection (5) is added to said section to read:

381.495 Certificate of need; requirement of filing; penalties; fines; exemptions.—

(1) In the exercise of its authority to issue licenses to health care facilities and health service providers, as provided under chapters 393, 395, and 400, and to hospices, the Department of Health and Rehabilitative Services shall duly consider the certificate of need required by ss. 381.493-381.499 and shall not issue a license to any health care facility, health service provider, hospice, or part of a health care facility which fails to receive a certificate of need.

(4) A certificate of need shall not be required for the offering of an inpatient institutional health service, ~~the acquisition of major medical equipment,~~ or the obligation of a capital expenditure by an entity described in paragraph (a) or paragraph (b), provided that an application for exemption from review has been submitted in such form, manner, and content as prescribed by the department and has been approved by the department:

(a) A health maintenance organization or a combination of health maintenance organizations when:

1. The health maintenance organization or the combination of health maintenance organizations has in its service area an enrollment of at least 50,000 individuals;
2. The facility in which the service will be provided is geographically located so that the service will be reasonably accessible to such enrolled individuals; and
3. At least 75 percent of the patients who can reasonably be expected to receive the institutional health service will be enrolled individuals.

(b) A health care facility which:

1. Primarily provides inpatient health services;
2. Is leased with at least 15 years remaining in the term of the lease or is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has in its service area an enrollment of at least 50,000 individuals; and
3. Is geographically located so that service will be reasonably accessible to such enrolled individuals.

(5) A certificate of need shall not be required for:

- (a) Obstetric services established after July 1, 1988.
- (b) The initiation or expansion of cardiac catheterization services after July 1, 1988.

Section 19. Subsection (2) of section 395.002, Florida Statutes, is amended to read:

395.002 Definitions.—As used in this chapter:

(2) "Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care, in which the patient is admitted to and discharged from such facility within the same working day, and which is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy, an office maintained by a physician for the practice of medicine, or an office maintained for the practice of dentistry shall not be construed to be an ambulatory surgical center, provided that any facility which is certified or seeks certification as a Medicare ambulatory surgical center shall be licensed as an ambulatory surgical center pursuant to s. 395.003(2).

Section 20. Subsection (2) of section 395.003, Florida Statutes, is amended to read:

395.003 Licensure; issuance, renewal, denial, and revocation.—

(2)(a) Upon the receipt of an application for license and the license fee, the department shall issue a license if the applicant and hospital or ambulatory surgical center facility have received all approvals required by law and meet the requirements established under this part and in rules promulgated hereunder.

(b) The department shall provide, by rule, for licensure of any ambulatory surgical center which is certified or seeks certification as a

Medicare ambulatory surgical center and meets basic standards which will ensure the safe and adequate care of persons receiving ambulatory surgical services.

(c)(b) Provisional licenses may be issued to new hospitals or hospitals that are in substantial compliance with this part and with the rules of the department. A provisional license shall be granted for a period of no more than 1 year and shall expire automatically at the end of its term.

(d)(e) A license, unless sooner suspended or revoked, shall automatically expire 2 years from the date of issuance and shall be renewable biennially upon application for renewal and payment of the fee prescribed by s. 395.004(2), provided the applicant and hospital or ambulatory surgical center facility meet the requirements established under this part and rules promulgated hereunder. An application for renewal of a license shall be made 90 days prior to expiration of the license, on forms provided by the department.

(e)(d) The department shall, at the request of a licensee, issue a single license to a licensee for facilities located on separate premises. Such a license shall specifically state the facilities, services, and licensed beds available on each separate premises. When a licensee requests a single license, the licensee shall designate which facility or office is responsible for receipt of information, payment of fees, service of process, and all other activities necessary for the department to carry out the provisions of this part.

(f)(e) Intensive residential treatment programs for children and adolescents which have received accreditation from the Joint Commission on Accreditation of Hospitals, and which meet the minimum standards developed by rule of the department for such programs, may be licensed by the department under this part.

Section 21. Notwithstanding the provisions of ss. 395.007(1), 381.494(8), and 381.495(2), Florida Statutes, the Department of Health and Rehabilitative Services shall be required to accept and process a hospital's plans and specifications for preliminary inspection and approval or recommendation with respect to compliance with the rules and standards for alterations, additions, or new construction relating to the delivery of obstetric or cardiac catheterization services even though said hospital has not been granted a certificate of need. Upon approval by the department, the hospital may make capital expenditures necessary to commence construction, but may not offer such services until July 1, 1988. For obstetric and cardiac catheterization services to be offered after July 1, 1988, the limitations on capital expenditures for the purpose of providing inpatient institutional health services shall not apply.

(Renumber subsequent sections.)

Points of Order

Senator Plummer raised a point of order that the amendment was not germane and therefore violated provisions of Rule 7.1.

Senator Frank raised a point of order that the amendment was substantially the same as a bill pending before a Senate committee.

Further consideration of CS for CS for SB's 484, 498 and 247 was deferred.

CS for SB 1161—A bill to be entitled An act relating to medical malpractice; amending s. 768.40, F.S.; extending the definitions of the term "medical review committee" to encompass the Department of Corrections and the Correctional Medical Authority and the term "health care providers" to encompass health care facilities and employees involved in monitoring the quality of medical care; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote CS for SB 1161 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

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

Nays—None

Excused: Ros-Lehtinen

Vote after roll call:

Yea—Peterson

On motion by Senator Hill, the rules were waived and CS for SB 1161 was ordered immediately certified to the House.

On motions by Senator Thurman, by two-thirds vote HB 496 was withdrawn from the Committees on Agriculture and Appropriations.

