



# Journal of the Senate

Number 20

Tuesday, June 2, 1987

## CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

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

Excused: Periodically, members of the various conference committees

## PRAYER

The following prayer was offered by Dr. Jack Snell, Pastor, Hendricks Avenue Baptist Church, Jacksonville:

Save this moment, O Lord, from being merely a gesture to custom or convention, and make it a sacred time when the members and officers of this body turn their thoughts to thee that they may have wisdom in their decisions, understanding in their thinking, love in their attitudes, and mercy in their judgments.

In these hectic days, as the Senate rushes to complete its tasks, bless its members as they think together and work together in this chamber, in committee rooms, and in their offices. Help them to stand up under the strains and tensions of problems and decisions, of meetings and conferences, and the endless demands made upon them.

Father, we believe that these leaders of our great state are sincere men and women who want to do right, if only they can be sure what is right. Make it plain to them, O Lord.

Forgive them for any blunders they may have committed, and for those times when they may have compromised their integrity. Save our leaders, O God, from themselves and from their friends—even as thou has saved them from their enemies. Let no personal ambition blind them to their opportunities. Help them to battle hypocrisy wherever they find it. Give them divine common sense and a selflessness that shall lead them to think of service and not of gain. Gift them with clear sight to see what to do, and perseverance never to give up trying to do it.

Help us all to discipline our thoughts and our actions this day, that in this place may be seen democracy at its best and each of thy servants here diligently at work for the common good of our state and our nation. In thy holy name we pray. Amen.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, June 2, 1987: HB 512, HB 513, HB 555, HB 560, CS for SB 227, SB 58, CS for SB's 385 and 122, CS for SB 757, CS for SB's 799 and 132, SB 806, SB 1123, SB 1224, SCR 1010, SB 1039, CS for SB 986, SB 650, CS for SB 624, SB 619, CS for SB 215, SB 102, CS for SB 143, CS for SB 144, CS for SB 145, SB 447, CS for CS for SB 574, SB 861, CS for SB 1072, SB 1262, CS for CS for SB 338, SB 417, SB 460, CS for SB 519, HB 549, CS for SB 359, CS for CS for SB 414, SB 455, SB 538, SB 734, CS for SB 831, SB 689, CS for SB 177, SB 272, CS for SB 420, SB 1093, HB 1063, CS for SB 1143, SB 469, CS for SB 357, CS for SB 573, CS for SB 403, SB 449, SB 871, HB 1276, CS for SB 1228, SB 1083, CS for SB 617

Respectfully submitted,  
Dempsey J. Barron, Chairman

The Special Master on Claims recommends the following pass: CS for HB 226 with 1 amendment

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 2

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 499

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

## REQUESTS FOR EXTENSION OF TIME

June 2, 1987

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: Senate Bills 10, 17, 19, 23, 85, 226, 262, 297, 444, 458, 512, 548, 599, 632, 669, 677, 728, 802, 863, 919, 921, 955, 959, 1004, 1006, 1023, 1040, 1042, 1043, 1052, 1101, 1106, 1118, 1166, 1220, 1244, 1252, 1255, 1281, 1282; House Bills 23, 55, 252, 271, 278, 1244

The Special Master on Claims requests an extension of 15 days for consideration of the following: Senate Bills 395, 396, 408, 886, 1153, 1223, 1310; House Bill 226

## FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Finance, Taxation and Claims and Senator Kiser—

**CS for SB 2**—A bill to be entitled An act relating to taxation; amending s. 212.059, F.S., relating to the sales and use tax on services; revising provisions relating to computation, collection, and remittance of the tax and registration of dealers as service providers; revising provisions relating to apportionment of interstate or international transportation services; amending s. 212.0591, F.S.; revising rules of construction relating to inclusion of a proportion of the sales or cost price under certain circumstances, transactions involving both taxable and exempt services, and determining where the benefit of a service is enjoyed; providing legislative intent regarding exemptions from the tax; amending s. 212.0592, F.S.; revising exemptions and conditions applicable thereto and providing additional exemptions; amending s. 212.0593, F.S., relating to administration of the exemption for services sold in this state for use outside this state; specifying inapplicability of certain refund provisions; repealing section 5 of chapter 87-6, Laws of Florida, and creating s. 212.0594, F.S.; revising special provisions applicable to the tax on construction services; amending s. 212.0595, F.S.; revising special provisions applicable to the tax on advertising; amending s. 212.02, F.S.; revising definitions applicable to chapter 212, F.S.; amending s. 212.031, F.S.; revising an exemption from the tax on rental, lease, or granting a license for use of real property for certain property leased to persons providing food and drink concessionaire services; amending s. 212.04, F.S.; exempting admissions to certain athletic or other events sponsored by schools and other institutions and certain admissions paid by students to places of sport or recreation; providing an exception; amending s. 212.05, F.S.; specifying application of the tax on sales, use and other transactions to sale of newspapers and magazines; amending s. 212.08, F.S.; revising the exemptions for sales to political subdivisions, film rentals, and vehicles engaged in interstate or foreign commerce; amending s. 212.095, F.S.; removing a prohibition against dealers assisting in preparation of tax refund claims; amending section 17 of chapter 87-6, Laws of Florida; revising the effective date of an amendment relating to application of the dealer's credit to persons who remit taxes or fees reported on the same documents uti-

lized for sales and use tax; amending s. 212.235, F.S.; specifying uses of trust fund moneys; amending section 31 of chapter 87-6, Laws of Florida, revising an exemption from the tax on services for certain improvements to real property; requiring the Department of Revenue to report to the Legislature; amending section 32 of chapter 87-6, Laws of Florida, relating to certain conditions applicable to self-accrual; amending section 33 of chapter 87-6, Laws of Florida; specifying administrative provisions applicable to department rules implementing said chapter and this act; amending section 36 of chapter 87-6, Laws of Florida, relating to waiver of penalties and interest with respect to the tax on services for a specified period; amending section 38 of chapter 87-6, Laws of Florida; revising provisions relating to construction of said chapter with respect to certain client confidentiality; amending ss. 120.575 and 120.65, F.S.; revising provisions relating to appointment of a panel to be hearing officer in certain administrative taxpayer contest proceedings; amending section 47 of chapter 87-6, Laws of Florida; revising a date for a department study of taxable services; amending ss. 95.091, 198.18, 211.33, 214.50, 214.51, 212.08, 125.0104, 198.37, 198.39, 199.282, 201.17, 201.20, 203.01, 203.03, 203.63, 206.18, 206.44, 206.877, 206.9931, 207.007, 211.076, 211.25, 212.0305, 212.05, 212.07, 212.085, 212.10, 212.12, 212.13, 212.14, 212.15, 212.18, 214.40, 214.60, F.S.; reducing certain penalties; repealing sections 100, 101, and 102 of chapter 87-6, Laws of Florida, relating to priority of tax warrants, seizure of property for collection of taxes, and sale of seized property, respectively; amending section 103 of chapter 87-6, Laws of Florida; deleting an inapplicable notice provision; amending section 104 of chapter 87-6, Laws of Florida; correcting cross-references; amending s. 213.76, F.S.; increasing a period of limitation; providing for applicability of certain penalties; repealing section 9 of chapter 86-166, Laws of Florida, relating to the commission established to study sales tax exemptions; providing an appropriation to the Division of Administrative Hearings; providing for severability; providing effective dates.

By the Committee on Judiciary-Civil and Senator Grant—

**CS for SB 499**—A bill to be entitled An act relating to mediation and arbitration; creating s. 44.301, F.S.; providing definitions; creating s. 44.302, F.S.; providing for court-ordered mediation; creating s. 44.303, F.S.; providing for court-ordered, nonbinding arbitration; creating s. 44.304, F.S.; providing for voluntary binding arbitration; creating s. 44.305, F.S.; providing for limitation in referral; creating s. 44.306, F.S.; providing minimum standards for qualifications, rules of professional conduct and training of mediators and arbitrators; providing an effective date.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote CS for SB 270, CS for SB 369, SB 848, CS for CS for SB 875, SB 896, CS for SB 930, CS for SB 1211, CS for SB 371, CS for SB 463 and CS for SB 508 were withdrawn from the Committee on Appropriations.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

##### First Reading

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed HB 803; has passed as amended CS for HB 58, CS for HB 240, House Bills 499, 595, 649, CS for HB 864, House Bills 952, 955, CS for HB 1035, House Bills 1111, 1317, 1343, 1402, 1408, 1409, 1448, 1456, 1457, 1463, 1479 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Rudd—

**HB 803**—A bill to be entitled An act relating to state bonds; amending s. 403.1834, F.S.; increasing the principal amount that may be issued to finance water supply and distribution facilities, stormwater control and treatment facilities, air and water pollution control and abatement facilities, and solid waste disposal facilities; excluding bonds issued to refinance outstanding bonds from the principal amount limitation; providing an effective date.

(Substituted for SB 447 on the special order calendar this day.)

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

**CS for HB 58**—A bill to be entitled An act relating to psychological services; amending ss. 490.002, 490.003, 490.004, 490.005, 490.006,

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

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

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

**CS for HB 240**—A bill to be entitled An act relating to traffic control; creating ss. 316.1936 and 316.1937, F.S.; authorizing, in addition to other penalties for driving under the influence, the requirement of ignition interlock devices as a condition of probation; providing unlawful acts with respect to such devices; providing required terms of probation; providing for license revocation under certain circumstances; providing for certification of such devices by the Department of Health and Rehabilitative Services; providing rulemaking authority; providing an effective date.

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

By the Committee on Agriculture and Representative Mitchell and others—

**HB 499**—A bill to be entitled An act relating to citrus; amending s. 10 of chapter 85-283, Laws of Florida; removing the 1987 repeal of s. 581.193, F.S., relating to an excise tax on citrus nursery stock, and repealing said section effective July 1, 1988; amending s. 2 of chapter 86-128, Laws of Florida; extending for 1 year an excise tax on citrus which is deposited in the Florida Citrus Canker Trust Fund; revising said tax; providing effective dates.

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

By Representative Lawson and others—

**HB 595**—A bill to be entitled An act relating to group health insurance; creating s. 627.6617, F.S.; requiring certain group health insurance policies to provide coverage for home health care services; providing conditions; providing an exception; providing for review and repeal; creating ss. 627.6417 and 627.6612, F.S.; requiring individual and group, blanket, or franchise accident and health insurance policies providing coverage for mastectomies to provide optional coverage for related surgical procedures and devices; providing for review and repeal; providing an effective date.

(Substituted for CS for SB 831 on the special order calendar this day.)

By the Committee on Insurance and Representative Ogden—

**HB 649**—A bill to be entitled An act relating to insurance; amending s. 627.736, F.S., providing conditions under which a personal injury insurer may withdraw payment of a treating physician without consent of

the injured person covered by insurance; creating part XIX of chapter 627, F.S., consisting of ss. 627.941-627.954, F.S.; providing legislative purpose; providing definitions; providing for the certification of risk retention groups in Florida; providing requirements for risk retention groups not certified in Florida; providing for participation by risk retention groups in the state's joint underwriting associations; providing that a policy of insurance issued to a risk retention group need not be countersigned; exempting purchasing groups from certain group insurer requirements; providing for notice and registration requirements of purchasing groups; providing for restrictions on insurance purchased by purchasing groups; providing for administrative and procedural authority regarding risk retention and purchasing groups; providing penalties; providing for cease and desist orders and injunctions; providing requirements with respect to risk retention and purchasing group agents; providing for the binding effect of orders issued in U.S. District Court; providing for rules; amending s. 626.041, F.S., redefining the term "general lines agent"; providing for review and repeal; providing an effective date.

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

By the Committee on Higher Education and Representative Trammell and others—

**CS for HB 864**—A bill to be entitled An act relating to community colleges; amending s. 240.35, F.S.; increasing the amount authorized for transfer to a scholarship fund from the general current fund; increasing the amount authorized for use in certain financial aid awards; expanding criteria for receipt of such awards; amending s. 240.359, F.S.; providing for funding allocations based on enrollment reductions; providing intent to establish a center for a literate Florida within each community college; providing for the submission and contents of operational plans; providing for administration by the State Board of Community Colleges; requiring separation of the center from other community college programs and activities; providing for funding; authorizing the development of rules; amending s. 240.301, F.S.; authorizing community colleges to grant associate in applied science degrees; amending s. 240.355, F.S.; requiring that institutions report and fund programs assigned to a lower level at the new level; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representative Frankel—

**HB 952**—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; relating to the West Palm Beach Police Pension and Relief Fund; amending section 16, chapter 24981, Laws of Florida, 1947, as amended, amending subsections (2)(d), (2)(i), (2)(k), (6), (8), (9), (10)(a), (10)(c), (11), (12)(a), (13)(a), (13)(b), (15)(b)4., (15)(c)1., and (18) conforming title of policeman, patrolman, and policemen to current usage; adding subsections (2)(t), (2)(u), (2)(v), and (2)(w) providing definitions; amending subsections (3)(a), (3)(b) and (3)(d) revising provisions relative to the board of trustees; adding subsections (3)(e) and (3)(f) relating to the board of trustees; amending subsection (4) providing for employment of legal counsel and other persons by the board and relating to the deposit of funds and securities of the West Palm Beach Police Pension and Relief Fund; amending subsection (5)(a) to require that the pension coordinator keep data necessary for an actuarial valuation; amending subsection (9) relating to age and service pensions; amending subsection (10)(a) revising provisions relative to the medical committee and its report; adding subsection (10)(d) relating to expenses of medical examinations for nonduty disability; amending subsection (11) revising provisions relative to the medical committee and its report and relating to expenses of medical examinations for duty disability; amending subsection (15)(c)4. to renumber; amending subsection (17)(a) revising investment provisions; adding subsection (17)(d) providing for performance evaluation of the money manager or investment counsel; 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 Lewis—

**HB 955**—A bill to be entitled An act relating to Palm Beach County; amending section 1 of chapter 59-994, Laws of Florida, to include specified parcels of land in the territorial limits of the Northern Palm Beach County Water Control District; adding additional powers of the district for water supply, sewer and wastewater management, waste collection

and disposal, street lights, control of arthropods and to supply and level water within the district; authorizing the issuance of revenue bonds and bond anticipation notes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Regulatory Reform and Representative Nergard—

**CS for HB 1035**—A bill to be entitled An act relating to pollutants and hazardous waste; amending s. 403.706, F.S., relating to local resource and recovery management programs authorizing counties and municipalities to take certain actions; amending s. 403.701, F.S., providing legislative intent; amending s. 206.9935, F.S.; providing an extension of the excise tax on certain pollutants until a date certain; providing for future legislative review of such tax; amending 206.9925; amending the definition of petroleum product to include petrochemicals; amending ss. 376.303, 376.3071, F.S.; extending the period of time during which certain owners or operators of petroleum storage systems may receive certain trust fund moneys and avoid certain liabilities; requiring additional tanks to be registered; authorizing the Department of Environmental Regulation to include investigations or inspections to locate improperly abandoned tanks in the compliance verification program; authorizing use of the Inland Protection Trust Fund for establishment of the compliance verification program; requiring the secretary of the Department of Environmental Regulation to establish certain site cleanup criteria; providing for receiving reimbursement for site cleanup; requiring notice of certain site cleanup activities; amending 376.317; extending the date on which duly adopted county ordinances that provide more stringent regulations of underground storage tanks are authorized without Department of Environmental Regulation approval; amending s. 376.3073, F.S.; authorizing the Department of Environmental Regulation to contract with local governments for implementation of compliance verification programs; amending ss. 489.105, 489.113, F.S.; providing that certain requirements relating to pollutant storage systems be applied to the removal of such systems; providing procedures for application for county administration of pilot inspection program; authorizing the Department of Professional Regulation to register precision tank testers; providing that persons registered with the department are exempt from local registration requirements; providing for certain rule review and comment by the Department of Environmental Regulation; creating 326.3055, F.S.; providing that it is unlawful to sell any motor fuel and deposit it into a tank required to be registered unless proof of registration is displayed; requiring the department to promulgate rules establishing procedures for contracting with pollution response action contractors; directing the department to follow the construction contracting criteria applicable to the Department of General Services; providing that price proposals submitted are exempt from s. 119.07(1), F.S., relating to public records, for a limited period; authorizing the secretary of the Department of Environmental Regulation to reassign duties among divisions; amending s. 403.7225, F.S.; revising procedures for updating hazardous waste management assessments; amending s. 403.7234, F.S.; providing requirements with respect to the procedure utilized by counties to verify small quantity generators' management practices; providing for notification to the Department of Environmental Regulation of violations; providing for collection and disposition of certain fines imposed on small quantity generators; establishing a pilot small quantity hazardous waste verification program; amending s. 403.7264, F.S.; revising the schedule of amnesty days for purging small quantities of hazardous wastes; amending s. 403.7265, F.S.; providing requirements with respect to a plan for collecting small quantities of hazardous waste and a local hazardous waste collection center network; requiring the Department of Environmental Regulation to establish a grant program for such collection centers; increasing the percentage limitation on use of such grants for amnesty days; increasing the amount of such grants; requiring the Department of Environmental Regulation to assess regional storage facility sites and recommend a site for a multipurpose hazardous waste facility; amending s. 403.727, F.S.; authorizing the department to impose administrative civil fines for violations of specified provisions relating to hazardous wastes; specifying that such fines and certain damages are liens upon the property of the violator; providing for disposition of such fines and damages; amending s. 895.02, F.S.; including certain crimes relating to hazardous waste within the meaning of "racketeering activity" under the Florida RICO Act; amending ss. 376.307 and 895.09, F.S.; providing for deposit of funds obtained through certain forfeiture under said act in the Water Quality Assurance Trust Fund; amending s. 27.345, F.S.; correcting references;

amending s. 772.102, F.S.; including certain crimes relating to hazardous waste within the meaning of "criminal activity" under the Civil Remedies for Criminal Practices Act; providing appropriations; providing an effective date.

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

By Representative Gardner and others—

**HB 1111**—A bill to be entitled An act relating to cable television; prohibiting owners or operators of cable television systems from sending, transmitting, or retransmitting by a cable television system certain uninvited material; providing penalties; providing an effective date.

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

By the Committee on Insurance and Representative Simon—

**HB 1317**—A bill to be entitled An act relating to insurance; amending s. 440.57, F.S., prohibiting group self-insurer's funds from making dividend payment contingent upon policy renewal; amending s. 624.482, F.S., requiring commercial self-insurance funds which write workers' compensation and employer's liability insurance to make rate filings in accordance with certain statutory provisions; amending s. 624.488, F.S., providing that a current provision of law relating to information to be furnished to insureds applies to commercial self-insurance funds; amending s. 627.041, F.S., defining the term "insurer"; amending s. 627.091, F.S., revising the required notice period for committees of rating organizations to the Department of Insurance with respect to workers' compensation and employer's liability insurance; amending s. 627.096, F.S., relating to the Workers' Compensation Rating Bureau; amending s. 627.211, F.S., relating to deviations with respect to workers' compensation and employer's liability insurances; providing clarifying language; providing criteria with respect to deviations which no longer meet the requirements of the Insurance Code; amending s. 627.215, F.S., relating to excessive profits with respect to workers' compensation and employer's liability insurances; revising time frames for certain reports; amending s. 627.4133, F.S., exempting workers' compensation and employer's liability insurances from an advance written notice of renewal premium provisions of law under certain circumstances; saving ss. 627.091, 627.092, 627.093, 627.096, 627.101, 627.111, 627.141, 627.151, 627.171, 627.191, 627.211, 627.215, 627.281, and 627.291, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Commerce.

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

**HB 1343**—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.063, F.S., providing for the expenditure of funds in the nursing home Resident Protection Trust Fund upon a declaration of local emergency pursuant to state law or upon an authorized local order of evacuation of a facility; amending s. 400.401, F.S.; providing legislative purpose; amending s. 400.402, F.S.; changing definitions; amending s. 400.404, F.S.; exempting certain retirement community facilities from licensure under this part; amending s. 400.407, F.S.; providing requirements for facilities that give and persons who receive limited nursing services; revising license fees and allowing periodic adjustment of those fees; providing for an additional fee for certain facilities and specifying the use of such fee; amending s. 400.411, F.S.; expanding the information required to be on license applications; prohibiting counties and municipalities from issuing an occupational license without first ascertaining that the applicant has been licensed as an adult congregate living facility; amending s. 400.412, F.S.; increasing the time period for giving notice and making application for a license before a transfer of ownership; requiring certain information to be sent to the Department of Health and Rehabilitative Services for licensure after a sale or transfer; amending s. 400.414, F.S.; providing grounds for denying a license and for taking action against a licensee; amending s. 400.421, F.S.; providing for temporary injunction and enjoining of a facility; amending s. 400.424, F.S.; revising and adding certain contract requirements; amending s. 400.426, F.S.; requiring a documented, periodic nursing assessment of residents; requiring records to be maintained for departmental inspection; amending s. 400.427, F.S.; revising the maximum value of personal effects that may be retained in the safekeeping of the facility; amending s. 400.441, F.S.; providing for standards based on the size of a facility; amending s. 400.447, F.S.; providing that a facility

may be advertised while under construction if the department approves; requiring a disclaimer; creating s. 400.453, F.S.; providing for departmental consultation; providing for a fee; creating s. 205.1965, F.S.; prohibiting counties and municipalities from issuing an occupational license without first ascertaining that the applicant has been licensed as an adult congregate living facility; providing for review and repeal; providing an appropriation; providing an effective date.

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

By the Committee on Insurance and Representative Ogden—

**HB 1402**—A bill to be entitled An act relating to insurance; amending s. 624.34, F.S., providing for the authority of the Department of Law Enforcement to accept fingerprints of any entity which is examined or investigated under the Florida Insurance Code; amending s. 624.404, F.S., relating to the general eligibility of insurers for a certificate of authority; providing criteria; amending s. 624.438, F.S., relating to general eligibility to provide reference to aggregate excess insurance; amending s. 624.439, F.S., providing authority for the Department of Insurance to grant preliminary approval of an insurance arrangement under certain circumstances; amending s. 624.44, F.S., relating to an examination of reserves and excess insurance; amending s. 624.442, F.S., requiring arrangements to file a report regarding contributions to be received; amending s. 624.501, F.S., providing fees for registration certificates with respect to certain military installations; amending s. 626.191, F.S., permitting applicants for a license or permit as an insurance agent to reapply; repealing s. 626.211(2), F.S., relating to notification of place and time of examination for a license or permit as an agent, solicitor, or adjuster; amending s. 626.221, F.S., increasing the time period for an exemption from examination for certain applicants; amending s. 626.231, F.S., providing for eligibility to take an examination for license; amending s. 626.251, F.S., deleting a time period with respect to notice of examination date; amending s. 626.281, F.S., providing for reexaminations; amending s. 626.511, F.S., eliminating an exemption to a requirement that described persons file a statement with the Department of Insurance describing the reason for the termination of an agent's appointment and license; amending s. 626.521, F.S., providing for required character and credit reports; creating s. 626.552, F.S., providing for reporting by insurers and supervising or managing general agents; amending ss. 626.611, 626.621, 634.181, 634.191, 634.320, 634.321, 634.422, 634.423, 642.041, and 642.043, F.S., providing uniform language with respect to discipline or license refusal, suspension or revocation for persons having been found guilty of, or having pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more; amending s. 626.731, F.S., revising criteria for qualifications for a general lines agent's license; amending s. 626.732, F.S., revising language with respect to required knowledge, experience, or instruction for license as a general lines agent; amending s. 626.735, F.S., revising language with respect to qualifications for a solicitor's license; amending s. 626.739, F.S., revising language with respect to a temporary license; amending s. 626.740, F.S., revising language with respect to temporary limited licenses for industrial fire agents; amending s. 626.785, F.S., relating to license qualifications; amending s. 626.790, F.S., revising language with respect to temporary licenses; amending s. 626.792, F.S., prohibiting the Department of Insurance from issuing a life insurance agent's license to certain nonresidents; amending s. 626.831, F.S., revising language with respect to license qualifications; amending s. 626.835, F.S., prohibiting the department from issuing a health insurance agent's license to certain nonresidents; amending s. 626.854, F.S., redefining the term "public adjuster"; amending s. 626.869, F.S., revising criteria for the issuance of a limited license as an independent or public adjuster; amending s. 626.88, F.S., revising the definition of the terms "administrator" and "insurer"; amending s. 626.8805, F.S., providing criteria for certificates of authority; creating s. 626.8809, F.S., providing for a fidelity bond; amending s. 626.891, F.S., relating to grounds for suspension or revocation of certificate of authority; amending s. 626.943, F.S., relating to powers and duties of the department; amending s. 626.944, F.S., relating to qualifications for health care risk managers; creating s. 627.4085, F.S., requiring the name of the insurer on certain applications; amending ss. 627.651 and 627.666, F.S., providing that provisions of law relating to the liability of a succeeding insurer apply with respect to insurance provided through a multiple-employer welfare arrangement; amending s. 627.679, F.S., providing for required disclosure with respect to credit life insurance; amending s. 628.071, F.S., relating to the grant or denial of a permit to include certain criteria; amending s. 632.629, F.S., relating to annual licenses for certain societies authorized to transact business; amending s. 632.638, F.S., relating to the applicability of the Insurance Code; amend-

ing s. 637.415, F.S., relating to the regulation of employees or representatives of dental service plan corporations; creating s. 648.315, F.S., providing for the number of applications required for licensure as bail bondsmen; amending s. 648.34, F.S., revising criteria for qualifications of bail bondsmen; amending s. 648.37, F.S., revising criteria for qualifications of runners; amending s. 648.38, F.S., revising language with respect to examination as a bail bondsman; amending s. 648.39, F.S., relating to notice of appointment of agents; repealing s. 624.441, F.S., relating to insolvency protection for insurance arrangements; repealing s. 626.881, F.S., relating to the deposit of securities and surety bonds; repealing s. 626.8811, F.S., relating to a prohibition upon a levy upon deposit of certain assets or securities; providing for review and repeal; providing an effective date.

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

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

**HB 1408**—A bill to be entitled An act relating to dependent children; amending s. 39.01, F.S.; providing definitions; creating s. 39.012, F.S., providing rulemaking authority; amending ss. 39.015, 39.40, 39.402, and 39.403, F.S.; conforming cross references; amending s. 39.404, F.S.; providing requirements for filing of petition for termination of parental rights; amending s. 39.41, F.S.; conforming cross references; deleting provisions relating to termination of parental rights; creating a new part IV of chapter 39, F.S., relating to children in foster care; providing legislative findings and intent; requiring performance agreements; delineating contents of the agreements; providing procedures for preparation and amendment; requiring initial court review and hearing; requiring permanent placement plans under specified circumstances; providing requirements for content, preparation, amendment, and review; requiring notice of potential result of placement of child in care; providing for judicial review; providing for hearing; providing for petition and notices; requiring a social study report to include specified items; requiring the court to make certain determinations in its deliberation; providing for disposition; providing for initiation of termination of parental rights proceedings under certain circumstances; providing immunity from liability; providing exemptions; creating a new part V of chapter 39, F.S., relating to termination of parental rights proceedings; providing procedures and jurisdiction; providing for filing of a petition for termination of parental rights; providing for process and service; providing for waiver of notice; providing consequences for failure to respond; providing for answer; providing elements for termination of parental rights; providing right to counsel and guardian ad litem; providing for hearings; providing for orders of adjudication; providing the court's powers of disposition; providing post disposition relief; providing for oaths, records, and confidential information; providing for court and witness fees; providing for appeals; limiting compensation for appointed counsel; amending s. 409.1685, F.S., to conform; repealing s. 409.168, F.S., relating to permanency planning and judicial review of children in foster care; providing an effective date.

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

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

**HB 1409**—A bill to be entitled An act relating to screening; amending s. 39.12, F.S.; providing for use of records in disqualification from certain employment; amending s. 39.407, F.S., emphasizing the need for immunization of children in shelter care; amending s. 39.411, F.S.; providing for use of records in disqualification from certain employment; amending s. 110.1127, F.S.; changing requirements for employee security checks; expanding possible exemptions from employment disqualification; providing penalties; amending s. 393.063, F.S.; providing changes in definitions; amending s. 393.0655, F.S.; changing minimum standards for screening of caretakers; expanding possible exemptions from employment disqualification; requiring information to be provided by a time certain; removing certain distinctions between permanent and probationary status caretakers; amending s. 393.066, F.S.; providing rulemaking authority; amending s. 393.067, F.S.; deleting outdated provisions; requiring submission of information by a time certain; providing penalty for noncompliance; amending s. 393.0675, F.S.; providing for injunctive proceedings; amending s. 394.455, F.S.; deleting employment history checks and checks of reference from and changing requirements for volunteers in the definition of "screening"; amending s. 394.457, F.S.; revising minimum standards for mental health personnel; expanding possible exemp-

tions from employment disqualification; deleting outdated provisions; providing for chapter 120 hearing; requiring certain information to be provided by a time certain; providing penalty for noncompliance; removing certain distinctions between permanent and probationary employee status; amending s. 396.032, F.S.; deleting employment history checks and checks of reference from and changing the requirements for volunteers in the definition of "screening"; amending s. 396.042, F.S.; deleting outdated provisions; requiring certain information to be provided by a time certain; providing penalties for noncompliance; amending s. 396.0425, F.S.; revising minimum standards for screening of treatment resource personnel; expanding possible exemptions from employment disqualification; requiring certain information be supplied by specified time; providing penalty for noncompliance; removing certain distinctions between permanent and probationary status treatment resource personnel; requiring automatic termination of treatment resource personnel under certain circumstances; amending s. 396.173, F.S.; requiring submission of fingerprints; amending s. 396.175, F.S.; providing for issuance of license if screening materials have been timely submitted; prohibiting licensure under specified circumstances; providing for the issuance of a probationary license; amending s. 397.021, F.S.; deleting employment history checks and checks of reference from and changing the requirements for volunteers in the definition of "screening"; amending s. 397.0715, F.S.; revising minimum standards for screening of treatment resource personnel; expanding possible exemptions from employment disqualification; requiring certain information be supplied by specified time; providing penalty for noncompliance; removing certain distinctions between permanent and probationary status treatment resource personnel; amending s. 397.081, F.S.; providing penalty for failure to supply required information by a time certain; amending s. 397.091, F.S.; deleting outdated provisions; providing penalty for failure to supply required information by a time certain; providing for issuance of license under certain circumstances; providing for the issuance of a probationary license; amending s. 402.301, F.S.; providing legislative intent that certain membership organizations shall not be screened; amending s. 402.302, F.S.; changing definitions of "child care personnel" and "screening"; amending s. 402.305, F.S.; revising the minimum standards for child care personnel; expanding possible exemptions from employment disqualification; providing for contesting through chapter 120 procedures and others; amending s. 402.3055, F.S.; deleting outdated provisions; providing penalty for failure to supply information within specified time; removing certain distinctions between permanent and probationary child care personnel; amending s. 402.308, F.S.; providing for issuance or renewal of license if all screening materials have been timely submitted; amending s. 402.309, F.S.; providing for issuance of provisional license; amending s. 402.313, F.S.; providing guidelines for screening; amending s. 409.175, F.S.; providing changes in definitions; providing for promulgation of rules; providing requirements for licensure and operation; providing changes to screening requirements; expanding possible exemptions from employment disqualification; requiring submission of information; providing penalty for failure to submit within time required; deleting outdated provisions; providing for issuance or renewal of license under certain circumstances; prohibiting licensure of summer day camps or summer 24-hour camps; providing departmental access to certain records; providing for issuance of provisional license; amending s. 415.102, F.S.; adding a definition of "confirmed report"; amending s. 415.103, F.S.; adding "confirmed report"; providing for amendment and expunction of records; providing procedures; providing for confidentiality; amending s. 415.104, F.S.; providing for classification of report; amending s. 415.107, F.S.; providing Division of Administrative Hearings access to records; providing for search of records; providing for classification of records; specifying information to be released to certain parties; amending s. 415.503, F.S.; adding definition of "confirmed report"; amending s. 415.504, F.S.; providing for classification of reports; providing for amendment and expunction of records; providing procedures; providing for confidentiality; amending s. 415.505, F.S.; changing terminology to conform with changes in definition and usage in current law; amending s. 415.51, F.S.; providing the Division of Administrative Hearings access to records; providing for search of records; providing for classification of records; specifying the information to be released to certain parties; amending s. 447.208, F.S.; providing for delay of appeal hearing under certain circumstances; amending s. 447.401, F.S.; providing for delay of grievance decision under certain circumstances; amending s. 959.001, F.S.; adding a definition of "screening"; amending s. 959.06, F.S.; requiring screening for contract providers for any juvenile delinquency program; requiring that providers meet criteria;

providing for certain exemptions from disqualification; providing exemption procedures; providing an effective date.

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

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

**HB 1448**—A bill to be entitled An act relating to child abuse and neglect; amending s. 415.503, F.S.; providing a definition; amending s. 415.504, F.S.; providing classifications of abuse or neglect reports; providing timeframes and procedures for amendment or expunction of records; amending s. 415.505, F.S.; conforming terminology; amending s. 415.51, F.S.; providing Division of Administrative Hearings access to abuse and neglect records for specific purpose; providing guidance on search of records; specifying information to be released; amending ss. 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 402.305, and 409.175, F.S.; conforming cross references in terminology; amending s. 39.01, F.S.; providing that deprivation of education is neglect; amending s. 39.407, F.S.; emphasizing the need for immunization of children in shelter care; amending s. 39.41, F.S.; limiting termination of parental rights in neglect cases; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Governmental Operations.

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

**HB 1456**—A bill to be entitled An act relating to real property acquired through the exercise of eminent domain; amending s. 337.27, F.S.; authorizing the Department of Transportation to acquire certain property through eminent domain when reasonably necessary for securing applicable environmental permits; providing exemption from ch. 376 and ch. 403 liability; providing for interagency agreements; providing an effective date.

