



Journal of the Senate

Number 21

Wednesday, June 3, 1987

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—34:

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

Excused: Senator Grant at 3:08 p.m.; periodically, members of the various conference committees

PRAYER

The following prayer was offered by the Rev. Robert Tindale, Pastor, Killlearn United Methodist Church, Tallahassee:

Father God, thank you for this day, for this great country and for our beautiful state. Thank you for the freedom of self government, for the privilege of choice and for our wealth of material goods. Help us to understand and accept the responsibilities of such gifts. Help us to be thankful and to live our thanksgiving.

Forgive us when we complain and when we take for granted the incredible gifts that are on loan to us. Help us to learn to conserve and to share—help us to turn our eyes away from more luxuries and toward more opportunities to care for others.

Be with each man and woman in this great hall, bless their families, all of whom have had to sacrifice time together in order to share in public responsibilities.

Thank you for the dedication of these elected officers, for their knowledge, for their openness. Now through your spirit, give these your servants the wisdom to make decisions, the courage to lead as few have dared and the boldness to follow the road less traveled—the road of peace, the road of equality, the road not necessarily of popularity but of truth.

Grant to them the ability to see more than one side and the objectivity to choose for the common good.

And as this session winds down, grant your peace, the peace beyond human understanding—the only real and eternal peace.

In Jesus' loving name we pray. Amen.

Consideration of Resolutions

On motion by Senator Johnson, by two-thirds vote SR 1346 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Johnson—

SR 1346—A resolution commending the Sarasota High School baseball team.

WHEREAS, the Sarasota High School baseball team, under the direction of Head Coach Clyde Metcalf and his excellent staff, won the 1987 Class AAAA State Baseball Championship, and

WHEREAS, the Sarasota High School baseball team showed great team effort and sportsmanship in a hard-fought 9 to 8 victory in the championship game, and

WHEREAS, by such achievements, the team has brought honor and recognition to Sarasota High School and the City of Sarasota, NOW, THEREFORE,

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

That the Sarasota High School baseball team, composed of the following players: Dan Bell, Greg Blosser, Lee Bonnett, Todd Byler, Dan DiRocco, David Ferreira, Bill Gregory, Joe Hasskew, Jon Lee, Mitch Martin, Nick McClellan, J. R. Showalter, Ray Suplee, Steve Viana, Errol Walts, and Matt Wilds; Head Coach Clyde Metcalf, and Assistant Coaches Kirk Eriksen, Tom Whitehurst, and Jeff Swindell are commended for their outstanding achievements in bringing Sarasota High School to statewide prominence and excellence in high school athletics.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Sarasota High School baseball team and to Coach Clyde Metcalf as a tangible token of the sentiments of the Senate.

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

On motion by Senator Johnson, by unanimous consent—

By Senator Johnson—

SR 1365—A resolution commending Kenneth Thompson, City Manager of Sarasota, Florida.

WHEREAS, Kenneth Thompson moved to Florida in 1921 and attended the Ida M. Fisher High School in Miami Beach where he was captain of the baseball, basketball, and swimming teams, active in football, and student body president, and

WHEREAS, he attended the University of Florida, where he was active in baseball, and graduated in 1935 with a bachelor's degree in engineering, and

WHEREAS, Kenneth Thompson was employed by the City of Miami Beach as Director of Personnel and Assistant City Manager between the years 1937-1950, except for a leave of absence from 1942 to 1946 in order to serve his country in the United States Army during the Second World War, during which he achieved the rank of Captain, and

WHEREAS, in 1950, Kenneth Thompson became the City Manager for Sarasota and has served with distinction in this capacity and will retire in February, 1988, which will make him the longest serving city manager in the history of the state, and

WHEREAS, under his leadership and capable administration, Sarasota acquired the Verna Well Fields, preserved Sarasota Bay and the Keys through the establishment of the initial bulkhead line in Florida, replaced the Lido Beach facilities and restored the beach, constructed a new city hall and the Van Wezel Performing Arts Hall, established Island Park and its successful marina facilities, developed the concept of "Tomorrow's Newtown," created the housing inventory of the black community, and expanded and strengthened public safety forces and city planning projects, NOW, THEREFORE,

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

That Kenneth Thompson is hereby commended for serving the City of Sarasota with a high sense of diligence, integrity, honesty, and fairness as a faithful and dedicated public servant committed to excellence in city government.

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

—was introduced out of order and read the first time by title. On motion by Senator Johnson, SR 1365 was read the second time in full and unanimously adopted.

On motion by Senator Johnson, by unanimous consent—

By Senator Johnson—

SR 1366—A resolution honoring Andrew Sandegren and Annamae Houston Sandegren of Sarasota, Florida.

WHEREAS, Andrew Sandegren and Annamae Houston Sandegren, through many years of involvement and dedication to civic affairs, have enriched the Sarasota community and the lives of its citizens, and

WHEREAS, Andrew Sandegren was born in Tacoma, Washington, in 1901; attended Northwestern University, where he received his bachelor's degree in 1925 and a degree in civil engineering in 1926; and was awarded a license to practice architecture after attending the L'Ecole de Architecture, and

WHEREAS, Andrew Sandegren and Annamae Houston met in 1924 and were married in the Fourth Presbyterian Church in Chicago, Illinois, on June 21, 1927, and

WHEREAS, in 1953, Andrew Sandegren and Annamae Sandegren moved to Sarasota, Florida, to retire but instead entered the real estate business and became involved in a steel building franchise, and

WHEREAS, Andrew Sandegren has served his community well as a county commissioner and as a member of the Fair Board, and

WHEREAS, Annamae Houston Sandegren has generously served her community, is a recipient of the Sarasota Junior League's Sustainer Service Award, past president and county representative of the PTA, member of the Career Advisory Committee for Public Schools, past president of the 17th District Mental Health Board, was one of the five founders of the New College Library Association and the Fine Arts Society, member of the Van Wezel Performing Arts Hall Advisory Committee, founding president of the Ringling School of Art & Design Library Association, past president of Planned Parenthood, past president of the Republican Woman's Club of Sarasota, past chairman of the Junior League Sustainers of Sarasota, and a member of the Sarasota County Historical Commission, NOW, THEREFORE,

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

That Andrew "Sandy" Sandegren and Annamae Houston Sandegren be commended for their numerous achievements and outstanding contributions to the Sarasota community and to the State of Florida over the past 35 years.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Senate affixed, be presented to Andrew and Annamae Houston Sandegren as a tangible token of the respect and admiration of the Florida Senate.

—was introduced out of order and read the first time by title. On motion by Senator Johnson, SR 1366 was read the second time in full and unanimously adopted.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following Claims bills for Wednesday morning, June 3, 1987: SB 337, SB 394, SB 397, SB 1309, HB 59, CS for HB 110, CS for HB 270

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Wednesday, June 3, 1987: SB 1361, HB 509, HB 526, HB 534, HB 621, HB 630, HB 664, HB 665, HB 673, HB 675, HB 680, HB 696, HB 857, HB 888, HB 894, HB 953, HB 954, HB 958, HB 1075, HB 1126, HB 1195, HB 1414, HB 1415, HB 1463

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Wednesday, June 3, 1987: CS for SB 1013, CS for SB 994, SB 695, CS for SB 791, SB 842, SB 656, CS for SB 763, SB 730, CS for SB 827, CS for SB 644, CS for SB 1181, CS for

SB 904, SB 1136, CS for SB 920, SB 1202, SB 1238, CS for HB 282, CS for SB 353, CS for SB 795, CS for CS for SB's 606 and 712, SB 348, SB 781, CS for SB 774, CS for SB 688, CS for SB 950, SB 1109, CS for SB 869, SB 1158, SB 770, SB 912, CS for SB's 1012, 726, 97, 9 and 5, CS for SB 1094, CS for SB 155, CS for CS for SB 207

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday afternoon, June 3, 1987: CS for SB 2, CS for SB 463, CS for SB 763, CS for SB 793, SB 587, SB 588, SB 665, SB 40, HB 501, SB 1201, HB 1272, HB 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, CS for SB 359

Respectfully submitted,
Dempsey J. Barron, Chairman

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Thurman—

SB 1368—A bill to be entitled An act relating to Marion County utilities; providing a short title; providing legislative intent; authorizing the Marion County Board of County Commissioners to establish the Marion County Utilities Authority; authorizing the Marion County Board of County Commissioners to specify the powers and duties of the authority; providing for the establishment of rates for utilities provided by the authority; providing procedures for the creation of rules of the authority; providing for standards and charges for service availability; providing review of authority actions and orders; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, by two-thirds vote CS for HB 1467 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Scott, by two-thirds vote HB 1151, CS for SB 15, CS for SB 110, CS for SB's 149, 150, 248 and 260, CS for CS for SB 392, CS for CS for SB 501, CS for SB 764, CS for CS for SB 834, CS for SB 1008, CS for SB 1271, Senate Bills 811 and 857 were withdrawn from the Committee on Appropriations.

On motion by Senator Scott, by two-thirds vote SB 46 was removed from the calendar and recommitted to the Committee on Appropriations.

On motion by Senator Scott, by two-thirds vote CS for SB 486 was withdrawn from the Committee on Appropriations.

On motion by Senator Hollingsworth, by two-thirds vote HB 1308 was withdrawn from the Committee on Agriculture.

On motions by Senate Barron, by two-thirds vote HB 428 was added to the special order calendar and House Bills 831, 955 and 957 were added to the local calendar.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 8 and CS for SB 124, which he approved on June 1, and SB 107 which he approved on June 2, 1987.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 9, HB 98, CS for HB 129, CS for HB 172, CS for HB's 244 and 558, CS for HB 262, CS for HB 453, HB 467, CS for HB 483, CS for HB 545, CS for HB 562, CS for HB 603, House Bills 682, 709, 747, 781, CS for HB 801, HB 823, CS for HB 904, HB 905, CS for HB 926, House Bills 1079, 1129, 1163, 1262, 1297, 1356, 1376, 1403, 1439, 1472; has passed as amended House Bills 36, 66, 70, CS for HB 116, CS for HB's

131 and 255, CS for HB's 171 and 184, HB 180, CS for HB 246, CS for CS for HB 279, CS for HB 286, CS for HB 379, CS for HB 383, House Bills 438, 505, CS for HB 577, House Bills 591, 604, 606, CS for HB 624, CS for CS for HB 631, CS for HB 660, CS for HB 684, CS for CS for HB 761, CS for HB 763, CS for HB 780, CS for HB 798, CS for HB 802, CS for HB 945, CS for HB 1049, HB 1143, CS for HB 1152, House Bills 1165, 1222, CS for HB 1245, House Bills 1265, 1267, 1301, 1336, 1337, 1346, 1353, CS for HB 1358, House Bills 1371, 1374, 1377, 1380, 1388, CS for HB 1385, CS for HB 1432, HB 1453, CS for HB 1458, HB 1498 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

CS for HB 9—A bill to be entitled An act relating to higher education; amending s. 240.514, F.S.; establishing a culturally based mental health professional training program at the Florida Mental Health Institute; specifying program elements; providing for articulation agreements; providing for annual reports; providing an effective date.

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

By the Committee on Agriculture and Representative Mitchell—

HB 98—A bill to be entitled An act relating to animal industry; amending s. 585.08, F.S., providing for certificate of veterinary inspection of domestic animals moved into the state; amending s. 585.35, F.S., authorizing the Department of Agriculture and Consumer Services to examine certain records and documents relating to animals; amending s. 585.41, F.S., providing an administrative penalty for violation of department rules and a penalty for violation of chapter 585; amending s. 585.61, F.S., expanding the jurisdiction of diagnostic laboratory services; amending ss. 585.62, 585.621, and 585.64, F.S., expanding the jurisdiction of certain poultry diagnostic disease laboratories and abolishing certain laboratories; removing laboratory construction responsibilities from the department; providing an effective date.

—was referred to the Committees on Agriculture and Appropriations.

By the Committee on Appropriations and Representative Drage and others—

CS for HB 129—A bill to be entitled An act relating to children; providing intent; providing definitions; providing for establishment of a pilot program for a network of services of alternative treatment for specified children in District VII, Department of Health and Rehabilitative Services; requiring the department to contract for services; providing for evaluation and report; providing an effective date.

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

By the Committee on Regulatory Reform and Representatives Gutman and Souto—

CS for HB 172—A bill to be entitled An act relating to investigative and security services; amending s. 493.30, F.S., providing a definition; amending s. 493.304, F.S., requiring any person who bears a firearm to have a Class "G" license; amending s. 493.306, F.S., providing training requirements for a Class "D" license; creating s. 493.3061, F.S., providing for approval of schools, training facilities, and instructors; amending s. 493.307, F.S., relating to notice of change in the officers of a security agency; amending s. 493.308, F.S., conforming provisions relating to possession of a concealed weapon; creating s. 493.3095, F.S., providing license reciprocity; amending s. 493.31, F.S., authorizing temporary bond or surety in lieu of insurance for certain licensees or applicants; amending s. 493.315, F.S., authorizing possession of a concealed weapon under certain circumstances; amending s. 493.319, F.S., providing disciplinary actions; modifying grounds for disciplinary action; amending s. 493.322, F.S., relating to department investigations; amending s. 493.3284, F.S., prohibiting certain use of the state seal; reenacting s. 493.568, F.S., relating to insurance for detection deception examiners, to incorporate amendment to s. 493.31, F.S., in a reference; reenacting s. 493.575, F.S., relating to disciplinary proceedings for detection deception examiners, to incorporate amendment to s. 493.319, F.S., in a reference; amending s. 790.25, F.S., correcting cross references; providing for review and repeal; providing an effective date.

