



Journal of the Senate

Number 18

Friday, May 29, 1987

CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

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

Excused: Senator Plummer; periodically, members of the various conference committees

PRAYER

The following prayer was offered by The Most Reverend John Nevins of Venice, Bishop of the Diocese of Venice:

Almighty God, we humbly thank you for the gift of another day during which we will have the opportunity to offer our prayers of adoration, love, and petitions. We do so at this time. The whole world is full of your glory. We commend our country to your merciful care, that we may follow your guidance and live in peace. Give to the President of these United States, to our Governor, to the members of the Florida Legislature, and to all authority, wisdom and strength to know and to do your holy will. Fill them with the love of truth, honesty and righteousness. Make them always remember that they are your servants called to lead this great State of Florida in the fear of your righteous judgments. Give them the fidelity to the trust reposed in them by our fellow citizens, and help them by the manner of their conduct in office to re-inspire those who perhaps have been disillusioned or turned away by betrayers of our political system. Fashion our Senators as patient, where patience is a virtue; stubborn, too, and courageous when a cause is just and one is compelled to courageously stand alone.

Joel, your prophet in the Holy Scriptures, declares that in those days old men shall dream dreams and young men shall see visions. Help all of us to re-affirm the dreams and visions that marked our beginnings in 1776. Lord, let all of us dare to be dreamers, dreamers with the know-how, the endurance, the goodwill, and above all that God-given respect for one another that can make all our dreams come true. We ask these things, Lord God, in your holy name. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Friday, May 29, 1987: CS for SB 982, CS for SB 1256, SB 398, SB 136, CS for SB 607, SB 813, SB 567, CS for SB 255, CS for SB's 942, 945 and 946, CS for SB 1131, CS for SB 287, CS for SB 987, SB 292, CS for SB 862, SB 910, SB 967, SB 892, SB 436, CS for SB 575, CS for SB 628, CS for SB 956, SB 33, CS for SB 167, CS for SB 1268, CS for SB 515, CS for SB 1269, CS for SB's 1248 and 554, SB 902, CS for SB 527, CS for SB's 715, 664 and 850, SB 849, SB 1133, CS for SB 976, CS for SB 593, CS for SB 413, SB 1046, CS for SB 1062, SB 874, SB 1029, SB 233

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, May 29, 1987: SB 466, CS for SB 383, CS for SB 1074, HB 285, CS for SB 552, CS for CS for SB 589, CS for SB 749, SB 864, SB 939, SB 940, SB 1095, CS for SB 524, CS for SB 600, CS for SB 1218, CS for HB 124, CS for SB 750, CS for SB 1087, SB 957

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Appropriations recommends the following pass: CS for SB 143, CS for SB 145 with 12 amendments, CS for SB 215 with 1 amendment, CS for SB 357, CS for SB 359, CS for SB 412, SB 562, CS for CS for SB's 606 and 712 with 2 amendments, SB 682, CS for SB's 693 and 561, CS for SB 793 with 1 amendment, SB 806, SB 861, CS for SB 986, CS for SB 1077 with 1 amendment, CS for SB 1105, SB 1123, CS for SB 1181, SB 1224, CS for SB 1233, CS for SB's 1289, 771 and 84

The bills were placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

May 29, 1987

The Committee on Commerce requests an extension of 15 days for consideration of the following: Senate Bills 639, 681, 687, 723, 724, 782, 1058, 1071, 1085, 1116, 1140, 1150, 1198, 1207, 1210, 1221, 1234, 1236, 1237, 1275; House Bills 345, 512, 513, 555, 1238

The Committee on Education requests an extension of 15 days for consideration of the following: Senate Bills 20, 29, 190, 202, 241, 275, 285, 288, 305, 316, 345, 366, 423, 432, 495, 520, 542, 558, 579, 580, 581, 604, 626, 700, 702, 717, 732, 765, 769, 785, 788, 882, 901, 970, 1108, 1112, 1157, 1159, 1167, 1194, 1203, 1227, 1229, 1261, 1294; House Bills 47, 375, 625, 722, 1008, 1108, 1237, 1241, 1280, 1281, 1338, 1339, 1467

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: Senate Bills 49, 140, 179, 216, 346, 597, 674, 764, 775, 855, 898, 900, 915, 918, 924, 926, 974, 1014, 1059, 1067, 1086, 1097, 1149, 1208, 1213; House Bills 542, 575, 650, 685, 929, 1200

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following: Senate Bills 4, 63, 251, 267, 329, 424, 471, 499, 518, 528, 537, 553, 557, 590, 613, 671, 701, 738, 753, 880, 881, 928, 934, 954, 960, 962, 975, 983, 1003, 1033, 1036, 1037, 1066, 1104, 1197, 1205, 1209, 1214, 1219, 1225, 1249, 1288; House Bills 12, 344, 357, 535, 593, 1225, 1271

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following: Senate Bills 48, 127, 146, 238, 331, 335, 342, 637, 716, 735, 772, 773, 780, 971, 972, 1005, 1111, 1135, 1147, 1169, 1297; House Bills 492, 1341

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 6, 16, 350, 379, 409, 448, 493, 536, 672, 679, 690, 718, 758, 759, 784, 891, 965, 977, 1016, 1017, 1165, 1175, 1188, 1190, 1204, 1235, 1283; House Bills 1, 418, 447, 552, 1162

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: Senate Bills 14, 21, 40, 162, 205, 277, 293, 321, 431, 453, 477, 489, 490, 576, 1001, 1009, 1177, 1187, 1192, 1215, 1263, 1265, 1320, 1321, 1342, 1343, 1346; House Bills 367, 484, 500, 501, 619, 630, 658, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 675, 677, 678, 679, 680, 696, 733, 751, 762, 857, 888, 890, 907, 910, 925, 949, 954, 956, 958, 959, 963, 995, 1074, 1076, 1126, 1195, 1242, 1253, 1306, 1333, 1340, 1440

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Myers—

SB 1361—A bill to be entitled An act relating to the Indian Trail Water Control District in Palm Beach County; amending s. 5, ch. 57-646, Laws of Florida, as amended; establishing a system for single-member district election of the Board of Supervisors; expanding the Board of Supervisors from five to seven members; amending s. 7, ch. 57-646, Laws

of Florida, as amended; establishing monthly landowner meetings and requiring consultation of landowners; redefining a quorum for landowners' meetings; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Motions

On motion by Senator Dudley, the rules were waived and CS for SB 941 was ordered immediately certified to the House.

On motion by Senator Brown, the rules were waived and SB 1333 was ordered immediately certified to the House.

On motion by Senator Barron, the following bills were added to the special order calendar for May 29: HB 1299, CS for SB 109, CS for SB 182, CS for SB's 931 and 208, HB 645, HB 1316, CS for SB 821, CS for SB 873, SB 846, HB 183, CS for HB 338, CS for SB 877, HB 358, CS for HB 196, CS for HB 703 and HB 830.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 389 which he approved on May 28, 1987, and Senate Bills 442, 577, 709, 818, 887 and 1154 which became law without his signature on May 28.

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 HB 33, CS for HB 114, CS for HB 198, House Bills 200, 218, CS for HB's 324, 341, 531 and 168, House Bills 380, 416, 460, CS for HB 537, House Bills 574, 646, CS for CS for HB 826, CS for HB 1010, CS for HB 1136, CS for HB 1147, HB 1205, CS for HB 1428, HB 1433; has passed as amended CS for CS for HB 18, CS for HB 152, House Bills 181, 202, 229, 326, 402, 441, 485, CS for HB 520, House Bills 526, 534, 621, CS for HB 714, HB 767, CS for HB 776, HB 898, CS for HB 935, House Bills 953, 957, CS for HB 1153, House Bills 1175, 1305, 1347, 1438; has adopted CS for HM 8 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Hawkins—

HB 33—A bill to be entitled An act relating to tax deeds; amending s. 197.602, F.S.; entitling holders of tax deeds to attorney's fees under certain circumstances; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

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

CS for HB 114—A bill to be entitled An act relating to contracting; amending s. 489.131, F.S., to provide that a municipality or county may require a bond for a construction contractor; amending s. 489.537, F.S., to provide that a municipality or county may require a bond for an electrical contractor; providing an effective date.

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

By the Committee on Commerce and Representative Smith and others—

CS for HB 198—A bill to be entitled An act relating to the Motor Fuel Marketing Practices Act; amending s. 526.303, F.S., defining the terms "nonrefiner" and "nonrefiner cost"; amending s. 526.304, F.S., prohibiting nonrefiners from selling below cost; including relevant market area; amending s. 526.311, F.S., increasing certain fines; requiring refiners to provide the Department of Agriculture and Consumer Services with reasonable access to certain information; amending s. 526.3135, F.S., eliminating a report required by the Division of Consumer Services; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Wallace and others—

HB 200—A bill to be entitled An act relating to criminal law enforcement; amending ss. 943.32 and 943.35, F.S., to include the Pinellas County Forensic Laboratory in a list of locally funded laboratories under the statewide criminal analysis laboratory system which are eligible for receipt of state matching funds; providing an effective date.

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

By Representatives Bainter and Hodges—

HB 218—A bill to be entitled An act relating to fire prevention and control; amending s. 633.382, F.S., conforming the definition of "employing agency"; providing an effective date.

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

By the Committee on Transportation and Representative Webster and others—

CS for HB's 324, 341, 531 and 168—A bill to be entitled An act relating to transportation; creating s. 335.055, F.S.; authorizing the Department of Transportation to enter into contracts with counties and municipalities; permitting the county or municipality to perform routine maintenance on state highways located within the county or municipality; limiting liability; providing for payment; amending s. 335.20, F.S.; revising purposes for which funds may be used under the Local Government Transportation Assistance Act; revising eligibility requirements for matching grants to local governments under said act; amending s. 337.27, F.S.; requiring the Department of Transportation, in the condemnation of certain lands within a designated transportation corridor, to produce certain documentation; amending s. 339.08, F.S.; authorizing the use of moneys in the State Transportation Trust Fund for reimbursing counties or municipalities for certain expenditures made on projects in the State Highway System; amending s. 339.12, F.S.; providing for participation by municipalities in rights-of-way, state road building, and maintenance projects under certain circumstances; authorizing the Department of Transportation to reimburse counties and municipalities for expenditures made on certain projects or project phases in the State Highway System under certain circumstances; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By Representative Ascherl and others—

HB 380—A bill to be entitled An act relating to tax on sales, use and other transactions; amending s. 212.0305, F.S.; authorizing the levy of a special convention development tax and a subcounty convention development tax by certain counties; providing requirements and procedures; specifying use of the revenues; providing an effective date.

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

By Representative Reddick and others—

HB 416—A bill to be entitled An act relating to postsecondary education; amending s. 240.343, F.S., relating to community college employees; revising provisions with respect to terminal pay for accumulated sick leave; providing an effective date.

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

By Representative Harris—

HB 460—A bill to be entitled An act relating to judicial circuits; amending s. 26.021, F.S.; providing that at least one judge in the tenth judicial circuit shall reside in Highlands County; providing applicability; providing an effective date.

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

By the Committee on Natural Resources and Representative Hawkins—

CS for HB 537—A bill to be entitled An act relating to regulation of oil and gas resources; amending s. 377.22, F.S.; providing for forms of

security other than a bond as a condition to perform certain activities; creating s. 377.2409, F.S.; requiring that information about geophysical activities be furnished to the Division of Resource Management of the Department of Natural Resources; providing for confidentiality of information; providing penalty for wrongful disclosure; amending s. 377.24, F.S.; changing fee-setting standards; requiring division approval for abandonment of wells; amending s. 377.2424, F.S.; providing for confidentiality of permit information given to counties and municipalities, for which there are penalties for failure to comply; providing an effective date.

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

By Representative Crady—

HB 574—A bill to be entitled An act relating to soil and water conservation districts; amending s. 582.18, F.S., limiting service of persons appointed to fill vacancies; providing an effective date.

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

By Representative Crady—

HB 646—A bill to be entitled An act relating to banking assessments; amending s. 657.053, F.S.; revising terminology to provide for semiannual assessments with respect to state credit unions; providing that assessments must be postmarked by certain dates; amending s. 658.73, F.S.; increasing certain nonrefundable fees with respect to state banks and state trust companies; amending s. 663.12, F.S.; increasing the application fee for representative offices of international banking corporations; amending s. 665.0201, F.S.; increasing the application fee for incorporation as a savings association; amending s. 665.028, F.S.; increasing the application fee for branch offices; amending s. 665.0301, F.S.; providing a nonrefundable fee for application for conversion to a savings association; amending s. 665.0311, F.S.; providing an application fee for successor institutions; amending s. 665.033, F.S.; providing a nonrefundable fee for conversion from a federal mutual to a state capital stock association; amending s. 665.034, F.S.; increasing the application for control fee; amending s. 665.082, F.S.; providing clarifying language with respect to fees and assessments of state savings and loan associations; providing an effective date.

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

By the Committees on Appropriations and Judiciary and Representative Bankhead—

CS for CS for HB 826—A bill to be entitled An act relating to damages; amending s. 240.213, F.S., providing an exception to the apportionment of damages with respect to certain judgments; providing that provisions relating to the waiver of sovereign immunity shall be the sole remedy available to a claimant to collect damages assigned to the Board of Regents; providing an effective date.

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

By the Committee on Health and Rehabilitative Services and Representatives Rochlin and Tobin—

CS for HB 1010—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19, F.S.; prohibiting certain relatives from serving on the Statewide Human Rights Advocacy Committee; providing for removal of members for not attending meetings; increasing membership of the Statewide Human Rights Advocacy Committee; increasing membership of the district human rights advocacy committees; prohibiting more than 25 percent of the membership of district human rights advocacy committees from providing contracted services to the department; prohibiting certain relatives from serving on the district committees; providing for recommendation of removal of members to the Governor; reenacting and amending s. 20.19(7)(f) and (8)(g), F.S.; continuing provisions authorizing access to certain records by the statewide and district human rights advocacy committees; providing an effective date.

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

By the Committee on Transportation and Representative Silver and others—

CS for HB 1136—A bill to be entitled An act relating to license plates; amending s. 320.0809, F.S., providing that the collegiate license plates developed by the Department of Highway Safety and Motor Vehicles apply to state and independent universities; providing for a required number of applications prior to development of a plate; directing the university to keep a file of applications; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By the Committee on Community Affairs and Representative Logan—

CS for HB 1147—A bill to be entitled An act relating to county government; amending s. 125.011, F.S., modifying the definition of "project"; amending s. 125.012, F.S., empowering counties to own and operate export trading companies, foreign sales corporations, consulting services corporations, cargo clearance centers, and customs clearance facilities, and to exercise designated powers in relation thereto; providing severability; providing an effective date.

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

By Representative Press—

HB 1205—A bill to be entitled An act relating to medical treatment of burns; requiring certain persons to report specified burn patients to the sheriff's department; producing exceptions; providing penalties for the willful failure to make such report; providing an effective date.

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

By the Committees on Appropriations and Health and Rehabilitative Services and Representative Tobin and others—

CS for HB 1428—A bill to be entitled An act relating to employment opportunities for public assistance applicants and recipients; creating s. 409.029, F.S., the "Florida Employment Opportunity Act," providing legislative findings and intent; providing definitions; providing interagency service integration requirements; requiring the development of an employment and training plan; providing for specified employment and training program; providing for support services for participants; providing for case management, assessment, and employment plan contracts; providing registration of public assistance applicants and recipients and participation requirements; providing procedures for sanctioning mandatory participants for program noncompliance; requiring contracts, subcontracts, and agreements to include specific performance criteria; requiring a program evaluation and reports; providing rulemaking authority to the department; amending s. 228.074, F.S., requiring representation of the Department of Health and Rehabilitative Services on the regional coordinating councils in vocational education planning regions; repealing s. 409.027, F.S., relating to the Public Assistance Productivity Act; repealing s. 409.028, F.S., relating to workfare policy; providing an effective date.

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

By the Committee on Criminal Justice and Representatives Canady and Silver—

HB 1433—A bill to be entitled An act relating to assault and battery; amending s. 784.07, F.S., redefining the term "law enforcement officer" with respect to reclassification of penalties for assault or battery of a law enforcement officer for which a penalty is provided; providing an effective date.

—was referred to the Committees on Judiciary-Criminal; and Personnel, Retirement and Collective Bargaining.

By the Committees on Appropriations and Judiciary and Representative Bell and others—

CS for CS for HB 18—A bill to be entitled An act relating to land acquisition; creating s. 73.0511, F.S.; providing for prelitigation notice; amending s. 73.092, F.S.; revising language with respect to attorney's fees in eminent domain proceedings; providing for an offer of judgment by the petitioner; providing that a condemning authority shall be considered the

party defending against a claim in the event of an appeal of the judgment order; amending s. 73.131, F.S.; revising language with respect to appeals costs; amending s. 337.271, F.S.; providing that the Department of Transportation shall pay all reasonable costs and attorney's fees incurred pursuant to a prelitigation settlement; providing that if the parties cannot agree on the amount of costs and attorney's fees to be paid by the department the property owner may file a complaint in circuit court; providing for the application of the act; providing an effective date.

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

By the Committee on Judiciary and Representative Bainter—

CS for HB 152—A bill to be entitled An act relating to liens; reenacting s. 713.50, F.S.; providing liens upon personal property; creating s. 713.655, F.S.; providing liens to veterinarians for unpaid fees for professional services rendered; amending s. 329.40, F.S.; providing clarifying language; providing that a lien for unpaid charges due a public airport attaches to all aircraft on such airport property, owned by the debtor; providing criminal penalties for removal of aircraft to which a lien attaches; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representative Metcalf and others—

HB 181—A bill to be entitled An act relating to education; creating s. 233.0679, F.S., authorizing the department to conduct an annual academic awards program for students; providing for use of awards; providing for matching grants; providing for implementation; providing for funds to be used for awards, banquets and information; creating s. 233.0575, F.S.; authorizing the employment of mathematics/science resource specialists; providing eligibility and duties; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representatives Deutsch and Jennings—

HB 202—A bill to be entitled An act relating to motor vehicle licenses; creating s. 320.0845, F.S., providing for license plates for members of the Paralyzed Veterans of America; providing an effective date.