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

By the Committee on Natural Resources and Representative Martin—

**HB 1457**—A bill to be entitled An act relating to energy conservation standards; creating part VIII of chapter 553, F.S., the Florida Energy Conservation Standards Act; providing powers of the Department of Community Affairs; specifying products covered by the act; providing for such standards and requiring compliance therewith; providing for test methods; providing for exemptions; providing for revision of standards; requiring manufacturers to submit certification statements; providing for enforcement and penalties; requiring reports to the Governor and Legislature by the Public Service Commission; providing an effective date.

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

By Representative Tobiassen and others—

**HB 1463**—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 5 of Chapter 79-553, Laws of Florida, to delete compulsory retirement language; repealing section 9 of chapter 61-2655, Laws of Florida, as amended, relating to the automatic retirement of city employees; superseding existing laws relating thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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

**HB 1479**—A bill to be entitled An act relating to justifiable use of force; amending s. 776.05, F.S.; revising provisions relating to justifiable use of force by officers in making an arrest; amending subsection (5) of section 921.141, F.S.; by creating paragraph (j) providing the victim of the capital felony was a law enforcement officer engaged in the performance of his official duties; providing an effective date.

(Substituted for CS for SB 403 on the special order calendar this day.)

*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 419 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 419**—A bill to be entitled An act relating to the judiciary; creating the Study Commission on the Florida Trial Court System; providing for appointment of members; providing duties and responsibilities; providing for staffing of the commission; providing per diem for members; requiring the submission of a report to the Legislature; providing for expiration of the commission; providing an effective date.

**Amendment 1**—On page 1, lines 16-31, strike all of said lines and insert:

- (1) The commission shall be composed of thirteen members, consisting of:
  - (a) The Chief Justice of the Supreme Court.
  - (b) One Senator appointed by the President of the Senate.
  - (c) One Representative appointed by the Speaker of the House of Representatives.
  - (d) Two judges of the district courts of appeal appointed by the Chairman of the Conference of the Judges of the District Courts of Appeal.
  - (e) Two circuit court judges appointed by the Chairman of the Conference of Circuit Court Judges of Florida.
  - (f) Two county court judges appointed by the Chairman of the Conference of County Court Judges of Florida.
  - (g) Two attorneys who are members in good standing of The Florida Bar appointed by the President of The Florida Bar.
  - (h) Two lay persons appointed by the Governor.

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

CS for SB 419 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	Frank	Jennings	Plummer
Barron	Gordon	Johnson	Ros-Lehtinen
Beard	Grant	Kirkpatrick	Stuart
Brown	Grizzle	Langley	Thomas
Childers, D.	Hair	Lehtinen	Thurman
Childers, W. D.	Hill	Malchon	Weinstein
Deratany	Hollingsworth	Meek	Weinstock
Dudley	Jenne	Myers	Woodson

Nays—None

Vote after roll call:

Yea—Peterson

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 330 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 330**—A bill to be entitled An act relating to highway designation; designating a portion of U.S. Highway 98 in Walton County as the "Emerald Coast Parkway"; providing for the erection of appropriate markers by the Department of Transportation; providing an effective date.

**Amendment 1**—On page 2, line 4, insert: (Two new sections)

Section 3. *The Board of Regents of the State University System is authorized and directed to name the University Center at the University of South Florida the "Phyllis P. Marshall Center" upon her retirement.*

Section 4. *The Board of Regents is authorized to erect suitable identification bearing the designation made under this act.*

(Renumber subsequent sections.)

**Amendment 2**—On page 1 in the title, line 6, after the semicolon (;) insert: authorizing the Board of Regents to name the University Center at the University of South Florida; authorizing the erection of suitable markers;

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

SB 330 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—34

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

Nays—1

Gordon

Vote after roll call:

Yea—Peterson

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 529 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 529**—A bill to be entitled An act relating to securities transactions; amending s. 48.151, F.S.; expanding the Comptroller's responsibility as an agent for service of process with respect to violations of ch. 517, F.S., relating to securities transactions; amending s. 517.021, F.S.; excluding certain persons from the definition of the term "dealer"; amending s. 517.082, F.S.; authorizing the registration of certain securities filed under the Investment Company Act of 1940; deleting restrictions on the registration of securities due to the commission of reportable acts; amending s. 517.161, F.S.; providing grounds for the revocation, denial, or suspension of the registration of a dealer, investment adviser, associated person, or branch office; providing an effective date.

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

Section 2. Paragraph (b) of subsection (9) of section 517.021, Florida Statutes, 1986 Supplement, is amended and subsections (11) through (20) of section 517.021, Florida Statutes, 1986 Supplement, are renumbered as subsections (13) through (22), respectively, and new subsections (11) and (12) are added to said section to read:

517.021 Definitions.—When used in this chapter, unless the context otherwise indicates, the following terms have the following respective meanings:

(9)

(b) The term "dealer" does not include the following:

1. Any licensed practicing attorney who renders or performs any of such services in connection with the regular practice of his profession;
2. Any bank authorized to do business in this state, except nonbank subsidiaries of a bank;
3. Any trust company having trust powers which it is authorized to exercise in this state, which renders or performs services in a fiduciary capacity incidental to the exercise of its trust powers;
4. Any wholesaler selling exclusively to dealers;

5. Any person buying and selling for his own account exclusively through a registered dealer or stock exchange; or

6. Pursuant to s. 517.061(11), any person associated with an issuer of securities if such person is a bona fide employee of the issuer who has not participated in the distribution or sale of any securities within the preceding 12 months and who primarily performs, or is intended to perform at the end of the distribution, substantial duties for, or on behalf of, the issuer other than in connection with transactions in securities.

(11) "Guarantor" means a person who agrees in writing, or who holds itself out to the public as agreeing, to pay the indebtedness of another when due, including, without limitation, payments of principal and interest on a bond, debenture, note or other evidence of indebtedness, without resort by the holder to any other obligor, whether or not such writing expressly states that the person signing is signing as a guarantor. The obligation of a guarantor hereunder shall be a continuing, absolute and unconditional guaranty of payment, without regard to the validity, regularity or enforceability of the underlying indebtedness.

(12) "Guaranty" means a writing in which one party either agrees, or holds itself out to the public as agreeing, to pay the indebtedness of another when due, including, without limitation, payments of principal and interest on a bond, debenture, note or other evidence of indebtedness, without resort by the holder to any other obligor, whether or not such writing expressly states that the person signing is signing as a guarantor. An agreement that is not specifically denominated as a guaranty shall nevertheless constitute a guaranty if the holder of the underlying indebtedness or his representative or trustee has the right to sue to enforce the guarantor's obligations under the guaranty. Words of guaranty or equivalent words which otherwise do not specify guaranty of payment create a presumption that payment, rather than collection, is guaranteed by the guarantor. Any guaranty in writing is enforceable notwithstanding any statute of frauds.

Section 3. Subsection (1) of section 517.051, Florida Statutes, 1986 Supplement, is amended to read:

517.051 Exempt securities.—The registration provisions of s. 517.07 do not apply to any of the following securities:

(1) A security issued or guaranteed by the United States or any territory or insular possession of the United States, by the District of Columbia, or by any state of the United States or by any political subdivision or agency or other instrumentality thereof; provided that no person shall directly or indirectly offer or sell securities under this subsection if the issuer or guarantor is in default or has been in default any time after December 31, 1975, as to principal or interest:

(a) With respect to an obligation issued by the issuer or successor of the issuer; or

(b) With respect to an obligation guaranteed by the guarantor or successor of the guarantor,

except by an offering circular containing full and fair disclosure as prescribed by rule of the department.

(Renumber subsequent sections.)

**Amendment 2**—On page 1, in the title, line 9, after the semicolon (;) insert: defining the terms "guarantor" and "guaranty" for the purposes of the "Florida Securities and Investor Protection Act"; amending s. 517.051, F.S., providing a restriction on an exemption to the act;

**Amendment 3**—On page 8, between lines 11 and 12, insert:

Section 5. Subsection (2) of section 199.103, Florida Statutes, 1986 Supplement, is amended to read:

199.103 Basis of assessment; valuation.—All intangible personal property shall be subject to the annual tax at its just valuation as of January 1 of each year. Such property shall be valued in the following manner:

~~(2) Shares of regulated investment companies, including mutual funds and money market funds organized as business trusts or incorporated companies, shall be valued at the offering price of such shares on the last business day of the previous calendar year.~~

(2) Shares or units of companies or trusts registered under the Investment Company Act of 1940, as amended, including mutual funds, money market funds, and unit investment trusts where such shares or

units are not exempt under section 199.185, shall be valued at the offering price of such shares or units on the last business day of the previous calendar year.

(Renumber subsequent section.)

**Amendment 4**—On page 8, between lines 11 and 12, insert:

Section 5. Paragraph (i) is added to subsection (1) of section 199.185, Florida Statutes, to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(1) The following intangible personal property shall be exempt from the annual and nonrecurring taxes imposed by this chapter:

(i) Units of a unit investment trust organized under an agreement or declaration of trust and registered under the Investment Company Act of 1940, as amended, whose portfolio of assets consists solely of assets exempt under this section.

(Renumber subsequent sections.)

**Amendment 5**—On page 1 in the title, line 18, after the semicolon (;) insert: amending s. 199.103, F.S., relating to valuation of shares or units; amending s. 199.185, F.S., authorizing an exemption under certain circumstances for units of a unit investment trust;

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

SB 529 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Peterson

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 614 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

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

**Amendment 1**—On page 1, line 9, insert:

Section 1. Subsection (2) of section 648.442, Florida Statutes, 1986 Supplement, is amended to read:

648.442 Collateral security.—

(1) Collateral security or other indemnity accepted by a bail bondsman, except a promissory note or an indemnity agreement, shall be returned upon final termination of liability on the bond. Such collateral security or other indemnity required by the bail bondsman must be reasonable in relation to the amount of the bond. No bail bondsman shall accept collateral security or other indemnity in excess of \$50,000 per bond unless such security or indemnity consists of the following:

- A promissory note;
- An indemnity agreement;
- A real property mortgage; or

(d) Any other type of security approved by the board. The board shall approve other security only if, after considering the liquidity and other characteristics of the security, it determines that the security is of a type which increases the probability that the defendant will in fact appear in court or increases the probability that the defendant will be subsequently apprehended by the bail bondsman.

(2) When a bail bondsman accepts collateral, he shall give a written, numbered receipt for it, and this receipt shall give in detail a full account of the collateral received. *The bail bondsman shall also give copies of documents rendered under subsection (1) of this section.*

(8) Any person who violates this section is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Section 648.4425, Florida Statutes, is created to read:

648.4425 Notice.—Upon issuing a bond, the bail bondsman shall provide to the principal, and if applicable, to the party rendering collateral or indemnifying the principal, an informational notice which shall include:

(1) A statement noting with particularity the restrictions, if any, placed on the principal as a condition of the bond;

(2) A statement of the bail bondsman's powers relating to the cancellation of the bond and recommitment of the principal; and

(3) The name, address and telephone number of the Bail Bond Regulatory Board for complaints or inquiries.

Section 3. *The Department of Insurance shall promulgate rules to implement the provisions of this act.*

Section 4. *Each section which is added to chapter 648, Florida Statutes, by this act is repealed on October 1, 1990, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.*

(Renumber subsequent sections.)

**Amendment 2**—On page 1 in the title, line 2, after the semi-colon, insert: amending s. 648.442, F.S.; providing for copies of certain documents when a bail bondsman accepts collateral; providing a penalty; creating s. 648.4425, F.S.; providing for an informational notice; providing for promulgation of rules; providing for future review and repeal;

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

SB 614 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	Gordon	Kirkpatrick	Plummer
Beard	Grant	Kiser	Ros-Lehtinen
Brown	Grizzle	Langley	Stuart
Childers, D.	Hair	Lehtinen	Thomas
Childers, W. D.	Hill	Malchon	Thurman
Deratany	Hollingsworth	Margolis	Weinstein
Dudley	Jenne	McPherson	Weinstock
Frank	Jennings	Meek	Woodson
Girardeau	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Peterson

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 667 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 667**—A bill to be entitled An act relating to Florida Seed Law; amending s. 578.011, F.S., modifying definitions; amending s. 578.08, F.S., clarifying application of registration requirements; modifying an exemption; amending s. 578.181, F.S., providing additional penalties; amending s. 578.23, F.S., requiring recordkeeping by certain persons; amending s. 578.26, F.S., increasing time for filing the answer to a complaint; providing an effective date.

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

Section 1. Subsection (4) of section 482.021, Florida Statutes, is amended, and subsection (29) is added to said section, to read:

482.021 Definitions.—For the purposes of this measure, and unless otherwise required by the context, the following definitions shall prevail, to wit:

(4) "Category" means a distinct branch or phase of pest control for which a pest control operator's certificate may be issued such as: fumigation, general household pest control, rodent control, pest control with respect to termites and other wood-destroying organisms, lawn and ornamental pest control, *interior plant pest control*, and such a combination or division of such branches of pest control as the department may by rule establish.

(29) "*Interior plant pest control*" means pest control with respect to any lawn, foliage or flowering plant, or ornamental plant used within a structure.

Section 2. Paragraph (b) of subsection (2) of section 482.132, Florida Statutes, is amended, and paragraph (c) is added to said subsection, to read:

482.132 Qualifications for examination and certification.—

(2) Each applicant for examination for pest control operator's certificate must possess one of the following basic qualifications:

(b) A degree with advanced training or a major in entomology, or horticulture, or botany from a recognized college or university. Those holding a degree with advanced training or a major in entomology are qualified for the examination in ~~all categories general household pest control, lawn and ornamental pest control, termite or other wood-infesting organisms control, and fumigation.~~ Those holding a degree with advanced training or a major in horticulture are qualified for the examination in lawn and ornamental pest control and *interior plant pest control only*. Those holding a degree with advanced training or a major in botany are qualified for the examination in *interior plant pest control only*.

(c) For purposes of qualifying to take the examination for certification in the *interior plant pest control* category, an applicant may be permitted to take the examination without meeting other qualifications of this subsection if he demonstrates, to the satisfaction of the department, that he is performing interior plant landscaping or interior plant pest control on the effective date of this act. The provisions of this paragraph shall expire 1 year from the effective date of this act.

(Renumber subsequent sections.)

**Amendment 2**—On page 1, in the title, line 2, strike all of line 2 and insert: An act relating to pest control and Florida Seed Law; amending s. 482.021, F.S., including interior plant pest control as a category of pest control for which a pest control operator's certificate may be issued; amending s. 482.132, F.S., providing qualifications for examination and certification in interior plant pest control; amending

On motions by Senator Thomas, 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 CS for SB 55 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 55**—A bill to be entitled An act relating to home solicitation sales; amending s. 501.021, F.S.; excluding sales made by motor vehicle dealers licensed under s. 320.27, F.S., occurring at a location or facility open to the general public or designated group; amending s. 501.022, F.S.; exempting solicitors, salesmen, and agents of a religious, charitable, scientific, educational, or veterans' institution or organization from the requirement of having permits in order to conduct such sales; providing an effective date.

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

Section 1. Subsection (2) of section 501.021, Florida Statutes, 1986 Supplement, is amended, and subsection (4) is added to said section, to read:

501.021 Home solicitation sale; definitions.—As used in ss. 501.021-501.055:

(2) "Home solicitation sale" means a sale, lease, or rental of consumer goods or services with a purchase price in excess of \$25 which includes all interest, service charges, finance charges, postage, freight, insurance, and service or handling charges, whether under single or multiple contracts, made pursuant to an installment contract, a loan agreement, other evidence of indebtedness, or a cash transaction or other consumer credit transaction, in which:

(a) The seller or a person acting for him engages in a personal solicitation of the sale, lease, or rental at a place other than at the seller's fixed location business establishment where goods or services are offered or exhibited for sale, lease, or rental, and

(b) The buyer's agreement or offer to purchase is given to the seller and the sale, lease, or rental is consummated at a place other than at the seller's fixed location business establishment,

including a transaction unsolicited by the consumer and consummated by telephone and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services. It does not include a sale, lease, or rental made at any fair or similar commercial exhibit or a sale, lease, or rental that results from a request for specific goods or services by the purchaser or lessee or a sale made by a motor vehicle dealer licensed under s. 320.27 which occurs at a location or facility open to the general public or to a designated group.

(4) "*Future delivery*" means delivery more than 3 business days after the buyer signs an agreement or offer to purchase.

Section 2. Subsection (1) and paragraph (a) of subsection (4) of section 501.022, Florida Statutes, 1986 Supplement, are amended to read:

501.022 Home solicitation sale; permit required.—

(1)(a) It is unlawful for any person to conduct any home solicitation sale, as defined in s. 501.021(2), or to supervise excluded minors conducting such sales provided in subparagraph (b)5., in this state without first obtaining a valid home solicitation sale permit as provided in this section.

(b) The following are excluded from the operation of this section:

1. Bona fide agents, business representatives, or salesmen making calls or soliciting orders at the usual place of business of a customer regarding products or services for use in connection with the customer's business.

2. Solicitors, salesmen, or agents making a call or business visit upon the express invitation, oral or written, of an inhabitant of the premises or his agent.

3. Telephone solicitors, salesmen, or agents making calls which involve transactions that are unsolicited by the consumer and consummated by telephone and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services.

4. Solicitors, salesmen, or agents conducting a sale, lease, or rental of consumer goods or services by sample, catalog, or brochure for future delivery.

5. Minors, as defined in s. 1.01(14), conducting home solicitation sales under the supervision of an adult supervisor who holds a valid home solicitation sale permit. Minors excluded from operation of this section must, however, carry personal identification which includes their full name, date of birth, residence address, and employer and the name and permit number of their adult supervisor.

6. Those sellers or their representatives that are currently regulated as to the sale of goods and services by chapter 470, *chapter 475*, chapter 497, or chapter 639.

7. Solicitors, salesmen, or agents making calls or soliciting orders on behalf of a religious, charitable, scientific, educational, or veterans' institution or organization holding a sales tax exemption certificate under s. 212.08(7)(a).

(4) A clerk of the circuit court for the county may revoke, suspend, or deny the issuance of any home solicitation sale permit if it is determined that an applicant or permitholder has:

(a) Been convicted of, or entered a plea of guilty or *nolo contendere* to, a crime against the laws of this state or any other state or the United States, involving moral turpitude, fraudulent or dishonest dealing, or the illegal use or sale of a controlled substance, or been convicted of, or entered a plea of guilty or *nolo contendere* to, a violation of any of the provisions of ss. 501.021-501.055 or pleaded guilty or *nolo contendere* to any crime or violation in any jurisdiction, regardless of adjudication, which directly relates to the type of activities involved in home solicitation sales.

Section 3. Section 501.053, Florida Statutes, is created to read:

501.053 *Home solicitation sale; judicial review.*—Any person, firm, corporation, or agency aggrieved by any decision of a clerk of the circuit court under authority granted in ss. 501.021-501.055 may appeal to the courts, as provided by general law, within 90 days from the date of the decision sought to be reviewed.

Section 4. Subsection (2) of section 501.055, Florida Statutes, 1986 Supplement, is amended to read:

501.055 *Home solicitation sale; penalties.*—

(2) Any person who conducts or attempts to conduct a home solicitation sale without first obtaining and having in his possession a valid, current permit as required by s. 501.022 or who uses or attempts to use an expired, suspended, or revoked home solicitation sale permit in a home solicitation sale is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Upon second or subsequent conviction for violation of this subsection, the offender is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

**Amendment 2**—On page 1, in the title, lines 1-13, strike the entire title and insert: A bill to be entitled An act relating to home solicitation sales; amending s. 501.021, F.S.; adding to definitions; amending s. 501.022, F.S.; exempting real estate brokers and salesmen, and solicitors, salesmen, and agents of a religious, charitable, scientific, educational, or veterans' institution or organization from the requirement of having permits in order to conduct such sales; revising criteria for revocation, suspension, or denial of issuance of permit for home solicitation sale; creating s. 501.053, F.S.; providing for judicial review; amending s. 501.055, F.S.; providing penalties; providing an effective date.

**Amendment 3**—On page 1, line 16, insert:

Section 1. Section 496.02, Florida Statutes, is amended to read:

496.02 *Definitions of terms used in ss. 496.01-496.136.*—As used in ss. 496.01-496.136, the term:

(1) "Act" means the "Solicitation of Charitable Contributions Act."

(2)(1)(a) "Charitable organization" means a group which is or holds itself out to be a benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious, scientific, social welfare, advocacy, conservation, preservation, civic, public interest, arts, humanities, or eleemosynary organization or any person who solicits or obtains contributions solicited for charitable purposes. The term includes a chapter, branch or area office, or similar affiliate, or any person soliciting contributions within the state for a charitable organization which has its principal place of business outside the state.

(b) This definition shall not be deemed to include bona fide religious institutions which are defined and limited as follows:

1. "Religious institutions" means churches, ecclesiastical or denominational organizations, or established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on and includes those bona fide religious groups which do not maintain specific places of worship.

2. "Religious institutions" also includes such separate groups or corporations which form an integral part of those institutions described in subparagraph 1. which are exempt from federal income tax as exempt organizations under the provision of s. 501(c)(3) of the Internal Revenue Code of 1954 and which are not primarily supported by funds solicited outside its own membership or congregation.

(3)(2) "Charitable purpose" means any charitable, benevolent, educational, health, philanthropic, humane, patriotic, religious, scientific, social welfare, advocacy, conservation, preservation, civic, public interest, arts, humanities, or eleemosynary objective purpose for religion, health, education, social welfare, arts and humanities, or civic and public interests.

(4) "Charitable sales promotion" means an advertising or sales campaign conducted by a commercial coventurer who represents that the purchase or use of goods or services offered by the commercial coventurer will be used for a charitable purpose or donated to a charitable organization.

(5) "Commercial coventurer" means a person who, for profit, is engaged in a commercial enterprise not associated with the solicitation of contributions and who conducts, as part of such enterprise, a charitable sales promotion.

(6)(3) "Contribution" means the donation or grant of money or property of any kind or value, except that money or property received from any governmental authority, and includes donations or grants for membership in a charitable organization to the extent that such donation or grant exceeds the monetary value of the membership.

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

(8)(4) "Cost of fundraising" means all legitimate and reasonable expenses incurred in soliciting contributions, including, but not limited to, costs of goods sold or services purchased; and expenses incurred for employee salaries, printed materials, office space, phones, and advertising; and for the services performed by or through of a professional solicitor.

(9)(5) "Department" means the Department of State.

(10)(6) "Federated fundraising organization" means a federation of independent charitable organizations which have voluntarily joined together, including, but not limited to, a united fund or community chest, for purposes of raising and distributing money for and among themselves and when membership does not confer operating authority and control of the individual agencies upon the federated group organization.

(11) "Financial report" means a financial statement, review, or audit as required in s. 496.03(1)(o).

(12) "Membership" means the status bestowed upon a person by a charitable organization because of which the person receives or enjoys certain rights, benefits, or privileges provided exclusively to members of the charitable organization.

(13)(7) "Parent organization" means that part of a charitable organization which coordinates, supervises, or exercises control over policy, fundraising, or expenditures or which assists or advises one or more chapters, branches, or affiliates in the state.

(14)(8) "Person" means any individual, organization, trust, foundation, group, association, partnership, corporation, society, or any combination of them.

(15)(9)(a) "Professional solicitor" means a person who, for a financial or other consideration, solicits contributions for, or on behalf of, a charitable organization, whether such solicitation is performed personally or through his agents, servants, or employees or through agents, servants, or employees specially employed by or for a charitable organization, who are engaged in the solicitation of contributions under the direction of such person; or a person who, for a financial or other consideration, plans, conducts, manages, carries on, or advises a charitable organization in connection with the solicitation of contributions; however, no agent, servant, or employee of a professional solicitor shall be deemed to be a professional solicitor. A bona fide salaried officer or employee of a charitable organization shall not be deemed to be a professional solicitor. However, except for a bona fide salaried officer or employee of a parent or federated fundraising organization who, in such capacity, solicits for a chapter, branch, or independent member agency of such organization, any bona fide salaried officer or employee of a charitable organization who engages in the solicitation of contributions for a financial or other consideration for more than one charitable organization shall be deemed a professional solicitor. No attorney, investment counselor, accountant, or banker who, in the conduct of his profession, advises a person to make a contribution

to a charitable organization shall be deemed, as a result of such advice, to be a professional solicitor. any person who, for a financial or other consideration, is engaged in any one or more of the following activities:

1. Solicits contributions for or on behalf of a charitable organization.
2. Supervises, directs, or controls solicitation activities performed by others either for a charitable organization or another professional solicitor, except if the person is a registered professional solicitor employee under direct contract to a professional solicitor.
3. Plans, conducts, advises, or manages a fundraising event, a solicitation activity or campaign, or any part thereof, for either a charitable organization or another professional solicitor.
4. Has in his custody, at any time, moneys received as a result of solicitation activities, except if the person is employed by and working for a bonded company the primary business of which is the pick-up and delivery of packages, moneys, or materials and not solicitations.

(b) The term "professional solicitor" shall not include a person who is:

1. A bona fide employee of a professional solicitor;
2. A bona fide employee of, officer of, or partner in a charitable organization performing solicitation activities on behalf of the organization, provided that he is not also performing paid solicitation activities for another charitable organization;
3. A bona fide employee of, officer of, or partner in a parent or federated fundraising charitable organization performing solicitation activities on behalf of its chapters, branches, affiliates, or independent member agencies, provided that he is not also performing paid solicitation activities for another charitable organization;
4. Performing services on a voluntary basis;
5. An attorney, investment counselor, accountant, or banker who, in the conduct of his profession, advises a person to make a contribution to a charitable organization;
6. A state or national bank, bank holding company, or credit union in which contributions have been deposited and are being maintained, provided that such bank, bank holding company, or credit union is organized and operating pursuant to the banking laws of this state;
7. A commercial coventurer; or
8. A fundraising consultant.

(16)(10) "Professional solicitor employee" means any person employed by a professional solicitor for the purpose of making, directing, supervising, or participating in any solicitation in this state and who is paid by a professional solicitor, whether by salary or commission, who works under the direct supervision and control of a professional solicitor, and who is authorized to hire or terminate employees or and sign contracts in the name of a professional solicitor. This definition does not include employees making only telephone solicitations if those solicitations are made under the direct supervision of a registered professional solicitor or registered professional solicitor employee.

(17)(11)(a) "Solicit" and "solicitation" mean the direct or indirect request directly or indirectly for money, credit, property, financial assistance, or other thing of value on the plea or representation that such money, credit, property, financial assistance, or other thing of value will be used for a charitable purpose, and the terms of which request include the following methods of securing such money, credit, property, financial assistance, or other thing of value:

- 1.(a) Any oral or written request;
- 2.(b) The making of any announcement to the local press, over the radio or television, or by telephone or telegraph, concerning an appeal or campaign which requests a contribution for any charitable purpose connected therewith;
- 3.(c) The distribution, circulation, posting, or publishing of any handbill, written advertisement, or other local publication which directly or by implication seeks to obtain contributions; or
- 4.(d) The sale of, offer of, or attempt to sell any advertisement, advertising space, book, card, tag, coupon, device, magazine, membership, mer-

chandise, subscription, flower, ticket, candy, cookies, or other tangible item in connection with which any appeal is made for any charitable purpose, or when a the name of any person is used or referred to in such an appeal as an inducement or reason for making any such sale for any charitable purpose, or when, in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will be donated to any charitable purpose.

(b) Sale of advertising is not a solicitation if it is not associated with the solicitation of contributions.

(c) A solicitation shall be deemed to have taken place when the request is made, whether or not the person making the request receives any contribution.

(18) "Fundraising consultant" means any person who, for consideration, plans a fundraising event or campaign or advises or provides consultation services to a charitable organization, provided however, that such person does not directly solicit contributions, does not supervise or direct any person who directly solicits contributions or does not, at any time, have custody or control of the funds solicited.

Section 2. Paragraphs (d), (m), (n), and (o) of subsection (1) and subsections (2), (6), and (7) of section 496.03, Florida Statutes, are amended to read:

#### 496.03 Registration of charitable organizations.—

(1) Each charitable organization shall, prior to any solicitation, file a complete application for registration application with the department upon prescribed forms. The application for registration application shall contain the following information:

(d) The place where and the date when the organization was legally established, and the form in which it is organized, and a reference to any determination of its tax exempt status, if any, under the United States Internal Revenue Code.

(m) A statement indicating whether the organization is authorized by any other governmental authority to solicit contributions and whether it is or has ever been convicted of a felony, or a misdemeanor relating to the solicitation of contributions, or has been enjoined by any court from soliciting contributions.

(n) A disclosure statement as set forth in s. 496.051. The cost of fundraising incurred or anticipated to be incurred by the organization, including a breakdown of all expenses and a statement of such costs as a percentage of contributions received.

(o) A financial report completely disclosing statement covering complete disclosure of all of the fiscal activities of the organization during the preceding fiscal year pursuant to the following criteria:

1. Each organization, the gross contributions of which exceeded \$10,000 but were no more than \$50,000 during its preceding fiscal year, shall may submit either a financial its statement on a form forms approved by the department, signed by an authorized the chief executive officer, verified under oath, and attested to by the chief fiscal officer; or may submit a review by an independent certified public accountant; or an audit with an opinion by an independent certified public accountant.

2. Each organization, the gross contributions of which exceeded were more than \$50,000 but were no more than \$100,000 during its preceding fiscal year, shall may submit either a review by an independent certified public accountant or an audit with an opinion by an independent certified public accountant.

3. Each organization, the gross contributions of which exceeded were more than \$100,000 during its preceding fiscal year, shall submit an audit with an opinion by an independent certified public accountant.

4. The financial statement, review, or audit shall specifically identify the amount of contributions raised and all costs and expenses incidental thereto, all publicity costs, and costs of allocation or disbursement of contributions raised; and such

5. Financial reports statement shall conform to the standards established by the Board of Accountancy.

6. Any governmental organization may file a copy of the Auditor General's report or a similar report approved by a governmental agency in lieu of a financial statement, review, or audit.

7. The department may grant an extension, not to exceed 60 days, to a charitable organization that, as a result of the amount of contributions received, is required to submit a review or audit by an independent certified public accountant. This extension shall only be granted for good cause as determined by the department, and such extension shall only apply to the submission of the review or audit.

(2) A chapter, branch, affiliate, or independent member agency, upon mutual agreement with the parent organization or federated fundraising organization and payment of its own application and registration fees, may submit its application for registration or renewal to its parent organization or federated fundraising organization for transmittal to the department, along with the application for registration or renewal submitted by the parent organization or federated fundraising organization. However, the registration or renewal fee for a parent organization and its chapters, branches or affiliates shall not exceed \$1,500. The financial statement of the parent organization or federated fundraising organization shall separately identify reflect the financial activities of each chapter, branch, affiliate those chapters, branches, affiliates, and independent member agency agencies which submits an application submit applications for registration or renewal through the parent organization or federated fundraising organization.

(6) Each application for registration shall be signed by an authorized the chief executive officer and verified under oath.

(7) The department shall examine each application and, if the department finds the application is in conformity with the requirements of ss. 496.01-496.136 and all relevant rules, it shall issue the certificate of registration. A charitable organization is not eligible for a certificate of registration if its principal salaried executive staff officer or any person described in paragraphs (1)(e)-(i) (g)-(i) has been convicted within the past 5 years of a violation of any provision of ss. 496.01-496.136 or any misdemeanor directly related to the activities regulated by this act, or has been convicted of a felony in this or any other state, unless and until if his civil rights have not been restored and 5 years have passed since the date of conviction.

Section 3. Paragraph (a) of subsection (1) of section 496.04, Florida Statutes, is amended to read:

496.04 Exemption of certain charitable organizations, institutions, and persons from registration provisions.—

(1)(a) The following charitable organizations, institutions, and persons are exempt from the registration provisions of ss. 496.01-496.136 if they do not employ professional solicitors:

1. A charitable organization which does not receive contributions in excess of \$10,000 during its fiscal year.

~~2. A charitable organization which does not receive contributions from more than 100 persons, if all of its functions, including fundraising activities, are performed by persons who are unpaid for their services and if no part of its assets or income inures to the personal benefit of, or is paid to, any officer or member.~~

2.3. A charitable organization which solicits only within its membership by the membership thereof. For the purpose of this section, the term "membership" does not include those persons who are granted memberships upon making contributions as the result of solicitations.

3.4. A person soliciting contributions for the relief of any individual specified by name at the time of the solicitation if all of the contributions collected, without any deductions, are turned over to the named beneficiary or promptly dedicated to the use of the named beneficiary.

4.5. A public educational institution which comprises a part of the State University System or is operated by a community college board of trustees under statutory authority and rules of the State Board of Education or by a district school board; a direct support organization authorized pursuant to s. 240.299 or s. 240.331; and any parent-teacher organization recognized by the educational institution.

5.6. A private educational institution accredited by the Southern Association of Colleges and Schools.

Section 4. Subsections (1), (3), (4), (5), and (7) of section 496.045, Florida Statutes, are amended to read:

496.045 Registration of fundraising consultants, professional solicitors and professional solicitor employees of charitable organizations.—

(1) No person shall act as a fundraising consultant or professional solicitor for a charitable organization unless he has first registered with the department and received a certificate of registration. The application for registration shall be in writing under oath or affirmation in the form prescribed by the department and shall contain the principal mailing address and street address of the place where the fundraising consultant's or professional solicitor's financial records are kept and such other information as the department may require. No person who has been convicted within the past 5 years of for a violation of any provision of ss. 496.01-496.136 or any misdemeanor directly related to activities regulated by this act, or who has been and no person convicted of a felony in this or any other state, unless and until his civil rights have been restored and 5 years have passed since the date of conviction, shall be eligible for a certificate of registration or shall serve in any capacity or perform any solicitation activities for or on behalf as an employee, member, officer, or agent of any fundraising consultant or professional solicitor until his civil rights have been restored.

(3) Each applicant for registration as a fundraising consultant, professional solicitor or professional solicitor employee must submit a full set of fingerprints along with the application. The department shall conduct a fingerprint check of each applicant for registration under this section.

(4) Each applicant for registration as a fundraising consultant, professional solicitor or professional solicitor employee must submit the appropriate fee as prescribed in s. 496.046.

