



Journal of the Senate

Number 19

Monday, June 1, 1987

CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—39:

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

Excused: Senator Barron until 3:45 p.m.; periodically, members of the various conference committees

PRAYER

The following prayer was offered by Monsignor James Amos, Rector, Co-Cathedral of St. Thomas More, Tallahassee:

Lord, we acknowledge your presence and ask your blessing on this assembly. You created the world and have made us to your image and likeness. We gather for service to you and to the people of this state. May those who come together here work with appreciation of the gifts you have given them. May they display the wisdom and the courage necessary to accomplish your will for the good of all the people.

We pray for all those elected to leadership among us. May they carry out their duties with zeal and noble purpose. May we all accede to what is for the common good, and never fail to assist those who need our help to realize the purposes for which you have given them life. We ask you to guide our search for your will, and pray that we will be forceful in carrying it to completion.

This we ask in your holy name. Amen.

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

Consideration of Resolution

On motion by Senator Deratany, by unanimous consent—

By Senator Deratany—

SR 1364—A resolution honoring Shirley Pohl Baccus upon her nomination as the 1987 Florida Mother of the Year.

WHEREAS, in choosing the Mother of the Year, the Florida Mothers' Association reviews those qualifications which exemplify the characteristics of a dedicated and loving wife and mother, an active member of a religious body, and an active participant in community, state, and national activities, and

WHEREAS, Shirley Pohl Baccus, the Supervisor of Elections of Brevard County and a resident of Melbourne Beach, was nominated by the Holmes Regional Medical Center Auxiliary as a candidate for the 1987 Florida Mother of the Year, and

WHEREAS, Shirley was unanimously selected as the 1987 Florida Mother of the Year by the Florida Mothers' Association, NOW, THEREFORE,

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

That the Florida Senate extends its congratulations to Ms. Shirley P. Baccus for her selection as the 1987 Florida Mother of the Year and commends her for her outstanding contributions and service to her family, community, and state.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate with the Seal of the Florida Senate affixed, be presented to Ms. Shirley P. Baccus as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read the first time by title. On motion by Senator Deratany, SR 1364 was read the second time in full and unanimously adopted.

By direction of the President, Senator Deratany escorted Mrs. Baccus to the rostrum where she received a copy of the resolution.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Monday, June 1, 1987: HB 367, HB 484, HB 500, HB 666, HB 667, HB 668, HB 669, HB 670, HB 671, HB 672, HB 677, HB 679, HB 733, HB 751, HB 762, HB 907, HB 949, HB 956, HB 959, HB 963, HB 1076, HB 1306, HB 1440

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 June 1, 1987: 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, HB 830, CS for SB 749

Respectfully submitted,

Dempsey J. Barron, Chairman

The Committee on Finance, Taxation and Claims recommends the following pass: HB 1224 with 1 amendment

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

The Committee on Finance, Taxation and Claims recommends the following pass: CS for HB 110, CS for HB 270, HB 1345

The Committee on Judiciary-Civil recommends the following pass: HB 33, HB 229 with 1 amendment, HB 1305

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

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 446

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

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 207, SB 426, CS for SB 711, CS for SB 1148

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

REQUESTS FOR EXTENSION OF TIME

May 28, 1987

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following: Senate Bills 28, 116, 199, 943, 997, 1056, 1253; House Bills 992, 1248, 1251, 1355, 1360

The Committee on Transportation requests an extension of 15 days for consideration of the following: Senate Bills 1, 74, 88, 125, 391, 643, 649, 685, 706, 755, 816, 825, 854, 922, 929, 969, 999, 1025, 1026, 1027, 1076, 1114, 1126, 1160, 1162, 1180, 1276, 1280; House Bills 337, 350, 435, 609, 1191, 1298

May 29, 1987

The Committee on Agriculture requests an extension of 15 days for consideration of the following: Senate Bills 1137, 1182; House Bill 497

June 1, 1987

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: Senate Bills 271, 344, 601, 675, 853, 883, 1129, 1141, 1156, 1183, 1240; House Bills 191, 374, 1175

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committees on Appropriations and Transportation—

CS for CS for SB 207—A bill to be entitled An act relating to motor vehicles; consolidating motor carrier services; transferring the fuel use tax function of the Department of Revenue to the Department of Highway Safety and Motor Vehicles; amending ss. 72.011, 72.031, 120.575, 207.002, 207.004, 207.007, 207.013, 207.023, 207.025, 207.026, 207.029, 213.05, 213.053, 316.545, 320.01, 320.02, 320.06, 320.0609, 320.07, 320.0715, 320.08, 320.14, 320.57, 324.171, 627.7415, F.S.; creating ss. 207.0285, 320.401, 320.402, 320.403, 320.404, 320.4041, 320.405, 320.406, 320.4061, 320.407, 320.408, 320.4085, 320.409, F.S.; providing that the Department of Highway Safety and Motor Vehicles shall adopt rules dealing with assessment of fuel taxes under ch. 207, F.S.; providing that the Department of Highway Safety and Motor Vehicles shall be the state agency named as a party in any action contesting a tax assessment under ch. 207, F.S.; providing definitions for ch. 207, F.S.; providing for the issuance of a fuel use tax identifying device; exempting certain vehicles; providing for the suspension of registration privileges under ch. 207 and ch. 320, F.S., for certain fuel tax violations; amending s. 207.011, F.S.; providing for a division of auditing responsibilities between the Department of Revenue and the Department of Highway Safety and Motor Vehicles; authorizing the Department of Highway Safety and Motor Vehicles to exchange information with other states; providing that the Department of Highway Safety and Motor Vehicles may enter into cooperative agreements with other states; requiring proof of insurance upon registration under ch. 207 or ch. 320, F.S.; removing references to the Department of Revenue from ch. 207, F.S.; removing ch. 207, F.S., from the confidentiality provisions of ch. 213, F.S.; providing for the transfer of certain overweight fees to the Department of Highway Safety and Motor Vehicles; providing definitions for ch. 320, F.S.; providing for the suspension of registration privileges under ch. 320, F.S., for the failure to maintain insurance; providing for restricted license plates; exempting vehicles registered under the International Registration Plan from the refund provisions of s. 320.0609, F.S.; providing an exception to the delinquent fee assessed for failure to have a valid registration; requiring persons who register under the International Registration Plan to maintain records for 4 years; requiring most vehicles to register according to gross vehicle weight; providing audit authority under the International Registration Plan; providing means for enforcing cooperation in audit procedures; providing that the Department of Highway Safety and Motor Vehicles may estimate the license taxes owed by individuals; providing for suits to collect unpaid license taxes; providing for the seizure and sale of goods to satisfy license tax debts; providing for a tax lien; providing for notice to the Department of Highway Safety and Motor Vehicles prior to any forced sale to collect tax debts; providing for the issuance of certificates of lien; providing for foreclosure of liens; providing for notice to the Department of Highway Safety and Motor Vehicles prior to the discontinuance, sale, or transfer of certain businesses; specifying tax liability for businesses that are discontinued, sold, or transferred; providing for injunctive relief; providing enforcement authority; providing for cooperation between state agencies; providing penalties for violations of ch. 320, F.S.; providing self-insurer status to certain persons; amending ss. 206.877, 316.545, 320.055, 320.0843, 320.105, 322.04, F.S.; conforming cross references; amending s. 715.07, F.S.; providing exemptions from certain notice requirements; repealing s. 207.028, F.S., relating to the registration and the report of motor fuel or special fuel use; providing effective dates.

By the Committee on Appropriations and Senators Johnson and Stuart—

CS for SB 426—A bill to be entitled An act relating to driving under the influence; amending s. 316.192, F.S.; providing an additional penalty for reckless driving under certain circumstances; amending s. 316.193, F.S.; providing clarifying language with respect to convictions for driving under the influence with a certain blood alcohol level; providing penalties; providing clarifying language with respect to substance abuse education, evaluation and treatment for a violation of law relating to driving

under the influence; providing a date certain for the consideration of prior convictions for subsequent violation penalties; amending s. 316.1932, F.S., deleting reference to a prearrest breath test; amending s. 316.1933, F.S., deleting a restriction on certified paramedics withdrawing blood for the purpose of determining alcohol content; providing that blood alcohol testing may be performed whenever anyone, including the driver, is seriously injured as a result of an accident; amending s. 322.264, F.S., reducing the number of convictions for moving traffic offenses before a person is considered a "habitual traffic offender"; providing a date certain for the consideration of prior convictions for subsequent violation penalties; amending s. 958.04, F.S.; providing that adjudication of guilt with respect to a youthful offender shall not be withheld with respect to violations for driving under the influence; providing an effective date.

By the Committee on Judiciary-Civil—

CS for SB 446—A bill to be entitled An act relating to elections; amending ss. 97.011, 97.012, F.S.; providing technical changes; amending s. 97.021, F.S.; providing definitions; amending s. 99.061, F.S.; providing technical changes; prohibiting the certification of a candidate's name under certain conditions; providing rulemaking authority; amending ss. 99.0955, 99.096, F.S.; providing technical changes; amending s. 102.131, F.S.; providing that certain protests may be considered when determining the true vote; amending s. 102.166, F.S.; providing technical changes; providing that the Department of State may investigate and protest election problems; providing procedure and judicial jurisdiction; amending s. 106.011, F.S.; providing definitions; amending s. 106.021, F.S.; providing technical changes; requiring candidates for certain offices to file the names and addresses of their treasurers with the supervisor of elections in the county in which the candidate resides; providing for in-kind contributions; amending s. 106.025, F.S.; providing technical changes; deleting the requirement that candidates file a notice of intent to hold a fund raiser; providing for reimbursement of fund raising expenses; deleting reporting requirements for certain fund raisers; amending s. 106.03, F.S.; providing technical changes; changing the time for political committees to file certain information; providing additional requirements for the statement of organization; providing when copies of the statement of organization must be filed with supervisors of elections; providing for notification of organizations as to whether they meet requirements for political committees; providing rulemaking authority; creating s. 106.035, F.S.; providing reporting requirements for political committees; providing for fines and limitations and waivers thereof; providing a penalty; providing an exception; amending s. 106.04, F.S.; providing technical changes; providing reporting requirements; providing for fine limitations and waivers; amending s. 106.05, F.S.; providing technical changes; providing for deposits by payroll deduction for political committees; providing that funds be deposited in a depository in this state unless deposited in a national depository; amending s. 106.055, F.S.; providing clarifying language; amending s. 106.06, F.S.; providing technical changes; amending s. 106.07, F.S.; providing reporting requirements for candidates; providing procedures for notifying candidates when reports are not received; providing fine limitations; providing for the disposition of certain fees collected; amending s. 106.071, F.S.; providing technical changes; amending s. 106.08, F.S.; providing technical changes and clarifying language; providing contribution limitations prohibiting contributions received by political committees 5 days prior to an election from being obligated or spent until after the election; providing for return of political contributions in certain circumstances; amending s. 106.09, F.S.; providing technical changes; providing limitations on credit card purchases; providing when funds may be expended after a candidacy ends; amending s. 106.11, F.S.; providing clarifying language; restricting how certain former candidates may expend funds in their campaign accounts; modifying reporting requirements for campaign fund raisers; amending s. 106.12, F.S.; providing technical changes; amending s. 106.125, F.S.; providing technical changes; providing that all candidates and political committees may use credit cards; exempting political advertising from credit card purchases; amending s. 106.14, F.S.; providing clarifying language; amending s. 106.141, F.S.; providing clarifying language; changing the amount of funds that an elected candidate may transfer from his campaign account to his office account; amending s. 106.143, F.S.; providing that political advertisements state the candidate's party or that the candidate is an independent; amending s. 106.1435, F.S.; providing technical changes; amending s. 106.144, F.S.; providing technical changes and clarifying language; amending s. 106.15, F.S.; providing technical changes; amending s. 106.16, F.S.; providing technical changes and clarifying language; amending ss. 106.17, 106.18, 106.19, 106.21, 106.22, 106.23, 106.24, F.S.; providing technical changes; amending s. 106.25, F.S.; providing technical

changes and clarifying language; amending s. 106.26, F.S.; providing technical changes; providing that the Florida Elections Commission may delegate authority to the Division of Elections; amending ss. 106.265, 106.27, F.S.; providing technical changes; amending s. 106.28, F.S.; providing clarifying language; amending s. 106.29, F.S.; providing technical changes; repealing s. 106.142, F.S.; deleting a definition of political advertisement; providing that prior or pending causes of action shall not be affected; providing for waiving of fines or refunding of fines for political committees or committees of continuous existence in certain circumstances; providing that the filing officer and the Florida Elections Commission notify committees of rights; providing an effective date.

By the Committees on Appropriations; and Finance, Taxation and Claims and Senators Peterson, Crawford, Hollingsworth, Kirkpatrick, Beard, Grant and Deratany—

CS for CS for SB 711—A bill to be entitled An act relating to taxation; amending s. 253.023, F.S.; revising the distribution to the Conservation and Recreation Lands Trust Fund; deleting a limitation on said fund; providing for annual transfer of an amount to the Land Acquisition Trust Fund and providing for the use thereof; repealing s. 253.023(2)(b), F.S., as created by chapter 86-294, Laws of Florida, which establishes similar provisions; reenacting s. 375.041(2), F.S., to incorporate said amendment in a cross-reference; amending s. 201.15, F.S.; revising the distribution of the excise tax on documents; specifying an additional use for moneys deposited in the Land Acquisition Trust Fund; amending s. 211.30, F.S.; revising the producer price index applicable to phosphate rock; amending s. 211.3103, F.S.; revising the method of determining the tax on severance of phosphate rock and the distribution of the proceeds; amending s. 378.034, F.S., relating to submission of reclamation program requests; correcting a cross-reference; amending s. 211.06, F.S.; revising the distribution of the proceeds of the oil, gas, and sulfur severance taxes; amending s. 211.31, F.S.; revising the distribution of the proceeds of the tax on the severance of certain solid minerals; reenacting s. 211.3106(1), F.S., relating to the distribution of the proceeds of the tax on the severance of heavy minerals, to incorporate said amendment in a cross-reference; providing for retroactive application; providing effective dates.

By the Committees on Appropriations and Health and Rehabilitative Services and Senator Myers—

CS for CS for SB 1148—A bill to be entitled An act relating to insurance; amending s. 641.201, F.S.; providing for the application of certain provisions of law to HMO's; amending s. 641.21, F.S.; prohibiting the Department of Insurance from issuing a certificate of authority to certain HMO's; providing clarifying language; amending s. 641.22, F.S., relating to the issuance of certificates of authority; providing criteria; amending s. 641.23, F.S.; providing for the revocation or cancellation of certificates of authority; providing for suspension of enrollment of new subscribers; providing terms of suspension; amending s. 641.25, F.S.; providing for administrative penalty in lieu of suspension or revocation; amending s. 641.26, F.S.; providing for reports by HMO's; providing fines for failure to meet reporting requirements; amending s. 641.27, F.S., relating to examination by the Department of Insurance, to delete reference to the Department of Health and Rehabilitative Services; repealing s. 641.24, relating to denial and revocation proceedings of the Department of Health and Rehabilitative Services; amending s. 641.29, F.S.; deleting distribution of application and annual report fees; repealing s. 641.226, F.S., relating to providers of service and interference with physician's judgment; repealing s. 641.30(4), F.S.; deleting language with respect to construction and relationship to other laws with respect to the Health Maintenance Organization Act; repealing s. 641.31(17), F.S., relating to HMO contract provisions; amending s. 641.36, F.S.; providing that the Department of Insurance shall promulgate rules with respect to HMO's; amending s. 641.403, F.S.; providing that the Department of Insurance shall promulgate rules with respect to the "Prepaid Health Clinic Act"; amending s. 641.405, F.S.; prohibiting the Department of Insurance from issuing a certificate of authority to operate a prepaid health clinic to certain applicants; amending s. 641.406, F.S.; providing conditions for the issuance of a certificate of authority; repealing s. 641.41(1)(d), F.S., relating to the annual report of the prepaid health clinic to delete certain requirements; amending s. 641.418, F.S., relating to examination of prepaid health clinics by the Department of Insurance; amending s. 641.45, F.S.; providing for the revocation or cancellation of certificates of authority; providing for suspension of authority to enroll new subscribers; providing terms of suspension; repealing s. 641.451, F.S., relating to disciplinary proceedings, to delete reference to the Department of Health and Rehabilitative Services; amending s. 641.452, F.S.; providing for adminis-

trative penalty in lieu of suspension or revocation; creating part IV of chapter 641, F.S.; providing definitions; providing for the purpose and application of the part; providing exemptions; providing an application procedure for the certification of HMO's and prepaid health clinics as health care providers; providing fees; providing requirements for issuance and maintenance of certificates; providing for a quality assurance program and a second medical opinion requirement; providing for examination; providing for suspension or revocation of a certificate; providing penalties; amending and renumbering s. 641.3109, F.S.; providing for hospital and physician information disclosure; amending and renumbering s. 641.395, F.S., relating to the internal risk management program; creating s. 641.56, F.S.; providing for rulemaking authority; creating s. 641.57, F.S., providing for disposition of certain moneys; creating s. 641.58, F.S.; providing an assessment for health maintenance organizations and prepaid health clinics; providing methodology for determining level of assessment; providing for use of funds generated by assessment; amending s. 458.337, F.S.; providing for reporting of disciplinary actions by health maintenance organizations and prepaid health clinics; providing for review and repeal; providing an appropriation; providing provisions of assessment; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote CS for SB 353, CS for SB 546, CS for SB 598, CS for SB 917, CS for SB 833, Senate Bills 547, 839, 1082 and 1146 were withdrawn from the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote House Bills 1075 and 509 were withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Jennings, by two-thirds vote CS for SB 1271 was withdrawn from the Committee on Commerce.

On motion by Senator Myers, by two-thirds vote CS for SB 764 was withdrawn from the Committee on Health and Rehabilitative Services.

Motions

On motion by Senator Margolis, the rules were waived and CS for SB 1269 was ordered immediately certified to the House.

On motion by Senator Grizzle, the rules were waived and CS for SB 862 was ordered immediately certified to the House.

On motion by Senator Weinstein, the rules were waived and CS for SB 1062 was ordered immediately certified to the House.

On motion by Senator Lehtinen, the rules were waived and CS for SB 1268 was ordered immediately certified to the House.

On motions by Senator Thomas, the rules were waived and SB 607 and CS for SB 413 were ordered immediately certified to the House.

On motion by Senator Stuart, the rules were waived and CS for SB 593 was ordered immediately certified to the House.

On motion by Senator Beard, the rules were waived and CS for SB 1256 was ordered immediately certified to the House.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 201, which became law without his signature on May 29, 1987.

EXECUTIVE BUSINESS

The following reports were read:

The Honorable John W. Vogt
President of the Senate

December 2, 1986

RE: Suspension of:

DONALD A. DAVIS
County Commissioner
Hendry County, Florida

Dear Mr. President:

The Committee on Executive Business submits this final report on the matter of the suspension of Donald A. Davis.

By Executive Order Number 86-68 filed with the Secretary of State on April 11, 1986, His Excellency D. Robert Graham, as Governor, suspended Donald A. Davis from the Office of County Commissioner of Hendry County, Florida. The term of office for Mr. Davis as County Commissioner of Hendry County was from November 16, 1982 to November 17, 1986.

Executive Order Number 86-68, with information attached, charged that Donald A. Davis, while holding the aforesaid office, committed criminal violations of the laws of Florida, viz: the offense of attempted second degree murder in violation of Sections 777.04(4)(a) and 782.04(b), Florida Statutes, and the offense of shooting at or into an occupied building in violation of Section 790.19, Florida Statutes. The Executive Order further stated that the facts alleged constitute the offenses of malfeasance, misfeasance, or commission of a felony which are grounds for suspension under Article IV, Section 7, Florida Constitution.

Criminal prosecution of Donald A. Davis was commenced in the Circuit Court of the Twentieth Judicial Circuit in Hendry County, where Donald A. Davis entered a plea of nolo contendere to one Count of aggravated assault, a third degree felony in violation of Section 784.021, Florida Statutes. On August 14, 1986, Circuit Court Judge R. Wallace Pack ordered adjudication of guilt and imposition of sentence was withheld on said Count. Donald A. Davis was placed on probation for five years with the following additional attendant conditions:

- 1) Shall make restitution for damages incurred as a result of the offense;
- 2) Shall not possess any firearms;
- 3) Shall submit to and successfully complete substance abuse treatment at own expense;
- 4) Shall not possess or consume any alcoholic beverages;
- 5) Shall not enter any place of business where the primary purpose of that place of business is for the sale of alcoholic beverages; except for purposes of conducting business, with the consent of the probation officer;
- 6) Shall pay \$5,000.00 to Hendry County Fine and Forfeiture, and court costs in the amount of \$249.50.

The Senate assumed jurisdiction of this matter on April 11, 1986, and this matter was referred to the Senate Committee on Executive Business on April 17, 1986. Proceedings by this committee were stayed, pursuant to Senate Rule 12.7(b), during pendency of criminal prosecution in the trial court. With the adjudication of guilt on a felony count, pursuant to Section 4 of Article VI, Florida Constitution, 1968 Revision, Donald A. Davis became legally ineligible to hold public office.

Based upon the investigation of this Committee, it is the finding of this Committee that Donald A. Davis was suspended from the Office of County Commissioner, Hendry County, Florida on April 11, 1986; that Donald A. Davis was adjudicated guilty of aggravated assault in violation of Section 784.021, Florida Statutes; that such act constitutes a felony under the laws of Florida; that Donald A. Davis has not contested his suspension on his own behalf, nor shown any cause why the Senate should not take further action to remove him from office.

In view of the foregoing, it is the recommendation of this Committee that Donald A. Davis be removed from the office of County Commissioner of Hendry County, Florida, effective April 11, 1986.

Respectfully submitted,

*Mary R. Grizzle, Chairman
Fred R. Dudley, Vice Chairman
Curt Kiser*

*William G. Myers
Lawrence H. Plummer
Eleanor Weinstock*

*The Honorable John W. Vogt
President of the Senate*

March 3, 1987

RE: Suspension of:

JERRY M. BOWMER
County Commissioner
Hillsborough County, Florida

Dear Mr. President:

The Committee on Executive Business submits this final report on the matter of the suspension of Jerry M. Bowmer.

By Executive Order Number 83-20 filed with the Secretary of State on February 2, 1983, His Excellency D. Robert Graham, as Governor, suspended Jerry M. Bowmer from the Office of County Commissioner of Hillsborough County, Florida. The term of office for Mr. Bowmer as County Commissioner of Hillsborough County was from November 18, 1980 to November 19, 1984.

Executive Order Number 83-20, with complaint and affidavit attached, charged that Jerry M. Bowmer, while holding the aforesaid office, committed criminal violations of the laws of the United States, viz: the offense of obstructing, delaying and affecting commerce by extortion in violation of Title 18, United States Code, Section 1951. The Executive Order further stated that the facts alleged constituted the offenses of malfeasance, misfeasance, and/or the commission of a felony which are grounds for suspension under Section 7 of Article IV, Florida Constitution, 1968 Revision.