On motion by Senator Thurman—

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.

—a companion measure, was substituted for SB 465 and read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 496 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Excused: Ros-Lehtinen

Vote after roll call:

Yea—Langley

SB 465 was laid on the table.

On motions by Senator Thomas, by two-thirds vote HB 99 was withdrawn from the Committees on Agriculture, Governmental Operations and Appropriations.

On motion by Senator Thomas—

HB 99—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 570.07, F.S., authorizing the department to acquire, preserve, and exhibit artifacts, relics, and historic items reflective of the state's agricultural history; providing an effective date.

—a companion measure, was substituted for SB 666 and read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 99 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Excused: Ros-Lehtinen

SB 666 was laid on the table.

CS for SB 1193—A bill to be entitled An act relating to inspection and transportation of meats; amending s. 585.34, F.S.; authorizing the Department of Agriculture and Consumer Services to ban and remove from distribution channels certain foreign cold storage meats; amending s. 585.3401, F.S.; clarifying inspection provisions and providing bid specifications; creating s. 585.3402, F.S.; providing notice requirements for purveyors of foreign cold storage meat to the food service industry; providing a penalty; creating s. 585.3403, F.S.; providing criteria for identification of meat and meat products as "All American" or "Genuine Florida" products; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote CS for SB 1193 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Excused: Ros-Lehtinen

On motion by Senator Hollingsworth, by two-thirds vote CS for HB 370 was withdrawn from the Committee on Agriculture.

On motion by Senator Hollingsworth—

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 analysis"; 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.

—a companion measure, was substituted for CS for SB 1145 and read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote CS for HB 370 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Crawford	Grizzle	Johnson
Beard	Crenshaw	Hair	Kirkpatrick
Brown	Dudley	Hill	Langley
Childers, D.	Frank	Hollingsworth	Lehtinen
Childers, W. D.	Grant	Jenne	Malchon

Margolis	Peterson	Thomas	Weinstock
Meek	Plummer	Thurman	Woodson
Myers	Scott	Weinstein	

Nays—None

Excused: Ros-Lehtinen

Vote after roll call:

Yea—Deratany, Stuart

CS for SB 1145 was laid on the table.

CS for SB 1075—A bill to be entitled An act relating to animals; amending s. 828.055, F.S., adding a permitted drug for use in euthanasia of domestic animals; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote CS for SB 1075 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Frank	Langley	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hill	Margolis	Thurman
Childers, W. D.	Hollingsworth	Meek	Weinstein
Crenshaw	Jenne	Myers	Weinstock
Deratany	Johnson	Peterson	Woodson
Dudley	Kirkpatrick	Plummer	

Nays—None

Excused: Ros-Lehtinen

Vote after roll call:

Yea—Kiser

SB 710—A bill to be entitled An act relating to animals in distress; amending s. 828.073, F.S.; providing for expeditious hearings; providing for care of an animal until the court acts; authorizing the court to require the owner of an animal to pay maintenance costs of the animal in the custody of certain law enforcement officers or agents; specifying circumstances under which the court must order other animals to be seized; providing additional evidence to be considered and criteria for the court's determination of the fitness of an owner to keep an animal; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 4, lines 27 and 28, strike “and citations”

On motion by Senator Myers, by two-thirds vote SB 710 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Excused: Ros-Lehtinen

Vote after roll call:

Yea—Kiser

On motion by Senator Johnson, by two-thirds vote CS for HB 170 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Johnson—

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.

—a companion measure, was substituted for CS for SB 494 and read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Johnson and adopted:

Amendment 1—On page 3, line 30, strike “assume” and insert: *determine if he shall maintain*

Amendment 2—On page 7, line 24, before the period (.) insert: *to disturb, destroy, or remove an unmarked human burial*

Amendment 3—On page 8, line 23, after the comma (,) insert: *to*

Amendment 4—On page 8, line 25, before the period (.) insert: *to remove or disturb a tomb, monument, gravestone, burial mound, or similar structure, or its contents, as described in subsection (1)*

Amendment 5—In title, on page 1, line 25, strike “providing exemptions” and insert: *exempting cemeteries operating under chapter 497, F.S.*

On motion by Senator Johnson, by two-thirds vote CS for HB 170 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Excused: Ros-Lehtinen

Vote after roll call:

Yea—Kiser, Weinstein

CS for SB 494 was laid on the table.

CS for SB 564—A bill to be entitled An act relating to state employment; prohibiting employment or promotion of persons who have not registered with the selective service; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote CS for SB 564 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

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

Nays—None

Excused: Ros-Lehtinen

Vote after roll call:

Yea—Beard, Kiser

Consideration of SB 645 was deferred.

On motion by Senator Stuart, by two-thirds vote CS for HB 590 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Stuart—

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 repossessioners; 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.

—a companion measure, was substituted for SB 841 and read the second time by title.

Senator Stuart moved the following amendments which were adopted:

Amendment 1—On page 1, line 15, strike everything after the enacting clause and insert:

Section 1. Subsection (15) is added to section 493.30, Florida Statutes, 1986 Supplement, to read:

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

(15) "Conviction" means a determination of guilt resulting from plea or trial, regardless of whether adjudication was withheld or imposition of sentence was suspended.

Section 2. Paragraph (d) of subsection (1) of section 493.301, Florida Statutes, 1986 Supplement, is amended to read:

493.301 Inapplicability of part I of this chapter.—

(1) This part shall not apply to:

(d) Any person solely, exclusively, and regularly employed as an unarmed special agent, repossessioner, or private investigator exclusively in connection with the business of his employer.