(5) The applicant for registration as a professional solicitor shall, at the time of making application, file with and have approved by the department a bond, or other surety acceptable to the department, in which the applicant is the principal obligor in the sum of \$10,000 with one or more sureties, satisfactory to the department, whose liability in the aggregate as such sureties will at least equal that sum and shall maintain the bond or other surety in effect so long as the registration is in effect. Such bond or other surety may be secured by cash, or its equivalent, such as certificates of deposit, pursuant to rule adopted by the department. The bond or other surety shall be payable to the State of Florida for the use of the department and any person who prevails in an action against the obligor of the bonds or other surety for any losses resulting from malfeasance, nonfeasance, or misfeasance in the conduct of solicitation activities. The bond or other surety shall cover all officers and employees of the professional solicitor. An individual, partnership, or corporation which is a professional solicitor may file A consolidated bond or other surety on behalf of all its members, officers, and employees may be used. A certificate of registration issued to a professional solicitor shall be automatically suspended on the date of expiration or cancellation of its his surety bond or other surety, unless evidence of renewal or replacement is provided prior to the expiration or cancellation. The professional solicitor shall notify the department within 48 hours of when the bond or other surety has expired or been canceled.

(7) Each fundraising consultant, professional solicitor, and professional solicitor employee shall, prior to the expiration of his certificate of registration, file with the department a registration renewal form prescribed and furnished by the department and shall pay the annual registration fee prescribed in s. 496.046.

Section 5. Section 496.046, Florida Statutes, is amended to read:

496.046 Fees for registration as charitable organization, professional solicitor, or professional solicitor employee.—

(1) Each application for registration as a charitable organization shall be accompanied by a \$40 \$19 original application fee.

(2) Each application for registration as a professional solicitor or professional solicitor employee shall be accompanied by a \$40 \$19 original application fee.

(3)(a) Each charitable organization which received in excess of \$10,000, but no more than \$50,000 \$25,000 or less in gross contributions during its prior fiscal year, or any charitable organization applying for initial registration which has not received any contributions, shall pay an annual registration fee of \$100 \$19.

(b) Each charitable organization which received in excess of \$50,000, but no more than \$100,000 \$25,000 in gross contributions during its prior fiscal year shall pay an annual registration fee of \$200 \$50.

(c) Each charitable organization which received in excess of \$100,000 in gross contributions during its prior fiscal year shall pay an annual registration fee of \$300.

Revenue received from government grants or any other government allocation shall not be used to determine the category of registration fee.

(4) Each fundraising consultant or professional solicitor shall pay an annual registration fee of \$500.

(5) Each professional solicitor employee shall pay an original application and registration fee of \$25 and an annual renewal registration fee of \$15 \$10.

(6) The fee for a change of address shall be \$10.

(7) The fee for a change of name shall be \$10.

(8) The fee for a change of address and name when submitted simultaneously shall be \$10.

Section 6. Section 496.051, Florida Statutes, is amended to read:

496.051 Disclosure statement by charitable organization; ~~identification of solicitors and employees.~~

~~(1)~~ Each charitable organization shall submit with its application for registration or renewal, upon request by any person from whom it solicits a contribution, provide a written statement disclosing the following information:

(1)~~(a)~~ The contributions received; the percentage of the contributions paid to a professional solicitor if one was used; the additional costs of fundraising incurred; and the amount of the contributions which were actually used for the stated purpose for which contributions were solicited. This information shall be based on the latest available financial reports required to be filed by the registrant ~~registered parties with the department~~ or on the estimates provided by the registrant if financial reports are not yet required to be filed available. Estimates shall be designated as such.

(2)~~(b)~~ The purposes of the organization.

(3)~~(c)~~ The general purposes for which the contributions are to be used after paying the costs of fundraising.

(4) The name and mailing address of the charitable organization.

(5) A statement that the charitable organization is regulated by the Division of Licensing of the Department of State, pursuant to the Solicitation of Charitable Contributions Act, and that complaints can be filed in writing with the department at the address provided by the department.

~~(2) Each charitable organization shall ensure that the persons who solicit contributions on behalf of the charitable organization have proper identification. Professional solicitors and their employees shall be required to have and produce or display, on demand, identification which indicates that the solicitor has been authorized by the charitable organization for which he is soliciting. Such identification shall include, but is not limited to, the name of the holder of the identification and the name and number of the certificate of registration of the charitable organization, if applicable.~~

Section 7. Section 496.052, Florida Statutes, is created to read:

496.052 Identification of charitable organizations, solicitors, and employees.—Each charitable organization shall ensure that:

(1) All professional solicitors, professional solicitor employees, and bona fide employees of charitable organizations who solicit contributions on its behalf:

(a) Identify themselves and their relationship to the charitable organization.

(b) Advise the person being solicited that a copy of the disclosure statement of the charitable organization is available from the organization upon request. If such request is made, the disclosure statement shall be provided within 14 days of the request.

(2) All persons who solicit contributions, if requested, identify themselves and their relationship to the charitable organization, and produce, display, or recite identification indicating that the solicitor is authorized by the charitable organization to solicit contributions. Such identification shall include the numbers of the certificates of registration of the charitable organization and the professional solicitor.

(3) Beginning October 1, 1989, all correspondence and printed materials used to solicit or collect contributions include:

(a) A copy of the most recent disclosure statement filed by the charitable organization with the department; or

(b) A statement containing the following:

1. That the charitable organization is regulated by the Division of Licensing of the Department of State, pursuant to chapter 496, the Solicitation of Charitable Contributions Act;

2. The name of the professional solicitor;

3. The numbers of the certificates of registration of the charitable organization and professional solicitor;

4. That copies of the organization's disclosure statement are available from the charitable organization; and

5. That complaints may be filed in writing with the department at the address provided by the department.

Section 8. Subsection (3) is added to section 496.06, Florida Statutes, to read:

496.06 Limitation on activities of charitable organizations and professional solicitors ~~organization.~~

(3) Charitable contributions or income derived therefrom, other than in-kind contributions, which were donated under express conditions regarding their disposition, shall be used solely for those conditions specified.

Section 9. Section 496.071, Florida Statutes, is created to read:

496.071 Charitable sales promotions.—

(1) If a commercial coventurer conducts a charitable sales promotion on behalf of a charitable organization, it shall first enter into a written contract with the charitable organization that shall include the following:

(a) The name, address, and registration number of the charitable organization and the name and address of the commercial coventurer;

(b) The dates during which the charitable sales promotion will be conducted; and

(c) A description of the activities to be conducted by the commercial coventurer as part of the charitable sales promotion, including the manner in which the charitable organization's name will be used.

(2) Within 90 days of the conclusion of the charitable sales promotion, the commercial coventurer shall provide the charitable organization with a written statement setting forth the amount of contributions raised during the promotion and the date on which the contributions were transferred to the charitable organization.

(3) The charitable organization shall retain the contract and statement required under this section for a period of 3 years following the date the sales promotion concluded. Copies of the contract and statement shall be made available to the department and the public upon request.

Section 10. Section 496.09, Florida Statutes, is amended to read:

496.09 Records to be kept by charitable organization and professional solicitor.—Each charitable organization and each professional solicitor subject to the provisions of ss. 496.01-496.136 shall, in accordance with the rules prescribed by the department and in such form as will enable it accurately to provide the information required by such sections, keep accurate fiscal records as to its activities in this state as may be covered by such sections, including, but not limited to, records of income and expenses and such records as are necessary to verify the contents of the disclosure statement and financial reports required by within the purview of such sections. Upon demand, such records shall be made available to the department or appropriate authority for inspection. However, names, addresses, and identities of contributors and amounts contributed by them shall be exempt from the provisions of s. 119.07(1), the public records law; shall not be disclosed by the department; shall be removed from the records and the custody of the department at such time that such information is no longer necessary for the enforcement of ss. 496.01-496.136; and shall not be disclosed by the department. Such records shall be retained for a period of at least 3 years after the end of the period of registration to which they relate.

Section 11. Present subsections (8), (10), and (11) of section 496.11, Florida Statutes, are amended, present subsections (8), (9), (10), (11), (12), and (13) are renumbered as subsections (9), (10), (11), (12), (14), and (15), respectively, and new subsections (8) and (13) are added to said section, to read:

496.11 Prohibited acts relating to charitable solicitations; required acts; criminal penalties.—

(8) A charitable organization or professional solicitor shall not solicit using any name other than the name or names under which the charitable organization or professional solicitor is registered or has applied for registration.

(9)(8) No professional solicitor or professional solicitor employee his agent, servant, or employee, or any other person shall solicit in the name of or on behalf of any charitable organization unless:

(a) The professional solicitor has first entered into a contract with a charitable organization and has obtained the written authorization of two officers of such organization on a form approved by the department, a copy of which authorization shall be filed with the department. Such written authorization shall expressly state on its face the period for which it is valid.

(b) The professional solicitor or his agent, servant, or professional solicitor employee carries such authorization with him when making solicitations and exhibits the same on request to persons solicited or to police officers or other law enforcement officials or agents of the department. ~~or,~~

(c) If such solicitations are to be made by telephone, the professional solicitor has, in his application for registration, expressly stated his intention to make telephone solicitations and has attached to the application the proposed text of any such telephone solicitations and all such solicitations are made substantially in accordance with the proposed text.

(e) Prior to beginning any solicitation, the professional solicitor has filed with the department a true copy of any written agreement or contract between a charitable organization and the professional solicitor. If the agreement or contract is not in writing, a written statement of the agreement setting forth the terms and conditions of the agreement, including the solicitor's compensation, shall be filed with the department prior to beginning any solicitation. Within 5 calendar days after any change, modification, or termination of any agreement, notice of such change, modification, or termination shall be filed with the department along with a true copy of any written change or modification or a statement in writing setting forth the terms and conditions of any change or modification not in writing.

(d) Prior to beginning telephone solicitation activities, the professional solicitor shall:

1. Notify the department in writing of:

a. The dates during which telephone solicitation will be conducted.

b. The addresses of and telephone numbers from which the solicitations will be conducted.

2. Submit the proposed text of the solicitation to the department for approval.

The professional solicitor shall promptly notify the department in writing within 5 days of any changes in the information required pursuant to this paragraph.

(11)(10) Prior to beginning any solicitation activities on behalf of a charitable organization or another professional solicitor, the professional solicitor and charitable organization or other professional solicitor shall enter into a written contract and file a true copy of that contract with the department. Prior to providing any consultation services for or on behalf of a charitable organization, the fundraising consultant and charitable organization shall enter into a written contract and file a true copy of that contract with the department. In the case of a professional solicitor, the contract shall clearly set forth the terms and conditions under which the charitable solicitations shall be conducted, including the specific solicitation activities to be performed by the professional solicitor, the consideration the professional solicitor shall receive, and the amount and nature of expenditures permitted to be made by the professional solicitor from the solicited funds. In the case of a fundraising consultant, the contract shall clearly set forth the terms

and conditions under which the fundraising consultant will advise or consult with the charitable organization, including the specific activities to be performed by the fundraising consultant, the consideration the fundraising consultant shall receive, the amount and nature of expenditures permitted to be made by the fundraising consultant. Notice of any change, modification, or termination of any contract shall be filed with the department along with a true copy of the revised contract within 5 days of the change or modification. No professional solicitor or agent, servant, or employee of a professional solicitor shall solicit any person for a charitable contribution without identifying himself as a professional solicitor or an agent, servant, or employee of a professional solicitor to the person so solicited.

(12)(11) No person shall, in connection with the solicitation of contributions or the sale of goods, magazines, newspapers, newspaper advertising, or any other service, mislead the public as to his affiliation, the identity of the organization for which he is soliciting or selling, or the beneficiary of the solicited contributions or sale proceeds; nor shall such person misrepresent the goods or other services being sold or offered for sale. ~~use the name "POLICE," "LAW ENFORCEMENT," "FIRE-FIGHTER," or "FIREMEN," unless properly authorized by a bona fide police, law enforcement, or firefighter organization or police or fire department or law enforcement agency. Such authorization must bear the signatures of two bona fide members of the organization, department, or agency.~~

(13) No person shall act on behalf of or as an agent of a professional solicitor, unless such person is registered as a professional solicitor or is a bona fide employee of the professional solicitor.

(14)(12) It is unlawful for any person to willfully and knowingly leave this state for the purpose of avoiding prosecution for the violation of any of the provisions of ss. 496.01-496.136. Any person who willfully and knowingly leaves this state for the purpose of avoiding prosecution for the violation of any of the provisions of ss. 496.01-496.136 is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(15)(13) In addition to any other penalty which may be imposed pursuant to ss. 496.01-496.136, any person who willfully and knowingly violates any provision of such sections, or who willfully and knowingly gives false or incorrect information to the department in filing a statement or report required by such sections, whether such report or statement is verified or not, is, for the first offense, guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and is, for the second or any subsequent offense, guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 12. Subsections (1) and (5) of section 496.13, Florida Statutes, are amended to read:

496.13 Enforcement and penalties for violations of ss. 496.01-496.136.—

(1) The department, upon its own motion or upon the complaint of any person, may, if it has reasonable ground to suspect a violation, investigate any person, charitable organization, fundraising consultant, professional solicitor, or professional solicitor employee to determine whether there has been a violation such person, organization, or professional solicitor, or any agent, servant, or employee thereof, has violated any provision of ss. 496.01-496.136. If the department finds that any person, charitable organization, fundraising consultant, professional solicitor, or professional solicitor employee, whether registered under such sections or not, or an agent, servant, or employee thereof, has violated a provision of such sections, it may take one or more of the following actions:

(a) Issue a reprimand.

(b) Issue a notice to cease and desist.

(c)(b) Deny any application for registration.

(d)(e) Place the person, charitable organization, fundraising consultant, professional solicitor, or professional solicitor employee ~~regist~~ on probation for such period of time and subject to such conditions as the department may specify.

(e)(d) Suspend a certificate of registration.

(f)(e) Revoke or refuse to renew a certificate of registration.

(g)(f) Impose an administrative fine not to exceed \$1,000 for each violation. A certificate of registration will be automatically suspended upon final affirmation of an administrative fine until the fine is paid or until the normal expiration date of the certificate of registration. *An application for a certificate of registration or renewal of such certificate shall not be approved until the fine is paid, unless an administrative or judicial hearing regarding the unpaid fine is pending.*

(5) The department, within 30 15 days after deciding what action to take under this section with respect to any complaint, shall notify the complainant in writing of its decision.

Section 13. Paragraph (c) of subsection (1) of section 496.1315, Florida Statutes, is amended to read:

496.1315 Contributions unlawfully solicited by or on behalf of charitable organization; remedies.—

(1) Contributions are unlawfully solicited if:

(c) The contributions solicited by or on behalf of a charitable organization are not devoted to the purposes stated in *any application, report, or statement the registration statement* filed with the department or are not distributed in accordance with the representations made to the persons solicited.

Section 14. Section 496.21, Florida Statutes, is amended to read:

496.21 Definitions of terms used in ss. 496.20-496.36.—As used in ss. 496.20-496.36, the term:

(1) "Act" means the "Law Enforcement and Emergency Service Solicitation of Contributions Act."

(2) "Commercial coventurer" means a person who, for profit, is engaged in a commercial enterprise not associated with the solicitation of contributions and who conducts, as part of such enterprise, a sponsor sales promotion.

(3)(4) "Contribution" means the donation or grant of money or property of any kind or value, except that ~~money or property~~ received from any governmental authority, and includes donations or grants for membership in a sponsor organization to the extent that such donation or grant exceeds the monetary value of the membership.

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

(5)(2) "Cost of fundraising" means all legitimate and reasonable expenses incurred in soliciting contributions, including, but not limited to, costs of goods sold or services purchased; ~~and~~ expenses incurred for employee salaries, printed materials, office space, phones, and advertising; ~~and~~ expenses incurred for the services performed by or through of a professional solicitor.

(6)(2) "Department" means the Department of State.

(7)(4) "Emergency service employee" means any employee who is a firefighter, as defined in s. 633.30, or ambulance driver, emergency medical technician, or paramedic, as defined in s. 401.23.

(8) "Financial report" means a financial statement, review, or audit as set forth in s. 496.23(1)(o).

(9)(5) "Law enforcement officer" means any person who is elected, appointed, or employed by any municipality or the state or any political subdivision thereof and:

(a) Who is vested with authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state; or

(b) Whose responsibility includes supervision, protection, care, custody, or control of inmates within a correctional institution.

(10) "Membership" means the status bestowed on a person by a sponsor because of which the person receives or enjoys certain rights, benefits, or privileges provided exclusively to members of the sponsor.

(11)(6) "Parent organization" means that part of a sponsor which coordinates, supervises, or exercises control over policy, fundraising, or expenditures or which assists or advises one or more of the sponsor's chapters, branches, or affiliates in the state.

(12)(7) "Person" means any individual, organization, trust, foundation, group, association, partnership, corporation, society, or any combination of them.

(13)(8)(a) "Professional solicitor" means a person who, for a financial or other consideration, solicits contributions for, or on behalf of, a sponsor, whether such solicitation is performed personally or through his agents, servants, or employees or through agents, servants, or employees specially employed by or for a sponsor, who are engaged in the solicitation of contributions under the direction of such person; or a person who, for a financial or other consideration, plans, conducts, manages, carries on, or advises a sponsor in connection with the solicitation of contributions; however, no agent, servant, or employee of a professional solicitor shall be deemed to be a professional solicitor. A bona fide salaried officer or employee of a sponsor shall not be deemed a professional solicitor. However, except for a bona fide salaried officer or employee of a parent organization who, in such capacity, solicits for a chapter, branch, or affiliate of the parent organization, any bona fide salaried officer or employee of a sponsor who engages in the solicitation of contributions for a financial or other consideration for one or more other sponsors shall be deemed a professional solicitor. No attorney, investment counselor, accountant, or banker who, in the conduct of his profession, advises a sponsor or advises a person to make a contribution to a sponsor shall be deemed, as a result of such advice, to be a professional solicitor. The term "professional solicitor" does not include a bona fide salaried officer or employee of an organization established and operated by a Florida nonprofit organization for the purpose of providing homes and care for needy and underprivileged children. any person who, for a financial or other consideration, is engaged in one or more of the following activities:

1. Solicits contributions for or on behalf of a sponsor.

2. Supervises, directs, or controls solicitation activities performed by others either for a sponsor or for another professional solicitor, except if the person is a registered professional solicitor employee under direct contract to a professional solicitor.

3. Plans, conducts, advises, or manages a fundraising event, a solicitation activity or campaign, or any part thereof for either a sponsor or another professional solicitor.

4. Has in his custody, at any time, moneys received as a result of solicitation activities, except if the person is employed by and working for a bonded company the primary business of which is the pick-up and delivery of packages, moneys, or materials and not solicitations.

(b) The term "professional solicitor" shall not include a person who is:

1. A bona fide employee of a professional solicitor;

2. A bona fide employee of, officer of, or partner in a sponsor performing solicitation activities on behalf of the sponsor, provided that he is not also performing paid solicitation activities for another sponsor;

3. A bona fide employee of, officer of, or partner in a parent organization performing solicitation activities on behalf of its chapters, branches, or affiliates, provided that he is not also performing paid solicitation activities for another parent organization;

4. Performing services on a voluntary basis;

5. An attorney, investment counselor, accountant, or banker who, in the conduct of his profession, advises a person to make a contribution to a sponsor;

6. A state or national bank, bank holding company, or credit union in which contributions have been deposited and are being maintained, provided that such bank, bank holding company, or credit union is organized and operated pursuant to the banking laws of this state;

7. A commercial coventurer; or

8. A bona fide salaried officer or employee of an organization established and operated by a Florida nonprofit organization for the purpose of providing homes and care for needy and underprivileged children.

(14)(9) "Professional solicitor employee" means any person employed by a professional solicitor for the purpose of making, directing, supervising, or participating in any solicitation in this state and who is paid by a professional solicitor, whether by salary or commission, who works under the direct supervision and control of a professional solicitor, and who is

authorized to hire or terminate employees or ~~and~~ sign contracts in the name of a professional solicitor. This definition does not include employees making only telephone solicitations if those solicitations are made under the direct supervision of a registered professional solicitor or registered professional solicitor employee.

(15) "Purpose of the sponsor" means the program services a sponsor performs or represents to the public that it performs.

(16)(14)(a) "Solicit" and "solicitation" mean the direct or indirect request ~~directly or indirectly~~ for money, credit, property, financial assistance, or other thing of value on the plea or representation that such money, credit, property, financial assistance, or other thing of value will be used for a sponsor purpose, and the terms of which request ~~and~~ include the following methods of securing such money, credit, property, financial assistance, or other thing of value:

1.(a) Any oral or written request;

2.(b) The making of any announcement to the local press, over the radio or television, or by telephone or telegraph, concerning an ~~a local~~ appeal or campaign which requests a contribution for any sponsor purpose connected therewith;

3.(c) The distribution, circulation, posting, or publishing of any handbill, written advertisement, or other local publication which directly or by implication seeks to obtain contributions; or

4.(d) The sale of, offer of, or attempt to sell any advertisement, advertising space, book, card, tag, coupon, device, magazine, membership, merchandise, subscription, flower, ticket, candy, cookies, or other tangible item in connection with which any appeal is made for any sponsor purpose ~~a contribution~~, or when a the name of any person is used or referred to in such an appeal as an inducement or reason for making any such sale for any sponsor purpose, or when, in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will be donated to any sponsor purpose.

(b) Sale of advertising is not a solicitation if it is not associated with the solicitation of contributions.

(c) A solicitation shall be deemed to have taken place when the request is made, whether or not the person making the request receives any contribution.

(17)(11) "Sponsor" means a group or person which is or holds itself out to be soliciting contributions by the use of any name which implies that the group or person is in any way affiliated with or organized for the benefit of emergency service employees or law enforcement officers. The term includes a chapter, branch, or area office, ~~similar affiliate, or agent of a sponsor~~ which has its principal place of business outside the state, if such chapter, branch, or area office, ~~similar affiliate, or agent~~ solicits or holds itself out to be soliciting contributions in this state. The term does not include a Florida nonprofit or charitable organization or its parent organization, which nonprofit or charitable organization or parent organization is established for the primary purpose of operating a Florida child-care facility licensed under s. 409.175.

(18) "Sponsor sales promotion" means an advertising or sales campaign conducted by a commercial coventurer who represents that the purchase or use of goods or services offered by the commercial coventurer will be used for a sponsor purpose or donated to a sponsor.

Section 15. Subsections (d), (m), (n), and (o) of section (1) and subsections (2), (6), and (7) of section 496.23, Florida Statutes, are amended to read:

#### 496.23 Registration of sponsors.—

(1) Each sponsor shall, prior to any solicitation, file a complete application for registration ~~application~~ with the department upon prescribed forms. The application for registration ~~application~~ shall contain the following information:

(d) The place where and the date when the sponsor was legally established, and the form in which it is organized, ~~and a reference to any determination of its tax exempt status, if any, under the United States Internal Revenue Code.~~

(m) A statement indicating whether the sponsor is authorized by any other governmental authority to solicit contributions and whether it is or has ever been convicted of a felony, or a misdemeanor relating to the solicitation of contributions, or has been enjoined by any court from soliciting contributions.

(n) A disclosure statement as set forth in s. 496.265. ~~The cost of fundraising incurred or anticipated to be incurred by the sponsor, including a breakdown of all expenses and a statement of such costs as a percentage of contributions received.~~

(o) A financial report completely disclosing statement covering complete disclosure of all of the fiscal activities of the sponsor during the preceding fiscal year, pursuant to the following criteria:

1. Each sponsor, the gross contributions of which exceeded \$10,000 but were no more than \$50,000 during its preceding fiscal year, shall submit either a financial statement on a form ~~may submit its statement on forms~~ approved by the department, signed by an authorized ~~the chief~~ executive officer, verified under oath, and attested to by the chief fiscal officer; ~~or may submit a review by an independent certified public accountant; or an audit with an opinion by an independent certified public accountant.~~

2. Each sponsor, the gross contributions of which exceeded ~~were more~~ than \$50,000 but ~~were~~ no more than \$100,000 during its preceding fiscal year, shall ~~may~~ submit either a review by an independent certified public accountant or an audit with an opinion by an independent certified public accountant.

3. Each sponsor, the gross contributions of which exceeded ~~were more~~ than \$100,000 during its preceding fiscal year, shall submit an audit with an opinion by an independent certified public accountant.

4. The financial statement, review, or audit shall specifically identify the amount of contributions raised and all costs and expenses incidental thereto, all publicity costs, and costs of allocation or disbursement of contributions raised. ~~and such statement~~

5. Financial reports shall conform to the standards established by the Board of Accountancy.

6. Any governmental organization may file a copy of the Auditor General's report or a similar report approved by a governmental agency in lieu of a financial statement, review, or audit.

7. The department may grant an extension, not to exceed 60 days, to a sponsor that, as a result of the amount of contributions received, is required to submit a review or audit by an independent certified public accountant. This extension shall only be granted for good cause as determined by the department, and such extension shall only apply to the submission of the review or audit.

(2) A chapter, branch, or affiliate, upon mutual agreement with the parent organization and payment of its own application and registration fees ~~fee~~, may submit its application for registration or renewal to its parent organization for transmittal to the department, along with the application for registration or renewal submitted by the parent organization. The financial statement of the parent organization shall ~~separately identify reflect~~ the financial activities of each chapter, branch, and affiliate which submits an application ~~those chapters, branches, and affiliates which submit applications~~ for registration or renewal through the parent organization.

(6) Each application for registration shall be signed by an authorized ~~the chief executive officer~~ and verified under oath.

(7) The department shall examine each application and, if the department finds the application is in conformity with the requirements of ss. 496.20-496.36 and all relevant rules, it shall issue the certificate of registration. A sponsor is not eligible for a certificate of registration if its principal salaried executive staff officer or any person described in paragraphs (1)(e)-(i) ~~(g)-(i)~~ has been convicted within the past 5 years of a violation of any provision of ss. 496.20-496.36 or any misdemeanor directly related to the activities regulated by this act, or has been convicted of a felony in this or any other state unless and until if his civil rights have ~~not~~ been restored and 5 years have passed since the date of conviction.

Section 16. Section 496.236, Florida Statutes, is amended to read:

496.236 Exemption of certain sponsors, organizations, and persons from registration provisions.—

(1)(a) The following sponsors, organizations, and persons are exempt from the registration provisions of ss. 496.20-496.36 if they do not employ professional solicitors:

1. A person soliciting contributions for the relief of any individual specified by name at the time of the solicitation, if all of the contributions collected, without any deductions, are turned over to the named beneficiary or promptly dedicated to the use of the named beneficiary.

2. A sponsor which does not receive gross contributions in excess of \$10,000 during its preceding fiscal year if all of its functions, including fundraising activities, are carried on by persons who are unpaid for their services and if no part of the assets or income of the sponsor inures to the personal benefit of or is paid to any officer or member of the sponsor.

3. An organization which solicits only within the membership of the organization by members thereof; however, the term "membership" does not include those persons who are granted memberships upon making contributions as the result of solicitations.

4. Any volunteer firefighter organization or any group of firefighters which uses only volunteer labor in a solicitation and which does not use the services of a professional solicitor if all of the funds collected are disbursed to or for the use of the fire service.

(2) The department may grant an exemption from ss. 496.20-496.36 to any organization which is registered under and complies with the requirements of ss. 496.01-496.136 if the purposes of such organization are solely charitable and the organization complies with all the disclosure requirements of ss. 496.20-496.36 except for section 496.265(1)(d)(a)4.

(3) ~~A person who is exempt may not solicit contributions until he has applied for and received from the department a letter of exemption. The department shall not assess a registration fee against any exempt sponsor. Each letter of exemption granted by the department shall be valid for a period not to exceed 1 year.~~

Section 17. Subsections (1) and (5) of section 496.24, Florida Statutes, are amended to read:

496.24 Registration of professional solicitors and professional solicitor employees of sponsors.—

(1) No person shall act as a professional solicitor for a sponsor unless he has first registered with the department and received a certificate of registration. The application for registration shall be in writing under oath or affirmation in the form prescribed by the department and shall contain the principal mailing address and street address of the place where the professional solicitor's financial records are kept and such other information as the department may require. No person who has been convicted within the past 5 years for a violation of any provision of ss. 496.20-496.36 or any misdemeanor directly related to activities regulated by this act, or has been ~~and no person~~ convicted of a felony in this or any other state, unless and until his civil rights have been restored and 5 years have passed since the date of conviction, shall be eligible for a certificate of registration or shall serve in any capacity or perform any solicitation activities for or on behalf ~~as an employee, member, officer, or agent~~ of any professional solicitor ~~until his civil rights have been restored.~~

(5) The applicant for registration as a professional solicitor shall, at the time of making application, file with and have approved by the department a bond, or other surety acceptable to the department, in which the applicant is the principal obligor in the sum of \$50,000 with one or more sureties, satisfactory to the department, whose liability in the aggregate as such sureties will at least equal that sum and shall maintain the bond or other surety in effect so long as the certificate of registration is in effect. Such bond or other surety may be secured by cash, or its equivalent, such as certificates of deposit, pursuant to rule adopted by the department. The bond or other surety shall be payable to the State of Florida for the use of the department and any person who prevails in an action against the obligor of the bonds or other sureties for any losses resulting from malfeasance, nonfeasance, or misfeasance in the conduct of solicitation activities. *The bond or other surety shall cover all officers and employees of the professional solicitor. An individual, partnership, or corporation, which is a professional solicitor, may file a consolidated bond or other surety on behalf of all its members, officers, and employees may be used.* A certificate of registration issued to a professional solicitor shall be automatically suspended on the date of expiration or cancellation of its ~~his~~ surety bond or other surety, unless evidence of renewal or replacement is provided prior to the expiration or cancellation. *The professional solicitor shall notify the department within 48 hours of when the bond or other surety has expired or been canceled.*

Section 18. Subsections (1) and (4) of section 496.251, Florida Statutes, are amended, and subsections (5), (6), and (7) are added to said section, to read:

496.251 Fees for registration as a sponsor, professional solicitor, or professional solicitor employee.—

(1) Each application for original registration as a sponsor or professional solicitor shall be accompanied by a \$40 ~~\$25~~ application fee.

(4) Each professional solicitor employee shall pay an original application and registration fee of \$25 and an annual renewal registration fee of \$15 ~~\$10~~.

(5) *The fee for a change of address shall be \$10.*

(6) *The fee for a change of name shall be \$10.*

(7) *The fee for a change of address and name when submitted simultaneously shall be \$10.*

Section 19. Section 496.265, Florida Statutes, is amended to read:

496.265 Disclosure statement by sponsor; ~~identification of solicitors and employees.~~

(1)(a) Each sponsor shall, prior to soliciting contributions, prepare a disclosure statement to be given or read to each person from whom a contribution is solicited. The statement shall disclose:

(a)1. ~~The estimated contributions to be received; the percentage of the contributions to be paid to a professional solicitor if one was used; the estimated additional costs of fundraising to be incurred; and the amount of the estimated contributions which will actually be used for the stated purpose for which contributions were the contribution was solicited. This information shall be based on the latest financial reports required to be filed by the registrant or on the estimates provided by the registrant if financial reports are not yet required to be filed. Estimates shall be designated as such.~~

(b)2. The purposes of the sponsor.

(c)3. The general purposes for which the contributions are to be used after paying the costs of fundraising.

(d)4. That the sponsor is not a charitable organization.

(e)5. The capacity in which the sponsor represents law enforcement officers or emergency service employees.

(f)6. The fact that solicited persons are under no legal obligation to contribute.

(g) *The name and mailing address of the sponsor.*

(h) *A statement that the sponsor is regulated by the Division of Licensing of the Department of State, pursuant to the Law Enforcement and Emergency Service Solicitation of Contributions Act, and that complaints can be filed in writing with the department at the address provided by the department.*

(2)(b) The disclosure statement shall be submitted to the department for approval. The department shall approve the use of the disclosure statement if it contains the information required by this section and if all estimates appear to be accurate, based upon the past performance of the sponsor and professional solicitor or upon the registration statement, contract with the professional solicitor, financial statement, and other information on file with the department. A person acting on behalf of a sponsor may not solicit contributions until the disclosure statement has been approved.

(2) ~~Each sponsor shall ensure that the disclosure statement is included with all correspondence and printed materials used to solicit or collect contributions and that each person who solicits on its behalf is furnished a copy of the disclosure statement.~~

(3)(a) ~~Each person who solicits or collects contributions in person on behalf of a sponsor shall, at the time of the solicitation or collection, furnish a written copy of the disclosure statement to the person from whom the contribution is solicited.~~

(b) ~~Each person who solicits contributions by telephone on behalf of a sponsor shall, at the time of the solicitation, inform the person from whom a contribution is solicited that the sponsor is not a charitable organization.~~

~~(4) Each sponsor shall ensure that the persons who solicit contributions on behalf of the sponsor have proper identification. Professional solicitors and their employees shall be required to have and produce or display, on demand, identification which indicates that the solicitor has been authorized by the sponsor for which he is soliciting. Such identification shall include, but is not limited to, the name of the holder of the identification and the name and number of the certificate of registration of the sponsor, if applicable.~~

Section 20. Section 496.266, Florida Statutes, is created to read:

496.266 *Identification of sponsors, solicitors, and employees.*—Each sponsor shall ensure that:

(1) *Persons who solicit contributions on its behalf:*

(a) *Identify themselves and their relationship to the sponsor.*

(b) *Inform the person being solicited that the sponsor is not a charitable organization.*

(c) *Furnish a copy of the disclosure statement to the person being solicited. If the solicitation is done by telephone, advise the person that a copy of the disclosure statement of the sponsor is available from the sponsor upon request.*

(d) *If requested, produce, display, or recite identification indicating that the solicitor is authorized by the sponsor to solicit contributions. Such identification shall include the numbers of the certificates of registration of the sponsor and the professional solicitor.*

(2) *All correspondence and printed materials used to solicit contributions include a copy of the most recent disclosure statement filed by the sponsor with the department.*

Section 21. Section 496.267, Florida Statutes, is created to read:

496.267 *Limitation on activities of sponsor and professional solicitors.*—Contributions, or income derived therefrom, other than in-kind contributions, which were donated under express conditions regarding their disposition, shall be used solely for those conditions specified.