Criminal prosecution of Jerry M. Bowmer was commenced in the U. S. District Court of the Middle District of Florida, Tampa Division, where he was indicted on two counts of violation of 18 USC 1951 on March 31, 1983 (Case No. 83-26), Jerry M. Bowmer pled guilty to one count of conspiracy to commit extortion and one count of extortion on April 3, 1983. Sentencing was deferred in order to allow Mr. Bowmer to testify in the trial of two co-defendants. On November 17, 1986, United States District Court Judge George C. Carr ordered adjudication of guilt on both counts and sentenced Jerry M. Bowmer to three years in prison.

The Senate assumed jurisdiction of this matter on February 3, 1983, and this matter was referred to the Senate Committee on Executive Business on February 17, 1983. Proceedings by this committee were stayed, pursuant to Senate Rule 12.7(b), during pendency of criminal prosecution in the trial court. With the adjudication of guilt on two felony counts, pursuant to Section 4 of Article VI, Florida Constitution, 1968 Revision, Jerry M. Bowmer became legally ineligible to hold public office.

Based upon the investigation of this Committee, it is the finding of this Committee that Jerry M. Bowmer was suspended from the Office of County Commissioner, Hillsborough County, Florida, on February 2, 1983; that Jerry M. Bowmer was adjudicated guilty of conspiracy to commit extortion and extortion in violation of 18 USC 1951(a); that such acts constituted malfeasance, misfeasance, and commission of a felony under the laws of the United States; that Jerry M. Bowmer has not contested his suspension on his own behalf, nor shown any cause why the Senate should not take further action to remove him from office.

In view of the foregoing, it is the recommendation of this Committee that Jerry M. Bowmer be removed from the Office of County Commissioner of Hillsborough County, Florida, effective February 2, 1983.

Respectfully submitted,

*Mary R. Grizzle, Chairman
Fred R. Dudley, Vice Chairman
Curt Kiser*

*William G. Myers
Lawrence H. Plummer
Eleanor Weinstock*

*The Honorable John W. Vogt
President of the Senate*

May 26, 1987

RE: Suspension of:

ROBERT A. MALLARD
Property Appraiser,
Duval County, Florida

Dear Mr. President:

The Committee on Executive Business submits this final report on the matter of the suspension of Robert A. Mallard.

By Executive Order Number 86-216 filed with the Secretary of State on November 17, 1986, His Excellency D. Robert Graham, as Governor, suspended Robert A. Mallard from the Office of Property Appraiser of Duval County, Florida. The term of office for Mr. Mallard as Property Appraiser of Duval County was from July 1, 1983 to June 30, 1987.

Executive Order Number 86-216, with indictment attached, charged that Robert A. Mallard, while holding the aforesaid office, committed

criminal violations of the laws of the United States, viz: making false declarations before a grand jury or court in violation of Title 18, United States Code, section 1623, and obstructing justice in violation of Title 18, United States Code, section 1503. The Executive Order further stated that the facts alleged constitute the offenses of malfeasance, misfeasance, and/or commission of a felony which are grounds for suspension under Article IV, Section 7, of the Florida Constitution, 1968 Revision.

Criminal prosecution of Robert A. Mallard was commenced in the U.S. District Court of the Middle District of Florida, Jacksonville Division, where he was indicted on fourteen counts of violation of 18 U.S.C. 1623 and four counts of violation of 18 U.S.C. 1503 on November 13, 1986 (Case No. 86-233). On November 14, 1986, Robert A. Mallard entered a plea of not guilty to the eighteen counts charged in the indictment. On March 17, 1987, Mr. Mallard changed his plea to guilty of one count of making false declarations before a grand jury or court, and one count of obstructing justice. On May 13, 1987, United States District Court Judge Howell W. Melton ordered adjudication of guilt on both counts and sentenced Robert A. Mallard to two years in prison and three years of probation. The court further ordered that Robert A. Mallard pay to the United States a \$100,000 fine and a \$100 special assessment, pursuant to 18 U.S.C. 3013.

The Senate assumed jurisdiction of this matter on November 18, 1986 and this matter was referred to the Senate Committee on Executive Business on November 20, 1986. Proceedings by this Committee were stayed, pursuant to Senate Rule 12.7(b), during pendency of criminal prosecution in the trial court. With the adjudication of guilt on two felony counts, pursuant to Section 4 of Article VI, Florida Constitution, 1968 Revision, Robert A. Mallard became legally ineligible to hold public office.

Based upon the investigation of this Committee, it is the finding of this Committee that Robert A. Mallard was suspended from the Office of Property Appraiser of Duval County on November 17, 1986; that Robert A. Mallard was adjudicated guilty of making false declarations before a grand jury or court in violation of 18 U.S.C. 1623 and obstructing justice in violation of 18 U.S.C. 1503; that such acts constitute malfeasance, misfeasance and commission of a felony under the laws of the United States; that Robert A. Mallard has not contested his suspension in his own behalf, nor shown any cause why the Senate should not take further action to remove him from office.

In view of the foregoing, it is the recommendation of this Committee that Robert A. Mallard be removed from the Office of Property Appraiser of Duval County effective November 17, 1986.

Respectfully submitted,

<i>Mary R. Grizzle, Chairman</i>	<i>William G. Myers</i>
<i>Fred R. Dudley, Vice Chairman</i>	<i>Lawrence H. Plummer</i>
<i>Curt Kiser</i>	<i>Eleanor Weinstock</i>
<i>The Honorable John W. Vogt</i>	December 2, 1986
President of the Senate	

RE: Suspension of:
MARION EUGENE BASSETT
 Member, Board of Hearing
 Aid Specialists

Dear Mr. President:

The Committee on Executive Business submits this final report on the matter of the suspension of Marion Eugene Bassett.

By Executive Order Number 86-33, filed with the Secretary of State on February 7, 1986, His Excellency D. Robert Graham, as Governor of the State of Florida, suspended Marion Eugene Bassett from the office of member of the Board of Hearing Aid Specialists. The term of office for Mr. Bassett as member of the Board of Hearing Aid Specialists was from August 26, 1983 to July 30, 1987.

The Committee finds that Marion Eugene Bassett submitted his resignation as member of the Board of Hearing Aid Specialists on June 3, 1986, which was accepted and filed by the Governor on June 6, 1986. Subsequent to June 6, 1986, Marion Eugene Bassett submitted an amended resignation effective February 7, 1986, the date of his suspension, which was accepted and filed by the Governor on September 5, 1986.

In view of the foregoing, the Committee on Executive Business advises that no further action by the Senate is authorized or required by the Flor-

ida Constitution. The Committee recommends, therefore, that the Senate take no further action on the above-referenced matter and that this suspension case be closed.

Respectfully submitted,

<i>Mary R. Grizzle, Chairman</i>	<i>William G. Myers</i>
<i>Fred R. Dudley, Vice Chairman</i>	<i>Lawrence H. Plummer</i>
<i>Curt Kiser</i>	<i>Eleanor Weinstock</i>
<i>The Honorable John W. Vogt</i>	March 3, 1987
President of the Senate	

RE: Suspension of:
ERNEST E. AVERILL, JR.
 County Commissioner
 Lee County, Florida

Dear Mr. President:

The Committee on Executive Business submits this final report on the matter of the suspension of Ernest E. Averill, Jr.

By Executive Order Number 83-48, filed with the Secretary of State on March 29, 1983, His Excellency, D. Robert Graham, as Governor of the State of Florida, suspended Ernest E. Averill, Jr. from the Office of County Commissioner of Lee County, Florida. The term of office for Mr. Averill, as County Commissioner of Lee County was from November 18, 1980, to November 19, 1984.

The Committee finds that on January 2, 1987, Ernest E. Averill, Jr. submitted his resignation as County Commissioner of Lee County, Florida, effective March 29, 1983, the date of his suspension. Mr. Averill's resignation was accepted on January 8, 1987, by His Excellency, Bob Martinez, as Governor, and was filed with the Secretary of State on January 15, 1987.

In view of the foregoing, the Committee on Executive Business advises that no further action by the Senate is authorized or required by the Florida Constitution. The Committee recommends, therefore, that the Senate take no further action on the above-referenced matter and that this suspension case be closed.

Respectfully submitted,

<i>Mary R. Grizzle, Chairman</i>	<i>William G. Myers</i>
<i>Fred R. Dudley, Vice Chairman</i>	<i>Lawrence H. Plummer</i>
<i>Curt Kiser</i>	<i>Eleanor Weinstock</i>
<i>The Honorable John W. Vogt</i>	December 2, 1986
President of the Senate	

RE: Suspension of:
WILEY G. CLAYTON
 Judge of County Court for
 Volusia County, Florida

Dear Mr. President:

This report concerns proceedings by the Committee on Executive Business on the Executive Order of Suspension, Number 86-43, whereby the Honorable Wiley G. Clayton, County Judge of Volusia County, Florida, was suspended from office on March 6, 1986.

His Excellency, D. Robert Graham, as Governor, entered an Executive Order of Reinstatement, Number 86-118, dated July 1, 1986, thereby revoking the Executive Order of Suspension and reinstating the Honorable Wiley G. Clayton to the aforesaid county office on that date.

In view of the foregoing, the Committee on Executive Business advises that no further action by the Senate is authorized or required by the Florida Constitution. The committee recommends, therefore, that the Senate take no further action on the above-referenced matter and that this suspension case be closed.

Respectfully submitted,

<i>Mary R. Grizzle, Chairman</i>	<i>William G. Myers</i>
<i>Fred R. Dudley, Vice Chairman</i>	<i>Lawrence H. Plummer</i>
<i>Curt Kiser</i>	<i>Eleanor Weinstock</i>
<i>The Honorable John W. Vogt</i>	December 2, 1986
President of the Senate	

RE: Suspension of:
WILEY G. CLAYTON
 Judge of County Court for
 Volusia County, Florida

Dear Mr. President:

This report concerns proceedings by the Committee on Executive Business on the Executive Order of Suspension, Number 86-143, whereby the Honorable Wiley G. Clayton, County Judge of Volusia County, Florida, was suspended from office on August 18, 1986.

His Excellency, D. Robert Graham, as Governor, entered an Executive Order of Reinstatement, Number 86-172, dated September 23, 1986, thereby revoking the Executive Order of Suspension and reinstating the Honorable Wiley G. Clayton to the aforesaid county office on that date.

In view of the foregoing, the Committee on Executive Business advises that no further action by the Senate is authorized or required by the Florida Constitution. The committee recommends, therefore, that the Senate take no further action on the above-referenced matter and that this suspension case be closed.

Respectfully submitted,

Mary R. Grizzle, Chairman
Fred R. Dudley, Vice Chairman
Curt Kiser

William G. Myers
Lawrence H. Plummer
Eleanor Weinstock

The Honorable John W. Vogt
President of the Senate

December 2, 1986

RE: Suspension of:

GLENN E. SAPP
Sheriff
Charlotte County, Florida

Dear Mr. President:

This report concerns proceedings by the Committee on Executive Business on the Executive Order of Suspension, Number 85-91, whereby the Honorable Glenn E. Sapp, Sheriff of Charlotte County, Florida, was suspended from office on April 12, 1985.

It has been brought to the attention of the Committee on Executive Business that Executive Order of Reinstatement, Number 86-155, dated August 28, 1986, has been entered by His Excellency D. Robert Graham, thereby revoking the Executive Order of Suspension and reinstating the Honorable Glenn E. Sapp to the aforesaid county office, effective August 28, 1986.

In view of the foregoing, the Committee on Executive Business advises that no further action by the Senate is authorized or required by the Florida Constitution. The Committee recommends, therefore, that the Senate take no further action on the above-referenced matter and that this suspension case be closed.

Respectfully submitted,

Mary R. Grizzle, Chairman
Fred R. Dudley, Vice Chairman
Curt Kiser

William G. Myers
Lawrence H. Plummer
Eleanor Weinstock

Senator Grizzle moved that the Senate accept the foregoing reports of the committee and remove from office Donald A. Davis, County Commissioner, Hendry County, Florida; Jerry M. Bowmer, County Commissioner, Hillsborough County, Florida; Robert A. Mallard, Property Appraiser, Duval County, Florida; and take no further action on the suspensions of Marion Eugene Bassett, Member, Board of Hearing Aid Specialists; Ernest E. Averill, Jr., County Commissioner, Lee County, Florida; Wiley G. Clayton, County Judge of Volusia County, Florida; and Glenn E. Sapp, Sheriff, Charlotte County, Florida. The motion was adopted by the following vote:

Yeas—38

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

Malchon	Myers	Stuart
Margolis	Peterson	Thomas
McPherson	Plummer	Thurman
Meek	Ros-Lehtinen	Weinstein

Weinstock
Woodson

Nays—None

The Honorable John W. Vogt
President, The Florida Senate

May 26, 1987

Dear Mr. President:

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

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Accountancy, Member Appointee: Hebrock, Bill J.	12/26/90
Board of Acupuncture, Members Appointees: Kaltsas, Harvey James Ku, Su Liang Varn, Herbert Fred	09/30/90 09/30/89 09/30/89
Board of Architecture, Member Appointee: Cross, Timothy D.	12/17/90
Florida Board of Auctioneers, Members Appointees: Boyleston, Louis Gall, Jim Weir, Russell E.	09/30/87 09/30/89 09/30/90
Barbers' Board, Members Appointees: Bell, George Wm. Gormley, Reginald	06/30/90 06/30/90
Board of Chiropractic, Member Appointee: Glisson, James A.	08/01/90
Florida Citrus Commission, Members Appointees: Barwick, Irvin Egan, Bernard A. Smoak, Edward L. Youngblood, B. C.	05/31/90 05/31/90 05/31/90 05/31/90
Escambia County Civil Service Board, Members Appointees: Adams, II, John L. Banjanin, Lynn P.	02/13/89 02/15/91
Construction Industry Licensing Board, Members Appointees: Carson, Danny G. Simmons, E. E. Smith, John B. Sutton, Warren M. Wilcox, Jr., Richard W. Worman, Robert B.	02/18/91 02/18/91 02/18/91 02/18/91 02/18/91 02/18/91
Board of Correctional Education, Members Appointees: Froman, Ronald Howell, Aquilina Casanas	07/01/88 07/01/90
Board of Dentistry, Member Appointee: Baines, Edward F.	02/07/91
Education Practices Commission, Member Appointee: Sickles, Walter L.	09/30/90
Board of Professional Engineers, Members Appointees: Barto, Roy H. Hoffmann, J. Bruce Martinez, Pedro O. Palm, William H.	12/20/87 12/20/90 12/20/90 12/20/90
Environmental Regulation Commission, Member Appointee: McMullen, Jr., Daniel G.	07/01/87
Commission on Ethics, Member Appointee: Matteson, Karen S.	06/30/87
Board of Funeral Directors and Embalmers, Member Appointee: Brown, Charles Millard	08/01/90

<i>Office and Appointment</i>	<i>For Term Ending</i>
Harbormaster, Port of Key West, Member Appointee: Sweeting, Ulric E.	02/08/88
Harbormaster, Port of St. Augustine, Member Appointee: Baker, Gregory E.	05/01/88
Hospital Cost Containment Board, Members Appointees: Ingram, Helen Q. Pajot, Richard J. Uebel, Steven E.	01/01/90 01/01/88 01/01/89
Marine Fisheries Commission, Members Appointees: Barley, Jr., George M. Safley, R. Z.	08/01/90 08/01/87
Board of Massage, Members Appointees: Bosetti, Anthony Fleisher, Dorothy D. Williams, Susan M.	01/01/90 01/01/90 01/01/89
Board of Medicine, Members Appointees: Ashkar, Fuad S. Skinner, Margaret S. Slade, George F.	08/01/90 08/01/90 08/01/90
Board of Nursing, Member Appointee: Ryals, C. Faye	08/01/90
Board of Nursing Home Administrators, Members Appointees: Bhide, Vasant P. Gillman, Edward Paulson, Joni Phillips, David H.	12/13/89 12/13/89 12/13/90 12/13/90
Board of Opticianry, Member Appointee: Jones, Donald L.	12/26/90
Board of Optometry, Member Appointee: Cranmer, R. Bruce	12/28/89
Board of Osteopathic Medical Examiners, Members Appointees: Greenwasser, Ralph H. Rivera, Angel L.	01/29/90 01/29/91
Florida Pari-mutuel Commission, Chairman Appointee: Rodriguez, J. Priede	06/30/90
Board of Pharmacy, Members Appointees: Natter, Martin R. Outten, Linda Ware	08/01/90 08/01/90
Board of Pilot Commissioners, Members Appointees: Hucker, Patrick C. Peters, B. J.	06/30/90 06/30/90
Board of Podiatric Medicine, Members Appointees: Levy, Joel M. Strickland, James G.	01/08/91 01/08/91
Historic Pensacola Preservation Board of Trustees, Member Appointee: Reeves, James J.	09/13/90
Historic St. Augustine Preservation Board of Trustees, Member Appointee: Ensslin, Mary Fae F.	08/12/90
Board of Psychological Examiners, Member Appointee: Meadows, Edi	09/30/87
Public Employees Relations Commission, Member Appointee: Mattimore, Michael	01/01/89
Florida Real Estate Commission, Member Appointee: Vordermeier, Jr., Harry J.	11/16/90
Apalachee Regional Planning Council, Region 2, Member Appointee: Chandler, Herbert W.	10/01/89
East Central Florida Regional Planning Council, Region 6, Members Appointees: Green, Thomas Patrick Kramer, Stuart Tsamoutales, Frank N.	10/01/89 10/01/89 10/01/89

<i>Office and Appointment</i>	<i>For Term Ending</i>
Southwest Florida Regional Planning Council, Region 9, Members Appointees: Hole, Stanley W. Holzinger, Richard	10/01/89 10/01/89
Board of Veterinary Medicine, Member Appointee: Burch, G. E.	08/01/89
Governing Board of the Southwest Florida Water Manage- ment District, Members Appointees: Bishopric, Anne M. Harkala, Walter H. Wilcox, W. H. Zagorac, Jr., Michael	07/01/90 07/01/90 07/01/90 07/01/90

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends:

- (1) That the executive appointments of the above-named appointees, to the office and for the term indicated, be *confirmed* by the Senate.
- (2) That Senate action on said appointments be taken prior to the adjournment of the 1987 Regular Session.
- (3) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,

Mary R. Grizzle, *Chairman*
Fred R. Dudley, *Vice Chairman*
Curt Kiser

William G. Myers
Lawrence H. Plummer
Eleanor Weinstock

The Honorable John W. Vogt
President, The Florida Senate

May 26, 1987

Dear Mr. President:

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

<i>Office and Appointment</i>	<i>For Term Ending</i>
Secretary of Commerce Appointee: Maguire, Amelia Rea	Pleasure of Governor
Board of Trustees of Florida Keys Community College, Members Appointees: Murphree, Peggy Saunders, Ron	05/31/90 05/31/90
Education Standards Commission, Member Appointee: Morris, Jr., Robert A.	09/30/88
Investment Advisory Council, Member Appointee: Darby, Michael	12/12/86
Board of Opticianry, Member Appointee: Trescott, Barbara Mathews	12/26/90
Postsecondary Education Planning Commission, Member Appointee: Stein, Jay	02/04/89

The Senate Committee on Executive Business has failed to consider these appointments because the committee finds that Peggy Murphree, Ron Saunders, Robert A. Morris, Jr., and Barbara Mathews Trescott resigned. Amelia Rea Maguire serving at the Pleasure of the Governor was replaced as Secretary of Commerce. The term of Michael Darby as a member of the Investment Advisory Council had expired. Mr. Jay Stein, Postsecondary Education Planning Commission declined appointment. Therefore, the committee respectfully advises and recommends:

- (1) That the Senate fail to consider the appointments during the 1987 Regular Session.
- (2) That the failure to consider the appointments be noted in the pages of the Journal of the Senate in accordance with s. 114.05(1)(e), Florida Statutes.

Respectfully submitted,

Mary R. Grizzle, Chairman
Fred R. Dudley, Vice Chairman
Curt Kiser

William G. Myers
Lawrence H. Plummer
Eleanor Weinstock

On motions by Senator Grizzle, the foregoing reports were adopted and the Senate confirmed the appointments identified in the first report to the offices and for the terms indicated and failed to consider the appointments identified in the second report, in accordance with the recommendations of the committee. The vote was:

Yeas—37

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

Nays—None

Senator Johnson was recorded as voting nay on the confirmation of George M. Barley, Jr., as a member of the Marine Fisheries Commission.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 57, CS for HB 60, HB 128, CS for CS for HB 266, HB 322, CS for HB 351, CS for HB 364, CS for HB 586, HB 775, CS for HB's 930 and 1125, CS for HB 967, House Bills 1275, 1308, 1359, CS for HB 1455, House Bills 1466, 1471; has passed as amended CS for HB 5, HB 43, CS for HB 54, CS for HB 83, HB 85, CS for HB 121, House Bills 225, 551, 561, 716, 740, 779, 815, 831, 841, 894, 897, CS for HB 921, House Bills 951, 1029, CS for HB 1174, House Bills 1273, 1310, 1365, 1398, 1414; has adopted HM 1313; and has passed by the required Constitutional three-fifths vote of the Membership of the House CS for HJR 434 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Community Affairs and Representatives Sansom and Hill—

CS for HB 57—A bill to be entitled An act relating to building construction standards; amending s. 553.48, F.S., relating to accessibility features for handicapped persons; requiring listening systems for hearing-impaired persons in certain public buildings; providing an effective date.

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

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

CS for HB 60—A bill to be entitled An act relating to criminal penalties; amending s. 939.01, F.S.; requiring inclusion of law enforcement and arson investigative costs in costs rendered in criminal judgments; requiring the court to state reasons for not entering costs; requiring defendant to pay the costs in specified period or installments; specifying periods in which payments must be made; allowing consideration of costs incurred; allowing consideration of financial needs and earning ability and financial resources of defendant; specifying burdens of proof on state attorney and defendant; providing for default and collection; providing for return of investigative costs recovered to the investigative agency incurring the expense; amending s. 810.02, F.S.; adding, to the acts which constitute

burglary a first degree felony, the causing of damage by fire or explosion; providing an effective date.

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

By Representative Sansom—

HB 128—A bill to be entitled An act relating to public employees; requiring the establishment of quality improvement programs by state and local executive agencies, schools, community colleges, and universities; providing for establishment of guidelines; providing for application of chapter 447, F.S.; providing an effective date.

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

By the Committees on Appropriations and Regulatory Reform and Representative Bloom—

CS for CS for HB 266—A bill to be entitled An act relating to electrical contracting; amending s. 489.501, F.S., expanding purpose; amending s. 489.503, F.S., providing for exemption of certain alarm system contractors and motor vehicle and boat alarm systems; amending s. 489.505, F.S., defining terms; amending s. 489.507, F.S., increasing membership of the Electrical Contractors' Licensing Board, providing rulemaking authority, and specifying intent; amending s. 489.509, F.S., providing fee caps for alarm system contractors; amending s. 489.511, F.S., providing for examination for certification of alarm system contractors; amending s. 489.515, F.S., providing for licensure of alarm system contractors; amending s. 489.531, F.S., providing prohibitions and penalties for alarm system contractors; amending s. 489.533, F.S., providing for disciplinary proceedings with respect to certain offenses related to alarm system contracting and providing for the disposition of administrative fines; amending s. 489.537, F.S., providing for the application of the part and increasing the scope of work of a certified unlimited electrical contractor; creating s. 633.70, F.S., providing for jurisdiction of the State Fire Marshal over alarm system contractors and certified unlimited electrical contractors; creating s. 633.71, F.S., providing requirements for fire alarm equipment; creating s. 633.72, F.S., providing for prohibited acts regarding fire alarm system contractors and certified unlimited electrical contractors; providing penalties; providing for review and repeal; providing appropriations; providing an effective date.