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

By Representatives Logan and Gaffney—

HB 229—A bill to be entitled An act relating to landlord and tenant; amending s. 83.51, F.S.; requiring the landlord to make reasonable provisions for smoke detection devices in certain dwelling units; providing an effective date.

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

By Representative Hodges—

HB 326—A bill to be entitled An act relating to saltwater products dealers; amending s. 370.06, F.S., to make provisions consistent with current law; amending s. 370.07, F.S., providing definitions; revising license fees; requiring retail dealers to keep certain records; amending s. 370.14, F.S.; requiring a saltwater products license for certain harvest of crawfish; changing fee disposition; requiring certain display of licenses and trap numbers; providing a fee for certain harvest by any other method; authorizing the Department of Natural Resources to implement a trap retrieval program; providing a retrieval fee; conditioning renewal of a trap number upon payment of such fees; providing for waiver under certain circumstances; providing an effective date.

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

By Representative Upchurch—

HB 402—A bill to be entitled An act relating to remedies against business organizations for failure to comply with registered agent and registered office requirements and related subpoena provisions; amending ss. 607.325 and 620.192, F.S.; authorizing the state to bid, at any judicial sale to enforce its judgment lien against real property owned by a domestic or foreign corporation, alien business organization, or domestic or foreign limited partnership for failure to maintain a registered office and a regis-

tered agent or for failure to comply with a subpoena issued by the Department of Legal Affairs to produce certain testimony and records, an amount up to the amount of the judgment lien on the property; providing for the disposition and distribution of moneys recovered from the enforcement of these provisions; amending s. 253.03, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to manage and sell all real property acquired by the state at such judicial sales; providing for the disposition and distribution of the proceeds from such sales; providing for application of act to certain pending proceedings; providing an effective date.

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

By Representative Drage and others—

HB 441—A bill to be entitled An act relating to Orange County; relating to the West Orange Memorial Hospital Tax District; amending section 2 of chapter 26066, Laws of Florida, 1949, substituting "West Orange Jr. Service League, Inc." for the term "Winter Garden Junior Welfare League"; requiring members of the board of trustees to remain residents of the tax district during their tenure and eliminating a requirement that members of the board of trustees be freeholders of the tax district; requiring only that they be residents of the tax district; amending section 8 of chapter 26066, Laws of Florida, 1949; allowing all electors who are residents of the district to vote in bond elections; amending section 14 of chapter 26066, Laws of Florida, 1949, defining some expenditures that are included in the "operation of the hospital"; amending section 16 of chapter 26066, Laws of Florida, 1949; changing the date by which the board of trustees must deliver certified copies of its tax resolution to the Board of County Commissioners of Orange County and to the Comptroller of the State of Florida; 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 Representatives Brown and Gaffney—

HB 485—A bill to be entitled An act relating to Duval County; establishing a special zone in downtown Jacksonville consisting of Northside West, Northside East and Southbank; providing exceptions for space and seating requirements for liquor licenses for restaurants in this zone; providing an effective date.

Proof of publication of the required notice was attached.

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

By the Committee on Judiciary and Representatives Rudd and Rush—

CS for HB 520—A bill to be entitled An act relating to adoption; creating s. 63.0425, F.S.; providing that adoption agencies and intermediaries shall notify grandparents with whom a child has lived for at least six months prior to petitioning for adoption and that grandparents have a first priority for adoption if the grandparent files a petition for adoption; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representative Brown and others—

HB 526—A bill to be entitled An act relating to the City of Jacksonville; adding a new section 14.17 to article 14 of chapter 67-1320, Laws of Florida, as amended, to authorize the Duval County School Board, at its option, to participate in the risk management program operated and managed by the City of Jacksonville, under certain circumstances; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown and others—

HB 534—A bill to be entitled An act relating to the Civil Service System of the City of Jacksonville; amending section 19 of chapter 67-1320, as amended by chapters 69-1171, 73-507, and 81-402, Laws of Florida; providing for co-pension contributions of employees whose positions are funded by grants; prohibiting the city from making payment for such contributions from city funds; providing for the transfer to civil service status of any employee of the City after three (3) years of service as a Grant employee; 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 621—A bill to be entitled An act relating to Washington County; authorizing the Board of County Commissioners of said county, acting in conjunction with the Washington County Hospital Board of Trustees, to enter into management agreements with and to lease or sell the Washington County Hospital to either a nonprofit entity or a for profit business entity; requiring certain nonprofit corporations 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 Judiciary and Representative Cosgrove—

CS for HB 714—A bill to be entitled An act relating to landlord and tenant; amending s. 83.231, F.S., providing for the imposition of a money judgment in an action for possession in the amount of the money owed to the landlord by the tenant; amending s. 83.46, F.S., providing for rental payments with respect to certain dwelling units furnished by an employer to an employee after the employee ceases employment; amending s. 83.49, F.S., providing an alternative procedure for the posting of bond by certain landlords or agents; amending s. 83.51, F.S., requiring tenants to vacate rental premises after notice for the purpose of exterminating pests; amending s. 83.53, F.S., providing that the landlord may enter the dwelling unit at any time for the repair, protection or preservation of the premises; amending s. 83.56, F.S., providing clarifying language with respect to the termination of the rental agreement; amending s. 83.60, F.S., providing for possession of the dwelling unit under certain circumstances; amending s. 83.625, F.S.; providing for attorney's fees and costs in certain actions for possession of the dwelling unit; amending s. 713.691, F.S., providing for the landlord's lien for rent; providing an effective date.

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

By Representative Carpenter—

HB 767—A bill to be entitled An act relating to towing of vehicles; amending s. 715.07, F.S.; authorizing the towing of vehicles on private property; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Commerce and Representatives Carlton and Troxler—

CS for HB 776—A bill to be entitled An act relating to retail installment sales; amending s. 520.03, F.S.; establishing biennial licensing procedure with respect to motor vehicle sales finance; providing for inactive status for licensees; providing for fees; amending s. 520.04, F.S.; defining disciplinary violations; prescribing penalties; amending s. 520.05, F.S.; providing for investigative powers of the Department of Banking and Finance; amending s. 520.06, F.S.; providing powers of the department; amending s. 520.12, F.S.; prescribing the penalty for willful violation of the act; providing for recovery of certain costs; amending s. 520.32, F.S.; establishing biennial licensing procedure with respect to retail installment sales; providing for inactive status for licensees; providing for fees; amending s. 520.331, F.S.; defining disciplinary violations; prescribing penalties; amending s. 520.332, F.S.; providing powers of the department; amending s. 520.39, F.S.; prescribing the penalty for willful violation of the act; providing for the recovery of certain costs; amending s. 520.51, F.S.; defining the terms "retail installment transaction" and "retail buyer"; amending s. 520.52, F.S.; establishing biennial licensing procedure with respect to installment sales finance; providing for inactive status for licensees; providing for fees; amending s. 520.53, F.S.; defining disciplinary violations; prescribing penalties; amending s. 520.54, F.S.; providing for maintenance of certain records; amending s. 520.56, F.S.; providing powers of the department; amending s. 520.57, F.S.; prescribing the penalty for willful violation of the act; providing for the recovery of certain costs; amending s. 520.61, F.S.; eliminating gender distinctions; amending s. 520.62, F.S.; expanding the administrative authority of the department; amending s. 520.63, F.S.; establishing biennial licensing procedure with respect to home improvement sales and finance; providing

for inactive status for licensees; providing for fees; amending s. 520.66, F.S.; defining disciplinary violations; prescribing penalties; amending ss. 520.68, 520.70, 520.71, and 520.72, F.S.; eliminating gender distinctions; amending s. 520.73, F.S.; providing for additional notice requirement relating to home improvement contracts; amending s. 520.74, F.S.; providing for a home improvement contractor or holder to be entitled to liquidated damages; amending ss. 520.90 and 520.92, F.S.; eliminating gender distinctions; creating s. 520.925, F.S.; providing powers of the department; amending s. 520.96, F.S.; eliminating gender distinctions; providing for the reimbursement of certain expenses during departmental examinations; amending s. 520.98, F.S.; prescribing the penalty for a willful violation of the act; providing for recovery of certain costs; repealing s. 520.64, F.S., relating to application for license for home improvement sales and finance; repealing s. 520.65, F.S., relating to such licenses and the fees therefor; repealing s. 520.67, F.S., relating to the form and duration of such licenses; repealing s. 520.93, F.S., relating to the obligation of a home improvement contractor to accept no contract with blank spaces; repealing s. 520.94, F.S., relating to revocation of such licenses; repealing s. 520.95, F.S., relating to the department's right to information; repealing s. 520.961, F.S., relating to the department's power to obtain an injunction; repealing s. 520.99, F.S., providing for a general penalty for violations of the act; repealing s. 520.991, F.S., relating to prohibitions on appropriations from the General Revenue Fund; repealing s. 520.992, F.S., relating to specific exemptions from ss. 520.60-520.99, F.S., the Home Improvement Sales and Finance Act; providing for review and repeal; providing an effective date.

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

By Representative Drage—

HB 898—A bill to be entitled An act relating to wastewater; limiting the civil liability of persons who accept wastewater for spray irrigation; providing for definitions; providing for application of the act to certain causes of action; providing for governmental action to protect the public health, safety, or welfare or the environment; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

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

CS for HB 935—A bill to be entitled An act relating to auctioneers; amending s. 468.383, F.S., providing an exemption for certain auctions conducted by students of auctioneering; amending section 10 of chapter 86-119, Laws of Florida, providing an exemption from license examination requirements; amending s. 468.385, F.S., providing for examination by the Department of Professional Regulation, rather than the Board of Auctioneers; modifying license qualifications and education requirements; decreasing amount of bond required for auctioneers and auction businesses; providing for bond of a licensed auctioneer who is the sole operator of an auction business; creating ss. 468.3851 and 468.3852, F.S., providing procedures for license renewal, inactive status, and expiration; amending s. 468.386, F.S., clarifying provisions relating to local occupational licenses; amending s. 468.387, F.S., providing for licensure of non-resident auctioneers by endorsement; amending s. 468.389, F.S., expanding disciplinary actions and grounds therefor; providing for review and repeal; providing an effective date.

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

By Representative Hill—

HB 953—A bill to be entitled An act relating to the South Indian River Water Control District in Palm Beach County; amending section 6 of chapter 71-820, Laws of Florida, as amended, granting the board of supervisors the power to expend funds of the District to pay for engineering studies for the purpose of planning facilities to provide potable water distribution and waste water collection systems to those lands lying East of the Interstate 95 in Palm Beach County, in cooperation with the Town of Jupiter and the Loxahatchee River Environmental Control District, and to pay for the construction, maintenance, improvement and repair of those facilities where such construction, maintenance, improvement and repair is not performed by other governmental bodies, and to levy special assessments, on the basis of parcels benefited rather than acres benefited, for said purposes, and to transfer said facilities to the Town of Jupiter and the Loxahatchee River Environmental Control District for operation

and maintenance; amending section 13 of chapter 71-820, Laws of Florida, as amended, granting the District Engineer the authority to formulate plans for providing potable water distribution and waste water collection systems to those lands within the District lying East of the Interstate 95 in Palm Beach County; authorizing the Board of Supervisors to implement such plans; amending section 14 of chapter 71-820, Laws of Florida, as amended, authorizing the Board of Supervisors to exercise all powers granted to the District in chapter 298, Florida Statutes, in order to implement the potable water distribution and waste water collection systems plans; amending section 15 of chapter 71-820, Laws of Florida, as amended, prohibiting the Board of Supervisors from constructing any facilities to provide potable water distribution and waste water collection systems to those lands within the District lying East of the Interstate 95 in Palm Beach County, until there has first been an affirmative showing that the owners of a majority of the parcels represented in the voting desire such potable water distribution and waste water collection systems to be constructed or improved; amending section 16 of chapter 71-820, Laws of Florida, as amended, requiring the Board of Supervisors to cease constructing, improving or maintaining said potable water distribution and waste water collection systems in the event that any governmental entity elects to construct, improve or maintain any facilities to provide potable water distribution and waste water collection systems to those lands within the District lying East of the Interstate 95 in Palm Beach County, providing that the owners of a majority of the parcels, within the District as a whole or a majority of the landowners within the area to be benefited, are in favor of said election; amending section 17 of chapter 71-820, Laws of Florida, as amended, authorizing the District to issue bonds to pay for all potable water distribution and waste water collection systems improvements for those lands within the District lying East of the Interstate 95 in Palm Beach County; deleting provisions for the interest rate on the bonds issued by the District; amending section 19 of chapter 71-820, Laws of Florida, as amended, requiring the Board of Supervisors to maintain its accounts and books of record in a manner which will provide for the tracing of receipts and expenditures applicable to the maintenance of facilities for potable water distribution and waste water collection systems and the construction of facilities for fresh water, sewage, and waste removal; providing for the establishment of an additional budget for the construction of facilities for potable water distribution and waste water collection systems; providing that commissioners shall be paid a reasonable amount for their services; providing that the purchase and placement of stable materials within the District shall be deemed to constitute road maintenance and not road construction; ratifying and confirming the Judgment Extending the Corporate Life of the District perpetually and, further, extending the life of the District perpetually; defining the term "parcel"; authorizing the Board of Supervisors to levy a one-time special assessment to pay for specified projects; 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 957—A bill to be entitled An act relating to Delray Beach Downtown Development Authority, Palm Beach County; amending section 3, chapter 71-604, Laws of Florida, expanding the downtown area description to include commercial properties eastward of the Intracoastal Waterway; 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 Representatives Clark and Figg—

CS for HB 1153—A bill to be entitled An act relating to instruments deemed mortgages; creating s. 697.07, F.S.; providing that a mortgage may provide for an assignment of rents under certain circumstances; amending s. 702.01, F.S., providing for severance of actions in a mortgage foreclosure; amending s. 201.022, F.S.; providing an effective date.

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

By Representative Sansom—

HB 1175—A bill to be entitled An act relating to public meetings; amending s. 286.011, F.S.; providing that certain meetings for review or grading of certain examinations are exempt from public meeting and record requirements; providing for an Open Government Study Committee; providing duties; providing for a report; providing an effective date.

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

By the Committee on Youth and Representative Reddick—

HB 1305—A bill to be entitled An act relating to protection of minors; amending s. 415.503, F.S., making an exception to the application of the term "child abuse or neglect"; amending s. 415.508, F.S., providing for the appointment of a guardian ad litem or other advocate to represent a minor who is involved in criminal proceedings; prescribing powers and duties of the guardian ad litem or other advocate; providing immunity to advocates from certain liability; providing for issuance of a search warrant upon probable cause that a child is being abused or neglected; authorizing the officer executing such warrant to take the child into protective custody under certain circumstance; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Agriculture and Representative Mitchell—

HB 1347—A bill to be entitled An act relating to food products; amending s. 500.10, F.S.; providing that confectioneries containing a specified amount of alcohol are not deemed to be adulterated if certain restrictions on the sale of such confectioneries are observed; amending s. 500.12, F.S., requiring a permit, requiring disclosure to the department of intent to sell, providing for inspection and seizure by the Department of Business Regulation in certain instances; amending s. 500.174, F.S., providing a penalty; providing an effective date.

—was referred to the Committee on Agriculture.

By the Committee on Regulatory Reform and Representatives Kelly and Rochlin—

HB 1438—A bill to be entitled An act relating to nursing; amending s. 464.009, F.S., relating to licensure by endorsement; deleting the provision for such licensure relative to comparison of Florida's current licensing standards with the current licensing standards of another state; providing an effective date.

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

By the Committee on Judiciary and Representative Sample—

CS for HM 8—A memorial urging the Congress of the United States to plan the celebration of the 200th anniversary of the Constitution of the United States and expressing the support of the Florida Legislature.

—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 refused to concur in Senate Amendments 1 and 2 to CS for HB 1384 and requests the Senate to recede, and in the event the Senate refuses to recede, the Speaker has appointed Representatives Abrams, C. F. Jones, Press and Grindle; Alternates Langton and McEwan as House Conferees.

John B. Phelps, Clerk

On motions by Senator Myers, the Senate refused to recede from Senate amendments to CS for HB 1384 and acceded to the request for a conference committee.

Conferees Appointed

The President appointed Senators Myers, Gordon, Lehtinen and Scott. 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 268 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 268—A bill to be entitled An act relating to downtown development authorities; repealing section 2 of chapter 86-153, Laws of Florida, which provides for the repeal of provisions which specify that certain downtown development authorities shall be considered independent special districts for purposes of laws relating to determination of millage; providing an effective date.

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

Section 1. Subsection (3) is added to section 170.01, Florida Statutes, to read:

170.01 Authority for providing improvements and levying and collecting special assessments against property benefited.—

(3) Any municipality located within a county as defined in s. 125.011(1) may levy and collect special assessments against property benefited for the purpose of stabilizing and improving retail and/or wholesale business districts and/or nationally recognized historic districts through promotion, management, marketing, and other similar services in business districts of the municipality.