Section 3. Paragraphs (p) and (q) of subsection (1) and subsection (3) of section 493.319, Florida Statutes, 1986 Supplement, are amended to read:

493.319 Grounds for disciplinary action.—

(1) The following constitute grounds for which disciplinary action specified in subsection (2) may be taken:

~~(p) The department shall deny an applicant or revoke a license when the person or licensee has been convicted of a felony, regardless of whether adjudication was withheld or whether imposition of sentence was suspended, unless and until civil rights have been restored and a period of 10 years has expired;~~

~~(q) Violating any provision of this chapter.~~

(3) *Notwithstanding the provisions of paragraph (1)(c) and subsection (2), the department shall deny an applicant or revoke a license when the person or licensee has been convicted of a felony, regardless of whether adjudication was withheld or whether imposition of sentence was suspended, unless and until civil rights have been restored and a period of 10 years has expired.*

(4)(3) Upon revocation or suspension of a license, the licensee shall forthwith return the license which was suspended or revoked.

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

Amendment 2—In title, on page 1, line 15, strike everything before the enacting clause and insert: 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 repossessioners; amending s. 493.319, F.S., providing clarifying language with respect to grounds for disciplinary action; providing an effective date.

On motion by Senator Stuart, by two-thirds vote CS for HB 590 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Excused: Ros-Lehtinen

Vote after roll call:

Yea—Deratany, Malchon

SB 841 was laid on the table.

On motion by Senator Crawford, by two-thirds vote CS for HB 236 was withdrawn from the Committee on Commerce.

On motion by Senator Crawford—

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.

—a companion measure, was substituted for SB 360 and read the second time by title. On motion by Senator Crawford, by two-thirds vote CS for HB 236 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	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

Excused: Ros-Lehtinen

SB 360 was laid on the table.

SB 1173—A bill to be entitled An act relating to local government code enforcement boards; amending s. 162.05, F.S.; removing a limitation on reappointment; specifying that the chairman is a voting member; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 9 and 10, insert:

Section 1. Section 162.03, Florida Statutes, 1986 Supplement, is amended to read:

162.03 Applicability.—

(1) Each county or municipality may, at its option, create or abolish by ordinance a local government code enforcement board as provided herein.

(2) A charter county may, by county ordinance, be exempted from the provisions of this act. *A charter county may, by ordinance, adopt an alternate code enforcement system which gives code enforcement boards or county-designated special masters the authority to hold hearings and assess fines against violators of county codes and ordinances.*

(Renumber subsequent sections.)

Amendment 2—On page 1, line 3, after “boards;” insert: amending s. 162.03, F.S.; authorizing certain counties to adopt an alternative code enforcement system;

On motion by Senator Jenne, by two-thirds vote SB 1173 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Barron	Girardeau	Kiser	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	Johnson	Peterson	
Frank	Kirkpatrick	Plummer	

Nays—None

Excused: Ros-Lehtinen

HB 369—A bill to be entitled An act relating to bakery containers; amending ss. 506.501, 506.502, 506.503, 506.508, 506.509, 506.511, 506.515, 506.517, 506.518, 506.519, F.S.; reenacting s. 506.518, F.S.; creating s. 506.507, F.S.; expanding the scope of the “Carts, Cases, Baskets, and Boxes Act” to include bakery containers and retitling that act accordingly; providing for the use of identification marks on bakery containers; providing for the registration of such identification marks; prohibiting the use of a bakery container that is identified with a name or mark registered to another except under certain circumstances; providing a presumption of theft in certain situations; prohibiting the receipt or transportation or removal of bakery containers in certain situations; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Plummer, by two-thirds vote HB 369 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	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

Excused: Ros-Lehtinen

CS for SB 1134—A bill to be entitled An act relating to municipal annexation or contraction; amending s. 171.031, F.S.; defining the term

“enclave”; amending s. 171.081, F.S.; specifying that nothing in said chapter shall be construed to limit common law remedies of a property owner who is not a party affected, whose property is within an enclave, and who receives no notice other than publication notice; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote CS for SB 1134 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—3

Gordon	Kiser	Plummer
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Excused: Ros-Lehtinen

Vote after roll call:

Nay to Yea—Plummer

On motion by Senator Margolis, by two-thirds vote CS for HB 850 was withdrawn from the Committee on Commerce.

On motion by Senator Margolis —

CS for HB 850—A bill to be entitled An act relating to liability insurance; amending s. 626.321, F.S., providing for motor vehicle excess liability insurance with respect to certain rented or leased motor vehicles; providing an effective date.

—a companion measure, was substituted for CS for SB 903 and by two-thirds vote read the second time by title.

Senator Margolis moved the following amendments which were adopted:

Amendment 1—On page 1, lines 14-31 and pages 2 and 3, strike all of said lines after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (1) of section 626.321, Florida Statutes, 1986 Supplement, is amended to read:

626.321 Limited licenses.—

(1) The department shall issue to a qualified individual, or a qualified individual or entity under paragraph (e), a license as agent authorized to transact a limited class of business, in any of the following categories:

(d) Baggage and motor vehicle excess liability insurance.—

1. License covering only insurance of personal effects, *except as provided in subparagraph 2.* The license may be issued only to a full-time salaried employee of a common carrier or a full-time salaried employee or owner of a transportation ticket agency, which person is engaged in the sale, or handling of, transportation of baggage and personal effects of travelers, and may authorize the sale of such insurance only in connection with such transportation; or to the full-time salaried employee of a licensed general lines agent or a full-time salaried employee of a business which offers motor vehicles for rent or lease. The purchaser of baggage insurance shall be provided written information disclosing that the insured’s homeowners policy may provide coverage for loss of personal effects and that the purchase of such insurance is not required in connection with the purchase of tickets or in connection with the lease or rental of a motor vehicle.