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

By the Committee on Youth and Representatives Cosgrove and Reddick—

HB 322—A bill to be entitled An act relating to delinquency prevention; creating s. 959.30, F.S.; providing definitions; authorizing the establishment of a delinquency prevention council; providing duties; authorizing the Department of Health and Rehabilitative Services to establish delinquency prevention program grants; providing for grant application procedures; providing conditions; amending s. 39.04, F.S.; directing the court to order payment of an intake processing fee upon the filing of a petition for delinquency; providing conditions; providing for the deposit of fees collected; creating a Delinquency Prevention Trust Fund; providing an effective date.

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

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

CS for HB 351—A bill to be entitled An act relating to prostitution; amending s. 796.05, F.S., redefining the offense of living off earnings of prostitute; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

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

CS for HB 364—A bill to be entitled An act relating to driving under the influence; amending s. 316.192, F.S., providing an additional penalty for reckless driving under certain circumstances; amending s. 316.193, F.S., providing clarifying language with respect to convictions for driving under the influence with a certain blood alcohol level; providing clarifying language with respect to substance abuse education, evaluation, and

treatment for a violation of law relating to driving under the influence; deleting reference to time periods for subsequent violation penalties; amending s. 316.1932, F.S., deleting reference to a prearrest breath test; amending s. 316.1933, F.S., authorizing blood testing of certain persons under certain circumstances; deleting a restriction on certified paramedics withdrawing blood for the purpose of determining alcohol content; amending s. 322.264, F.S., reducing, under certain circumstances, the number of convictions for moving traffic offenses before a person is considered a "habitual traffic offender"; amending s. 322.28, F.S., deleting reference to time periods for subsequent violation penalties for the suspension or revocation of a driver's license; amending s. 958.04, F.S., providing that adjudication of guilt with respect to a youthful offender shall not be withheld with respect to violations for driving under the influence; providing an effective date.

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

By the Committee on Judiciary and Representative Burke and others—

CS for HB 586—A bill to be entitled An act relating to civil liability; establishing a defense to civil liability for injuries sustained by criminals during the commission of forcible felonies; providing evidentiary and procedural standards; providing an effective date.

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

By Representatives Casas and Morse—

HB 775—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.613, F.S., defining the term "motor vehicle" for the purposes of state law governing child restraint requirements; providing exceptions; providing an effective date.

—was referred to the Committee on Transportation.

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

CS for HB's 930 and 1125—A bill to be entitled An act relating to the enforcement of local government codes; amending s. 162.06, F.S.; revising the procedure to be followed by a code inspector when he finds a violation of a code; amending s. 162.09, F.S.; specifying factors that a code enforcement board must consider in setting a fine for a code violation; amending s. 162.12, F.S.; providing an additional method of serving notices under the Local Government Code Enforcement Boards Act; providing an effective date.

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

By the Committee on Housing and Representative Jennings and others—

CS for HB 967—A bill to be entitled An act relating to discrimination in the treatment of persons; amending s. 760.22, F.S.; expanding the definition of "handicap" for purposes of the protections against discrimination provided by the state Fair Housing Act, to include mental retardation and developmental disability; providing an effective date.

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

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

HB 1275—A bill to be entitled An act relating to collective bargaining; amending s. 447.603, F.S.; authorizing the Public Employees Relations Commission to assume jurisdiction over local commissions under certain circumstances; providing for a hearing; providing an effective date.

—was referred to the Committee on Personnel, Retirement and Collective Bargaining.

By the Committee on Agriculture and Representative Mitchell—

HB 1308—A bill to be entitled An act relating to agriculture; creating the Agricultural Economic Development Policy Act; providing legislative purpose; establishing the Agricultural Economic Development Program within the Department of Agriculture and Consumer Services; providing

for a 2-year pilot program; providing for duties of the department and Commissioner of Agriculture; requiring reports to the Legislature; providing for interagency and local community cooperation and involvement; providing an appropriation; providing for repeal; providing an effective date.

—was referred to the Committees on Agriculture and Appropriations.

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

HB 1359—A bill to be entitled An act relating to the Criminal Justice Estimating Conference; amending s. 216.136, F.S.; eliminating the Department of Corrections as a principal of the Criminal Justice Estimating Conference; providing for Supreme Court representation on the Criminal Justice Estimating Conference; amending s. 944.096, F.S.; providing conforming language to reflect such representation; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

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

CS for HB 1455—A bill to be entitled An act relating to the recreational trails system; amending s. 260.012, F.S.; providing legislative intent to provide for the acquisition of abandoned railroad rights-of-way for use as recreational trails; amending s. 260.013, F.S.; providing a definition; creating s. 260.0141, F.S.; providing for a Florida Rails to Trails Program; amending s. 260.015, F.S.; providing for the authority of the Department of Natural Resources to acquire land under the Florida Recreational Trails Act of 1979; providing for the powers of the Board of Trustees of the Internal Improvement Trust Fund for the purposes of the Florida Rails to Trails Program; amending s. 260.016, F.S.; providing for the powers and duties of the Division of Recreation and Parks under the act; providing for the appointment of an advisory body known as the Florida Recreational Trails Council; creating s. 260.0161, F.S.; providing for the responsibilities of the Department of Transportation with respect to abandoned and to-be-abandoned railroad rights-of-way and with respect to the act; amending s. 375.251, F.S., relating to the limitation on liability of persons making available to the public areas for recreational purposes, to include reference to land; providing for review and repeal; providing an effective date.

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

By the Committee on Natural Resources and Representatives Martin and Wallace—

HB 1466—A bill to be entitled An act relating to environmental and public health administration; amending section 62 of chapter 86-186, Laws of Florida; specifying duties of the Environmental Efficiency Study Commission; extending the time for activities of the Environmental Efficiency Study Commission; providing for a final report; specifying content of the report; repealing s. 16, ch. 86-138, Laws of Florida, and s. 36, ch. 86-191, Laws of Florida, relating to the Environmental Efficiency Study Commission; providing an appropriation; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Natural Resources and Representative Martin—

HB 1471—A bill to be entitled An act relating to vessels; amending s. 328.03, F.S.; providing for an additional fee for late title transfer application; amending s. 328.11, F.S.; increasing fee for issuing a duplicate title certificate; providing for expedited service for issuing a duplicate title certificate; providing an effective date.

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

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

CS for HB 5—A bill to be entitled An act relating to vital statistics; creating ss. 382.001, 382.002, F.S., relating to vital statistics; providing definitions; amending and renumbering ss. 382.01, 382.031, 382.04, 382.37, 382.32, 382.38, F.S.; consolidating provisions relating to vital statistics, the State Registrar, and local registrars of vital statistics; providing for reports; amending and renumbering s. 382.50, F.S., relating to the microfilming and destruction of vital records; amending and renumbering

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

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

By Representative Jamerson and others—

HB 43—A bill to be entitled An act relating to education; amending s. 230.645, F.S.; exempting dual enrollment and early admission students from certain postsecondary fees; creating s. 233.63, F.S.; assigning certain instructional materials to district school boards or community college boards of trustees; requiring free instructional materials for dual enrollment students; amending s. 236.081, F.S., relating to the Florida Education Finance Program; establishing funding formulas for dual enrollment students; amending s. 240.115, F.S.; adding an acceleration mechanism; requiring community colleges to offer credit by examination; creating s. 240.116, F.S.; establishing legislative intent for articulated acceleration; providing requirements for acceleration mechanisms; creating s. 240.1161, F.S.; requiring that superintendents of schools and community college presidents establish articulation agreements; prescribing agreement contents; requiring the inclusion of dual enrollment courses in pupil progression plans; providing for amended agreements; authorizing agreements with universities; providing for Department of Education approval of dual enrollment courses; creating s. 240.1163, F.S.; authorizing joint dual enrollment and advanced placement courses; providing guidelines; providing for funding; providing for the award of postsecondary credit; amending s. 240.117, F.S.; requiring entry-level examinations for dual enrollment students; amending s. 240.233, F.S., relating to university admission; revising a cross-reference, to conform; amending s. 240.235, F.S.; exempting dual enrollment and early admission students from certain university fees; providing for funding of students; amending s. 240.321, F.S.; exempting certain secondary students from certain community college admission requirements; amending s. 240.35, F.S.; exempting dual enrollment and early admission students from certain community college fees; directing the Postsecondary Education Planning Commission to study funding formulas for certain articulated acceleration programs; directing the State Board of Education to study exemptions for mathematics and writing skills requirements; directing the State Board of Education to study articulated acceleration opportunities for certain students; amending s. 232.2462, F.S.; deleting specific requirements for credit equivalence; establishing credit equivalence for instruction provided pursuant to s. 240.116; amending s. 240.233, F.S.; authorizing the Board of Regents to adopt different admission requirements for certain

students; amending s. 246.013, F.S.; deleting the requirement that the State Board of Education specify acceptable accrediting agencies for institutional participation in the common course numbering system; providing for differentiated fee schedules; providing an exemption; providing prohibitions against institutional use of common course numbers; providing for penalties; amending s. 240.115, F.S.; requiring the award of credit for certain students; requiring that vocational-technical centers maintain student academic transcripts; providing for contents; repealing chapter 72-313, Laws of Florida, relating to accelerated articulation; providing an effective date.

—was referred to the Committees on Education and Appropriations.

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

CS for HB 54—A bill to be entitled An act relating to juveniles; amending s. 39.01, F.S.; providing definitions; amending ss. 39.015, 39.11, 39.403, 39.408, and 959.24, F.S.; providing conforming language; amending ss. 39.401 and 39.402, F.S.; omitting provisions authorizing that certain juveniles be placed in shelter care; creating a new part IV of ch. 39, F.S.; providing definitions and procedures; authorizing the Department of Health and Rehabilitative Services to provide services to certain children and families; providing legislative intent; providing procedures and court jurisdiction; providing for taking into custody a child alleged to be from a family in need of services or alleged to be a child in need of services; providing for placement in a shelter of a child from a family in need of services or a child in need of services; providing for fees; providing for investigation of complaints that a child is from a family in need of services; providing for services and treatment to a family in need of services; providing for fees; providing for case review and service-treatment plans; providing for family mediation; requiring the department to establish a family mediation program in each district; authorizing the department to contract for family mediation services; providing for selection and qualifications of family mediators; providing for disposition of cases; providing for fees; providing for family arbitration; authorizing county arbitration programs; authorizing the department to contract for family arbitration services; providing for selection and qualifications of family arbitrators; providing for arbitration hearings; providing for disposition of cases; providing for a review of dispositions; authorizing the department to file a petition for a child in need of services; providing for summonses and service of process; providing for response to petition and representation of parties; providing duties of the state attorney; authorizing physical and mental examination and treatment of the child and, under certain circumstances, the parent, guardian, or person requesting custody; authorizing emergency treatment; providing for hearings; providing for orders of adjudication; providing for disposition; providing for oaths, records, and confidential information; providing contempt of court sanctions; providing right to counsel; providing for appeals; providing for compensation for appointed counsel; amending s. 232.19, F.S.; conforming provisions relating to habitual truancy; amending s. 27.51, F.S.; requiring the public defender to represent an indigent alleged to be a child in need of services; creating a Child In Need of Services Trust Fund; providing an effective date.

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

By the Committee on Transportation and Representative Hill and others—

CS for HB 83—A bill to be entitled An act relating to highway beautification; creating a Natural Landscapes Study Committee; providing for appointment of members; providing duties; requiring a report; providing for termination of the committee; 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 director of the Division of Tourism of the Department of Commerce for the award of highway beautification grants; providing for grant requests; providing for repeal and review; providing effective dates.

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

By Representative Locke and others—

HB 85—A bill to be entitled An act relating to aircraft; amending s. 329.10, F.S., relating to aircraft registration; authorizing seizure and forfeiture proceedings against aircraft in violation of any aircraft registra-

tion or information requirements; amending s. 330.40, F.S., relating to aircraft fuel tanks; authorizing seizure and forfeiture proceedings against aircraft in violation or any aircraft fuel tank requirements or restrictions; providing penalties; creating s. 812.16, F.S.; providing definitions; providing that operation of a chop shop is a felony of the third degree; requiring restitution to be made to victims; providing for seizure and forfeiture of property involved; amending s. 329.11, F.S.; providing for seizure and forfeiture proceedings against certain unidentifiable aircraft; prohibiting the counterfeiting of manufacturer's identification plates or decals for aircraft; providing an effective date.

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

By the Committee on Health Care and Representative D. L. Jones—

CS for HB 121—A bill to be entitled An act relating to health care; amending s. 641.19, F.S., redefining the terms "health maintenance organization" and "minimum services" with respect to the Health Maintenance Organization Act; specifying physician services as services provided by physicians licensed under certain chapters; repealing s. 641.31(7), F.S., relating to certain physician services for health maintenance contracts; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Morse and others—

HB 225—A bill to be entitled An act relating to vehicles; creating ss. 322.51 and 322.52, F.S.; amending ss. 320.08 and 320.20, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to conduct driver improvement programs; providing for funding; creating the Florida Motorcycle Safety Education Program; providing for safety courses; providing for certification of instructors; requiring such courses to be conducted by community colleges and certain organizations; providing for reimbursement of costs of conducting such courses; providing for rules; imposing a motorcycle safety education fee upon registration of motorcycles, motor-driven cycles, and mopeds; amending s. 322.12, F.S.; requiring first-time applicants for licensure to operate a motorcycle or motor-driven cycle to provide proof of completion of a motorcycle safety course prior to such licensure; amending s. 316.003, F.S.; revising definitions of "bicycle," "motor vehicle," and "motorcycle," eliminating definition of "motor-driven cycle," adding definitions of "moped" and "brake horsepower," and including certain vehicles for purposes of ch. 316, F.S., relating to the Florida Uniform Traffic Control Law; repealing s. 316.183(6), (7), F.S.; deleting provisions providing maximum speed limits for operation of mopeds and motor-driven cycles; repealing s. 316.2065(14), (15), F.S.; deleting provisions relating to the minimum age requirements for moped drivers and to moped safety equipment; amending s. 316.208, F.S.; requiring mopeds to be driven on the right-hand side of the roadway; providing exceptions; prohibiting the operation of a moped on the sidewalk; amending s. 316.2085, F.S.; extending applicability of provisions regulating riding on motorcycles to mopeds; creating s. 316.46, F.S.; adopting by reference the federal motor vehicle safety equipment regulations relating to mopeds; amending s. 320.01, F.S.; revising definition of "motor vehicle," eliminating definition of "motor-driven cycle," and adding definitions of "motorcycle" and "moped"; amending s. 320.08, F.S.; requiring moped owners to pay an annual license tax; and including certain electrically assisted bicycles within the requirement of payment of a license tax; deleting provisions relating to license tax for motor-driven cycles; amending s. 320.0803, F.S.; exempting mopeds from the requirements of ch. 320, F.S.; providing exceptions; establishing specifications for license plates for mopeds and motorized bicycles; amending s. 320.27, F.S.; revising the definition of the term "motor vehicle"; amending s. 320.64, F.S.; revising a ground for denial, suspension, or revocation of a license by removing a reference to "motor scooter"; amending s. 322.01, F.S.; revising definitions of "vehicle" and "motor vehicle" and defining the term "motorcycle" for purposes of ch. 322, F.S., relating to drivers' licenses; amending s. 322.03, F.S.; deleting references to "motor-driven cycles" from the requirement of possessing a special driver's license for operation; amending s. 322.07, F.S.; authorizing holders of temporary instruction permits to operate mopeds without being accompanied by a licensed operator or chauffeur; amending s. 322.12, F.S.; deleting references to "motor-driven cycles" from the separate examination requirement with respect to a special driver's license; amending s. 322.16, F.S.; prohibiting restricted drivers under the age of 16 from operating certain motorcycles; conforming terminology; amending s. 324.021, F.S., relating to proof of financial responsibility; deleting obsolete provisions; amending s. 403.415, F.S., relating to control of motor vehicle noise; exempting mopeds from its provisions and

deleting provisions relating to motor-driven cycles; amending s. 316.211, F.S.; relating to equipment for motorcycle riders; amending s. 316.304, F.S.; relating to the wearing of headsets; 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; Finance, Taxation and Claims; and Appropriations.

By Representative Gonzalez-Quevedo—

HB 551—A bill to be entitled An act relating to aviation; providing for the creation of county aviation authorities; providing definitions; providing for a governing board and the membership thereof; prescribing the rights, duties, and authority and the method of budgetary approval of said aviation authority; authorizing said authority to construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, repair, and operate, within the territorial boundaries of the county, projects as defined in said act, consisting of airport or aviation facilities and related facilities of all kinds for land and sea planes, or any combination of two or more such projects; providing for the transfer to the jurisdiction, control, and supervision of the authority of all existing projects owned or controlled by the county; prescribing the powers and duties of the county commission of said county and of said authority; authorizing the issuance by said authority of revenue bonds of the authority, payable solely from revenues, to pay all or part of the cost of the acquisition, construction, extension, or enlargement of a project or projects; authorizing the issuance of revenue refunding bonds of said authority and the issuance of a single issue of revenue bonds of said authority for the purpose of paying all or part of the cost of acquiring, constructing, extending, or enlarging a project or projects and for the purpose of refunding any revenue bonds or revenue certificates which shall then be outstanding and shall be payable from the revenues of any existing project or projects; providing that no general debt of the county shall be incurred in the exercise of any of the powers granted by this act; authorizing said authority to fix, regulate, and collect rates and charges for the services and facilities furnished by any project under its control, and to pledge the revenue of any such project to the payment of such bonds; providing for the execution of a trust agreement or other similar agreements or arrangements securing the payment of such bonds without mortgaging or encumbering any such project; authorizing expenditures of funds by the county; providing for proposed changes to county comprehensive plan; providing for trust funds; providing for power of eminent domain; providing for effect of county ordinances and application of act to other laws; providing for execution of contracts, leases, and other legal instruments; providing for cooperation between municipalities, county, and authority; prohibiting conflict of interest; providing severability; amending s. 332.007, F.S.; eliminating a restriction on state fund participation in certain nonfederally funded public airport and aviation projects; authorizing certain expenditures when federal funds are not available; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By Representative Gardner—

HB 561—A bill to be entitled An act relating to the Florida Motor Vehicle Repair Act; amending s. 559.917, F.S.; requiring customers who seek a bond for release of a motor vehicle held by a motor vehicle repair shop to certify that certain charges are accurate and correct; providing an effective date.

—was referred to the Committee on Commerce.

By Representatives Mackenzie and Messersmith—

HB 716—A bill to be entitled An act relating to information technology resources; creating the Information Resources Management Act; relating to state property; amending s. 216.011, F.S.; increasing the value of tangible personal property defined as "operating capital outlay" for state fiscal purposes; amending s. 273.02, F.S.; increasing the value of such property which must be marked and inventoried; amending ss. 186.021, 215.96, 216.031, F.S.; requiring the preparation of certain agency plans and budget requests; creating s. 216.0445, F.S.; requiring an evaluation of such budget requests by the Information Resource Commission; amending s. 216.292, F.S.; providing for the transfer of certain funds; creating ss. 282.003, 282.004, F.S.; providing a title; providing legislative

intent; amending ss. 282.101, 282.303, F.S.; providing definitions; amending s. 282.102, F.S.; providing additional powers and duties of the Division of Communications of the Department of General Services; creating s. 282.1021, F.S.; requiring the division to develop a state plan for the implementation of communications services; amending ss. 282.103, 282.104, 282.105, 282.107, F.S.; creating the SUNCOM Network as the state communications system within the division; providing for the development and use of such system; amending s. 282.305, F.S.; providing additional powers and duties for the Information Resource Commission; creating ss. 282.3061, 282.3062, F.S.; requiring the commission to prepare a state strategic plan for information resources management; requiring the commission to prepare an annual report on information resources management; providing requirements for such plans and reports; amending ss. 282.307, 282.308, 282.309, F.S.; requiring each department, state university, and certain judicial courts to prepare a strategic plan for information resources management; providing requirements for such plans; amending s. 282.311, F.S.; providing additional duties and responsibilities for agency information resource managers; creating ss. 282.3115, 282.312, F.S.; requiring agency information resource managers to prepare operating plans and performance reports; creating s. 282.314, F.S.; creating the Information Resources Management Advisory Council; amending ss. 282.318, 282.403, F.S.; providing conforming language; providing for future repeal and review pursuant to the Sundown Act; repealing ss. 282.301, 282.302, 282.401, F.S., relating to prior legislative intent; providing an effective date.

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

By Representative Thomas—

HB 740—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.0805, F.S.; authorizing owners of antique motor vehicles to use a historical Florida license plate as a personalized prestige plate; authorizing the department to charge a reasonable fee for approval and authentication of such historical license plate; amending s. 320.086, F.S.; authorizing the display of a historical Florida license plate on an ancient motor vehicle in lieu of the Horseless Carriage plate; providing an effective date.

—was referred to the Committee on Transportation.

By Representative King and others—

HB 779—A bill to be entitled An act relating to bridge designation; designating the bridge to be erected in Duval County spanning the St. Johns River from Gilmore Heights on the south bank to Dame Point on the north bank as the "Napoleon Bonaparte Broward Bridge"; directing the Jacksonville Transportation Authority to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Wetherell—

HB 815—A bill to be entitled An act relating to public health; amending s. 381.503, F.S., revising The Community Hospital Education Act; providing for administration of the program for community hospital education under the Board of Regents; modifying program contents and requirements; modifying qualifications and providing terms for members of the Community Hospital Education Council; deleting obsolete language; requiring certain community colleges to designate funds for providing instruction, information, or activities regarding acquired immune deficiency syndrome; requiring the Board of Regents to develop policy addressing the provision of instruction, information, or activities regarding acquired immune deficiency syndrome; providing an effective date.