Section 2. Section 170.03, Florida Statutes, is amended to read:

170.03 Resolution required to declare special assessments.—When the governing authority of any municipality may determine to make any public improvement authorized by s. 170.01 and defray the whole or any part of the expense thereof by special assessments, said governing authority shall so declare by resolution stating the nature of the proposed improvement, designating the street or streets or sidewalks to be so improved, the location of said sanitary sewers, storm sewers, and drains, the location of said water mains, water laterals, and other water distribution facilities, or the location of the drainage project, or the location of the retail and/or wholesale business districts and/or nationally recognized historic districts to be improved, and the part or portion of the expense thereof to be paid by special assessments, the manner in which said assessments shall be made, when said assessments are to be paid, what part, if any, shall be apportioned to be paid from the general improvement fund of the municipality; and said resolution shall also designate the lands upon which the special assessments shall be levied, and in describing said lands it shall be sufficient to describe them as "all lots and lands adjoining and contiguous or bounding and abutting upon such improvements or specially benefited thereby and further designated by the assessment plat hereinafter provided for." Such resolution shall also state the total estimated cost of the improvement. Such estimated cost may include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements, and franchises acquired, financing charges, interest prior to and during construction and for 1 year after completion of construction, discount on the sale of special assessment bonds, cost of plans and specifications, surveys of estimates of costs and of revenues, cost of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction, administrative expense, and such other expense as may be necessary or incident to the financing herein authorized.

Amendment 2—On page 1, between lines 14 and 15, insert:

Section 2. Effective July 1, 1987, Section 170.06, Florida Statutes, is amended to read:

170.06 Preliminary assessment roll.—Upon the adoption of the resolution aforesaid, the governing authority of the municipality shall cause to be made a preliminary assessment roll in accordance with the method of assessment provided for in said resolution, which assessment roll shall be completed and filed with the governing authority of the municipality as promptly as possible; said assessment roll shall show the lots and lands assessed, the amount of the benefit to and the assessment against each lot or parcel of land, and if said assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall also be entered and shown upon said assessment roll.

Section 3. Effective July 1, 1987, Section 170.07, Florida Statutes, is amended to read:

170.07 Publication of preliminary assessment roll.—Upon the completion of said preliminary assessment roll, the governing authority of the municipality shall by resolution fix a time and place at which the owners of the property to be assessed, or any other persons interested therein may appear before said governing authority and be heard as to the propriety and advisability of making such improvements, as to the cost thereof, as to the manner of payment therefor and as to the amount thereof to be assessed against each property so improved. Ten days' notice in writing of such time and place shall be given to such property owners which shall and shall include the amount of the assessment and shall be served by mailing a copy of such notice to each of such property owners at his last known address, the names and addresses of such property owners to be obtained from the records of the property appraiser or from such other sources as the city or town clerk or engineer deems reli-

able, proof of such mailing to be made by the affidavit of the clerk or deputy clerk of said municipality, or by the engineer, said proof to be filed with the clerk, provided, that failure to mail said notice or notices shall not invalidate any of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by two publications a week apart in a newspaper of general circulation in said municipality, and if there be no newspaper published in said municipality the governing authority of said municipality shall cause said notice to be published in like manner in a newspaper of general circulation published in the county in which said municipality is located; provided that the last publication shall be at least 1 week prior to the date of the hearing. Said notice shall describe the streets or other areas to be improved and advise all persons interested that the description of each property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the office of the clerk of the municipality. Such service by publication shall be verified by the affidavit of the publisher and filed with the clerk of said municipality.

Section 4. Effective July 1, 1987, Section 170.08, Florida Statutes, is amended to read:

170.08 Final consideration of special assessments; equalizing board to hear complaints and adjust assessments; rebate of difference in cost and assessment.—At the time and place named in the notice provided for in s. 170.07, the governing authority of the municipality shall meet and hear testimony from affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on property. Following the testimony, the governing authority of the municipality shall make a final decision on whether to levy the special assessments. Thereafter, the governing authority shall meet as an equalizing board to hear and consider any and all complaints as to the special assessments and shall adjust and equalize the assessments on a basis of justice and right; and when so equalized and approved by resolution or ordinance of the governing authority, a final assessment roll shall be filed with the governing authority of the municipality, and such assessments shall stand confirmed and remain legal, valid, and binding first liens, upon the property against which such assessments are made, until paid; however, upon completion of the improvement, the municipality shall credit to each of the assessments the difference in the assessment as originally made, approved, and confirmed and the proportionate part of the actual cost of the improvement to be paid by special assessments as finally determined upon the completion of the improvement, but in no event shall the final assessments exceed the amount of benefits originally assessed. Promptly after such confirmation, the assessments shall be recorded by the city clerk in a special book, to be known as the "Improvement Lien Book," and the record of the lien in this book shall constitute prima facie evidence of its validity. The governing authority of the municipality may by resolution grant a discount equal to all or a part of the payee's proportionate share of the cost of the project consisting of bond financing costs, such as capitalized interest, funded reserves, and bond discount included in the estimated cost of the project, upon payment in full of any assessment during such period prior to the time such financing costs are incurred as may be specified by the governing authority.

Section 5. Effective July 1, 1987, Section 170.16, Florida Statutes is amended to read:

170.16 Assessment roll sufficient evidence of assessment and other proceedings of this chapter; variance not material unless party objecting materially injured thereby.—Any informality or irregularity in the proceedings in connection with the levy of any special assessment under the provisions of this chapter shall not affect the validity of the same where the assessment roll has been confirmed by the governing authority, and the assessment roll as finally approved and confirmed shall be competent and sufficient evidence that the assessment was duly levied, that the assessment was duly made and adopted, and that all other proceedings adequate to the adoption of the said assessment roll were duly had, taken and performed as required by this chapter; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. However, nothing in this section shall relieve the governing authority from notifying the affected property owners of the special assessments as required by this chapter.

(Renumber subsequent section.)

Amendment 3—On page 1, in the title, line 9, after the semicolon insert: amending ss. 170.06, 170.07, 170.08, 170.16; revising procedures relating to preparation of an assessment roll;

Amendment 4—On page 1, line 15, after “2.” insert: Except as otherwise provided herein,

Amendment 5—On page 1, in the title, lines 2 and 3, strike “downtown development authorities;” and insert: local government finance; providing an alternative method of making local municipal improvements; amending ss. 170.01 and 170.03, F.S.; authorizing municipalities to utilize the provisions of chapter 170, F.S., including the levy of special assessments, to provide improvements for retail and/or wholesale business districts and/or nationally recognized historic districts; preserving certain provisions of chapter 200, F.S., applying to certain downtown development authorities;

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

SB 268 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—36

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

Nays—None

Excused: Plummer

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's 282 and 703 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB's 282 and 703—A bill to be entitled An act relating to aquaculture; amending ss. 1.01 and 570.02, F.S.; conforming definitions of “agriculture” and including aquaculture therein; amending s. 205.064, F.S.; exempting persons selling aquacultural products from local occupational license requirements; amending s. 206.63, F.S.; providing for refund of taxes on motor fuel used in the practice of aquaculture; amending s. 571.03, F.S.; including aquacultural products within the definition of “agricultural product” under the Florida Seal of Quality Law; amending s. 597.005, F.S.; expanding membership of the Aquaculture Review Council; providing for per diem and expenses; amending s. 618.01, F.S.; including aquacultural products within the definition of “agricultural products” with respect to laws governing agricultural cooperative marketing associations; amending s. 823.14, F.S.; including aquacultural production within the definition of “farm” under the Florida Right to Farm Act; providing an effective date.

Amendment 1—On page 1, line 28, strike everything after the enacting clause and insert:

Section 1. *Legislative intent.*—

(1) *It is the intent of the Legislature to enhance the growth of aquaculture in this state, while protecting Florida's environment.*

(2) *It is also the intent of the Legislature to give the Department of Agriculture and Consumer Services the duty to coordinate the development of aquaculture and provide assistance, without infringing on the existing responsibilities of other state agencies.*

Section 2. Subsection (1) of section 205.064, Florida Statutes, is amended to read:

205.064 Farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, and tropical fish farm products; certain exemptions.—

(1) No local occupational license shall be required of any natural person for the privilege of engaging in the selling of farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, or tropical fish farm products, or products manufactured therefrom, except intoxicating liquors, wine, or beer, when such products were grown or produced by such natural person in the state.

Section 3. Subsection (1) of section 206.63, Florida Statutes, is amended to read:

206.63 Definitions.—For the purposes of s. 206.64, the following words and terms when used herein shall have the following meanings:

(1) “Agricultural purposes” shall be construed to mean motor fuel used in any tractor, vehicle, or other farm equipment which is used exclusively on a farm or for processing farm products on the farm and no part of which is used in any vehicle or equipment driven or operated upon the public highways of this state. This restriction shall not apply to the movement of farm vehicles or farm equipment between farms. The transporting of bees by water and the operating of equipment used in the apiary of a beekeeper *and the practice of aquaculture* shall be also deemed an agricultural purposes purpose.

Section 4. Paragraph (e) of subsection (1) of section 212.67, Florida Statutes, 1986 Supplement, is amended to read:

212.67 Refunds.—

(1) The following refunds apply to the tax imposed by this part, to the extent provided in this section:

(e) Refunds to farmers, ~~and~~ fishermen *and, aquaculturists.*—

1. Any person who uses any motor fuel or special fuel for agricultural, aquacultural, ~~purposes~~ or commercial fishing purposes on which fuel the tax imposed by this part has been paid is entitled to a refund of such tax.

2.a. For the purposes of this paragraph, “agricultural *and aquacultural* purposes” means motor fuel or special fuel used in any tractor, vehicle, or other farm equipment which is used exclusively on a farm or for processing farm products on the farm, and no part of which fuel is used in any vehicle or equipment driven or operated upon the public highways of this state. This restriction does not apply to the movement of a farm vehicle or farm equipment between farms. The transporting of bees by water and the operating of equipment used in the apiary of a beekeeper shall be also deemed an agricultural purpose.

b. For the purposes of this paragraph, “commercial fishing *and aquacultural* purposes” means motor fuel or special fuel used in the operation of boats, vessels, or equipment used exclusively for the taking of fish, crayfish, oysters, shrimp, or sponges from salt or fresh waters under the jurisdiction of the state for resale to the public, and no part of which fuel is used in any vehicle or equipment driven or operated upon the highways of this state; but the term may in no way be construed to include fuel used for sport or pleasure fishing.

Section 5. Subsection (1) of section 597.003, Florida Statutes, 1986 Supplement, is amended to read:

597.003 Powers and duties of Department of Agriculture and Consumer Services.—

(1) The Department of Agriculture and Consumer Services is hereby designated as the lead agency in encouraging the development of aquaculture activities in the state and shall *have and exercise* provide the following functions, powers, and duties with regard developmental assistance to aquaculture, which is the cultivation of animal and plant life in a water environment; ~~it shall~~:

(a) Coordinate the development, revision, and implementation of a state aquaculture plan.

(b) Develop a memorandum of agreement with the Department of Natural Resources, the Florida Game and Fresh Water Fish Commission, the Florida Sea Grant Program, and other groups as provided in the state aquaculture plan.

(c) ~~Coordinate~~ Provide coordination with public and private institutional research, extension, and service programs in identifying problems and providing assistance in the development of the state aquaculture plan.

(d) Provide staff for the Aquaculture Review Council.

(e) Provide developmental assistance to the various sectors of the aquaculture industry as determined in the state aquaculture plan.

(f) Assist persons seeking to engage in aquaculture when problems arise when applying for the necessary permits.

(g)(f) In cooperation with other agencies, develop and propose to the Legislature legislation necessary to implement the state aquaculture plan or to otherwise encourage the development of aquaculture activities in the state.

Section 6. Subsection (5) of section 571.03, Florida Statutes, is amended to read:

571.03 Definitions.—As used in this chapter:

(5) "Agricultural product" includes any fresh or processed horticultural, *aquacultural*, viticultural, dairy, poultry, apicultural, or any other farm or garden product.

Section 7. Subsection (1) of section 597.005, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

597.005 Aquaculture Review Council.—

(1) There is created within the Department of Agriculture and Consumer Services the Aquaculture Review Council to consist of ~~nine~~ **eight** members as follows: the chairman of the State Agricultural Advisory Council or his designee; the President of the Florida Aquaculture Association or his designee; the chairman of the Aquaculture Interagency Coordinating Board as established in s. 597.006; and ~~six~~ **five** additional members to be appointed for a 2-year term each by the Commissioner of Agriculture, including an alligator farmer, a food fish farmer, a shellfish farmer, a tropical fish farmer, and an aquatic plant farmer, and a representative of the commercial fishing industry.

(4) *Members of the council shall receive expenses and per diem for travel, including attendance at meetings, as allowed state officers and employees pursuant to s. 112.061.*

Section 8. Subsection (1) of section 618.01, Florida Statutes, is amended to read:

618.01 Definitions.—In construing this chapter, where the context permits, the word, phrase, or term:

(1) "Agricultural products" shall include *aquacultural*, horticultural, viticultural, forestry, aquatic, dairy, livestock, poultry, bee, and any farm products;

Section 9. Paragraph (a) of subsection (3) of section 823.14, Florida Statutes, is amended to read:

823.14 Florida Right to Farm Act.—

(3) DEFINITIONS.—As used in this section:

(a) "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or *aquaculture* products.

Section 10. *By January 15, 1988, the Department of Environmental Regulation, the Department of Natural Resources, the Marine Fisheries Commission, the Florida Game and Fresh Water Fish Commission, the water management districts, and the Department of Agriculture and Consumer Services shall each submit a report to the President of the Senate and the Speaker of the House of Representatives on the advisability of adopting special environmental permitting standards for aquacultural activities. Such report shall include:*

1. *A recommendation on whether aquacultural activities should be classified and permitted under different standards than such activities are currently permitted under; and if so,*

2. *What the standards should be, and whether such standards should be different for freshwater and estuarine aquacultural activities.*

Section 11. This act shall take effect October 1, 1987.

Amendment 2—On page 1, in the title, strike all of lines 1-24 and insert: A bill to be entitled An act relating to aquaculture; providing legislative intent; amending s. 205.064, F.S., exempting persons selling aquacultural products from local occupational license requirements; amending s. 206.63, F.S., providing for refund of taxes on motor fuel used in the practice of aquaculture; amending s. 212.67, F.S., providing for refund of taxes on motor fuel or special fuel used in the practice of aquaculture; amending s. 597.003, F.S., providing additional responsibility to the Department of Agriculture and Consumer Services with regard to aquaculture; amending s. 571.03, F.S., including aquacultural products

within the definition of "agricultural product" under the Florida Seal of Quality Law; amending s. 597.005, F.S., expanding membership of the Aquaculture Review Council; providing for per diem and expenses; amending s. 618.01, F.S., including aquacultural products within the definition of "agricultural products" with respect to laws governing agricultural cooperative marketing associations; amending s. 823.14, F.S., including aquacultural production within the definition of "farm" under the Florida Right to Farm Act; requiring the Department of Environmental Regulation, the Department of Natural Resources, the Marine Fisheries Commission, the Florida Game and Fresh Water Fish Commission, the water management districts, and the Department of Agriculture and Consumer Services to submit reports; providing an effective date.

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

CS for SB's 282 and 703 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	Frank	Jennings	Meek
Barron	Girardeau	Johnson	Myers
Beard	Gordon	Kirkpatrick	Ros-Lehtinen
Brown	Grant	Kiser	Stuart
Childers, W. D.	Grizzle	Langley	Thomas
Crawford	Hair	Lehtinen	Thurman
Crenshaw	Hill	Malchon	Weinstein
Deratany	Hollingsworth	Margolis	Woodson
Dudley	Jenne	McPherson	

Nays—None

Excused: Plummer

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 608 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 608—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.52, F.S.; defining the term "invalid exercise of delegated legislative authority"; amending s. 120.54, F.S.; prohibiting the use of general intent or general policy as a basis for rule promulgation; deleting the requirement that a separate statement of a rule's effect upon small business be submitted to the committee; amending s. 120.545, F.S.; providing clarifying language to create uniform terminology for review of rules; amending s. 120.57, F.S.; providing 15 days for agency request for hearing officer; amending s. 120.59, F.S.; clarifying statutory sections under which administrative hearing or judicial review is available; amending s. 120.68, F.S.; requiring agencies to submit copies of certain appeal petitions to the committee; providing an effective date.

Amendment 1—On page 2, lines 24-26, strike "No rule shall cite as the law implemented any legislative statement of general intent or general policy."

Amendment 2—On page 1, in the title, lines 5-8, strike "amending s. 120.54, F.S., prohibiting the use of general intent or general policy as a basis for rule promulgation;"

Amendment 3—On page 1, line 24, insert:

Section 1. Subsection (6) is added to section 120.59, Florida Statutes, to read:

120.59 Orders.—

(6)(a) *In any proceeding pursuant to s. 120.57(1), a prevailing party shall be entitled to recover costs from the nonprevailing adverse party, and shall also be entitled to recover a reasonable attorney fee, as provided herein. The provisions of this subsection shall not apply to a prevailing or nonprevailing party that is an agency.*

(b) *The final order in a proceeding pursuant to s. 120.57(1) shall award costs and a reasonable attorney fee to the prevailing party only where the nonprevailing adverse party has been determined by the hearing officer to have participated in the proceeding for an improper purpose.*

(c) In all proceedings pursuant to s.120.57(1), the hearing officer shall determine whether any party, other than a party that is an agency, participated in the proceeding for an improper purpose as defined in this subsection. In making such determination, the hearing officer shall consider whether the nonprevailing adverse party has participated in two or more other such proceedings involving the same non-agency prevailing party and same project as an adverse party and in which such two or more proceedings the nonprevailing adverse party did not establish either the factual or legal merits of its position; and whether the factual or legal position asserted in the instant proceeding would have been cognizable in the previous proceedings. In such event, it shall be rebuttably presumed that the nonprevailing adverse party participated in the pending proceeding for an improper purpose.

(d) In any proceeding in which the hearing officer determines that a party participated in the proceeding for an improper purpose, the recommended order shall so designate and shall recommend the award of costs and attorney fees.