Section 22. Section 496.29, Florida Statutes, is amended to read:

496.29 *Records to be kept by sponsors and professional solicitors.*—Each sponsor and each professional solicitor subject to the provisions of ss. 496.20-496.36 shall, in accordance with the rules prescribed by the department and in such form as will enable it accurately to provide the information required by such sections, keep accurate fiscal records as to its activities in this state as may be covered by such sections, including, but not limited to, records of income and expenses and such records as are necessary to verify the contents of the disclosure statement and financial reports required by ~~within the purview~~ of such sections. Upon demand, such records shall be made available to the department or appropriate authority for inspection. However, names, addresses, and identities of contributors and amounts contributed by them shall be exempt from the provisions of s. 119.07(1), the public records law; shall not be disclosed by the department; shall be removed from the records and the custody of the department at such time that such information is no longer necessary for the enforcement of ss. 496.20-496.36; and shall not be disclosed by the department; provided that such exemption from the public records law shall be subject to the Open Government Sunset Review Act in accordance with s. 119.14. Such records shall be retained for a period of at least 3 years after the end of the period of registration to which they relate.

Section 23. Section 496.295, Florida Statutes, is created to read:

496.295 *Sponsor sales promotions.*—

(1) *If a commercial coventurer conducts a sales promotion on behalf of a sponsor, it shall first enter into a written contract with the sponsor that shall include the following:*

(a) *The name and address and registration number of the sponsor and the name and address of the commercial coventurer.*

(b) *The dates during which the sales promotion will be conducted.*

(c) *A description of the activities to be conducted by the commercial coventurer as part of the sales promotion, including the manner in which the sponsor's name will be used.*

(2) *Within 90 days of the conclusion of the sales promotion, the commercial coventurer shall provide the sponsor with a written statement setting forth the amount of contributions raised during the promotion and the date on which the contributions were transferred to the sponsor.*

(3) *The sponsor shall retain the contract and statement required under this section for a period of 3 years following the date the sales promotion concluded. Copies of the contract and statement shall be made available to the department and the public upon request.*

Section 24. Subsections (10), (11), (14), and (15) of section 496.31, Florida Statutes, are amended, subsection (10) through (15) are renumbered as subsections (11) through (20), and new subsections (10), (12), (13), (14), (15), and (16) are added to said section, to read:

496.31 *Prohibited acts relating to solicitations; required acts; criminal penalties.*—

(10) *A sponsor or professional solicitor shall not solicit using any name other than the name or names under which the sponsor or professional solicitor is registered or has applied for registration.*

~~(11)(10)~~ *No professional solicitor or professional solicitor his agent, servant, or employee shall solicit in the name of or on behalf of a sponsor unless:*

(a) *The professional solicitor has first entered into a contract with the sponsor and has obtained the written authorization of two officers of such sponsor on a form approved by the department, a copy of which authorization shall be filed with the department. Such written authorization shall expressly state on its face the period for which it is valid.*

(b) *The professional solicitor or professional solicitor his agent, servant, or employee carries evidence of such authorization with him when making solicitations and exhibits the same on request to persons solicited or to police officers or other law enforcement officials or agents of the department. or,*

~~(c) If such solicitations are to be made by telephone, the professional solicitor has, in his application for registration, expressly stated his intention to make telephone solicitations and has attached to the application the proposed text of any such telephone solicitations and all such solicitations are made substantially in accordance with the proposed text.~~

(d) *Prior to beginning telephone solicitation activities, the professional solicitor shall:*

1. *Notify the department in writing of:*

a. *The dates during which telephone solicitation will be conducted.*

b. *The locations of and telephone numbers from which the solicitations will be conducted.*

2. *Submit the proposed text of the solicitation to the department for approval.*

*The professional solicitor shall promptly notify the department in writing within 5 days of any changes to the information required pursuant to paragraph (d).*

~~(e) Prior to beginning any solicitation, the professional solicitor has filed with the department a true copy of any written agreement or contract between a sponsor and the professional solicitor. If the agreement or contract is not in writing, a written statement of the agreement setting forth the terms and conditions of the agreement, including the professional solicitor's compensation, shall be filed with the department prior to beginning any solicitation. Within 5 calendar days after any change, modification, or termination of any agreement, notice of such change, modification, or termination shall be filed with the department along with a true copy of any written change or modification or a statement in writing setting forth the terms and conditions of any change or modification not in writing.~~

~~(e)(d)~~ *Prior to beginning any solicitation, the professional solicitor has filed with the department a copy of a valid certificate of registration showing that he is registered as a dealer with the Department of Revenue for purposes of chapter 212.*

~~(11) No professional solicitor or agent, servant, or employee of a professional solicitor shall solicit any person for a contribution without identifying himself as a professional solicitor or an agent, servant, or employee of a professional solicitor to the person so solicited.~~

(12) Prior to beginning any solicitation on behalf of a sponsor or another professional solicitor, the professional solicitor and sponsor or other professional solicitor shall enter into a written contract and file a true copy of that contract with the department. The contract shall clearly set forth the terms and conditions under which the solicitations shall be conducted, including the specific solicitation activities to be performed by the professional solicitor, the consideration the professional solicitor shall receive, and the amount and nature of expenditures permitted to be made by the professional solicitor from the solicited funds. Notice of any change, modification, or termination of any contract shall be filed with the department along with a true copy of the revised contract within 5 days of the change or modification.

(13) No person shall solicit contributions using any statement that the failure to make a contribution shall result in a reduced level of law enforcement services being provided to the public or the person solicited.

(14) No person shall, in connection with the solicitation of contributions or the sale of goods, magazines, newspapers, advertising, or any other service, mislead the public as to his affiliation, the identity of the organization for which he is soliciting or selling, or the beneficiary of the solicited contributions or sale proceeds, nor shall such person misrepresent the goods or other services being sold or offered for sale.

(15) No person, while conducting or performing any activities connected with or associated with solicitation of contributions, shall act as an agent of or on behalf of a professional solicitor, unless such person is registered as a professional solicitor or is a bona fide employee of the professional solicitor.

(16) No person shall act on behalf of or as an agent of a professional solicitor, unless such person is registered as a professional solicitor or is a bona fide employee of the professional solicitor.

(19)(14) It is unlawful for any person to willfully and knowingly leave this state for the purpose of avoiding prosecution for the violation of any of the provisions of ss. 496.20-496.36. Any person who willfully and knowingly leaves this state for the purpose of avoiding prosecution for the violation of any of the provisions of ss. 496.20-496.36 is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(20)(15) In addition to any other penalty which may be imposed pursuant to ss. 496.20-496.36, any person who willfully and knowingly violates any provision of subsection (1), subsection (2), subsection (4), subsection (5), subsection (6), subsection (7), subsection (8), subsection (9), or subsection (19) (14), or who willfully and knowingly gives false or incorrect information to the department in filing a statement or report required by any such subsection, whether such statement or report is verified or not, is, for the first offense, guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and is, for the second or any subsequent offense, guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this section, any person who, on or after October 1, 1981, pleads guilty to, or is found guilty of, a violation of any provision of subsection (1), subsection (2), subsection (4), subsection (5), subsection (6), subsection (7), subsection (8), subsection (9), or subsection (19) (14) shall be considered to have been convicted of the offense, notwithstanding the fact that the sentence was suspended or adjudication of guilt was withheld. Any person who willfully and knowingly violates any provision of subsection (3), subsection (11) (10), subsection (11), subsection (17) (12), or subsection (18) (13), or s. 496.266 is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 25. Subsections (1) and (5) of section 496.33, Florida Statutes, are amended to read:

496.33 Enforcement and penalties for violations of ss. 496.20-496.36.—

(1) The department, upon its own motion or upon the complaint of any person, may, if it has reasonable ground to suspect a violation, investigate any person, sponsor organization, professional solicitor, or professional solicitor employee to determine whether there has been a violation such person, organization, or professional solicitor, or any agent, servant, or employee thereof, has violated any provision of ss. 496.20-496.36. If the department finds that any person, sponsor, professional solicitor, or professional solicitor employee, whether registered under such sections or not, or an agent, servant, or employee thereof, has violated a provision of such sections, it may take one or more of the following actions:

(a) Issue a reprimand.

(b) Issue a notice to cease and desist.

(c)(b) Deny any application for registration.

(d)(e) Place the person, sponsor, professional solicitor, or professional solicitor employee ~~register~~ on probation for such period of time and subject to such conditions as the department may specify.

(e)(d) Suspend a certificate of registration.

(f)(e) Revoke or refuse to renew a certificate of registration.

(g)(f) Impose an administrative fine not to exceed \$1,000 for each violation; A certificate of registration will be automatically suspended upon final affirmation of an administrative fine until the fine is paid or until the normal expiration date of the certificate of registration. An application for a certificate of registration or renewal of such certificate shall not be approved until the fine is paid, unless an administrative or judicial hearing regarding the unpaid fine is pending.

(5) The department, within 30 ~~15~~ days after deciding what action to take under this section with respect to any complaint, shall notify the complainant in writing of its decision.

Section 26. Paragraph (c) of subsection (1) of section 496.335, Florida Statutes, is amended to read:

496.335 Contributions unlawfully solicited by or on behalf of sponsor; remedies.—

(1) Contributions are unlawfully solicited if:

(c) The contributions solicited by or on behalf of a sponsor are not devoted to the purposes stated in any application, report, or the registration statement filed with the department or are not distributed in accordance with the representations made to the persons solicited.

Section 27. Each section which is added to chapter 496, Florida Statutes, by this act is repealed on October 1, 1994, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

**Amendment 4**—On page 1, in the title, line 2, after the semicolon insert: amending s. 496.02, F.S., revising definitions under the Solicitation of Charitable Contributions Act; defining "fundraising consultants;" amending s. 496.03, F.S., revising requirements relating to registration of charitable organizations; amending s. 496.04, F.S., relating to exemptions from provisions of said act; amending s. 496.045, F.S., revising requirements relating to registration of fundraising consultants and professional solicitors and their employees; authorizing acceptance of a surety other than bond; amending s. 496.046, F.S., revising registration and renewal fees for charitable organizations, fundraising consultants, and professional solicitor employees; providing additional administrative fees; amending s. 496.051, F.S., revising requirements relating to disclosure statements by charitable organizations; creating s. 496.052, F.S., requiring certain identification of charitable organizations, solicitors, and employees; amending s. 496.06, F.S., providing limitations on activities of charitable organizations and professional solicitors; creating s. 496.071, F.S., providing requirements for charitable sales promotions by a commercial coventurer; amending s. 496.09, F.S., relating to records of charitable organizations and professional solicitors; amending s. 496.11, F.S., revising prohibitions and requirements relating to the solicitation of charitable contributions; providing penalties; amending s. 496.13, F.S., expanding enforcement authority of the Department of State; modifying the time period for certain notification to a complainant; amending s. 496.1315, F.S., relating to unlawfully solicited contributions; amending s. 496.21, F.S., revising definitions under the Law Enforcement and Emergency Service Solicitation of Contributions Act; amending s. 496.23, F.S., revising requirements relating to registration of sponsors; amending s. 496.236, F.S., relating to exemptions from provisions of said act; amending s. 496.24, F.S., revising requirements relating to professional solicitors and their employees; authorizing acceptance of a surety other than bond; amending s. 496.251, F.S., revising registration and renewal fees for sponsors, professional solicitors, and professional solicitor employees; providing additional administrative fees; amending s. 496.265, F.S., revising requirements relating to disclosure statements by sponsors; creating s. 496.266, F.S., requiring certain identification of sponsors, solicitors, and employees; creating s. 496.267, F.S., providing limitations on activities of sponsor and professional solicitors; amending s. 496.29, F.S., providing for confidentiality of records of sponsors and professional solicitors; cre-

ating s. 496.295, F.S., providing requirements for sponsor sales promotions by a commercial coventurer; amending s. 496.31, F.S., revising prohibitions and requirements relating to solicitations; providing penalties; amending s. 496.33, F.S., expanding enforcement authority of the Department of State; modifying the time period for certain notification to a complainant; amending s. 496.335, F.S., relating to unlawfully solicited contributions; providing for review and repeal;

On motions by Senator Johnson, the Senate concurred in House Amendments 1 and 2, refused to concur in House Amendments 3 and 4 and the House was requested to recede.

CS for SB 55 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to HB 360 and requests the Senate to recede.

*John B. Phelps, Clerk*

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

On motions by Senator Crawford, the Senate refused to recede from Amendments 1 and 2 and again requested the House to concur. The action of the Senate was certified to the House.

#### Reconsideration

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

**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.

—as amended passed June 1.

On motion by Senator Jennings, the Senate reconsidered the vote by which HB 358 was read the third time.

On motion by Senator Jennings, the Senate reconsidered the vote by which Amendment 2 was adopted. By permission, Amendment 2 was withdrawn.

On motion by Senator Jennings, the Senate reconsidered the vote by which Amendment 3 as amended was adopted. On motion by Senator Jennings, the Senate reconsidered the vote by which Amendment 3A was adopted. By permission, Amendment 3A was withdrawn. On motion by Senator Jennings, Amendment 3 was adopted.

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

**Amendment 4**—In title, on page 1, strike all of lines 12-16 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 5**—On page 12, line 12, 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.

On motion by Senator Jennings, 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—35

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

Nays—None

Vote after roll call:

Yea—Peterson

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed SB 82, CS for SB 160, CS for SB 552, Senate Bills 560, 710, 745, CS for SB 757, SB 820, CS for SB 821, CS for SB 862 and CS for SB 873, CS for SB 976, CS for SB 1125, Senate Bills 1295, 1296, 1340, 1348, 1352 and 1353.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended House Bills 285, 371, 463, CS for HB 590 and CS for HB 850.

*John B. Phelps, Clerk*

#### SPECIAL ORDER

On motion by Senator Jennings, by unanimous consent—

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

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

Senator Jennings moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 17, strike everything after the enacting clause and insert:

Section 1. Notwithstanding the provisions of the Sundown Act or chapter 81-70 or chapter 82-46, Laws of Florida, sections 633.30(4), 633.31, 633.32, and 633.33, Florida Statutes, shall not stand repealed on October 1, 1987, as scheduled by such acts, but such sections, as amended, are hereby revived and readopted.

Section 2. Sections 633.30(4), 633.31, 633.32, and 633.33, Florida Statutes, are repealed on October 1, 1997, and shall be reviewed by the Legislature prior to that date pursuant to section 11.611, Florida Statutes.

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

**Amendment 2**—In title, on page 1, strike all of lines 1-14, and insert: A bill to be entitled An act relating to the Firefighters Standards and Training Council; reviving and readopting ss. 633.30(4), 633.31, 633.32, 633.33, F.S., notwithstanding repeals scheduled under the Sundown Act; providing for future review and repeal; providing an effective date.

On motion by Senator Jennings, by two-thirds vote HB 512 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Peterson

On motion by Senator Jennings, by unanimous consent—

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

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

Senator Jennings moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 21, strike everything after the enacting clause and insert:

Section 1. Notwithstanding the provisions of the Sundown Act or chapter 81-264 or chapter 82-46, Laws of Florida, sections 633.511 and 633.514, Florida Statutes, shall not stand repealed on October 1, 1987, as scheduled by such acts, but such sections, as amended, are hereby revived and readopted.

Section 2. Notwithstanding the provisions of the Regulatory Sunset Act or chapter 84-107, Laws of Florida, section 633.60, Florida Statutes, shall not stand repealed on October 1, 1987, as scheduled by such acts, but such section, as amended, is hereby revived and readopted.

Section 3. Sections 633.511 and 633.514, Florida Statutes, are repealed on October 1, 1997, and shall be reviewed by the Legislature prior to that date pursuant to section 11.611, Florida Statutes.

Section 4. Section 633.60, Florida Statutes, is repealed on October 1, 1995, and shall be reviewed by the Legislature prior to that date pursuant to section 11.61, Florida Statutes.

Section 5. This act shall take effect October 1, 1987.

**Amendment 2**—In title, on page 1, strike all of lines 1-18, and insert: A bill to be entitled An act relating to fire prevention and control; reviving and readopting ss. 633.511, 633.514, 633.60, F.S., notwithstanding repeals scheduled pursuant to the Sundown Act or Regulatory Sunset Act; providing for future review and repeal; providing an effective date.

On motion by Senator Jennings, by two-thirds vote HB 513 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

Vote after roll call:

Yea—Peterson

On motion by Senator Jennings, by unanimous consent—

**HB 555**—A bill to be entitled An act relating to loss prevention; amending s. 284.50, F.S.; providing for reporting responsibilities of department heads; providing for alternate representation on the Interagency Advisory Council on Loss Prevention; providing for reporting of department attendance at council meetings and for explanation of absences; specifying annual report contents; providing for evaluation of departmental compliance with loss prevention programs by the Auditor General; saving s. 284.50(2), F.S., relating to the Interagency Advisory Council on Loss Prevention, from Sundown repeal; providing for future review and repeal; providing an effective date.

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

Senator Jennings moved the following amendments which were adopted:

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

Section 1. Section 284.50, Florida Statutes, is amended to read:

284.50 Loss prevention program; safety coordinators; Interagency Advisory Council on Loss Prevention; employee recognition program.—

(1) *The head of* ~~in~~ each department of state government, except the Legislature, ~~there~~ shall designate be a safety coordinator. Such safety coordinator must be an employee of the department and must hold a position which has responsibilities comparable to those of an employee in the Senior Management System, ~~who shall be designated by the department head.~~ The Department of Insurance shall provide appropriate training to the safety coordinators to permit them to effectively perform their duties within their respective departments. Each safety coordinator shall, at the direction of his department head:

(a) Develop and implement the loss prevention program, a comprehensive departmental safety program which shall include a statement of safety policy and responsibility.

(b) Provide for regular and periodic facility and equipment inspections.

(c) Investigate job-related employee accidents of his department.

(d) Establish a program to promote increased safety awareness among employees.

(2) There shall be an Interagency Advisory Council on Loss Prevention composed of the safety coordinators from each department and representatives designated by the Division of State Fire Marshal and the Division of Risk Management. The chairman of the council shall be the Director of the Division of Risk Management or his designee. The council shall meet at least quarterly to discuss safety problems within state government, to attempt to find solutions for these problems, and, when possible, to assist in the implementation of the solutions. *If the safety coordinator of a department or office is unable to attend a council meeting, an alternate, selected by the department head or his designee, shall attend the meeting to represent and provide input for that department or office on the council.* The council is further authorized to provide for the recognition of employees, agents, and volunteers who make exceptional contributions to the reduction and control of employment-related accidents. The necessary expenses for the administration of this program of recognition shall be considered an authorized administrative expense payable from the Florida Casualty Insurance Risk Management Trust Fund.

(3) The council *and each department head* shall report annually to the Governor ~~and the Legislature~~, by January 15 preceding any regular legislative session, any actions taken to prevent job-related employee accidents, together with suggestions of safeguards and improvements.

(4) *The Auditor General shall evaluate the compliance of each department with its loss prevention program as part of the Auditor General's review of other management programs within that department.*

Section 2. Notwithstanding the provisions of chapter 82-46, Laws of Florida, section 284.50, Florida Statutes, shall not stand repealed on October 1, 1987, as scheduled by such act, but such section, as amended, is hereby revived and readopted.

Section 3. Section 284.50, Florida Statutes, is repealed on October 1, 1997, and shall be reviewed by the Legislature prior to that date pursuant to section 11.611, Florida Statutes.

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

**Amendment 2**—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the Interagency Advisory Council on Loss Prevention; amending s. 284.50, F.S.; establishing requirements for departmental safety coordinators; providing for an alternate safety coordinator; requiring an annual loss prevention report be made to the Governor by each department head; providing for evaluation of departmental compliance with loss prevention programs by the Auditor General; reviving and readopting s. 284.50, F.S., notwithstanding repeal scheduled pursuant to the Sundown Act; providing for future review and repeal; providing an effective date.

On motion by Senator Jennings, by two-thirds vote HB 555 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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

—was read the second time by title.

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

**Amendment 1**—On page 2, line 15, strike “suspension;”

**Amendment 2**—On page 2, strike all of lines 20-24 and insert: ~~and shall, by rule, adopt revocation of certification procedures pursuant to chapter 120. For the purpose of revocation, the chairman of the commission shall appoint one or more panels of three commissioners each to determine probable cause.~~

**Amendment 3**—On page 3, between lines 7 and 8, insert:

(6) *Upon a finding by the commission that a certified officer has not maintained good moral character as required in s. 943.13(7), the commission may enter an order imposing one or more of the following penalties in lieu of revocation of certification:*

(a) *Suspension of certification for a period not to exceed 2 years.*

(b) *Placement on a probationary status for a period not to exceed 2 years, subject to terms and conditions imposed by the commission. Upon the violation of such terms and conditions, the commission may revoke certification or impose additional penalties as enumerated in this subsection.*

(c) *Successful completion by the officer of any basic recruit, advanced, or career development training or such retraining deemed appropriate by the commission.*

(d) *Issuance of a reprimand.*

(7) *The commission shall, by rule, adopt procedures pursuant to chapter 120 for implementing the penalties provided in subsections (5) and (6). The chairman of the commission, for the purposes of implementing such penalties, shall appoint one or more panels of three commissioners each to determine probable cause.*

Section 3. Subsection (5) is added to section 943.22, Florida Statutes, 1986 Supplement, to read:

943.22 Salary incentive program for full-time officers.—

(5) *An officer is not entitled to full or proportional salary incentive payments for training completed pursuant to s. 943.1395(6).*

(Renumber subsequent sections.)

**Amendment 4**—On page 11, lines 8-31, and on page 12, lines 1-14, strike all of said lines and insert:

Section 5. Section 24 of chapter 81-24, Laws of Florida, section 18 of chapter 82-149, Laws of Florida, and subsection 1 of section 2 of chapter 86-286, Laws of Florida, are hereby repealed.

Section 6. Paragraph (f) of subsection (14) of section 1 of chapter 82-46, Laws of Florida, as amended by section 2 of chapter 83-265, Laws of Florida, is amended to read:

Section 1. Section 11.611, Florida Statutes, is amended to read:

11.611 Legislative review of advisory bodies, commissions, and boards of trustees adjunct to executive agencies.—

(14) The following provisions of the Florida Statutes are repealed on October 1, 1987, and shall be reviewed by the Legislature pursuant to this section:

(f) Department of Law Enforcement.—

1. Sections 406.02-406.05, relating to the Medical Examiners Commission.

2. Sections 943.06-943.08, relating to the Criminal Justice Information Systems Council.

~~3. Sections 943.10(4) and 943.11-943.20, relating to the Criminal Justice Standards and Training Commission.~~

Section 7. Subsection (3) of section 943.085, Florida Statutes, subsection (5) of section 943.10, Florida Statutes, and sections 943.11, 943.12, 943.13, 943.131, 943.133, 943.135, 943.137, 943.139, 943.1395, 943.14, 943.16, 943.17, 943.171, 943.173, 943.175, 943.18, 943.19, 943.22, and 943.25, Florida Statutes, are repealed effective October 1, 1997, and shall be reviewed prior to that date pursuant to section 11.611, Florida Statutes.

Section 8. This act shall take effect upon becoming a law.

**Amendment 5**—In title, on page 1, strike all of lines 7-16 and insert: providing penalties for not maintaining good moral character; amending s. 943.22, F.S.; providing that salary incentive payments are not available for training completed pursuant to s. 943.1395(6), F.S.; amending s. 943.25, F.S., relating to criminal justice trust funds, to resolve a problem caused by multiple amendments to that section; repealing s. 24, ch. 81-24, Laws of Florida, s. 18, ch. 82-149, Laws of Florida, and s. 2(1), ch. 86-286, Laws of Florida, and amending s. 1(14)(f), ch. 82-46, Laws of Florida, as amended, to eliminate provisions for termination of ss. 943.085(3), 943.10(5), and 943.11-943.25, F.S., on October 1, 1987; repealing ss. 943.085(3), 943.10(5), 943.11, 943.12, 943.13, 943.131, 943.133, 943.135, 943.137, 943.139, 943.1395, 943.14, 943.16, 943.17, 943.171, 943.173, 943.175, 943.18, 943.19, 943.22, 943.25, F.S., relating to legislative intent with respect to the role of the Criminal Justice Standards and Training Commission; the definition of the term “commission” as used in ss. 943.085-943.255, F.S.; the membership, organization, meetings, and powers, duties, and functions of the commission; minimum qualifications for employment or appointment of certain law enforcement officers, correctional officers, and correctional probation officers; temporary employment or appointment of such officers; the minimum basic recruit training

exemption; responsibilities of the employing agency, the commission, and the Division of Criminal Justice Standards and Training with respect to compliance and employment qualifications; injunctive relief; requirements for continued employment or appointment; establishment of qualifications and standards above the minimum; notice of employment, appointment, or termination; certification for employment or appointment, concurrent certification, reemployment or reappointment, inactive status, revocation of certification, and investigation; criminal justice training schools; payment of tuition by employing agency; basic recruit, advanced, and career development programs; basic skills training in handling domestic violence cases; examinations, administration, and disposal of materials; inservice and specialized training; compensation and benefits study; saving clauses; salary incentive program for full-time officers; and criminal justice trust funds, effective October 1, 1997; providing for review of said sections prior to such repeal; providing an effective date.

On motion by Senator Johnson, by two-thirds vote HB 560 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Langley, Peterson

Consideration of CS for SB 227, SB 58 and CS for SB's 385 and 122 was deferred.

**CS for SB 757**—A bill to be entitled An act relating to postsecondary education; creating s. 240.512, F.S., establishing the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida; providing for operation by a not-for-profit corporation; authorizing certain agreements; providing for liability; providing for operation by the Board of Regents under certain circumstances; amending s. 240.213, F.S.; removing certain authority to transfer to an insurance trust fund any funds appropriated to the Board of Regents to secure liability insurance; providing an effective date.

—was read the second time by title. On motion by Senator Crenshaw, by two-thirds vote CS for SB 757 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Langley, Peterson

Consideration of CS for SB's 799 and 132 was deferred.

On motions by Senator Gordon, by two-thirds vote HB 625 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Gordon—

**HB 625**—A bill to be entitled An act relating to personnel of the district school system; amending s. 29 of chapter 86-225, Laws of Florida;

changing the effective date of provisions which expand the eligibility to participate in the Student Loan Forgiveness Program to persons certified to teach pursuant to applicable certification requirements; providing an effective date.

—a companion measure, was substituted for SB 806 and read the second time by title. On motion by Senator Gordon, by two-thirds vote HB 625 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Peterson

SB 806 was laid on the table.

**SB 1123**—A bill to be entitled An act relating to diagnostic and learning resource centers; amending s. 229.832, F.S., providing for instructional technology services; creating s. 229.8341, F.S., providing for services for high-risk or handicapped infants and preschool children, to parents of such children, and to day care and preschool programs; amending s. 411.106, F.S., conforming a cross reference; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 2, lines 6 and 8, strike “provide” and insert: *assist districts in providing provide*

On motion by Senator Langley, by two-thirds vote SB 1123 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Peterson

Consideration of SB 1224 and SCR 1010 was deferred.

**SB 1039**—A bill to be entitled An act relating to the “Florida Air and Water Pollution Act”; directing the Department of Environmental Regulation to conduct a study to evaluate the existing classification systems for waters of the state; amending s. 403.061, F.S.; providing criteria with respect to the classification of artificially created or altered water bodies; providing for the discharge of effluent into receiving water bodies under certain conditions; amending s. 403.087, F.S.; authorizing the department to issue operating permits for a sanitary sewage system operating under local government water quality protection programs for a specified period; creating s. 403.0881, F.S.; providing for the issuance of construction permits; providing an appropriation; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, strike everything after line 20 and insert:

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act directs local government to provide guidelines and standards for the orderly and balanced future economic, social, physical, environmental and fiscal development of Florida's communities, and

WHEREAS, the overriding purpose of the local government comprehensive plan is to manage and fund a community's future growth, and

WHEREAS, the Legislature recognizes that the ability of local government to provide certain services such as sewage treatment and disposal is impaired without a degree of certainty and stability in the permitting processes of these facilities, and

WHEREAS, the 1986 Legislature directed that the Department of Environmental Regulation examine its requirements, policies, and rules governing the permitting of sewage disposal facilities in the state and should recommend changes designed to provide a degree of stability and certainty in the permitting of these facilities, and

WHEREAS, it is the intent of the Legislature to implement some aspects of the department's recommendations, NOW, THEREFORE,

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

Section 1. *The Department of Environmental Regulation shall conduct a study and make a report evaluating the current surface water classification system to determine if the classifications are appropriate. The report shall specifically consider whether the classifications applied to artificially created or significantly altered water bodies are appropriate; provided, however, that consideration shall also be given to the impacts of artificially created or significantly altered water bodies on other water bodies that have fish and wildlife values. However, artificially created or significantly altered water bodies to be considered for reclassification in the report shall not include those water bodies that are:*

- (1) *Determined to have viable or high potential for viable fish and wildlife populations;*
- (2) *Located in high groundwater recharge areas; or*
- (3) *Determined to have high recreational usage.*

*Prior to initiating the study, the department shall publish notice and invite participation from local governments, affected interest groups, and other state and federal agencies. The report shall be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate no later than March 1, 1989. In addition, the department shall notify the Governor, the Speaker of the House of Representatives and the President of the Senate by January 15, 1988, of the data needed to adopt and implement rules establishing limits for discharges of nitrogen and phosphorous into the waters of the state and the costs of obtaining the data.*

Section 2. Subsection (1) of section 403.087, Florida Statutes, 1986 Supplement, is amended to read:

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.—

(1) No stationary installation which will reasonably be expected to be a source of air or water pollution shall be operated, maintained, constructed, expanded, or modified without an appropriate and currently valid permit issued by the department, unless exempted by department rule. In no event shall a permit for a water pollution source be valid for more than 5 years. However, upon expiration, a new permit may be issued by the department in accordance with this act and the rules and regulations of the department. *The renewal of a permit issued under s. 403.088 for the operation of a sanitary sewage system may be issued for periods of up to 10 years, provided:*

(a) *The system is not currently operating under a temporary operating permit and does not have any enforcement action pending against it by the Environmental Protection Agency or the department; and*

(b) *The department has reviewed the operation reports required under department rule, which reports include the levels of oxygen, suspended solids and percentage of removal, phosphorous and acidity/alkalinity present in the discharge, and the department is satisfied that the report is accurate; and*

(c) *The department has conducted, within the 12 months prior to issuance of the 10-year permit, an inspection of the system and verified, in writing to the operator of the system, that the system is not exceeding capacity and is in proper working order; and*

(d) *The system has met all water quality standards within the last 2 years prior to the issuance of the 10-year permit, except for violations not attributable to the sanitary sewage system or its operator.*

*The operator of a system operating under a 10-year permit shall report to the department, in writing, within 48 hours, of the existence of any malfunctioning equipment or other conditions which would, if allowed to continue, cause water quality standards to be violated or would violate any other department rule or standard. The report should state any corrective measures that have been taken or a plan for correcting the malfunctioning equipment or other conditions so that the department can determine whether the corrective measures or plan are appropriate.*

Section 3. Section 403.0881, Florida Statutes, is created to read:

403.0881 *Sewage or disposal systems or water treatment works; construction permits.—The department may issue construction permits for sewage systems, treatment works, or disposal systems based upon review of a preliminary design report, application forms, and other required information, all of which shall be formulated by department rule. Detailed construction plans and specifications shall not be required prior to issuance of a construction permit unless such plans and specifications are required to secure federal funding and the project is expected to receive federal funding. Upon a demonstration that a constructed system operates as designed, the department shall issue a permit for operation of the system.*

Section 4. *Nothing in this act shall be construed as precluding the department from requiring any existing permit holder to meet conditions or criteria established by rule promulgated subsequent to the issuance of such permit.*

Section 5. This act shall take effect July 1, 1987.

Senator Crawford moved the following amendment which was adopted:

**Amendment 2**—In title, on page 1, strike all of lines 6-18 and insert: for waters of the state; amending s. 403.087, F.S., authorizing the department to issue operating permits for sanitary sewage systems operating in accordance with specified guidelines for terms of up to 10 years; creating s. 403.0881, F.S., providing for the issuance of construction permits; providing an

On motion by Senator Crawford, by two-thirds vote SB 1039 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

**CS for SB 986**—A bill to be entitled An act relating to asbestos; providing definitions; providing for an asbestos management program; requiring asbestos surveys; providing for a review of such surveys; directing certain state agencies to maintain a record with respect to asbestos surveys; providing for assessments of airborne asbestos fibers; providing for operation and maintenance plans; prohibiting issuance of contracts to

certain asbestos contractors; providing for liability of asbestos consultants; providing for indemnification and hold-harmless agreements; providing for insurance for asbestos contractors; providing for bonds; providing for safety requirements; providing requirements for project completion; providing for rules of the Department of Labor and Employment Security; requiring asbestos consultants to be licensed; providing for licensure; providing for fees; providing licensure requirements; providing for licensure revocation, suspension, denial of issuance or renewal; providing for rules of the appropriate licensing board or Department of Professional Regulation; providing for required courses; creating the Asbestos Oversight Program Team; providing for review and repeal; providing appropriations; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for SB 986 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

**SB 650**—A bill to be entitled An act relating to the acquisition of state lands; authorizing the Department of Natural Resources to acquire specified parcels of land in St. Johns County and Volusia County by the exercise of the power of eminent domain; providing for compensation; prescribing time limit within which petitions to acquire such lands must be filed; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 10, strike all of lines 1 and 2, and insert:

(3) South Golden Gate Addition. Privately owned property located within the Save Our Everglades Tract C.A.R.L. acquisition area in Collier County shown on the map or plat on file in the records of the Department of Natural Resources, Tallahassee, Florida, described as follows:

Sections 1, 12, 13, 14, 24, 25, and 36 in Township 50 South, Range 27 East; and Sections 1 through 36 in Township 50 South, Range 28 East; and Sections 1, 12, 13, 24, 25, and part of Section 36 lying north of U.S. Highway 41 in Township 51 South, Range 27 East; and Section 1 in Township 52 South, Range 27 East, lying north of U.S. Highway 41; and Sections 1 through 34 and the north 1/2 and southwest 1/4 of Section 35 in Township 51 South, Range 28 East; and Sections 4, 5, 6, 8, and 9 in Township 52 South, Range 28 East, lying north of U.S. Highway 41 and west of the Faka Union Canal; All in Collier County, Florida.