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

By Representative Rehm and others—

HB 831—A bill to be entitled An act relating to Pinellas County; creating the "Pinellas County Fixed Guideway Transportation Act"; providing definitions; providing legislative findings and purpose; providing for the applicability of certain state statutes governing corporations; providing for the creation of the guideway authority; authorizing the creation of certain corporations; providing for the form of corporations; providing for articles of incorporation; providing for bylaws; providing for notice of meetings; providing for open records; providing for amendments to articles of incorporation; providing specific powers of corporations formed

under the act; providing for the construction of projects; providing for the use of certain bond proceeds to jointly pay the costs of a project; providing definitions; providing for exemption from taxation; providing for the nonprofit nature of corporations formed pursuant to the act; providing for the authority to alter or dissolve corporations; providing for dissolution upon completion of purpose; providing for the transfer of funds and property upon dissolution; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representatives Gonzalez-Quevedo and Diaz-Balart—

HB 841—A bill to be entitled An act relating to higher education; creating s. 229.6058, F.S.; establishing the Jose Marti Scholarship Foundation; providing for powers and duties; establishing the "Ronald E. McNair Memorial Scholarship Program"; providing for eligibility criteria; providing for administration by the Department of Education; providing for a trust fund; specifying a maximum amount for each annual award; requiring unused award moneys to be returned to the trust fund; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representative Tobin—

HB 894—A bill to be entitled An act relating to Broward County; amending section 37 of chapter 51-27438, Laws of Florida, authorizing the Board of Commissioners of the North Broward Hospital District to negotiate contracts; authorizing and permitting the North Broward Hospital District to participate in group purchasing plans without requiring advance advertising in the North Broward Hospital District and without requiring the receipt of sealed bids; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Shelley—

HB 897—A bill to be entitled An act relating to gambling; amending s. 849.25, F.S.; providing an expanded definition of the term "bookmaking"; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Health and Rehabilitative Services and Representative Crotty—

CS for HB 921—A bill to be entitled An act relating to mental health; amending s. 394.4785, F.S., requiring the review of placement of a minor in a mental health unit by the attending physician or a designee or an on-call physician; amending s. 394.875, F.S., modifying the licensed bed capacity limits for crisis stabilization units for a limited time; providing for a report and study of the utilization of crisis stabilization units; providing an effective date.

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

By Representative Healey—

HB 951—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; relating to the West Palm Beach Firemen Pension Fund; amending section 17, chapter 24981, Laws of Florida, 1947, as amended, amending subsection (1) providing definitions; revising provisions relative to the board of trustees and the membership of the West Palm Beach Firemen Pension Fund; amending subsection (2) providing for the employment of legal counsel and other persons by the board; amending subsections (3)(b), (6)(a), (6)(c), (6)(e), (7)(a), and (7)(b) conforming title of fireman and firemen to current usage; amending subsection (3)(d) conforming title of city treasurer to current usage; amending subsection (4) relating to the deposit of moneys and securities of the West Palm Beach Firemen Pension Fund; conforming title of city treasurer to current usage; revising investment provisions; providing for performance evaluation of money managers or investment counsel; amending subsection (5)(b) relating to age and service pensions; amending subsection (6)(a) revising provisions relative to the medical committee and its report; amending subsection (6)(c) revising provisions relative to the medical committee and its report; amending subsection (6)(g) relating to expenses of medical examinations for disability; amending subsection (15) relating to actuarial valuations; repealing all laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative C. F. Jones—

HB 1029—A bill to be entitled An act relating to uninsured motorist insurance; amending s. 627.727, F.S.; providing that insurers may offer policies providing uninsured motorist coverage which contain particular policy provisions under certain circumstances; requiring notice of coverage options to be attached to the notice of premium and specifying that receipt thereof does not constitute waiver of coverage; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Transportation and Representative Crotty and others—

CS for HB 1174—A bill to be entitled An act relating to transportation; creating part X of chapter 348, F.S., the "Central Florida Expressway Authority Law"; providing definitions; creating the Central Florida Expressway Authority; providing for purposes and powers; providing for bonds of the authority; providing for remedies of the bondholders; providing for a lease-purchase agreement with the Department of Transportation; providing that the department may be appointed agent of authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing for the covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing that pledges are enforceable by bondholders; providing for the effect of the part; providing for consolidation; amending s. 348.68, F.S.; deleting obsolete language and revising language relative to the Hillsborough County Planning and Zoning Commission to refer to such commission as the Hillsborough County City-County Planning Commission; providing that the Tampa-Hillsborough County Expressway Authority shall give consideration to the city and county comprehensive plans with respect to determining the route or routes, design, and construction of the expressway system or any extension thereof; authorizing the authority to employ consultants and traffic engineers of the Florida Department of Transportation; requiring the authority to transmit studies and recommendations to the Hillsborough County City-County Planning Commission; providing that the commission may request additional review of approved routes under certain circumstances; deleting a provision requiring an affirmative vote of not less than 5 members of the governing body of the authority to change or alter a route recommended by the commission; providing a conditional effective date.

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

By the Committee on International Trade and Economic Development and Representatives Bass and Burke—

HB 1273—A bill to be entitled An act relating to bond financing; amending s. 159.802, F.S.; providing a purpose; amending s. 159.803, F.S.; providing definitions; amending s. 159.804, F.S.; providing for the allocation of the state volume limitation for private activity bonds; amending s. 159.805, F.S.; providing procedures for obtaining allocations; providing limitations on allocations; providing for notice of issuance; amending s. 159.806, F.S.; providing for regional allocation pools; amending s. 159.807, F.S.; providing for a state allocation pool; providing for applicability to the Florida Housing Finance Agency; amending s. 159.809, F.S.; providing for recapture of unused amounts; amending s. 159.81, F.S.; providing for carryforward of unused allocations and volume limitation amounts; amending s. 159.812, F.S.; providing a grandfather clause; amending s. 159.813, F.S.; providing for future federal amendments; creating s. 159.816, F.S.; providing for the director to sign the volume limitation certificate; repealing s. 159.808, F.S., relating to the small issuer pool; repealing s. 420.5097, F.S., relating to the allocation of single-family mortgage revenue bonds, mortgage credit certificates, or similar instruments; amending s. 215.68, F.S.; providing for negotiated sale of certain bonds; providing an effective date.

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

By the Committee on Finance and Taxation and Representative Burke—

HB 1310—A bill to be entitled An act relating to tax on sales, use and other transactions; amending s. 212.02, F.S., and creating s. 212.0515, F.S.; providing for application of the tax to certain coins and currency; amending s. 125.0104, F.S.; revising the effective date of local option tourist development taxes; amending s. 212.05, F.S.; revising provisions that provide for application of the tax to occasional and isolated sales of certain items, to remove a provision that such a sale is one in which the seller is not a motor vehicle dealer; amending s. 212.06, F.S.; extending the exemption for taxes paid in another state and for property used for a specified period in another state to include other United States territories and the District of Columbia; amending s. 212.08, F.S.; providing an exemption for certain food or drinks when purchased with food coupons or certain vouchers, under specified conditions; creating s. 212.0601, F.S.; imposing a use tax on dealer license plates purchased by motor vehicle dealers; amending s. 212.12, F.S.; providing application of penalty for failure to timely remit estimated tax payments to dealers filing consolidated returns; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose certain information to the governing body of a county or subcounty district levying a local option tax which the department administers; providing for application of confidentiality and penalty provisions to the governing body and its officers and employees; amending s. 349.21, F.S.; limiting the rate of taxation which can be imposed by a transportation authority; revising the purposes for which tax revenues may be used; providing effective dates.

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

By the Committee on Judiciary and Representative Upchurch and others—

HB 1365—A bill to be entitled An act relating to the judiciary; amending ss. 26.031 and 34.022, F.S.; providing additional judges in specified circuit and county courts; providing an effective date.

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

By the Committee on International Trade and Economic Development and Representatives Bass and Burke—

HB 1398—A bill to be entitled An act relating to bond financing; amending s. 154.01, F.S., relating to public health unit delivery systems; providing for the relinquishment of public health unit facilities and equipment under certain circumstances; creating part VII of chapter 159, F.S., creating the "Taxable Bond Act of 1987"; providing legislative findings and purpose; providing definitions; providing for the resolution of conflicts with other laws; providing for terms of bonds; providing for the sale of bonds; providing for the pledging of credit; providing for the use of proceeds of bonds; providing for refunding bonds; providing for construction; creating s. 159.416, F.S., providing for pool financing with respect to the Florida Industrial Development Financing Act; amending s. 517.021, F.S., providing definitions; amending s. 517.051, F.S., providing a restriction on exemption from registration; amending s. 154.401, F.S., renaming the "State Health Facilities Authority Law" as the "State of Florida Health Facilities Authority Law"; amending s. 154.402, F.S., providing legislative findings and declaration of necessity; amending s. 154.403, F.S., providing definitions; amending s. 154.404, F.S., creating the State of Florida Health Facilities Authority as a separate body and including it under the Department of Education; amending s. 154.405, F.S., revising the powers of the authority; amending s. 154.407, F.S., providing for financing agreements; creating s. 154.4075, F.S., requiring prior application for financing to local health facilities authorities in certain circumstances; amending s. 154.408, F.S., providing for construction contracts; amending s. 154.409, F.S., to conform to the act; amending s. 154.41, F.S., relating to revenue bonds; amending s. 154.412, F.S., relating to the payment of bonds; amending s. 154.413, F.S., providing for revenues; amending s. 154.415, F.S., relating to remedies; amending s. 154.42, F.S., providing that bonds issued pursuant to the act may be validated as provided in chapter 75, F.S.; amending s. 154.422, F.S., providing an exemption to certain certificate of need requirements with respect to issuance of bonds; amending s. 154.425, F.S., relating to tax exemption; creating s. 154.427, F.S., providing liberal construction; creating s. 154.428, F.S., providing severability; saving part V of chapter 154 from Sundown repeal and removing said part from future review and repeal in accordance with the Sundown Act; amending s. 154.205, F.S., providing

definitions with respect to local health facilities authorities; amending s. 154.209, F.S., revising the powers of the authorities; amending s. 154.213, F.S., providing for financing agreements; amending s. 154.215, F.S., providing for construction contracts; amending s. 154.219, F.S., relating to revenue bonds; amending s. 154.223, F.S., relating to the payment of bonds; amending s. 154.225, F.S., providing for revenues; amending s. 154.229, F.S., relating to remedies; amending s. 154.2331, F.S., relating to tax exemption; amending s. 154.241, F.S., providing that bonds issued pursuant to the act may be validated as provided in chapter 75, F.S.; amending s. 154.245, F.S., providing an exemption to certain certificate of need requirements with respect to issuance of bonds in connection with a pooled financing; requiring health care facilities to provide a certain portion of the hospital's total inpatient day for indigent care; providing definitions; amending s. 395.502, F.S., modifying definitions relating to health care cost containment; amending s. 154.209, F.S., to authorize health facilities authorities to participate in and issue bonds for the purpose of establishing and maintaining self-insurance pools on behalf of a health facility or a group of health facilities, in order to provide payment of judgments, settlements, claims, expenses, loss and damage arising or claiming to have arisen from acts or omissions of health facilities in the performance of health care functions; providing procedures for health facilities authorities to issue bonds; amending s. 163.01, F.S., the Florida Interlocal Cooperation Act of 1969; defining "local government liability and property pool"; providing for the financing of acquisition of liability and property coverage insurance contracts from such pools by public agencies; authorizing bonding with respect thereto; providing requirements with respect thereto; amending s. 218.21, F.S.; providing a second guaranteed entitlement for counties from the Revenue Sharing Trust Fund for Counties; amending s. 218.23, F.S., relating to revenue sharing distribution, to conform; amending s. 218.25, F.S.; providing for use of such entitlement; amending s. 627.651, F.S., which specifies that group contracts and plans of self-insurance must meet group requirements; providing an exemption for certain governmental self-insurance plans or consortiums; providing effective dates.

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

By Representative Martin—

HB 1414—A bill to be entitled An act relating to Alachua County; amending chapter 85-376, Laws of Florida, relating to the Alachua County Library District; amending section 3 to provide for the power of the governing board to enter into lease-purchase arrangements, to levy ad valorem taxes for capital improvements, to issue bonds, notes or other certificates of indebtedness payable from ad valorem taxation, to issue bonds, notes or other certificates of indebtedness payable from revenues of the district other than ad valorem taxes, and to develop a personnel system; amending section 4 to provide for the use of ad valorem tax revenue to pay debt service on indebtedness; amending section 6 to provide for the power of the board of trustees to recommend selection of and annually evaluate the library director, to receive and expend gifts of money and other property in accordance with the policy of the governing board, and to establish fees, fines and other charges with approval of the governing board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Press—

HM 1313—A memorial to the Congress of the United States, urging Congress to provide protection against catastrophic illnesses and to provide for comprehensive long-term care for United States citizens.

—was referred to the Committee on Rules and Calendar.

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

CS for HJR 434—A joint resolution proposing an amendment to Section 16, Article I of the State Constitution, relating to rights of victims of crime.

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

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1064 and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1064—A bill to be entitled An act relating to Escambia County; providing for a home rule charter for said county; providing for a referendum; declaring that this act shall prevail over certain general law provisions; providing an effective date.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives requests the return of HB 1064.

John B. Phelps, Clerk

On motion by Senator W. D. Childers, HB 1064 was returned to the House as requested.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 131 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 131—A bill to be entitled An act relating to the Parole and Probation Commission; amending s. 947.04, F.S.; authorizing the commission to transact its business anywhere in the state; providing an effective date.

Amendment 1—On page 1, strike all of lines 21 and 22 and insert:

Section 2. Paragraph (d) is added to subsection (2) of section 947.04, Florida Statutes, 1986 Supplement, to read:

947.04 Organization of commission; officers; offices.—

(2) Notwithstanding the provisions of s. 20.05(7), the chairman shall appoint administrators with responsibility for the management of commission activities in the following functional areas:

- (a) Parole grant.
- (b) Parole revocation.
- (c) Administrative services.
- (d) Clemency.

Section 3. Subsections (1) and (2) of section 947.082, Florida Statutes, 1986 Supplement, are amended to read:

947.082 Board of Clemency Review; membership; functions.—

(1) There is hereby created a Board of Clemency Review effective July 1, 1988 1987.

(2) Membership on the board shall consist of three of the six five commission members, to be designated by the Governor and Cabinet.

Section 4. Paragraph (b) of subsection (1) of section 947.01, Florida Statutes, 1986 Supplement, is amended to read:

947.01 Parole and Probation Commission; creation; number of members.—

(1)

(b) Effective July 1, 1987, the membership of the commission shall be six reduced to five members. Commission members whose terms expire after October 1, 1986, and on or before July 1, 1987, shall not be reappointed unless upon expiration of any such term there are fewer than six five commissioners.

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

Amendment 2—On page 1 in the title, line 5, after "state;" insert: to provide for clemency activities for the Parole and Probation Commission; amending s. 947.082, F.S., to postpone the effective date of creation of the Board of Clemency Review; amending s. 947.01, F.S., to provide for a six-member Parole and Probation Commission;

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

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 478 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 478—A bill to be entitled An act relating to Lee County; amending s. 5 of ch. 76-414, Laws of Florida; increasing the maximum rate of ad valorem taxes that may be levied to provide funds for the Bayshore Fire Protection and Rescue Service District; providing for a referendum; providing an effective date.

Amendment 1—On page 1, line 21, strike \$1.50 \$1 and insert: \$2.50 ~~\$1.50~~

Amendment 2—On page 1, line 3, strike Florida; and insert: *Florida, as amended*;

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

SB 478 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—32

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

Nays—None

Vote after roll call:

Yea—D. Childers, Jennings, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 383 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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.

Amendment 1—On page 1, line 19, insert:

Section 1. Section 396.1725, Florida Statutes, is created to read:

396.1725 *Exemption from licensure; requirements.*—

(1) *Any facility operated by a church or a nonprofit religious organization whose primary purpose is to propagate that church's or nonprofit organization's religious beliefs and whose programs for alcoholics are of a religious or ecclesiastical nature only is exempt from the licensure provisions of this chapter.*

(2) *Facilities exempt from licensure by this section shall provide to the department the name and address of the facility and proof of its status as a church or nonprofit religious organization.*

(3) *Facilities exempt from licensure by this section shall not provide medical care, medical detoxification, or medical withdrawal services and shall refer persons in need of such care to an appropriate medical facility.*

(4) *Facilities exempt from licensure by this section shall include in any and all advertising or program literature, a statement that the facility is exempt from licensure by the State of Florida.*

Section 2. Section 397.082, Florida Statutes, is created to read: 397.082 *Exemption from licensure; requirements.*—

(1) *Any facility operated by a church or a nonprofit religious organization whose primary purpose is to propagate that church's or nonprofit organization's religious beliefs and whose programs for drug abusers or drug dependents are of a religious or ecclesiastical nature only is exempt from the licensure provisions of this chapter.*

(2) *Facilities exempt from licensure by this section shall provide to the department the name and address of the facility and proof of its status as a church or nonprofit religious organization.*

(3) *Facilities exempt from licensure by this section shall not provide medical care, medical detoxification, or medical withdrawal services and shall refer persons in need of such care to an appropriate medical facility.*

(4) *Facilities exempt from licensure by this section shall include in any and all advertising or program literature, a statement that the facility is exempt from licensure by the State of Florida.*

(Renumber subsequent sections.)

Amendment 2—On page 1, in title, line 2, after the semicolon (;) insert: creating ss. 396.1725, 397.082, F.S.; exempting certain facilities that treat alcoholics or drug abusers or dependents from licensure by the Department of Health and Rehabilitative Services; providing conditions for exemptions;

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

CS for SB 383 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—D. Childers

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 1130 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1130—A bill to be entitled An act relating to insurance; amending s. 629.401, F.S.; expanding the applicability of the surplus lines law to direct Florida risks underwritten by the exchange; revising the composition of the board of governors; providing for restrictions on security fund coverage and mandating effective dates; restricting the exposure of the security fund; clarifying the department's investigatory powers regarding changes in directors or principal officers of an underwriting member; expanding the financial reporting requirements for underwriting members; providing capitalization requirements for new underwriting members; providing increased capitalization requirements and a transition schedule for existing underwriting members; deleting provisions for a pooled underwriting member; reducing the ratio of net premiums written to policyholder surplus; establishing a ratio of gross premiums written to policyholder surplus; allowing the use of projections in calculating the ratios of gross and net premiums written to policyholder surplus; eliminating the exclusions of certain lines of insurance from the calculation of the ratios; clarifying the loss reserve requirement for underwriting members; limiting the amount and method of distribution of profits; expanding the grounds for liquidation, rehabilitation, and restrictions; deleting redundant language; expanding the department's regulatory authority regarding tender and exchange offers; providing investment restrictions regarding underwriting members and brokers; providing a transition

schedule; defining the term "underwriting manager"; providing a restriction on investment in an underwriting manager by a broker member or affiliated person; providing a restriction on investment in a broker member by an underwriting manager or affiliated person; prohibiting reinsurance between an underwriting member and affiliate or controlling company; amending s. 625.305, F.S.; limiting insurers' investment in certain bonds or other debt obligations; providing definitions; requiring certain recordkeeping by insurers; providing guidelines for insurers with noninvestment grade bonds or other debt obligations; providing an effective date.

Amendment 1—On page 31, line 27, strike "require" and insert: acquire

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

CS for SB 1130 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—D. Childers

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 516 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 516—A bill to be entitled An act relating to the obstruction of public streets, highways, and roads; amending ss. 316.2045, 316.655, F.S.; prohibiting such obstruction in order to solicit under certain circumstances; providing exceptions; providing a penalty; providing an effective date.

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

(4) *Nothing in this section shall be construed to inhibit political campaigning on the public right-of-way or to require a permit for such activity.*

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

CS for SB 516 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	Gordon	Kiser	Plummer
Beard	Grant	Langley	Ros-Lehtinen
Brown	Grizzle	Lehtinen	Scott
Childers, W. D.	Hair	Malchon	Stuart
Crenshaw	Hill	Margolis	Thomas
Deratany	Hollingsworth	McPherson	Thurman
Dudley	Jenne	Meek	Weinstein
Frank	Johnson	Myers	Weinstock
Girardeau	Kirkpatrick	Peterson	Woodson

Nays—None

Vote after roll call:

Yea—D. Childers

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 683 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 683—A bill to be entitled An act relating to discrimination in the treatment of persons; amending s. 760.22, F.S.; expanding the definition of "handicap" for purposes of the protections against discrimination provided by the state Fair Housing Act, to include mental retardation and developmental disability; providing an effective date.

Amendment 1—On page 2, line 4, strike: said line and insert: the following sections

Section 2. Subsections (5) and (12) of section 420.503, Florida Statutes, 1986 Supplement, are amended to read:

420.503 Definitions.—As used in this part, the following words and terms have the following meanings unless the context indicates another or different meaning or intent:

(5) "Eligible persons" means one or more natural persons or a family, irrespective of race, creed, national origin, or sex, determined by the agency pursuant to a rule to be of low, moderate, or middle income. *Such determination shall not preclude any person or family earning up to 150 percent of the state or county median family income from participating in programs. Persons 65 years of age or older shall be defined as eligible persons regardless of income. In determining the income standards of eligible persons for its various programs, the agency may take into account the following factors, requiring such assistance as is made available pursuant to this part on account of insufficient personal or family income to afford decent, safe, and sanitary housing, taking into consideration such facts as:*

(a) *Requirements mandated by federal law.*

(b) *Variations in circumstances in the different areas of the state.*

(c) *Whether the determination is for rental housing or homeowner-ship purposes.*

(d) *The need for family size adjustments to accomplish the purposes set forth in this act.*

(a) ~~The amount of the total income and assets of such persons and families which is available for housing needs.~~

(b) ~~The size of the family.~~

(c) ~~The cost and condition of available housing facilities.~~

(d) ~~The ability of such persons and families to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing decent, safe, and sanitary housing.~~

(e) ~~If appropriate, those standards established for various federal programs determining eligibility based on income of such persons and families.~~

~~The personal or family income so determined by the agency may vary among different areas in the state, in accordance with the size of the family unit and according to whether the determination is for rental or homeownership purposes.~~

(12) "Project" means any work or improvement located or to be located in the state, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing for four or more families, *at least 60 percent of whom who are eligible persons, whether new construction, the acquisition of existing residential housing, or the remodeling, improvement, rehabilitation, or reconstruction of existing housing, together with such related nonhousing facilities as the agency determines to be necessary, convenient, or desirable.*

Section 3. Section 420.5099, Florida Statutes, is created to read:

420.5099 *Allocation of the low-income housing tax credit.*—

(1) *The Florida Housing Finance Agency is designated the housing credit agency for the state within the meaning of Section 42(h)(7)(A) of the Internal Revenue Code of 1986 and shall have the responsibility and*

authority to establish procedures necessary for proper allocation and distribution of low-income housing tax credits and shall exercise all powers necessary to administer the allocation of such credits.

(2) The agency shall adopt allocation procedures that will ensure the maximum use of available tax credits in order to encourage development of low-income housing in the state, taking into consideration the timeliness of the application, the location of the proposed housing project, the relative need in the area for low-income housing and the availability of such housing, the economic feasibility of the project, and the ability of the applicant to proceed to completion of the project in the calendar year for which the credit is sought.

(3) The agency may request such information from applicants as will enable it to make the allocations according to the guidelines set forth in subsection (2), including, but not limited to, the information required to be provided the agency by chapter 91-21, Florida Administrative Code.

(4) The executive director of the agency shall administer the allocation procedures and determine allocations on behalf of the agency. Any applicant disputing the amount of an allocation or the denial of a request for an allocation may request an appeal to the governing board of the agency.

Section 4. Subsections (6) and (7) of Section 159.603, Florida Statutes, are amended to read:

159.603 Definitions.—As used in this act: ~~part~~, the following words and terms have the following meanings unless the context indicates another or different meaning or intent.