(e) For the purpose of this subsection:

1. "Improper purpose" means participation in a proceeding pursuant to s. 120.57(1) primarily to harass or to cause unnecessary delay or for frivolous purpose or to needlessly increase the cost of licensing or securing the approval of an activity.

2. "Costs" shall have the same meaning as the costs allowed in civil actions in this state as provided in chapter 57.

3. "Nonprevailing adverse party" shall mean a party that has failed to have substantially changed the outcome of the proposed or final agency action which is the subject of a proceeding. In the event that a proceeding results in any substantial modification or condition intended to resolve the matters raised in a party's petition, it shall be determined that the party having raised the issue addressed is not a "nonprevailing adverse party." The recommended order shall state whether the change is substantial for purposes of this subsection. In no event shall the term "nonprevailing party" or "prevailing party" be deemed to include any party that has intervened in a previously existing proceeding to support the position of an agency.

(Renumber subsequent sections.)

Amendment 4—On page 1 in the title, line 18, insert before the semicolon (;) the following language: , providing for the recovery of costs by a prevailing party in an administrative proceeding and providing recovery of attorney's fees in certain circumstances

On motions by Senator W. D. Childers, the Senate concurred in the House amendments.

CS for SB 608 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—36

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Girardeau, Hair

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 401 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 401—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 514.033, F.S.; providing for a fee; amending s. 514.0115, F.S.; providing an exemption for pools serving certain condominiums and cooperatives from certain requirements imposed by the Department of Health and Rehabilitative Services; amending s. 723.061, F.S.; renumbering existing provisions; creating a new section of the statutes; creating the Mobile Home Study Commission; providing prospective repeal of s. 723.061(2)(a)2.c., F.S., as created by the act, relating to payment to a mobile home owner who is evicted for a change in land use of a scaled percentage of the difference between book value and market value of a mobile home and appurtenances; 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 for retroactivity; providing an effective date.

Amendment 1—On page 1, in the title, line 2, strike "the Florida Mobile Home Act" and insert: residential housing

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

CS for SB 401 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	Frank	Kiser	Ros-Lehtinen
Barron	Grant	Langley	Scott
Beard	Grizzle	Lehtinen	Stuart
Brown	Hill	Malchon	Thomas
Childers, D.	Hollingsworth	Margolis	Thurman
Childers, W. D.	Jenne	McPherson	Weinstein
Crenshaw	Jennings	Meek	Weinstock
Deratany	Johnson	Myers	Woodson
Dudley	Kirkpatrick	Peterson	

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Girardeau

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1016 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Health and Rehabilitative Services and Representatives Sample and Mortham—

CS for HB 1016—A bill to be entitled An act relating to human resource personnel screening; exempting such personnel and teachers who have been fingerprinted or screened from having to be re-fingerprinted or rescreened under specified circumstances; exempting certain human resource personnel from fingerprinting requirement; providing an effective date.

On motion by Senator Ros-Lehtinen, by unanimous consent CS for HB 1016, contained in the above message, was taken up out of order. On motions by Senator Ros-Lehtinen, by two-thirds vote CS for HB 1016 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

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

Yeas—36

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Girardeau

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 86, SB 361, CS for SB 377, Senate Bills 551, 594, 885, CS for SB 906, CS for SB 908, CS for SB 1080, CS for SB 1298, Senate Bills 1333, 1334; and has passed by the required Constitutional three-fifths vote of the Membership of the House SJR 135.

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 receded from House Amendments 1 and 2 and passed SB 154.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to HB 162 and passed the bill as amended.

John B. Phelps, Clerk

CONSENT CALENDAR

CS for SB 982—A bill to be entitled An act relating to state parks and preserves; creating s. 258.016, F.S.; authorizing the Division of Recreation and Parks to issue senior/disabled citizen camping permits; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote CS for SB 982 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Peterson

CS for SB 1256—A bill to be entitled An act relating to transportation; amending s. 339.135, F.S.; removing the requirement for legislative approval of department policies; amending s. 339.24, F.S.; creating s. 339.245, F.S.; creating the Florida Highway Beautification Council; providing membership, terms, and duties; providing for a chairman and staff; providing for the creation of local highway beautification councils; providing duties of the head of the Department of Transportation for the award of highway beautification grants; providing for grant requests; providing for repeal and review; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote CS for SB 1256 was read the third time by title, passed and certified to the House. The vote on passage was:

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Jennings

On motions by Senator Brown, by two-thirds vote HB 380 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

On motions by Senator Brown—

HB 380—A bill to be entitled An act relating to tax on sales, use and other transactions; amending s. 212.0305, F.S.; authorizing the levy of a special convention development tax and a subcounty convention development tax by certain counties; providing requirements and procedures; specifying use of the revenues; providing an effective date.

—a companion measure, was substituted for SB 398 and by two-thirds vote read the second time by title. On motion by Senator Brown, by two-thirds vote HB 380 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Grant	Kiser	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	Jennings	Myers	Woodson

Nays—1

Langley

Excused: Plummer

SB 398 was laid on the table.

SB 136—A bill to be entitled An act relating to the Palm Beach Expressway Authority; repealing part V of ch. 348, F.S.; abolishing the Palm Beach Expressway Authority; transferring records to the Department of Transportation; providing for reversion of certain funds to the Toll Facilities Revolving Trust Fund; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator D. Childers and adopted:

Amendment 1—On page 1, line 19, strike everything after the enacting clause and insert:

Section 1. Subsections (2) and (8) of s. 348.772, Florida Statutes, are amended to read:

348.772 Palm Beach Expressway Authority.—

(2) ~~The Board of County Commissioners of Palm Beach County shall be the governing body of the authority shall consist of five members. Each member of the governing body shall be a permanent resident of Palm Beach County at all times during his term of office.~~

(a) ~~Four members shall be appointed by the Governor, and one member shall be a member of the Board of County Commissioners of Palm Beach County appointed by the Board of County Commissioners of Palm Beach County. A member so appointed, other than the appointee~~

of the board of county commissioners, may not be an elected official at the time of his appointment or at any time during his term of office. Two of the members of the authority who are first appointed by the Governor shall be designated to serve for terms expiring January 3, 1986, and the other two members who are first appointed by the Governor shall be designated to serve for terms expiring January 3, 1987. The member of the authority appointed by the board of county commissioners shall serve for a term expiring January 3, 1986. Thereafter, the term of each appointed member shall be for 4 years. A vacancy occurring during a term shall be filled only for the balance of the unexpired term. Each of the original appointments shall be made within 30 days of the effective date of this part. Any member of the authority is eligible for reappointment.

(b) Each member of the authority, before entering upon his official duties, shall take and subscribe to an oath, before some official authorized by law to administer oaths, that he will faithfully, honestly, and impartially perform the duties devolving upon him in office as a member of the governing body of the authority and that he will not neglect any duty imposed upon him by this part.

(8) ~~A member of the authority may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.~~

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

Amendment 2—In title, on page 1, strike lines 2 through 16 and insert: An act relating to the Palm Beach County Expressway Authority; amending s. 348.772, F.S.; providing that the governing body of the authority shall be the Board of County Commissioners of Palm Beach County; providing an effective date.

On motion by Senator D. Childers, by two-thirds vote SB 136 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Stuart

Excused: Plummer

CS for SB 607—A bill to be entitled An act relating to missing children; creating s. 382.355, F.S.; providing direction for procedures governing birth records of missing children; creating s. 937.024, F.S.; requiring the State Registrar of Vital Statistics to flag the birth records, and recall the local birth records, of missing children born in the state; providing for removal of flags when a missing child is located; providing procedures with respect to inquiries or requests concerning flagged or recalled records; providing procedure with respect to missing children born outside the state; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote CS for SB 607 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

Excused: Plummer

Senator W. D. Childers presiding

On motions by Senator Crawford, by two-thirds vote HB 460 was withdrawn from the Committees on Judiciary-Civil and Appropriations.

On motions by Senator Crawford—

HB 460—A bill to be entitled An act relating to judicial circuits; amending s. 26.021, F.S.; providing that at least one judge in the tenth judicial circuit shall reside in Highlands County; providing applicability; providing an effective date.

—a companion measure, was substituted for SB 813 and by two-thirds vote read the second time by title. On motion by Senator Crawford, by two-thirds vote HB 460 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	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

Excused: Plummer

SB 813 was laid on the table.

SB 567—A bill to be entitled An act relating to the Organized Militia; amending s. 250.31, F.S., providing that members of the Organized Militia while training on duty on federal status shall not be liable for any lawful acts done by them in the performance of their duty; providing an effective date.

—was read the second time by title.

Senator Crenshaw moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 17-20 and insert: active service of the state or ordered into federal training or duty shall not be liable, civilly or criminally, for any lawful act or acts done by them in the performance of their duty, while acting in good faith and while acting in the scope of either state or federal duty.

On motion by Senator Crenshaw, by two-thirds vote SB 567 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Excused: Plummer

CS for SB 255—A bill to be entitled An act relating to campaign financing; amending s. 106.141, F.S.; revising requirements regarding disposition of surplus funds by candidates; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote CS for SB 255 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Excused: Plummer

On motions by Senator Kiser, by two-thirds vote CS for HB 972 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Judiciary-Civil.

On motion by Senator Kiser—

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.

—a companion measure, was substituted for CS for SB's 942, 945 and 946 and read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for HB 972 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Excused: Plummer

CS for SB's 942, 945 and 946 was laid on the table.

On motion by Senator Frank, by two-thirds vote HB 1324 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Frank—

HB 1324—A bill to be entitled An act relating to services for the hearing impaired; amending ss. 427.503, 427.504, 427.506, and 427.507, F.S.; providing definitions; conforming provisions; providing certification procedures; providing equipment specifications; providing inventory procedures; exempting certain records from s. 119.01, F.S.; providing for compliance with standards of the Florida Council for the Hearing Impaired; amending s. 229.8361, F.S.; expanding the membership of the Florida Council for the Hearing Impaired; providing an effective date.

—a companion measure, was substituted for CS for SB 1131 and read the second time by title. On motion by Senator Frank, by two-thirds vote HB 1324 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Excused: Plummer

CS for SB 1131 was laid on the table.

On motion by Senator Gordon, by two-thirds vote CS for HB 1010 was withdrawn from the Committee on Health and Rehabilitative Services.

On motions by Senator Gordon—

CS for HB 1010—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19, F.S.; prohibiting certain relatives from serving on the Statewide Human Rights Advocacy Committee; providing for removal of members for not attending meetings; increasing membership of the Statewide Human Rights Advocacy Committee; increasing membership of the district human rights advocacy committees; prohibiting more than 25 percent of the membership of district human rights advocacy committees from providing contracted services to the department; prohibiting certain relatives from serving on the district committees; providing for recommendation of removal of members to the Governor; reenacting and amending s. 20.19(7)(f) and (8)(g), F.S.; continuing provisions authorizing access to certain records by the statewide and district human rights advocacy committees; providing an effective date.

—a companion measure, was substituted for CS for SB 987 and by two-thirds vote read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for HB 1010 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Excused: Plummer

CS for SB 987 was laid on the table.

On motions by Senator Grant, by two-thirds vote HB 202 was withdrawn from the Committees on Transportation; Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

On motions by Senator Grant—

HB 202—A bill to be entitled An act relating to motor vehicle licenses; creating s. 320.0845, F.S., providing for license plates for members of the Paralyzed Veterans of America; providing an effective date.

—a companion measure, was substituted for SB 292 and by two-thirds vote read the second time by title. On motion by Senator Grant, by two-thirds vote HB 202 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Excused: Plummer

SB 292 was laid on the table.

CS for SB 862—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.1975, F.S., relating to exemptions for homes for the aged; modifying criteria for such exemption; revising provisions relating to use for charitable purpose; deleting a requirement that an applicant corporation be a Florida corporation; revising provisions relating to certain nonprofit housing projects; revising provisions relating to implementation of constitutional provisions; specifying that the \$25,000 per unit exemption applies to homes leased from a health facilities authority or industrial development authority; amending s. 196.1976, F.S.; removing s. 196.1975, F.S., from severability provisions and providing for nonseverability; providing an effective date.

—was read the second time by title.

Senator Grizzle moved the following amendment which was adopted:

Amendment 1—On page 6, line 12, after "section." insert: *however, the application deadline as required under s. 196.011(1) shall be waived for the 1983 tax year only for any facility entitled to the exemption for every year thereafter.*

On motion by Senator Grizzle, by two-thirds vote CS for SB 862 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Excused: Plummer

SB 910—A bill to be entitled An act relating to trusts; amending s. 731.303, F.S.; providing that, in proceedings involving estates of decedents or trusts, certain orders that bind the holder of a general, specific, or limited power of appointment are also binding upon a person who may take by virtue of the exercise or nonexercise of the power; providing that certain agreements, waivers, consents, approvals, accounts, or other statements, any of which binds the holder of a general, special, or limited power of appointment, are also binding upon a person who may take by the exercise or nonexercise of the power; amending s. 737.307, F.S.; specifying when a beneficiary is considered to have received a final, annual, or periodic account for the purpose of the statute of limitations on proceedings against trustees; amending s. 737.402, F.S.; revising the maximum value of a small trust which a trustee may terminate in specified circumstances; removing certain restrictions on types of trustees that have the power to terminate such trust; creating s. 737.106, F.S.; providing that a dissolution of marriage or a divorce renders void a revocable trust with respect to the settlor's divorced spouse; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 910 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Malchon

Consideration of SB 967 was deferred.

SB 892—A bill to be entitled An act relating to veterans; directing the Secretary of Administration to apply to the Veterans' Administration for federal funds for state veterans' homes; providing an effective date.

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

Yeas—37

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

Nays—None

Excused: Plummer

SB 436—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; increasing the penalty for theft of property valued at \$100,000 or more; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote SB 436 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Excused: Plummer

On motion by Senator Jennings, by two-thirds vote HB 898 was withdrawn from the Committee on Judiciary-Civil.

On motions by Senator Jennings—

HB 898—A bill to be entitled An act relating to wastewater; limiting the civil liability of persons who accept wastewater for spray irrigation; providing for definitions; providing for application of the act to certain causes of action; providing for governmental action to protect the public health, safety, or welfare or the environment; providing an effective date.

—a companion measure, was substituted for CS for SB 575 and by two-thirds vote read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 898 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Excused: Plummer

CS for SB 575 was laid on the table.

CS for SB 628—A bill to be entitled An act relating to alcoholic beverages; amending s. 565.02, F.S.; authorizing the Board of Trustees of the John and Mable Ringling Museum of Art to obtain a license; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for SB 628 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Beard	Girardeau	Johnson	Ros-Lehtinen
Brown	Gordon	Kiser	Scott
Childers, D.	Grant	Lehtinen	Thomas
Childers, W. D.	Grizzle	Malchon	Thurman
Crenshaw	Hair	Margolis	Weinstein
Deratany	Hill	McPherson	Weinstock
Dudley	Hollingsworth	Meek	Woodson
Frank	Jenne	Myers	

Nays—1

Langley

Excused: Plummer

Vote after roll call:

Yea—Jennings

Nay—Peterson

On motion by Senator Johnson, the rules were waived and CS for SB 628 was ordered immediately certified to the House.

SB 967—A bill to be entitled An act relating to the Department of Transportation; amending s. 334.14, F.S.; removing certain departmental employees from the list of those who must be professional engineers; conforming a grandfather clause; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 25 and 26 and insert:

3. Any area or resident engineer who is in responsible charge of an engineering construction project, *except that in lieu of engineering registration an area or resident engineer may possess equivalent training and experience in construction management or an appropriate related discipline.*

Senator Hill moved the following amendments which were adopted:

Amendment 2—On page 1, strike all of lines 25-28 and insert:

(3) Any person holding the position of resident engineer of construction July 1, 1988, or the position of designer as

Amendment 3—In title, on page 1, strike all of lines 4-6 and insert: removing certain departmental employees from the list of those who must be professional engineers; conforming a grandfather clause;

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

Amendment 4—In title, on page 1, strike all of lines 4-6 and insert: providing alternative requirements for area and resident engineer;

On motion by Senator Hill, by two-thirds vote SB 967 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Frank

Excused: Plummer

Vote after roll call:

Yea—Jennings

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.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 956 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Excused: Plummer

On motions by Senator Kiser, by two-thirds vote HB 200 was withdrawn from the Committees on Judiciary-Criminal and Appropriations.

On motions by Senator Kiser—

HB 200—A bill to be entitled An act relating to criminal law enforcement; amending ss. 943.32 and 943.35, F.S., to include the Pinellas County Forensic Laboratory in a list of locally funded laboratories under the statewide criminal analysis laboratory system which are eligible for receipt of state matching funds; providing an effective date.

—a companion measure, was substituted for SB 33 and by two-thirds vote read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 200 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—W. D. Childers

SB 33 was laid on the table.

CS for SB 167—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S., relating to the provisions of medical services and supplies; providing a penalty for certain deauthorization of a health care provider authorized by an employer; requiring a study; requiring reports; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote CS for SB 167 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Excused: Plummer

CS for SB 1268—A bill to be entitled An act relating to traffic control; amending s. 316.655, F.S.; providing that a court may suspend or revoke a person's driving privilege for violations of ch. 316; providing an effective date.