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

By the Committee on Judiciary and Representative Sample and others—

CS for HB's 244 and 558—A bill to be entitled An act relating to condominiums and cooperatives; amending ss. 718.401 and 719.401, F.S., providing for the application of certain options available to condominium and cooperative leases governing recreational facilities or other common elements; prohibiting escalation clauses in certain condominium and cooperative leases; providing an effective date.

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

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

CS for HB 262—A bill to be entitled An act relating to criminal history records; amending s. 943.058, F.S.; authorizing access to certain sealed records by specified persons; providing penalties for disclosure of the existence of or information in sealed or expunged records under certain circumstances; requiring certain notification of petitions for the expunction or sealing of such records; adding a circumstance under which a person whose records have been sealed or expunged may not lawfully deny the events in the record; expanding the statement which the petitioner for a record sealing or expunction must complete; requiring the Department of Law Enforcement to notify the state attorney of certain unlawful orders of expunction or sealing and providing for corrective action; prohibiting the expunction of certain records under certain circumstances; creating s. 943.0535, F.S.; requiring clerks of courts to furnish to appropriate federal immigration officers upon official request, without charge, certified copies of court records of aliens convicted of felonies; providing an effective date.

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

By the Committee on Finance and Taxation and Representative Hanson—

CS for HB 453—A bill to be entitled An act relating to local option taxes; amending s. 125.0104, F.S.; 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; providing an effective date.

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

By Representative Glickman—

HB 467—A bill to be entitled An act relating to witnesses in criminal proceedings; amending s. 914.23, F.S.; making it a felony of the third degree to threaten or attempt retaliation against a witness or informant in a criminal proceeding; providing penalties; providing an effective date.

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

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

CS for HB 483—A bill to be entitled An act relating to the enforcement of traffic laws; amending s. 316.003, F.S., redefining the term "street or highway"; amending s. 316.640, F.S.; authorizing certain officers and agencies to enforce traffic laws in mobile home park recreation districts; providing an effective date.

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

By the Committee on Criminal Justice and Representatives Gordon and Mackenzie—

CS for HB 545—A bill to be entitled An act relating to domestic violence; amending s. 741.30, F.S.; providing a cause of action for injunctive relief to any family member or cohabitant who is being victimized; redefining "domestic violence" by changing the definition of who constitutes a victim of such violence; conforming provisions relating to actions for protection against domestic violence; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Natural Resources and Representative Saunders—

CS for HB 562—A bill to be entitled An act relating to natural resources; creating the "Florida Area of Critical State Concern Restoration Trust Fund Act"; providing definitions; providing legislative findings and purposes; creating the Florida Area of Critical State Concern Restoration Trust Fund in the Department of Natural Resources and providing for deposit of certain damages recovered by the state therein; prescribing purposes and procedures for expenditures from the fund; repealing s. 370.116, F.S., relating to the Coral Reefs Restoration Trust Fund; providing for the transfer of unencumbered funds into the Florida Area of Critical State Concern Trust Fund; providing an effective date.

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

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

CS for HB 603—A bill to be entitled An act relating to the financing of district alcohol, drug abuse, and mental health plans; amending s. 394.76, F.S.; prohibiting the use of certain funds as local matching funds, providing that the state and federal financial participation portion of Medicaid earnings pursuant to Title XIX of the Social Security Act shall not require local matching funds, and shall not be used as local matching funds; providing an effective date.

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

By Representatives Reddick and Hargrett—

HB 682—A bill to be entitled An act relating to handicapped drivers; amending ss. 338.155 and 347.19, F.S.; exempting certain handicapped persons from payment of tolls on bridges, ferries, and toll facilities; providing an effective date.

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

By Representative Crady—

HB 709—A bill to be entitled An act relating to alien or nonresident commercial vessels; amending s. 327.25, F.S., providing for alien or nonresident commercial vessel licenses and license decals; providing fees; providing duties of tax collectors and the Department of Natural Resources; providing for the display of license decals; providing for disposition of license fees; providing for duplicate licenses and replacement decals; establishing penalties; providing an effective date.

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

By Representative Bankhead—

HB 747—A bill to be entitled An act relating to deferred compensation; amending s. 112.215, F.S., limiting the liability of the state, county, municipality or other political subdivision with respect to deferred compensation plans; exempting funds created by such plans from state, county or municipal taxation; exempting such funds from any legal process or assignment by the employer; providing that certain benefits under the deferred compensation plan shall remain the property of the State of Florida until made available to the employee or other beneficiary; providing an effective date.

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

By Representative Trammell—

HB 781—A bill to be entitled An act relating to registration of trademarks and service marks; amending s. 495.021, F.S., relating to the registrability of a mark to increase the time period during which the mark must be used to be accepted as distinctive by the Department of State; amending s. 495.031, F.S.; increasing the filing fee that must be paid when an application for registration of a trademark or service mark is filed; amending s. 495.081, F.S.; increasing the recording fee that must be paid when an assignment of such mark and its registration is recorded; amending s. 495.111, F.S., revising the classification plan of goods and services to adopt the international classification; providing an effective date.

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

By the Committee on Judiciary and Representatives Bass and Dunbar—

CS for HB 801—A bill to be entitled An act relating to service of process; amending ss. 48.081 and 48.151, F.S.; providing for the appointment of the Secretary of State as the agent for service of process on corporations that fail to designate an agent; amending s. 48.161, F.S.; creating s. 48.191, F.S.; providing a procedure for filing substituted service of process with the Division of Corporations of the Department of State; providing for acceptance of substituted service by the division; providing for the validity of such service; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representative Lawson—

HB 823—A bill to be entitled An act relating to insurance; 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; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Commerce and Representative Gardner—

CS for HB 904—A bill to be entitled An act relating to business organizations; amending s. 607.024, F.S.; establishing a standard of distinguishability for corporate names; amending s. 607.027, F.S.; revising provisions relating to procedures for name reservation; amending s. 658.19, F.S.; deleting the requirement for name reservation on bank or trust company organization filings; amending s. 663.306, F.S.; deleting the requirement for name reservation for proposed international development banks; amending s. 607.031, F.S.; establishing a standard of distinguishability for corporate names of foreign corporations; amending s. 607.271, F.S.; providing additional grounds for involuntary dissolution; providing for notice; repealing s. 607.314, F.S., which provide procedures for change of name by a foreign corporation; amending s. 607.317, F.S.; requiring a certificate of corporate existence for certain foreign corporations; repealing ss. 607.331, 607.334, F.S., which provide procedures for filing amended articles of incorporation and merger; amending s. 607.337, F.S.; providing filing requirements for amendments to authority to transact business; amending s. 607.357, F.S.; requiring corporate annual reports to be signed by certain persons; amending s. 607.361, F.S.; providing a schedule of fees; repealing ss. 607.364, 607.367, F.S., which provide for certain taxes on corporations; amending s. 607.371, F.S.; providing for the Department of State to propound interrogatories; amending s. 607.311, F.S.; providing a standard of distinguishability for foreign corporations; providing for the limited use of a fictitious name when conflicts exist; creating s. 607.219, F.S.; providing for the conversion of a profit corporation to a professional service corporation; prohibiting certain fraudulent acts; providing penalties; providing an effective date.

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

By Representative Figg—

HB 905—A bill to be entitled An act relating to handicap prevention; amending s. 411.104, F.S., relating to continuum of services to high-risk and handicapped children; modifying maternity and newborn services; creating s. 411.1071, F.S., providing for developmental intervention and parent support and training programs; providing legislative findings; providing definitions; providing for program directors and staff; providing program contents; providing duties of the Department of Health and Rehabilitative Services; providing for implementation; providing an effective date.

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

By the Committee on Appropriations and Representative Martin and others—

CS for HB 926—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; including developmental research schools within the definition of public schools; creating s. 228.053, F.S.; establishing developmental research schools; providing mission; providing admission criteria; providing for fees; providing for supplemental support organizations; providing for personnel; creating an advisory board; providing duties; providing for funding; creating a Developmental Research School

Educational Facility Trust Fund and a Developmental Research School Trust Fund, and providing purposes thereof; providing for developmental research schools to be designated as teacher education centers for inservice training; providing for the use of funds from the Developmental Research School Trust Fund for inservice activities; providing for implementation; providing for audits; creating s. 230.015, F.S.; designating developmental research schools as special school districts; providing accountability to the Department of Education; amending s. 236.0817, F.S., relating to funding for developmental research schools; providing assent to the Morrill Land-Grant Act; creating the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; providing for review and repeal; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representative Crady—

HB 1079—A bill to be entitled An act relating to the Department of Corrections; creating s. 945.092, F.S.; authorizing the secretary of said department to issue a warrant to retake an offender who has escaped from custody of the department or absconded from the community release program; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representative Martinez—

HB 1129—A bill to be entitled An act relating to the doctrine of entrapment; defining entrapment; providing for acquittal of a person prosecuted if he proves by a preponderance of evidence that his criminal conduct occurred as a result of entrapment; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representative Bass—

HB 1163—A bill to be entitled An act relating to student loans; authorizing the state to borrow and lend funds to certain lenders; providing for the repayment of such loans; authorizing the state to enter into loan agreements and interlocal agreements with local governments; providing for notice and estoppel; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Regulatory Reform and Representative Kelly—

HB 1262—A bill to be entitled An act relating to public accountancy; amending s. 473.305, F.S.; providing for the fee for examination to be refundable under certain circumstances; providing a maximum fee increase; amending s. 473.306, F.S.; deleting the equivalent of a baccalaureate degree from certain licensure prerequisites; providing an effective date.

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

By the Committee on Regulatory Reform and Representative Ostrau—

HB 1297—A bill to be entitled An act relating to disposition of dead human bodies; amending s. 470.019, F.S.; providing for new disciplinary actions and grounds for discipline against direct disposal establishments and direct disposers; amending s. 470.036, F.S.; providing for disciplinary actions against cinerator facilities; providing an effective date.

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

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

HB 1356—A bill to be entitled An act relating to correctional employee trust funds; amending s. 945.215, F.S.; providing for sources of trust fund; providing for distribution; providing an effective date.

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

By the Committee on Regulatory Reform and Representative Metcalf—

HB 1376—A bill to be entitled An act relating to real estate; amending s. 455.203, F.S., revising the Department of Professional Regulation's duties regarding license renewals; amending s. 475.011, F.S., adding an exemption to the chapter on real estate brokers, salesmen, and schools;

amending s. 475.125, F.S., revising the license renewal fee cap; amending s. 475.182, F.S., restating continuing education requirements; revising the renewal period for real estate licenses; amending s. 475.482, F.S., revising the period for Real Estate Recovery Fund fee collections; amending s. 475.483, F.S., revising prohibition of certain Real Estate Recovery Fund claims; providing an effective date.

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

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

HB 1403—A bill to be entitled An act relating to sheriffs; amending s. 30.14, F.S., providing procedures for transferring duties upon death or expiration of term of sheriff; amending s. 30.56, F.S., providing that a person arrested on a traffic violation charge and released on recognizance who fails to appear to answer the traffic charge shall be guilty of a non-criminal traffic infraction and subject to a fine for the nonappearance; providing a penalty; repealing s. 26.50, F.S., relating to the purchase of articles for court by sheriffs; repealing s. 30.13, F.S., relating to disposition of papers of deceased sheriff; repealing s. 30.19, F.S., relating to failure to execute process; repealing s. 30.25, F.S., relating to compensation for feeding prisoners; repealing s. 30.26, F.S., relating to fees for services in lunacy proceedings; repealing s. 30.28, F.S., relating to delivery of prisoners to successor; repealing s. 30.31, F.S., relating to fingerprinting of persons charged with crimes; repealing s. 30.32, F.S., relating to duties of the sheriff as timber agent; repealing s. 30.33, F.S., relating to proceedings on claims to timber; repealing s. 30.34, F.S., relating to certificate of reasonable cause for timber seizure; repealing s. 30.35, F.S., relating to compensation of the sheriff as timber agent; 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 Canady and others—

HB 1439—A bill to be entitled An act relating to contraband forfeiture; creating s. 321.32, F.S.; creating the Law Enforcement Trust Fund; providing for the deposit by the Department of Highway Safety and Motor Vehicles of certain revenues and witness fees into such trust fund; providing for the appropriation of funds for certain purposes by the Legislature; amending s. 932.704, F.S.; providing that certain proceeds or currency received by the Department of Highway Safety and Motor Vehicles shall be deposited into the Law Enforcement Trust Fund; providing an effective date.