2. *A person licensed pursuant to subparagraph 1. who is a full-time salaried employee of a business which offers motor vehicles for rent or lease may include lessees under a master contract providing coverage to the lessor or transact excess motor vehicle liability insurance providing coverage in excess of the standard liability limits provided by the lessor in its lease to a person renting or leasing a motor vehicle from the licensee’s employer for liability arising in connection with the negligent oper-*

ation of the leased or rented motor vehicle, provided that the lease or rental agreement is for not more than 30 days; the lessee is not provided coverage for more than 30 consecutive days per lease period and, if the lease is extended beyond 30 days, the coverage may be extended one time only for a period not to exceed an additional 30 days; the lessee is given written notice that his personal insurance policy providing coverage on an owned motor vehicle may provide additional excess coverage; and the purchase of the insurance is not required in connection with the lease or rental of a motor vehicle. The excess liability insurance may be provided to the lessee as an additional insured on a policy issued to the licensee's employer.

Section 2. This act shall take effect July 1, 1987, or upon becoming a law, whichever occurs later.

Amendment 2—In title, on page 1, strike all of lines 2-10 and insert: 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.

On motion by Senator Margolis, by two-thirds vote CS for HB 850 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Excused: Ros-Lehtinen

CS for SB 903 was laid on the table.

On motion by Senator Margolis, the rules were waived and CS for HB 850 was ordered immediately certified to the House.

Consideration of CS for SB 754 and SB 75 was deferred.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote HB 560, CS for SB 144, CS for SB 177, SB 349, CS for CS for SB 414, SB 460, CS for SB 573, CS for CS for SB 574, SB 619, CS for SB 624, SB 734, CS for SB 877, CS for SB's 931 and 208, SB 1083, SB 1186 and SB 1262 were withdrawn from the Committee on Appropriations.

On motion by Senator D. Childers, by two-thirds vote CS for SB 412 was withdrawn from the Committee on Governmental Operations.

On motion by Senator D. Childers, by two-thirds vote SB 217 was withdrawn from the Committee on Appropriations.

On motions by Senator Scott, the rules were waived and the Committee on Appropriations was granted permission to meet May 28 from 1:00 until 3:00 p.m., to consider CS for SB 143, CS for SB 145, CS for SB 207, CS for SB 215, CS for SB 359, CS for SB 412, SB 426, SB 517, SB 562, CS for CS for SB's 606 and 712, SB 682, CS for SB's 693 and 561, CS for SB 711, SB 806, SB 861, CS for SB 986, CS for SB 1105, SB 1123, CS for SB 1148, CS for SB 1181, SB 1224, CS for SB 1233, CS for SB's 1289, 771 and 84, CS for SB 357, CS for SB 1077 and CS for SB 793.

SPECIAL ORDER, continued

On motions by Senator Brown, by two-thirds vote HB 1335 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Brown—

HB 1335—A bill to be entitled An act relating to traffic control; providing a declaration of public purpose; amending s. 316.003, F.S., modifying the definitions of "private road or driveway" and "street or highway" to provide for applicability of traffic laws to certain private roads and other limited access roads; amending s. 316.006, F.S., authorizing municipalities and counties to control traffic on certain private roads and other limited access roads by written agreement with the owning or controlling party or parties; providing for terms, including reimbursement for costs incurred; providing for consultation with the sheriff; providing a limitation as to the effective date of county agreements; providing for waiver of such limitation; providing for construction; amending s. 316.640, F.S., providing for enforcement; providing an effective date.

—a companion measure, was substituted for CS for SB 754 and by two-thirds vote read the second time by title. On motion by Senator Brown, by two-thirds vote HB 1335 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	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

Excused: Ros-Lehtinen

CS for SB 754 was laid on the table.

Reconsideration

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

SB 710—A bill to be entitled An act relating to animals in distress; amending s. 828.073, F.S.; providing for expeditious hearings; providing for care of an animal until the court acts; authorizing the court to require the owner of an animal to pay maintenance costs of the animal in the custody of certain law enforcement officers or agents; specifying circumstances under which the court must order other animals to be seized; providing additional evidence to be considered and criteria for the court's determination of the fitness of an owner to keep an animal; providing an effective date.

—as amended passed this day.

On motion by Senator Myers, by two-thirds vote the Senate reconsidered the vote by which SB 710 was read the third time.

Senator Myers moved the following amendments which were adopted:

Amendment 2—On page 2, lines 2 and 3, after "animal" insert: and held not more than 15 days after the setting of such date

Amendment 3—On page 2, line 1, strike "commenced" and insert: set

Amendment 4—On page 3, line 8, strike "require" and insert: provide

On motion by Senator Myers, by two-thirds vote SB 710 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	Childers, W. D.	Dudley	Grant
Beard	Crawford	Frank	Grizzle
Brown	Crenshaw	Girardeau	Hair
Childers, D.	Deratany	Gordon	Hill

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

Nays—None

Excused: Ros-Lehtinen

SB 75—A bill to be entitled An act relating to elections; amending s. 101.62, F.S.; providing for a single mailing of first primary, second primary, and general elections ballots to absent qualified electors overseas; providing procedure for voting such ballots; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendment which was adopted:

Amendment 1—On page 1, line 10, strike all of Section 1. and insert:

The Florida Association of Supervisors Inc. of Elections shall prepare and present to the President of the Senate and Speaker of the House a plan to insure that servicemen and servicewomen stationed overseas receive ballot information and ballots in a timely manner to enable them to vote.