—was read the second time by title. On motion by Senator Ros-Lehtinen, by two-thirds vote CS for SB 1268 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Plummer

CS for SB 515—A bill to be entitled An act relating to public and medical assistance; amending s. 402.33, F.S.; eliminating statutory reference for Department of Banking and Finance approval for write-offs; amending s. 409.266, F.S.; requiring certain records and information to be provided to the Department of Health and Rehabilitative Services; authorizing a cooperative agreement between the Department of Insurance and the Department of Health and Rehabilitative Services for requesting and furnishing information; amending s. 409.267, F.S.; requiring county contributions to the medical assistance programs; providing for rules; amending s. 409.335, F.S.; authorizing the department to make settlements; amending s. 624.424, F.S.; requiring insurers to furnish information to the Department of Health and Rehabilitative Services; creating

s. 641.261, F.S.; authorizing health maintenance organizations to release information pursuant to cooperative agreements; creating s. 641.411, F.S.; authorizing prepaid health clinics to release information pursuant to cooperative agreements; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for SB 515 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Plummer

CS for SB 1269—A bill to be entitled An act relating to time-share plans; amending s. 721.08, F.S., to clarify the scope of the fiduciary duty owed by escrow agents to purchasers; amending s. 721.11, F.S., and s. 721.111, F.S., to clarify advertising filing procedures and to clarify what constitutes advertising; amending s. 721.13, F.S., to require managing entities to maintain owner lists for inspection by the division upon request; amending s. 721.15, F.S., to create personal liability for time-share assessments; amending s. 721.20, F.S., to exempt owner referrals from solicitor or real estate licensure requirements; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 1269 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Excused: Plummer

CS for SB's 1248 and 554—A bill to be entitled An act relating to elections; amending s. 97.063, F.S.; making the need to have an elector complete a registration cancellation form optional; amending s. 97.072, F.S.; deleting provision for replacement of registration identification card due to change in party affiliation; amending s. 97.1031, F.S.; providing a uniform method to update registration information; amending s. 98.031, F.S.; abolishing the prohibition against changing election districts or precincts during certain years; amending s. 99.097, F.S.; requiring the state to pay for signatures checked on a petition submitted by one who cannot pay; amending s. 100.011, F.S.; providing when polls shall be open in counties covering two time zones; amending s. 101.72, F.S.; providing the supervisors of elections discretion in determining the number of voting booths needed; amending s. 102.012, F.S.; providing any qualified elector in the county can be appointed as a poll inspector or clerk; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote CS for SB's 1248 and 554 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Girardeau

SB 902—A bill to be entitled An act relating to the Legislature; amending s. 11.12, F.S.; providing for legislators to designate employees who are to attend sessions and receive subsistence and travel expenses in connection therewith; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote SB 902 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Jennings, Kiser

On motions by Senator Myers, by two-thirds vote CS for HB's 324, 341, 531 and 168 was withdrawn from the Committees on Transportation and Appropriations.

On motions by Senator Myers—

CS for HB's 324, 341, 531 and 168—A bill to be entitled An act relating to transportation; creating s. 335.055, F.S.; authorizing the Department of Transportation to enter into contracts with counties and municipalities; permitting the county or municipality to perform routine maintenance on state highways located within the county or municipality; limiting liability; providing for payment; amending s. 335.20, F.S.; revising purposes for which funds may be used under the Local Government Transportation Assistance Act; revising eligibility requirements for matching grants to local governments under said act; amending s. 337.27, F.S.; requiring the Department of Transportation, in the condemnation of certain lands within a designated transportation corridor, to produce certain documentation; amending s. 339.08, F.S.; authorizing the use of moneys in the State Transportation Trust Fund for reimbursing counties or municipalities for certain expenditures made on projects in the State Highway System; amending s. 339.12, F.S.; providing for participation by municipalities in rights-of-way, state road building, and maintenance projects under certain circumstances; authorizing the Department of Transportation to reimburse counties and municipalities for expenditures made on certain projects or project phases in the State Highway System under certain circumstances; providing an effective date.

—a companion measure, was substituted for CS for SB 527 and by two-thirds vote read the second time by title. On motion by Senator Myers, by two-thirds vote CS for HB's 324, 341, 531 and 168 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Girardeau

CS for SB 527 was laid on the table.

Consideration of CS for SB's 715, 664 and 850; and SB 849 was deferred.

SB 1133—A bill to be entitled An act relating to driving under the influence; amending s. 316.193, F.S., requiring certain notice to persons upon arraignment for a violation of provisions relating to driving under the influence; providing an effective date.

—was read the second time by title. On motion by Senator Ros-Lehtinen, by two-thirds vote SB 1133 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Excused: Plummer

CS for SB 976—A bill to be entitled An act relating to civil penalties; amending s. 318.14, F.S.; increasing court costs for a person who elects alternatives to fines for infractions; providing for distribution; amending s. 318.18, F.S.; increasing civil penalties for noncriminal infractions; amending s. 318.21, F.S.; providing for distribution of increased civil penalties; amending s. 402.40, F.S.; deleting certain sources, and providing other sources, of funds for the Child Welfare Training Trust Fund; amending s. 959.29, F.S.; deleting certain sources, and providing for other sources, of funds for the Juvenile Justice Training Trust Fund; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote CS for SB 976 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Hollingsworth, Jennings

On motion by Senator Thomas, the rules were waived and CS for SB 976 was ordered immediately certified to the House.

CS for SB 593—A bill to be entitled An act relating to counties and municipalities; creating the "Florida Governmental Cooperation Act"; requiring counties and municipalities to attempt to settle disputes before resorting to litigation, except in cases of immediate danger to the health, safety, or welfare of the public; providing penalties for failure to follow prescribed procedures; providing for tolling of statutes of limitations; providing for a public hearing prior to settlement; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for SB 593 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Jennings

CS for SB 413—A bill to be entitled An act relating to sparklers, fireworks, novelties, and trick noisemakers; amending s. 791.01, F.S.; providing definitions; creating s. 791.013, F.S.; requiring the testing and approval of sparklers; providing penalties; creating s. 791.015, F.S.; providing for the registration of sparkler manufacturers, distributors, and wholesalers; providing for fees; amending s. 791.02, F.S.; providing that possession of fireworks is unlawful, except as specified; requiring that sparklers for sale to the public be obtained only from registered manufacturers, distributors, and wholesalers; requiring certain evidence of such purchases; providing for the exhibition of certain registration certificates; amending s. 791.04, F.S.; requiring the registration of certain manufacturers, distributors, or wholesalers; providing for enforcement; providing an appropriation; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 7, lines 26 and 27, strike "*possess use*" and insert: use

Senator Thomas moved the following amendments which were adopted:

Amendment 2—On page 5, line 24, strike "felony of the third degree" and insert: misdemeanor of the first degree

Amendment 3—On page 5, line 28, strike "felony of the third degree" and insert: misdemeanor of the first degree

On motion by Senator Jennings, by two-thirds vote CS for SB 413 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	Deratany	Grizzle	Johnson
Beard	Dudley	Hair	Kirkpatrick
Brown	Frank	Hill	Kiser
Childers, D.	Girardeau	Hollingsworth	Langley
Childers, W. D.	Gordon	Jenne	Lehtinen
Crenshaw	Grant	Jennings	Malchon

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

Nays—None

Excused: Plummer

SB 1046—A bill to be entitled An act relating to animal industry; amending s. 585.08, F.S.; providing for certificate of veterinary inspection of domestic animals moved into the state; amending s. 585.35, F.S.; authorizing the Department of Agriculture and Consumer Services to examine certain records and documents relating to animals; creating s. 585.415, F.S.; providing a general penalty for violations of provisions relating to animal industry; amending s. 585.61, F.S.; expanding the jurisdiction of diagnostic laboratory services; amending ss. 585.62, 585.621, 585.64, F.S.; expanding the jurisdiction of certain poultry diagnostic disease laboratories and abolishing certain laboratories; removing laboratory construction responsibilities from the department; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 1046 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—McPherson

CS for SB 1062—A bill to be entitled An act relating to adoption; amending s. 63.022, F.S.; providing for entry of court orders to promote and protect the best interests of the person to be adopted; amending s. 63.032, F.S.; changing definition of "placement" and adding definitions on residency; amending s. 63.102, F.S.; providing time limits for filing of an adoption petition; providing for an action to challenge custody; creating s. 63.135, F.S.; requiring certain information to be submitted to the court; creating s. 63.185, F.S.; providing a residency requirement; amending s. 63.202, F.S.; providing for adoption of rules regarding child-placing agencies; amending s. 63.207, F.S.; requiring use of Interstate Compact on the Placement of Children in applicable cases; amending s. 63.212, F.S.; providing penalties; restricting intermediary or attorney fees; creating s. 63.233, F.S.; providing general rulemaking authority; amending s. 39.01, F.S.; expanding the definition of the term "child who is found to be dependent"; amending s. 39.41, F.S.; providing powers of disposition; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for SB 1062 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Excused: Plummer

On motion by Senator Kirkpatrick, by two-thirds vote HB 1438 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Kirkpatrick—

HB 1438—A bill to be entitled An act relating to nursing; amending s. 464.009, F.S., relating to licensure by endorsement; deleting the provision for such licensure relative to comparison of Florida's current licensing standards with the current licensing standards of another state; providing an effective date.

—a companion measure, was substituted for SB 874 and by two-thirds vote read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1—In title, on page 1, strike all of lines 2-8 and insert: An act relating to the practice of nursing; amending s. 464.009, F.S.; changing eligibility requirements respecting licensing of nurses by endorsement; providing an effective date.

On motion by Senator Kirkpatrick, by two-thirds vote HB 1438 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Grizzle

Excused: Plummer

SB 874 was laid on the table.

On motions by Senator Jenne, by two-thirds vote CS for HB 1147 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Governmental Operations.

On motions by Senator Jenne—

CS for HB 1147—A bill to be entitled An act relating to county government; amending s. 125.011, F.S., modifying the definition of "project"; amending s. 125.012, F.S., empowering counties to own and operate export trading companies, foreign sales corporations, consulting services corporations, cargo clearance centers, and customs clearance facilities, and to exercise designated powers in relation thereto; providing severability; providing an effective date.

—a companion measure, was substituted for SB 849 and by two-thirds vote read the second time by title.

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

Amendment 1—On page 3, between lines 22 and 23, insert:

Section 3. Each county which operates under a government consolidated with that of one or more municipalities in the county shall have the power, in addition to the powers otherwise conferred, to own, maintain, operate, and control export trading companies and foreign sales corporations as provided by the laws of the United States; to own, maintain, operate, and control cargo clearance centers and customs clearance facilities and corporations established for the purpose of providing or operating such facilities; to maintain the confidentiality of trade information to the degree provided by the Export Trading Company Act of 1982, Pub. L. No. 97-290, as it is amended from time to time; to maintain the confidentiality of trade information and data pursuant to the patent laws of the United States, the patent laws of foreign nations to the extent that they are enforced by the courts of the United States, the copyright laws of the United States, the copyright laws of foreign nations to the extent that they are enforced by the courts of the United States, and the trade

secrets doctrine; and to authorize airport and port employees to serve as officers and directors of export trading companies, foreign sales corporations, and customs and cargo clearance corporations.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 10, after "thereto;" insert: specifying that counties operating under consolidated governments have such powers;

On motion by Senator Jenne, by two-thirds vote CS for HB 1147 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Plummer

SB 849 was laid on the table.

CS for SB's 715, 664 and 850—A bill to be entitled An act relating to community colleges; amending s. 240.35, F.S.; increasing the amount authorized for transfer to a scholarship fund from the general current fund; increasing the amount authorized for use in certain financial aid awards; expanding criteria for receipt of such awards; amending s. 240.359, F.S.; modifying the procedure for determining the apportionment to community colleges from the community college program fund; modifying the procedure for allocating funds to a community college for direct instructional cost; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Peterson:

Amendment 1—On page 3, lines 2 and 4, after "athletes" strike all underscored language through "another"

Senator Peterson moved the following substitute amendment which was adopted:

Amendment 2—On page 2, lines 26-31, and on page 3, lines 1-4, strike all of said lines

Senator Peterson moved the following amendments which were adopted:

Amendment 3—On page 4, between lines 15 and 16, insert:

Section 3. Subsection (6) of section 240.301, Florida Statutes, 1986 Supplement, is amended to read:

240.301 Community colleges; definition, mission, and responsibilities.—

(6) Community colleges are authorized to offer such programs and courses as are necessary to fulfill their mission and are authorized to grant associate in arts degrees, associate in science degrees, *associate in applied science degrees*, certificates, awards, and diplomas.

(Renumber subsequent section.)

Amendment 4—In title, on page 1, lines 7 and 8, after the semicolon (;) on line 7, through "awards;" on line 8, strike all of said language

Amendment 5—In title, on page 1, line 13, after the semicolon (;) insert: amending s. 240.301, F.S.; authorizing community colleges to grant associate in applied science degrees; amending s. 240.355, F.S.; requiring that institutions report and fund programs assigned to a lower level at the new level;

Amendment 6—In title, on page 1, line 13, after the semicolon (;) insert: authorizing community colleges to award the associate in applied science degree;

On motion by Senator Peterson, by two-thirds vote CS for SB's 715, 664 and 850 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Excused: Plummer

SB 1029—A bill to be entitled An act relating to incompetent or mentally ill persons; amending ss. 65.061, 86.041, 90.602, 620.715, 660.41, 790.17, 849.04, 913.03, 941.38, 941.39, 941.40, 941.41, 941.42, and 945.12, F.S., changing statutory usages relating to mental impairment; repealing s. 1.01(5), F.S., eliminating the general definition of the terms "lunatic," "insane persons," and like terms within the statutes; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 5, lines 10 and 14, after "person" insert: *mentally incompetent or*

On motion by Senator Woodson, by two-thirds vote SB 1029 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Excused: Plummer

On motion by Senator Woodson, the rules were waived and SB 1029 was ordered immediately certified to the House.

SB 233—A bill to be entitled An act relating to county officials; amending s. 145.19, F.S.; amending the definition of "annual factor" for purposes of calculating annual salary increases for county officers; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1—On page 1, line 22, insert: new Section 2

Section 2. Subsection (1) of section 145.051, Florida Statutes, is amended to read:

145.051 Clerk of circuit court; county comptroller.—

(1) Each clerk of the circuit court and each county comptroller shall receive as salary the amount indicated, based on the population of his county. In addition, a compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate.

Pop. Group	County Pop. Range	Base Salary	Group Rate
	Minimum Maximum		
I	-0- 49,999	\$19,150 \$21,250	\$0.07875

II	50,000	99,999	22,300	24,400	0.06300
III	100,000	199,999	25,450	27,550	0.02625
IV	200,000	399,999	28,075	30,175	0.01575
V	400,000	999,999	31,225	33,325	0.00525
VI	1,000,000		34,375	36,475	0.00400

(Renumber subsequent sections.)

On motion by Senator Grant, by two-thirds vote SB 233 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Plummer

On motion by Senator Grant, the rules were waived and SB 233 was ordered immediately certified to the House.

SPECIAL ORDER

On motions by Senator Thurman, by two-thirds vote HB 522 was withdrawn from the Committees on Economic, Community and Consumer Affairs; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Thurman—

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.

—a companion measure, was substituted for SB 466 and read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 522 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Excused: Plummer

SB 466 was laid on the table.

CS for SB 383—A bill to be entitled An act relating to nonpublic colleges; amending s. 246.085, F.S.; revising the types of institutions required to apply for exemption from licensing requirements; providing requirements for exemption; specifying requirements for remaining in compliance for exemption; specifying institutions that are exempt upon submission of certain information; reenacting s. 246.013, F.S., relating to participation in the common course designation and numbering system by certain institutions, to incorporate said amendment in a reference; amending ss. 246.041, 246.051, 246.071, F.S., relating to rulemaking authority; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote CS for SB 383 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Plummer

On motion by Senator Grant, the rules were waived and CS for SB 383 was ordered immediately certified to the House.

CS for SB 1074—A bill to be entitled An act relating to the Florida Academic Improvement Trust Fund for Community Colleges; amending s. 240.36, F.S.; transferring the responsibility for administering the trust fund from the State Board of Education to the State Board of Community Colleges; requiring the latter board to reserve a certain amount of the trust fund for each community college to use to match funds in certain years; providing that the balance in the trust fund remains in the trust fund at the end of the fiscal year; changing the maximum amount of excess trust funds a community college may receive; placing restrictions on expenditures of excess trust funds received by a community college; authorizing community colleges to spend the first challenge grant and the matching funds for such grant for any approved project except scholarships; reducing the minimum amount of private contributions that a community college must receive in order to receive a grant from the trust fund; reducing the amount of the increments of matching funds transferred from the state trust fund to the community college foundation; deleting faculty training and professional development from the list of approved uses of the proceeds of a community college academic improvement trust fund; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 1074 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Weinstein

On motion by Senator Kirkpatrick, the rules were waived and CS for SB 1074 was ordered immediately certified to the House.

HB 285—A bill to be entitled An act relating to tort liability of governmental entities; amending s. 230.23, F.S., relating to the duties of the school board regarding the carrying of insurance on school property; amending s. 240.213, F.S., relating to authority of the Board of Regents to secure liability insurance; deleting references to separate waiver of governmental immunity; prohibiting suit by or against a self-insurance program; exempting claims files of such programs from public records requirements; providing for review and repeal; amending s. 768.28, F.S.; providing political subdivisions with authority to settle claims under certain circumstances; clarifying the extent of waiver of sovereign immunity by political subdivisions which purchase liability insurance; repealing s. 30.55, F.S., relating to liability insurance for county sheriffs; repealing s. 286.28, F.S., relating to liability insurance for political subdivisions; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 27, strike everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (9) of section 230.23, Florida Statutes, 1986 Supplement, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(9) SCHOOL PLANT.—Approve plans for locating, planning, constructing, sanitating, insuring, maintaining, protecting, and condemning school property as prescribed in chapter 235 and as follows:

(d) Insurance of school property.—

1. Carry insurance on every school building in all school plants including contents, boilers, and machinery, except buildings of three classrooms or less which are of frame construction and located in a tenth class public protection zone as defined by the Florida Inspection and Rating Bureau; and on all school buses and other property under the control of the school board or title to which is vested in the school board, except as exceptions may be authorized under regulations of the state board.