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

By the Committee on Natural Resources and Representative Martin—

HB 1472—A bill to be entitled An act relating to Indian reservations and affairs; amending s. 285.061, F.S.; providing for the transfer of certain lands to the United States in trust for the Seminole Tribe of Indians of Florida; ratifying and approving a compact between the State of Florida and the South Florida Water Management District and the Seminole Tribe of Indians of Florida relating to water rights; directing state agencies to assist the district in implementing the compact; providing an appropriation to settle litigation with the tribe; providing an effective date.

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

By Representative Friedman and others—

HB 36—A bill to be entitled An act relating to youth; creating the Florida Youth Conservation Corps Act of 1987; providing intent; providing definitions; establishing the Office of Civilian Conservation within the Department of Natural Resources to administer the Florida Youth Conservation Corps program; providing conservation and public service components of the program; providing for appointment of a director of the Office of Civilian Conservation; providing duties and authority of the department; providing an educational component of the program; providing for emergency response activities; providing program eligibility, length of service, and duties; providing for department rules; providing severability; providing an appropriation; providing an effective date.

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

By the Committee on Education K-12 and Representatives Gardner and Rudd—

CS for HB 66—A bill to be entitled An act relating to schools; creating s. 230.335, F.S.; requiring notification of the appropriate superintendent of schools of convictions of a student or employee of the school district; providing for release of information; providing an effective date.

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

By Representative Bankhead and others—

HB 70—A bill to be entitled An act relating to state-employee parking; amending s. 272.161, F.S.; requiring the department to adopt certain guidelines for the lease of parking space; providing for provision of adequate parking for new state facilities; requiring certain contracts to provide parking fees; providing for loading zone permits; authorizing the department to lease parking space to lease to state employees; providing minimum fees for parking space rental by the Department of General Services; authorizing use of the Paid Parking Trust Fund for additional costs; providing an appropriation; providing an effective date.

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

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

CS for HB 116—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S., providing that special risk criteria for correctional officers shall include control and investigation of prisoners; clarifying the procedure for designating special risk membership in the system; providing for the retention of special risk membership for certain members transferred or reassigned to other positions; authorizing members of the Regular Class and the Special Risk Administrative Support Class to apply for and be admitted as members of the Special Risk Class; restoring special risk credit for certain periods of employment; providing for contributions; providing for an increased employer contribution to fund benefits; providing an effective date.

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

By the Committee on Veterans, Military Affairs and Emergency Preparedness and Representative Locke and others—

CS for HB's 131 and 255—A bill to be entitled An act relating to motor vehicles; amending ss. 338.155 and 347.19, F.S.; exempting certain handicapped persons from payment of tolls on bridges, ferries, and toll facilities; amending s. 316.614, F.S., exempting motor vehicles operated by rural letter carriers of the United States Postal Service and law enforcement officers under certain circumstances; amending ss. 316.1955, 316.1956, 316.1964, 320.0842, 320.0843, and 320.0848, F.S.; providing that certain handicapped persons with permanent mobility problems impairing the ability to ambulate, whose motor vehicles display a license plate designating that disability, may park such vehicles in parking spaces specially designated for disabled persons and shall not be required to apply for, display, or pay any fee for exemption entitlement parking permits; providing for biennial renewal of the exemption entitlement parking permit for handicapped persons; providing for identification cards; providing enforcement officers authority to request identification cards; continuing certain existing permits; amending s. 320.58, F.S.; providing license inspectors enforcement authority; providing a penalty; providing an effective date.

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

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

CS for HB's 171 and 184—A bill to be entitled An act relating to crime prevention assistance; amending s. 426.001, F.S.; deleting certain legislative findings relating to crimes against the elderly; amending ss. 426.002, 426.003, 426.007, 426.008, and 426.009, F.S.; updating references to subdivisions of the Department of Community Affairs; updating the definition of "housing project"; providing for matching security assistance grants to counties from the Department of Community Affairs; amending ss. 426.005 and 426.006, F.S.; deleting a restriction upon housing authorities which may apply for a security assistance grant under the Handi-

capped and Elderly Security Assistance Act; amending ss. 775.0836 and 939.015, F.S.; expanding the scope of provisions imposing a surcharge and certain costs upon fines for offenses against handicapped or elderly persons; increasing the surcharge and costs and providing for the disposition thereof; repealing s. 903.381, F.S.; deleting a surcharge on bail for such offenses; providing an effective date.

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

By Representative Souto and others—

HB 180—A bill to be entitled An act relating to higher education; amending s. 240.2097, F.S.; providing for information relating to acquired immune deficiency syndrome, 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; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Science and Technology and Representatives Mackenzie and Messersmith—

CS for HB 246—A bill to be entitled An act relating to public records; creating the "Florida Fair Information Practices Act"; providing purpose and intent; providing definitions; providing for departmental reports of the existence, type, and disclosures of certain public records containing personal information; requiring copies of such reports be maintained for public use; providing for notice to certain persons concerning the collection, maintenance, and use of personal information; providing procedures for requesting a change in personal information; providing for departmental determination of the accuracy or completeness of personal information; providing for notification; requiring the Division of Library and Information Services of the Department of State to recommend rules of procedure; requiring the Administration Commission to adopt rules to implement this act; providing for an annual report to the Legislature; providing that unfiled depositions are not "criminal intelligence information"; providing an exclusive administrative remedy; providing severability; providing effective dates.

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

By the Committees on Finance and Taxation and Transportation and Representative Silver and others—

CS for CS for HB 279—A bill to be entitled An act relating to motor vehicle inspection; creating the Motor Vehicle Safety and Emissions Study Commission; providing for membership; requiring public meetings; providing for a report of its findings and recommendations to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives; providing an appropriation; providing for expiration; providing an effective date.

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

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

CS for HB 286—A bill to be entitled An act relating to hospitals; amending s. 119.07, F.S.; providing an exemption from public records law, and providing for review; amending s. 395.017, F.S.; granting certain access to patient records; amending s. 395.031, F.S.; relating to trauma centers and pediatric trauma referral centers; providing definitions; requiring emergency medical services providers to transport trauma victims to trauma centers; providing for trauma transport protocols; requiring use of a trauma scorecard; requiring hospitals to participate in a trauma registry; providing for verification of a hospital as a trauma center by the Department of Health and Rehabilitative Services; providing for standards and procedures; providing for biennial renewal of verification; requiring trauma centers to accept all trauma victims; providing unlawful representation; providing for investigations and inspections; providing penalties; directing the department to establish trauma regions; creating s. 320.0801, F.S.; imposing an additional license tax on registration of certain vehicles; providing for deposit of revenues in the Emergency Medical

Services Trust Fund; grandfathering certain currently verified trauma centers; providing for reverification; requiring certain studies by the Hospital Cost Containment Board and the department; providing an effective date.

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

By the Committee on Judiciary and Representative Davis and others—

CS for HB 379—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.

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

By the Committee on Judiciary and Representative Canady—

CS for HB 383—A bill to be entitled An act relating to assignments for the benefit of creditors; amending s. 727.01, F.S.; deleting language with respect to general requirements for assignments; providing legislative intent; amending s. 727.02, F.S.; deleting language relating to the oath of assignor; providing for jurisdiction of proceedings and venue; amending s. 727.03, F.S.; deleting language with respect to record of assignment and oath; providing definitions; amending s. 727.04, F.S.; deleting language with respect to qualifications of assignee; providing for commencement of proceedings; amending s. 727.05, F.S.; deleting language with respect to notice of assignment; providing for proceedings against the assignee; amending s. 727.06, F.S.; deleting language with respect to disposition of property; providing for turnover; amending s. 727.07, F.S.; deleting language with respect to semiannual statements; providing for duties of the assignor; amending s. 727.08, F.S.; deleting language with respect to application for discharge of assignee; providing for duties of the assignee; creating s. 727.09, F.S.; providing for power of the court; creating s. 727.10, F.S.; providing for actions by assignees and other parties in interest; creating s. 727.11, F.S.; providing for notice; creating s. 727.12, F.S.; providing for proof of claim; creating s. 727.13, F.S.; providing for objections to claims; creating s. 727.14, F.S.; providing for priority of claims; creating s. 727.15, F.S.; providing for resignation or removal of assignee; creating s. 727.16, F.S.; providing for the assignee's final report and discharge; providing an effective date.

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

By Representative Carlton—

HB 438—A bill to be entitled An act relating to ad valorem tax exemptions; amending s. 196.011, F.S.; authorizing the governing body of a county to exempt the owner of property which is exempt from ad valorem tax due to its use for religious, literary, scientific, or charitable purposes from annually filing a statement that the ownership and use of the property have not changed; providing for taxation of property when the owner fails to notify the property appraiser of a change in use; providing a penalty for failure to file a statement regarding a change in ownership of such property; providing an effective date.

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

By Representative Rush—

HB 505—A bill to be entitled An act relating to statutes of limitation applicable to civil actions; amending s. 95.051, F.S.; providing that certain statutes of limitation are tolled by the minority of the person entitled to bring suit; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Natural Resources and Representative Hodges—

CS for HB 577—A bill to be entitled An act relating to hunting; amending s. 372.57, F.S., providing exemptions for licenses and stamps for hunting and fishing for residents of Georgia age 65 or older provided a reciprocal provision exists in Georgia for residents of Florida age 65 or older; providing separate nonresident hunting license fees with respect to

residents of certain states contiguous to Florida unless such states have reciprocal agreements with Florida and providing for conformance with license fee changes in contiguous states; providing for repeal of exemptions for licenses and stamps for hunting and fishing for residents of Georgia age 65 or older; amending s. 372.561, F.S., providing that all licenses and stamps issued pursuant to chapter 372, F.S., shall include a statement on allowable agent's fees; providing an effective date.

(Substituted for CS for CS for SB's 606 and 712 on the consent calendar this day.)

By Representatives Peebles and Arnold—

HB 591—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry counties; increasing the membership of the board of supervisors; abolishing terms of present members; providing for election of new members; providing severability; providing for abolishment of the district under certain circumstances; repealing chapter 86-460, Laws of Florida, relating to subdistricts of the district; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Langton and others—

HB 604—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.071, F.S.; increasing the rate of employer contributions with respect to members of the special risk class of the system; amending s. 121.091, F.S.; increasing the monthly retirement benefit with respect to special risk service; providing an effective date.

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

By Representatives Hill and Messersmith—

HB 606—A bill to be entitled An act relating to local government; amending s. 125.01, F.S.; authorizing counties to establish municipal service taxing units which include municipalities or portions thereof to provide fire control and rescue services; authorizing the levy of charges, assessments, or taxes therein; providing procedures and requirements; providing procedures for removal of a municipality or portion thereof from such unit; providing millage limitations; providing an effective date.

(Substituted for SB 730 on the consent calendar this day.)

By the Committee on Finance and Taxation and Representative Saunders—

CS for HB 624—A bill to be entitled An act relating to tourist taxes; creating the "Florida Area of Critical State Concern Restoration Trust Fund Act"; providing definitions; providing legislative findings and purposes; creating the Florida Area of Critical State Concern Restoration Trust Fund in the Department of Natural Resources and providing for deposit of certain damages recovered by the state therein; prescribing purposes and procedures for expenditures from the fund; repealing s. 370.116, F.S., relating to the Coral Reefs Restoration Trust Fund; providing for the transfer of unencumbered funds into the Florida Area of Critical State Concern Trust Fund; amending s. 125.0108, F.S.; redefining the taxable privileges subject to tourist impact taxes in areas of critical state concern; revising the requirement for approval by referendum; providing for repeal of the tax after the area of critical state concern designation is removed; amending s. 125.0104, F.S.; providing additional authorized uses for local option tourist development tax revenues; providing effective dates.

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

By the Committees on Appropriations and Higher Education and Representatives Wetherell and Bell—

CS for CS for HB 631—A bill to be entitled An act relating to educational facilities; amending s. 235.196, F.S.; providing requirements with respect to planning funds for community educational facilities; amending s. 235.41, F.S.; requiring the Commissioner of Education, in consultation with the legislative appropriations committees, to provide annually to the State Board of Community Colleges and the Board of Regents an estimate of funds to be utilized by the boards in developing their 3-year pri-

ority lists; amending s. 235.435, F.S.; providing certain restrictions on the inclusion of certain projects on 3-year priority lists; providing for the carrying forward of certain unfunded projects on such lists; amending s. 240.209, F.S.; revising certain student fees; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Insurance and Representative Burned—

CS for HB 660—A bill to be entitled An act relating to continuing care contracts; amending s. 651.015, F.S.; providing for an application and renewal fee for provisional certificates of authority; amending s. 651.022, F.S.; providing time frames with respect to state action on provisional certificates of authority; amending s. 651.023, F.S.; modifying feasibility study requirements; creating criteria to assess the financial soundness of a provider; providing for administrative hearings under certain circumstances and resident notice with regard to the release of escrow funds; providing time frames for the review of applications for certificates of authority and the release of escrow funds; prohibiting the department from issuing a certificate of authority to facilities which do not offer certain services; transferring renewal requirements for a certificate of authority to a new section; creating s. 651.0235, F.S.; providing for the annual renewal of provisional certificates of authority and certificates of authority; amending s. 651.026, F.S., relating to filing annual statements; amending s. 651.033, F.S., relating to escrow accounts; amending s. 651.035, F.S.; providing a procedure for computing minimum liquid reserves with respect to certain providers; amending s. 651.055, F.S.; revising criteria with respect to a resident's right to rescind; providing for review and repeal; providing an effective date.