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

Senator Gordon moved the following amendment which was adopted:

**Amendment 2**—On page 9, following line 31, insert:

(3) Barnacle Addition. All privately owned property located within the Barnacle Addition C.A.R.L. acquisition area in Dade County shown on the map or plat on file in the records of the Department of Natural Resources, Tallahassee, Florida, described as follows:

Beginning at the point of intersection of the Southerly boundary line of Tract "A" and the U.S. Harbor Line of Biscayne Bay as shown on the plat thereof entitled "THE C. W. EMERSON TRACT IN COCONUT GROVE, CITY OF MIAMI, DADE COUNTY, FLORIDA", as recorded in the Public Records of Dade County, Florida in Plat Book 35 at Page 61; thence N 34°59'44" E, along said U.S. Harbor Line for a distance of 66.75 feet to a point; thence N

46°25'53" W, along the Northerly boundary line of said Tract "A" for a distance of 846.10 feet to a point; thence S 43°34'07" W, for a distance of 66.0' to a point on the Southerly boundary line of said Tract "A"; thence S 46°25'53" E, along the Southerly boundary line of said Tract "A" for a distance of approximately 856.05' to the point of beginning; and containing 56,170 sq. ft. more or less.

AND

Lot 7, MUNROE PLAT, as recorded in Deed Book "D" at Page 253, of the Public Records of Dade County, Florida, lying and being in the Southeast Quarter of Fractional Section 21, Township 54 South, Range 41 East, Dade County, Florida, excepting therefrom the following:

Beginning at the point in the Northeast boundary line of Lot 7, of the Subdivision of Lot 1, in Section 21, Township 54 South, Range 41 East in Dade County, Florida, as shown on the plat recorded in Deed Book "D", on Page 253, of the records of said County, where said line intersects the center line of the County Road leading from Miami to Cutler; thence South 45° East along said line, which is also the Southwest boundary of a lot formerly owned by Charles Montgomery 467 feet to a point 25 feet beyond the corner between the said Montgomery lot and the lot heretofore conveyed by J. W. Frow to Frank H. Kanen and Evelyn N. Kanen, his wife; thence South 45° West 10 feet; thence North 45° West 467 feet to the center line of above Road; thence North 45° East along said center line 10 feet to point of beginning. ALSO EXCEPT, that part of Lot 7 of MUNROE PLAT, as per plat therefore recorded in Deed Book "D", at Page 253, of the Public Records of Dade County, Florida, lying Northwest of the County Road, the said parcel of land being also described as follows: beginning at a pipe set in cement marking the location of the lightwood stake set as marking the most Northwesterly corner of said Lot 7; thence South 45° East 634 feet, more or less, to the center line of County Road (Dixie Highway) which line is marked by a pipe set in cement 35 feet from center line of said Road; thence Northeasterly along the said center line of said County Road 178.87 feet; thence North 45° West, paralleling the Southwesterly line of said Lot 7, 460 feet, more or less, to a pipe set in cement in the South line of Grand Avenue, which point is East of the point of beginning; thence West 253 feet, more or less, to a point of beginning.

ALSO EXCEPT, that portion of Lot 7 of MUNROE PLAT, as per plat thereof recorded in Deed Book "D", at Page 253, Public Records of Dade County, Florida, conveyed by Jack R. Gardner, et al, to THE CITY OF MIAMI, a municipal corporation, by deed dated August 8, 1947, recorded in Deed Book 2913, Page 237, of the Public Records of Dade County, Florida.

All such property is shown on a boundary map prepared by the Bureau of Survey and Mapping dated December 13, 1985, on file with the Department of Natural Resources.

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

**Amendment 3**—In title, on page 1, line 5, strike "and Volusia County" and insert: , Volusia County and Collier County

Senator Gordon moved the following amendment which was adopted:

**Amendment 4**—In title, on page 1, line 5, strike "and Volusia County" and insert: , Volusia County, and Dade County

On motion by Senator McPherson, by two-thirds vote SB 650 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Margolis  
McPherson  
Meek

Myers  
Plummer  
Ros-Lehtinen

Scott  
Stuart  
Thomas

Thurman  
Weinstein

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

Nay—Langley

Consideration of CS for SB 624 was deferred.

**SB 619**—A bill to be entitled An act relating to environmental and public health administration; amending s. 67, ch. 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 read the second time by title.

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

**Amendment 1**—On page 2, strike all of lines 16-22 and insert:

(5) The commission shall be assigned, for administrative purposes, to the Joint Legislative Management Committee and shall be subject to the established policies and procedures of the Joint Legislative Management Committee. The Joint Legislative Management Committee and each state agency shall provide assistance when requested by the commission. Additionally, the commission is authorized to employ staff and consultants as necessary to fulfill its responsibilities. However, the employment of staff and consultants, the budget of the commission, and any transfer of funds by budget amendment must be approved in advance by the President of the Senate and Speaker of the House of Representatives.

**Amendment 2**—On page 2, line 25, after "exist" insert: *and currently appointed members shall continue to serve*

**Amendment 3**—In title, on page 1, line 5, after the semicolon (;) insert: requiring the commission to be subject to certain policies and procedures, and requiring approval of certain commission activities by the President of the Senate and Speaker of the House;

On motion by Senator Crawford, by two-thirds vote, SB 619 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Frank  
Girardeau  
Gordon  
Grant  
Hair  
Hill  
Hollingsworth  
Jenne

Jennings  
Johnson  
Kirkpatrick  
Langley  
Lehtinen  
Malchon  
Margolis  
Meek

Myers  
Plummer  
Ros-Lehtinen  
Scott  
Stuart  
Thomas  
Thurman  
Weinstein

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

**CS for SB 215**—A bill to be entitled An act relating to citrus; amending s. 10 of chapter 85-283, Laws of Florida; removing the 1987 repeal of s. 581.193, F.S., relating to an excise tax on citrus nursery stock, and repealing said section effective July 1, 1988; amending s. 2 of chapter 86-128, Laws of Florida; extending for 1 year an excise tax on citrus which is deposited in the Florida Citrus Canker Trust Fund; revising said tax; providing a conditional retroactive effective date.

—was read the second time by title.

One amendment was adopted to CS for SB 215 to conform the bill to HB 499.

Pending further consideration of CS for SB 215 as amended, on motions by Senator Crawford, by two-thirds vote HB 499 was withdrawn from the Committees on Finance, Taxation and Claims and Appropriations.

On motions by Senator Crawford—

**HB 499**—A bill to be entitled An act relating to citrus; amending s. 10 of chapter 85-283, Laws of Florida; removing the 1987 repeal of s. 581.193, F.S., relating to an excise tax on citrus nursery stock, and repealing said section effective July 1, 1988; amending s. 2 of chapter 86-128, Laws of Florida; extending for 1 year an excise tax on citrus which is deposited in the Florida Citrus Canker Trust Fund; revising said tax; providing effective dates.

—a companion measure, was substituted for CS for SB 215 and by two-thirds vote read the second time by title. On motion by Senator Crawford, by two-thirds vote HB 499 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Frank  
Girardeau  
Grant  
Grizzle  
Hair  
Hill  
Hollingsworth  
Jenne  
Jennings

Johnson  
Kirkpatrick  
Langley  
Lehtinen  
Malchon  
Margolis  
Meek  
Myers  
Plummer

Ros-Lehtinen  
Scott  
Stuart  
Thomas  
Thurman  
Weinstein  
Weinstock  
Woodson

Nays—1

Gordon

Vote after roll call:

Yea—Peterson

CS for SB 215 was laid on the table.

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

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1441 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**HB 1441**—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 repeal; providing an effective date.

On motions by Senator Kirkpatrick, by unanimous consent HB 1441 was taken up out of order. On motions by Senator Kirkpatrick, by two-thirds vote HB 1441 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President  
Beard  
Brown  
Childers, D.  
Childers, W. D.  
Crawford  
Crenshaw

Deratany  
Dudley  
Frank  
Girardeau  
Gordon  
Grant  
Grizzle

Hair  
Hollingsworth  
Jenne  
Jennings  
Johnson  
Kirkpatrick  
Kiser

Langley  
Lehtinen  
Malchon  
Margolis  
McPherson  
Meek  
Myers

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

Section 3. Subsections (4) and (5) of section 946.40, Florida Statutes, are amended to read:

946.40 Use of prisoners in public works.—

(4) No person convicted of sexual battery pursuant to s. 794.011 or any other sex offense specified in s. 917.012(1)(a) shall be eligible for any program under the provisions of this section.

(5) Ten dollars of the monthly cost of supervision fee imposed ~~pursuant to s. 945.30(1) and paid by a person under community control, probation, pretrial intervention, or parole supervised by the Department of Corrections after the effective date of this subsection~~ shall be deposited into the General Revenue Fund and paid to the Department of Corrections for the administration of the Inmate Work Program as created by this act. Within the dollars generated ~~under pursuant to this subsection~~, the Administration Commission is authorized to establish positions in excess of the number fixed by the Legislature for the administration of this program.

Section 4. Subsection (12) is added to section 948.01, Florida Statutes, 1986 Supplement, to read:

948.01 When court may place defendant on probation or into community control.—

(12) *An offender shall not be placed in community control if:*

- (a) *Convicted for a forcible felony as defined in s. 776.08, and*
- (b) *Previously convicted of a forcible felony as defined in s. 776.08.*

*For the purposes of this subsection, a forcible felony shall not include manslaughter or burglary.*

Section 5. Paragraph (d) is added to subsection (2) of section 948.03, Florida Statutes, present subsections (3), (4), and (5) of said section are renumbered as subsections (6), (7), and (8), respectively, and new subsections (3), (4), and (5) are added to said section, to read:

948.03 Terms and conditions of probation or community control.—

(2) The court shall require intensive supervision and surveillance for an offender placed into community control, which may include, but shall not be limited to:

(d) *Supervision by the Department of Corrections by means of an electronic monitoring device or system.*

(3) *The Department of Corrections may, at its discretion, electronically monitor an offender sentenced to community control.*

(4) *Any offender placed on community control who violates the terms and conditions of community control and is restored to community control may be supervised by means of an electronic monitoring device or system.*

(5) *For those offenders being electronically monitored, the Department of Corrections shall develop procedures to determine and report the offender's noncompliance with the terms and conditions of sentence during all hours of the day. All reports of noncompliance shall be immediately investigated by a community control officer.*

Section 6. This act shall take effect October 1, 1987, except that sections 1, 2, and 4 shall take effect upon becoming a law.

**Amendment 2**—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to corrections; providing that, in specified circumstances, the Department of Corrections may issue an arrest warrant for an escaped offender; providing that such offender is ineligible for bond, bail, or release on his own recognizance; providing for the duration of the warrant; providing that the issuance of such warrant does not affect the right to the issuance of a warrant under any other provision of law; amending s. 944.17, F.S.; providing procedures for temporarily transferring custody of a state prisoner from the Department of Corrections to a sheriff in specified circumstances; placing restrictions on the release of such prisoner by a court or by the sheriff; requiring the clerk of the circuit court to provide certain documents; amending s. 946.40, F.S.; providing that persons convicted of certain sex offenses are ineligible to participate in public works projects; clarifying the provision for collecting the cost of supervision fee paid by certain persons under community control, probation, or parole supervision; amending s. 948.01, F.S.; providing circumstances in which an

Nays—1

Hill

**SPECIAL ORDER, continued**

**SB 102**—A bill to be entitled An act relating to the conditional release of inmates in the state correctional system; amending s. 945.091, F.S.; providing for inmate participation in an electronically monitored conditional release program; prescribing conditions for participation in such program; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 102 to conform the bill to CS for HB 992.

Pending further consideration of SB 102 as amended, on motions by Senator Hill, by two-thirds vote CS for HB 992 was withdrawn from the Committees on Corrections, Probation and Parole; and Appropriations.

On motion by Senator Hill—

**CS for HB 992**—A bill to be entitled An act relating to community control; amending s. 948.03, F.S.; authorizing electronic monitoring of prisoners on supervised release by the Department of Corrections; authorizing electronic monitoring for community control violators; providing for procedures for supervision; providing for exclusions for community control; providing an effective date.

—a companion measure, was substituted for SB 102 and read the second time by title.

Senator Hill moved the following amendments which were adopted:

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

Section 1. (1) If there is reasonable justification to believe that an offender has escaped from the custody of the Department of Corrections, or has absconded from a rehabilitative community reentry program, before such offender has satisfied his sentence or combined sentences, the secretary of the department or his designated representative may issue a warrant for retaking such offender into custody until he has served the remainder of such sentence or combined sentences.

(2) An offender who is arrested as provided in subsection (1) is ineligible for bond, bail, or release on his own recognizance.

(3) A warrant issued under subsection (1) is in effect until the offender has returned to the custody of the department, or until the sentence is deemed satisfied, whichever occurs first.

(4) The issuance of a warrant pursuant to this section does not negate or interfere with the right to issuance of a warrant under any other provision of law.

Section 2. Subsection (8) is added to section 944.17, Florida Statutes, to read:

944.17 Commitments and classification; transfers.—

(8) *If a state prisoner's presence is required in court for any reason after the sheriff has relinquished custody to the department, the court shall issue an order for the sheriff to assume temporary custody and transport the prisoner to the county jail pending the court appearance. The sheriff or his designated representative shall present a copy of the order to appropriate officers at the facility housing the prisoner prior to assuming temporary custody of the prisoner. Neither the court nor the sheriff may release such prisoner without first obtaining confirmation from the department that the prisoner has no commitments from other jurisdictions or outstanding detainers. It is the responsibility of the clerk of the circuit court to provide the department's central office with certified copies of each court action that affects a state commitment.*

offender may not be placed in community control; amending s. 948.03, F.S.; authorizing electronic monitoring of prisoners on supervised release by the Department of Corrections; authorizing electronic monitoring for community control violators; providing for procedures for supervision; providing an effective date.

On motion by Senator Hill, by two-thirds vote CS for HB 992 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

SB 102 was laid on the table.

**CS for SB 143**—A bill to be entitled An act relating to taxation; amending s. 125.0104, F.S.; changing the date upon which tourist development taxes take effect; amending s. 212.0505, F.S.; providing for taxing of certain transactions involving medicinal drugs; amending s. 212.05, F.S.; revising the apportionment formula for taxing certain interstate private line charges; amending s. 212.08, F.S.; exempting food and drinks purchased with food stamps from taxation; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

**Amendment 1**—On page 3, between lines 9 and 10, insert:

(10) **LOCAL ADMINISTRATION OF TAX.**—

(a) *A county levying a tax under the provisions of this section may be exempt from the requirements of this section that the tax collected be remitted to the Department of Revenue before being returned to the county, and that such tax be administered according to the provisions of part I of chapter 212, if the county adopts an ordinance providing for the collection and administration of the tax on a local basis.*

(b) *The ordinance shall include provision for, but need not be limited to:*

1. *Initial collection of the tax to be made in the same manner as the tax imposed under part I of chapter 212.*

2. *Designation of the local official to whom the tax shall be remitted, and that official's powers and duties with respect thereto. Tax revenues may be used only in accordance with the provisions of this section.*

3. *Requirements respecting the keeping of appropriate books, records, and accounts by those responsible for collecting and administering the tax.*

4. *Provision for payment of a dealer's credit as required under part I of chapter 212.*

5. *A portion of the tax collected may be retained by the county for costs of administration, but such portion shall not exceed 2 percent of collections.*

Section 2. Subsection (2) of section 213.053, Florida Statutes, 1986 Supplement, is amended, and subsection (9) is added to said section to read:

213.053 Confidentiality and information sharing.—

(2) Except as provided in subsections (3), (4), (5), (6), (7), and (8), and (9), all information contained in returns, reports, accounts, or declarations received by the department, including investigative reports and information and included letters of technical advice, is confidential

except for official purposes. Any officer or employee, or former officer or employee, of the department who divulges any such information in any manner, except for such official purposes or in accordance with the provisions of subsection (3), subsection (4), subsection (5), subsection (6), subsection (7), or subsection (8), or subsection (9), is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9)(a) *Notwithstanding other subsections of this section, the department shall, subject to the safeguards and limitations of paragraphs (b) and (d), disclose to the governing body of the county or subcounty district levying a local option tax which the department is responsible for administering the names and addresses only of the taxpayers who reside within the taxing boundaries of such county or subcounty district.*

(b) *Such information shall be disclosed only if the department receives an authenticated copy of a resolution adopted by the governing body requesting it.*

(c) *After receipt of such information, the governing body, its officers, and employees are subject to the same requirements of confidentiality and the same penalties for violating confidentiality as the department and its employees. The resolution requesting such information shall provide assurance that the governing body, its officers, and employees are aware of those requirements and of the penalties for their violation and shall describe the measures that will be put into effect to assure the requisite confidentiality. The officer of the department who is authorized to receive, consider, and act upon such requests shall, if satisfied that the assurances in the resolution are adequate to assure confidentiality, grant the request.*

(d) *Nothing in this subsection authorizes disclosure of any information prohibited from being disclosed by federal law.*

(Renumber subsequent sections.)

**Amendment 2**—On page 9, line 12, strike "4" and insert: 5

**Amendment 3**—On page 1, line 18, after "amended" insert: , and subsection (10) is added to said section

Senators Hair, Girardeau and Crenshaw offered the following amendment which was moved by Senator Hair and adopted:

**Amendment 4**—On page 6, line 30, after the period (.) insert:

Section 4. Paragraphs (b) and (d) of subsection (1) of section 212.055, Florida Statutes, are amended to read:

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

(1) **CHARTER COUNTY TRANSIT SYSTEM SURTAX.**—

(b)1. The rate shall be one-fifth (20 percent) of any amount of tax imposed by and paid to the state pursuant to this part, except this section and s. 212.054.

2. *Notwithstanding subparagraph 1., for any county the government of which is consolidated with that of one or more municipalities the rate shall be one-tenth (10 percent) of any amount of tax imposed by and paid to the state pursuant to this part, except this section and s. 212.054.*

(d) Proceeds from the surtax shall be:

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

2. *Remitted by the governing body of the county to an expressway or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or mainte-*

nance of roads or bridges in the county, the operation and maintenance of a bus system, or the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges.

(Renumber subsequent sections.)

Senator Deratany moved the following amendment which was adopted:

**Amendment 5**—On page 9, between lines 9 and 10, insert:

Section 1. Paragraph (b) of subsection (1) of section 212.06, Florida Statutes, as amended by chapter 86-166, Laws of Florida, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(1)

(b) Except as otherwise provided, any person who manufactures, produces, compounds, processes, or fabricates in any manner tangible personal property for his own use shall pay a tax upon the cost price of the product manufactured, produced, compounded, processed, or fabricated. ~~without any deduction therefrom on account of the cost of material used, labor or service costs, or transportation charges, notwithstanding the provisions of s. 212.02(5) defining "cost price."~~ However, the tax levied under this paragraph shall not be imposed upon any person who manufactures or produces electrical power or energy, steam energy, or other energy, when such power or energy is used directly and exclusively in the operation of machinery or equipment that is used to manufacture, process, compound, produce, fabricate, or prepare for shipment tangible personal property for sale or to operate pollution control equipment, maintenance equipment, or monitoring or control equipment used in such operations. The manufacturing or production of electrical power or energy that is used for space heating, lighting, office equipment, or air conditioning or any other nonmanufacturing, nonprocessing, noncompounding, nonproducing, nonfabricating, or nonshipping activity is taxable. Electrical power or energy consumed or dissipated in the transmission or distribution of electrical power or energy for resale is also not taxable.

(Renumber subsequent section.)

Senator Gordon moved the following amendment:

**Amendment 6**—On page 4, between lines 26 and 27, insert:

Section 2. Subsection (5) is added to section 212.0305, Florida Statutes, 1986 Supplement, to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(5) LOCAL ADMINISTRATION OF TAX.—

(a) A county levying a tax under the provisions of this section may be exempt from the requirements of this section that the tax collected be remitted to the Department of Revenue before being returned to the county, and that such tax be administered according to the provisions of part I of chapter 212, if the county adopts an ordinance providing for the collection and administration of the tax on a local basis.

(b) The ordinance shall include provision for, but need not be limited to:

1. Initial collection of the tax to be made in the same manner as the tax imposed under part I of chapter 212.

2. Designation of the local official to whom the tax shall be remitted, and that official's powers and duties with respect thereto. Tax revenues may be used only in accordance with the provisions of this section.

3. Requirements respecting the keeping of appropriate books, records, and accounts by those responsible for collecting and administering the tax.

4. Provision for payment of a dealer's credit as required under part I of chapter 212.

5. A portion of the tax collected may be retained by the county for costs of administration, but such portion shall not exceed 2 percent of collections.

Further consideration of CS for SB 143 was deferred.

**CS for SB 144**—A bill to be entitled An act relating to ad valorem taxation; amending s. 192.032, F.S.; revising provisions for determining situs of property for assessment purposes; amending s. 197.364, F.S.; allowing the Department of Revenue to refund railroad property tax overpayments directly to taxpayers; allowing the department to waive taxes and refunds in certain circumstances; providing for the distribution of certain excess collections for overpayments; amending s. 200.065, F.S.; providing additional notice to taxpayers in certain circumstances; providing for application of act; providing an effective date.

—was read the second time by title.

Senator Deratany moved the following amendments which were adopted:

**Amendment 1**—On page 1, lines 19-31; on page 2, lines 1-31; on page 3, lines 1-31; and on page 4, lines 1-26, strike all of said lines and renumber subsequent sections

**Amendment 2**—On page 7, strike all of lines 16-18 and insert: and to subsequent tax rolls.

**Amendment 3**—In title, on page 1, strike all of lines 3-5 and insert: amending s. 197.364, F.S.;

On motion by Senator Deratany, by two-thirds vote CS for SB 144 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	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	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

**Consideration of Resolution**

On motion by Senator Plummer, by two-thirds vote SR 1321 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Plummer—

**SR 1321**—A resolution commending Johnny Zannis for the inclusion of his song, "Cloggers in the White House," in the Jimmy Carter Library.

WHEREAS, Florida songwriter and entertainer Johnny Zannis along with Arlene Morgan, wrote the song, "Cloggers in the White House," during the Carter administration, commemorating the fact that the Jimmy Carter Family enjoys clogging, and

WHEREAS, Johnny Zannis and his band, The B. G. Ramblers, recorded the song in 1978 on the Orange Blossom record label, and

WHEREAS, The record, "Cloggers in the White House," has been included in the Jimmy Carter Library in Atlanta, Georgia, NOW, THEREFORE,

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

That Johnny Zannis and the B. G. Ramblers are to be commended for their outstanding accomplishment in the writing and recording of "Cloggers in the White House."

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Johnny Zannis as a tangible token of the sentiments of the Florida Senate.

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

By direction of the President, Senator Plummer escorted Mr. Zannis to the rostrum where he was presented a copy of the resolution.

**SPECIAL ORDER, continued**

On motions by Senator Woodson, by two-thirds vote HCR 552 was withdrawn from the Committees on Natural Resources and Conservation and Rules and Calendar.

On motion by Senator Woodson—

**HCR 552**—A concurrent resolution urging the Secretary of the United States Department of the Interior to establish a coastal buffer around the state.

—a companion measure, was substituted for SCR 1010 and read the second time by title. On motion by Senator Woodson, HCR 552 was adopted and certified to the House. The vote on adoption was:

Yeas—37

Mr. President	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

Vote after roll call:

Yea—Jennings

SCR 1010 was laid on the table.

**SB 58**—A bill to be entitled An act relating to higher education; creating s. 240.127, F.S.; establishing the college reach-out program; providing grants to strengthen the educational motivation of low-income or educationally disadvantaged students; prescribing program requirements and procedures for obtaining a grant; requiring a report on program effectiveness; providing for repeal of the program and for legislative review; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 5, between lines 15 and 16, insert: a new section

Section 2. Paragraph (g) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(g) Recommend to the Legislature any proposed changes in the Capital Improvement Trust Fund and building fees. The Capital Improvement Trust Fund fee is established as \$2.44 ~~\$1.94~~ per credit hour per semester. The building fee is established as \$2.32 ~~\$1.92~~ per credit hour per semester.

(Renumber subsequent sections.)

Senator Malchon moved the following amendment which was adopted:

**Amendment 2**—On page 5, line 16, insert:

Section 2. Subsection (2) of section 240.527, Florida Statutes, is amended to read:

240.527 St. Petersburg branch, University of South Florida.—

(2) The City of St. Petersburg, the Board of County Commissioners of Pinellas County, and all other governmental entities are authorized to cooperate with the Board of Regents in establishing this institution. The acquisition and donation of lands, buildings, and equipment for use of the St. Petersburg branch of the University of South Florida are hereby authorized and shall be deemed to be for a public purpose. *The City of St. Petersburg is authorized to exercise the power of eminent domain to acquire lands, buildings, and equipment for use of the St. Petersburg branch of the University of South Florida, regardless of whether such lands, buildings, and equipment are located in a community redevelopment area.*

Senator Peterson moved the following amendment which was adopted:

**Amendment 3**—In title, on page 1, line 10, after "review;" insert: increasing the Capital Improvement Trust Fund fee and the building fee;

On motion by Senator Peterson, by two-thirds vote SB 58 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	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

**Senator Hair presiding**

**CS for SB 227**—A bill to be entitled An act relating to the Florida Governor's Council on Physical Fitness and Sports; renaming the council and transferring it to the Board of Regents; amending, transferring, and renumbering s. 14.22, F.S.; clarifying the role of the council and its direct-support organization; providing for the adoption of rules; modifying terms of council members; providing for contracts between the Board of Regents and a direct-support organization; providing for audits; reviving and reenacting said section, notwithstanding repeal scheduled pursuant to the Sundown Act; providing for future repeal; providing an effective date.

—was read the second time by title.

Senator Brown moved the following amendments which were adopted:

**Amendment 1**—On page 8, between lines 5 and 6, insert:

Section 5. Subsection (5) of section 20.055, Florida Statutes, 1986 Supplement, is amended to read:

20.055 Agency chief internal auditors.—

(5) At the conclusion of each audit, the chief internal auditor shall submit his preliminary findings and recommendations to the person responsible for supervision of the program function or operational unit who shall respond to any adverse findings of the chief internal auditor within 20 ~~10~~ working days after receipt of the tentative findings. Such response along with the chief internal auditor's rebuttal to the response shall be included in the audit report of the chief internal auditor.

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 15, following the semicolon (;) insert: amending s. 20.55, F.S.; changing the time limitation for a response to certain agency audit findings;

On motion by Senator Kiser, by two-thirds vote CS for SB 227 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

On motions by Senator D. Childers, by two-thirds vote CS for HB 1241 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator D. Childers—

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

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

—a companion measure, was substituted for SB 1224 and read the second time by title.

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

**Amendment 1**—On page 16, strike all of lines 1-11 and renumber subsequent sections.

Senators Weinstock and Kiser offered the following amendment which was moved by Senator Weinstock and adopted:

**Amendment 2**—On page 16, between lines 15 and 16, insert:

Section 12. Subsection (3) of section 240.2097, Florida Statutes, 1986 Supplement, is amended to read:

240.2097 Education programs, limited access status; transfer students; student handbook; rules.—The Board of Regents shall adopt rules to include the following provisions:

(3)(a) Each university shall compile and update annually a student handbook that includes, but is not limited to, a comprehensive calendar that emphasizes important dates and deadlines, student rights and responsibilities, appeals processes available to students, and a roster of contact persons within the administrative staff available to respond to student inquiries.

(b) *Each student handbook produced pursuant to this subsection shall include a statement displayed prominently which provides that the university will not tolerate the sale, possession, or use of controlled substances, with the exception of medication prescribed as authorized by law by a practitioner licensed under chapter 458, chapter 459, or chapter 466 and taken in accordance with the prescribed usage, nor will the university tolerate the consumption of alcoholic beverages by students younger than 21 years of age, the sale of alcoholic beverages to students younger than 21 years of age, or the consumption of alcoholic beverages to or beyond the point of legal intoxication by any student. Each student handbook shall also list the legal and university-specific sanctions that will be imposed upon students who violate the law or university policies regarding controlled substances and alcoholic beverages.*

(c) *Each student handbook produced pursuant to this subsection shall include information regarding acquired immune deficiency syndrome. Such information shall emphasize the known modes of transmission of acquired immune deficiency syndrome, signs and symptoms, associated risk factors, and means used to control the spread of acquired immune deficiency syndrome.*

Section 13. Each community college that receives funds for the conduct of literacy centers or career education centers shall designate a portion of funds solely for the purpose of providing instruction, information, or activities regarding acquired immune deficiency syndrome. Such instruction, information, or activities shall emphasize the known modes of transmission of acquired immune deficiency syndrome, signs and symptoms, associated risk factors, and means used to control the spread of acquired immune deficiency syndrome.

Section 14. The Board of Regents, in conjunction with the Department of Health and Rehabilitative Services, shall develop a comprehensive policy that addresses the provision of instruction, information, and activities regarding acquired immune deficiency syndrome. Such instruction, information, or activities shall emphasize the known modes of transmission of acquired immune deficiency syndrome, signs and symptoms, associated risk factors, and means used to control the spread of acquired immune deficiency syndrome.

(Renumber subsequent section.)

Senator Lehtinen moved the following amendments which were adopted:

**Amendment 3**—On page 16, after line 15, insert:

Section 6. Paragraph (b) of subsection (1) of section 232.246, Florida Statutes, 1986 Supplement, is amended to read:

232.246 General requirements for high school graduation.—

(1)

(b) Beginning with the 1986-1987 school year and each year thereafter, successful completion of a minimum of 24 academic credits in grades 9 through 12 shall be required for graduation. The 24 credits shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature.

2. Three credits in mathematics.

3. Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board.

4. One credit in American history.

5. One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems in fulfillment of the requirements of s. 233.064.

6. One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and local school boards in developing curriculum materials for the study of economics.

7. One-half credit in American government.

8. One-half credit in practical arts vocational education or exploratory vocational education. Any vocational course as defined in s. 228.041(22) may be taken to satisfy the high school graduation requirement for one-half credit in practical arts or exploratory vocational education provided in this subparagraph.

9. One-half credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to satisfy the high school graduation requirement for one-half credit in performing arts pursuant to this subparagraph.

10. One-half credit in life management skills to include consumer education, positive emotional development, nutrition, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

11. One-half credit in physical education to include assessment, improvement, and maintenance of personal fitness.

12. Nine elective credits.

Section 7. Paragraph (a) of subsection (2) of section 20.15, Florida Statutes, 1986 Supplement, is amended to read:

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

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

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

(Renumber subsequent section.)

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

Section 12. Section 232.425, Florida Statutes, is amended to read:

232.425 Student standards for participation in interscholastic extracurricular student activities.—~~Beginning with the second semester of the 1983-1984 school year, in order for a student~~ To be eligible to participate in interscholastic extracurricular student activities, a student he must maintain a grade point average of 1.5 on a 4.0 scale, or its equivalent, and, ~~in the 1984-1985 school year and thereafter,~~ must pass five subjects for the grading period immediately preceding participation; *except that, student eligibility for the first grading period of each new school year shall be based on passing five subjects and maintaining the required grade point average the previous school year.* ~~except that, in the 1984-1985 school year and thereafter,~~ Any student who is exempt from attending a full school day under s. 228.041(13) must maintain a 1.5 grade point average and pass each class for which he is enrolled. The student standards for participation in interscholastic extracurricular activities shall be applied beginning with the student's first semester of the 9th grade. Each student must meet such other requirements for participation as may be established by the school district.

(Renumber subsequent section.)

**Amendment 5**—In title, on page 2, at the end of title, insert: ; amending s. 232.425, F.S.; providing for student eligibility for participation in interscholastic extracurricular activities;

**Amendment 6**—In title, on page 2, at the end of title, insert: amending s. 232.246, F.S.; providing that a course in speech and debate may be taken to satisfy a credit requirement in performing arts; amending s. 20.15, F.S.; establishing the Division of Human Resource Development within the Department of Education;

Senators Weinstock and Kiser offered the following amendments which were moved by Senator Weinstock and adopted:

**Amendment 7**—In title, on page 2, line 10, following the semicolon (;) insert: amending s. 240.2097, F.S.; providing for information relating to acquired immunity deficiency syndrome and controlled substances and alcoholic beverages to be included in student handbooks; 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;

**Amendment 8**—In title, on page 1, lines 2 and 3, strike "adult basic and functional literacy" and insert: education

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

**Amendment 9**—In title, on page 2, lines 6 and 7, after "reporting;" on line 6 through the semicolon (;) on line 7, strike all of said language

On motion by Senator D. Childers, by two-thirds vote CS for HB 1241 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

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

Nays—None

SB 1224 was laid on the table.