(6) "Qualifying housing development" means any work or improvement located or to be located in the state, including real property, buildings, and any other real and personal property, designed or intended for the primary purpose of providing decent, safe, and sanitary residential housing for four or more families, at least 60 percent of whom are eligible persons, whether new construction, the acquisition of existing residential housing, or the remodeling, improvement, rehabilitation, or reconstruction of existing housing, together with such related nonhousing facilities as the Authority determines to be necessary, convenient, or desirable. ~~any housing development which a housing finance authority finds will assist in alleviating the shortage of housing in the area of operation of such authority.~~

(7) "Eligible persons" means one or more natural persons or families a family, irrespective of race, creed, national origin, or sex, determined by the housing finance authority by rule to be of low, moderate, or middle, or lesser income. ~~requiring such assistance as is made available pursuant to this act on account of insufficient personal or family income and taking into consideration such facts as:~~ Such determination does not preclude any person or family earning up to 150 percent of the state or county median family income from participating in programs. Persons 65 years of age or older shall be defined as eligible persons regardless of their incomes. In determining the income standards of eligible persons for its various programs, the housing finance authority may consider the following factors:

(a) ~~The amount of the total income of such persons and families available for housing needs. Requirements mandated by federal law.~~

(b) ~~The size of the family. Variations in circumstances in different areas of the state.~~

(c) ~~The cost and condition of available housing facilities. Whether the determination is for rental housing or homeownership purposes.~~

(d) ~~The ability of such persons and families to compete successfully in the normal, private housing market and to pay the amounts for which private enterprise is providing sanitary, decent, and safe housing. The need for family-size adjustments to accomplish the purposes set forth in this act.~~

(e) ~~If appropriate, the standards established for various federal programs determining eligibility based on income of such persons and families.~~

Section 5. Subsection (14) is added to section 420.509, Florida Statutes, 1986 Supplement, to read:

420.509 Bonds; purpose, terms, approval, limitations.—

(14) If the proceeds of an issue of revenue bonds the interest on which is not exempt from federal taxation are used to finance a project, 20 percent of the tenants of the project must have annual income under 80 percent of the state or county median income, whichever is higher.

Section 6. Section 420.607, Florida Statutes, 1986 Supplement, is amended to read:

420.607 Community-based organization loan program.—The department is authorized to develop and administer a revolving loan program to assist community-based organizations in developing housing affordable to very low-income, low-income, and moderate-income persons. The rate of interest on any loan made pursuant to this section shall be set by the department in an amount which is below the market rate and which is calculated to accomplish the purposes of this section.

(1) USES.—The program is established to assist community-based organizations in covering the following predevelopment expenses:

- (a) Options to purchase proposed housing units or sites;
- (b) Deposits on purchase contracts;
- (c) Payments for the purchase of development sites;
- (d) Legal and marketing expenses;
- (e) Fees for preliminary feasibility studies, planning, engineering and architectural work;
- (f) Application fees and other fees of financing agencies; and
- (g) Such other expenses, excluding administrative or operational expenses, as may be deemed appropriate by rule of the department.

(2) RESTRICTIONS.—Loans of up to \$5,000 per unit, with a maximum of \$100,000 per project, may be made to community-based organizations for the purposes described in subsection (1), provided that:

(a) The rate of interest on any loan made pursuant to this section shall be set by the department in an amount which is below the market rate and which is calculated to encourage the development of housing affordable to very low-income, low-income, and moderate-income persons.

(b) With respect to a project which uses financing under this section:

1. At least 60 percent of the units in the project shall be rented or sold to very low-income, low-income, and moderate-income persons; and

2. At least a specified number of units, representing that percentage of the units in the total project which is equivalent to the percentage of financing obtained under this section as compared to the cost of the total project, shall be rented or sold to very low-income and low-income persons. At least half of this specified number of units shall be rented or sold to very low-income persons. For rental properties, the specified rental mix must continue throughout the life of the loan. These units shall be in addition to any units which may be required to be rented or sold to such persons under the provisions of s. 420.605(3)(f)2.

(c) Loans must be repaid within 3 years from the date of the loan, except that, upon request of the loan recipient, and with concurrence of the secretary, the loan may be extended for a maximum of 2 additional years.

(d) Community-based organizations shall demonstrate preliminary feasibility of a proposed project to provide housing affordable to very low-income, low-income, and moderate-income persons.

(e) With respect to any loan obtained under this section resulting in the development of housing affordable to very low-income persons, for each housing unit actually occupied by very low-income persons, 50 percent of that portion of the loan represented by that unit may be forgiven and the remaining 50 percent shall be paid back as a 0-percent loan with a 3-year term.

(f) The benefits of making loans under this section shall be provided to the very low-income, low-income, and moderate-income persons occupying the housing units with respect to which the predevelopment costs were incurred.

(g) The recipient of any loan made pursuant to this section shall not:

1. Discriminate on the basis of race, creed, religion, color, age, sex, marital status, national origin, or handicap in the lease, use, or occupancy of any housing project financed hereunder, or in connection with the employment or application for employment of persons for the operation and management of such housing project.

2. Refuse or deny occupancy in any housing unit benefiting from a loan made hereunder to any person whose family includes minor dependents who will occupy such housing unit, unless such refusal is based upon factors not related to the presence of such minors in the family.

(h) *The recipient of any loan made pursuant to this section shall provide for reasonable security to ensure the repayment of the loan within the term specified. Reasonable security shall be a promissory note secured by:*

1. *A mortgage from the recipient on the property to be purchased, improved, or purchased and improved from the proceeds of the loan made pursuant to this section; or*

2. *Other forms of collateral acceptable to the secretary.*

(3) **APPLICATION PROCEDURE.**—The department shall select loan recipients in accordance with application procedures established pursuant to s. 420.604(6).

(4) **DEFAULT.**—*In the event of default on a loan, the secretary is empowered on behalf of the state to foreclose on any mortgage or security interest or commence any legal action to protect the interest of the state and recover the amount of the unpaid principal, accrued interest, and fees on behalf of the fund.*

(5) **FAILURE TO DEVELOP LAND.**—

(a) *The secretary is authorized to take appropriate legal action to transfer title of the land to the state when:*

1. *A loan recipient does not cause the land to be developed for housing for very low-income, low-income, or moderate-income persons and families within 3 years from the execution of the loan agreement, or, if the secretary has extended the term of the loan, within the period of time for which the loan has been extended.*

2. *It is jointly determined by the secretary and the loan recipient that, because of a change in the characteristics of the parcel acquired or because of a change in federal, state, or local programs, it is not possible for the land to be developed for housing for very low-income, low-income, or moderate-income persons.*

(b) *All land so acquired shall be administered by the secretary in accordance with the provisions of subsection (6).*

(6) **DISPOSITION OF PROPERTY ACCRUING TO THE STATE.**—*When, because of the effects of this section, title to land is acquired by the state to be administered by the secretary, the following provisions shall apply:*

(a) *Subject to the approval of the Board of Trustees of the Internal Improvement Trust Fund, and pursuant to rules promulgated by the secretary and approved by such trustees, the secretary is empowered to make land so acquired available to eligible developers for the provision of housing for very low-income, low-income, or moderate-income persons, and, in such cases, the conveyance procedures for state lands as provided in chapters 253 and 270 shall not apply.*

(b) *When the secretary determines that it is not possible for the land to be developed for housing for very low-income, low-income, or moderate-income persons, the land shall be sold in accordance with the conveyance procedures for state lands as provided in chapters 253 and 270, with all net proceeds to be deposited to the fund.*

(7)(4) **POWERS.**—The department may do all acts necessary or appropriate to carry out the purposes of this section, including exercising the power to:

(a) Enter into contracts and agreements with the Federal Government or with other agencies of the state, with local governments, or with any other person, association, corporation, or entity;

(b) Seek and accept funding from any public or private source;

(c) Require persons to affirm the truth of statements made in any application for a loan under this section or in any contract documents submitted to the department; and

(d) Adopt and enforce rules consistent with this section.

Section 7. *Section 420.5097, Florida Statutes, created as section 420.5095, Florida Statutes, by chapters 84-274 and 84-344, Laws of Florida, is hereby repealed.*

Section 8. Paragraph (b) of subsection (4) of section 420.405, Florida Statutes, is amended to read:

420.405 Grants and loans authorized; activities eligible for support.—

(4) In addition to any terms or conditions which the secretary may require, each housing assistance loan agreement shall include:

(b) Provision for a schedule for the repayment of principal and interest with a term not to exceed 3 years. However, the secretary is authorized to extend the term of a loan:

1. For an additional period not to exceed 2 years, and

2. For ~~another any~~ additional period or periods ~~not to exceed 1 year~~ if he finds that extraordinary circumstances exist and such extension would not substantially jeopardize the department's security interest.

WHEREAS, it has been estimated that, on any single night in Florida, there are more than 10,000 homeless men, women, and children who need shelter, food, and other services, and

WHEREAS, in recent years, economic dislocation, lack of low-cost housing, and domestic violence have resulted in large numbers of women and children joining the homeless population, and

WHEREAS, the homeless in Florida have traditionally been served primarily by the religious and voluntary private sector, and

WHEREAS, the demand for services by homeless people has outstripped the capacity of the voluntary sector to adequately meet the need without additional resources, and

WHEREAS, the Legislature recognizes that homelessness is a complex problem with a variety of deep-rooted and troublesome causes, and that homelessness has profound social, mental health, and health impacts on individuals and society, and

WHEREAS, there is a demonstrated need for the State of Florida to develop programs specifically directed to alleviating the problems of homelessness, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 9. Section 420.621, Florida Statutes, is created to read:

420.621 **Definitions.**—*As used in ss. 420.621-420.627, the following terms shall have the following meanings, unless the context otherwise requires:*

(1) *"AFDC" means Aid to Families with Dependent Children as administered under chapter 409.*

(2) *"Department" means the Department of Health and Rehabilitative Services.*

(3) *"District" means a service district of the Department of Health and Rehabilitative Services, as set forth in s. 20.19(5).*

(4) *"Homeless" means having a nighttime residence:*

(a) *In a public or private emergency shelter, such as an armory, school, church, government building, or where a temporary voucher is provided by a public or private agency, in a hotel, apartment, or boarding home.*

(b) *On the streets or under a bridge or aqueduct, in a park, subway, bus terminal, railroad station, airport, abandoned building, or vehicle, or in any other public or private space that is not designed for shelter.*

(5) *"Local coalition for the homeless" means a coalition established pursuant to s. 420.623.*

(6) *"New and temporary homeless" means those individuals or families who are homeless due to external factors, such as unemployment or other loss of income, personal or family-life crises, or the shortage of low-income housing.*

(7) "Secretary" means the Secretary of Health and Rehabilitative Services.

Section 10. Section 420.623, Florida Statutes, is created to read:

420.623 Local coalitions for the homeless.—

(1) **ESTABLISHMENT.**—The department shall establish in each of its service districts one or more local coalitions to plan, network, coordinate, and oversee the delivery of services to the homeless in that district. Appropriate local groups and organizations involved in providing services for the homeless shall be given an opportunity to participate in such coalitions, including, but not limited to:

- (a) Community mental health centers.
- (b) County public health units.
- (c) Organizations and agencies providing food, shelter, or other services targeted to the homeless.
- (d) Local law enforcement agencies.
- (e) Local offices of the Department of Labor and Employment Security.
- (f) County and municipal governments.
- (g) Local housing authorities.

(2) **FUNCTIONS OF LOCAL COALITIONS.**—Major functions of the local coalitions shall be to:

- (a) Discuss local issues related to homelessness and the needs of the homeless.
- (b) Inventory all local resources for the homeless, including, but not limited to, food assistance, clothing, emergency shelter, low-cost housing, emergency medical care, counseling, training, and employment.
- (c) Review and assess all services and programs in support of the homeless and identify unmet needs of the homeless.
- (d) Plan for the delivery of multiagency services for the homeless to eliminate duplication of services and to maximize the use of limited existing resources for the homeless.
- (e) Develop new programs and services to fill critical service gaps, if necessary, through reallocation of existing resources for the homeless.
- (f) Develop a community resource directory of services available to the homeless, for use by agencies, volunteers, information and referral systems, and homeless persons.
- (g) Develop public education and outreach initiatives to make homeless persons aware of the services available to them through community agencies and organizations.
- (h) Identify and explore new approaches to shelter care for the homeless, such as the use of vacant publicly owned buildings, vacant beds in adult congregate living facilities, and vacant beds in foster homes, as resources for emergency shelter care for homeless persons.
- (i) Monitor and evaluate local homeless initiatives to assess their impact, to determine the adequacy of services available through such initiatives, and to identify additional unmet needs of homeless persons.
- (j) Collect and compile information relating to the homeless population served and regularly report such information to the department.
- (k) Develop an annual local plan of action which shall include:
 1. The description, documentation, and priority ranking of local needs related to the problems of homelessness.
 2. A plan outlining steps to be taken in meeting identified needs.
 3. Spending plans pursuant to the grant-in-aid program created under s. 420.625.

(3) **DEPARTMENT GUIDELINES.**—The department shall develop guidelines for coalition activities and for development of local plans of action and spending plans.

Section 11. Section 420.625, Florida Statutes, is created to read:

420.625 Grant-in-aid program.—

(1) **LEGISLATIVE FINDINGS AND INTENT.**—The Legislature hereby finds and declares that most services for the homeless have been provided by local communities through voluntary private agencies and religious organizations and that the growing numbers and increasing needs of the homeless have generally outstripped the capabilities of such local agencies to adequately respond to the problems of the homeless in Florida. The Legislature further recognizes that the level of need and types of problems associated with homelessness may vary widely from community to community, due to the diversity and geographic distribution of the homeless population and the resulting differing needs of particular communities. While the need of all homeless and displaced persons for services is recognized, it is the legislative intent that, in awarding financial assistance to local agencies under this section, preference be given to those agencies offering services targeted for the new and temporary homeless.

(2) **PURPOSE.**—The principal objective of this program is to provide needed assistance to local agencies to enable them to:

- (a) Assist persons in their communities who have become, or are about to become, homeless; and
- (b) Where possible, restore the homeless living in their communities to suitable living conditions and self-sufficiency as quickly as possible.

(3) **ESTABLISHMENT.**—There is hereby established a grant-in-aid program to help local communities in serving the needs of the homeless through a variety of supportive services, which may include, but are not limited to:

- (a) Public education and outreach programs.
- (b) Information and referral services, including state and local telephone hotlines and local emergency shelter location and housing location services.
- (c) Case management services.
- (d) Emergency financial assistance for persons who are totally without shelter or facing loss of shelter, but who are not eligible for such assistance under s. 420.627.
- (e) Emergency and temporary shelter programs.
- (f) Temporary rent and income supplements.
- (g) Job counseling and assistance programs, including temporary day care services, for persons seeking employment.
- (h) Meals programs.
- (i) Services coordination.

(4) **ALLOCATION OF GRANT FUNDS TO DISTRICTS.**—State grant-in-aid funds for local homeless initiatives shall be allocated by the department to, and administered by, department districts. Allocations shall be based upon sufficient documentation of:

- (a) The magnitude of the homelessness problem in the district, and the demonstrated level of unmet need for services in the district for those who are homeless or are about to become homeless.
- (b) A strong local commitment to seriously address the problem of homelessness and the existence of active local organizations committed to serving those who have become, or are about to become, homeless.
- (c) Agreement by local government and private agencies currently serving the homeless not to reduce current expenditures for services presently provided to those who are homeless or are about to become homeless if grant assistance is provided pursuant to this section.
- (d) Geographic distribution of district programs to ensure that such programs serve both rural and urban areas, as needed.

(5) **DISTRIBUTION TO LOCAL AGENCIES.**—District funds so allocated shall be available for distribution by the district administrator to local agencies to fund programs such as those set forth in subsection (3), based upon the recommendations of the local coalitions established pursuant to s. 420.623, and in accordance with spending plans developed by the coalitions and approved by the district administrator. Not more than 10 percent of the total state funds awarded under a spending plan may be used by the local coalition for staffing and administration. The department shall develop guidelines for the development of such

spending plans and for the evaluation and approval of such plans as provided in subsection (6). Spending plans shall be submitted to the district administrator and reviewed for compliance with department guidelines.

(6) **EVALUATION OF SPENDING PLANS.**—The department shall develop guidelines for the evaluation by district administrators of spending plans, based upon such factors as:

(a) The demonstrated level of need for the program.

(b) The demonstrated ability of the local agency or agencies seeking assistance to deliver the services and to assure that identified needs will be met.

(c) The adequacy and reasonableness of proposed budgets and planned expenditures, and the demonstrated capacity of the local agency or agencies to administer the funds sought.

(d) A statement from the local coalition for the homeless as to the steps to be taken to assure coordination and integration of services in the district to avoid unnecessary duplication and costs.

(e) Assurances by the local coalition for the homeless that alternative funding strategies for meeting needs through the reallocation of existing resources, utilization of volunteers, and local government or private agency funding have been explored.

(f) The existence of an evaluation component designed to measure program outcomes and determine the overall effectiveness of the local programs for the homeless for which funding is sought.

(7) **LOCAL MATCHING FUNDS.**—Entities contracting to provide services through financial assistance obtained under this section shall provide a minimum of 25 percent of the funding necessary for the support of project operations. In-kind contributions, whether materials, commodities, transportation, office space, other types of facilities, or personal services, and contributions of money or services from homeless persons may be evaluated and counted as part or all of this required local funding, in the discretion of the district administrator.

Section 12. Section 420.627, Florida Statutes, is created to read:

420.627 *Emergency financial assistance program.*—

(1) **LEGISLATIVE FINDINGS.**—The Legislature hereby finds and declares that:

(a) Far too often, the homeless cycle begins with a family breakdown following a financial crisis—fathers or mothers desert or neglect their children because they cannot cope with their social and economic burdens; and teenagers quit school and leave home to drift into uncertain, often homeless, futures—resulting in growing numbers of new and temporary homeless.

(b) In Florida, there is no short-term emergency financial assistance program for needy families in immediate economic crisis. Because AFDC payments do not begin for 30 to 45 days after application for benefits, and because these benefits do not extend to families with both parents in the home, emergency financial assistance is needed to prevent severe family hardship, including homelessness, through early intervention to ameliorate the economic crisis.

(c) Numerous studies have shown that such short-term emergency financial assistance can often prevent long-term problems, including family disintegration and homelessness. Recognizing this, the Federal Government, in the Temporary Emergency Financial Assistance Program under Title IV of the United States Social Security Act, provides for reimbursement of states for up to one-half the cost of emergency assistance to needy families with children.

(d) It is incumbent upon the State of Florida to take advantage of this federal assistance to attempt to prevent family displacement, severe family hardship, and homelessness through early intervention, thereby avoiding longer-term problems which could be more costly to the state.

(2) **DEFINITION.**—For purposes of this section, the term "family in an emergency situation" means a family which is totally without shelter or which faces the loss of shelter due to any of the following:

(a) Nonpayment of rent or mortgage which resulted in eviction or legal notice of impending eviction;

(b) Household disaster, such as fire, flood, earthquake, or other accident, which renders the home uninhabitable; or

(c) Such other emergency situations as may be defined by rule of the department, subject to federal guidelines.

(3) **ESTABLISHMENT OF PROGRAM.**—The department is authorized to establish, subject to federal approval and financial participation, an emergency financial assistance program for families in an emergency situation. The department shall promulgate rules to implement said program in accordance with the guidelines established herein.

(4) **CRITERIA.**—The department shall develop criteria for implementation of the program in accordance with the following guidelines:

(a) Assistance under this program shall be limited to families with at least one child under the age of 18 who lives with one or both parents, with a relative or guardian, or in a foster home if the child would have been eligible for AFDC in the 6 months prior to entry into the foster home.

(b) The family shall have an intent to remain in Florida or shall be in this state for employment purposes.

(c) The family may not have liquid assets which could be made available to meet the emergency.

(d) Assistance under this program shall be limited to no more than 30 consecutive calendar days in any 12-month period for the same family.

(e) Assistance shall be in the form of a two-party payment and shall be limited to the amount of 1 month's rent, mortgage payment, or cost for emergency housing, and related expenses as defined by rule of the department. The amount of such payment shall be based upon demonstrated need, but may not exceed a maximum established by the Legislature.

(f) The family's adjusted gross income may not exceed the prevailing AFDC Consolidated Need Standard for the family's size.

(g) Loss of income may not be the result of a strike or the result of voluntary termination of employment, unless good cause can be shown for such voluntary termination.

(5) **ADMINISTRATION OF PROGRAM.**—

(a) In order to ensure that emergency assistance will be expeditiously provided to eligible families in an emergency situation, this program shall be administered at the district level in accordance with department criteria developed pursuant to subsection (4). All determinations as to eligibility and distribution of emergency assistance payments shall be made by the district offices and moneys disbursed under this program shall be disbursed through the district revolving funds.

(b) Pending federal approval, the department is encouraged to contract with county governments for administration of this program in accordance with the provisions of this section.

Section 13. Section 409.2351, Florida Statutes, is created to read:

409.2351 *Short-term emergency financial assistance for housing.*—In order to prevent family displacement, breakdown, or hardship due to homelessness, or the immediate threat thereof, the department is authorized to provide short-term emergency financial assistance to families in an emergency situation as defined in and pursuant to the provisions of s. 420.627.

Section 14. Section 420.623, Florida Statutes is repealed on October 1, 1997, and shall be reviewed by the Legislature pursuant to s. 11.6ll, Florida Statutes.

Section 15. Part VIII of chapter 420, Florida Statutes, consisting of sections 420.801, 420.802, 420.803, 420.804, 420.805, 420.806, 420.807, 420.808, and 420.809, is created to read:

PART VIII POCKET OF POVERTY PROGRAM

420.801 *Short title.*—Sections 420.801–420.809 may be cited as the "Pocket of Poverty Program."

420.802 *Legislative findings.*—In addition to the findings and declarations in ss 420.401, 420.502, 420.6015, 420.604, 420.608, 421.02, 422.02, 423.01, and 424.02, which are hereby reaffirmed, it is found by the Legislature that:

(1) *The availability of safe, decent, sanitary, and affordable housing in many communities in this state is severely limited.*

(2) *This serious shortage of housing in these communities has contributed to overcrowded living conditions which constitute a menace to the health, safety, and welfare of farmworkers in this state.*

(3) *A large number of housing units in these communities lack complete interior plumbing, running water, and sufficient heat. Housing conditions in these economically distressed or declining areas are frequently substandard and are often unaffordable to farmworkers.*

(4) *Establishing and aggressively enforcing a minimum housing code in these communities will eliminate unsafe and often uninhabitable dwelling units but such forceful code enforcement may result in a reduction in the quantity of available shelter, unless rehabilitation and replacement efforts are undertaken.*

(5) *A disproportionately high percentage of farmworkers lives below the federal poverty level thereby reducing the ability to acquire decent, safe, and sanitary housing without federal, state, or local assistance.*

420.803 *Purpose.*—The purpose of ss. 420.801-420.809 is to establish a pilot "pocket of poverty" program in the communities of Belle Glade and Immokalee. State funds shall be expended in these communities to stimulate a cooperative relationship and effort between local public bodies, the local industry, community-based organizations, nonprofit corporations, and private landowners in the rehabilitation, replacement, and construction of low-cost housing.

420.804 *Definitions.*—As used in this part, the following words and terms have the following meanings unless the context indicates another or different meaning or intent:

(1) "Agriculture industry" means any firm, association, business entity, employer, or corporation engaged, directly or indirectly, with farming operations which are normal and customary for the area, such as clearing, soil preparation, plowing, planting, harvesting, and packaging resulting in the production of agricultural goods.