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

By Representatives C. F. Jones and Dantzler—

HB 684—A bill to be entitled An act relating to career service; prohibiting employment or promotion, under such system, of certain persons who have not registered with the selective service; providing an effective date.

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

By the Committees on Appropriations, Finance and Taxation, Transportation and Representative Burned—

CS for CS for HB 761—A bill to be entitled An act relating to motor vehicles; transferring the fuel use tax functions of the Department of Revenue to the Department of Highway Safety and Motor Vehicles; amending ss. 72.011, 72.031, and 120.575, F.S., relating to actions in circuit court to contest tax assessments and administrative proceedings related thereto, to include the Department of Highway Safety and Motor Vehicles with respect to assessments under chapter 207; amending s. 206.877, F.S.; correcting references; amending s. 207.002, F.S.; providing definitions; amending ss. 207.004, 207.007, 207.011, 207.013, 207.023, and 207.029, F.S.; exempting certain Florida-based commercial vehicles from registration requirements and delinquency penalty provisions; increasing delinquency penalties; revising references to the department and including references to chapter 320; providing for audit procedures; amending s. 207.025, F.S.; providing for exchange of information with other states; amending s. 207.026, F.S.; deleting an obsolete reference; amending s. 207.028, F.S.; authorizing cooperative reciprocal agreements with other states for the administration of the fuel use tax; amending ss. 213.05 and 213.053, F.S., relating to Department of Revenue responsibilities and confidentiality, to delete references to chapter 207; amending s. 316.545, F.S., relating to enforcement of chapter 207, to conform; amending ss. 316.605 and 320.0706, F.S.; revising provisions relating to display of license plates on trucks; amending s. 320.01, F.S.; providing definitions; amending s. 320.02, F.S.; requiring proof of certain required insurance at time of registration; providing for suspension of registration for failure to maintain required insurance; requiring certain notice of cancellation; amending ss. 320.055, 320.0843, 320.105, 320.14, and 322.04, F.S.; correcting cross-references; clarifying language; amending s. 320.06, F.S.; specifying that certain license plates be imprinted with the word "Restricted"; amending s. 320.0609, F.S.; specifying application of certain refund provisions to vehicles registered under the International Registration Plan; amending s. 320.07, F.S.; specifying that certain persons assessed a penalty for failure to have a valid registration certificate are not subject to a delinquent fee if they obtain a certificate within a specified period; amending s. 320.0715, F.S.; requiring carriers registered under the Inter-

national Registration Plan to maintain certain records; amending s. 320.08, F.S.; revising provisions relating to license taxes for trucks, commercial trucks and truck tractors, semitrailers, and trailers; creating s. 320.405, F.S.; providing for inspection of records in connection with certain vehicle license taxes; providing for hearings; providing for enforcement of assessments; creating s. 320.406, F.S.; authorizing the department to estimate taxes due from motor carriers under certain conditions; creating s. 320.407, F.S.; providing for suits for unpaid taxes; providing certain penalties; creating s. 320.408, F.S.; providing for warrants for unpaid taxes and penalties; creating s. 320.409, F.S.; providing for liens for unpaid taxes and penalties; creating s. 320.411, F.S.; providing requirements with respect to officer's sale of property or franchise; creating s. 320.412, F.S.; requiring the department to furnish certificates of liens; creating s. 320.413, F.S.; specifying requirements relating to discontinuance or transfer of business of a motor carrier or change of address; providing liability of purchaser or transferee; creating s. 320.414, F.S.; providing that certain violators may be restrained and enjoined from operating a commercial motor vehicle; creating s. 320.415, F.S.; providing authority of the Department of Highway Safety and Motor Vehicles, the Department of Agriculture and Consumer Services, and the Department of Transportation to inspect vehicles and seize property; creating s. 320.416, F.S.; providing for cooperation of other state agencies; creating s. 320.417, F.S.; providing for actions to foreclose liens; amending s. 320.57, F.S.; adding commercial truck and trailer combinations to a penalty provision for excessive gross vehicle weight; amending s. 324.171, F.S., relating to self-insurers, and s. 627.7415, F.S., relating to additional liability coverage, to include reference to commercial motor vehicles as defined under chapter 320; amending s. 715.07, F.S., providing exemptions from certain notice requirements; amending s. 320.07, F.S., 1986 Supplement, providing for the submission of an affidavit with respect to expired registration certificates; amending s. 322.15, F.S., 1986 Supplement, providing for the issuance of a suspension clearance to persons who cannot supply proof of a valid driver's license under certain circumstances; amending s. 316.646, F.S., 1986 Supplement, providing for the submission of an affidavit with respect to proof of security under certain circumstances; providing for dismissal of charges relating to proof of security under certain circumstances; providing a fee; providing an effective date.

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

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

CS for HB 763—A bill to be entitled An act relating to alligators; amending s. 372.664, F.S., providing an exception to state law relative to prima facie evidence of intent to violate laws protecting alligators; creating s. 372.6671, F.S., providing definitions; creating s. 372.6672, F.S., providing for the authority of the Game and Fresh Water Fish Commission with respect to an alligator management and trapping program; prohibiting acts constituting a conflict of interest; requiring notice of state-sanctioned sales; authorizing marketing of certain alligator hides or products; creating s. 372.6673, F.S., prohibiting the issuance of certain licenses for persons convicted of certain violations; providing for trapping licenses for the taking or possession of alligators; providing fees; creating s. 372.6674, F.S., providing for required tagging of alligators and alligator hides; providing for fees and revenues; creating s. 372.6678, F.S., providing for alligator study requirements; amending s. 372.6645, F.S., relating to the license required to sell alligator products; providing an appropriation; providing an effective date.

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

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

CS for HB 780—A bill to be entitled An act relating to solicitation of funds; amending s. 496.02, F.S., revising definitions under the Solicitation of Charitable Contributions Act; 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 professional solicitors and their employees; authorizing acceptance of a surety other than bond; providing for the registration of fundraising consultants; amending s. 496.046, F.S., revising registration and renewal fees for charitable organizations and professional solicitor employees; providing additional administrative fees; amending s. 496.051, F.S., revis-

ing 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; requiring written contracts with respect to solicitation or fundraising; requiring the filing of the contract with the department; 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; including reference to fundraising consultants; 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; creating 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; providing an effective date.

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

By the Committee on Natural Resources and Representative Crady—

CS for HB 798—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.153, F.S., increasing the license fee for live bait shrimp production licenses in specified counties; modifying language relating to commercial trawling in the St. Johns River; providing an effective date.

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

By the Committee on Commerce and Representatives Abrams and Rochlin—

CS for HB 802—A bill to be entitled An act relating to toxic substances; amending ss. 442.102, 442.103, 442.109, 442.115, and 442.118, F.S.; creating s. 442.130, F.S.; revising the definition of "health professional"; providing for regulation of toxic substances stored in a workplace by the Department of Labor and Employment Security; providing an additional source for the Florida Substance List; exempting sealed substances, consumer products, and stored substances from certain regulations; providing for information regarding the presence of toxic substances to be furnished to local emergency agencies; providing for enforcement of regulations of the department by counties and municipalities; providing a civil penalty; providing for a standard form; requiring notice of toxic substances which may be used in the performance of such contract; providing the district superintendent with the responsibility of enforcing safety precautions set forth in the material safety data sheets for toxic substances used; providing a prohibition against the impairment of obligations of contract; providing an effective date.

(Substituted for CS for SB 904 on the consent calendar this day.)

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

CS for HB 945—A bill to be entitled An act relating to the Florida Racketeer Influenced and Corrupt Organization Act; amending s. 895.02, F.S.; providing additional predicate crime constituting "racketeering

activity"; deleting references to repealed statutes; clarifying the definition of "RICO lien notice"; including the Office of Statewide Prosecution as an "investigative agency"; amending s. 27.34, F.S.; authorizing counties and municipalities to pay the salary of assistant state attorneys specializing in RICO actions; amending s. 895.05, F.S.; authorizing the Office of Statewide Prosecution or a state attorney to apply for a RICO lien; providing that, once a RICO lien is filed, it constitutes notice of the unlawful activity for purposes of subsequent proceedings; amending s. 895.06, F.S.; including the Office of Statewide Prosecution as an "investigative agency" for purpose of civil investigative subpoenas; creating s. 895.055, F.S., providing for the distribution of residual funds derived from the sale of property forfeited under the RICO Act, to the Department of Health and Rehabilitative Services; specifying uses of such funds; providing an effective date.

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

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

CS for HB 1049—A bill to be entitled An act relating to medical assistance; amending s. 409.268, F.S.; revising requirements for certified public accountants who prepare certain statements with respect to the cost of providing nursing home care to indigents; providing an effective date.

(Substituted for CS for SB 791 on the consent calendar this day.)

By Representative Meffert—

HB 1143—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.221, F.S., relating to the licensing of manufacturers and distributors as vendors; amending s. 561.01, F.S., redefining the term "licensed premises"; creating s. 563.09, F.S.; prohibiting the sale of malt beverages in certain containers; prohibiting certain activities by beer manufacturers or agents; providing a penalty; amending s. 565.02, F.S.; authorizing the division to issue an alcoholic beverage license to golf clubs meeting specified qualifications; creating s. 563.09, F.S.; prohibiting the sale of malt beverages in certain containers; prohibiting certain activities by beer manufacturers or agents; providing a penalty; amending s. 565.02, F.S.; allowing certain fraternal and veterans' clubs in counties which restrict the sale of alcoholic beverages to obtain alcoholic beverage licenses; authorizing the division to issue an alcoholic beverage license to golf clubs meeting specified qualifications; providing effective dates.

—was referred to the Committee on Commerce.

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

CS for HB 1152—A bill to be entitled An act relating to yacht and shipbrokers; creating the Yacht and Shipbrokers' Act; providing definitions; providing for administration by the Department of Professional Regulation; providing for licensing; providing for escrow depository and closing fees; providing for disciplinary proceedings; providing an appropriation; providing for review and repeal; providing an effective date.

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

By Representative Bloom and others—

HB 1165—A bill to be entitled An act relating to arrest; amending s. 901.15, F.S.; allowing warrantless arrest by an officer when the officer has probable cause to believe the person has committed a battery and reasonably believes there is danger of violence, and finds evidence either of bodily harm or of eyewitness corroboration; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Governmental Operations and Representative Hodges—

HB 1222—A bill to be entitled An act relating to elections; amending s. 98.211, F.S.; revising a limited exemption from public records requirements for the production of voter registration information and saving such exemption from repeal; revising procedures and requirements for copying such information; amending s. 101.62, F.S.; providing a limited exemption from public records requirements for the production of absentee ballot information; providing for future review and repeal; amending s. 97.021, F.S.; defining "election costs"; amending s. 100.011, F.S.; requir-

ing certain districts to pay for their election costs; amending ss. 100.201 and 100.261, F.S.; requiring counties, districts, and municipalities to pay election costs for bond referenda; amending s. 125.01, F.S.; requiring districts to pay certain election costs; amending s. 190.003, F.S., to correct a cross-reference; amending s. 106.141, F.S.; revising requirements regarding disposition of surplus funds by candidates; changing the amount of campaign contributions which may be kept in a surplus account by candidates for county office and candidates elected on less than a countywide basis; 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; 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; amending s. 103.091, F.S.; changing the date of election of members of the state or county executive committee; providing an effective date.

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

By the Committees on Finance and Taxation and Insurance and Representative Ogden—

CS for HB 1245—A bill to be entitled An act relating to insurance; amending ss. 175.101, 185.08, 624.429, 624.509, 624.510, 634.131, 634.313, 634.415, and 638.141, F.S., providing for credits against taxes due under chapter 624, F.S.; providing for payment of the 2-percent state excise tax on property insurance premiums received by domestic insurers; providing for a 1-percent state excise tax on casualty insurance premiums received by domestic insurers; providing a procedure for determining certain taxes due with respect to retaliatory provisions; providing for an increase in the insurance premiums tax rate; providing for a credit against the premium tax; providing for a tax on certain profits with respect to wet marine and transportation insurance; eliminating exemptions and credits with respect to motor vehicle service agreement premiums and assessments, home warranty premiums, and ambulance service contract premiums; providing for a premium tax on service warranty associations; providing a deduction; repealing ss. 624.512, 624.513, and 624.514, F.S., providing for the elimination of domestic insurer exemptions; repealing the tax liability for certain domestic insurers; providing for the elimination of credits on premium tax liability for foreign insurers with regional home offices; providing for the deposit of certain fees, licenses, and taxes; revising language with respect to insurance premium tax payments; amending s. 624.521, F.S.; providing for the distribution of certain taxes; directing the Department of Insurance to collect certain information and report to the Legislature; providing for confidentiality; requiring certain entities to respond to requests for information from the department; providing penalties; providing effective dates.