**CS for SB 145**—A bill to be entitled An act relating to fuel taxes; amending s. 206.01, F.S.; redefining the term "importer"; providing a definition; amending s. 206.02, F.S.; providing additional procedures for issuance of refiner's, importer's, and wholesaler's licenses; amending s. 206.09, F.S.; revising certain reporting requirements for carriers; amending s. 206.41, F.S.; redefining the events upon which the constitutional gas tax is levied; amending s. 212.62, F.S.; redefining the events upon which the motor fuel and special fuel tax is levied; amending s. 206.60, F.S.; redefining the events upon which the county motor fuel tax is levied; amending s. 206.605, F.S.; redefining the events upon which the municipal motor fuel tax is levied; amending s. 206.62, F.S.; imposing taxes on sales to and by military post exchanges; amending s. 212.67, F.S.; providing for a credit of motor fuel taxes due to shrinkage of motor fuel; amending s. 206.86, F.S.; redefining the term "special fuel" and defining the terms "dual user" and "consumption"; amending s. 206.87, F.S.; redefining the events upon which the special fuels tax is imposed; revising exemptions from the special fuels tax and providing tax liability of dealers and other persons in specified circumstances; amending s. 206.9931, F.S.; revising reporting requirements for persons dealing in taxable pollutants; providing for quarterly, semiannual, or annual returns under certain circumstances; amending s. 206.9935, F.S.; redefining the events upon which the tax on pollutants is levied; amending s. 206.9941, F.S.; exempting certain petroleum products from taxation; amending s. 206.9942, F.S.; clarifying the conditions under which a licensed refiner, importer, producer, wholesaler, or dealer may deduct or receive a refund of pollutant taxes; amending ss. 336.021, 336.025, 336.026, F.S.; providing for application and effect of certain local option gas taxes; correcting cross references; amending s. 206.05, F.S.; providing for certain securities in lieu of a surety bond; creating s. 206.065, F.S.; providing for certain wholesalers of motor fuel to self-accrue and remit motor fuel taxes under certain circumstances; specifying requirements; providing for revocation of such privilege; requiring hearings; amending s. 206.07, F.S.; providing for joint and several liability for defrauding the state of motor fuel taxes; amending s. 206.27, F.S.; providing for sharing certain Department of Revenue records; amending s. 206.404, F.S.; requiring retail dealers in counties imposing local option gas taxes to report pump readings; amending s. 206.47, F.S.; providing for distribution of constitutional gas tax funds; amending s. 206.56, F.S.; defining conditions under which embezzlement of state moneys exists; amending s. 206.59, F.S.; authorizing the Department of Revenue to assess and collect taxes, penalties, and interest against certain persons; amending s. 206.91, F.S.; clarifying conditions under which a dealer collection allowance may be taken; creating s. 206.9865, F.S.; providing for licensing commercial air carriers as aviation fuel dealers; providing requirements; specifying when aviation fuel tax is due; creating s. 206.9875, F.S.; exempting certain purchases of the United States from the aviation fuel tax; amending s. 206.9925, F.S.; defining petroleum products to include petrochemicals; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 12, line 16, after "part" insert: *or part II of chapter 212*

**Amendment 2**—On page 23, line 10, before "remitted" insert: *tax*

**Amendment 3**—On page 24, line 30, and on page 25, lines 2 and 6, strike "motor fuel" and insert: *petroleum products*

**Amendment 4**—On page 24, line 30, and on page 25, lines 3 and 6, strike "fuel" and insert: *petroleum product*

**Amendment 5**—On page 31, lines 12-31, and on pages 32 and 33, lines 1-31, strike all of said lines and insert:

Section 20. Section 206.065, Florida Statutes, is created to read:

206.065 Purchases by licensed wholesalers; authority to self-accrue and remit tax.—

(1) A licensed wholesaler may, after obtaining written consent of the executive director, self-accrue and remit the tax imposed by this part. Thereafter, the wholesaler may purchase motor fuel from importers or refiners and pay the tax due on such purchases directly to the department. The tax shall be due and remitted as provided in s. 206.43.

(2) A wholesaler may self-accrue and remit the tax under subsection (1) only if he:

(a) Made average monthly sales for the preceding 12-month period prior to applying for the authority of not less than 150,000 gallons;

(b) Has been licensed and has filed timely reports and made timely payments of the tax due for a period of 12 months in accordance with the provisions of s. 206.43;

(c) Complies with the requirements of s. 206.05; provided, however, the department may increase the amount of the bond or other security to equal the total amount of tax remitted for such 3-month period if the wholesaler repeatedly remitted such tax late;

(d) Files a written statement under oath with the department stating that the wholesaler meets the requirements of this subsection; and

(e) Submits proper forms to the department as the department may require.

(3) A newly licensed wholesaler who has not met the requirements of paragraphs (a) and (b) of subsection (2) must file a written statement under oath attesting that he will have average monthly sales of 150,000 gallons or more and will timely file monthly reports. Additionally, the wholesaler shall comply with paragraphs (c) and (e) of subsection (2).

(4) A refiner or importer may make sales to a wholesaler having self-accrual and remittance authority without collecting the tax only upon receiving from the wholesaler a written order setting forth his wholesaler license number, a statement that the wholesaler is assuming the obligation of remitting the tax directly to the state, and providing with each order a copy of the consent by the executive director to self-accrue.

(5) The privilege of self-accrual shall be renewed annually with the renewal of the wholesaler's license.

(6) The self-accrual privilege may be revoked by the executive director of the department or his designee at any time if the licensed wholesaler:

(a) Fails to report and remit the tax in a timely manner.

(b) Fails to respond to renewal requests.

(c) Fails to comply with any notice of intent to audit or other notice issued by the department.

(d) Fails to receive approval by the department for any change of name, transfer of ownership, merger, or other like transaction.

(e) Engages in any activity jeopardizing the collection and remittance of taxes as provided in s. 213.71.

(7) After the department has revoked, denied, or refused to renew an authority to self accrue, and affected wholesaler may request a review pursuant to s. 120.57. The department shall notify the wholesaler of the denial, revocation, or nonrenewal by registered mail at his last known address as reflected in the files of the department and shall further provide notice of the denial, revocation, or nonrenewal of the authority by registered mail to all refiners and importers subject to the tax imposed by this chapter. Notification of denial, revocation, or nonrenewal under this subsection shall not be deemed a violation of s. 213.053.

**Amendment 6**—On page 34, lines 3 and 4, strike “*joint and several*” and on line 23, strike “*jointly and severally*”

**Amendment 7**—On page 35, strike all of lines 13-30 and renumber subsequent sections.

**Amendment 8**—On page 40, between lines 3 and 4, insert:

Section 31. Section 212.66, Florida Statutes, is amended to read:

212.66 Applicability of specified sections of chapter 206.—The provisions of ss. 206.026, 206.027, 206.028, 206.055, 206.06, 206.065, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.19, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41(2), 206.425, 206.426, 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.626, 206.87(2)(a) and (3)(f), (g), 206.94, and 206.945 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part.

(Renumber subsequent sections.)

**Amendment 9**—On page 40, between lines 3 and 4, insert:

Section 31. Upon the effective date of this act, wholesalers having motor fuel inventory for which taxes have not been paid, pursuant to part I of Chapter 206, or part II of Chapter 212, Florida Statutes, may remit the tax on such motor fuel to the department either as the motor fuel is sold or in three equal monthly payments if the tax is \$100,000 or less; or, in six equal monthly payments if the tax is greater than \$100,000.

(Renumber subsequent sections.)

Senator Deratany moved the following amendments which were adopted:

**Amendment 10**—On page 39, strike all of lines 20-31, and on page 40, strike all of lines 1-3.

**Amendment 11**—On page 28, strike all of lines 9-20, and insert:

Section 17. Paragraphs (a) and (d) of subsection (1), paragraph (b) of subsection (2), and paragraph (a) of subsection (5) of section 336.025, Florida Statutes, 1986 Supplement, are amended to read:

336.025 County transportation system; levy of local option gas tax on motor fuel and special fuel.—

(1)(a) In addition to other taxes allowed by law, there may be imposed as provided in this section a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option gas tax upon every gallon of motor fuel and special fuel sold in a county and taxed under the provisions of *part I* or *part II* of chapter 206.

(d) Any tax imposed pursuant to this section ~~after June 18, 1986~~, may be extended ~~from year to year~~ on a majority vote of the governing body of the county. A redetermination of the method of distribution shall be established pursuant to subsection (3) or subsection (4), if, after July 1, 1986, the tax is extended or the tax rate changed, for the period of extension or for the additional tax.

**Amendment 12**—On page 39, line 3, before “taxes” insert: license shall be for the purpose of remitting

Further consideration of CS for SB 145 was deferred.

On motions by Senator Margolis—

**HB 803**—A bill to be entitled An act relating to state bonds; amending s. 403.1834, F.S.; increasing the principal amount that may be issued to finance water supply and distribution facilities, stormwater control and treatment facilities, air and water pollution control and abatement facilities, and solid waste disposal facilities; excluding bonds issued to refinance outstanding bonds from the principal amount limitation; providing an effective date.

—a companion measure, was substituted for SB 447 and by two-thirds vote read the second time by title. On motion by Senator Margolis, by two-thirds vote HB 803 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Malchon	Myers	Stuart	Woodson
Margolis	Plummer	Thomas	
McPherson	Ros-Lehtinen	Weinstein	
Meek	Scott	Weinstock	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 447 was laid on the table.

On motions by Senator Margolis, by two-thirds vote HB 1273 was withdrawn from the Committees on Economic, Community and Consumer Affairs; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Margolis—

**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.

—a companion measure, was substituted for CS for CS for SB 574 and read the second time by title. On motion by Senator Margolis, by two-thirds vote HB 1273 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for CS for SB 574 was laid on the table.

Consideration of SB 861 and CS for SB 1072 was deferred.

**SB 1262**—A bill to be entitled An act relating to security for public deposits; amending s. 280.02, F.S.; providing definitions; amending s. 280.03, F.S.; providing that public deposits must be held in trust or escrow by a trust company that has complied with certain state and federal laws in order to be exempt from the provisions of ch. 280, F.S.; providing that transfers of funds to pay registrars and paying agents are exempt from such chapter; amending s. 280.04, F.S.; providing formulas for a qualified public depository to determine the amount of its required collateral and its collateral-pledging level; authorizing a qualified public depository to deposit such collateral with a custodian; requiring a qualified public depository to deliver a power of attorney, bond power, or bond assignment, if registered certified securities are used as collateral; prohibiting a qualified public depository from accepting certain deposits without depositing additional collateral; providing penalties; repealing s. 280.043, F.S., relating to collateral required if contingent liability is prohibited or inadequate; amending s. 280.05, F.S.; authorizing the Treasurer to increase the collateral-pledging level of a qualified public depository; authorizing the Treasurer to reduce the amount of required collateral from a qualified public depository under certain circumstances;

providing for administrative penalties; creating s. 280.051, F.S.; specifying the grounds for the suspension or disqualification of a qualified public depository; creating s. 280.052, F.S.; providing a procedure for such suspension or disqualification; creating s. 280.053, F.S.; specifying the period of time that a qualified public depository may be suspended or disqualified; providing for obligations during the period; providing a procedure for reinstatement or requalification at the end of such period; creating s. 280.054, F.S.; specifying the administrative penalties that the Treasurer may impose upon a qualified public depository; creating s. 280.055, F.S.; authorizing the Treasurer to issue certain orders to correct violations of this act; providing administrative penalties for a violation of such an order; creating s. 280.06, F.S.; providing criminal sanctions for certain violations; providing immunity for the state or the Public Deposit Security Trust Fund with respect to information given by depositories and financial institutions; amending s. 280.07, F.S.; providing that an insolvent qualified public depository is not required to guarantee public depositors against loss caused by the default or insolvency of other qualified public depositories; amending s. 280.08, F.S.; changing the procedure for the payment of losses to a public depositor caused by the default or insolvency of a qualified public depository; creating s. 280.085, F.S.; requiring the Treasurer to provide notice of such default or insolvency; amending s. 280.09, F.S., relating to the Public Deposit Security Trust Fund, to conform; amending s. 280.10, F.S.; specifying the responsibilities of a qualified public depository that merges into, that consolidates with, or is acquired by a bank or savings association; requiring such depository to give notice thereof to the Treasurer; requiring reports of change of name or address; amending s. 280.11, F.S.; changing the procedure for withdrawing from the public deposit security program; amending s. 280.13, F.S.; specifying the securities that are eligible to be pledged by banks as collateral for public deposits; amending s. 280.14, F.S.; specifying the securities that are eligible to be pledged by savings associations as collateral for public deposits; amending s. 280.16, F.S.; specifying the information that a qualified public depository must submit to the Treasurer; creating s. 280.17, F.S.; requiring public depositories to provide certain information to the Treasurer; amending s. 280.18, F.S.; providing that the state is not liable for any loss caused by the default or insolvency of a qualified public depository; creating s. 280.20, F.S.; creating the Security For Public Deposits Task Force to review and recommend changes in legislation; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 4, line 15, after “balances” insert: *in excess of any applicable deposit insurance held by the depositor*

**Amendment 2**—On page 6, strike all of lines 28-31 and insert: by the Treasurer as a qualified public depository.

**Amendment 3**—On page 10, strike all of lines 5-9 and insert:

(b) *A qualified public depository may not accept any public deposit that would increase its average daily balance for the current month by 25 percent over the average daily balance for the previous month unless it deposits additional required collateral to secure such increase within 48 hours of the deposit. another bank or savings association or with a*

Further consideration of SB 1262 was deferred.

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

—was read the second time by title. On motion by Senator Hill, by two-thirds vote CS for SB 1072 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Beard	Childers, W. D.	Dudley	Gordon
Brown	Crenshaw	Frank	Grant
Childers, D.	Deratany	Girardeau	Grizzle

Hair	Kirkpatrick	Meek	Thurman
Hill	Kiser	Plummer	Weinstein
Hollingsworth	Langley	Ros-Lehtinen	Weinstock
Jenne	Lehtinen	Scott	Woodson
Jennings	Malchon	Thomas	

Nays—None

Vote after roll call:

Yea—Myers

The Senate resumed consideration of—

**CS for SB 145**—A bill to be entitled An act relating to fuel taxes; amending s. 206.01, F.S.; redefining the term "importer"; providing a definition; amending s. 206.02, F.S.; providing additional procedures for issuance of refiner's, importer's, and wholesaler's licenses; amending s. 206.09, F.S.; revising certain reporting requirements for carriers; amending s. 206.41, F.S.; redefining the events upon which the constitutional gas tax is levied; amending s. 212.62, F.S.; redefining the events on which the motor fuel and special fuel tax is levied; amending s. 206.60, F.S.; redefining the events on which the county motor fuel tax is levied; amending s. 206.605, F.S.; redefining the events on which the municipal motor fuel tax is levied; amending s. 206.62, F.S.; imposing taxes on sales to and by military post exchanges; amending s. 212.67, F.S.; providing for a credit of motor fuel taxes due to shrinkage of motor fuel; amending s. 206.86, F.S.; redefining the term "special fuel" and defining the terms "dual user" and "consumption"; amending s. 206.87, F.S.; redefining the events upon which the special fuels tax is imposed; revising exemptions from the special fuels tax and providing tax liability of dealers and other persons in specified circumstances; amending s. 206.9931, F.S.; revising reporting requirements for persons dealing in taxable pollutants; providing for quarterly, semiannual, or annual returns under certain circumstances; amending s. 206.9935, F.S.; redefining the events on which the tax on pollutants is levied; amending s. 206.9941, F.S.; exempting certain petroleum products from taxation; amending s. 206.9942, F.S.; clarifying the conditions under which a licensed refiner, importer, producer, wholesaler, or dealer may deduct or receive a refund of pollutant taxes; amending ss. 336.021, 336.025, 336.026, F.S.; providing for application and effect of certain local option gas taxes; correcting cross references; amending s. 206.05, F.S.; providing for certain securities in lieu of a surety bond; creating s. 206.065, F.S.; providing for certain wholesalers of motor fuel to self-accrue and remit motor fuel taxes under certain circumstances; specifying requirements; providing for revocation of such privilege; requiring hearings; amending s. 206.07, F.S.; providing for joint and several liability for defrauding the state of motor fuel taxes; amending s. 206.27, F.S.; providing for sharing certain Department of Revenue records; amending s. 206.404, F.S.; requiring retail dealers in counties imposing local option gas taxes to report pump readings; amending s. 206.47, F.S.; providing for distribution of constitutional gas tax funds; amending s. 206.56, F.S.; defining conditions under which embezzlement of state moneys exists; amending s. 206.59, F.S.; authorizing the Department of Revenue to assess and collect taxes, penalties, and interest against certain persons; amending s. 206.91, F.S.; clarifying conditions under which a dealer collection allowance may be taken; creating s. 206.9865, F.S.; providing for licensing commercial air carriers as aviation fuel dealers; providing requirements; specifying when aviation fuel tax is due; creating s. 206.9875, F.S.; exempting certain purchases of the United States from the aviation fuel tax; amending s. 206.9925, F.S.; defining petroleum products to include petrochemicals; providing an effective date.

Senator Deratany moved the following amendment which was adopted:

**Amendment 13**—In title, on page 3, lines 14-16, strike "amending s. 206.9925, F.S.; defining petroleum products to include petrochemicals;"

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

**Amendment 14**—In title, on page 2, line 23, strike "joint and several"

**Amendment 15**—In title, on page 2, strike all of lines 26-29 and insert: certain Department of Revenue records; amending s. 206.47, F.S.;

**Amendment 16**—In title, on page 3, line 16, after the semicolon (;) insert: providing for taxing motor fuel in inventory; amending s. 212.66, F.S.; providing applicability;

On motion by Senator Deratany, by two-thirds vote CS for SB 145 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—2

Hollingsworth Langley

**CS for CS for SB 338**—A bill to be entitled An act relating to fictitious name registrations; amending s. 865.09, F.S.; providing definitions; prohibiting certain business activities without such registration; requiring the registration of such names with the Department of State; providing an effective period for the registrations; providing for amended registrations; prescribing fees; exempting certain licensed professions from registration; limiting the effect of registration; providing penalties; providing for validity of existing registrations for a specified period; providing for rules; providing an effective date.

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

Yeas—37

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

Nays—None

Consideration of SB 417 was deferred.

The Senate resumed consideration of—

**SB 1262**—A bill to be entitled An act relating to security for public deposits; amending s. 280.02, F.S.; providing definitions; amending s. 280.03, F.S.; providing that public deposits must be held in trust or escrow by a trust company that has complied with certain state and federal laws in order to be exempt from the provisions of ch. 280, F.S.; providing that transfers of funds to pay registrars and paying agents are exempt from such chapter; amending s. 280.04, F.S.; providing formulas for a qualified public depository to determine the amount of its required collateral and its collateral-pledging level; authorizing a qualified public depository to deposit such collateral with a custodian; requiring a qualified public depository to deliver a power of attorney, bond power, or bond assignment, if registered certified securities are used as collateral; prohibiting a qualified public depository from accepting certain deposits without depositing additional collateral; providing penalties; repealing s. 280.043, F.S., relating to collateral required if contingent liability is prohibited or inadequate; amending s. 280.05, F.S.; authorizing the Treasurer to increase the collateral-pledging level of a qualified public depository; authorizing the Treasurer to reduce the amount of required collateral from a qualified public depository under certain circumstances; providing for administrative penalties; creating s. 280.051, F.S.; specifying the grounds for the suspension or disqualification of a qualified public depository; creating s. 280.052, F.S.; providing a procedure for such suspension or disqualification; creating s. 280.053, F.S.; specifying the period of time that a qualified public depository may be suspended or disqualified; providing for obligations during the period; providing a procedure for reinstatement or requalification at the end of such period; creating s. 280.054, F.S.; specifying the administrative penalties that the Treasurer may impose upon a qualified public depository; creating s.

280.055, F.S.; authorizing the Treasurer to issue certain orders to correct violations of this act; providing administrative penalties for a violation of such an order; creating s. 280.06, F.S.; providing criminal sanctions for certain violations; providing immunity for the state or the Public Deposit Security Trust Fund with respect to information given by depositories and financial institutions; amending s. 280.07, F.S.; providing that an insolvent qualified public depository is not required to guarantee public depositors against loss caused by the default or insolvency of other qualified public depositories; amending s. 280.08, F.S.; changing the procedure for the payment of losses to a public depository caused by the default or insolvency of a qualified public depository; creating s. 280.085, F.S.; requiring the Treasurer to provide notice of such default or insolvency; amending s. 280.09, F.S., relating to the Public Deposit Security Trust Fund, to conform; amending s. 280.10, F.S.; specifying the responsibilities of a qualified public depository that merges into, that consolidates with, or is acquired by a bank or savings association; requiring such depository to give notice thereof to the Treasurer; requiring reports of change of name or address; amending s. 280.11, F.S.; changing the procedure for withdrawing from the public deposit security program; amending s. 280.13, F.S.; specifying the securities that are eligible to be pledged by banks as collateral for public deposits; amending s. 280.14, F.S.; specifying the securities that are eligible to be pledged by savings associations as collateral for public deposits; amending s. 280.16, F.S.; specifying the information that a qualified public depository must submit to the Treasurer; creating s. 280.17, F.S.; requiring public depositors to provide certain information to the Treasurer; amending s. 280.18, F.S.; providing that the state is not liable for any loss caused by the default or insolvency of a qualified public depository; creating s. 280.20, F.S.; creating the Security For Public Deposits Task Force to review and recommend changes in legislation; providing an effective date.

Senator Crawford moved the following amendments which were adopted:

**Amendment 4**—On page 26, line 28, through page 30, line 15, strike all of said lines and insert:

280.13 Collateral eligible for pledge by banks.—

(1) Securities eligible to be pledged as collateral by banks shall be limited to:

- (a) Obligations of the United States.
- (b) Obligations of any federal agency that are fully guaranteed as to payment of principal and interest by the United States.
- (c) Obligations of federal farm credit banks.
- (d) Obligations of federal land banks.
- (e) Obligations of the Federal Home Loan Bank and its district banks.
- (f) Obligations of federal intermediate credit banks.
- (g) Obligations of the Federal Home Loan Mortgage Corporation, including participation certificates.
- (h) Obligations of the Federal National Mortgage Association, including participation certificates.
- (i) Obligations guaranteed by the Government National Mortgage Association.
- (j) General obligations of a state of the United States, of Puerto Rico, or of a political subdivision or municipality thereof.
- (k) Obligations issued by the Florida State Board of Education under authority of the State Constitution or applicable statutes.
- (l) County or municipal tax anticipation certificates or warrants having maturities not exceeding 1 year.
- (m) Obligations of a public housing authority.
- (n) Any single issue of revenue bonds or certificates of a state of the United States or of a political subdivision or municipality thereof.
- (o) Corporate bonds of any corporation that is not an affiliate or subsidiary of the qualified public depository.
- (2) Except as to bonds, notes, and bills of the United States, or bonds and notes with respect to which the payment of principal and interest is

guaranteed by the United States, or federal certificates of indebtedness, the bonds, notes, and certificates mentioned in this section shall be rated in one of the four highest classifications by an established, nationally recognized investment rating service.

(3) To be eligible as collateral under subsection (1), each security all ~~bonds or certificates of indebtedness~~ shall be interest bearing or accruing.

(4) To be eligible as collateral under subsection (1), each security must be capable of complete and immediate liquidation and complete and immediate valuation.

(5) The Treasurer may disapprove any security which does not meet the requirements of this section.

Section 19. Section 280.14, Florida Statutes, is amended to read:

280.14 Collateral eligible for pledge by savings associations.—

(1) Securities eligible to be pledged as collateral by savings associations shall be limited to:

- (a) Obligations of the United States.
- (b) Obligations of any federal agency that are fully guaranteed as to payment of principal and interest by the United States.
- (c) Obligations of federal farm credit banks.
- (d) Obligations of federal land banks.
- (e) Obligations of the Federal Home Loan Bank and its district banks.
- (f) Obligations of federal intermediate credit banks.
- (g) Obligations of the Federal Home Loan Mortgage Corporation, including participation certificates.

(4) To be eligible as collateral under subsection (1), each security must be capable of complete and immediate liquidation and complete and immediate valuation.

(5) The Treasurer may disapprove any security which does not meet the requirements of this section.

**Amendment 5**—On page 6, line 14, strike "invested in mutual funds and moneys"

On motion by Senator Crawford, by two-thirds vote SB 1262 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motions by Senator Langley, by two-thirds vote HB 1365 was withdrawn from the Committees on Judiciary-Civil and Appropriations.

On motion by Senator Langley—

**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.

—a companion measure, was substituted for SB 460 and read the second time by title. On motion by Senator Langley, by two-thirds vote HB 1365 was read the third time by title.

Senator Frank moved that the Senate reconsider the vote by which HB 1365 was read the third time by title. The motion failed and the vote was:

Yeas—14

Beard	Hair	Plummer	Weinstein
Brown	Hill	Scott	Weinstock
Childers, D.	Hollingsworth	Stuart	
Frank	Jenne	Thomas	

Nays—17

Crawford	Jennings	Malchon	Thurman
Crenshaw	Johnson	McPherson	Woodson
Dudley	Kiser	Myers	
Grant	Langley	Peterson	
Grizzle	Lehtinen	Ros-Lehtinen	

Vote after roll call:

Nay to Yea—Thurman

HB 1365 passed and was certified to the House. The vote on passage was:

Yeas—29

Brown	Grizzle	Lehtinen	Thomas
Crawford	Hill	Malchon	Thurman
Crenshaw	Jenne	Margolis	Weinstein
Deratany	Jennings	McPherson	Weinstock
Dudley	Johnson	Meek	Woodson
Girardeau	Kirkpatrick	Myers	
Gordon	Kiser	Ros-Lehtinen	
Grant	Langley	Scott	

Nays—8

Beard	Childers, W. D.	Hair	Plummer
Childers, D.	Frank	Hollingsworth	Stuart

Vote after roll call:

Yea—Peterson

SB 460 was laid on the table.

Reconsideration

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

**CS for CS for SB 338**—A bill to be entitled An act relating to fictitious name registrations; amending s. 865.09, F.S.; providing definitions; prohibiting certain business activities without such registration; requiring the registration of such names with the Department of State; providing an effective period for the registrations; providing for amended registrations; prescribing fees; exempting certain licensed professions from registration; limiting the effect of registration; providing penalties; providing for validity of existing registrations for a specified period; providing for rules; providing an effective date.

—passed this day.

On motion by Senator Jennings, by two-thirds vote the Senate reconsidered the vote by which CS for CS for SB 338 was read the third time.

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

**Amendment 1**—On page 2, strike line 8 and insert:

(d) "Division" means the Division of Corporations of the Department of State.

**Amendment 2**—On page 2, lines 11 and 17, strike "department" and insert: division

**Amendment 3**—On page 3, line 30, strike "Department of State" and insert: division

**Amendment 4**—In title, on page 1, line 7, after "the" insert: Division of Corporations of the

On motion by Senator Jennings, by two-thirds vote CS for CS for SB 338 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	Girardeau	Johnson	Plummer
Brown	Gordon	Kirkpatrick	Ros-Lehtinen
Childers, D.	Grant	Langley	Scott
Childers, W. D.	Grizzle	Lehtinen	Stuart
Crawford	Hair	Malchon	Thomas
Crenshaw	Hill	McPherson	Thurman
Deratany	Hollingsworth	Meek	Weinstein
Dudley	Jenne	Myers	Weinstock
Frank	Jennings	Peterson	Woodson

Nays—None

Consideration of Resolution

On motion by Senator Myers, by unanimous consent—

By Senator Myers—

**SR 1362**—A resolution commending Emil A. Wolf.

WHEREAS, Emil A. Wolf has served the Everglades Experiment Station of the Institute of Food and Agricultural Sciences at Belle Glade since 1948 and has earned the title Associate Horticulturist, and

WHEREAS, Emil A. Wolf has devoted his career to solving the problems of Florida's agricultural community and conducting research which directly benefits that community, and

WHEREAS, Emil A. Wolf has researched corn seed for 20 years, the result of which has produced a shrunken gene seed that yields a super sweet corn that stays fresh up to 3 weeks after it has been harvested, and

WHEREAS, Emil A. Wolf has contributed to the development of clean industry in Florida by creating a product that will employ hundreds of farm-related personnel and generate over \$100 million in sales, and

WHEREAS, Emil A. Wolf has enabled Florida farmers to significantly improve their position in the national marketplace, NOW, THEREFORE,

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

That Emil A. Wolf be recognized and commended for his tireless dedication to furthering the corpus of knowledge in agricultural science and for his myriad contributions to agriculture and the agricultural industries of Florida.

**BE IT FURTHER RESOLVED** that a copy of this resolution, with the Seal of the Senate affixed, be presented to Emil A. Wolf as a tangible token of the sentiments expressed herein.

—was introduced out of order and read the first time by title. On motion by Senator Myers, SR 1362 was read the second time in full and unanimously adopted.

The President presiding

By direction of the President, Senator Myers escorted Emil A. Wolf to the rostrum where he was presented a copy of the resolution.

SPECIAL ORDER, continued

On motions by Senator Peterson, by two-thirds vote CS for CS for HB's 47 and 17 was withdrawn from the Committees on Education; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Peterson—

**CS for CS for HB's 47 and 17**—A bill to be entitled An act relating to higher education; creating s. 240.551, F.S.; creating the Florida Prepaid Postsecondary Education Expense Program; providing intent; providing definitions; providing a purpose; creating the Prepaid Postsecondary Education Expense Trust Fund; providing for contents; creating the Prepaid Postsecondary Education Expense Board to administer the program; providing for board membership and terms; providing for meetings and staff; providing powers of the board; requiring an annual evaluation of actuarial soundness of the fund; requiring a comprehensive investment plan; authorizing delegation of responsibility for plan administration; requiring annual reporting on the fund; requiring ruling requests from the Internal Revenue Service and Securities Exchange Commission; providing for marketing of the program; requiring provisions of advance payment contracts for registration and advance payment contracts for dor-

mitory residence; authorizing retention of refund under certain conditions; providing for refunds; providing for contract conversions; providing for multiple contract plans; providing conditions for such plans; providing for application toward independent colleges and universities; requiring board solicitation of proposals for certain services; providing criteria for selection of proposals; providing for state obligations to the program; providing limitations on use of fund assets; providing for fund expenditure priorities; authorizing contract payments through payroll deduction for certain employees; prohibiting contract purchase as guarantee of admission, continuation of enrollment, or graduation; providing for program discontinuation; creating s. 240.3031, F.S.; creating a State Community College System; providing for membership; providing an effective date.

—a companion measure, was substituted for CS for SB's 385 and 122 and read the second time by title.

Senator Peterson moved the following amendments which were adopted:

**Amendment 1**—On page 2, line 16, strike everything after the enacting clause and insert:

Section 1. Section 240.551, Florida Statutes, is created to read:

240.551 Florida Prepaid Postsecondary Education Expense Program.—

(1) The Legislature recognizes that educational opportunity at the postsecondary level is a critical state interest. It further recognizes that educational opportunity is best ensured through the provision of postsecondary institutions that are geographically and financially accessible. Accordingly, it is the intent of the Legislature that a program be established through which many of the costs associated with postsecondary attendance may be paid in advance and fixed at a guaranteed level for the duration of undergraduate enrollment. It is similarly the intent of the Legislature to provide a program that fosters timely financial planning for postsecondary attendance and to encourage employer participation in such planning through program contributions on behalf of employees and the dependents of employees.

(2) As used in this section:

(a) "Advance payment contract" means a contract entered into by the board and a purchaser pursuant to this section.

(b) "Board" means the Prepaid Postsecondary Education Expense Board.

(c) "Fund" means the Prepaid Postsecondary Education Expense Trust Fund.

(d) "Purchaser" means a person who makes or is obligated to make advance registration or dormitory residence payments in accordance with an advance payment contract.

(e) "Qualified beneficiary" means a resident of this state at the time a purchaser enters into an advance payment contract on behalf of the resident.

(f) "State postsecondary institution" means any community college identified in s. 240.3031 or university identified in s. 240.2011.

(g) "Program" means the Florida Prepaid Postsecondary Education Expense Program.

(h) "Registration fee" means matriculation fee, financial aid fee, building fee, and Capital Improvement Trust Fund fee.

(3) There is created a Florida Prepaid Postsecondary Education Expense Program to provide a medium through which the cost of registration and dormitory residence may be paid in advance of enrollment in a state postsecondary institution at a rate lower than the projected corresponding cost at the time of actual enrollment. Such payments shall be combined and invested in a manner that yields, at a minimum, sufficient interest to generate the difference between the prepaid amount and the cost of registration and dormitory residence at the time of actual enrollment. Students who enroll in a state postsecondary institution pursuant to this section shall be charged no fees in excess of the terms delineated in the advance payment contract.

(4) There is created the Prepaid Postsecondary Education Expense Trust Fund. The fund shall consist of state appropriations, moneys

acquired from other governmental or private sources, and moneys remitted in accordance with advance payment contracts. All funds deposited into the trust fund may be invested pursuant to s. 215.47; however, such investment shall not be mandatory. Interest income accruing to the trust fund shall increase the total funds available for the program. Any balance contained within the fund at the end of a fiscal year shall remain therein and shall be available for carrying out the purposes of the program. In the event that interest income exceeds the amount necessary for program administration and disbursements, the board may designate an additional percentage of the fund to serve as a contingency fund. Moneys contained within the fund shall be exempt from the investment requirements of s. 18.10.

(5) The Florida Prepaid Postsecondary Education Expense Program shall be administered by the Prepaid Postsecondary Education Expense Board. The Prepaid Postsecondary Education Expense Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this section. The board shall be assigned to and administratively housed within the Division of Treasury of the Department of Insurance, but it shall independently exercise the powers and duties specified in this section. The board shall consist of seven members to be composed of the Insurance Commissioner and Treasurer, Comptroller, Chancellor of the Board of Regents, Executive Director of the State Board of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years, except that in making the initial appointments, the Governor shall appoint one member to serve for 1 year, one member to serve for 2 years, and one member to serve for 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation, but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

(a) The Governor shall appoint a member of the board to serve as the initial chairman of the board. Thereafter, the board shall elect a chairman annually. The board shall annually elect a board member to serve as vice chairman and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all printed material filed with or by the board and of its official seal. Notwithstanding the existence of vacancies on the board, a majority of the members shall constitute a quorum. The board shall take no official action in the absence of a quorum. The board shall meet, at a minimum, on a quarterly basis at the call of the chairman.

(b) The board shall appoint an executive director to serve as the chief administrative and operational officer of the board and to perform other duties assigned to him by the board.

(c) The board shall have the powers necessary or proper to carry out the provisions of this section, including, but not limited to, the power to:

1. Adopt an official seal and bylaws.

2. Sue and be sued.

3. Make and execute contracts and other necessary instruments.

4. Establish agreements or other transactions with federal, state, and local agencies, including state universities and community colleges.