Such plan shall be submitted by March 1, 1988.

Further consideration of SB 75 was deferred.

SB 295—A bill to be entitled An act relating to recorded documents; amending s. 201.022, F.S.; providing that failure to execute and file certain documents relating to the amount of consideration paid for an interest in real property does not impair the validity of the deed; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote SB 295 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Ros-Lehtinen

Vote after roll call:

Yea—Gordon

On motion by Senator Weinstein, by two-thirds vote CS for HB 155 was withdrawn from the Committee on Health and Rehabilitative Services.

On motions by Senator Weinstein—

CS for HB 155—A bill to be entitled An act relating to child abuse; amending s. 415.503, F.S.; expanding the meaning of "harm" which constitutes "child abuse or neglect" for purposes of protective services programs and proceedings to include physical dependency of a newborn infant upon scheduled drugs; providing an effective date.

—a companion measure, was substituted for CS for SB 323 and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 155 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Girardeau	Kirkpatrick	Plummer
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	
Dudley	Jennings	Myers	
Frank	Johnson	Peterson	

Nays—None

Excused: Ros-Lehtinen

Vote after roll call:

Yea—Woodson

CS for SB 323 was laid on the table.

The Senate resumed consideration of—

CS for CS for SB's 484, 498 and 247—A bill to be entitled An act relating to indigent health care; amending s. 125.01, F.S.; enabling a county to establish municipal service taxing or benefit units to provide indigent health care services in unincorporated areas; authorizing a county to establish a dependent special district or an independent special district to provide indigent health care services throughout the county; providing for appointment and duties of the governing board of the independent special district; providing authority for the indigent health care board to prepare and adopt a budget; authorizing the levy of ad valorem taxes subject to referendum; limiting the millage rate; providing for expenditure of tax revenues; providing for financial reports; amending s. 154.01, F.S.; allowing county public health units to deliver services directly or to broker services provided by others; requiring a formal request-for-proposal process in selecting counties for primary care programs; limiting start-up costs; authorizing counties to pool resources and jointly provide primary care programs; specifying components of primary care programs; requiring primary care programs to coordinate with the Improved Pregnancy Outcome Program; requiring certain patients be provided with prenatal services; creating s. 154.011, F.S.; requiring each county to establish a primary health care panel; providing for membership of the panel; providing for the development of a plan for the delivery of primary care services through the county public health unit; providing for duties of the panel; amending s. 155.40, F.S.; requiring hospitals which reorganize as not-for-profit corporations to continue to provide indigent care as required by this act; amending s. 395.502, F.S.; modifying definitions used by Hospital Cost Containment Board; amending s. 409.266, F.S.; requiring the purchase of medical services for eligible persons in a specified manner; increasing the Public Medical Assistance Trust Fund contribution for primary care services through county public health units; authorizing disbursement from Public Medical Assistance Trust Fund to hospitals on a pro rata formula basis for uncompensated care; deleting provision authorizing moneys in the Public Medical Assistance Trust Fund to be used to establish primary care programs for certain persons; extending Medicaid services to financially eligible pregnant women, children under age 5, elderly persons, and disabled persons; providing for fee increases to Medicaid noninstitutional providers; directing the Department of Health and Rehabilitative Services to implement procedures for contracting for onsite Medicaid eligibility determinations; requiring a report; requiring the Auditor General to contract for a study of certain aspects of the Medicaid program; providing an appropriation; requiring the Auditor General to conduct a program audit of the Medicaid program and its implementation by the department and issue a report; amending s. 409.2662, F.S.; prescribing purposes for expenditures from the Public Medical Assistance Trust Fund; providing for a one-time disbursement from the fund for uncompensated hospital care; providing for further disbursements for such care under certain circumstances; creating s. 409.2673, F.S.; establishing a shared county and state health care program for low-income persons; providing for eligibility for the program; providing for county and state share of the program funding for counties participating in the program; delineating state and county responsibility should the funds of either be depleted; requiring participating counties to maintain current indigent health care efforts; providing for eligibility determination; specifying conditions for reimbursement to hospitals; providing for participation by special taxing districts or authorities in the funding of the county's financial responsibility for the shared county and

state program; providing for development and adoption of rules governing the program; amending s. 395.5094, F.S.; excluding certain funds in calculating the excess over an approved hospital budget; authorizing the establishment of the Florida Small Business Health Access Corporation; providing for the organization and operation of the corporation, including collection of premiums, establishment of benefits, payment of claims; authorizing staff to administer the program; providing that the corporation shall not be licensed by the Department of Insurance; providing for reinsurance; amending s. 395.503, F.S.; increasing the membership of the Hospital Cost Containment Board; providing for the appointment of such additional members; providing for review and repeal of the Medicaid medically needy program; providing an effective date.

—with pending Amendment 4.

Ruling on Points of Order

The President ruled the points of order well taken and the amendment out of order.

Senator Myers moved the following amendments which were adopted:

Amendment 5—On page 27, lines 16 and 17, strike “*section 8 or section 10*” and insert: *this section or section 12*

Senator W. D. Childers presiding

Amendment 6—On page 35, lines 6 and 12, after “11” insert: *or section 12*

Senators Margolis, Johnson and Woodson offered the following amendment which was moved by Senator Johnson:

Amendment 7—On page 43, between lines 2 and 3, insert:

Section 17. Certificates of need; validity; transfer price.—

(1) A certificate of need issued by the Department of Health and Rehabilitative Services under ss. 381.493-381.499, Florida Statutes, prior to February 14, 1986, is valid, provided that the health care facility or health service provider has expended at least \$50,000 in reliance upon such certificate of need, excluding legal fees, prior to the initiation of proceedings under the Administrative Procedure Act subsequent to February 14, 1986, contesting the validity of the certificate of need.