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

By the Committee on Youth and Representatives Reddick and Mortham—

HB 1265—A bill to be entitled An act relating to handicap prevention; amending s. 411.103, F.S.; providing a definition; creating s. 411.1071, F.S.; requiring the establishment of community resource mother pilot programs by the Department of Health and Rehabilitative Services; providing for location of pilot programs; providing for contracts; providing criteria; authorizing the department to require other criteria; requiring the department to create a community resource mother advisory committee; requiring the committee to establish certain program guidelines in conjunction with the department; establishing a time limit for guideline development; providing for per diem and travel expenses; providing for terms and membership of committee; requiring preservice training; providing for assignment of caseloads; providing for supervision; providing for a report; providing an effective date.

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

By the Committee on Veterans, Military Affairs and Emergency Preparedness and Representative Locke and others—

HB 1267—A bill to be entitled An act relating to nursing homes; 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; requiring the department to conduct a comprehensive long-term care financing study; requiring a report to the Legislature; providing an effective date.

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

By the Committee on Regulatory Reform and Representatives Kelly and Gonzalez-Quevedo—

HB 1301—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 455.213, F.S., providing for establishment of initial license fee by rule; providing a period for issuance; allowing a professional regulatory board to defer compliance with continuing education requirements; amending s. 455.217, F.S., providing restrictions on retaking examinations; amending s. 460.408, F.S., providing for approval of continuing education courses by the Board of Chiropractic; amending s. 455.218, F.S., modifying eligibility requirements for examination for licensure of foreign-trained professionals; deleting provisions relating to a special license for podiatric technicians; amending s. 455.219, F.S., providing for establishment of license application fee and examination fee by rule; providing for refund of examination fee under certain circumstances; providing a fee for verifying licensure in another jurisdiction; amending s. 455.232, F.S.; providing penalties for unlawful acts; amending s. 455.24, F.S., including acupuncturists under provisions regulating advertisement by health care providers of free or discounted services; repealing s. 455.218, F.S., relating to examination and licensure of foreign-trained professionals; repealing s. 455.2182, F.S., relating to construction of chapter 86-290, Laws of Florida; providing an effective date.

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

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

HB 1336—A bill to be entitled An act relating to public meetings and records; amending s. 286.011, F.S.; exempting certain meetings of governmental agencies from the requirement that they be open to the public; establishing criteria for such meetings; providing an effective date.

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

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

HB 1337—A bill to be entitled An act relating to fire prevention and control; amending s. 553.73, F.S., relating to the State Minimum Building Codes; providing for resolution of conflicts between a building code and a minimum firesafety code; providing for appeal to a local administrative board; amending s. 553.79, F.S., relating to application of said codes; requiring compliance with firesafety standards as a condition for issuance of building permits; providing application of said section to part IV of chapter 553; amending s. 633.01, F.S.; providing powers and duties of the State Fire Marshal; providing rulemaking authority; providing for certain joint rule promulgation by the State Fire Marshal and the Department of Education; providing intent with respect to effect of rules on mobile homes and child care facilities; amending s. 633.021, F.S.; providing definitions; creating s. 633.022, F.S.; providing for establishment of uniform firesafety standards and specifying the structures to which they apply; providing effect on standards required by local authorities; providing for alternative standards; providing for local enforcement; specifying considerations applicable to said standards and certain minimum standards; creating s. 633.025, F.S.; requiring adoption of specified minimum firesafety standards by municipalities, counties, and certain special districts; specifying application of such standards; providing for application to existing buildings; repealing ss. 633.05 and 633.051, F.S., which provide for promulgation of rules and regulations by the State Fire Marshal and provide procedures for adoption thereof; amending s. 633.061, F.S.; revising provisions relating to rules with respect to fire extinguishers and pre-engineered systems; amending s. 633.081, F.S.; providing for inspections by the State Fire Marshal and his agents; providing for employment of firesafety inspectors by counties, municipalities, and certain special districts; providing for fees; providing qualifications of certified inspectors; providing requirements for renewal of certification; deleting provisions relating to inservice company inspections and to suspension or revocation of certificates held by employees of district school boards or community college boards of trustees; amending s. 633.15, F.S.; specifying force and

effect of chapter 633 and rules thereunder; amending s. 633.161, F.S.; providing for issuance of specified orders for specified violations; providing that orders to vacate a building are immediate final orders; deleting provisions relating to application of the Administrative Procedure Act; amending s. 633.162, F.S.; revising time periods for suspension or revocation of licenses or permits; repealing s. 633.40, F.S., relating to a study by the State Fire Marshal of firesafety enforcement; amending ss. 633.171 and 633.549, F.S., relating to penalties and injunctions, to remove references to regulations; amending s. 633.554, F.S.; including references to chapter 633; creating s. 633.70, F.S.; creating a Florida Fire Code Advisory Council; providing for review and repeal; amending ss. 381.472 and 513.05, F.S.; correcting references; providing for severability; providing an effective date.

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

By the Committee on Judiciary and Representative Simon and others—

HB 1346—A bill to be entitled An act relating to community association managers; providing definitions; providing for certification of community association managers; providing that the Department of Business Regulation shall administer the act; providing qualifications and for examination of applicants to be community association managers; creating an advisory council on community association managers; providing for membership, powers and duties; providing fees; providing for suspension or revocation of certification; providing penalties; providing for review and repeal; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Ethics and Elections and Representative Crady—

HB 1353—A bill to be entitled An act relating to elections; amending s. 97.063, F.S.; making optional the requirement that the supervisor of elections have certain electors complete a registration cancellation form; amending s. 97.091, F.S.; registering certain persons without a permanent address in the county courthouse precinct; amending s. 98.031, F.S.; abolishing the prohibition against changing election districts or precincts during certain years; amending s. 99.097, F.S.; requiring the state to pay the supervisor of elections 10 cents for each signature checked on a petition submitted by one who lacks the ability to pay; amending s. 100.011, F.S.; providing a procedure for determining the time polls shall be open in counties covering two time zones; amending s. 101.72, F.S.; providing the supervisor of elections discretion in determining the number of voting booths needed in the county; amending s. 102.012, F.S.; providing that certain qualified electors in the county, rather than the precinct, can be appointed as poll inspectors or clerks; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committees on Finance and Taxation and Corrections, Probation and Parole and Representative Kelly—

CS for HB 1358—A bill to be entitled An act relating to the issuance of bonds; amending s. 944.10, F.S.; defining, for purposes of acquiring correctional facilities to house state inmates, the term "lease-purchase agreement"; requiring the approval of the Division of Bond Finance of the Department of General Services before such agreements may be entered into by the Division of Facilities Management; providing that such agreements may be made automatically renewable for a limited period subject to certain restrictions; prescribing terms and conditions of such agreements; creating the "Florida Correctional Facilities Act"; providing definitions; providing for the issuance of bonds for the construction of state correctional facilities; creating a Florida Correctional Facilities Pool; providing for the assessment of rents and the determination of rental rates; providing for an annual report; providing powers of the Division of Bond Finance and the Office of Management and Budget in the Department of Corrections; providing for the issuance of obligations and security for payment of obligations; providing for validation of obligations; providing a penalty; providing for variable rate obligations; providing for approval by the State Board of Administration; providing for withholding of revenues for failure to make rental payments; providing a limitation on financial liability; providing an exemption from taxation; authorizing obligations issued to constitute legal investments; providing criteria for correctional facility construction and financing; amending ss.

255.502 and 255.518, F.S.; clarifying the issuance of the obligation; providing an effective date.

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

By the Committee on Corrections, Probation and Parole and Representative Rochlin and others—

HB 1371—A bill to be entitled An act relating to prisoners; creating a Corrections Spouse and Child Abuse Study Commission to study female inmates who are victims of abuse; providing membership; providing criteria for investigation; providing contents of report; providing an appropriation; providing termination; providing an effective date.

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

By The Committee on Youth and Representative Reddick—

HB 1374—A bill to be entitled An act relating to school health services; creating s. 402.321, F.S.; providing for a statewide student health needs assessment; providing rulemaking authority; providing an appropriation; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Regulatory Reform and Representative Langton—

HB 1377—A bill to be entitled An act relating to regulation of the construction industry; amending s. 489.103, F.S.; revising exemptions from such regulation provided for sale or installation of certain finished products, construction or improvement of owner-occupied structures, work performed by licensed dealers in liquefied petroleum gas, and sale or installation of heating or air conditioning units; creating s. 489.108, F.S.; providing rulemaking authority of the Construction Industry Licensing Board; amending s. 489.113, F.S.; specifying requirements relating to subcontracting of certain swimming pool work; specifying requirements relating to subcontracting of certain roofing; prohibiting certain persons from acting as roofing contractors; providing an effective date.

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

By the Committee on Regulatory Reform and Representative Lippman—

HB 1380—A bill to be entitled An act relating to medical practice; amending s. 395.017, F.S., providing access to confidential patient records for certain proceedings of the Department of Professional Regulation; limiting public access thereto; amending s. 395.041, F.S., expanding internal risk management training requirements; requiring certain incident reports relating to surgical procedures; requiring report of certain incidents to the department; limiting public access; providing for department investigation of incidents which may involve grounds for physician discipline; amending s. 455.241, F.S., providing for reports on certain psychiatric patient records; amending s. 458.307, F.S., expanding membership of the Board of Medicine; modifying membership requirements; specifying composition of probable cause panels; providing for a training program; amending s. 458.311, F.S., relating to licensure by examination; amending s. 458.313, F.S., correcting cross-references; amending s. 458.315, F.S., prohibiting issuance of temporary certificates for practice in areas of critical need to certain persons by endorsement; amending s. 458.3165, F.S., providing for biennial renewal of public psychiatry certificates; amending s. 458.331, F.S., clarifying grounds for disciplinary action due to malpractice; amending s. 458.345, F.S., establishing requirements for registration of resident physicians and interns; providing a fee; restricting renewal or extension; prohibiting registration of certain persons; increasing a penalty; deleting requirement that hospitals annually list their employees; requiring reports; amending s. 458.347, F.S., allowing temporary certification of physician assistants; amending s. 459.022, F.S., allowing temporary certification of osteopathic physician assistants; amending s. 627.912, F.S., requiring insurers to report certain claims against dentists; requiring the Department of Insurance to send certain closed claims to the department; providing for department investigations; requiring provision of investigation reports to licensees upon request; amending s. 768.57, F.S., requiring notice to the department prior to filing certain malpractice claims; specifying contents; protecting claim-

ants' legal rights; providing for department investigation; providing an effective date.

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

By the Committees on Finance and Taxation and Health Care and Representative Press and others—

CS for HB 1385—A bill to be entitled An act relating to insurance; amending s. 641.19, F.S., redefining the terms "health maintenance organization" and "minimum services"; repealing s. 641.31(7), F.S., relating to certain physician services for health maintenance contracts; amending s. 641.201, F.S., providing for the application of certain provisions of law to HMO's; amending s. 641.21, F.S., prohibiting the Department of Insurance from issuing a certificate of authority to certain HMO's; providing clarifying language; amending s. 641.22, F.S., relating to the issuance of certificates of authority; providing criteria; amending s. 641.23, F.S., providing for the revocation or cancellation of certificates of authority; providing for suspension of enrollment of new subscribers; providing terms of suspension; amending s. 641.25, F.S., providing for administrative penalty in lieu of suspension or revocation; amending s. 641.26, F.S.; providing for reports by HMOs; providing fines for failure to meet reporting requirements; amending s. 641.27, F.S., relating to examination by the Department of Insurance, to delete reference to the Department of Health and Rehabilitative Services; repealing s. 641.24, relating to denial and revocation proceedings of the Department of Health and Rehabilitative Services; amending s. 641.29, F.S., deleting distribution of application and annual report fees; repealing s. 641.226, F.S., relating to providers of service and interference with physician's judgment; repealing s. 641.30(4), F.S., deleting language with respect to construction and relationship to other laws with respect to the Health Maintenance Organization Act; repealing s. 641.31(17), F.S., relating to HMO contract provisions; amending s. 641.36, F.S., providing that the Department of Insurance shall promulgate rules with respect to HMO's; amending s. 641.403, F.S., providing that the Department of Insurance shall promulgate rules with respect to the "Prepaid Health Clinic Act"; amending s. 641.405, F.S., prohibiting the Department of Insurance from issuing a certificate of authority to operate a prepaid health clinic to certain applicants; amending s. 641.406, F.S., providing conditions for the issuance of a certificate of authority; repealing s. 641.41(1)(d), F.S., relating to the annual report of the prepaid health clinic to delete certain requirements; amending s. 641.418, F.S., relating to examination of prepaid health clinics by the Department of Insurance; amending s. 641.45, F.S., providing for the revocation or cancellation of certificates of authority; providing for suspension of authority to enroll new subscribers; providing terms of suspension; repealing s. 641.451, F.S., relating to disciplinary proceedings, to delete reference to the Department of Health and Rehabilitative Services; amending s. 641.452, F.S., providing for administrative penalty in lieu of suspension or revocation; creating part IV of chapter 641, F.S., providing definitions; providing for the purpose and application of the part; providing exemptions; providing an application procedure for the certification of HMO's and prepaid health clinics as health care providers; providing fees; providing requirements for issuance and maintenance of certificates; providing for a quality assurance program and a second medical opinion requirement; providing for examination; providing for suspension or revocation of a certificate; providing penalties; amending and renumbering s. 641.3109, F.S., providing for hospital and physician information disclosure; amending and renumbering s. 641.395, F.S., relating to the internal risk management program; creating s. 641.56, F.S., providing for rulemaking authority; creating s. 641.57, F.S., providing for disposition of certain moneys; creating s. 641.58, F.S., providing for regulatory assessments with respect to health maintenance organizations and prepaid health clinics; providing for levy and amount, use of funds, tax returns and penalties; amending s. 458.337, F.S., providing for reporting of disciplinary actions by health maintenance organizations and prepaid health clinics; providing for review and repeal; providing an appropriations; providing provisions for assessment; providing an effective date.