5. Invest funds not required for immediate disbursement.

6. Appear in its own behalf before boards, commissions, or other governmental agencies.

7. Hold, buy, and sell any instruments, obligations, securities, and property determined appropriate by the board.

8. Require a reasonable length of state residence for qualified beneficiaries.

9. Restrict the number of participants in the community college plan, university plan, and dormitory residence plan, respectively. However, any person denied participation solely on the basis of such restriction shall be granted priority for participation during the succeeding year.

10. Segregate contributions and payments to the fund into various accounts and funds.

11. Contract for necessary goods and services, employ necessary personnel, and engage the services of private consultants, actuaries, managers, legal counsel, and auditors for administrative or technical assistance.

12. Solicit and accept gifts, grants, loans, and other aids from any source or participate in any other way in any government program to carry out the purposes of this section.

13. Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into an advance payment contract on a fraudulent basis.

14. Procure insurance against any loss in connection with the property, assets, and activities of the fund or the board.

15. Impose reasonable time limits on use of the tuition benefits provided by the program. However, any such limitation shall be specified within the advance payment contract.

16. Delineate the terms and conditions under which payments may be withdrawn from the fund and impose reasonable fees and charges for such withdrawal. Such terms and conditions shall be specified within the advance payment contract.

17. Provide for the receipt of contributions in lump sums or installment payments.

18. Establish other policies, procedures, and criteria to implement and administer the provisions of this section.

(d) The board shall administer the fund in a manner that is sufficiently actuarially sound to defray the obligations of the program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness.

(e) The board shall establish a comprehensive investment plan for the purposes of this section. The board may place assets of the fund in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the comprehensive investment plan and in such proportions as may be designated or approved under that plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws, regulations, and rules by persons who are duly authorized by applicable federal and state authorities. Within the comprehensive investment plan, the board may authorize investment vehicles, or products incident thereto, as may be available or offered by qualified companies or persons.

(f) The board may delegate responsibility for administration of the comprehensive investment plan required in paragraph (e) to a person the board determines to be qualified. Such person shall be compensated by the board. Directly or through such person, the board may contract with a private corporation or institution to provide such services as may be a part of the comprehensive investment plan or as may be deemed necessary or proper by the board or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

(g) The board shall annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of the fund and a description of the financial condition of the program at the close of each fiscal year. Such report shall be submitted to the President of the Senate, Speaker of the House of Representatives, and members of the State Board of Education on or before November 15 each year. In addition, the board shall make the report available to purchasers of advance payment contracts. The accounts of the fund shall be subject to annual audits by the Auditor General or his designee.

(h) The board shall solicit answers to applicable ruling requests from the Internal Revenue Service regarding the tax status of fees paid pursuant to an advance payment contract to the purchaser or qualified benefi-

ciary and from the Securities and Exchange Commission regarding the application of federal securities laws to the trust. The board shall make the status of such requests known before entering into an advance payment contract.

(i) The board shall solicit proposals for the marketing of the Florida Prepaid Postsecondary Education Expense Program pursuant to s. 287.057. The entity designated pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall be solely responsible for the marketing of the program. Any materials produced for the purpose of marketing the program shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the program; however, all such materials shall have been approved by the board prior to distribution. Neither the state nor the board shall be liable for misrepresentation of the program by a marketing agent.

(6)(a) The board shall construct advance payment contracts for registration and advance payment contracts for dormitory residence in accordance with the provisions of this section. Advance payment contracts constructed for the purposes of this section shall be exempt from the provisions of the Florida Insurance Code. The board may request assistance from the Department of Legal Affairs in the development of the advance payment contracts. The contents of both such contracts shall include, but not be limited to, the following:

1. The amount of the payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary.
2. The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due.
3. Provisions for late payment charges and for default.
4. Provisions for penalty fees for withdrawals from the fund.
5. The name and date of birth of the qualified beneficiary on whose behalf the contract is drawn and the terms and conditions under which another person may be substituted as the qualified beneficiary.
6. The name of any person who may terminate the contract. The terms of the contract shall specify whether the contract may be terminated by the purchaser, the qualified beneficiary, a specific designated person, or any combination of these persons.
7. The terms and conditions under which a contract may be terminated, the name of the person entitled to any refund due as a result of termination of the contract pursuant to such terms and conditions, and the amount of refund, if any, due to the person so named.
8. The time limitations, if any, within which the qualified beneficiary must claim his benefits through the program.
9. Other terms and conditions deemed by the board to be necessary or proper.

(b) In addition to the provisions of paragraph (a), an advance payment contract for registration shall include, but not be limited to, the following:

1. The number of semester credit hours contracted by the purchaser.
2. The state postsecondary system toward which the contracted credit hours will be applied.
3. The assumption of a contractual obligation by the board to the qualified beneficiary to provide for a specified number of semester credit hours of undergraduate instruction at a state postsecondary institution, not to exceed the average number of credit hours required for the conferment of the degree that corresponds to the plan purchased on behalf of the qualified beneficiary.

(c) In addition to the provisions of paragraph (a), an advance payment contract for dormitory residence shall include, but not be limited to, the following:

1. The number of semesters of dormitory residence contracted by the purchaser.
2. The assumption of a contractual obligation by the board to the qualified beneficiary to provide for a specified number of semesters of

dormitory residence at a state university, not to exceed the maximum number of semesters of full-time enrollment required for the conference of a baccalaureate degree.

(d) An advance payment contract may provide that contracts which have not been terminated or the benefits exercised within a specified period of time shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified pursuant to this paragraph. No purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this paragraph shall be entitled to a refund. The board shall retain any moneys paid by the purchaser for an advance payment contract terminated in accordance with this paragraph.

(e) No refund provided pursuant to subparagraph (a)7. shall exceed the amount paid into the fund by the purchaser. In the event that an advance payment contract is converted from a university to a community college registration plan, the refund amount shall be reduced by the amount transferred to a community college on behalf of the qualified beneficiary. No refund shall be authorized through an advance payment contract if the qualified beneficiary has completed more than 50 percent of the semester credit hours allowed pursuant to the specific plan contracted; however, this provision shall not apply to persons who convert from a university to a community college plan and terminate the contract upon graduation from the community college.

(7) At a minimum, the board shall make advance payment contracts available for three independent plans to be known as the community college plan, the university plan, and the dormitory residence plan, respectively.

(a) Through the community college plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. The cost of participation in the community college plan shall be based primarily on the average current and projected registration fees within the State Community College System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201 regardless of his actual legal residence.

(b) Through the university plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. The cost of participation in the university plan shall be based primarily on the current and projected registration fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. In the event that a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college, the qualified beneficiary may convert the average number of semester credit hours required for the conference of an associate degree from a university plan to a community college plan and may retain the remaining semester credit hours in the university plan or may request a refund for prepaid credit hours in excess of the average number of semester credit hours required for the conference of an associate degree pursuant to subparagraph (6)(a)7. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201 regardless of his actual legal residence.

(c) Through the dormitory residence plan, the advance payment contract shall provide prepaid housing fees for a maximum of 10 semesters of full-time undergraduate enrollment in a state university. Dormitory residence plans shall be purchased in increments of 2 semesters. The cost of participation in the dormitory residence plan shall be based primarily on the average current and projected housing fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any additional elective charges such as laundry service or long-distance telephone service. Each state university may specify the residence halls eligible for inclusion in the plan. In addition,

any state university may request immediate termination of a dormitory residence contract based on a violation or multiple violations of rules of the residence hall. Qualified beneficiaries shall have the highest priority in the assignment of housing within university residence halls. In the event that sufficient housing is not available for all qualified beneficiaries, the board shall refund the purchaser or qualified beneficiary an amount equal to the fees charged for dormitory residence during that semester. No such refund shall be granted for a period in excess of 1 semester; however, a refund may be granted for each of 2 consecutive semesters. Community college residence halls shall be prohibited from inclusion in the dormitory residence plan. The people who purchase a community college plan or university plan may or may not purchase the dormitory plan. However, the purchase of the dormitory plan is prohibited without purchasing the community college plan or university plan.

(d) A qualified beneficiary may apply a community college plan, university plan, or dormitory residence plan toward any eligible independent college or university. An independent college or university which is located and chartered in Florida, is not-for-profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 246.021 shall be eligible for such application. In order to be eligible for participation in the dormitory residence plan, an eligible independent college or university shall provide written certification to the board that it complies with the provisions of paragraph (c). The board shall transfer or cause to have transferred to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the plan within a state postsecondary institution. In the event that the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. No transfer authorized pursuant to this paragraph shall exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(8) The board shall solicit proposals for the operation of the Florida Prepaid Postsecondary Education Expense Program pursuant to s. 287.057, through which the board shall contract for the services of a records administrator, a trustee services firm, and one or more product providers.

(a) The records administrator shall be the entity designated by the board to conduct the daily operations of the program on behalf of the board. The goals of the board in selecting a records administrator shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.
2. Past experience in records administration and current ability to provide timely and accurate service in the areas of records administration, audit and reconciliation, plan communication, participant service, and complaint resolution.
3. Sufficient staff and computer capability for the scope and level of service expected by the board.
4. Financial history and current financial strength and capital adequacy to provide administrative services required by the board.

(b) The trustee services firm shall be the entity designated by the board to select and supervise investment programs on behalf of the board. The goals of the board in selecting a trustee services firm shall be to obtain the highest standards of professional trustee services, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. The trustee services firm shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent selection or supervision of investment programs by such firm. Eval-

uations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Adequacy of trustee services for supervision and management of the program, including current operations and staff organization and commitment of management to the proposal.
2. Capability to execute program responsibilities within time and regulatory constraints.
3. Past experience in trustee services and current ability to maintain regular and continuous interactions with the board, records administrator, and product provider.
4. The minimum purchaser participation assumed within the proposal and any additional requirements of purchasers.
5. Adequacy of technical assistance and services proposed for staff.
6. Adequacy of a management system for evaluating and improving overall trustee services to the program.
7. Adequacy of facilities, equipment, and electronic data processing services.
8. Detailed projections of administrative costs, including the amount and type of insurance coverage, and detailed projections of total costs.

(c)1. The product providers shall be the entities designated by the board to develop investment portfolios on behalf of the board to achieve the purposes of this section. Product providers shall be limited to authorized insurers as defined in s. 624.09, banks as defined in s. 658.12, associations as defined in s. 665.012, and investment companies as defined in the Investment Company Act of 1940. All product providers shall have their principal place of business and corporate charter located and registered in the United States. In addition, each product provider shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent investing by such provider. Each authorized insurer shall evidence superior performance overall on an acceptable level of surety in meeting its obligations to its policyholders and other contractual obligations. Only qualified public depositories approved by the State Insurance Commissioner and Treasurer shall be eligible for board consideration. Each investment company shall provide investment plans as specified within the request for proposals.

2. The goals of the board in selecting a product provider company shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

- a. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.
- b. Past and current investment performance, including investment and interest rate history, guaranteed minimum rates of interest, consistency of investment performance, and any terms and conditions under which moneys are held.
- c. Past experience and ability to provide timely and accurate service in the areas of records administration, benefit payments, investment management, and complaint resolution.
- d. Financial history and current financial strength and capital adequacy to provide products, including operating procedures and other methods of protecting program assets.

(9) The state shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board. The Legislature shall appropriate to the Prepaid Postsecondary Education Expense Trust Fund the amount necessary to meet the obligations of the board to qualified beneficiaries.

(10) The assets of the fund shall be maintained, invested, and expended solely for the purposes of this section and shall not be loaned, transferred, or otherwise used by the state for any purpose other than the purposes of this section. This subsection shall not be construed to prohibit the board from investing in, by purchase or otherwise, bonds, notes,

or other obligations of the state or an agency or instrumentality of the state. Unless otherwise specified by the board, assets of the fund shall be expended in the following order of priority:

- (a) To make payments to state postsecondary institutions on behalf of qualified beneficiaries.
- (b) To make refunds upon termination of advance payment contracts.
- (c) To pay the costs of program administration and operations.

(11) The state or any state agency, county, municipality, or other political subdivision may, by contract or collective bargaining agreement, agree with any employee to remit payments toward advance payment contracts through payroll deductions made by the appropriate officer or officers of the state, state agency, county, municipality, or political subdivision. Such payments shall be held and administered in accordance with this section.

(12) Nothing in this section shall be construed as a promise or guarantee that a qualified beneficiary will be admitted to a state postsecondary institution or to a particular state postsecondary institution, will be allowed to continue enrollment at a state postsecondary institution after admission, or will be graduated from a state postsecondary institution.

(13) In the event that the state determines the program to be financially infeasible, the state may discontinue the provision of the program. Any qualified beneficiary who has been accepted by and is enrolled or is within one year of enrollment in an eligible independent college or university or state postsecondary institution shall be entitled to exercise the complete benefits for which he has contracted. All other contract holders shall be refunded pursuant to subparagraph (6)(a)7.; however, such refunds shall include an interest rate that corresponds, at a minimum, to the prevailing interest rates for savings accounts provided by banks and savings and loan associations.

Section 2. Section 240.3031, Florida Statutes, is created to read:

240.3031 State Community College System defined.—The State Community College System shall consist of the following:

- (1) The State Board of Community Colleges of the Division of Community Colleges of the Department of Education.
- (2) Brevard Community College.
- (3) Broward Community College.
- (4) Central Florida Community College.
- (5) Chipola Junior College.
- (6) Daytona Beach Community College.
- (7) Edison Community College.
- (8) Florida Community College at Jacksonville.
- (9) Florida Keys Community College.
- (10) Gulf Coast Community College.
- (11) Hillsborough Community College.
- (12) Indian River Community College.
- (13) Lake City Community College.
- (14) Lake-Sumter Community College.
- (15) Manatee Community College.
- (16) Miami-Dade Community College.
- (17) North Florida Junior College.
- (18) Okaloosa-Walton Junior College.
- (19) Palm Beach Junior College.
- (20) Pasco-Hernando Community College.
- (21) Pensacola Junior College.
- (22) Polk Community College.
- (23) St. Johns River Community College.

- (24) St. Petersburg Junior College.
- (25) Santa Fe Community College.
- (26) Seminole Community College.
- (27) South Florida Community College.
- (28) Tallahassee Community College.
- (29) Valencia Community College.

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

**Amendment 2**—In title, on page 1, lines 2-31, and on page 2, lines 1-12, strike all of said lines and insert: A bill to be entitled An act relating to higher education; creating s. 240.551, F.S.; creating the Florida Prepaid Postsecondary Education Expense Program; providing intent; providing definitions; providing a purpose; creating the Prepaid Postsecondary Education Expense Trust Fund; providing for contents; creating the Prepaid Postsecondary Education Expense Board to administer the program; providing for board membership and terms; providing for meetings and staff; providing powers of the board; requiring an annual evaluation of actuarial soundness of the fund; requiring a comprehensive investment plan; authorizing delegation of responsibility for plan administration; requiring annual reporting on the fund; requiring ruling requests from the Internal Revenue Service and Securities Exchange Commission; providing for marketing of the program; requiring provisions of advance payment contracts for registration and advance payment contracts for dormitory residence; prohibiting the purchase of a dormitory contract without purchasing an advance payment contract; authorizing retention of refund under certain conditions; providing for refunds; providing for contract conversions; providing for multiple contract plans; providing conditions for such plans; providing for application toward independent colleges and universities; requiring board solicitation of proposals for certain services; providing criteria for selection of proposals; providing for state obligations to the program; providing limitations on use of fund assets; providing for fund expenditure priorities; authorizing contract payments through payroll deduction for certain employees; prohibiting contract purchase as guarantee of admission, continuation of enrollment, or graduation; providing for program discontinuation; creating s. 240.3031, F.S.; creating a State Community College System; providing for membership; providing an effective date.

On motion by Senator Peterson, by two-thirds vote CS for CS for HB's 47 and 17 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—5

Mr. President	Gordon	Weinstein
Frank	Johnson	

CS for SB's 385 and 122 was laid on the table.

#### Consideration of Resolution

On motion by Senator W. D. Childers, by unanimous consent—

By Senator W. D. Childers—

**SR 1367**—A resolution commending the Florida Association of Realtors and Roger P. Enzor.

WHEREAS, Florida's rapidly expanding population relies heavily upon the professional real estate services of the 75,000 members of the Florida Association of Realtors, and

WHEREAS, Roger P. Enzor, a Florida native who grew up and attended school in the Crestview area, has been a member of the state's real estate profession since 1966 and a member of the Pensacola Board of Realtors since 1971, and

WHEREAS, Mr. Enzor served the Pensacola Board as its president in 1979 and was named its Realtor of the Year in both 1984 and 1986, and

WHEREAS, Mr. Enzor served as a director of the Florida Association of Realtors from 1976 to 1986 and served on most and chaired several of the major committees of the State Association over the years, and

WHEREAS, Mr. Enzor was elected a district vice president of the State Association in 1980, served as a trustee of the Realtors Political Action Committee (RPAC) from 1983 to 1985, was its secretary/treasurer in 1984 and vice chairman in 1985, and an RPAC life member in 1979 and 1984, and

WHEREAS, Mr. Enzor has been a director of the National Association of Realtors since 1982 and, for several years, has been a member of the National Association's legislative and political affairs committees, and

WHEREAS, Mr. Enzor has been the State Association's federal district coordinator for Congressman Earl Hutto since 1980, and

WHEREAS, Mr. Enzor, prior to entering the real estate profession, was a member of the Florida Highway Patrol and later served as an independent insurance agent in the fire and casualty field, and

WHEREAS, Mr. Enzor has over the years been active with the Pensacola Civitan Club and the Chamber of Commerce, served as chairman of the Mayor's Task Force on Public Housing, is a member of McIlwain Presbyterian Church, and a past member of the Pensacola Community Development Advisory Committee, and

WHEREAS, Mr. Enzor, as president of the Florida Association of Realtors in 1987, has demonstrated those qualities of leadership and professional ability which have made the association so valuable to our state, NOW, THEREFORE,

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

That the Senate hereby commends the Florida Association of Realtors and Mr. Roger P. Enzor for services performed on behalf of the people of the State of Florida.

—was introduced out of order and read the first time by title. On motion by Senator W. D. Childers, SR 1367 was read the second time in full and unanimously adopted.

#### SPECIAL ORDER, continued

The Senate resumed consideration of—

**CS for SB 143**—A bill to be entitled An act relating to taxation; amending s. 125.0104, F.S.; changing the date upon which tourist development taxes take effect; amending s. 212.0505, F.S.; providing for taxing of certain transactions involving medicinal drugs; amending s. 212.05, F.S.; revising the apportionment formula for taxing certain interstate private line charges; amending s. 212.08, F.S.; exempting food and drinks purchased with food stamps from taxation; providing an effective date.

—with pending Amendment 6 which was withdrawn.

Senator Gordon moved the following amendment which was adopted:

**Amendment 7**—On page 9, between lines 9 and 10, insert:

Section 5. Subsection (5) is added to section 212.0305, Florida Statutes, 1986 Supplement, to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(5) LOCAL ADMINISTRATION OF TAX.—

(a) A county levying a tax under the provisions of this section may be exempt from the requirements of this section that the tax collected be remitted to the Department of Revenue before being returned to the county, and that such tax be administered according to the provisions of part I of chapter 212, if the county adopts an ordinance providing for the collection and administration of the tax on a local basis.

(b) The ordinance shall include provision for, but need not be limited to:

1. Initial collection of the tax to be made in the same manner as the tax imposed under part I of chapter 212.

2. Designation of the local official to whom the tax shall be remitted, and that official's powers and duties with respect thereto. Tax revenues may be used only in accordance with the provisions of this section.

3. Requirements respecting the keeping of appropriate books, records, and accounts by those responsible for collecting and administering the tax.

4. Provision for payment of a dealer's credit as required under part I of chapter 212.

5. A portion of the tax collected may be retained by the county for costs of administration, but such portion shall not exceed 2 percent of collections.

(Renumber subsequent section.)

Senator Dudley moved the following amendment which was adopted:

**Amendment 8**—In title, on page 1, line 4, after the semicolon (;) insert: authorizing any county levying the local option tourist development tax to elect to collect and administer the tax on a local basis; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose certain information to the governing body of a county or subcounty district levying a local option tax which the department administers; providing for application of confidentiality and penalty provisions to the governing body and its officers and employees;

Senators Hair, Girardeau and Crenshaw offered the following amendment which was moved by Senator Hair and adopted:

**Amendment 9**—In title, on page 1, line 9, after the semicolon (;) insert: amending s. 212.055, F.S.; providing that proceeds of a charter county transit system surtax may be remitted to an expressway authority or transportation authority for specified purposes; providing for the reduction of the surtax in specified circumstances;

Senator Deratany moved the following amendment which was adopted:

**Amendment 10**—In title, on page 1, line 11, after the semicolon (;) insert: amending s. 212.06, F.S.; specifying the basis for the sales tax on the fabrication of certain tangible personal property;

Senator Gordon moved the following amendment which was adopted:

**Amendment 11**—On page 1, line 11, after the semicolon (;) insert: amending s. 212.0305, F.S., relating to convention development taxes; providing an exemption; providing for local administration;

On motion by Senator Deratany, by two-thirds vote CS for SB 143 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**Motions**

On motion by Senator Margolis, the House was requested to return CS for SB 683.

On motions by Senator Barron, the rules were waived and by two-thirds vote CS for CS for SB 711 was placed first on the special order calendar to be considered at 2:00 p.m. this day.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator Scott, by two-thirds vote SB 665 and CS for SB 2 were withdrawn from the Committee on Appropriations.

On motion by Senator Margolis, by two-thirds vote HB 1415 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

**Recess**

On motion by Senator Barron, the Senate recessed at 12:00 noon to reconvene at 2:00 p.m.

**AFTERNOON SESSION**

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

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

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator Scott, by two-thirds vote CS for HB 1467 was withdrawn from the Committees on Appropriations and Education.

On motions by Senator Scott, by two-thirds vote CS for SB 35, SB 46, CS for SB 778 and CS for SB 737 were withdrawn from the Committee on Appropriations.

**SPECIAL ORDER, continued**

**SB 861**—A bill to be entitled An act relating to financial matters; amending s. 18.10, F.S.; revising provisions which specify those state moneys which may be invested in short-term investments; providing additional eligible investments; renumbering and amending s. 215.535, F.S., relating to the Treasurer's investment powers and duties; authorizing the maintenance of certain demand and safekeeping accounts; authorizing the loan of securities or investments to banks; creating a Treasurer's Administrative and Investment Trust Fund; revising an annual assessment against moneys made available by state agencies for investment and providing for deposit in the trust fund; providing uses of the trust fund; creating s. 18.24, F.S.; specifying securities which may be held in book-entry form or on deposit in a depository trust clearing system; amending s. 213.053, F.S.; directing the Department of Revenue to make certain information available to the Treasurer or his authorized agent; amending s. 215.34, F.S.; revising procedures relating to noncollectible checks, drafts, or other orders for payment to state officers or agencies; amending s. 625.52, F.S.; revising the types of securities eligible for required deposits by insurers and requirements with respect thereto; requiring replacement of ineligible securities; amending ss. 211.31, 215.32, 228.0855, 231.532, 231.5335, 232.257, 240.257, 240.278, 240.36, 240.412, 280.09, 290.034, 402.3195, 409.504, and 601.10, F.S.; correcting references; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Hair and adopted:

**Amendment 1**—On page 5, line 18, through page 6, line 2, strike all of said lines and insert:

(b) The Treasurer shall make an annual assessment of 0.1 percent ~~0.00005~~ against the average daily balance of those moneys made available pursuant to subsection (3). The proceeds of this assessment shall be deposited in the Treasurer's Administrative and Investment Trust Fund General Revenue Fund.

(c) The moneys so received and deposited in the fund shall be used by the Treasurer to defray the expense of his office in the discharge of the administrative and investment powers and duties prescribed by this section and this chapter, including the maintaining of an office and necessary supplies therefor, essential equipment and other materials, salaries and expenses of required personnel, and all other legitimate expenses relating to the administrative and investment powers and duties imposed upon and charged to him under this section and this chapter. The unencumbered balance in the trust fund at the close of each quarter shall not exceed \$750,000. Any funds in excess of this amount shall be transferred unallocated to the General Revenue Fund.

Senator Hair moved the following amendment which was adopted:

**Amendment 2**—On page 10, line 16, after “States” insert: *as well as obligations issued, assumed, or guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, or the African Development Bank.*

On motion by Senator Hair, by two-thirds vote SB 861 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

#### Senator Hair presiding

**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.

—was read the second time by title.

Senator Frank moved the following amendment which was adopted:

**Amendment 1**—On page 10, line 18, strike “1995” and insert: 2000

Senator Peterson moved the following amendments which were adopted:

**Amendment 2**—On page 11, line 4, strike “1988” and insert: 1987

**Amendment 3**—On page 10, strike line 11 and insert:

(a) *Beginning July 1, 1987 to December 31, 1987, the tax rate shall be \$1.79 per ton*

On motion by Senator Peterson, by two-thirds vote CS for CS for SB 711 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	Hill	Kiser
Brown	Frank	Hollingsworth	Langley
Childers, W. D.	Girardeau	Jenne	Lehtinen
Crawford	Grant	Jennings	Malchon
Crenshaw	Grizzle	Johnson	Margolis
Deratany	Hair	Kirkpatrick	McPherson

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

Nays—2

Childers, D.      Gordon

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

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives returns CS for SB 683 as requested.

*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.

On motion by Senator Margolis, the Senate reconsidered the vote by which CS for SB 683, contained in the foregoing message, passed June 1.

On motion by Senator Margolis, the Senate reconsidered the vote by which the Senate concurred in House Amendment 1 as amended.

On motion by Senator Margolis, the Senate reconsidered the vote by which Amendment 2 to House Amendment 1 was adopted.

Senator Margolis moved the following substitute amendment for Amendment 2 to House Amendment 1 which was adopted:

**Amendment 4**—On page 11, line 17, through page 34, line 28, strike all of said lines

On motion by Senator Margolis, the Senate concurred in House Amendment 1 as amended and the House was requested to concur in the Senate amendment to the House amendment.

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

Yeas—33

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

Nays—None

#### SPECIAL ORDER, continued

**CS for SB's 799 and 132**—A bill to be entitled An act relating to education; amending ss. 228.041, 228.072, 229.132, 236.081, 240.359, F.S.; creating a lifelong learning program category within the Florida Education Finance Program to fund certain courses in adult education; defining lifelong learning student; providing for an annual determination of program cost factors in the General Appropriations Act; providing for allocation of full-time equivalents in the lifelong learning program category in school districts and community college districts; providing conforming language; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 16, line 24, and on page 18, line 4, strike “1.5 or less” and insert: *D or F*

Senator Peterson moved the following amendments which were adopted:

**Amendment 2**—On page 7, line 17, after “Beginning” insert: *on January 1, 1988 with the 1987-1988 school year*

**Amendment 3**—On page 16, line 7, strike the period (.) and insert: ; or

(III) *Has a wage earning employment history and desires to convert to the English language existing knowledge, training, or skills to qualify for employment; provided, however, that such a student shall be reported for funding purposes in the Adult Basic and High School Program as an adult basic vocational student for the length of time the student spends in a language class.*

On motion by Senator Peterson, by two-thirds vote CS for SB’s 799 and 132 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Woodson

On motion by Senator Myers, by two-thirds vote HB 693 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Myers—

**HB 693**—A bill to be entitled An act relating to adverse possession of real property; amending s. 95.16, F.S.; specifying the extent of the property protected by a substantial enclosure that is adversely possessed under color of title; providing an effective date.

—a companion measure, was substituted for SB 417 and read the second time by title. On motion by Senator Myers, by two-thirds vote HB 693 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kirkpatrick	Ros-Lehtinen
Brown	Grant	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	Jennings	Peterson	Woodson
Girardeau	Johnson	Plummer	

Nays—None

SB 417 was laid on the table.

On motions by Senator Meek, by two-thirds vote CS for HB 586 was withdrawn from the Committees on Judiciary-Criminal and Judiciary-Civil.

On motion by Senator Meek—

**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.

—a companion measure, was substituted for CS for SB 519 and read the second time by title. On motion by Senator Meek, by two-thirds vote CS for HB 586 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Thurman

CS for SB 519 was laid on the table.

**HB 549**—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; providing definitions; amending s. 101.121, F.S.; providing for persons allowed in polling rooms; amending s. 101.131, F.S.; allowing each political party and each candidate to have one watcher in each polling room at any one time during an election; amending s. 102.031, F.S.; adding the polling room, where the polling place is a shopping center or mall, to the requirements for solicitation of voters near polling places; modifying certain restrictions for soliciting near polling places; authorizing certain officials to maintain order; repealing s. 104.36, F.S., relating to penalties for certain solicitation of voters within 100 yards of a polling place; providing an effective date.

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 549 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Consideration of CS for SB 359 was deferred.

**CS for CS for SB 414**—A bill to be entitled An act relating to smoking in public places; amending s. 386.203, F.S.; providing a definition; amending s. 386.207, F.S.; providing for enforcement by the Department of Health and Rehabilitative Services; requiring public agencies to report violations; providing enforcement procedures; providing for civil penalties; providing for exemptions; providing for the adoption of rules; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for CS for SB 414 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

On motion by Senator D. Childers, by two-thirds vote HB 1205 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator D. Childers—

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

—a companion measure, was substituted for SB 455 and read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1205 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Plummer

Vote after roll call:

Yea—W. D. Childers

Nay to Yea—Plummer

SB 455 was laid on the table.

**SB 538**—A bill to be entitled An act creating foster grandparent and retired senior volunteer services programs; amending s. 411.103, F.S.; providing definitions; creating s. 411.1071, F.S.; requiring the Department of Health and Rehabilitative Services to establish a program providing foster grandparent services and retired senior volunteer services to high-risk and handicapped children; providing for contracts and contract funding; providing for guidelines, monitoring, and evaluation; providing for federal and state coordination in developing criteria and funding of program; providing an appropriation; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 2, lines 21 and 22, strike "Deputy Secretary for Operations" and insert: Assistant Secretary for Programs

Senator Weinstein moved the following amendment which was adopted:

**Amendment 2**—On page 3, line 7, strike "\$535,000" and insert: \$50,000

On motion by Senator Weinstein, by two-thirds vote SB 538 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

**SB 734**—A bill to be entitled An act relating to hospital penalties; amending s. 395.5094, F.S.; exempting from penalties hospitals which treated certain patients; providing an effective date.

—was read the second time by title.

One amendment to SB 734 failed.

Pending further consideration of SB 734, on motions by Senator Hollingsworth, by two-thirds vote HB 1200 was withdrawn from the Committees on Health and Rehabilitative Services; Commerce; and Appropriations.

On motions by Senator Hollingsworth—

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

—a companion measure, was substituted for SB 734 and by two-thirds vote read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote HB 1200 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 734 was laid on the table.

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

—was read the second time by title.

Two amendments were adopted to CS for SB 831 to conform the bill to HB 595.

Pending further consideration of CS for SB 831 as amended, on motion by Senator Crawford—

**HB 595**—A bill to be entitled An act relating to group health insurance; creating s. 627.6617, F.S.; requiring certain group health insurance policies to provide coverage for home health care services; providing conditions; providing an exception; providing for review and repeal; creating ss. 627.6417 and 627.6612, F.S.; requiring individual and group, blanket, or franchise accident and health insurance policies providing coverage for mastectomies to provide optional coverage for related surgical procedures and devices; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 831 and by two-thirds vote read the second time by title.

Further consideration of HB 595 was deferred.

On motion by Senator Deratany, by two-thirds vote CS for HB 351 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Deratany—

**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.

—a companion measure, was substituted for SB 689 and read the second time by title. On motion by Senator Deratany, by two-thirds vote CS for HB 351 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Beard	Childers, W. D.	Deratany	Girardeau
Brown	Crawford	Dudley	Gordon
Childers, D.	Crenshaw	Frank	Grant

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

Nays—None

SB 689 was laid on the table.

**CS for SB 177**—A bill to be entitled An act relating to motor vehicles; amending s. 320.0848, F.S.; providing for the issuance of a placard that entitles a handicapped person to park a rental car or a borrowed car in certain parking spaces; prescribing the format of the placard; setting a fee; providing that licensed podiatrists are authorized to certify persons as being eligible to receive an exemption entitlement parking permit; amending s. 316.1958, F.S.; providing reciprocity for holders of placards from other states; amending ss. 316.1955, 316.1956, 316.1964, F.S.; providing that a handicapped parking placard shall be treated as equivalent to a handicapped exemption entitlement parking permit; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Woodson and adopted:

**Amendment 1**—On page 3, line 31, after “316.008(4).” insert: *Any person who unlawfully allows the use of his placard shall be guilty of a nonmoving traffic violation, punishable as provided in ss. 318.18(2) and 316.008(4), and shall forfeit any future use of the placard.*

Senator Woodson moved the following amendments which were adopted:

**Amendment 2**—On page 1, line 20, insert:

Section 1. Subsection (5) of section 272.161, Florida Statutes, is amended to read:

272.161 Rental of reserved parking spaces.—

(5) The Department of General Services shall establish fees on all state-owned reserved parking spaces, except those assigned to qualified state employee car pools, under the jurisdiction of the department. *The department shall also issue loading zone permits for a fee sufficient to cover the cost of administration of the permits and maintenance of the loading zone areas and scramble parking permits for a fee sufficient to cover the cost of administration of the permits and maintenance of the scramble parking areas.*

(Renumber subsequent sections.)

**Amendment 3**—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 272.161, F.S.; providing for loading zone permits and scramble parking permits and for the fees for such permits;

On motion by Senator Woodson, by two-thirds vote CS for SB 177 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Vote after roll call:

Yea—D. Childers, Thurman, Woodson

Consideration of SB 272 was deferred.