(2) The holder of a certificate of need shall not charge a price for the transfer of the certificate of need issued under ss. 381.493-381.499, Florida Statutes, to another health service provider of any character whatever, that exceeds the total amount of the actual costs incurred by the holder in obtaining the certificate of need. Such actual costs must be documented by an affidavit executed by the transferor under oath and filed with the department. A holder who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, Florida Statutes, or by a fine not exceeding \$10,000, or both. Nothing in this subsection shall be construed to prevent or alter the value of a transfer or sale by an existing facility of a certificate of need obtained before the effective date of this subsection when such facility is transferred with the certificate of need.

(Renumber subsequent sections.)

Senator Lehtinen moved the following substitute amendment:

Amendment 8—On page 43, between lines 2 and 3, insert:

Section 18. Subsection (5) is added to section 381.495, Florida Statutes, to read:

381.495 Certificate of Need; requirement of filing; penalties; fines; exemptions; *transfer*.—

(5) *The holder of a certificate of need shall not charge a price for the transfer of the certificate of need to another health service provider of any character whatever, that exceeds the total amount of actual costs incurred by the holder in obtaining the certificate of need. Such actual costs must be documented by an affidavit executed by the transferor under oath and filed with the department. A holder who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine not exceeding \$10,000, or both. Nothing in this section shall be construed to prevent or alter the value of a transfer or sale by an existing facility of a Certificate of Need obtained before the effective date of this section when such facility is transferred with the Certificate of Need.*

Motion

On motion by Senator Barron, the rules were waived and time of adjournment was extended until final action on CS for CS for SB's 484, 498 and 247.

Further consideration of CS for CS for SB's 484, 498 and 247 was deferred.

The President presiding

On motions by Senator McPherson—

CS for HB 516—A bill to be entitled An act relating to lost or abandoned property and unclaimed evidence; amending s. 705.01, F.S.; providing definitions; deleting language with respect to county court judge ordered sales; amending s. 705.02, F.S.; providing for reporting of lost or abandoned property; providing a penalty; deleting provisions with respect to method of ascertaining salvage; amending s. 705.03, F.S.; providing a procedure with respect to lost or abandoned property; deleting language with respect to disposition of proceeds of sale; providing penalties; creating s. 705.041, F.S.; providing for title to lost or abandoned property; amending s. 705.05, F.S.; providing a procedure with respect to unclaimed evidence; deleting provisions requiring the sheriff to report certain money received to the county court judge; amending s. 705.17, F.S., to correct a cross-reference; repealing s. 705.07, F.S., relating to failure of finder of derelict goods to report goods; repealing s. 705.08, F.S., relating to the finder of derelict goods appropriating such goods; repealing ss. 705.09, 705.10, 705.11, 705.12, 705.13, 705.14, 705.15, F.S., relating to the forfeiture and disposition of seized goods; repealing s. 705.16, F.S., relating to abandoned property and supplemental procedure for removal and destruction of property; repealing s. 925.06, F.S., relating to sale or destruction of unclaimed personal property in criminal proceedings; repealing ss. 116.23, 116.24, 116.25, 116.26, 116.27, 116.28, 116.29, 116.30, 116.31, 116.32, F.S., relating to forfeiture of personal property intended for use as evidence in the custody of the clerk of the circuit court; repealing s. 715.01, F.S., relating to title to personal property found in public places; providing an effective date.

—a companion measure, was substituted for SB 645 and by two-thirds vote read the second time by title. On motion by Senator McPherson, by two-thirds vote CS for HB 516 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Excused: Ros-Lehtinen

Vote after roll call:

Yea—Weinstein

SB 645 was laid on the table.

The Senate resumed consideration of—

SB 75—A bill to be entitled An act relating to elections; amending s. 101.62, F.S.; providing for a single mailing of first primary, second primary, and general elections ballots to absent qualified electors overseas; providing procedure for voting such ballots; providing an effective date.

Senator Langley moved the following amendment which was adopted:

Amendment 2—On page 1, lines 1-7, strike Title and insert: An act relating to elections requiring supervisors of elections to present a plan to insure servicemen and servicewomen stationed overseas to receive timely ballot information and ballots; providing an effective date.

On motion by Senator Langley, by two-thirds vote SB 75 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
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

Excused: Ros-Lehtinen

Motion

On motion by Senator Barron, the rules were waived and time of adjournment was extended until final action on CS for CS for SB's 484, 498 and 247, and consideration of Messages from the House of Representatives.