2. ~~In consideration of the premium at which each policy is written, it shall be a part of the policy contract between the company and the named insured that the company shall not be entitled to the benefit of the defense of governmental immunity for the insured by reason of exercising a governmental function on any suit brought against the insured. Immunity of the school board against liability damages is waived to the extent of liability insurance carried by the school board. Provided, however, no attempt shall be made in the trial of any action against a school board to suggest the existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of the plaintiff, and if a verdict rendered by the jury exceeds the limit of the applicable insurance, the court shall reduce the amount of the judgment or award to a sum equal to the applicable limit set forth in the policy.~~

Section 2. Section 240.213, Florida Statutes, is amended to read:

240.213 Board authorized to secure liability insurance.—

(1) The Board of Regents is authorized to secure, or otherwise provide as a self-insurer, or by a combination thereof, comprehensive general liability insurance, including professional liability for health care and veterinary sciences, for:

(a) The board.

(b) The students and faculty of any university within the State University System.

(c) The officers, employees, or agents of the board.

(d) The professional practitioners practicing a profession within, or by virtue of employment by, any university in the State University System.

(e) Any of the universities in the State University System or subdivisions thereof.

The Board of Regents is authorized to delegate to the universities, as appropriate, the authority to secure any liability insurance for the above.

~~(2) In consideration of the premium at which such insurance may be written, it shall be a part of the insurance contract between the insurer and the Board of Regents that the insurer shall not be entitled to the benefit of the defense of governmental immunity of the Board of Regents in any suit brought against the insured. Immunity of the Board of Regents against any liability described in subsection (1) is waived to the extent of liability insurance carried by the Board of Regents and to the extent of funds available in a particular insurance trust fund for the satisfaction of any claim for which such trust fund was established.~~

(2) (3) In the event the Board of Regents adopts a self-insurance program, the Administration Commission is authorized pursuant to s. 215.32 to establish the necessary insurance trust funds in the State Treasury. Such trust funds shall be administered in accordance with rules established by the Board of Regents.

(3) (4) There shall be no funds appropriated directly to any insurance trust fund. The Executive Office of the Governor, upon request of the Board of Regents, is authorized to transfer to any insurance trust fund any funds appropriated in the General Appropriation Act or other acts of the Legislature for the purposes of this section. The Board of Regents is further authorized to accept any payments, receipts, gifts, or donations made for the purposes of this section and deposit such funds in the appropriate insurance trust fund.

(4) No self-insurance program adopted by the Board of Regents may sue or be sued. The Florida Board of Regents shall pay, out of the assets of a trust fund established pursuant to this section, any claim or judgment for which the self-insurance trust funds were created and which is rendered against the Board. The claims files of any such program are privileged and confidential, are not public records under chapter 119, and are only for the use of the program in fulfilling its duties, provided that this exemption from public records requirements is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Any self-insurance trust fund and revenues generated by that fund shall only be used to pay claims and administration expenses.

(5) The Board of Regents is authorized and empowered to make such rules as may be necessary to carry out the provisions of this section, including the delegation of authority, other than rulemaking authority, to appropriate levels of administration within the State University System.

Section 3. Subsection (5) of section 768.28, Florida Statutes, 1986 Supplement, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions.—

(5) The state and its agencies and subdivisions shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances, but liability shall not include punitive damages or interest for the period before judgment. Neither the state nor its agencies or subdivisions shall be liable to pay a claim or a judgment by any one person which exceeds the sum of \$100,000 or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments paid by the state or its agencies or subdivisions arising out of the same incident or occurrence, exceeds the sum of \$200,000. However, a judgment or judgments may be claimed and rendered in excess of these amounts and may be settled and paid pursuant to this act up to \$100,000 or \$200,000, as the case may be; and that portion of the judgment that exceeds these amounts may be reported to the Legislature, but may be paid in part or in whole only by further act of the Legislature. *Notwithstanding the limited waiver of sovereign immunity provided herein, the state or an agency or subdivision thereof may agree, within the limits of insurance coverage provided, to settle a claim made or a judgment rendered against it without further action by the Legislature, but the state or agency or subdivision thereof shall not be deemed to have waived any defense of sovereign immunity or to have increased the limits of its liability as a result of its obtaining insurance coverage for tortious acts in excess of the \$100,000 or \$200,000 waiver provided above.* The limitations of liability set forth in this subsection shall apply to the state and its agencies and subdivisions whether or not the state or its agencies or subdivisions possessed sovereign immunity before July 1, 1974.

Section 4. Sections 30.55 and 286.28, Florida Statutes, are hereby repealed.

Section 5. This act shall take effect upon becoming a law and shall apply to all causes of action then pending or thereafter filed, but shall not apply to any cause of action to which a final judgment has been rendered or in which the jury has returned a verdict unless such judgment or verdict has been or shall be reversed.

Amendment 2—In title, on page 1, lines 1-23, strike everything before the enacting clause and insert: A bill to be entitled An act relating to tort liability of governmental entities; amending s. 230.23, F.S., relating to the duties of the school board regarding the carrying of insurance on school property; amending s. 240.213, F.S., relating to authority of the Board of Regents to secure liability insurance; 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; amending s. 768.28, F.S.; providing the state or an agency or subdivision thereof with authority to settle claims under certain circumstances; clarifying the extent of waiver of sovereign immunity by the state or an agency or sub-

division thereof which purchases liability insurance; repealing s. 30.55, F.S., relating to liability insurance for county sheriffs; repealing s. 286.28, F.S., relating to liability insurance for political subdivisions; providing an effective date.

On motion by Senator Dudley, by two-thirds vote HB 285 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Excused: Plummer

On motion by Senator Kirkpatrick, the rules were waived and HB 285 was ordered immediately certified to the House.

CS for SB 552—A bill to be entitled An act relating to ad valorem tax administration; amending s. 193.1142, F.S.; authorizing the designee of the executive director of the Department of Revenue to approve assessment rolls; reducing the time within which the department must approve assessment rolls; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 552 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Plummer

On motions by Senator Jennings, by two-thirds vote CS for HB 776 was withdrawn from the Committees on Commerce; Economic, Community and Consumer Affairs; Finance, Taxation and Claims; and Appropriations.

On motions by Senator Jennings—

CS for HB 776—A bill to be entitled An act relating to retail installment sales; amending s. 520.03, F.S.; establishing biennial licensing procedure with respect to motor vehicle sales finance; providing for inactive status for licensees; providing for fees; amending s. 520.04, F.S.; defining disciplinary violations; prescribing penalties; amending s. 520.05, F.S.; providing for investigative powers of the Department of Banking and Finance; amending s. 520.06, F.S.; providing powers of the department; amending s. 520.12, F.S.; prescribing the penalty for willful violation of the act; providing for recovery of certain costs; amending s. 520.32, F.S.; establishing biennial licensing procedure with respect to retail installment sales; providing for inactive status for licensees; providing for fees; amending s. 520.331, F.S.; defining disciplinary violations; prescribing penalties; amending s. 520.332, F.S.; providing powers of the department; amending s. 520.39, F.S.; prescribing the penalty for willful violation of the act; providing for the recovery of certain costs; amending s. 520.51, F.S.; defining the terms “retail installment transaction” and “retail buyer”; amending s. 520.52, F.S.; establishing biennial licensing procedure with respect to installment sales finance; providing for inactive status for licensees; providing for fees; amending s. 520.53, F.S.; defining disciplinary violations; prescribing penalties; amending s. 520.54, F.S.;

providing for maintenance of certain records; amending s. 520.56, F.S.; providing powers of the department; amending s. 520.57, F.S.; prescribing the penalty for willful violation of the act; providing for the recovery of certain costs; amending s. 520.61, F.S.; eliminating gender distinctions; amending s. 520.62, F.S.; expanding the administrative authority of the department; amending s. 520.63, F.S.; establishing biennial licensing procedure with respect to home improvement sales and finance; providing for inactive status for licensees; providing for fees; amending s. 520.66, F.S.; defining disciplinary violations; prescribing penalties; amending ss. 520.68, 520.70, 520.71, and 520.72, F.S.; eliminating gender distinctions; amending s. 520.73, F.S.; providing for additional notice requirement relating to home improvement contracts; amending s. 520.74, F.S.; providing for a home improvement contractor or holder to be entitled to liquidated damages; amending ss. 520.90 and 520.92, F.S.; eliminating gender distinctions; creating s. 520.925, F.S.; providing powers of the department; amending s. 520.96, F.S.; eliminating gender distinctions; providing for the reimbursement of certain expenses during departmental examinations; amending s. 520.98, F.S.; prescribing the penalty for a willful violation of the act; providing for recovery of certain costs; repealing s. 520.64, F.S., relating to application for license for home improvement sales and finance; repealing s. 520.65, F.S., relating to such licenses and the fees therefor; repealing s. 520.67, F.S., relating to the form and duration of such licenses; repealing s. 520.93, F.S., relating to the obligation of a home improvement contractor to accept no contract with blank spaces; repealing s. 520.94, F.S., relating to revocation of such licenses; repealing s. 520.95, F.S., relating to the department's right to information; repealing s. 520.961, F.S., relating to the department's power to obtain an injunction; repealing s. 520.99, F.S., providing for a general penalty for violations of the act; repealing s. 520.991, F.S., relating to prohibitions on appropriations from the General Revenue Fund; repealing s. 520.992, F.S., relating to specific exemptions from ss. 520.60-520.99, F.S., the Home Improvement Sales and Finance Act; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 589 and by two-thirds vote read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for HB 776 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Excused: Plummer

CS for CS for SB 589 was laid on the table.

Consideration of CS for SB 749 was deferred.

SB 864—A bill to be entitled An act relating to the State Board of Administration; amending s. 215.515, F.S.; providing for a review of certain investment account service charges by the Executive Office of the Governor; requiring the State Board of Administration to consider such review; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 864 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Beard	Deratany	Grizzle	Jennings
Brown	Dudley	Hair	Johnson
Childers, W. D.	Frank	Hill	Kirkpatrick
Crawford	Girardeau	Hollingsworth	Kiser
Crenshaw	Grant	Jenne	Langley

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

Nays—None

Excused: Plummer

SB 939—A bill to be entitled An act relating to notes secured by a mortgage; amending s. 697.06, F.S.; prohibiting any charge, fee, or penalty for the prepayment of certain notes when the obligee has accelerated the maturity date of such note; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator McPherson and adopted:

Amendment 1—On page 1, line 24, after "units" insert: executed after July 1, 1987

On motion by Senator McPherson, by two-thirds vote SB 939 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Jennings

SB 940—A bill to be entitled An act relating to mortgages; creating s. 697.07, F.S.; providing that, if a mortgage contains an assignment of rents, such assignment shall be absolute upon the borrower's default, becoming operative upon written demand of the mortgagee; providing that, upon request of a mortgagee, a court shall require such rents to be deposited in the court registry to be used only for preservation and protection of the mortgaged property pending adjudication of the mortgagee's right to the rents; providing an effective date.

—was read the second time by title.

Three amendments were adopted to SB 940 to conform the bill to CS for HB 1153.

Pending further consideration of SB 940 as amended, on motions by Senator McPherson, by two-thirds vote CS for HB 1153 was withdrawn from the Committees on Commerce and Judiciary-Civil.

On motions by Senator McPherson—

CS for HB 1153—A bill to be entitled An act relating to instruments deemed mortgages; creating s. 697.07, F.S.; providing that a mortgage may provide for an assignment of rents under certain circumstances; amending s. 702.01, F.S., providing for severance of actions in a mortgage foreclosure; amending s. 201.022, F.S.; providing an effective date.

—a companion measure, was substituted for SB 940 and by two-thirds vote read the second time by title. On motion by Senator McPherson, by two-thirds vote CS for HB 1153 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Beard	Childers, D.	Crawford	Deratany
Brown	Childers, W. D.	Crenshaw	Dudley

Frank	Hollingsworth	McPherson	Thomas
Girardeau	Johnson	Meek	Thurman
Gordon	Kirkpatrick	Myers	Weinstein
Grant	Kiser	Peterson	Weinstock
Grizzle	Langley	Ros-Lehtinen	Woodson
Hair	Malchon	Scott	
Hill	Margolis	Stuart	

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Jennings

SB 940 was laid on the table.

Consideration of SB 1095 was deferred.

On motions by Senator Gordon, by two-thirds vote CS for HB 195 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Gordon—

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.

—a companion measure, was substituted for CS for SB 524 and read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for HB 195 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Jennings

CS for SB 524 was laid on the table.

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

—was read the second time by title.

Senator Meek moved the following amendment which was adopted:

Amendment 1—On page 1, line 21, through page 2, line 2, strike all of said lines and insert: *leasing company* means an employing unit which for a fee places the employees of a client company onto its payroll and leases them to the client company on an ongoing basis as agreed to by the client and employee leasing company and which maintains the records required by s. 443.171(7) and, in addition, maintains a listing of the clients of the employee leasing company and of the employees, including their social security numbers, who have been assigned to work at each client company job site. The client list shall be provided to the division by June 30 and December 31 of each year. For purposes of this subsection, "client" means a party who has contracted with an employee leasing company to provide a worker, or workers, to perform services for the client. Leased employees shall include employees subsequently placed on the payroll of the employee leasing company on behalf of the client.

On motion by Senator Meek, by two-thirds vote CS for SB 600 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Jennings

On motion by Senator Meek, the rules were waived and CS for SB 600 was ordered immediately certified to the House.

Reconsideration

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

SB 967—A bill to be entitled An act relating to the Department of Transportation; amending s. 334.14, F.S.; removing certain departmental employees from the list of those who must be professional engineers; conforming a grandfather clause; providing an effective date.

—passed this day.

On motion by Senator Hill, by two-thirds vote the Senate reconsidered the vote by which SB 967 was read the third time.

On motions by Senator Hill, the Senate reconsidered the vote by which Amendments 1, 2, 3 and 4 were adopted.

The Committee on Transportation recommended the following amendment which was moved by Senator Hill:

Amendment 1—On page 1, strike all of lines 25 and 26 and insert:

3. Any area or resident engineer who is in responsible charge of an engineering construction project, *except that in lieu of engineering registration an area or resident engineer may possess equivalent training and experience in construction management or an appropriate related discipline.*

Senator Hill moved the following substitute amendment which was adopted:

Amendment 2—On page 1, strike all of lines 25-28 and insert:

(3) Any person holding the position of resident engineer of construction on July 1, 1988, or the position of designer as

The Committee on Transportation recommended the following amendment which was moved by Senator Hill:

Amendment 3—In title, on page 1, strike all of lines 4-6 and insert: providing alternative requirements for area and resident engineer;

Senator Hill moved the following substitute amendment which was adopted:

Amendment 4—On page 1, strike all of lines 4-6 and insert: removing certain departmental employees from the list of those who must be professional engineers; conforming a grandfather clause;

On motion by Senator Hill, by two-thirds vote SB 967 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Jenne

Excused: Plummer

Vote after roll call:

Yea—Jennings

Reconsideration

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

HB 360—A bill to be entitled An act relating to legal expense insurance; amending s. 642.025, F.S., authorizing legal expense insurance to provide for legal services or indemnity against the cost of legal services arising out of certain noncriminal traffic or boating infractions subject to certain restrictions; creating s. 642.048, F.S., prohibiting the sale of certain prepaid legal expense policies or contracts on the premises of establishments licensed to sell alcoholic beverages; providing an effective date.

—passed May 28.

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

Amendment 1—On page 1, strike all of lines 16-29 and renumber subsequent sections.

Amendment 2—In title, on page 1, strike all of lines 3-8, and insert: creating s. 642.048, F.S.,

HB 360 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Excused: Plummer

CS for SB 1218—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.221, F.S., providing that certain licensed manufacturers brewing malt beverages may sell to consumers for consumption on the premises; providing for reports and tax payments; prohibiting licensed distributors and manufacturers of malt beverages from engaging in certain conduct; amending s. 563.02, F.S., providing a reduced license fee for certain manufacturers of malt beverages; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendment which was adopted:

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

Section 3. Paragraph (b) of subsection (2) of section 561.20, Florida Statutes, 1986 Supplement, is amended to read:

561.20 Limitation upon number of licenses issued.—

(2)

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

(Renumber subsequent section.)

Senator Kiser moved the following amendment which was adopted:

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

Section 2. Section 563.022, Florida Statutes, is created to read:

563.022 *Relations between beer distributors and manufacturers.*—

(1) **LEGISLATIVE FINDINGS AND INTENT.**—

(a) *Regulation of business relations between beer distributors and manufacturers is necessary and appropriate in the public interest.*

(b) *This section is enacted pursuant to authority of the state under the provisions of the Twenty-First Amendment to the United States Constitution to promote the public's interest in fair, efficient, and competitive distribution of malt beverage products by regulation and encouragement of manufacturers and distributors to conduct their business relations toward these ends by:*

1. *Assuring that the beer distributor is free to manage its business enterprise, including the distributor's right to independently establish its selling prices;*

2. *Assuring the manufacturer and the public of service from a distributor who will devote reasonable efforts and resources to sales and distribution of the manufacturer's products, which distributor has been granted the right to sell and distribute and maintain a satisfactory sales level; and*

3. *Establishing and maintaining an orderly system of distribution of beer to the public.*

(c) *This section shall govern all relations between manufacturers and their distributors to the full extent consistent with the constitutions and laws of this state and the United States.*

(d) *In order to promote the intention and policies announced herein, the provisions of this section shall be liberally construed.*

(2) **DEFINITIONS.**—*In construing this section, unless the context otherwise requires, the word, phrase, or term:*

(a) *"Designated member" means the spouse, child, grandchild, parent, brother, or sister of a deceased individual who owned an interest in a distributor, who is entitled to inherit the deceased individual's ownership interest in the distributor under the terms of the deceased individual's will, or who has otherwise been designated in writing by the deceased individual to succeed the deceased individual in the distributor's business, or is entitled to inherit such ownership interest under the laws of intestate succession of this state. With respect to an incapacitated individual owning an ownership interest in a distributor, the term means the person appointed by a court as the conservator of such individual's property. The term also includes the appointed and qualified personal representative and the testamentary trustee of a deceased individual owning an ownership interest in a distributor.*

(b) *"Distributor" or "wholesaler" means any person, firm, association, corporation, or company which is a distributor licensed to sell and distribute beer at wholesale to persons who are licensed to sell beer.*

(c) *"Franchise" means a contract or agreement, either expressed or implied, whether oral or written, for a definite or indefinite period of time in which a manufacturer grants to a beer distributor the right to*

purchase, resell, and distribute any brand or brands offered by the manufacturer.