(2) "Application" means a written request for a housing assistance grant to rehabilitate or construct farmworker housing.

(3) "Community-based organization" or "nonprofit organization" means a private corporation organized under chapter 617 to assist in the provision of housing or related services on a not-for-profit basis.

(4) "Department" means the Department of Community Affairs.

(5) "Farmworker" means any laborer who is employed in the planting, cultivating, harvesting, or processing of agricultural crops and who derives at least 50 percent of his income in the immediately preceding 12 months from such employment. "Farmworker" shall also include a person who has retired as a laborer due to age, disability, or illness. In order to be considered retired as a farmworker due to age under this part, a person must be 50 years of age or older and must be employed for a minimum of 5 years as a farmworker prior to retirement. In order to be considered retired as a farmworker due to disability or illness, it must be medically established that a person is unable to be employed as a farmworker due to disability or illness and had previously met the definition of a farmworker.

(6) "Farmworker housing" includes multi-family and single-family dwelling units and structures and facilities that are deemed necessary for such housing.

(7) "Housing assistance grant" means grant assistance by the state, from funds appropriated for this part, to be used by local public bodies or nonprofit organizations which seek to provide farmworker housing, such funds to be expended only for the purposes authorized in s. 420.806.

(8) "Fund" means the Pocket of Poverty Trust Fund as created in this part.

(9) "Local public body" means any county, municipality, or housing authority as provided in chapter 421, eligible to develop housing for citizens within its jurisdiction.

(10) "Pocket of poverty" means an area within a county composed of contiguous census tracts where 40 percent of the residents are at or below the federal poverty level and where the median income for the

surrounding county exceeds the median income for the state as defined by the United States Department of Housing and Urban Development.

(11) "Project" means a specific work or improvement, including land, buildings, improvements, real and personal property, or any interest therein, acquired, owned, constructed, reconstructed, rehabilitated, or improved with the financial assistance of the state, intended for the construction of low-cost farmworker housing.

(12) "Sponsor" or "eligible sponsor" means a county commission or agency thereof; a municipal council or commission or agency thereof; a housing authority as provided by chapter 421; or a nonprofit organization chartered in the state under chapter 617, which makes application for a housing assistance grant.

(13) "Fiscal agent" means the board of county commissioners.

420.805 *Pocket of Poverty Trust Fund.*—There is established in the State Treasury a separate trust fund to be named the Pocket of Poverty Trust Fund, to be administered by the Department of Community Affairs, for the provision of low-cost housing in the communities of Belle Glade and Immokalee. To this fund shall be credited all moneys appropriated by the Legislature, and other fees and charges accruing to the fund under this part. The funds shall be administered by the department according to the provisions of this part.

420.806 *Pocket of Poverty Program.*—

(1) **LEGISLATIVE FINDINGS AND INTENT.**—In addition to the legislative findings set forth in s. 420.802, the Legislature finds that low-cost housing in these communities is most effectively provided by combining available public and private resources and stimulating cooperative efforts between local public bodies, the local industry, community-based organizations, and private landowners. It is the intent of the Legislature to encourage such combinations in order to demonstrate the benefits that may be afforded through the cooperation of the public and private sectors.

(2) **PROGRAM CREATION; ADMINISTRATION.**—There is created the pocket of poverty program, to be administered by the Department of Community Affairs. This special program is created as a 2-year pilot program to encourage the construction and rehabilitation of low-cost housing units in the communities of Belle Glade and Immokalee. The department shall work with local governments, community-based organizations, and others interested in the development of local strategies, to facilitate the provisions of this part.

(3) **PILOT COMMUNITIES.**—The City of Belle Glade and the community of Immokalee shall be designated as the pockets of poverty for purposes of this part.

(a) The area within the limits of the City of Belle Glade shall serve as a legal description; and

(b) The boundary lines of Immokalee are as follows: the South ½ of Section 25 and all of Section 36 in Township 46 South, Range 28 East, the South ½ of Sections 26, 27, 28, 29, and 30 and all of Sections 31, 32, 33, 34, 35 in Township 46 South, Range 29 East, and all of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 in Township 47 South, Range 29 East.

(4) **LOCAL COMPREHENSIVE FARMWORKER HOUSING PLAN.**—

(a) As soon as possible after the effective date of this part, the board of county commissioners, in direct consultation with the chief elected official of the local governing body in each pilot community, shall appoint a review committee for the purpose of preparing a local comprehensive farmworker housing plan. The review committee shall consist of nine members with the majority representing the pilot community. The members of the review committee shall include representation from the local public body, the board of county commissioners, the local industry, farmworkers, community-based organizations, bankers, developers, contractors, and others interested in establishing low-cost housing in the community.

(b) The local comprehensive farmworker housing plan shall represent the community's commitment to meeting its housing needs and shall include the following components:

1. Statement of farmworker housing needs;
2. Housing goals and objectives;

3. Existence of federal, state, local, or private housing assistance;
4. Method and authority of existing housing, building, and zoning code enforcement;
5. Plans for site improvement of available land;
6. Financing incentives for rehabilitation, replacement, and construction of housing;
7. Local commitment to expanding housing stock;
8. Cost estimates for implementing plan;
9. Identity of eligible sponsors as defined in s. 420.804; and
10. Maintenance of housing developments.

(c) There shall be written assurances from the appropriate units of local government that there will be no decrease in the current level of local funding and services to the identified pocket of poverty.

(d) It is the legislative intent that the review committee coordinate efforts with the local government comprehensive planning committee to ensure that the housing elements addressed in the plans are consistent with the goals and policies established.

(5) REVIEW OF PLANS.—By October 1, 1987, the local comprehensive farmworker housing plan shall be submitted to the department for review as to its applicability in meeting the housing needs of the community. Once the plan has been approved, the department shall notify the review committee of such approval.

(6) APPLICATION PROCEDURE.—

(a) The review committee shall develop an application form for use by each eligible sponsor. The form shall require at least the following information:

1. A description of the project citing the number of units, units size, proposed cost per unit;
2. The proposed sources of federal, state, or local governmental or private funding available for permanent financing and approximate percentage of such funds to be applied to the estimated final project cost;
3. A description of the proposed site and its purchase price;
4. A certificate of good standing from the Secretary of State evidencing good standing of the non-profit corporation;
5. A map indicating the location of the proposed development in relation to shopping centers, schools, recreation, transportation, and other facilities and services;
6. A written statement of the site's useability including information on zoning, access, availability of utilities and a description of adjoining property;
7. The projected timetable for completion of the project;
8. A property management program which shall include a provision for periodic inspection of multi-family projects; and
9. The projected amount of administrative expenses.

(b) Eligible sponsors shall submit an application for a housing assistance grant to the review committee. The review committee shall approve applications which best meet the demands for providing low-cost housing as established in the local comprehensive farmworker housing plan and which provide evidence of the sponsor's capability to carry out the project and evidence of a sound financial plan for the project. Special consideration shall be given to those eligible sponsors leveraging the greatest percentage of non-state dollars.

(c) A housing assistance grant shall be awarded for no more than 80 percent of the total cost of the project. No more than 10 percent of the amount of the grant shall be expended by the sponsors for administrative costs.

(d) The approved application shall be submitted to the department and funds equal to the amount approved by the review committee for the housing assistance grant shall be disbursed to the fiscal agent as defined pursuant to s. 420.804(13) within 21 days of receipt of the approved application.

(e) Prior to disbursement of funds to the sponsors, the fiscal agent shall execute a grant agreement with the sponsors detailing the terms and conditions of the housing assistance grant. Said agreement shall specify the timetable for completion of the project and the stages for disbursement of funds. An accountability provision shall be included in the grant agreement.

(f) The fiscal agent shall disburse funds to the sponsors in accordance with the project timetable as outlined in the application. The first payment to the sponsors shall be made by the fiscal agent within 21 days of receipt of the funds.

(7) ACCOUNTABILITY.—

(a) Every three months from receipt of the first payment and until completion of the project, the sponsors shall submit a progress report to the fiscal agent and review committee. It shall be the responsibility of the review committee to monitor the status of the project and advise the fiscal agent of any serious deviation from the grant agreement.

(b) Upon recommendation of a majority of the members of the review committee that a serious deviation exists, the fiscal agent shall withhold disbursement of funds until the sponsors can demonstrate to the satisfaction of the review committee that they are complying with the terms of the grant agreement.

(c) If such a recommendation is made and funds are withheld, the sponsors shall be entitled to appeal the recommendation. Such appeal shall be made to the fiscal agent who shall have final authority in determining the disbursement of funds.

420.807 Farmworker Housing Task Force; membership; duties.—

(1) There is hereby created the Farmworker Housing Task Force to be composed of 19 members, including the Secretary of the Department of Community Affairs, or his designee, and the Executive Director of the Governor's Office of Migrant Labor, or his designee, both of whom shall serve as ex officio voting members of the task force. The board of county commissioners shall appoint a representative from each of the pilot pocket of poverty communities to serve as a voting member. The following additional members shall be appointed, 5 each by the Governor, the President of the Senate, and the Speaker of the House of Representatives:

(a) One farmworker or former farmworker affiliated with a community-based organization shall be appointed by each of the appointing officials;

(b) One developer of low-cost housing shall be appointed by each of the appointing officials;

(c) One agriculture industry representative shall be appointed by each of the appointing officials;

(d) One individual with financial expertise in the development of low-cost housing shall be appointed by each of the appointing officials; and

(e) One individual affiliated with a community-based organization involved in the development of low-cost housing shall be appointed by each of the appointing officials.

(2) The chairman of the task force shall be appointed by the Governor.

(3) The members of the task force shall serve without compensation, but shall be reimbursed for all necessary expenses in the performance of their duties, including travel expenses, in accordance with s. 112.061. In addition, the farmworker representatives shall receive an honorarium in an amount to be determined by the department.

(4) The task force shall be appointed no later than August 1, 1987, and shall continue in existence until its duties are concluded but no later than June 30, 1989.

(5) The department shall supply such information, assistance, and facilities as are deemed necessary for this task force to carry out its duties under this section and shall provide such staff assistance as is necessary for the performance of required clerical and administrative functions of the task force.

(6) The task force shall analyze those solutions and programs which could begin to address the state's need for assisting those communities in providing low-cost housing, including programs or proposals which provide for:

- (a) Use of publicly owned lands and buildings as farmworker housing sites;
- (b) Streamlining of the various state, regional, and local regulations and building codes governing the housing industry;
- (c) Offering of low-interest and zero-interest loans for the development and rehabilitation of housing;
- (d) Stimulation of public and private cooperative housing efforts;
- (e) Implementation or expansion of the pilot programs authorized in this part;
- (f) Discovery and assessment of sources of funding for low-cost housing construction and rehabilitation; and
- (g) Development of such other solutions and programs as the task force deems appropriate.

In performing its analysis, the task force shall consider both homeownership and rental housing as viable options for the provision of farmworker housing.

(7) The task force shall prepare and submit to the Governor, the President of the Senate, and Speaker of the House of Representatives:

- (a) By March 1, 1988, an interim report describing its progress; and
- (b) By December 31, 1988, a final report detailing its findings and making specific program, legislative, and funding recommendations it deems appropriate.

420.808 Legislative findings.—The Legislature finds that:

- (1) Farmworker communities have limited resources and are therefore unable to produce accurate demographic information.
- (2) There is still a large segment of the farmworker population uncounted, a situation that should be helped by the present amnesty for illegal aliens; however, for accurate demographics, a comprehensive census is needed.
- (3) Because of a lack of regular housing code enforcement in these communities, there is a need for a comprehensive survey to determine housing conditions.
- (4) A comprehensive system of industry projections is necessary to determine future farm labor housing needs for each community.

420.809 Demographic study.—The State University System shall conduct a demographic study of all farmworkers in the state. The study shall be submitted to the Legislature no later than 1 year from the effective date of this part. The following information shall be obtained:

- (1) A demographic profile of the farmworker population in the county.
- (2) A survey of the agriculture industry to determine the current labor force and the projected labor needs to support the projected agricultural growth in the county.
- (3) An identification of the housing conditions of the existing housing stock and project housing needs based on the future labor requirements.

Section 16. This act shall take effect July 1, 1987, or upon becoming a law.

Amendment 2—On page 1, in the title, lines 2-9, strike all of said lines and insert: An act relating to housing; amending s. 760.22, F.S.; expanding the definition of "handicap" for purposes of the protections against discrimination provided by the state Fair Housing Act, to include mental retardation and developmental disability; amending s. 420.503, F.S., relating to the Florida Housing Finance Agency; modifying definitions of "eligible persons" and "project"; creating s. 420.5099, F.S., designating said agency as the state housing credit agency with responsibility for allocation of federal low-income housing tax credits; amending ss. 159.603(6), 159.603(7), F.S., relating to housing finance authorities; amending s. 420.509, F.S., providing income targeting for the use of taxable bond proceeds; amending s. 420.607, F.S., specifying security requirements applicable to recipients of loans under the community-based organization loan program for developing affordable housing; providing for foreclosure or other action upon default on a loan; providing

for transfer of title to the state of land which is not developed for housing; providing for disposition of such property; repealing s. 420.5097, F.S., relating to certain limited federally tax-subsidized instruments providing allocations for housing finance; amending s. 420.405, F.S., providing for additional extension of time for loan repayment; creating s. 420.621, F.S.; providing definitions; creating s. 420.623, F.S.; providing for establishment of local coalitions for delivery of services to the homeless; providing functions; providing for development of guidelines by the Department of Health and Rehabilitative Services; creating s. 420.625, F.S.; providing legislative findings and intent; providing purpose; providing for establishment of a grant-in-aid program to help local communities serve the homeless; providing for allocation of grant funds to department districts; providing for distribution of funds to local agencies; providing for evaluation of spending plans; providing for local matching funds; creating s. 420.627, F.S.; providing legislative findings; providing a definition; providing for establishment of an emergency financial assistance program for needy families; providing for development of criteria; providing for administration of program; creating s. 409.2351, F.S.; providing for short-term emergency financial assistance for housing; providing for review and repeal; creating part VIII of chapter 420, F.S.; entitling part VIII as the "Pocket of Poverty Program"; providing legislative findings; providing purpose; providing definitions; creating the Pocket of Poverty Trust Fund; providing for the pocket of poverty program; providing legislative findings and intent, program creation and administration, pilot communities, local comprehensive housing plan, review of plans, application procedure and accountability; creating the Farmworker Housing Task Force; providing for membership and duties; providing for legislative findings; providing for a demographic study; providing an effective date.

Senator Margolis moved the following amendments to House Amendment 1 which were adopted:

Amendment 1—On page 2, line 31, and on page 3, line 1, strike all of said lines and insert: families who are eligible persons, whether new construction, the acquisition of existing

Amendment 2—On page 11, lines 17-30, and on page 12, lines 1-10, strike all of said lines

Amendment 3—On page 34, line 30, after "law" insert: , whichever occurs later

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

Amendment 1—In title, on page 2, line 3, after the semicolon (;), through page 3, strike all of said lines and insert: providing an effective date.

On motions by Senator Margolis, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

CS for SB 683 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 762 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 762—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 ninth judicial circuit shall reside in Osceola County; providing that upon the

occurrence of a vacancy within the ninth judicial circuit the judge appointed to fill the vacancy shall reside in Osceola County; providing an effective date.

Amendment 1—On page 1, strike all of lines 19-26 and insert:

Section 2. This act shall take effect upon the filling of the next vacancy within the ninth judicial circuit.

Amendment 2—On page 1, line 16, strike "(a)"

Amendment 3—In the title, on page 1, strike all all of lines 5-8 and insert: reside in Osceola County;

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

Amendment 1—On page 1, line 3, strike "filling" and insert: occurrence

On motions by Senator Peterson, the Senate concurred in House Amendment 1 as amended and in House Amendments 2 and 3, and the House was requested to concur in the Senate amendment to the House amendment.

SB 762 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Beard

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 234 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 234—A bill to be entitled An act relating to public health; creating s. 381.6015, F.S.; entitling persons to donate their own blood or that of specific donors or family members for self-derived and directed-donor blood programs; providing parameters for the use of directed donor blood; providing an effective date.

Amendment 1—On page 1, line 25, strike the period (.) and insert: *at the time of a planned medical need.*

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

CS for SB 234 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—38

Mr. President	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	Stuart	Weinstock
McPherson	Plummer	Thomas	Woodson
Meek	Ros-Lehtinen	Thurman	
Myers	Scott	Weinstein	

Nays—None

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 112, 295, 568, 585, 621, 1029, CS for SB 631, SB 812, CS for SB 941, CS for SB 1075, CS for SB 1161, CS for SB 1132, SB 1173 and CS for SB 1218.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 1 and passed CS for SB 401, as amended.

John B. Phelps, Clerk

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

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed CS for HB 274 and CS for HB 170, as amended.

John B. Phelps, Clerk

Reconsideration

On motion by Senator Hill, 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.

—as amended passed May 29.

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 Substitute Amendments 2 and 4 were adopted. By permission, Substitute Amendments 2 and 4 were withdrawn.

Amendments 1 and 3, by the Committee on Transportation, failed.

Senator Hill moved the following amendment which was adopted:

Amendment 5—On page 1, strike lines 27 and 28 and insert:

(3) Any person holding the position of resident engineer of construction on July 1, 1988 or senior maintenance engineer of a

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—36

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

Nays—None

Vote after roll call:

Yea—Jennings

Senator W. D. Childers presiding

LOCAL CALENDAR

Consideration of HB 367 was deferred.

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

—was read the second time by title. On motion by Senator Hair, by two-thirds vote HB 484 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 500 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 666 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 667 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 668 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

HB 669—A bill to be entitled An act relating to Manatee County; providing for the repeal of chapter 61-2447, Laws of Florida, which is an act providing for the regulation of building construction, erection, alteration, repair, removal, demolition, use, occupancy and condemnation of buildings, structures, or premises in all areas of Manatee County, lying therein, providing for the creation and adoption or amendment of a building code, providing a procedure therefor and providing for rules and regulations governing the safe construction, erection, alteration, repair, removal,

demolition, use, occupancy and condemnation of buildings, structures or premises, in the territory affected, prescribing the rights, authority and duty of the board of county commissioners of said county in relation thereto, and providing for the adoption or amendment of a building code by any municipality in Manatee County; providing an effective date.

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 669 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 670 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 671 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 672 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

HB 677—A bill to be entitled An act relating to Hillsborough County; amending sections 2, 3, 13, 16, and 19 of chapter 84-446, Laws of Florida, relating to the Hillsborough County Environmental Protection Commission; expanding legislative intent; adding and deleting definitions; clarifying open burning regulations; expanding prohibitions; expanding use of the pollution recovery fund; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote HB 677 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

HB 679—A bill to be entitled An act relating to Hillsborough County; relating to the Civil Service Act; amending section 4 of chapter 85-424, Laws of Florida, to delete reference to the Hillsborough County school board and to provide that said school board by interlocal agreement with

the civil service board may participate in the civil service system; amending sections 6 and 13 of chapter 85-424, Laws of Florida, and section 14 of chapter 85-424, Laws of Florida, as amended, to delete references to said school board; amending section 15 of chapter 85-424, Laws of Florida, to delete reference to said school board and to reduce the membership of the review committee; repealing chapter 85-423, Laws of Florida, relating to definitions and classes of certain school board employees; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote HB 679 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 733 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator Crawford, by two-thirds vote HB 751 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title.

Senator Woodson moved the following amendment which was adopted:

Amendment 1—In title, on page 1, line 7, following the semicolon (;) insert: providing for retroactive application;

On motion by Senator Woodson, by two-thirds vote HB 762 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 907 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 949 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

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

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 959 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 963 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 1076 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

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

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

Yeas—38

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

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

Nays—None

Vote after roll call:

Yea—D. Childers

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

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 1440 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	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
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—D. Childers

Special Guest

Senator Dudley introduced to the Senate the Honorable Connie Mack, United States Congressman from Florida.

SPECIAL ORDER

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

—was read the second time by title.

Senator Stuart moved the following amendment which was adopted:

Amendment 1—On page 2, line 5, strike "not more than six of whom are legislators,"

On motion by Senator Peterson, by two-thirds vote HB 1299 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Plummer	Stuart	Weinstein
Ros-Lehtinen	Thomas	Weinstock
Scott	Thurman	Woodson

Nays—None

On motions by Senator Brown, by two-thirds vote CS for CS for HB 18 was withdrawn from the Committees on Judiciary-Civil, Transportation and Appropriations.

On motion by Senator Brown—

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.

—a companion measure, was substituted for CS for SB 109 and read the second time by title.

Senator Brown moved the following amendments which were adopted:

Amendment 1—On page 3, line 5, strike "subsection (1)" and insert: subsections (1)-(6)

Amendment 2—On page 3, strike line 9 and insert:

(8) *The offer of judgment shall be accepted or rejected within 30 days, or at such other time as the court shall provide, or it shall be deemed to be rejected.*

(9) *For the purposes of Florida Rule of Civil*

Amendment 3—On page 2, line 5, strike "at issue" and insert: *compensable*

Amendment 4—On page 2, strike line 8 and insert: Florida Statutes, are amended, and subsections (7), (8), and (9) are

Senator Langley moved the following amendment which failed:

Amendment 5—On page 2, line 31, and on page 3, line 1, strike "or costs"

Senator Brown moved the following amendment which was adopted:

Amendment 6—In title, on page 1, line 10, after "order;" insert: providing that the offer must be accepted or rejected within a certain period of time;

On motion by Senator Brown, by two-thirds vote CS for CS for HB 18 as amended 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	Jenne	Meek	Weinstock
Deratany	Johnson	Myers	Woodson
Dudley	Kirkpatrick	Peterson	
Frank	Kiser	Ros-Lehtinen	

Nays—1

Hollingsworth

CS for SB 109 was laid on the table.

CS for SB 182—A bill to be entitled An act relating to the practice of geology; providing definitions; creating the Board of Professional Geologists within the Department of Professional Regulation; providing for membership and terms; authorizing the board to make rules; providing

for licensure of professional geologists; providing requirements; providing for examination; providing for fees; providing for provisional licenses; providing for use of seals; providing for licensure by endorsement; providing requirements; providing for a fee; providing for biennial license renewal; providing for inactive status; providing for the practice of professional geology by firms, corporations, and partnerships; providing for certificates of authorization; providing for liability; providing prohibitions and penalties; providing disciplinary proceedings; providing for replacement of lost, destroyed, stolen, or mutilated licenses; providing for a roster of professional geologists; providing exemptions; providing for construction of the act; providing for review and repeal; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 16, line 20, insert:

Section 18. There is hereby appropriated \$120,586 from the Professional Regulation Trust Fund in 1987-88 to the Board of Professional Geologists within the Department of Professional Regulation to comply with the provisions of this act.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 24, before "providing" insert: providing an appropriation;

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 182 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	Gordon	Langley	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Johnson	Peterson	
Frank	Kirkpatrick	Plummer	
Girardeau	Kiser	Ros-Lehtinen	

Nays—None

On motion by Senator Hill, by two-thirds vote HB 1359 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Hill—

HB 1359—A bill to be entitled An act relating to the Criminal Justice Estimating Conference; amending s. 216.136, F.S.; eliminating the Department of Corrections as a principal of the Criminal Justice Estimating Conference; providing for Supreme Court representation on the Criminal Justice Estimating Conference; amending s. 944.096, F.S.; providing conforming language to reflect such representation; providing an effective date.