The Senate resumed consideration of—

CS for CS for SB's 484, 498 and 247—A bill to be entitled An act relating to indigent health care; amending s. 125.01, F.S.; enabling a county to establish municipal service taxing or benefit units to provide indigent health care services in unincorporated areas; authorizing a county to establish a dependent special district or an independent special district to provide indigent health care services throughout the county; providing for appointment and duties of the governing board of the independent special district; providing authority for the indigent health care board to prepare and adopt a budget; authorizing the levy of ad valorem taxes subject to referendum; limiting the millage rate; providing for expenditure of tax revenues; providing for financial reports; amending s. 154.01, F.S.; allowing county public health units to deliver services directly or to broker services provided by others; requiring a formal request-for-proposal process in selecting counties for primary care programs; limiting start-up costs; authorizing counties to pool resources and jointly provide primary care programs; specifying components of primary care programs; requiring primary care programs to coordinate with the Improved Pregnancy Outcome Program; requiring certain patients be provided with prenatal services; creating s. 154.011, F.S.; requiring each county to establish a primary health care panel; providing for membership of the panel; providing for the development of a plan for the delivery of primary care services through the county public health unit; providing for duties of the panel; amending s. 155.40, F.S.; requiring hospitals which reorganize as not-for-profit corporations to continue to provide indigent care as required by this act; amending s. 395.502, F.S.; modifying definitions used by Hospital Cost Containment Board; amending s. 409.266, F.S.; requiring the purchase of medical services for eligible persons in a specified manner; increasing the Public Medical Assistance Trust Fund contribution for primary care services through county public health units; authorizing disbursement from Public Medical Assistance Trust Fund to hospitals on a pro rata formula basis for uncompensated care; deleting provision authorizing moneys in the Public Medical Assistance Trust Fund to be used to establish primary care programs for certain persons; extending Medicaid services to financially eligible pregnant women, children under age 5, elderly persons, and disabled persons; providing for fee increases to Medicaid noninstitutional providers; directing the Department of Health and Rehabilitative Services to implement procedures for contracting for onsite Medicaid eligibility determinations; requiring a report; requiring the Auditor General to contract for a study of certain aspects of the Medicaid program; providing an appropriation; requiring the Auditor General to conduct a program audit of the Medicaid program and its implementation by the department and issue a report; amending s. 409.2662, F.S.; prescribing purposes for expenditures from the Public Medical Assistance Trust Fund; providing for a one-time disbursement from the fund for uncompensated hospital care; providing for further disbursements for such care under certain circumstances; creating s. 409.2673, F.S.; establishing a shared county and state health care program for low-income persons; providing for eligibility for the program; providing for county and state share of the program funding for counties participating in the program; delineating state and county responsibility should the funds of either be depleted; requiring participating counties to maintain current indigent health care efforts; providing for eligibility determination; specifying conditions for reimbursement to hospitals; pro-

viding for participation by special taxing districts or authorities in the funding of the county's financial responsibility for the shared county and state program; providing for development and adoption of rules governing the program; amending s. 395.5094, F.S.; excluding certain funds in calculating the excess over an approved hospital budget; authorizing the establishment of the Florida Small Business Health Access Corporation; providing for the organization and operation of the corporation, including collection of premiums, establishment of benefits, payment of claims; authorizing staff to administer the program; providing that the corporation shall not be licensed by the Department of Insurance; providing for reinsurance; amending s. 395.503, F.S.; increasing the membership of the Hospital Cost Containment Board; providing for the appointment of such additional members; providing for review and repeal of the Medicaid medically needy program; providing an effective date.

—with pending substitute Amendment 8.

By permission, Senator Lehtinen withdrew Amendment 8.

By permission, Senator Margolis withdrew Amendment 7.

Senator Grant moved the following amendment which was adopted:

Amendment 9—On page 23, line 29, insert:

(g) The Senate Committee on Health and Rehabilitative Services shall conduct a study and prepare and submit a report to the President of the Senate and the Speaker of the House of Representatives, prior to March 1, 1988, regarding the provision of psychiatric services to persons eligible under the Medicaid program. The report shall assess the extent to which psychiatric services are currently provided, the costs of such services, and the need for psychiatric services, including in-patient psychiatric services, by Medicaid-eligible individuals. The report shall also contain a plan to authorize participation by licensed psychiatric hospitals as providers in the Medicaid program, beginning July 1, 1988.

Senator Deratany moved the following amendment which was adopted:

Amendment 10—On page 43, between lines 6 and 7, insert:

Section 18. Subsection (2) of section 768.13, Florida Statutes, 1986 Supplement, is amended to read:

768.13 Good Samaritan Act; immunity from civil liability.—

(1) This act shall be known and cited as the "Good Samaritan Act."

(2)(a) Any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent man would have acted under the same or similar circumstances.

(b) Any hospital licensed under chapter 395, any employee of such facility working in a clinical area and providing patient care, and any person licensed to practice medicine who gratuitously and in good faith renders medical emergency care or treatment in response to an "eode-blue" emergency within a hospital or trauma center shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical care or treatment, unless such care or treatment is provided in a grossly negligent manner where the person acts as a reasonably prudent person licensed to practice medicine who would have acted under the same or similar circumstances. This paragraph shall not apply to any consequences of medical care resulting from care or lack of care rendered to a patient which is unrelated to the original medical emergency. For purposes of this paragraph:

1. A medical "emergency" is a situation or occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate medical attention for which the patient presents through the emergency room or trauma center.

2. The provision of medical care or treatment in a grossly negligent manner is the failure to provide medical care or treatment, or the provision of medical care or treatment, in a manner manifesting conscious disregard to the consequences so as to affect the life or health of another.

(3) Any person, including those licensed to practice veterinary medicine, who gratuitously and in good faith renders emergency care or treatment to an injured animal at the scene of an emergency on or adjacent to a roadway shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent man would have acted under the same or similar circumstances.

Section 19. Section 458.320, Florida Statutes, as amended by chapters 86-160 and 86-245, Laws of Florida, and section 459.0085, Florida Statutes, as amended by chapters 86-160 and 86-290, Laws of Florida, are hereby repealed.

(Renumber subsequent sections.)