(d) "Franchisee" means a beer distributor to whom a franchise is offered or granted.

(e) "Franchisor" means a beer manufacturer who grants a franchise to a beer distributor.

(f) "Fraud" includes actual fraud or constructive fraud as normally defined, in addition to the following:

1. A misrepresentation in any manner, whether intentionally false or arising from gross negligence, of a material fact.
2. A promise or representation not made honestly and in good faith.
3. An intentional failure to disclose a material fact.
4. Any artifice employed to deceive another.

(g) "Manufacturer" means any person licensed to manufacture or import beer for distribution to distributors licensed in Florida.

(h) "Person" means a natural person, corporation, association, partnership, trust, or other business entity and, in case of a business entity, shall include any other entity in which it has a majority interest or effectively controls, as well as the individual officers, directors, and other persons in active control of the activities of each such entity. The term also includes heirs, assigns, personal representatives, and guardians.

(i) "Reasonable qualifications" means the average standard of the criteria used by the respective manufacturer for distributors that entered into or renewed an agreement with the manufacturer during a period of 24 months prior to the proposed transfer of the distributor's business.

(j) "Retaliatory action" includes, but is not limited to, the refusal to continue an agreement, or a material reduction in the quality of service or quantity of products available to a distributor under an agreement, which refusal or reduction is not made in good faith.

(k) "Sale" includes the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation, or mortgage in any manner or form, whether by transfer in trust or otherwise, of beer or of any franchise related thereto for a consideration and any option, subscription, or other contract, or solicitation, looking to a sale, or offer or attempt to sell in any form, whether in oral or written form, for a consideration.

(l) "Transfer of a distributor's business" means the voluntary sale, assignment, or other transfer of the business or control of the business of the distributor, including the sale or other transfer of stock or assets by merger, consolidation, or dissolution.

(3) **APPLICATION.**—Any person who engages directly or indirectly in purposeful agreements or contracts in connection with the sale of beer to beer distributors within this state shall be subject to the provisions of this section and shall be subject to the jurisdiction of the courts of this state for violations of this section in accordance with the provisions of the laws of the State of Florida.

(4) **UNLAWFUL ACTS AND PRACTICES.**—Unfair methods of competition and unfair or deceptive acts or practices in the conduct of the manufacturing, importing, distribution, sale, wholesaling, and franchising of beer, as defined in this section, are declared to be unlawful.

(5) **UNFAIR AND PROHIBITED ACTS.**—

(a) It shall be deemed a violation of subsection (4) for any manufacturer or distributor to engage in any action which is arbitrary, capricious, in bad faith, or unconscionable and which causes damage in terms of law or equity to any of the parties or to the public.

(b) It shall be deemed a violation of subsection (4) for a manufacturer or officer, agent, or other representative thereof:

1. To coerce or compel, or attempt to coerce or compel, any beer distributor to order or accept delivery of any beer or any other commodity or commodities which such beer distributor has not voluntarily ordered.

2. To refuse to deliver in reasonable quantities and within a reasonable time after receipt of the distributor's order to any distributor

having a franchise or contractual agreement for the distribution and sale of beer sold by such manufacturer, beer covered by such franchise or contract. However, the failure to deliver any such beer shall not be considered a violation of this section if such failure is due to prudent and reasonable restriction on extension of credit by the manufacturer to the distributor, an act of God, work stoppage or delay due to a strike or labor difficulty, a bona fide shortage of materials, freight embargo, or other cause over which the manufacturer, or any agent thereof, shall have no control whatsoever.

3. To coerce or compel, or attempt to coerce or compel, a beer distributor to enter into any agreement, whether written or oral, supplementary to an existing franchise with such manufacturer or officer, agent, or other representative thereof, or to do any other act prejudicial to such distributor, by threatening to cancel any franchise or any contractual agreement existing between such manufacturer and such distributor. However, notice in good faith to a beer distributor of such distributor's violation or breach of any terms or provisions of such franchise or contractual agreement shall not constitute a violation of this section if such notice is in writing, is mailed by registered or certified mail to such distributor at his current business address, and contains the specific facts as to the distributor's violation or breach of such franchise or contractual agreement.

4. To terminate, cancel, fail to renew, or refuse to continue the franchise or selling agreement of any such distributor without good cause, as defined in subsections (7) and (10). The nonrenewal of a franchise or selling agreement, without good cause, shall constitute an unfair termination or cancellation, regardless of the specified time period of such franchise or selling agreement.

5. To offer to sell or to sell any beer to any other Florida distributor at a lower actual price therefor than the actual price offered to any other Florida distributor for the same product or to utilize any device, including, but not limited to, sales promotion plans or programs which result in such lesser actual price or result in a fixed price predetermined solely by the manufacturer.

6. To willfully discriminate, either directly or indirectly, in price, programs, or terms of sale offered to franchisees, where the effect of such discrimination may be to substantially lessen competition or to give to one holder of a franchise any economic, business, or competitive advantage not offered to all holders of the same or similar franchise.

7. To prevent or attempt to prevent, by contract or otherwise, any beer distributor from changing the capital structure of his distributorship or the means by or through which he finances the operation of his distributorship, provided that the distributor at all times meets any reasonable capital standards agreed to between the distributor and the manufacturer.

8. To prevent or attempt to prevent, by contract or otherwise, any beer distributor or any officer, member partner, or stockholder of any beer distributor from selling or transferring any part of the interest of any of them to any other person or persons or party or parties. However, no distributor, officer, partner, or stockholder shall have the right to sell, transfer, or assign the franchise or power of management or control thereunder without the written consent of the manufacturer, distributor, or wholesaler, except that such consent shall not be unreasonably withheld.

a. No manufacturer shall unreasonably withhold or delay its approval of any assignment, sale, or transfer of the stock of a distributor or all or any portion of a distributor's assets, distributor's voting stock, the voting stock of any parent corporation, or the beneficial ownership or control of any other entity owning or controlling a distributor, including the distributor's rights and obligations under the terms of an agreement, whenever the person or persons to be substituted meet reasonable qualifications. Upon the death of one of the partners of a partnership operating the business of a distributor, no manufacturer shall deny the surviving partner or partners of such partnership the right to become a successor-in-interest to the agreement between the manufacturer and such partnership, provided that the survivor has been active in the management of the partnership and is otherwise capable of carrying on the business of the partnership.

b. Notwithstanding the provisions of subparagraph a., upon the death of a distributor, no manufacturer shall deny approval for any transfer of ownership to a designated member of the family of an owner of a distributor; provided, however, that such subsequent transfer of

such ownership by such designated member shall thereafter be subject to the provisions of subparagraph a.

9. To obtain money, goods, services, anything of value, or any other benefit from any other person with whom the beer distributor does business or employs on account of or in relation to the transactions between the distributor, the franchisor, and such other person.

10. To require a beer distributor to assent to a release, assignment, novation, waiver, or estoppel which would relieve any person from liability imposed by this section.

11. To restrict or inhibit, directly or indirectly, the right of free association among manufacturers or distributors of beer for any lawful purpose.

12. To fix or maintain the price at which a distributor may resell beer.

13. To coerce, or attempt to coerce, any distributor to accept delivery of any beer or other commodity ordered by a distributor if the order was properly canceled by the distributor in accordance with the procedures agreed upon by the manufacturer and distributor.

14. To change a distributor's quota of a brand or brands if the change is not made in good faith.

15. To require a distributor by any means to participate in or contribute to any local or national advertising fund controlled directly or indirectly by a manufacturer.

16. To take any retaliatory action against a distributor that files a complaint regarding an alleged violation by the manufacturer of state or federal law or an administrative rule.

17. To require or prohibit any change in the manager or successor manager of any distributor who has been approved by the manufacturer as of the effective date of this section. Should a distributor change an approved manager or successor manager, a manufacturer shall not require or prohibit the change unless the person fails to meet the reasonable written standards for Florida distributors of the manufacturer, which standards have been provided to the distributor.

(6) **DISTRIBUTOR'S RESIGNATION, CANCELLATION, TERMINATION, FAILURE TO RENEW, OR REFUSAL TO CONTINUE.**—Notwithstanding any agreement and except as otherwise provided for in this section, a manufacturer shall not cause a distributor to resign from an agreement, or cancel, terminate, fail to renew, or refuse to continue under an agreement unless the manufacturer has complied with all of the following:

(a) Has satisfied the applicable notice requirements of subsection (9).

(b) Has acted in good faith.

(c) Has good cause for the cancellation, termination, nonrenewal, discontinuance, or forced resignation.

(7) **GOOD CAUSE.**—Notwithstanding any agreement, good cause shall exist for the purposes of a termination, cancellation, nonrenewal, or discontinuance under paragraph (6)(c) when all of the following occur:

(a) There is a failure by the distributor to comply with a provision of the agreement which is both reasonable and of material significance to the business relationship between the distributor and the manufacturer.

(b) The manufacturer first acquired knowledge of the failure described in paragraph (a) not more than 1 year before the date notification was given pursuant to subsection (6).

(c) The distributor was given written notice by the manufacturer of failure to comply with the agreement.

(d) The distributor was afforded a reasonable opportunity to assert good faith efforts to comply with the agreement within the time limits provided for in paragraph (e).

(e) The distributor has been afforded 30 days in which to submit a plan of corrective action to comply with the agreement and an additional 90 days to cure such noncompliance in accordance with the plan.

(8) **BURDEN OF PROOF.**—For each termination, cancellation, nonrenewal, or discontinuance, the manufacturer shall have the burden of showing that it has acted in good faith, that the notice requirements under this section have been complied with, and that there was good cause for the termination, cancellation, nonrenewal, or discontinuance.

(9) **NOTICE.**—Notwithstanding any agreement and except as otherwise provided in this section, the manufacturer shall furnish written notice of the termination, cancellation, nonrenewal, or discontinuance of an agreement to the distributor not less than 90 days before the effective date of the termination, cancellation, nonrenewal, or discontinuance; and in no event shall the contractual term of any such franchise or selling agreement expire, without the written consent of the beer distributor involved, prior to the expiration of at least 90 days following such written notice. The notice shall be by certified mail and shall contain all of the following:

(a) A statement of intention to terminate, cancel, not renew, or discontinue the agreement.

(b) A statement of the reason for the termination, cancellation, nonrenewal, or discontinuance.

(c) The date on which the termination, cancellation, nonrenewal, or discontinuance takes effect.

(10) **CONDITIONS AND NOTICE REQUIRED.**—Notwithstanding subsections (6) and (9), a manufacturer may terminate, cancel, fail to renew, or discontinue an agreement for good cause, not less than 15 days upon written notice given in the manner and containing the information required by subsection (9), if any of the following occur:

(a) Insolvency of the distributor, the filing of any petition by or against the distributor under any bankruptcy or receivership law, or the dissolution or liquidation of the wholesaler which materially affects the distributor's ability to remain in business.

(b) Revocation of the distributor's license by the division whereby the distributor cannot distribute beer for more than 60 days.

(c) The distributor or an individual who owns more than 10 percent of the stock of a corporate distributor has been convicted of a felony. As used in this paragraph, "felony" means a felony under the United States Code or the Florida Statutes. However, an existing approved stockholder or stockholders shall have the right to purchase the stock of the offending stockholder within 15 days of the conviction of the offending stockholder, and, if the sale is completed within said 15-day period, the provisions of this paragraph shall not apply.

(11) **DISCONTINUANCE OF PRODUCTION OR DISTRIBUTION.**—Notwithstanding subsections (6), (9), and (10), a manufacturer may terminate, cancel, not renew, or discontinue an agreement upon not less than 30 days' prior written notice if the supplier discontinues production or discontinues distribution throughout this state of all the brands sold by the manufacturer to the distributor. Nothing in this section shall prohibit a manufacturer, upon not less than 30 days' notice, to completely discontinue the distribution throughout this state of any particular brand or package of beer. This subsection does not prohibit a manufacturer from conducting test marketing of a new brand of beer or from conducting the test marketing of a brand of beer which is not currently being sold in this state, provided that the manufacturer has notified the division in writing of its plans to test market. The notice shall describe the market area in which the test shall be conducted, the name or names of the distributor or distributors who will be selling the beer, the name or names of the brand of beer being tested, and the period of time during which the testing will take place. A market testing period shall not exceed 18 months.

(12) **REASONABLE EFFORT REQUIRED.**—The distributor shall devote reasonable efforts and resources to sales and distribution of all the manufacturer's products which the distributor has been granted the right to sell and distribute.

(13) **WAIVER PROHIBITED.**—A distributor shall not waive any of the rights granted in any provision of this section. Nothing in this section shall be construed to limit or prohibit good faith dispute settlements voluntarily entered into by the parties.

(14) **MANUFACTURER; PROHIBITED INTERESTS.**—

(a) This subsection applies to:

1. A holder of a manufacturer's license;
2. Any officer, director, agent, or employee of a holder of a manufacturer's license; or
3. An affiliate of any holder of a manufacturer's license, regardless of whether the affiliation is corporate or by management, direction, or control.

(b) No entity or person specified in paragraph (a) may have an interest in the license, business, assets, or corporate stock of a licensed distributor.

(15) **AGREEMENTS SUBJECT TO SECTION.**—The provisions of this section shall apply to all written or oral agreements between a manufacturer and beer distributor in existence on the effective date of this act, as well as agreements entered into or renewed after the effective date of this act.

(16) **AGREEMENTS BINDING ON SUCCESSOR.**—A successor to a manufacturer that continues in business as a manufacturer shall be bound by all terms and conditions of each agreement of the manufacturer in effect on the date of succession.

(17) **REASONABLE COMPENSATION.**—Upon termination:

(a) Any manufacturer which, without good cause, cancels, terminates, or fails to renew any agreement, or lawfully denies approval of, or unreasonably withholds consent to, any assignment, transfer, or sale of a distributor's business assets or voting stock or other equity securities, shall pay such distributor with whom it has a written contract reasonable compensation for the diminished value of the distributor's business or of any ancillary business or both which has been negatively affected by the act of the manufacturer. The value of the distributor's business or ancillary business shall include, but not be limited to, its goodwill.

(b) In the event the manufacturer and the beer distributor are unable to mutually agree on the reasonable compensation to be paid for the value of the distributor's business, as defined herein, the matter may by agreement of the parties be submitted to a neutral arbitrator to be selected by the parties and the claim settled in accordance with the rules provided by the American Arbitration Association. Arbitration costs shall be paid one-half by the distributor and one-half by the manufacturer. The award of the arbitrator shall be final and binding on the parties.

(18) **REMEDIES.**—

(a) During the 90-day period provided in subsection (9) or during the 15-day period provided in subsection (10), either party, in appropriate circumstances, may bring action in the appropriate circuit court of this state to modify the notice period so provided or to extend it pending a final determination of such proceedings on the merits.

(b) In any action brought under this section, the court shall have authority to grant temporary, preliminary, and final injunctive relief. If the court grants injunctive relief, bond shall not be required to be posted.

(c) In addition to temporary, preliminary, or final injunctive relief, any person who shall be aggrieved or injured in his business or property by reason of anything forbidden in this section may bring an action therefor in the appropriate circuit court of this state and shall recover the damages sustained and the costs of such action, including a reasonable attorney's fee.

(d) Without regard and in addition to any other remedy of relief to which a person is entitled, anyone aggrieved by a violation of this section may bring an action to obtain a declaratory judgment that an act, action, or practice violates this section and to enjoin a manufacturer or distributor who has violated, is violating, or is otherwise likely to violate this section.

(e) When such action is one of common or general interest to many persons or when the parties are numerous and it is impracticable to bring them all before the court, one or more persons may bring a class action for the benefit of the whole, including actions for injunctive relief.

(f) In an action for money damages, if a judge or jury finds that the defendant acted maliciously, the judge or jury may award punitive damages as permitted by Florida law.

(g) The remedies provided in this subsection shall be in addition to any other remedies provided by law or in equity.

(19) **CONTRACTS AND THE VALIDITY THEREOF.**—No manufacturer shall effect any sale to a distributor in Florida except pursuant to a written contract between the manufacturer and the distributor, which contract is consistent with the provisions of this section.

(20) **REPURCHASE OF INVENTORY UPON TERMINATION.**—

(a) Whenever any beer distributor enters into a franchise agreement with a manufacturer wherein the distributor agrees to maintain an inventory of beer and the franchise is subsequently terminated, the manufacturer shall repurchase the inventory as provided in this section. The distributor may keep the inventory if he desires. If the distributor has any outstanding debts to the manufacturer, then the repurchase amount may be credited to the distributor's account.

(b) If the distributor decides not to keep the inventory, the manufacturer shall repurchase that inventory previously purchased from him and held by the distributor on the date of termination of the contract. The manufacturer shall pay 100 percent of the actual distributor cost, including freight, of all unsold beer.