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

By the Committee on Housing and Representative Jamerson—

HB 1388—A bill to be entitled An act relating to housing; amending s. 420.503, F.S.; modifying definitions of "eligible persons" and "project" with respect to the Florida Housing Finance Agency Act; amending s. 420.509, F.S.; providing income targeting for the use of taxable bond proceeds; creating s. 420.5099, F.S.; designating the Florida Housing Finance

Agency as the state housing credit agency with responsibility for allocation of federal low-income housing tax credits; repealing s. 420.5097, F.S., relating to allocation of certain limited federally tax-subsidized instruments for housing finance; amending s. 420.607, F.S.; specifying security requirements applicable to recipients of loans under the community-based organization loan program for developing affordable housing; providing for foreclosure or other action upon default on a loan; providing for transfer of title to the state of land which is not developed for housing; providing for disposition of such property; amending ss. 159.603(6), 159.603(7), F.S., relating to housing finance authorities; amending s. 420.405, F.S., providing for additional extension of time for loan repayment; providing an effective date.

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

By the Committees on Appropriations, Ethics and Elections and Representatives Crady and others—

CS for HB 1432—A bill to be entitled An act relating to elections; creating s. 99.013, F.S., relating to the residency requirement of law for public officers and candidates; providing definitions and a restriction; requiring the Florida Elections Commission to investigate residency violations; amending s. 99.061, F.S.; prohibiting the certification of a candidate's name under certain conditions; amending ss. 99.0955 and 99.096, F.S., to conform certain dates for obtaining and filing petition forms with respect to independent and minor party candidates; amending s. 102.131, F.S.; providing that certain protests may be considered when determining the true vote; amending s. 102.166, F.S.; authorizing the Department of State to investigate and protest election problems; providing procedures and judicial jurisdiction; amending s. 106.011, F.S.; providing definitions; amending s. 106.021, F.S.; requiring candidates for certain offices to file the names and addresses of their campaign treasurers with the supervisor of elections; providing for in-kind contributions; providing for disposition of funds for a statewide candidate who changes the office he is seeking; amending s. 106.025, F.S.; deleting notice of intent for campaign fund raisers; providing for reimbursement of expenditures; modifying reporting requirements with respect to certain in-kind contributions; providing a penalty; amending s. 106.03, F.S.; changing the time for political committees to file certain information; eliminating a statement of organization filing exemption; providing additional requirements for the statement of organization; providing rulemaking authority; providing for notification of committees; creating s. 106.035, F.S.; providing reporting requirements for political committees; providing for fines and limitations and waivers thereof; providing a penalty; providing an exception; amending s. 106.04, F.S.; providing for fines and limitations and waivers thereof for committees of continuous existence; amending s. 106.05, F.S.; providing for deposits by payroll deduction for political committees; amending s. 106.06, F.S.; providing technical changes with respect to campaign records; amending s. 106.07, F.S.; providing for the filing of campaign reports with respect to candidates; providing for incomplete reports; providing for fines and limitations and waivers thereof; providing a penalty; amending s. 106.08, F.S., relating to limitations on campaign contributions; providing that candidates for Governor and Lieutenant Governor are considered a single candidate; eliminating the limit on contributions to political committees; prohibiting contributions received by political committees 5 days prior to an election from being obligated or spent until after the election; providing for the return of certain contributions; providing a penalty; amending s. 106.09, F.S.; allowing contributions by cashier's checks in excess of \$100; amending s. 106.11, F.S.; restricting how certain former candidates or unopposed candidates may expend funds; modifying reporting requirements with respect to certain expenditures for campaign fund raisers; amending s. 106.125, F.S.; extending the use of credit cards to all candidates and political committees; excluding political advertising from credit card purchases; amending s. 106.141, F.S., relating to disposition of surplus funds by candidates; clarifying that candidates for Governor and Lieutenant Governor are a single candidate; changing the amount of campaign contributions which may be kept in a surplus account by candidates for county office and candidates elected on less than a countywide basis; eliminating the requirement that the Secretary of State provide for tax identification numbers to certain officeholders; providing fines for certain late reports; providing penalties; amending s. 106.143, F.S.; providing that political advertisements for partisan offices state the candidate's party or that the candidate is an independent; amending ss. 106.16 and 106.19, F.S.; providing technical changes; amending s. 106.18, F.S.; providing for the removal of a candidate's name from the ballot in certain instances; amending s. 106.22, F.S.; eliminating random audits; providing for investigation of campaign financing viola-

tions; amending s. 106.25, F.S.; requiring the Florida Elections Commission to investigate complaints regarding residency; lifting confidentiality of commission proceedings after determination of probable cause; exempting appeals of fines for late filing from confidentiality provisions; providing that certain clerical errors are not violations; providing for preliminary determination by the commission; amending s. 106.26, F.S.; authorizing the Florida Elections Commission to delegate authority to the Division of Elections; providing procedures of the Florida Elections Commission with regard to residency violation complaints; amending s. 106.29, F.S.; changing the time for political parties to file certain reports and providing additional contents thereof; amending s. 114.01, F.S.; declaring that a vacancy in office shall occur upon determination that a public officer has failed to maintain required residence; repealing s. 106.142, F.S., relating to the definition of political advertisement; providing an appropriation; amending s. 98.301, F.S.; providing for the removal of names of deceased electors from the registration books upon certain notification; amending s. 102.012, F.S.; modifying provisions relating to training classes for pollworkers; amending s. 582.18, F.S., limiting service of persons appointed to fill vacancies; requiring supervisors of elections to present a plan to insure servicemen and servicewomen stationed overseas to receive timely ballot information and ballots; amending s. 112.3145, F.S., relating to disclosure of financial interest and clients represented before agencies; excluding certain gifts of expressions of sympathy from being reported; amending s. 230.04, F.S., requiring a school board member to maintain residency throughout his term of office; amending s. 230.10, F.S., requiring candidates for the office of school board member to be residents of the school board member residence area at the time of qualification; providing an effective date.

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

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

HB 1453—A bill to be entitled An act relating to pediatric health care; providing for the establishment and licensure of prescribed pediatric extended care centers; providing legislative intent; providing definitions; providing exemptions; requiring licensure; providing a license fee; providing a penalty; prescribing requirements for license applications; providing grounds for the Department of Health and Rehabilitative Services to deny, revoke, or suspend a license or impose an administrative fine; providing for disposition of fines and fees; establishing the Prescribed Pediatric Extended Care Center Trust Fund; providing for license expiration and renewal and for a conditional license; authorizing injunctions; prescribing prerequisites to voluntarily closing a center; providing the department with a right of entry and inspection; providing for the adoption of rules and enforcement of standards; establishing requirements for constructing or renovating a center; prohibiting certain acts; providing penalties; providing for review and repeal; providing an effective date.

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

By the Committees on Appropriations and Insurance and Representatives Ogden and Simon—

CS for HB 1458—A bill to be entitled An act relating to medical malpractice; providing legislative intent; amending s. 627.351, F.S.; providing for additional members and reappointment of the Board of Governors of the Joint Underwriting Association; providing for a premium stabilization plan with respect to medical malpractice; requiring certain physicians and osteopaths to obtain a minimum level of coverage from the association; providing for assessments against insurers; prohibiting insurers from selling certain malpractice coverage to physicians; providing a repealer for the plan; creating s. 768.606, F.S.; providing a standard of care for medical emergencies; providing for severability; providing an effective date.

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

By the Committee on Finance and Taxation and Representative Gardner—

HB 1498—A bill to be entitled An act relating to taxation; amending s. 206.01, F.S.; redefining "importer" and defining "loading rack" for purposes of excise taxes on fuel; amending s. 206.02; providing for issuance of provisional refiner's, importer's or wholesaler's licenses to certain new

businesses; amending s. 206.09, F.S.; revising requirements relating to reports required of certain carriers transporting fuel or similar products; amending s. 206.41, F.S.; specifying activities upon which the constitutional gas tax is levied; specifying application of certain refund provisions to importers; amending ss. 212.62, 206.60, and 206.605, F.S.; specifying activities upon which the tax on sales of fuels, the county tax on motor fuel, and the municipal tax on motor fuel are levied; amending s. 206.62, F.S.; providing application of taxes on fuel to sales to or by military post exchanges; amending s. 212.67, F.S.; authorizing a credit against local option fuel taxes for the refund for shrinkage allowed against the sales tax on motor fuel; amending s. 206.86, F.S.; redefining "special fuel" and "dealer" and defining "dual user" and "consumption" for purposes of the excise tax on special fuel; amending s. 206.89, F.S.; correcting a reference; amending s. 206.87, F.S.; revising an exemption from said tax; specifying sales of special fuel that are taxable; specifying liability of dealers and certain other persons; amending s. 206.9931, F.S.; revising requirements relating to separately stating the excise tax on pollutants or certifying that the tax has been paid; authorizing quarterly, semiannual, and annual returns under certain circumstances; amending s. 206.9935, F.S.; specifying activities upon which the excise taxes on pollutants are levied; amending s. 206.9941, F.S.; revising provisions relating to an exemption for certain petroleum products; amending s. 206.9942, F.S.; revising provisions relating to deductions and refunds of the tax for inland protection paid on petroleum products under certain circumstances; amending s. 206.9945, F.S.; correcting a reference; amending s. 336.021, F.S.; specifying application of the voted gas tax for county transportation systems and of refund provisions; providing for effective date of levy or rescinding of such tax; amending s. 336.025, F.S.; specifying application of the local option gas tax for county transportation systems and of refund provisions; revising provisions relating to extension of such tax; providing for effective date of rescinding of such tax; amending s. 336.026, F.S.; providing a time limitation for notice of levy of the local option gas tax for metropolitan transportation systems to the Department of Revenue; providing for effective date of rescinding of such tax; amending s. 206.05, F.S.; providing alternative to surety bond required of licensed refiners, importers, and wholesalers; creating s. 206.065, F.S.; providing for authorization of qualified licensed wholesalers to self-accrue and remit the excise tax on motor fuel; providing for annual renewal; providing for revocation; providing for review; amending s. 206.07, F.S.; specifying liability of sellers and purchasers convicted of conspiring to defraud the state of taxes; amending s. 206.27, F.S.; revising provisions relating to confidentiality of certain information; amending s. 206.47, F.S.; revising provisions relating to distribution of surplus constitutional gas tax funds; amending s. 206.56, F.S.; revising provisions relating to failure to account for tax collected as embezzlement; amending s. 206.59, F.S.; specifying power of department to assess and collect taxes, penalties, and interest; amending s. 206.91, F.S.; revising the deduction allowed special fuel dealers; creating s. 206.9865, F.S.; requiring commercial air carriers to obtain an aviation fuel tax license; providing a fee; requiring reports; specifying application of the aviation fuel tax to certain fuel; providing for application of certain administrative, penalty, and enforcement provisions to part III of chapter 206; creating s. 206.9875, F.S.; exempting certain aviation fuel purchased by the United States or agencies thereof; authorizing refunds; amending s. 212.66, F.S.; providing for application of provisions authorizing self-accrual to the sales tax on fuel; providing for remittance of tax by wholesalers on certain motor fuel inventory for which taxes have not been paid; amending s. 336.41, F.S.; revising provisions relating to exemption from bidding requirements for certain county road work; providing effective dates.