Senator Malchon moved the following amendment which was adopted:

Amendment 11—On page 43, strike all of lines 7 and 8 and insert:

Section 18. Paragraph (c) is added to subsection (2) of section 768.13, Florida Statutes, 1986 Supplement, to read:

768.13 Good Samaritan Act; immunity from civil liability.—

(2)

(c) *Any person licensed to practice medicine and acting as a staff member or with professional clinical privileges at a nonprofit medical facility, other than hospitals licensed under chapter 395, shall not be held liable for any civil damages as a result of care or treatment provided gratuitously in such capacity as a result of any act or failure to act in such capacity in providing or arranging further medical treatment, if such person acts as a reasonably prudent person licensed to practice medicine would have acted under the same or similar circumstances.*

Section 19. Section 18 of this act shall take effect October 1, 1987; and the remainder of this act shall take effect July 1, 1987, or upon becoming a law, whichever occurs later.

Senator Crenshaw moved the following amendment which was adopted:

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

(6) *Any facility domesticated in this state for at least 60 years on or before July 1, 1987, which has a licensed nursing home facility located on the grounds of a facility providing personal services, owned and operated by a nationally recognized fraternal organization, not open to the public and which accepts only its own members and their spouses as residents, shall be exempt from the certificate of need requirements pursuant to ss. 381.493-381.499, F.S., until such time as the facility is sold or its ownership is transferred.*

On motion by Senator Crenshaw, the Senate reconsidered the vote by which Amendment 12 was adopted. By permission, Amendment 12 was withdrawn.

Senator D. Childers moved that the Senate reconsider the vote by which Amendment 10 was adopted. The motion failed.

Senator Malchon moved the following amendment which was adopted:

Amendment 13—In title, on page 4, lines 14 and 15, strike "providing an effective date." and insert: amending s. 768.13, F.S.; providing an exemption from civil liability for licensed medical personnel working gratuitously in nonprofit medical facilities; providing effective dates.

Senator Deratany moved the following amendment which was adopted:

Amendment 14—In title, on page 4, line 14, after the semicolon (;) insert: amending s. 768.13, F.S.; providing immunity from civil liability to physicians, hospitals, and certain hospital employees rendering medical care or treatment in response to an emergency within a hospital or trauma center; providing exceptions to such immunity; providing definitions; repealing ss. 458.320, 459.0085, F.S., relating to the requirement that physicians and osteopathic physicians demonstrate certain evidence of financial responsibility as a condition of licensure;

On motion by Senator Myers, by two-thirds vote CS for CS for SB's 484, 498 and 247 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
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

Excused: Ros-Lehtinen

Conferees Appointed

The President appointed Senators Myers, Gordon, Lehtinen and Scott as conferees on CS for CS for SB's 484, 498 and 247, subject to confirmation.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendments to CS for CS for HB 1247 and requests the Senate to recede, and in the event the Senate refuses to recede requests a Conference Committee. The Speaker of the House of Representatives has appointed Representatives Meffert, Silver, Garner, Wetherell; alternates Lombard and Saunders.

John B. Phelps, Clerk

CS for CS for HB 1247—A bill to be entitled An act relating to the state lottery; creating the Florida Public Education Lottery Act; providing intent; providing definitions; creating the Department of the State Lottery; creating the State Lottery Commission and providing for its membership and duties; providing for application of financial disclosure provisions; specifying powers and duties of the department; providing requirements with respect to operation of a state lottery; specifying authority of department regarding procurement and state property; providing requirements relating to department officers and employees; prohibiting certain conflicts of interest and providing for penalties; providing duties of the Division of Security; providing law enforcement officer status for certain persons in the division; specifying such persons' powers, including certain searches without warrant; providing for assistance of the Department of Law Enforcement and other agencies; requiring security audits; providing for certain confidentiality and providing for review and repeal; providing for rules, including emergency rules; authorizing the department to contract with lottery vendors; requiring certain disclosure; providing qualifications and restrictions; authorizing bond requirements; providing for contracts with lottery retailers; providing qualifications; declaring certain persons to be ineligible; providing for grounds for suspension and termination of contracts; requiring retailers to display certificates of authority and provide certain information to the public; providing for compensation of retailers; authorizing bond requirements; requiring certain accessibility; providing for participation by minority business enterprises; authorizing preferences and programs; providing procedures for the deposit of funds and control of lottery transactions; providing restrictions upon the payment of prizes; providing time limits; providing for disposition of unclaimed prizes; providing for release from liability; authorizing the Comptroller to offset amounts due state agencies from certain prizes; prohibiting certain purchases and sales of lottery tickets and declaring certain other activities to be unlawful; providing penalties; providing for deposit of revenues in an Administrative Trust Fund for payment of expenses and prizes; providing a continuing appropriation; providing for adoption of annual budgets by the department; providing for the allocation of revenues; providing for transfer of net revenues to a trust fund under the Department of Education; providing public educational purposes for which revenues may be used; exempting prizes and ticket sales from taxes; specifying inapplicability of certain other laws; providing for audits; providing for the transfer of start-up funds to the department and for repayment thereof; providing an effective date.

On motions by Senator Thurman, the Senate refused to recede from Senate amendments to CS for CS for HB 1247 and acceded to the request for a conference committee. The President appointed Senators Crenshaw, Barron, Peterson, Thurman, and alternates: Senators Deratany and Grant. The action of the Senate was certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, by two-thirds vote HB 358 was withdrawn from the Committee on Commerce.

ENROLLING REPORTS

CS for SB 8 and SB 107 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 26, 1987. CS for SB 124 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 27, 1987.

SCR 1079 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 27, 1987.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 25 was corrected and approved.

CO-INTRODUCERS

Senator Crenshaw—CS for CS for SB 378; Senator Weinstock—SB 874

RECESS

On motion by Senator Barron, the Senate recessed at 5:40 p.m. to reconvene at 9:00 a.m., Thursday, May 28.