(c) Upon payment within a reasonable time of the repurchase amount to the distributor, the title and right of possession to the repurchased inventory shall be transferred to the manufacturer.

(d) The provisions of this section shall not require the repurchase from a distributor of:

1. Any inventory which the distributor desires to keep, provided the distributor has a contractual right to do so.

2. Any inventory which was ordered by the distributor on or after the date of receipt of the notification of termination of the franchise or contractual agreement.

3. Any inventory which was acquired by the distributor from any source other than the manufacturer.

(e) If any manufacturer shall fail or refuse to repurchase any inventory covered under the provisions of this section within 60 days after termination of a distributor's contract, he shall be civilly liable for 100 percent of the current wholesale price of the inventory plus any freight charges paid by the distributor, the distributor's reasonable attorney's fees, court costs, and interest on the current wholesale price computed at the legal interest rate provided in s. 687.01 from the 61st day after termination.

(21) **INDEMNIFICATION.**—A manufacturer shall fully indemnify and hold harmless its distributor against any losses, including, but not limited to, court costs and reasonable attorney's fees or damages arising out of complaints, claims, or lawsuits, including, but not limited to, strict liability, negligence, misrepresentation, or express or implied warranty where the complaint, claim, or lawsuit relates to the manufacture or packaging of beer or other functions by the manufacturer which are beyond the control of the distributor.

Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 4. This act shall take effect upon becoming a law.

On motion by Senator Kiser, the Senate reconsidered the vote by which Amendment 2 was adopted.

Further consideration of CS for SB 1218 was deferred.

CS for HB 124—A bill to be entitled An act relating to transportation; amending s. 337.11, F.S.; providing additional required provisions with respect to contracts let by the Department of Transportation; creating s. 337.125, F.S.; providing notice requirements for socially and economically disadvantaged business enterprises; creating s. 337.135, F.S.; providing penalties for fraudulent representations with respect to socially and economically disadvantaged business enterprises; creating s. 337.137, F.S.; providing for decertification with respect to subcontracting by socially and economically disadvantaged business enterprises; amending s. 337.16, F.S.; providing for denial or suspension of certificates of qualifi-

cation by the department with respect to certain contracts; amending s. 339.0805, F.S.; revising definition of socially and economically disadvantaged individuals; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator Beard and adopted:

Amendment 1—On page 6, before line 1, insert:

Section 6. Subsection (2) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(2) Such rules shall provide that the use of such moneys be restricted to the following purposes:

(a) To pay administrative expenses of the department, including administrative expenses incurred by the several state transportation districts.

(b) To pay the cost of construction of the State Highway System, including amounts necessary to match federal-aid funds for such purposes. The department *may* shall also match federal-aid highway funds allocated to the county road and city street systems and is authorized to contract for and administer such federal-aid projects in cooperation with local officials in accordance with federal regulations.

(c) To pay the cost of maintaining the State Highway System.

(d) To pay the cost of public transportation projects in accordance with chapter 341 and ss. 332.003-332.007 and to make such other lawful expenditures of the department for the payment of which no other funds may be specified.

(e) Notwithstanding any other provision of law, *the department may* to match any federal-aid highway funds allocated for any other transportation purpose.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 19, after “contracts;” insert: amending s. 339.08(2), F.S., providing for the department to match federal aid allocated for certain purposes in its discretion;

On motion by Senator Beard, by two-thirds vote CS for HB 124 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Plummer

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Deratany, by two-thirds vote SB 665 and CS for SB 617 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Deratany, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider House Bills 1345 and 1224 at the meeting this day.

On motions by Senator Margolis, by two-thirds vote HB 229 was withdrawn from the Committee on Economic, Community and Consumer Affairs and referred to the Committee on Judiciary-Civil.

On motion by Senator Margolis, by two-thirds vote SB 1170 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Langley, by two-thirds vote CS for SB 1179 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Langley, the rules were waived and the Committee on Judiciary-Civil was granted permission to consider SJR 880, SB 881 and House Bills 1305, 464, 33 and 229 at the meeting June 1.

On motions by Senator Jennings, by two-thirds vote HB 1224 was withdrawn from the Committees on Commerce and Finance, Taxation and Claims and referred to the Committees on Finance, Taxation and Claims; and Commerce.

On motions by Senator Jennings, by two-thirds vote HB 555 was withdrawn from the Committees on Commerce and Rules and Calendar.

On motions by Senator Jennings, by two-thirds vote House Bills 512 and 513 were withdrawn from the Committee on Commerce.

On motion by Senator Langley, by two-thirds vote SB 317 was removed from the calendar and indefinitely postponed.

Reconsideration

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

CS for SB 401—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 514.033, F.S.; providing for a fee; amending s. 514.0115, F.S.; providing an exemption for pools serving certain condominiums and cooperatives from certain requirements imposed by the Department of Health and Rehabilitative Services; amending s. 723.061, F.S.; renumbering existing provisions; creating a new section of the statutes; creating the Mobile Home Study Commission; providing prospective repeal of s. 723.061(2)(a)2.c., F.S., as created by the act, relating to payment to a mobile home owner who is evicted for a change in land use of a scaled percentage of the difference between book value and market value of a mobile home and appurtenances; 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 for retroactivity; providing an effective date.

—as amended passed this day.

On motions by Senator Langley, the Senate reconsidered the vote by which the Senate concurred in House Amendment 1.

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

Amendment 1—On page 1, strike all of lines 2-4 and insert: An act relating to residential housing; amending s. 514.033, F.S.; providing for a fee; amending s. 514.0115, F.S.; providing an exemption for pools serving certain condominiums and cooperatives from certain requirements imposed by the Department of Health and Rehabilitative Services; 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; 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 prospective repeal of s. 723.061(2)(a)2.c., F.S., as created by the act, relating to payment to a mobile home owner who is evicted for a change in land use of a scaled percentage of the difference between book value and market value of a mobile home and appurtenances; providing for retroactivity; providing an effective date.

On motion by Senator Langley, the Senate concurred in the House amendment as amended and the House was requested to concur in the Senate amendment to the House amendment.

CS for SB 401 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Beard	Grant	Kirkpatrick	Stuart
Childers, D.	Grizzle	Langley	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crenshaw	Hill	Margolis	Weinstein
Deratany	Hollingsworth	McPherson	Weinstock
Dudley	Jenne	Myers	Woodson
Frank	Jennings	Peterson	
Gordon	Johnson	Ros-Lehtinen	

Nays—None

Excused: Plummer

Vote after roll call:

Yea—Girardeau

SPECIAL ORDER, continued

CS for SB 750—A bill to be entitled An act relating to the State Minimum Building Codes; amending s. 553.77, F.S.; requiring the Board of Building Codes and Standards of the Department of Community Affairs to issue binding opinions relating to enforcement of specific model codes adopted by state agencies to regulate building construction and other matters related to such model codes; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendment:

Amendment 1—On page 1, line 14, strike everything after the enacting clause and insert:

Section 1. Subsection (5) of section 553.77, Florida Statutes, 1986 Supplement, is amended to read:

553.77 Specific powers of the board.—

(5)(a) *The board shall, upon the written request of a private party, review any decision of a state agency with statutory authority to regulate building construction and issue binding opinions relating to that state agency's interpretation and enforcement of the specific model code adopted by the agency to regulate building construction and the conformity of new technologies, techniques, and materials to the objectives of such model code. The provisions of this paragraph shall not be construed to provide any powers to the board with respect to any decision of the State Board of Education made pursuant to the provisions of s. 235.26 or of the State Fire Marshal made pursuant to the provisions of chapter 633.*

(b) Upon written applications by private parties or the enforcement agency, the board may issue binding opinions relating to the interpretation of ss. 553.71(7) and 553.79(5)(a) and (c), (6)(a), (b), (d), and (e), and (7)(a) and (c).

(c) *Any binding opinion issued pursuant to this subsection Such opinions shall be rendered in the same manner provided in s. 120.565, relating to declaratory statements.*

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

Senators Margolis and D. Childers offered the following amendment to Amendment 1 which was moved by Senator Margolis and adopted:

Amendment 1A—On page 2, strike all of lines 7 and 8 and insert:

Section 2. Section 553.06, Florida Statutes, is amended to read:

553.06 State Plumbing Code adopted.—*The Florida Board of Building Codes and Standards shall adopt a State Plumbing Code in accordance with chapter 120. Such code must include requirements for the installation, repair, and alteration of plumbing fixtures. After December 31, 1987, all plumbing installations, repairs, and alterations in a county or municipality that has not adopted the Standard, South Florida, or EPCOT plumbing code must conform to the requirements of the State Plumbing Code. Chapter VIII of the Florida State Sanitary Code of the Department of Health and Rehabilitative Services, adopted in accordance with chapter 381, is hereby adopted as the State Plumbing Code, and all installations, repairs, and alterations to plumbing shall from October 1, 1951, be performed in accordance with its provisions. At least three copies of said Chapter VIII of the Florida State Sanitary Code*

~~shall be kept on file at the board of county commissioners in each said county of the state and shall be marked with the words "County of _____, official copy."~~

Section 3. Subsections (1) and (4) of section 553.11, Florida Statutes, are amended to read:

553.11 Construction, limitation of this part.—

(1) ~~Nothing herein contained shall limit or repeal the authority of the Department of Health and Rehabilitative Services as granted by law; however, This part shall not affect laws or parts of laws establishing plumbing codes nor shall it be applicable in counties or municipalities where plumbing codes have been established by local or special laws or general bills of local application at the option of county commissioners of said counties or municipalities if such codes meet or exceed the minimum standards established pursuant to the provisions of s. 553.06, or in counties or municipalities where the Standard, South Florida, or EPCOT plumbing code has been adopted. However, all plumbing codes adopted must prohibit the use of pipes and pipe fixtures that contain more than 8 percent lead and solders and fluxes that contain more than 0.2 percent lead when installed in potable water storage or distribution systems.~~

(4) ~~This section does not~~ ~~Nothing herein contained shall~~ prohibit any bona fide owner from personally installing plumbing in his own residence if such plumbing meets the requirements of the applicable construction standards.

Section 4. Subsection (3) of section 553.73, Florida Statutes, 1986 Supplement, is amended to read:

553.73 State Minimum Building Codes.—

(3) After January 1, 1978, local governments and state agencies with building construction regulation responsibilities may provide for more stringent requirements than those specified in the State Minimum Building Codes, provided:

(a) ~~There is a determination by~~ The local governing body *determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the State Minimum Building Codes adopted by such governing body. The determination must be based upon a review of local conditions demonstrations by the local governing body, which review demonstrates that local conditions justify more stringent requirements than those specified in the State Minimum Building Codes therein, for the protection of life and property.* ~~and~~

(b) Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

Section 5. Subsection (10) is added to section 553.79, Florida Statutes, 1986 Supplement, to read:

553.79 Application.—

(10) *A building permit for a single-family residential dwelling must be issued within 45 days of application therefor unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the enforcing agency's laws, ordinances, or codes.*

Section 6. Sections 553.12 and 553.13, Florida Statutes, are hereby repealed.

Section 7. This act shall take effect upon becoming a law.

Amendment 1 as amended was adopted.

Senator Margolis moved the following amendment:

Amendment 2—On page 1, strike all of lines 1-10 and insert: A bill to be entitled An act relating to State Minimum Building Codes; amending s. 553.77, F.S., providing for review of state agency interpretations of the State Minimum Building Codes, and for issuance of certain binding opinions, by the State Board of Building Codes and Standards;

limiting review of certain interpretations made by the State Board of Education or the State Fire Marshal; providing an effective date.

Senators Margolis and D. Childers offered the following amendment to Amendment 2 which was moved by Senator Margolis and adopted:

Amendment 2A—On page 1, line 10, after the semicolon (;) insert: 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;

Amendment 2 as amended was adopted.

On motion by Senator Margolis, by two-thirds vote CS for SB 750 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Excused: Plummer

On motion by Senator Thurman, by two-thirds vote CS for HB 935 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Thurman—

CS for HB 935—A bill to be entitled An act relating to auctioneers; amending s. 468.383, F.S., providing an exemption for certain auctions conducted by students of auctioneering; amending section 10 of chapter 86-119, Laws of Florida, providing an exemption from license examination requirements; amending s. 468.385, F.S., providing for examination by the Department of Professional Regulation, rather than the Board of Auctioneers; modifying license qualifications and education requirements; decreasing amount of bond required for auctioneers and auction businesses; providing for bond of a licensed auctioneer who is the sole operator of an auction business; creating ss. 468.3851 and 468.3852, F.S., providing procedures for license renewal, inactive status, and expiration; amending s. 468.386, F.S., clarifying provisions relating to local occupational licenses; amending s. 468.387, F.S., providing for licensure of non-resident auctioneers by endorsement; amending s. 468.389, F.S., expanding disciplinary actions and grounds therefor; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 1087 and by two-thirds vote read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for HB 935 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Beard	Gordon	Kirkpatrick	Scott
Brown	Grant	Kiser	Thomas
Childers, D.	Grizzle	Lehtinen	Thurman
Childers, W. D.	Hair	Margolis	Weinstein
Crenshaw	Hill	McPherson	Weinstock
Dudley	Hollingsworth	Myers	Woodson
Frank	Jenne	Peterson	
Girardeau	Johnson	Ros-Lehtinen	

Nays—None

Excused: Plummer

CS for SB 1087 was laid on the table.

SB 957—A bill to be entitled An act relating to the Board of Opticianry; amending s. 484.008, F.S.; authorizing for the board to waive continuing education requirements; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 1, line 13, after “requirement” insert: , until the licensee or group of licensees is capable of fulfilling the continuing education requirements,

On motion by Senator Kirkpatrick, by two-thirds vote SB 957 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

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

Nays—None

Excused: Plummer

Motion

On motion by Senator Barron, the rules were waived and time of adjournment was extended until final action on CS for SB 1218 and SB 1095.

The President presiding

The Senate resumed consideration of—

CS for SB 1218—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.221, F.S., providing that certain licensed manufacturers brewing malt beverages may sell to consumers for consumption on the premises; providing for reports and tax payments; prohibiting licensed distributors and manufacturers of malt beverages from engaging in certain conduct; amending s. 563.02, F.S., providing a reduced license fee for certain manufacturers of malt beverages; providing an effective date.

—with pending Amendment 2.

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

Amendment 2A—On page 17, between lines 21 and 22, insert:

Section 2. This act shall not affect any contract in existence on the effective date of this act.

(Renumber subsequent sections.)

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

Amendment 2B—On page 17, lines 21 and 22, insert:

Section 3. Section 2 of this act shall not affect any written contract in existence as of May 29, 1987.

(Renumber subsequent sections.)

Amendment 2 as amended was adopted.

Senator Margolis moved the following amendment which was adopted:

Amendment 3—In title, on page 1, line 11, after the semicolon (;) insert: amending s. 561.20, F.S.; prohibiting the removal of certain alcoholic beverages from certain specialty center premises;

Senator Kiser moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 11, after the semicolon (;) insert: creating s. 563.022, F.S.; providing legislative findings and intent with respect to conduct in the marketing, distributing, and sale of beer; providing definitions; providing for application; providing for unlawful acts and practices; providing for unfair and prohibited acts; providing powers and duties of licensed manufacturers and distributors of beer; providing for conditions for termination of agreements between licensed manufacturers and distributors of beer, including notice; prohibiting certain interest in distributors by manufacturers and their officers, employees, and affiliates; providing for the contractual agreements to which the section is applicable; providing for reasonable compensation; providing for remedies; providing for repurchase of inventory; providing for indemnification; providing severability; providing an effective date.

On motion by Senator McPherson, by two-thirds vote CS for SB 1218 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—5

Gordon	Jenne	Weinstock
Grizzle	Malchon	

Excused: Plummer

On motion by Senator McPherson, the rules were waived and CS for SB 1218 was ordered immediately certified to the House.

On motions by Senator Jennings, by two-thirds vote HB 646 was withdrawn from the Committees on Commerce; and Finance, Taxation and Claims.

On motions by Senator Jennings—

HB 646—A bill to be entitled An act relating to banking assessments; amending s. 657.053, F.S.; revising terminology to provide for semiannual assessments with respect to state credit unions; providing that assessments must be postmarked by certain dates; amending s. 658.73, F.S.; increasing certain nonrefundable fees with respect to state banks and state trust companies; amending s. 663.12, F.S.; increasing the application fee for representative offices of international banking corporations; amending s. 665.0201, F.S.; increasing the application fee for incorporation as a savings association; amending s. 665.028, F.S.; increasing the application fee for branch offices; amending s. 665.0301, F.S.; providing a nonrefundable fee for application for conversion to a savings association; amending s. 665.0311, F.S.; providing an application fee for successor institutions; amending s. 665.033, F.S.; providing a nonrefundable fee

for conversion from a federal mutual to a state capital stock association; amending s. 665.034, F.S.; increasing the application for control fee; amending s. 665.082, F.S.; providing clarifying language with respect to fees and assessments of state savings and loan associations; providing an effective date.

—a companion measure, was substituted for SB 1095 and by two-thirds vote read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 646 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Excused: Plummer

SB 1095 was laid on the table.

Motion

On motion by Senator Barron, by two-thirds vote the special order calendar for Monday, June 1, was set to include the bills remaining on today's special order calendar.

ENROLLING REPORTS

Senate Bills 39, 591, 623, 708, 798, 888, 1292, 1306, 1316, CS for SB 327, CS for SB 363 and CS for SB 720 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 29, 1987.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 28 was corrected and approved.

RECESS

Senator Barron moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Monday, June 1 at 2:00 p.m. The motion was adopted.

Pursuant to the motion by Senator Barron, the Senate recessed at 12:01 p.m. to reconvene at 2:00 p.m., Monday, June 1.