—a companion measure, was substituted for CS for SB's 931 and 208 and by two-thirds vote read the second time by title. On motion by Senator Hill, by two-thirds vote HB 1359 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Jenne

CS for SB's 931 and 208 was laid on the table.

HB 645—A bill to be entitled An act relating to clerks of the court; amending s. 28.07, F.S., providing that records other than official records may be kept at locations other than the county seat of a county; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote HB 645 was read the third time by title, passed and 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	Hollingsworth	Meek	Weinstein
Dudley	Jenne	Myers	Weinstock
Frank	Johnson	Peterson	Woodson
Girardeau	Kirkpatrick	Plummer	

Nays—None

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

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

Yeas—33

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

Nays—None

CS for SB 821—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; expanding the definition of the term "wages"; amending s. 440.13, F.S.; limiting the definition of the term "health care provider"; clarifying that an injured worker is not liable for the payment for his medical treatment; clarifying the type of organization the Division of Workers' Compensation is to contract with for peer review services; clarifying when the Division of Workers' Compensation may institute a proceeding to require a health care provider to repay improper charges; amending s. 440.15, F.S.; clarifying that supplemental permanent total disability compensation benefits are reduced when an injured employee receives a lump-sum advance; limiting the type of injuries for which catastrophic temporary total disability compensation is payable; providing a uniform method for calculating the discount factor in wage-loss cases; providing date for report to the Legislature; amending s. 440.185, F.S.; providing notice to an injured worker of his rights on the report of injury form; eliminating the mailing of an informational brochure to the injured worker; authorizing a rule to establish an alternative electronic reporting system; amending s. 440.20, F.S.; changing the minimum time period in which certain lump-sum settlements may be made; amending s. 440.38, F.S.; authorizing a rule to make certain bonds, reinsurance policies, and securities payable to the Florida Self-Insurers Guaranty Association; amending s. 440.385, F.S.; authorizing the Florida Self-Insurers Guaranty Association to be reimbursed from or use the proceeds from the bond, security, or reinsurance policy to make payment to an injured worker whose self-insured employer is insolvent; amending s. 440.49, F.S.; changing the statute of limitations for filing claims against the Special Disability Trust Fund; ratifying certain acts; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment which was adopted:

Amendment 1—On page 12, between lines 20 and 21, insert:

Section 4. Subsection (7) of section 440.16, Florida Statutes, 1986 Supplement, is amended to read:

440.16 Compensation for death.—

(7) Compensation under this chapter to aliens not residents (or about to become nonresidents) of the United States or Canada shall be the same in amount as provided for residents, except that dependents in any foreign country shall be limited to surviving spouse and child or children, or if there be no surviving spouse or child or children, to surviving father or mother whom the employee has supported, either wholly or in part, for the period of 1 year prior to the date of the injury, and except that the deputy commissioner may, at the deputy commissioner's option, or upon the application of the insurance carrier, commute all future installments of compensation to be paid to such aliens by paying or causing to be paid to them one-half of the commuted amount of such future installments of compensation as determined by the deputy commissioner, and provided further that compensation to dependents referred to in this subsection shall in no case exceed \$50,000 \$1,000.

(Renumber subsequent sections.)

Senator Langley moved the following amendment which was adopted:

Amendment 2—On page 20, line 8, insert new Section:

Pension or other retirement or benefit fund offset.—When any employee of the state, or of any political subdivision thereof or of any public or quasi-public corporation therein, or any person entitled to workers' compensation benefits on account of dependency upon such employee, receives compensation under the provisions of this chapter by reason of the disability or death of such employee resulting from an injury arising out of and in the course of employment with such employer, and such employee or dependent is entitled to receive any sum from any pension or any other benefit or retirement fund to which employer has contributed, any periodic or lump sum amount which may be paid or payable under the provisions of this chapter to an employee or to the dependent of the employee on account of any disability or death as a result of an injury arising out of and in the course of employment shall be offset against and payable in lieu of any benefits payable from funds provided solely by the employer into the pension or retirement or any other benefit fund of the state, or of any political subdivision thereof or of any public or quasi-public corporation therein, under the provisions of any retirement or pension system on account of the same disability or death.

Section 2. *Severability.—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.*

Senator Gordon moved the following amendment which was adopted:

Amendment 3—In title, on page 1, line 23, after the semicolon (;) insert: amending s. 440.16, F.S.; increasing the maximum compensation for death available for dependents of aliens;

Senator Langley moved the following amendment which was adopted:

Amendment 4—In title, on page 2, line 12, after "Fund;" insert: allowing an offset of workers' compensation benefits against the pension or other benefits of employees of public entities or quasi-public corporations in specified circumstances;

On motion by Senator Langley, by two-thirds vote CS for SB 821 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	Dudley	Hair	Kiser
Brown	Frank	Hill	Langley
Childers, D.	Girardeau	Hollingsworth	Lehtinen
Childers, W. D.	Gordon	Jenne	Malchon
Crenshaw	Grant	Johnson	Margolis
Deratany	Grizzle	Kirkpatrick	McPherson

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

Nays—None

CS for SB 873—A bill to be entitled An act relating to chiropractic; amending s. 460.4065, F.S.; revising a requirement for licensure by endorsement; amending s. 460.4104, F.S.; providing that a peer review committee shall file a complaint with the Department of Professional Regulation under certain circumstances; providing for department access to patient records and providing for confidentiality; providing for review and appeal; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 873 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Hill

SB 846—A bill to be entitled An act relating to bridge designation; designating the bridge to be erected in Duval County spanning the St. Johns River from Gilmore Heights on the south bank to Dames Point on the north bank as the "Napoleon Bonaparte Broward Bridge"; directing the Jacksonville Transportation Authority to erect suitable markers; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 846 to conform the bill to HB 779.

Pending further consideration of SB 846 as amended, on motion by Senator Girardeau, by two-thirds vote HB 779 was withdrawn from the Committee on Transportation.

On motion by Senator Girardeau—

HB 779—A bill to be entitled An act relating to bridge designation; designating the bridge to be erected in Duval County spanning the St. Johns River from Gilmore Heights on the south bank to Dame Point on the north bank as the "Napoleon Bonaparte Broward Bridge"; directing the Jacksonville Transportation Authority to erect suitable markers; providing an effective date.

—a companion measure, was substituted for SB 846 and by two-thirds vote read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 779 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 846 was laid on the table.

Consideration of HB 183 was deferred.

CS for HB 338—A bill to be entitled An act relating to medical examiners; amending s. 406.11, F.S., requiring the Medical Examiners

Commission to make rules providing for notification of the next of kin that an investigation by the medical examiners office is being conducted; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 338 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

On motions by Senator Weinstein, by two-thirds vote HB 1108 was withdrawn from the Committees on Education, Governmental Operations and Appropriations.

On motion by Senator Weinstein—

HB 1108—A bill to be entitled An act relating to the leasing of educational facilities; amending s. 235.056, F.S.; authorizing the leasing of certain educational facilities under certain conditions; providing an effective date.

—a companion measure, was substituted for CS for SB 877 and read the second time by title.

Senator Margolis moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 10-22 and insert:

Section 1. This act shall be known as the "Educational Facilities Construction and Finance Act of 1987."

Section 2. Paragraph (b) 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:

(b) Sites, buildings, and equipment.—

1. Select and purchase school sites, playgrounds, and recreational areas located at centers at which schools are to be constructed, of adequate size to meet the needs of pupils to be accommodated;

2. Approve the proposed purchase of any site, playground, or recreational area for which district funds are to be used;

3. Expand existing sites;

4. Rent buildings when necessary;

5. ~~Enter into leases or lease purchases, as may be approved under regulations of the State Board of Education, with the Department of General Services for the rental of necessary grounds and buildings for school purposes or of buildings to be erected for school purposes, the terms of such leases or lease purchases not to exceed 30 years at a stipulated rental, to be paid from current or other legally available funds, and make all other contracts or agreements necessary or convenient in carrying out such purpose. The school board shall also~~ Enter into leases or lease-purchase arrangements, in accordance with the requirements and conditions provided in s. 235.056(3), with private individuals or corporations for the rental of necessary grounds and educational facilities buildings for school purposes or of educational facilities buildings to be erected for school purposes. Current or other funds authorized by law may be used to make payments under a lease-purchase agreement. Notwithstanding any other statutes, if the rental is to be paid from funds received from ad valorem taxation and the agreement is for a period greater than 12 months, an approving referendum must be held. The pro-

visions of such contracts, including building plans, shall be subject to approval by the Department of Education, and no such contract shall be entered into without such approval. As used in this section, "educational facilities" means the buildings and equipment which are built, installed, or established to serve educational purposes and which may lawfully be used. The State Board of Education is authorized to promulgate such rules as it deems necessary to implement the provisions hereof;

6. Provide for the proper supervision of construction;

7. Make or contract for additions, alterations, and repairs on buildings and other school properties;

8. Ensure that all plans and specifications for buildings provide adequately for the safety and well-being of pupils, as well as for economy of construction by having such plans and specifications submitted to the Department of Education for approval; and

9. Provide furniture, books, apparatus, and other equipment necessary for the proper conduct of the work of the schools.

Section 3. Subsections (1) and (3) of section 235.056, Florida Statutes, are amended to read:

235.056 Lease and lease-purchase of educational facilities and sites.—

(1) A board, including the Board of Regents, is authorized to lease abandoned educational plants to a federal, state, county, or municipal governmental agency or to any public nonprofit agency, for the benefit of the community, when such action is recommended in an educational plant survey. A board, including the Board of Regents, is authorized to lease educational facilities to any public or private entity for use at times other than regularly scheduled board activities, based on policies adopted by such board

(3)(a) A board, including the Board of Regents, is authorized to rent, lease, or lease-purchase educational facilities and sites as defined in s. 235.011. Educational facilities and sites rented or leased for 1 year or less are not required to be approved by the office and must be funded through the operations budget, except that the lease-purchase of educational facilities and sites shall be approved by the office as required by s. 235.26, be advertised for and receive competitive proposals and be awarded to the lowest and best proposer, and be funded using current or other funds specifically authorized by law to be used for such purpose. Prior to educational facilities and sites being leased, rented, or lease-purchased for a period of more than 1 year, such facilities and sites shall be approved by the office; and any available funds may be authorized to be expended for such purposes.

(b)1. The term of any lease-purchase agreement, including the initial term and any subsequent renewals, shall not exceed the useful life of the educational facilities and sites for which the agreement is made, or 30 years, whichever is less.

2. The initial term or any renewal term of any lease-purchase agreement shall expire on June 30 of each fiscal year, but may be automatically renewed annually, subject to a board making sufficient annual appropriations therefor. Under no circumstances shall the failure of a board to renew a lease-purchase agreement constitute a default or require payment of any penalty, nor in any way limit the right of a board to purchase or utilize educational facilities and sites similar in function to the educational facilities and sites which are the subject of the said lease-purchase agreement. Educational facilities and sites being acquired pursuant to a lease-purchase agreement shall be exempt from ad valorem taxation.

3. No lease-purchase agreement entered into pursuant to this subsection shall constitute a debt, liability, or obligation of the state or a local school board or shall be a pledge of the faith and credit of the state or a local school board.

4. Any lease-purchase agreement entered into pursuant to this subsection shall stipulate an annual rate which may consist of a principal component and an interest component, provided that the maximum interest rate of any interest component payable under any such lease-purchase agreement, or any participation or certificated portion thereof, shall be calculated in accordance with and be governed by the provisions of s. 215.84.

Section 4. Subsection (2) of section 236.25, Florida Statutes, 1986 Supplement, is amended to read:

236.25 District school tax.—

(2)(a) In addition to the maximum millage levy as provided in subsection (1), each school board may, until July 1, 1985, levy not more than a 2-mill equivalent against the nonexempt assessed valuation for school purposes, and, beginning on July 1, 1985, may levy not more than 1.5 mills against the nonexempt assessed valuation for school purposes to fund:

(a)1. New construction and remodeling projects, as set forth in s. 235.435(3)(b), without regard to the prioritization in that section, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, or ancillary facilities.

(b)2. Maintenance, renovation, and repair of existing school plants. However, these funds shall not supplant current expenditures from operating revenues for maintenance, renovation, and repair, based on the average of the prior 3 fiscal years; and such funds shall be subject to the provisions of s. 4 of chapter 79-583, Laws of Florida.

(c)3. School bus purchases replacement.

(d)4. The purchase of new and replacement equipment. However, these funds shall not supplant current expenditures from operating revenues for the purchase of new and replacement equipment, based on the average of the prior 3 fiscal years.

(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a school board pursuant to s. 230.23(9)(b)5. or s. 235.056(3), not exceeding, in the aggregate, an amount equal to one-half of the proceeds from the millage levied by a school board pursuant to this subsection.

(f) Payment of loans approved pursuant to s. 237.161.

Violations of these expenditure provisions shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

~~(b) The 2-mill equivalent authorized by paragraph (a) shall be a rolled-back ad valorem millage rate computed pursuant to s. 200.065(1) based on a 2-mill levy for 1981-1982 rolled back in each subsequent year. This paragraph shall stand repealed on July 1, 1985.~~

Section 5. Paragraph (a) of subsection (9) of section 200.065, Florida Statutes, 1986 Supplement, is amended to read:

200.065 Method of fixing millage.—

(9)(a) In addition to the notice required in subsection (3), a district school board shall publish a second notice of intent to levy additional taxes under s. 236.25(2). Such notice shall specify the projects or number of school buses anticipated to be funded by such additional taxes and shall be published in the size, within the time periods, adjacent to, and in substantial conformity with the advertisement required under subsection (3). The projects shall be listed in priority within each category as follows: construction and remodeling; maintenance, renovation, and repair; bus purchases replacement; and new and replacement equipment; payments for educational facilities and sites due under a lease-purchase agreement; and payments of loans approved pursuant to ss. 237.161 and 237.162. The additional notice shall be in the following form, except that the second sentence of the second paragraph shall be deleted if the district is advertising pursuant to paragraph (3)(e):

NOTICE OF TAX FOR SCHOOL CAPITAL OUTLAY

The . . . (name of school district) . . . will soon consider a measure to impose a . . . (number) . . . mill property tax for the capital outlay projects listed herein.

This tax is in addition to the school board's proposed tax of . . . (number) . . . mills for operating expenses and is proposed solely at the discretion of the school board. THE COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING EXPENSES AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

The capital outlay tax will generate approximately \$. . . (amount) . . . , to be used for the following projects:

. . . (list of capital outlay projects) . . .

All concerned citizens are invited to a public hearing to be held on . . . (date and time) . . . at . . . (meeting place) . . .

A DECISION on the proposed CAPITAL OUTLAY TAXES will be made at this hearing.

Section 6. Paragraph (c) of subsection (2) of section 235.435, Florida Statutes, 1986 Supplement, is amended to read:

235.435 Funds for comprehensive educational plant needs.— Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)

(c) The committee shall review the requests submitted from the districts, evaluate the ability of the project to relieve critical needs, and rank the requests in priority order. The committee shall subtract from the total amount of the project the total amount of funds generated by the requesting district from all sources including the 1.5-mill levy for the next 3 fiscal years. The resultant sum shall be the amount eligible to be funded by the Legislature. This statewide priority list for special facilities construction shall be submitted to the Legislature in the legislative budget request at least 45 days prior to the legislative session.

Section 7. Notwithstanding the provisions of section 1 of chapter 84-349, Laws of Florida, subsection (2) of section 236.25, Florida Statutes, 1986 Supplement, shall not stand repealed on July 1, 1990, and shall continue in full force and effect as amended herein.

Section 8. Subsection (2) of section 236.25, Florida Statutes, 1986 Supplement, is repealed effective July 1, 1995, and shall be reviewed by the Legislature prior to such date.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, strike all of lines 2-6 and insert: An act relating to educational facilities; providing for the "Educational Facilities Construction and Finance Act of 1987"; amending s. 230.23, F.S., relating to powers and duties of school boards; revising the conditions of lease-purchase agreements; authorizing the use of certain funds; providing a definition; amending s. 235.056, F.S.; authorizing the leasing of certain educational facilities under certain conditions; providing requirements of lease-purchase agreements; providing an exemption from ad valorem taxation; providing that agreements do not create a debt or obligation of the state or school board; amending s. 236.25, F.S.; authorizing use of funds to finance school bus purchases, rather than replacement, lease-purchase agreements, and payment of certain loans; deleting obsolete provisions; amending s. 200.065, F.S., to conform; amending s. 235.435, F.S., relating to allocations for capital outlay projects; saving s. 236.25(2), F.S., from repeal; providing for future review and repeal; providing an effective date.

On motion by Senator Weinstein, by two-thirds vote HB 1108 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hollingsworth

CS for SB 877 was laid on the table.

HB 183—A bill to be entitled An act relating to holidays; providing that "I Am An American Day" be declared and observed in the state; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 183 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

HB 358—A bill to be entitled An act relating to corporations; creating s. 607.108, F.S.; providing definitions; providing requirements regarding affiliated transactions involving interested shareholders; specifying powers of disinterested directors; providing exemptions; creating s. 607.109, F.S.; providing procedures for control-share acquisitions; amending ss. 607.244 and 607.247, F.S.; providing conforming language; 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 Langley:

Amendment 1—On page 13, lines 17-31, and all of pages 14-21, strike all of said lines and insert:

(7) *The provisions of this section shall also apply to a foreign corporation that has:*

(a) *Been granted authority pursuant to this chapter to conduct business in this state; and*

(b) *100 or more shareholders; and*

(c) *Its principal place of business, its principal office, or substantial assets within Florida; and*

(d) *More than 500 Florida residents as employees; and*

(e) *Gross annual payroll of more than \$5 million to Florida residents; and*

(f) *Either:*

1. *More than 10% of its shareholders resident in Florida; or*

2. *More than 10% of its shares owned by Florida residents; or*

3. *More than 1,000 shareholders resident in Florida.*

Section 2. Section 607.109, Florida Statutes, is created to read:

607.109 *Control-share acquisitions.*—

(1) **"CONTROL SHARES."**—As used in this section, "control shares" means shares that, except for this section, would have voting power with respect to shares of an issuing public corporation that, when added to all other shares of the issuing public corporation owned by a person or in respect to which that person may exercise or direct the exercise of voting power, would entitle that person, immediately after acquisition of the shares, directly or indirectly, alone or as a part of a group, to exercise or direct the exercise of the voting power of the issuing public corporation in the election of directors within any of the following ranges of voting power:

(a) *One-fifth or more but less than one-third of all voting power.*

(b) *One-third or more but less than a majority of all voting power.*

(c) *A majority or more of all voting power.*

(2) **"CONTROL SHARE ACQUISITION."**—

(a) *As used in this section, "control-share acquisition" means the acquisition, directly or indirectly, by any person of ownership of, or the power to direct the exercise of voting power with respect to, issued and outstanding control shares.*

(b) *For purposes of this section, shares acquired within 90 days or shares acquired pursuant to a plan to make a control-share acquisition are considered to have been acquired in the same acquisition.*

(c) *For purposes of this section, a person who acquires shares in the ordinary course of business for the benefit of others in good faith and not for the purpose of circumventing this section has voting power only of shares in respect of which that person would be able to exercise or direct the exercise of votes without further instruction from others.*

(d) *The acquisition of any shares of an issuing public corporation does not constitute a control-share acquisition if the acquisition is consummated in any of the following circumstances:*

1. *Before the effective date of this act.*

2. *Pursuant to a contract existing before the effective date of this act.*

3. *Pursuant to the laws of descent and distribution.*

4. *Pursuant to the satisfaction of a pledge or other security interest created in good faith and not for the purpose of circumventing this section.*

5. *Pursuant to a merger or consolidation effected in compliance with ss. 607.214, 607.217, and 607.221, or s. 607.227, if the issuing public corporation is a party to the agreement of merger or consolidation.*

6. *Pursuant to any savings, employee stock ownership, or other employee benefit plan, of the issuing public corporation or any of its subsidiaries or any fiduciary with respect to any such plan when acting in such fiduciary capacity.*

(e) *The acquisition of shares of an issuing public corporation in good faith and not for the purpose of circumventing this section by or from:*

1. *Any person whose voting rights had previously been authorized by shareholders in compliance with this section; or*

2. *Any person whose previous acquisition of shares of an issuing public corporation would have constituted a control-share acquisition but for subsection (d),*

does not constitute a control-share acquisition, unless the acquisition entitles any person, directly or indirectly, alone or as a part of a group, to exercise or direct the exercise of voting power of the corporation in the election of directors in excess of the range of the voting power otherwise authorized.

(3) **"INTERESTED SHARES."**—As used in this section, "interested shares" means the shares of an issuing public corporation in respect of which any of the following persons may exercise or direct the exercise of the voting power of the corporation in the election of directors:

(a) *An acquiring person or member of a group with respect to a control-share acquisition.*

(b) *Any officer of the issuing public corporation.*

(c) *Any employee of the issuing public corporation who is also a director of the corporation.*

(4) **"ISSUING PUBLIC CORPORATION."**—

(a) *As used in this section, "issuing public corporation" means a corporation that has:*

1. *One hundred or more shareholders;*

2. *Its principal place of business, its principal office, or substantial assets within Florida; and*

3. *Either:*

a. *More than 10 percent of its shareholders resident in Florida;*

b. *More than 10 percent of its shares owned by Florida residents; or*

c. *One thousand shareholders resident in Florida.*

(b) As used in this section, "issuing public corporation" shall also mean a foreign corporation if, in addition to meeting the requirements of this subsection, such foreign corporation has:

1. Authority pursuant to this chapter to conduct business in this state;
2. More than 500 Florida residents as employees; and
3. Gross annual payroll of more than \$5 million to Florida residents.

(c) The residence of a shareholder is presumed to be the address appearing in the records of the corporation.

(d) Shares held by banks (except as trustee or guardian), brokers, or nominees shall be disregarded for purposes of calculating the percentages or numbers described in this subsection.

(5) **LAW APPLICABLE TO CONTROL-SHARE VOTING RIGHTS.**—Unless the corporation's articles of incorporation or bylaws provide that this section does not apply to control-share acquisitions of shares of the corporation before the control-share acquisition, control shares of an issuing public corporation acquired in a control-share acquisition have only such voting rights as are conferred by subsection (9).

(6) **NOTICE OF CONTROL-SHARE ACQUISITION.**—Any person who proposes to make or has made a control-share acquisition may at the person's election deliver an acquiring person statement to the issuing public corporation at the issuing public corporation's principal office. The acquiring person statement must set forth all of the following:

(a) The identity of the acquiring person and each other member of any group of which the person is a part for purposes of determining control shares.

(b) A statement that the acquiring person statement is given pursuant to this section.

(c) The number of shares of the issuing public corporation owned, directly or indirectly, by the acquiring person and each other member of the group.

(d) The range of voting power under which the control-share acquisition falls or would, if consummated, fall.

(e) If the control-share acquisition has not taken place:

1. A description in reasonable detail of the terms of the proposed control-share acquisition; and

2. Representations of the acquiring person, together with a statement, in reasonable detail of the facts upon which they are based, that the proposed control-share acquisition, if consummated, will not be contrary to law and that the acquiring person has the financial capacity to make the proposed control-share acquisition.