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

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 242 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 242—A bill to be entitled An act relating to service of process; amending s. 30.231, F.S.; increasing the fee for witness subpoenas; increasing the fee for levy of execution; amending s. 48.031, F.S.; providing for substitute service on an individual under certain circumstances; amending s. 48.061, F.S.; extending the manner by which process may be served on partnerships; limiting the assets to which such judgment may attach; amending s. 48.183, F.S.; extending the manner by which process may be served in action for possession of residential ser-

vices; amending s. 56.041, F.S.; providing for disposition of unsatisfied executions after a specified period of time; amending s. 56.22, F.S.; providing for sheriff's sale at the time, place, and date advertised in the notice; amending s. 78.12, F.S.; requiring a writ to be directed and delivered to the proper officer in the jurisdiction into which the property has been removed; amending s. 409.257, F.S.; conforming a cross-reference; amending s. 713.18, F.S.; eliminating a manner of serving certain notices; repealing s. 56.23, F.S., which requires all property levied upon to be sold where advertised in the notice of sheriff's sale; providing an effective date.

Amendment 1—On page 6, line 17, after the period (.) insert:

Section 6. Subsection (1) of section 51.011, Florida Statutes, is amended to read:

51.011 Summary procedure.—The procedure in this section applies only to those actions specified by statute or rule. Rules of procedure apply to this section except when this section or the statute or rule prescribing this section provides a different procedure. If there is a difference between the time period prescribed in a rule and in this section, this section governs.

(1) PLEADINGS.—Plaintiff's initial pleading shall contain the matters required by the statute or rule prescribing this section or if none are so required, shall state a cause of action. All defenses of law or fact shall be contained in defendant's answer which shall be filed served within 5 days after service of process. If the answer incorporates a counterclaim, plaintiff shall include all defenses of law or fact in his answer to the counterclaim and shall serve it within 5 days after service of the counterclaim. No other pleadings are permitted. All defensive motions, including motions to quash, shall be heard by the court prior to trial.

(Renumber subsequent sections)

Amendment 2—On page 1 in the title, line 13, after the semi-colon(;) insert: amending s. 51.011, F.S., requiring the filing of an answer and a summary proceeding within 5 days;

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

CS for SB 242 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—28

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

Nays—None

Vote after roll call:

Yea—Girardeau, Hair, Malchon, Peterson

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 475 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 475—A bill to be entitled An act relating to personal representatives; amending s. 733.615, F.S.; providing circumstances under which the powers and duties of joint personal representatives may be exercised by a majority; providing immunity from liability for certain joint personal representatives; providing protection for persons who deal with a joint personal representative under certain circumstances; providing an effective date.

Amendment 1—On page 1, lines 20 and 21, strike all underlined language

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

SB 475 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	Dudley	Kirkpatrick	Ros-Lehtinen
Barron	Frank	Kiser	Stuart
Beard	Gordon	Langley	Thomas
Brown	Grant	Malchon	Thurman
Childers, D.	Grizzle	Margolis	Weinstein
Childers, W. D.	Hill	McPherson	Weinstock
Crawford	Hollingsworth	Meek	Woodson
Crenshaw	Jenne	Myers	
Deratany	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Girardeau, Hair, Peterson

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 866 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 866—A bill to be entitled An act relating to civil procedure; creating s. 45.061, F.S.; providing for offers of settlement in civil cases; providing for sanctions in the case of offers which are unreasonably rejected; providing for set off; providing exceptions; providing exclusive remedy; providing an effective date.

Amendment 1—On page 3, line 16, after "nonsupport" insert: eminent domain,

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

CS for SB 866 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—30

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

Nays—None

Vote after roll call:

Yea—Girardeau, Hair, Hollingsworth, Peterson

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 1062 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

F.S.; expanding the definition of the term "child who is found to be dependent"; amending s. 39.41, F.S.; providing powers of disposition; providing an effective date.

Amendment 1—On page 1, in the title, line 8, after the semicolon (;) insert: amending s. 63.097, F.S., revising requirements for approval of fees to intermediaries;

Amendment 2—On page 1, line 29, insert:

Section 1. Section 63.0425, Florida Statutes, is created to read:

63.0425 *Grandparent's right to adopt.*—

(1) *When a child who has lived with a grandparent for at least six months is placed for adoption, the agency or intermediary handling the adoption shall notify that grandparent of the impending adoption before the petition for adoption is filed. If the grandparent petitions the court to adopt the child, the court shall give first priority for adoption to that grandparent.*

(2) *This section shall not apply if the placement for adoption is a result of the death of the child's parent and a different preference is stated in the parent's will.*

(3) *This section shall not apply in stepparent adoptions.*

(4) *Nothing in this section shall contravene the provisions of s. 63.142(4).*

(Renumber subsequent sections.)

Amendment 3—On page 1, in the title, line 2, after the semicolon (;) insert: creating s. 63.0425, F.S.; providing that adoption agencies and intermediaries shall notify grandparents with whom a child has lived for at least six months prior to petitioning for adoption and that grandparents have a first priority for adoption;

Amendment 4—On page 2, between lines 26 and 27, insert:

Section 3. Section 63.097, Florida Statutes, is amended to read:

63.097 *Approval of fees to intermediaries.*—Any fee, including *intermediary or attorney fees over \$1000* and those costs as set out in s. 63.212(1)(d); over ~~\$1500~~ ~~\$500~~, paid to an intermediary other than actual, documented medical costs, court costs, and hospital costs must be approved by the court prior to *assessment of the fee by the intermediary and upon a showing of justification for the larger fee payment to the intermediary.*

(Renumber subsequent sections.)

Amendment 5—On page 5, line 31, and on page 6, line 1, strike said lines and insert: fee, including *intermediary or attorney fees over \$1000* and those costs as set out in paragraph (1)(d); over ~~\$1500~~ ~~\$500~~, other than

Amendment 6—On page 1, in the title, line 8, after the semicolon (;) insert: amending s. 63.097, F.S., revising requirements for approval of fees to intermediaries;

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

CS for SB 1062 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—29

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

Nays—None

Vote after roll call:

Yea—Girardeau, Hair, Hill, Peterson

Reconsideration

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

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 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.

—as amended passed June 2.

On motion by Senator Crawford, the Senate reconsidered the vote by which SB 1262 was read the third time.

On motion by Senator Crawford, the Senate reconsidered the vote by which Amendment 4 was adopted. By permission, Amendment 4 was withdrawn.

Senator Crawford moved the following amendment which was adopted:

Amendment 6—On page 26, line 28 through page 30, line 15, strike all of said lines and insert:

Section 18. Section 280.13, Florida Statutes, is amended to read:

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 or, 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 and notes or 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), all bonds or certificates of indebtedness shall be interest bearing or accruing.

(4) *The Treasurer may disapprove any security that 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.
- (h) Obligations of the Federal National Mortgage Association, including participation certificates.
- (i) Obligations guaranteed by the Government National Mortgage Association.
- (j) Federal Home Loan Bank time deposits.

(k) General obligations of a state of the United States or, of Puerto Rico, or of a political subdivision or municipality thereof.

(l) Obligations issued by the Florida State Board of Education under authority of the State Constitution or applicable statutes.

(m) County or municipal tax anticipation certificates or warrants having maturities not exceeding 1 year.

(n) Obligations of a public housing authority.

(o) Any single issue of revenue bonds or certificates of a state of the United States or of a political subdivision or municipality thereof.

(p) 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 and notes or 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), all bonds or certificates of indebtedness shall be interest bearing or accruing.

(4) *The Treasurer may disapprove any security that does not meet the requirements of this section.*

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—33

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

Nays—None

Vote after roll call:

Yea—Girardeau, Hair, Peterson

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 167, SB 176, CS for SB 182, CS for SB 222, Senate Bills 332, 355, 373, 393, CS for SB 413, Senate Bills 435, 504, CS for SB 515, Senate Bills 538, 567, CS for SB 607, CS for SB 624, CS for SB 644, Senate Bills 650, 658, 957, CS for SB 982, CS for SB 986, CS for SB 1013, SB 1039, CS for SB 1074, Senate Bills 1123, 1155, CS for SB 1256, CS for SB 1268; has passed by the required Constitutional three-fifths vote of the membership of the House SJR 459; and has receded from House Amendments 1 and 2 to SB 667 and passed as amended.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 1 and passed SB 762, as amended; and has receded from House Amendments 3 and 4 to CS for SB 55 and passed as amended.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered engrossed and then enrolled.

CLAIM BILLS

SB 337—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Consuelo Lince Escobar and Carlos Escobar, her husband, and Consuelo Lince Escobar and Carlos Escobar,

as natural parents and guardians of Robert Escobar, a minor, to compensate them for injuries sustained by Consuelo Lince Escobar and Robert Escobar, a minor, from an accident caused by the negligence of Metropolitan Dade County; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 337 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—1

Langley

Vote after roll call:

Yea—Girardeau, Hair, Jennings, Peterson

On motion by Senator Weinstein, by two-thirds vote CS for HB 271 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Weinstein—

CS for HB 271—A bill to be entitled An act relating to Broward County; providing for the relief of Edward W. Farlow to compensate him for a verdict rendered which is in excess of the limits of the waiver of sovereign immunity; providing for payment by Broward County; providing an effective date.

—a companion measure, was substituted for SB 394 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 271 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Girardeau, Hair, Peterson

SB 394 was laid on the table.

On motion by Senator McPherson, by two-thirds vote HB 252 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator McPherson—

HB 252—A bill to be entitled An act relating to Broward County; providing for the relief of William R. Aydelotte, Jr. and his wife Gladys Aydelotte to compensate them for injuries received; providing an effective date.

—a companion measure, was substituted for SB 397 and read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 252 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Frank	Jenne	Meek	Thurman
Gordon	Johnson	Myers	Weinstein
Grant	Langley	Ros-Lehtinen	Weinstock
Grizzle	Malchon	Scott	Woodson
Hill	Margolis	Stuart	
Hollingsworth	McPherson	Thomas	

Nays—None

Vote after roll call:

Yea—Girardeau, Hair, Kirkpatrick, Peterson

SB 397 was laid on the table.

SB 1309—A bill to be entitled An act relating to Metropolitan Dade County (“DADE COUNTY” hereafter); providing for the relief of BEVERLY FAYE BOLLASH (“BOLLASH” hereafter), as personal representative of the Estate of MARY LOU STREHLAU, deceased (“STREHLAU” hereafter), on behalf of said estate and the lawful survivors of the deceased, to wit, KIMBERLY SUSAN STREHLAU and SHANNON LEE STREHLAU, a minor, to compensate said estate and survivors for damages for the death of said deceased in an intersectional collision between an automobile owned and being operated by STREHLAU and a vehicle owned and being operated by MARY FAIRFAX (“FAIRFAX” hereafter) which was allegedly caused by the negligence of DADE COUNTY in maintaining a malfunctioning traffic light at said intersection; providing for payment of said compensation by DADE COUNTY; providing an effective date.

—was read the second time by title.

One amendment was adopted to SB 1309 to conform the bill to CS for HB 278.

Pending further consideration of SB 1309 as amended, on motion by Senator Plummer, by two-thirds vote CS for HB 278 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Plummer—

CS for HB 278—A bill to be entitled An act relating to Metropolitan Dade County (“Dade County” hereafter); providing for the relief of Beverly Faye Bollash (“Bollash” hereafter), as personal representative of the Estate of Mary Lou Strehlau, deceased (“Strehlau” hereafter), on behalf of said estate and the lawful survivors of the deceased, to wit, Kimberly Susan Strehlau and Shannon Lee Strehlau, a minor, to compensate said estate and survivors for damages for the death of said deceased in an intersectional collision between an automobile owned and being operated by Strehlau and a vehicle owned and being operated by Mary Fairfax (“Fairfax” hereafter) which was allegedly caused by the negligence of Dade County in maintaining a malfunctioning traffic light at said intersection; providing for payment of said compensation by Dade County; providing an effective date.

—a companion measure, was substituted for SB 1309 and read the second time by title. On motion by Senator Plummer, by two-thirds vote CS for HB 278 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Girardeau, Hair, Peterson

SB 1309 was laid on the table.

HB 59—A bill to be entitled An act relating to the City of Clearwater, Pinellas County; providing for the relief of the estate of Daniel Sullivan to compensate for the loss of his life; providing for payment by the City of Clearwater; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 59 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Peterson

CS for HB 110—A bill to be entitled An act relating to Dade County; providing for the relief of Luis D. Cifuentes, surviving spouse, and Claudia Cecilia Cifuentes, surviving child of Marta Cifuentes, to compensate them for the death of Marta Cifuentes who died while sunbathing on Virginia Key Beach, Dade County, Florida, when struck by an automobile; providing for payment by Metropolitan Dade County; providing an effective date.