**CS for SB 420**—A bill to be entitled An act relating to transportation finance and planning; amending s. 337.11, F.S.; providing that the secretary may designate persons to approve supplemental agreements; amending s. 337.14, F.S.; increasing minimum amount of construction contract requiring certification; providing for waiver of contract bonds; amending s. 337.18, F.S.; providing for waiver of surety bond; providing that the department may require alternate security; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote CS for SB 420 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**SB 272**—A bill to be entitled An act relating to vehicles; 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,” 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; 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; 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; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 272 to conform the bill to HB 225.

Pending further consideration of SB 272 as amended, on motions by Senator Hill, by two-thirds vote HB 225 was withdrawn from the Committees on Transportation; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Hill—

**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.

—a companion measure, was substituted for SB 272 and read the second time by title. On motion by Senator Hill, by two-thirds vote HB 225 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

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

Nays—1

Plummer

SB 272 was laid on the table.

On motion by Senator Hill, by two-thirds vote HB 775 was withdrawn from the Committee on Transportation.

On motion by Senator Hill—

**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.

—a companion measure, was substituted for SB 1093 and read the second time by title.

Senator Hill moved the following amendments which were adopted:

**Amendment 1**—On page 1, strike all of lines 11 and 12 and insert:

Section 1. Paragraph (a) of subsection (1) of section 316.613, Florida Statutes, 1986 Supplement, is amended, subsections (2) and (3) are renumbered as

**Amendment 2**—On page 1, between lines 15 and 16, insert:

(1)(a) Every operator of a motor vehicle as defined herein, while transporting a child in a *motor vehicle* ~~passenger car, van, or pickup truck~~ operated on the roadways, streets, or highways of this state, shall, if the child is 5 years of age or younger, provide for protection of the child by properly using a crash-tested, federally approved child restraint device. For children aged through 3 years, such restraint device must be a separate carrier. For children aged 4 through 5 years, a separate carrier or a seat belt may be used.

Senator Hill moved the following amendment:

**Amendment 3**—On page 1, between lines 10 and 11, insert:

Section 1. Section 316.1922, Florida Statutes, is created to read:

316.1922 Advisory Speed Plates in Work Zone Areas; penalty.—Failure of the driver of any vehicle to comply with advisory speed plates in a work zone area shall be prima facie evidence of careless driving, punishable as provided in s. 316.655. For the purposes of this section, "work zone area" means the area and its approaches on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street or highway related work is being performed.

Further consideration of HB 775 was deferred.

**Senator Thomas presiding**

**HB 1063**—A bill to be entitled An act relating to the Massage Practice Act; amending s. 480.034, F.S., exempting treatments for the purpose of cleansing and beautifying the skin or in conjunction with a weight loss program from the operation of the act; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1063 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

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

Nays—None

Consideration of CS for SB 1143 was deferred.

The Senate resumed consideration of—

**HB 595**—A bill to be entitled An act relating to group health insurance; creating s. 627.6617, F.S.; requiring certain group health insurance policies to provide coverage for home health care services; providing conditions; providing an exception; providing for review and repeal; creating ss. 627.6417 and 627.6612, F.S.; requiring individual and group, blanket, or franchise accident and health insurance policies providing coverage for mastectomies to provide optional coverage for related surgical procedures and devices; providing for review and repeal; providing an effective date.

On motion by Senator Crawford, by two-thirds vote HB 595 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for SB 831 was laid on the table.

On motion by Senator Frank, by two-thirds vote CS for HB 918 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Frank—

**CS for HB 918**—A bill to be entitled An act relating to dentists; amending s. 466.017, F.S.; providing that licensed dentists who have been utilizing general anesthesia or parenteral conscious sedation routinely and competently for specified time periods preceding January 1, 1980, are deemed to have fulfilled training requirements for administration of such medications; requiring certain certification; providing a limited exemption from registration and education requirements; amending s. 466.022, F.S.; including ethics review committees under peer review requirements; providing an effective date.

—a companion measure, was substituted for CS for SB 1143 and read the second time by title. On motion by Senator Frank, by two-thirds vote CS for HB 918 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for SB 1143 was laid on the table.

The Senate resumed consideration of—

**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.

—with pending Amendment 3 which was adopted.

Senator Hill moved the following amendment which was adopted:

**Amendment 4**—In title, on page 1, line 3, after the semicolon (;) insert: creating s. 316.1922, F.S.; providing that failure of a vehicle driver to comply with advisory speed plates in a work zone area constitutes prima facie evidence of careless driving; providing a penalty; providing a definition;

On motion by Senator Hill, by two-thirds vote HB 775 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.	Hill	Margolis	Thomas
Crawford	Hollingsworth	McPherson	Thurman
Crenshaw	Jenne	Meek	Weinstein
Deratany	Jennings	Myers	Weinstock
Dudley	Johnson	Peterson	Woodson
Frank	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Girardeau

SB 1093 was laid on the table.

On motion by Senator Thurman, by two-thirds vote CS for HB 73 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Thurman—

**CS for HB 73**—A bill to be entitled An act relating to mobile home and recreational vehicle dealers; amending s. 320.77, F.S., revising language with respect to the bond required of dealers to include reference to written contracts for improvements made to a mobile home or recreational vehicle; amending s. 723.061, F.S., relating to the method for determining compensation to mobile home owners evicted based upon change in land use; providing for the future repeal of a portion of the method for determining compensation to mobile home owners evicted based upon change in land use; repealing s. 723.061(2)(e), F.S., relating to eviction from a mobile home park based upon a change of land use to delete a repeal of procedures governing such evictions; providing an effective date.

—a companion measure, was substituted for SB 469 and read the second time by title.

Senator Thurman moved the following amendments which were adopted:

**Amendment 1**—On page 1, between lines 11 and 12, insert:

(5) SUPPLEMENTAL LICENSE; TEMPORARY SALES PERMIT.—

(a) Any person licensed hereunder shall obtain a supplemental license for each permanent additional place or places of business not contiguous to the premises for which the original license is issued, on a form to be furnished by the department, and upon payment of a fee of \$50 for each such additional location. Upon making renewal applications for such supplemental licenses, such applicant shall pay \$50 for each additional location.

(b) Several licensees, provided at least two of which are not affiliated by common ownership, may jointly conduct a temporary sale not exceeding 7 days in length providing the participant licensees obtain a permit from the department. The permit fee shall be \$25. All sales transacted at a permitted temporary sale shall be presumed to have been completed at the licensed permanent location of the selling dealer. A permit may not be issued for or a temporary sale may not be held at a currently licensed dealer's permanent location. A permit may not be issued or an off-premises temporary sale may not be held by any licensed dealer unless such sale is in compliance with the requirements of this section.

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 3, after the semicolon (;) insert: amending s. 320.27, F.S.; providing for temporary sales permits for motor vehicle dealers under certain circumstances;

On motion by Senator Thurman, by two-thirds vote CS for HB 73 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Langley

Vote after roll call:

Nay to Yea—Langley

SB 469 was laid on the table.

On motions by Senator Kirkpatrick, by two-thirds vote CS for HB 204 was withdrawn from the Committees on Economic, Community and Consumer Affairs; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Kirkpatrick—

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

—a companion measure, was substituted for CS for SB 357 and read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

**Amendment 1**—On page 14, between lines 3 and 4, insert:

Section 21. Application of act.—

(1) The provisions of sections 1-21 do not apply until such time as there are at least 350 persons who:

- Are actively engaged in the practice of electrolysis;
- Would be required to be licensed pursuant to this act; and
- Have applied for licensure under this act.

(2)(a) Each person who is actively engaged in the practice of electrolysis and who would not be exempt from licensure under this act must apply to the board for licensure.

(b) Each person who applies for a license under this section and who ceases to be actively engaged in the practice of electrolysis shall notify the board in writing within 30 days after ceasing to be actively engaged in the practice of electrolysis.

(c) A person who is required by paragraph (a) to apply for licensure and who fails to do so is guilty of a misdemeanor of the second degree, punishable by fine only as provided in s. 775.083, Florida Statutes.

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 25, after the semicolon (;) insert: providing for application of the act;

On motion by Senator Kirkpatrick, by two-thirds vote CS for HB 204 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—3

Hollingsworth Jennings Myers

CS for SB 357 was laid on the table.

On motions by Senator Stuart, by two-thirds vote HB 716 was withdrawn from the Committees on Governmental Operations, Rules and Calendar and Appropriations.

On motion by Senator Stuart—

**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.

—a companion measure, was substituted for CS for SB 573 and read the second time by title.

Senator Stuart moved the following amendments which were adopted:

**Amendment 1**—On page 4, line 2, strike "216.111" and insert: 216.011

**Amendment 2**—In title, on page 1, strike all of lines 2-17 and insert: An act relating to state government; 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 the Information Resources Management Act; creating ss. 282.003, 282.004,

On motion by Senator Stuart, by two-thirds vote HB 716 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	Hollingsworth	McPherson	Thurman
Deratany	Jenne	Meek	Weinstein
Dudley	Jennings	Myers	Weinstock
Frank	Johnson	Peterson	Woodson
Girardeau	Kirkpatrick	Plummer	

Nays—None

CS for SB 573 was laid on the table.

**CS for SB 403**—A bill to be entitled An act relating to justifiable use of force; amending s. 776.05, F.S.; revising provisions relating to justifiable use of force by officers in making an arrest; creating a task force to study the use of deadly force; providing an effective date.

—was read the second time by title.

Senators Grant and Kirkpatrick offered the following amendments which were moved by Senator Grant and adopted:

**Amendment 1**—On page 2, strike all of lines 8-25 and insert:

Section 2. Paragraph (j) is added to subsection (5) of section 921.141, Florida Statutes, to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances shall be limited to the following:

(j) *The victim of the capital felony was a law enforcement officer engaged in the performance of his official duties.*

**Amendment 2**—In title, on page 1, strike all of lines 2-6 and insert: An act relating to crimes; amending s. 776.05, F.S.; revising provisions relating to justifiable use of force by officers in making an arrest; amending s. 921.141, F.S.; providing that with respect to sentencing for capital felonies it is an aggravating circumstance if the victim of the felony was a law enforcement officer engaged in the performance of his official duties;

On motion by Senator Grant, by two-thirds vote CS for SB 403 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

**SB 449**—A bill to be entitled An act relating to the criminal activity of chop shops; 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; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, line 29, after "parts;" insert: frame and frame assembly;

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

**Amendment 2**—On page 3, line 7, after "is" insert: knowingly

Senator Lehtinen moved the following amendment:

**Amendment 3**—On page 1, line 11, strike everything after the enacting clause and insert:

Section 1. Subsection (6) of section 329.10, Florida Statutes, is amended to read:

329.10 Aircraft registration.—

(6) A violation of this section shall be deemed a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. *Any violation of this section shall constitute the aircraft to which it relates as contraband, and said aircraft may be seized as contraband by a law enforcement agency and shall be subject to forfeiture pursuant to ss. 932.701-932.704.*

Section 2. Section 330.40, Florida Statutes, is amended to read:

330.40 Aircraft fuel tanks.—In the interests of the public welfare, it is unlawful for any person, firm, corporation, or association to install, maintain, or possess any aircraft which has been equipped with, or had installed in its wings or fuselage, fuel tanks, bladders, drums, or other containers which will hold fuel if such fuel tanks, bladders, drums, or other containers do not conform to federal aviation regulations or have not been approved by the Federal Aviation Administration by inspection or special permit. This provision also includes any pipes, hoses, or auxiliary pumps which when present in the aircraft could be used to introduce fuel into the primary fuel system of the aircraft from such tanks, bladders, drums, or containers. Any person who violates any provision of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. *Any aircraft in violation of this section shall be considered contraband, and said aircraft may be seized as contraband by a law enforcement agency and shall be subject to forfeiture pursuant to ss. 932.701-932.704.*

Section 3. Section 812.16, Florida Statutes, is created to read:

812.16 *Operating chop shops; definitions; penalties; restitution; forfeiture.—*

(1) *As used in this section, the term:*

(a) *"Chop shop" means any area, building, storage lot, field, or any other premises or place where one or more persons are engaged or have engaged in altering, dismantling, reassembling, or in any way concealing or disguising the identity of a stolen motor vehicle or stolen aircraft or of any major component part of a stolen motor vehicle or stolen aircraft; where there are two or more stolen motor vehicles or stolen aircraft present; or where there are major component parts from two or more stolen motor vehicles or stolen aircraft present.*

(b) *"Major component part" means one of the following subassemblies of a motor vehicle, regardless of its actual market value; front end assembly, including fenders, grills, hood, bumper, and related parts; engine; transmission; T-tops; rear clip assembly, including quarter panels and floor panel assembly; doors; frame and frame assembly; tires, tire wheels, and continuous treads and other devices.*

(c) *"Motor vehicle" includes every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, which device is self-propelled or may be connected to and towed by a*

self-propelled device, and also includes any and all other land-based devices which are self-propelled but which are not designed for use upon a highway, including but not limited to farm machinery and steam shovels.

(2) Any person who knowingly owns, operates, or conducts a chop shop or who knowingly aids and abets another person in owning, operating, or conducting a chop shop is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who violates this section, upon conviction, in addition to any other punishment, may be ordered to make restitution to the rightful owner of a stolen motor vehicle or stolen aircraft or of a stolen major component part, or to the owner's insurer if the owner has already been compensated for the loss by the insurer, for any financial loss sustained as a result of the theft of the motor vehicle or a major component part. Restitution may be imposed in addition to any imprisonment or fine imposed, but not in lieu thereof.

(4) The following may be seized and are subject to forfeiture pursuant to ss. 932.701-932.704.

(a) Any stolen motor vehicle or stolen aircraft or major component part found at the site of a chop shop or any motor vehicle or stolen aircraft or major component part for which there is probable cause to believe that it is stolen but for which the true owner cannot be identified.

(b) Any engine, tool, machine, implement, device, chemical, or substance used or designed for altering, dismantling, reassembling, or in any other way concealing or disguising the identity of a stolen motor vehicle or stolen aircraft or any major component part.

(c) A wrecker, car hauler, or other motor vehicle or stolen aircraft that is knowingly used or has been used to convey or transport a stolen motor vehicle or stolen aircraft or major component part.

Section 4. Subsection (1) of section 329.11, Florida Statutes, is amended to read:

#### 329.11 Aircraft identification numbers; penalties.—

(1)(a) It is unlawful for any person, firm, association, or corporation to knowingly buy, sell, offer for sale, receive, dispose of, conceal, or have in his possession, or to endeavor to buy, sell, offer for sale, receive, dispose of, conceal, or possess, any aircraft or part thereof on which the assigned identification numbers do not meet the requirements of the federal aviation regulations. ~~Any person who violates any provision of this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(b) If any of the identification numbers required by this subsection have been knowingly omitted, altered, removed, destroyed, covered, defaced, or the real identity of the aircraft cannot be determined due to an intentional act of the owner or possessor, the aircraft may be seized as contraband property by a law enforcement agency and shall be subject to forfeiture pursuant to ss. 932.701-932.704. Aircraft with such improper identification may not be knowingly sold or operated from any airport, landing field or other property or body of water where aircraft may land or take off in this state unless the Federal Aviation Administration has issued the aircraft a replacement identification number which shall thereafter be used for identification purposes.

(c) It is unlawful for any person to knowingly possess, manufacture, sell or exchange, offer to sell or exchange, supply in blank, or give away any counterfeit manufacturer's aircraft identification number plate or decal used for the purpose of identification of any aircraft; to authorize, direct, aid in exchange, or give away such counterfeit manufacturer's aircraft identification number plate or decal; or to conspire to do any of the foregoing.

(d) Any person who violates any provision of this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. This act shall take effect October 1, 1987.

Further consideration of SB 449 was deferred.

Consideration of SB 871 was deferred.

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

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote HB 1276 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

**CS for SB 1228**—A bill to be entitled An act relating to food products; amending s. 500.10, F.S.; providing that candy containing a specified amount of alcohol is not deemed to be adulterated if certain restrictions on the sale of such candy is observed; providing a penalty; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 1228 to conform the bill to HB 1347.

Pending further consideration of CS for SB 1228 as amended, on motion by Senator Crawford, by two-thirds vote HB 1347 was withdrawn from the Committee on Agriculture.

On motion by Senator Crawford—

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

—a companion measure, was substituted for CS for SB 1228 and read the second time by title.

Senator Frank moved the following amendment which was adopted:

**Amendment 1**—On page 2, line 16, strike the period (.) and insert: or from a vendor approved by the Department of Business Regulation consistent with rules adopted by such Department establishing standards for such vendors.

Senator Crawford moved the following amendments which were adopted:

**Amendment 2**—On page 1, line 30, and on page 2, line 1, strike “confectionery” and insert: candy

**Amendment 3**—In title, on page 1, lines 3 and 7, strike “confectioneries” and insert: candy

On motion by Senator Crawford, by two-thirds vote HB 1347 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—24

Beard	Grizzle	Kiser	Myers
Crawford	Hair	Lehtinen	Ros-Lehtinen
Deratany	Hill	Malchon	Thurman
Frank	Jenne	Margolis	Weinstein
Girardeau	Johnson	McPherson	Weinstock
Gordon	Kirkpatrick	Meek	Woodson

Nays—11

Barron	Childers, W. D.	Hollingsworth	Stuart
Brown	Dudley	Langley	Thomas
Childers, D.	Grant	Peterson	

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

Nays—None

CS for SB 1228 was laid on the table.

**SB 871**—A bill to be entitled An act relating to weapons and firearms; creating s. 790.165, F.S.; prohibiting the manufacture, possession, sale, or delivery of a hoax bomb; prohibiting the use of a hoax bomb during the commission of a felony; providing penalties; providing exceptions to the act; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 2, line 5, strike “statutory” and insert: basic

Senator Deratany moved the following amendments which were adopted:

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

Section 2. Section 790.225, Florida Statutes, is amended to read:

790.225 Self-propelled knives; unlawful to manufacture, sell, or possess; forfeiture; penalty.—

(1) It is unlawful for any person to manufacture, display, sell, own, possess, or use a self-propelled knife which is a device which will, is designed to, or may readily be converted to propel that propels a knife-like blade as a projectile by means of a coil spring, elastic material, or compressed gas. A self-propelled knife is declared to be a dangerous or deadly weapon and a contraband item. It shall be subject to seizure and shall be disposed of as provided in s. 790.08(1) and (6).

(2) This section applies to any fully assembled self-propelled knife or to parts thereof which are in the form of a kit, whether in individual parts or partially assembled, which is capable of being assembled, or may readily be converted to propel a knifelike blade as a projectile by means of a coil spring, elastic material, or compressed gas.

(3)(2) This section shall not apply to any device which propels an arrow, a bolt, or a dart by means of any common bow, compound bow, crossbow, or underwater spear gun.

(4) The word “person” as used in this section includes, but is not limited to, individuals, children, firms, associations, joint ventures, partnerships, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(5)(3) Any person violating the provisions of subsection (1) is guilty of a felony of the third degree ~~misdemeanor of the first degree~~, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Renumber subsequent section.)

**Amendment 3**—In title, on page 1, between lines 7 and 8, insert: amending s. 790.225, F.S.; prohibiting the sale, manufacture, or possession of devices that may be converted into a self-propelled knife; providing a definition; providing a penalty;

On motion by Senator Hair, by two-thirds vote SB 871 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

**CS for SB 624**—A bill to be entitled An act relating to interdistrict transfer and use of water; establishing a procedure for obtaining a permit for interdistrict transfers; providing for a commission to hear interdistrict transfers; prescribing the membership of the commission; establishing the criteria for approving interdistrict transfers; requiring the commission to act as the sole forum; establishing procedures for land use decisions; preempting to the state the regulation of interdistrict transfers; providing that this act shall prevail over conflicting statutes, rules, or ordinances governing interdistrict transfers; providing appellate procedures; providing that such permit is in lieu of certain other permits; providing an effective date.

—was read the second time by title.

Senator Crawford moved the following amendment:

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

Section 1. Section 373.2295, Florida Statutes, is created to read:

373.2295 Interdistrict transfers of groundwater.—

(1) As used in this section, “interdistrict transfer and use” means a consumptive water use which involves the withdrawal of groundwater from a point within one water management district for use outside the boundaries of that district.

(2) To obtain a permit for an interdistrict transfer and use of groundwater, an applicant must file an application in accordance with s. 373.229 with the water management district having jurisdiction over the area from which the applicant proposes to withdraw groundwater and submit a copy of the application to the water management district having jurisdiction over the area where the water is to be used.

(3) The governing board of the water management district where the groundwater is proposed to be withdrawn shall review the application in accordance with this part, the rules of the district which relate to consumptive water use permitting, and other applicable provisions of this chapter.

(4) In determining if an application is consistent with the public interest as required by s. 373.223, the projected populations, as contained in the future land use elements of the comprehensive plans adopted pursuant to chapter 163 by the local governments within which the withdrawal areas and the proposed use areas are located, will be considered together with other evidence presented on future needs of those areas. If the proposed interdistrict transfer of groundwater meets the requirements of this chapter, and if the needs of the area where the use will occur and the specific area from which the groundwater will be withdrawn can be satisfied, the permit for the interdistrict transfer and use shall be issued.

(5) In addition to other requirements contained in this part, the water management district where the groundwater is proposed to be withdrawn shall:

(a) Furnish copies of any application, information, correspondence, or other related material to the water management district having jurisdiction over the area where the water is to be used; and

(b) Request comments on the application and the future water needs of the proposed use area from the water management district having jurisdiction over the area where the water is to be used. If comments are received, they must be attached to the preliminary notice of intended agency action and may not create a point of entry for review whether issued by the governing board or district staff.

(6) Upon completion of review of the application, the water management district where the groundwater is proposed to be withdrawn shall prepare a notice of preliminary intended agency action which shall include an evaluation of the application and a recommendation of approval, denial, or approval with conditions. The notice shall be furnished to the district where the water is to be used, the applicant, the Department of Environmental Regulation, the local governments having

jurisdiction over the area from which the groundwater is to be withdrawn and where the water is to be used, and any person requesting a copy of the notice.

(a) Any interested person may, within the time specified in the notice, notify in writing the district from where the groundwater is to be withdrawn of such person's position and comments or objections, if any, to the preliminary intended action.

(b) The filing of the notice of intended agency action shall toll the time periods contained in s. 120.60 for the granting or denial of a permit for an interdistrict transfer and use of groundwater.

(c) The preliminary intended agency action and any comments or objections of interested persons made pursuant to paragraph (a) shall be considered by the governing board of the water management district where the groundwater is proposed to be withdrawn. Following such consideration, the governing board shall issue a notice of intended agency action.

(d) Any substantially affected person who submitted a notification pursuant to paragraph (a) may request review by the department within 14 days after the filing of the notice of intended agency action. If no request for review is filed, the notice of intended agency action shall become the final order of the governing board.

(7) Notwithstanding the provisions of chapter 120, the department shall, within 30 days after its receipt of a request for review of the water management district's action, approve, deny, or modify the water management district's action on the proposed interdistrict transfer and use of groundwater. The department shall issue a notice of its intended action. Any substantially affected person who requested review pursuant to paragraph (6)(a) may request an administrative hearing pursuant to chapter 120 within 14 days after notice of the department's intended action. The parties to such proceeding shall include, at a minimum, the affected water management districts and the applicant. The proceedings initiated by a petition under s. 120.57, following the department's issuance of a notice of intended agency action, is the exclusive proceeding authorized for the review of agency action on the interdistrict transfer and use of groundwater. This procedure is to give effect to the legislative intent that this section provide a single, efficient, simplified, coordinated permitting process for the interdistrict transfer and use of groundwater.

(8) The department shall issue a final order which is subject to review pursuant to s. 373.114 or s. 120.68.

(9) In administering this part, the department or the water management districts may enter into interagency agreements. However, such agreements are not subject to the provisions of s. 373.046 and chapter 120.

(10) The state hereby preempts and regulation of the interdistrict transfer and use of groundwater. If any provision of this section is in conflict with any other provision or restriction under any law, administrative rule, or ordinance, this section shall govern and such law, rule, or ordinance shall be deemed superseded for the purposes of this section. A water management district or the department may not adopt special rules which prohibit or restrict interdistrict transfer and use of groundwater in a manner inconsistent with this section.

(11) Any applicant who has submitted an application for interdistrict transfer and use of groundwater which is pending on the effective date of this act may have the application considered pursuant to this act. New permits are not required for interdistrict transfers existing on the effective date of this act for the duration of the permits issued for such uses.

(12) If, after the final order of the department or final agency action under this section, the proposed use of the site designated in the application for groundwater production, treatment, or transmission facilities does not conform with the existing zoning ordinances, a rezoning application may be submitted. If local authorities deny the application for rezoning, the applicant may appeal this decision to the Land and Water Adjudicatory Commission, which shall authorize a variance or nonconforming use to the existing comprehensive plan and zoning ordinances, unless the commission determines after notice and hearing that such variance or nonconforming use is contrary to the public interest.

(13) The permit required under this section and other sections of this chapter and chapter 403 are the sole permits required for interdistrict transfer and use of groundwater, and such permits are in lieu of any license, permit, or similar document required by any state agency or political subdivision pursuant to chapter 163, chapter 380, or chapter 381, and the Florida Transportation Code.

(14) When a consumptive use permit under this section is granted for water use beyond the boundaries of a local government from which or through which the groundwater is withdrawn or transferred and a local government denies a permit required under chapter 125 or chapter 153 for a facility or any infrastructure which produces, treats, transmits, or distributes such groundwater, the person or unit of government applying for the permit under chapter 125 or chapter 153 may appeal the denial to the Land and Water Adjudicatory Commission. The commission shall review the local government action for consistency with this chapter and the interdistrict groundwater transfer permit and may reverse, modify, or approve the local government's action.

Section 2. Section 373.1961, Florida Statutes, is amended to read:

373.1961 Water production.—In the performance of, and in conjunction with, its other powers and duties, the governing board of a water management district existing pursuant to chapter 373:

(1) Shall engage in planning to assist counties, municipalities, and regional water supply authorities in meeting the water supply needs ~~within its district~~ in such manner as will give priority to encouraging conservation and reducing adverse environmental effects of improper or excessive withdrawals of water from concentrated areas. *As used in this section, regional water supply authorities are regional water authorities created under s. 373.1962 or other laws of this state.*

(2) ~~Upon request of a county, municipality, or regional water supply authority,~~ Shall assist ~~such~~ counties, and municipalities, and water supply authorities in meeting the water supply needs ~~within its district~~ in such manner as will give priority to encouraging conservation and reducing adverse environmental effects of improper or excessive withdrawals of water from concentrated areas.

(3) ~~At the request of a county, municipality, or regional water supply authority,~~ May establish, *design, construct, operate, and maintain* water production and transmission facilities for the purpose of supplying water to ~~such~~ counties, municipalities, and regional water supply authorities. *The permit required by part II of this chapter for a water management district engaged in water production and transmission shall be granted, denied, or granted with conditions by the department.*

(4) Shall not engage in local distribution.

(5) Shall not deprive, directly or indirectly, any county wherein water is withdrawn of the prior right to the reasonable and beneficial use of water which is required to supply adequately the reasonable and beneficial needs of the county or any of the inhabitants or property owners therein.

(6) May provide water and financial assistance to regional water supply authorities, but may not provide water to counties and municipalities which are located within the area of such authority without the specific approval of the authority or, in the event of the authority's disapproval, the approval of the Governor and Cabinet sitting as the Land and Water Adjudicatory Commission. The district may supply water at rates and upon terms mutually agreed to by the parties or, if they do not agree, as set by the governing board and specifically approved by the Governor and Cabinet sitting as the Land and Water Adjudicatory Commission.

(7) May acquire title to such interest as is necessary in real property, by purchase, gift, devise, lease, eminent domain, or otherwise, for water production and transmission consistent with this section. However, the district shall not use any of the eminent domain powers herein granted to acquire water and water rights already devoted to reasonable and beneficial use or any water production or transmission facilities owned by any county, municipality, or regional water supply authority. *The district may exercise eminent domain powers outside of its district boundaries for the acquisition of pumpage facilities, storage areas, transmission facilities, and the normal appurtenances thereto, provided that at least 45 days prior to the exercise of eminent domain, the district notifies the district where the property is located and the district where the property is located does not object within 45 days after notification of such exercise of eminent domain authority.*

(8) *In addition to the power to issue revenue bonds pursuant to s. 373.584, may issue revenue bonds for the purposes of paying the costs and expenses incurred in carrying out the purposes of this chapter or refunding obligations of the district issued pursuant to this section. Such revenue bonds shall be secured by, and be payable from, revenues derived from the operation, lease, or use of its water production and*

transmission facilities and other water-related facilities and from the sale of water or services relating thereto. Such revenue bonds may not be secured by, or be payable from, moneys derived by the district from the Water Management Lands Trust Fund or from ad valorem taxes received by the district. All provisions of s. 373.584 relating to the issuance of revenue bonds which are not inconsistent with this section shall apply to the issuance of revenue bonds pursuant to this section. The district may also issue bond anticipation notes in accordance with the provisions of s. 373.584.

(9) May join with one or more other water management district, counties, municipalities, or regional water supply authorities for the purpose of carrying out any of its powers, and may contract with such other entities to finance acquisitions, construction, operation, and maintenance. The contract may provide for contributions to be made by each party thereto, for the division and apportionment of the expenses of acquisitions, construction, operation, and maintenance, and for the division and apportionment of the benefits, services, and products therefrom. The contracts may contain other covenants and agreements necessary and appropriate to accomplish their purposes.

Section 3. There is hereby appropriated to the Department of Environmental Regulation the sum of \$250,000 from the General Revenue Fund as a grant to match the sum of \$250,000 to be provided by the South Florida Water Management District for the purpose of investigating water resources in Osceola County.

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

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

**Amendment 1A**—On page 4, line 27, strike “and” and insert: any

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

**Amendment 1B**—On page 8, line 17, after “located” insert: holds a public hearing after notice and

Amendment 1 as amended was adopted.

Senator Crawford moved the following amendment which was adopted:

**Amendment 2**—In the title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to interdistrict transfer and use of water; creating s. 373.2295, F.S.; providing a definition; providing a procedure for obtaining a permit for interdistrict groundwater transfers; authorizing interagency agreements; establishing criteria for approval of interdistrict transfers; establishing preemption to the state of interdistrict transfer and use of groundwater; providing for the application of the act to pending applications; providing appeal procedures; amending s. 373.1961, F.S.; providing for the water management districts to assist counties, municipalities, and regional water supply authorities in water supply planning; providing that water management districts may supply water to counties, municipalities, and regional water supply authorities under certain conditions; providing that the Department of Environmental Regulation shall issue a permit for a water management district to engage in water production and transmission; providing for the exercise of eminent domain powers outside of district boundaries under limited conditions; providing for the issuance of bonds; providing the ability to contract to carry out the purpose of the section; providing an appropriation; providing an effective date.

On motion by Senator Crawford, by two-thirds vote CS for SB 624 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

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

Nays—None

Vote after roll call:

Nay—Hollingsworth, Langley

The Senate resumed consideration of—

**SB 449**—A bill to be entitled An act relating to the criminal activity of chop shops; 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; providing an effective date.

—with pending Amendment 3 which was withdrawn.

On motion by Senator Lehtinen, by two-thirds vote SB 449 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	Girardeau	Kirkpatrick	Plummer
Brown	Gordon	Langley	Ros-Lehtinen
Childers, D.	Grant	Lehtinen	Scott
Childers, W. D.	Grizzle	Malchon	Stuart
Crawford	Hill	Margolis	Thomas
Crenshaw	Hollingsworth	McPherson	Thurman
Deratany	Jenne	Meek	Weinstein
Dudley	Jennings	Myers	Weinstock
Frank	Johnson	Peterson	Woodson

Nays—None

Vote after roll call:

Yea—Hair

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

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives requests the return of HB 551.

*John B. Phelps, Clerk*

On motions by Senator Dudley, by two-thirds vote HB 551 was withdrawn from the Committees on Transportation and Appropriations and was returned to the House as requested.

**Reconsideration**

On motion by Senator Grant, the Senate reconsidered the vote by which CS for SB 403 passed this day.

**SPECIAL ORDER, continued**

On motions by Senator Grant—

**HB 1479**—A bill to be entitled An act relating to justifiable use of force; amending s. 776.05, F.S.; revising provisions relating to justifiable use of force by officers in making an arrest; amending subsection (5) of section 921.141, F.S.; by creating paragraph (j) providing the victim of the capital felony was a law enforcement officer engaged in the performance of his official duties; providing an effective date.

—a companion measure, was substituted for CS for SB 403 and by two-thirds vote read the second time by title. On motion by Senator Grant, by two-thirds vote HB 1479 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

CS for SB 403 was laid on the table.

**SB 1083**—A bill to be entitled An act relating to state property; amending ss. 273.02, 216.011, F.S.; specifying state property which must be inventoried; redefining the term “operating capital outlay” for purposes of the fiscal affairs of the state; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 1083 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Beard	Crawford	Frank	Hair
Brown	Crenshaw	Girardeau	Hill
Childers, D.	Deratany	Gordon	Hollingsworth
Childers, W. D.	Dudley	Grizzle	Jenne

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

Nays—None

Consideration of CS for SB 617 was deferred.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator W. D. Childers, by two-thirds vote HB 259 was withdrawn from the Committee on Appropriations.

**Motions**

On motion by Senator Barron, by two-thirds vote the special order calendar for Wednesday, June 3, was set as follows: CS for SB 463 to be taken up at 2:00 p.m., followed by CS for SB 2, CS for SB 763, CS for SB 793, Senate Bills 587, 588, 665, 40, HB 501, SB 1201, House Bills 1272 and 1345, CS for SB 1011, CS for SB 935, CS for SB 829, CS for SB 743, SB 490, CS for SB 426, CS for SB 406, CS for SB 411, CS for SB 412, CS for CS for SB 207 and CS for SB 359.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of June 1 was corrected and approved.

**CO-INTRODUCERS**

Senator Weinstein—SB 151; Senator Kirkpatrick—CS for SB 920; Senator Dudley—CS for SB 1105

**RECESS**

On motion by Senator Barron, the Senate recessed at 4:21 p.m. to reconvene at 10:00 a.m., Wednesday, June 3.