(7) **SHAREHOLDER MEETING TO DETERMINE CONTROL-SHARE VOTING RIGHTS.**—

(a) If the acquiring person so requests at the time of delivery of an acquiring person statement and gives an undertaking to pay the corporation's expenses of a special meeting, within 10 days thereafter, the directors of the issuing public corporation or others authorized to call such a meeting under the issuing public corporation's articles of incorporation or bylaws shall call a special meeting of shareholders of the issuing public corporation for the purpose of considering the voting rights to be accorded the shares acquired or to be acquired in the control-share acquisition.

(b) Unless the acquiring person agrees in writing to another date, the special meeting of shareholders shall be held within 50 days after receipt by the issuing public corporation of the request.

(c) If the acquiring person so requests in writing at the time of delivery of the acquiring person statement, the special meeting must not be held sooner than 30 days after receipt by the issuing public corporation of the acquiring person statement.

(d) If no request is made, the voting rights to be accorded the shares acquired in the control-share acquisition shall be presented to the next special or annual meeting of the shareholders.

(8) **NOTICE OF SHAREHOLDER MEETING.**—

(a) If a special meeting is requested, notice of the special meeting of shareholders shall be given as promptly as reasonably practicable by the issuing public corporation to all shareholders of record as of the record date set for the meeting, whether or not entitled to vote at the meeting.

(b) Notice of the special or annual shareholder meeting at which the voting rights are to be considered must include or be accompanied by both of the following:

1. A copy of the acquiring person statement delivered to the issuing public corporation pursuant to this section.

2. A statement by the board of directors of the corporation, authorized by its directors, of its position or recommendation, or that it is taking no position or making no recommendation, with respect to the proposed control-share acquisition.

(9) **RESOLUTION GRANTING CONTROL-SHARE VOTING RIGHTS.**—

(a) Control shares acquired in a control-share acquisition have the same voting rights as were accorded the shares before the control-share acquisition only to the extent granted by resolution approved by the shareholders of the issuing public corporation.

(b) To be approved under this subsection, the resolution must be approved by:

1. Each class or series entitled to vote separately on the proposal by a majority of all the votes entitled to be cast by the class or series, with the holders of the outstanding shares of a class or series being entitled to vote as a separate class if the proposed control-share acquisition would, if fully carried out, result in any of the changes described in s. 607.184; and

2. Each class or series entitled to vote separately on the proposal by a majority of all the votes entitled to be cast by that group, excluding all interested shares.

(10) **REDEMPTION OF CONTROL SHARES.**—

(a) If authorized in a corporation's articles of incorporation or bylaws before a control-share acquisition has occurred, control shares acquired in a control-share acquisition with respect to which no acquiring person statement has been filed with the issuing public corporation may, at any time during the period ending 60 days after the last acquisition of control shares by the acquiring person, be subject to redemption by the corporation at the fair value thereof pursuant to the procedures adopted by the corporation.

(b) Control shares acquired in a control-share acquisition are not subject to redemption after an acquiring person statement has been filed unless the shares are not accorded full voting rights by the shareholders as provided in subsection (9).

(11) **RIGHTS OF DISSENTING SHAREHOLDERS.**—

(a) Unless otherwise provided in a corporation's articles of incorporation or bylaws before a control-share acquisition has occurred, in the event control shares acquired in a control-share acquisition are accorded full voting rights and the acquiring person has acquired control shares with a majority or more of all voting power, all shareholders of the issuing public corporation have dissenters' rights as provided in this section.

(b) As soon as practicable after such events have occurred, the board of directors shall cause a notice to be sent to all shareholders of the corporation advising them of the facts and that they have dissenters' rights to receive the fair value of their shares pursuant to ss. 607.244 and 607.247.

(c) As used in this subsection, "fair value" means a value not less than the highest price paid per share by the acquiring person in the control-share acquisition.

Section 3. Subsection (1) of section 607.244, Florida Statutes, is amended to read:

607.244 Right of shareholders to dissent.—

(1) Any shareholder of a corporation shall have the right to dissent from any of the following corporate actions:

(a) Any plan of merger or consolidation to which the corporation is a party; or

(b) Any sale or exchange of all or substantially all of the property and assets of the corporation, including a sale in dissolution; or

(c) As provided in s. 607.109(11), the approval of a control-share acquisition.

Section 4. Subsection (2) of section 607.247, Florida Statutes, is amended to read:

607.247 Rights of dissenting shareholders.—

(2) Notwithstanding subsection (1), when a merger, consolidation, control-share acquisition, or sale or exchange of assets has been approved by written consent of shareholders pursuant to s. 607.394, any shareholder failing to give consent or, when a corporation is to be merged without a vote of its shareholders into another corporation, any of its shareholders, may, within 15 days after the plan of such merger, consolidation, control-share acquisition, or sale or exchange of assets shall have been mailed to such shareholders, make written demand on the corporation or, in the case of a merger or consolidation, the surviving or new corporation, domestic or foreign, for payment of the fair value of such shareholder's shares.

Section 5. If any provision of this act or the application thereof to any person or circumstances 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 to be severable.

Section 6. This act shall take effect upon becoming a law.

Senators Stuart and Jenne offered the following amendment to Amendment 1 which was moved by Senator Stuart and adopted:

Amendment 1A—On page 1, strike all of lines 22-27

Amendment 1 as amended was adopted.

Senator Langley moved the following amendment which was adopted:

Amendment 2—On page 12, line 3, after "section" insert: provided that such amendment does not apply to any affiliated transaction of the corporation with an interested shareholder whose determination date is on or prior to the effective date of such amendment

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

Amendment 3—In title, on page 1, strike all of lines 9-11 and insert: acquisitions of foreign and domestic corporations; amending ss. 607.244 and 607.247, F.S.; providing conforming language; providing a severability clause; providing an effective date.

Further consideration of HB 358 was deferred.

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

—was read the second time by title.

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

Amendment 1—On page 2, strike all of lines 4-14, and insert: condominium, cooperative, and private residential and business communities by which employed and which traverse public streets or highways.

(4) Road or street maintenance equipment, road or street maintenance vehicles, road service vehicles, refuse collection vehicles, and mail carrier vehicles may show or display amber lights when in operation or a hazard exists.

Senator Grizzle moved the following amendment which was adopted:

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

Section 2. Section 316.2398, Florida Statutes, is amended to read:

316.2398 Display or use of red lights; motor vehicles of volunteer firemen or medical staff.—

(1) A privately owned vehicle belonging to an active fireman member of a regularly organized volunteer firefighting company or association, while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency or while en route to the scene of a fire or other emergency in the line of duty as an active fireman member of a regularly organized firefighting company or association, or a privately owned vehicle belonging to a medical staff physician or technician of a medical facility licensed by the state, while responding to an emergency in the line of duty, may display or use a red light red-lights visible from the front and from the rear of such vehicle, subject to the following restrictions and conditions:

(a) A light may not have a light source greater than 50 candlepower for each light displayed.

(b) Only one Two such red light of the revolving type lights may be displayed on each end of the vehicle, and such light must be permanently or magnetically mounted to the dashboard or roof of the vehicle lights shall be of the flasher or revolving type.

(c) The red light must lights shall consist of a lamp with a red lens, but may shall not consist of an uncolored lens with a red bulb.

(d) The red light may lights shall not be a part of the regular headlamps, taillights, or turn signal lights displayed on such vehicle.

(e) No inscription of any kind may shall appear across the face of the lens lenses of the red light lights.

(f) The lens lenses of the red light lights may shall be not be less than 3 inches or more than 8 inches in diameter.

(g) In order for an active volunteer fireman to display such a red light red-lights on his vehicle, he must first secure a written permit from the chief executive officers of the firefighting organization to use the red light lights, and this permit must shall be carried by him at all times while the red light is lights are displayed.

(2) It is unlawful for any person who is not an active fireman member of a regularly organized volunteer firefighting company or association or a physician or technician of the medical staff of a medical facility licensed by the state to display on any motor vehicle owned by him, at any time, a red light red-lights as described in subsection (1) above.

(3) It is unlawful for an any active volunteer fireman to operate a red light use or display red-lights as authorized in subsection (1) provided for herein, except while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency, or while en route to the scene of a fire or other emergency, in the line of duty.

(4) It is unlawful for a physician or technician of the medical staff of a medical facility to operate a red light use or display red-lights as authorized in subsection (1) provided for herein, except when responding to an emergency in the line of duty.

(5) Any active volunteer fireman, or any other person, who violates any of the provisions of this section; is guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than \$5 and no more than \$25. In addition, any volunteer fireman shall be dismissed from membership in of the firefighting organization by the chief executive officers thereof.

(Renumber subsequent section.)

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

Amendment 3—In title, on page 1, strike all of lines 5-7, and insert: watchman, guard, patrol agencies, or refuse collection vehicles to show or display amber lights under certain circumstances;

Senator Grizzle moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 7, after the semicolon (;) insert: amending s. 316.2398, F.S.; revising restrictions on the use of red lights on privately owned vehicles; prohibiting the operation of authorized red lights in nonemergency situations; providing penalties;

On motion by Senator Weinstein, by two-thirds vote CS for HB 196 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

Consideration of CS for HB 703 was deferred.

On motion by Senator D. Childers, the rules were waived and the Senate reverted to—

LOCAL CALENDAR

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

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 367 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SPECIAL ORDER, continued

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

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote HB 830 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for HB 703—A bill to be entitled An act relating to the Amusement Ride and Attraction Insurance Act; amending s. 546.006, F.S.,

exempting certain permanent site attractions or rides from the act; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote CS for HB 703 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Beard, D. Childers

Reconsideration

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

CS for SB 821—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; expanding the definition of the term "wages"; amending s. 440.13, F.S.; limiting the definition of the term "health care provider"; clarifying that an injured worker is not liable for the payment for his medical treatment; clarifying the type of organization the Division of Workers' Compensation is to contract with for peer review services; clarifying when the Division of Workers' Compensation may institute a proceeding to require a health care provider to repay improper charges; amending s. 440.15, F.S.; clarifying that supplemental permanent total disability compensation benefits are reduced when an injured employee receives a lump-sum advance; limiting the type of injuries for which catastrophic temporary total disability compensation is payable; providing a uniform method for calculating the discount factor in wage-loss cases; providing date for report to the Legislature; amending s. 440.185, F.S.; providing notice to an injured worker of his rights on the report of injury form; eliminating the mailing of an informational brochure to the injured worker; authorizing a rule to establish an alternative electronic reporting system; amending s. 440.20, F.S.; changing the minimum time period in which certain lump-sum settlements may be made; amending s. 440.38, F.S.; authorizing a rule to make certain bonds, reinsurance policies, and securities payable to the Florida Self-Insurers Guaranty Association; amending s. 440.385, F.S.; authorizing the Florida Self-Insurers Guaranty Association to be reimbursed from or use the proceeds from the bond, security, or reinsurance policy to make payment to an injured worker whose self-insured employer is insolvent; amending s. 440.49, F.S.; changing the statute of limitations for filing claims against the Special Disability Trust Fund; ratifying certain acts; providing an effective date.

—as amended passed this day.

On motion by Senator Hair, by two-thirds vote the Senate reconsidered the vote by which CS for SB 821 was read the third time.

Further consideration of CS for SB 821 was deferred.

The Senate resumed consideration of—

HB 358—A bill to be entitled An act relating to corporations; creating s. 607.108, F.S.; providing definitions; providing requirements regarding affiliated transactions involving interested shareholders; specifying powers of disinterested directors; providing exemptions; creating s. 607.109, F.S.; providing procedures for control-share acquisitions; amending ss. 607.244 and 607.247, F.S.; providing conforming language; providing an effective date.

On motion by Senator Stuart, the Senate reconsidered the vote by which Amendment 1 as amended was adopted.

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

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

Amendment 1B—On page 9, between lines 14 and 15, insert:

Section 3. Section 607.110, Florida Statutes, is created to read:

607.110 Application of ss. 607.108 and 607.109 to certain foreign corporations.—

(1) The provisions of s. 607.108 shall also apply to a foreign corporation that has:

- (a) Been granted authority pursuant to this chapter to conduct business in this state, and
- (b) 100 or more shareholders; and
- (c) Its principal place of business, its principal office, or substantial assets within Florida; and
- (d) More than 500 Florida residents as employees; and
- (e) Gross annual payroll of more than \$5 million to Florida residents; and
- (f) Either:
 1. More than 10 percent of its shareholders resident in Florida; or
 2. More than 10 percent of its shares owned by Florida residents; or
 3. More than 10,000 shareholders resident in Florida.

(g) For purposes of subsection (f), the residence of a shareholder is presumed to be the address appearing in the records of the corporation and, shares held by banks (except as trustee or guardian), brokers, or nominees shall be disregarded for purposes of calculating the percentages or numbers described.

(2) Except as provided in subsection (3) of this section, the provisions of s. 607.109 shall apply to a foreign corporation which meets the requirements of an "issuing public corporation" in s. 607.109(4) and, in addition, has:

- (a) Authority pursuant to this chapter to conduct business in this state;
- (b) More than 500 Florida residents as employees; and
- (c) Gross annual payroll of more than \$5 million to Florida residents.

(3) If the laws of any jurisdiction under the laws of which a foreign corporation is organized contain provisions that are expressly inconsistent with the provisions of this section as applicable to such foreign corporation, the provisions of this section shall be inapplicable to such foreign corporation to the extent necessary to resolve such inconsistency.

(Renumber subsequent sections.)

Amendment 1 as amended was adopted.

Further consideration of HB 358 was deferred.

On motion by Senator Margolis, by two-thirds vote HB 1398 was withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Margolis—

HB 1398—A bill to be entitled An act relating to bond financing; amending s. 154.01, F.S., relating to public health unit delivery systems; providing for the relinquishment of public health unit facilities and equipment under certain circumstances; creating part VII of chapter 159, F.S., creating the "Taxable Bond Act of 1987"; providing legislative findings and purpose; providing definitions; providing for the resolution of conflicts with other laws; providing for terms of bonds; providing for the sale of bonds; providing for the pledging of credit; providing for the use of proceeds of bonds; providing for refunding bonds; providing for construction; creating s. 159.416, F.S., providing for pool financing with respect to the Florida Industrial Development Financing Act; amending s. 517.021, F.S., providing definitions; amending s. 517.051, F.S., providing a restriction on exemption from registration; amending s. 154.401, F.S., renaming the "State Health Facilities Authority Law" as the "State of Florida Health Facilities Authority Law"; amending s. 154.402, F.S., providing legislative findings and declaration of necessity; amending s.

154.403, F.S., providing definitions; amending s. 154.404, F.S., creating the State of Florida Health Facilities Authority as a separate body and including it under the Department of Education; amending s. 154.405, F.S., revising the powers of the authority; amending s. 154.407, F.S., providing for financing agreements; creating s. 154.4075, F.S., requiring prior application for financing to local health facilities authorities in certain circumstances; amending s. 154.408, F.S., providing for construction contracts; amending s. 154.409, F.S., to conform to the act; amending s. 154.41, F.S., relating to revenue bonds; amending s. 154.412, F.S., relating to the payment of bonds; amending s. 154.413, F.S., providing for revenues; amending s. 154.415, F.S., relating to remedies; amending s. 154.42, F.S., providing that bonds issued pursuant to the act may be validated as provided in chapter 75, F.S.; amending s. 154.422, F.S., providing an exemption to certain certificate of need requirements with respect to issuance of bonds; amending s. 154.425, F.S., relating to tax exemption; creating s. 154.427, F.S., providing liberal construction; creating s. 154.428, F.S., providing severability; saving part V of chapter 154 from Sundown repeal and removing said part from future review and repeal in accordance with the Sundown Act; amending s. 154.205, F.S., providing definitions with respect to local health facilities authorities; amending s. 154.209, F.S., revising the powers of the authorities; amending s. 154.213, F.S., providing for financing agreements; amending s. 154.215, F.S., providing for construction contracts; amending s. 154.219, F.S., relating to revenue bonds; amending s. 154.223, F.S., relating to the payment of bonds; amending s. 154.225, F.S., providing for revenues; amending s. 154.229, F.S., relating to remedies; amending s. 154.2331, F.S., relating to tax exemption; amending s. 154.241, F.S., providing that bonds issued pursuant to the act may be validated as provided in chapter 75, F.S.; amending s. 154.245, F.S., providing an exemption to certain certificate of need requirements with respect to issuance of bonds in connection with a pooled financing; requiring health care facilities to provide a certain portion of the hospital's total inpatient day for indigent care; providing definitions; amending s. 395.502, F.S., modifying definitions relating to health care cost containment; amending s. 154.209, F.S., to authorize health facilities authorities to participate in and issue bonds for the purpose of establishing and maintaining self-insurance pools on behalf of a health facility or a group of health facilities, in order to provide payment of judgments, settlements, claims, expenses, loss and damage arising or claiming to have arisen from acts or omissions of health facilities in the performance of health care functions; providing procedures for health facilities authorities to issue bonds; amending s. 163.01, F.S., the Florida Interlocal Cooperation Act of 1969; defining "local government liability and property pool"; providing for the financing of acquisition of liability and property coverage insurance contracts from such pools by public agencies; authorizing bonding with respect thereto; providing requirements with respect thereto; amending s. 218.21, F.S.; providing a second guaranteed entitlement for counties from the Revenue Sharing Trust Fund for Counties; amending s. 218.23, F.S., relating to revenue sharing distribution, to conform; amending s. 218.25, F.S.; providing for use of such entitlement; amending s. 627.651, F.S., which specifies that group contracts and plans of self-insurance must meet group requirements; providing an exemption for certain governmental self-insurance plans or consortiums; providing effective dates.

—a companion measure, was substituted for CS for SB 749 and by two-thirds vote read the second time by title.

Senator Margolis moved the following amendments which were adopted:

Amendment 1—On page 20, line 14, through page 58, line 27, strike all of said lines

Amendment 2—On page 4, line 24, through page 5, line 9, strike all of Section 1 of the bill and renumber subsequent sections.

Amendment 3—In title, on page 1, line 22, after the semicolon (;) through the semicolon (;) on page 3, line 20, strike all of said lines

Amendment 4—On page 1, line 2, beginning after the semicolon (;), strike everything through line 6

On motion by Senator Margolis, by two-thirds vote HB 1398 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Woodson

CS for SB 749 was laid on the table.

The Senate resumed consideration of—

HB 358—A bill to be entitled An act relating to corporations; creating s. 607.108, F.S.; providing definitions; providing requirements regarding affiliated transactions involving interested shareholders; specifying powers of disinterested directors; providing exemptions; creating s. 607.109, F.S.; providing procedures for control-share acquisitions; amending ss. 607.244 and 607.247, F.S.; providing conforming language; providing an effective date.

On motion by Senator Stuart, the Senate reconsidered the vote by which Amendment 1 as amended was adopted.

Senator Langley moved the following amendments to Amendment 1 which were adopted:

Amendment 1C—On page 1, strike all of lines 12-27

Amendment 1D—On page 4, lines 30 and 31, and on page 5, lines 1-7, strike all of said lines and renumber subsequent sections accordingly.

Amendment 1 as amended was adopted.

On motion by Senator Stuart, the Senate reconsidered the vote by which Amendment 3 was adopted.

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

Amendment 3A—On page 1, strike all of lines 9-11 and insert: acquisitions; creating s. 607.110, F.S.; providing for application of ss. 607.108 and 607.109, F.S., to certain foreign corporations; amending ss. 607.224 and 607.247, F.S., providing conforming language; providing an effective date.

Amendment 3 as amended was adopted.

On motion by Senator Langley, by two-thirds vote HB 358 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Meek

Reconsideration

The Senate resumed consideration of—

CS for SB 821—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; expanding the definition of the term "wages"; amending s. 440.13, F.S.; limiting the definition of the term "health care provider"; clarifying that an injured worker is not liable for the payment for his medical treatment; clarifying the type of organization the Division of Workers' Compensation is to contract with for peer review services; clarifying when the Division of Workers' Compensation may institute a proceeding to require a health care provider to repay improper charges; amending s. 440.15, F.S.; clarifying that supplemental permanent total disability compensation benefits are reduced when an injured employee receives a lump-sum advance; limiting the type of injuries for which catastrophic temporary total disability compensation is payable; providing a uniform method for calculating the discount factor in wage-loss cases; providing date for report to the Legislature; amending s. 440.185, F.S.; providing notice to an injured worker of his rights on the report of injury form; eliminating the mailing of an informational brochure to the injured worker; authorizing a rule to establish an alternative electronic reporting system; amending s. 440.20, F.S.; changing the minimum time period in which certain lump-sum settlements may be made; amending s. 440.38, F.S.; authorizing a rule to make certain bonds, reinsurance policies, and securities payable to the Florida Self-Insurers Guaranty Association; amending s. 440.385, F.S.; authorizing the Florida Self-Insurers Guaranty Association to be reimbursed from or use the proceeds from the bond, security, or reinsurance policy to make payment to an injured worker whose self-insured employer is insolvent; amending s. 440.49, F.S.; changing the statute of limitations for filing claims against the Special Disability Trust Fund; ratifying certain acts; providing an effective date.

On motions by Senator Jennings, the Senate reconsidered the vote by which Amendments 2 and 4 were adopted. By permission, Amendments 2 and 4 were withdrawn.

On motion by Senator Jennings, by two-thirds vote CS for SB 821 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

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

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Barron, by two-thirds vote HB 501, Senate Bills 40 and 490 and CS for SB 1187 were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Margolis, by two-thirds vote HB 259 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Jennings, by two-thirds vote HB 1224 was withdrawn from the Committee on Commerce.

ENROLLING REPORTS

Senate Bills 91, 539, 889, CS for SB 496 and CS for SB 941 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 1, 1987.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 29 was corrected and approved.

RECESS

On motion by Senator Barron, the Senate recessed at 4:56 p.m. to reconvene at 9:00 a.m., Tuesday, June 2.

SENATE PAGES

June 1-5

Sarah Marie Ahmed, Williston; John S. Baruch, Jr., West Palm Beach; Gavin Boone, Tallahassee; Emily N. Coffman, Jacksonville; Carolyn DeVore, St. Petersburg; Todd A. Dudash, Orlando; John Colin English, Tallahassee; Gia Franceschi, Tallahassee; William Isaac Hardin, Tallahassee; Robert W. Hartman, Tallahassee; Julie Heinburg, Tallahassee; Ann Keegan, Tallahassee; Joseph H. Lang, Jr., St. Petersburg; Brett T. Lowrey, Tallahassee; Wade McDaniel, Tallahassee; Jennifer Louise McIntyre, Jacksonville; Thomas McPherson, Ft. Lauderdale; Marc M. Messer, Tallahassee; Christopher Michael Nelson, Key Biscayne; Amy Presnell, Tallahassee; Lorraine Quiroga, Clermont; Karen Elizabeth Rinaman, Jacksonville; Raymond J. Schalk, Clermont; Tiffany Scoma, Tallahassee; Eric C. Smith, Ocala; Kimberly Williams, Tallahassee; Stacey Wolfson, Jacksonville; Nathan Clarke Whitaker, Gainesville