—was read the second time by title. On motion by Senator Ros-Lehtinen, by two-thirds vote CS for HB 110 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Senator Hair presiding

CS for HB 270—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; providing for the relief of Susan Ann Kropff, to compensate her for injuries sustained by her from an accident caused by the negligence of Trooper James Carr, the defendant's employee; providing for payment by the Department of Highway Safety and Motor Vehicles; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote CS for HB 270 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Girardeau, Peterson

Motion

On motion by Senator Grant, the House was requested to return HB 1479.

LOCAL CALENDAR

SB 1361—A bill to be entitled An act relating to the Indian Trail Water Control District in Palm Beach County; amending s. 5, ch. 57-646, Laws of Florida, as amended; establishing a system for single-member district election of the Board of Supervisors; expanding the Board of Supervisors from five to seven members; amending s. 7, ch. 57-646, Laws of Florida, as amended; establishing monthly landowner meetings and requiring consultation of landowners; redefining a quorum for landowners' meetings; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 1361 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Gordon Weinstock

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

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 509 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 526 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

HB 534—A bill to be entitled An act relating to the Civil Service System of the City of Jacksonville; amending section 19 of chapter 67-1320, as amended by chapters 69-1171, 73-507, and 81-402, Laws of Florida; providing for co-pension contributions of employees whose positions are funded by grants; prohibiting the city from making payment for such contributions from city funds; providing for the transfer to civil service status of any employee of the City after three (3) years of service as a Grant employee; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 534 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

HB 621—A bill to be entitled An act relating to Washington County; authorizing the Board of County Commissioners of said county, acting in conjunction with the Washington County Hospital Board of Trustees, to enter into management agreements with and to lease or sell the Washington County Hospital to either a nonprofit entity or a for profit business entity; requiring certain nonprofit corporations to provide certain gross revenues for charity care, indigent care, and Medicaid; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 621 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 630 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 664 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 665 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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

—was read the second time by title.

Senator Woodson moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of lines 17-28 and renumber subsequent sections.

Amendment 2—In title, on page 1, strike all of lines 3-8 and insert: section 2 of chapter 86-381, Laws of Florida; providing for the amendment of the legal description for Myakka City Fire Control District;

On motion by Senator Woodson, by two-thirds vote HB 673 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

HB 675—A bill to be entitled An act relating to Hillsborough County; requiring the issuance of licenses for gill net fishing in the saltwaters of the county by the Department of Natural Resources; providing a license fee and providing for the use of funds derived therefrom; requiring the display of license numbers; providing a penalty; providing for the use of similar licenses; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote HB 675 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

HB 680—A bill to be entitled An act relating to Hillsborough County; creating the Hillsborough County Water and Wastewater Utilities Authority; declaring the legislative intent hereof; providing purposes hereof; providing for a governing board of the authority; providing for powers of the authority; declaring the public purpose of the authority; providing for the transfer of assets and liabilities of the Hillsborough County Department of Water and Wastewater Utilities to the authority; providing rate-setting procedures; providing for personnel transition and policies; providing an appeal process and procedure from actions of the authority; providing for an executive director; providing for a fiscal year and budget to be established by the Hillsborough County Commission; providing for the execution of documents and payment of bills; providing for an annual audit; providing for amendment of this act without referendum; providing for transition procedures; prohibiting discrimination by the authority; providing for severability; providing for liberal construction; providing for referendum by the electors of Hillsborough County and effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote HB 680 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 696 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 857 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 888 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 894 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

HB 953—A bill to be entitled An act relating to the South Indian River Water Control District in Palm Beach County; amending section 6 of chapter 71-820, Laws of Florida, as amended, granting the board of supervisors the power to expend funds of the District to pay for engineering studies for the purpose of planning facilities to provide potable water

distribution and waste water collection systems to those lands lying East of the Interstate 95 in Palm Beach County, in cooperation with the Town of Jupiter and the Loxahatchee River Environmental Control District, and to pay for the construction, maintenance, improvement and repair of those facilities where such construction, maintenance, improvement and repair is not performed by other governmental bodies, and to levy special assessments, on the basis of parcels benefited rather than acres benefited, for said purposes, and to transfer said facilities to the Town of Jupiter and the Loxahatchee River Environmental Control District for operation and maintenance; amending section 13 of chapter 71-820, Laws of Florida, as amended, granting the District Engineer the authority to formulate plans for providing potable water distribution and waste water collection systems to those lands within the District lying East of the Interstate 95 in Palm Beach County; authorizing the Board of Supervisors to implement such plans; amending section 14 of chapter 71-820, Laws of Florida, as amended, authorizing the Board of Supervisors to exercise all powers granted to the District in chapter 298, Florida Statutes, in order to implement the potable water distribution and waste water collection systems plans; amending section 15 of chapter 71-820, Laws of Florida, as amended, prohibiting the Board of Supervisors from constructing any facilities to provide potable water distribution and waste water collection systems to those lands within the District lying East of the Interstate 95 in Palm Beach County, until there has first been an affirmative showing that the owners of a majority of the parcels represented in the voting desire such potable water distribution and waste water collection systems to be constructed or improved; amending section 16 of chapter 71-820, Laws of Florida, as amended, requiring the Board of Supervisors to cease constructing, improving or maintaining said potable water distribution and waste water collection systems in the event that any governmental entity elects to construct, improve or maintain any facilities to provide potable water distribution and waste water collection systems to those lands within the District lying East of the Interstate 95 in Palm Beach County, providing that the owners of a majority of the parcels, within the District as a whole or a majority of the landowners within the area to be benefited, are in favor of said election; amending section 17 of chapter 71-820, Laws of Florida, as amended, authorizing the District to issue bonds to pay for all potable water distribution and waste water collection systems improvements for those lands within the District lying East of the Interstate 95 in Palm Beach County; deleting provisions for the interest rate on the bonds issued by the District; amending section 19 of chapter 71-820, Laws of Florida, as amended, requiring the Board of Supervisors to maintain its accounts and books of record in a manner which will provide for the tracing of receipts and expenditures applicable to the maintenance of facilities for potable water distribution and waste water collection systems and the construction of facilities for fresh water, sewage, and waste removal; providing for the establishment of an additional budget for the construction of facilities for potable water distribution and waste water collection systems; providing that commissioners shall be paid a reasonable amount for their services; providing that the purchase and placement of stable materials within the District shall be deemed to constitute road maintenance and not road construction; ratifying and confirming the Judgment Extending the Corporate Life of the District perpetually and, further, extending the life of the District perpetually; defining the term "parcel"; authorizing the Board of Supervisors to levy a one-time special assessment to pay for specified projects; providing severability; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendment which was adopted:

Amendment 1—On page 5, line 3, strike "if" and insert: *is*

On motion by Senator Myers, by two-thirds vote HB 953 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Kiser	Margolis	Ros-Lehtinen	Weinstock
Langley	Meek	Thomas	
Lehtinen	Myers	Thurman	
Malchon	Plummer	Weinstein	

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

Yea to Nay—Weinstock

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

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 954 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

Yea to Nay—Weinstock

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

—was read the second time by title. On motion by Senator Weinstock, by two-thirds vote HB 958 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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

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

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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

—was read the second time by title.

Senator W. D. Childers moved the following amendments which were adopted:

Amendment 1—On page 3, strike line 9 and insert:

Section 4. (1) No developer or other person may construct anywhere on Santa Rosa Island between the boundaries of the two national seashores any building or other structure to be used for residential, commercial, industrial, governmental, or recreational purposes unless such developer or person has obtained prior approval of the appropriate governmental body.

(2) The appropriate governmental body may not approve such construction unless the developer or other person undertaking such construction demonstrates to it that:

(a) All environmental and coastal construction requirements imposed by law or ordinance have been met.

(b) The design and specification for such construction meet all applicable building and safety codes.

(c) The developer or person undertaking the construction is financially solvent, has secured adequate financing for the project, and the project undertaken is economically and environmentally feasible.

Section 5. This act shall take effect July 1, 1987, except that section 4 shall take effect upon becoming a law.

Amendment 2—In title, on page 1, line 7, after the semicolon (;) insert: prohibiting construction on Santa Rosa Island under specified circumstances; requiring governmental approval for such construction; specifying criteria for such approval;

On motion by Senator W. D. Childers, by two-thirds vote HB 1126 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1195 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 1414 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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

—was read the second time by title.

Senator W. D. Childers moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 19 and 20, insert:

Section 3. Santa Rosa County shall be liable for such proportion of the liabilities of Escambia County existing on the effective date of this act as is required by Section 1 of Article VIII of the State Constitution.

(Renumber subsequent section.)

Amendment 2—On page 3, between lines 19 and 20, insert:

Section 3. (1) No developer or other person may construct anywhere on Santa Rosa Island between the boundaries of the two national seashores any building or other structure to be used for residential, commercial, industrial, governmental, or recreational purposes unless such developer or person has obtained prior approval of the appropriate governmental body.

(2) The appropriate governmental body may not approve such construction unless the developer or other person undertaking such construction demonstrates to it that:

(a) All environmental and coastal construction requirements imposed by law or ordinance have been met.

(b) The design and specification for such construction meet all applicable building and safety codes.

(c) The developer or person undertaking the construction is financially solvent, has secured adequate financing for the project, and the project undertaken is economically and environmentally feasible.

(Renumber subsequent section.)

Amendment 3—On page 3, between lines 19 and 20, insert:

Section 3. (1) Pursuant to interlocal agreement, the District School Board of Santa Rosa County and the District School Board of Escambia County shall provide education for all children in kindergarten through grade 12 who live on Santa Rosa Island within Santa Rosa County and Escambia County.

(2) If the district schools boards are unable to reach an agreement, such education shall be provided pursuant to binding arbitration by a panel of three arbitrators, one member to be appointed by the District School Board of Santa Rosa County, one member to be appointed by the District School Board of Escambia County, and one member to be appointed by the foregoing two members.

Amendment 4—In title, on page 1, line 7, after the semicolon (;) insert: providing for Santa Rosa County to assume a portion of the liabilities of Escambia County;

Amendment 5—In title, on page 1, line 7, following the semicolon (;) insert: prohibiting construction on Santa Rosa Island under specified circumstances; requiring governmental approval for such construction; specifying criteria for such approval;

Amendment 6—In title, on page 1, line 7, after the semicolon (;) insert: requiring the district school boards of Santa Rosa and Escambia Counties to provide for education of children on Santa Rosa Island; providing for interlocal agreement; providing for binding arbitration;

On motion by Senator W. D. Childers, by two-thirds vote HB 1415 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

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.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1463 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

Consideration of HB 831 was deferred.

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.

—was read the second time by title.

Senator Weinstock moved the following amendment which was adopted:

Amendment 1—On page 24, line 17, before "systems," insert: distribution

On motion by Senator Myers, by two-thirds vote HB 955 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

Yea to Nay—Weinstock

HB 957—A bill to be entitled An act relating to Delray Beach Downtown Development Authority, Palm Beach County; amending section 3, chapter 71-604, Laws of Florida, expanding the downtown area description to include commercial properties eastward of the Intracoastal Waterway; providing an effective date.

—was read the second time by title.

Senator D. Childers moved the following amendments which were adopted:

Amendment 1—On page 6, strike all of lines 22 and 23 and insert:

Section 2. This act, except for this section which shall take effect upon becoming a law, shall take effect only upon approval by a majority vote of the electors of the area affected voting in a referendum election which shall be called and held by the Delray Beach Downtown Development Authority in the City of Delray Beach at the next regular municipal election occurring at least 60 days after this act becomes a law. Any elector of the county who resides in the present Delray Beach Downtown Development Authority area or the area proposed to be added to such area is eligible to vote in such referendum election. There shall be at least 30 days' notice of the election as provided by s. 100.342, Florida Statutes.

Amendment 2—In title, on page 1, line 7, after the semicolon (;) at the end of said line insert: providing for a referendum;

On motion by Senator D. Childers, by two-thirds vote HB 957 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Woodson

CONSENT CALENDAR

Consideration of CS for SB 1013 and CS for SB 994 was deferred.

On motion by Senator Thurman, by two-thirds vote HB 350 was withdrawn from the Committee on Transportation.

On motion by Senator Thurman—

HB 350—A bill to be entitled An act relating to traffic control; amending s. 316.172, F.S., increasing the penalties for illegally passing a stopped school bus; amending s. 318.18, F.S., providing amount of civil penalty; amending s. 322.27, F.S., providing authority to suspend or revoke license; amending s. 322.28, F.S., providing for period of suspension or revocation; providing an effective date.

—a companion measure, was substituted for SB 695 and read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 350 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Peterson

SB 695 was laid on the table.

On motions by Senator Stuart—

CS for HB 1049—A bill to be entitled An act relating to medical assistance; amending s. 409.268, F.S.; revising requirements for certified public accountants who prepare certain statements with respect to the cost of providing nursing home care to indigents; providing an effective date.

—a companion measure, was substituted for CS for SB 791 and by two-thirds vote read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for HB 1049 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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	
Girardeau	Kirkpatrick	Plummer	

Nays—None

CS for SB 791 was laid on the table.

Reconsideration

On motion by Senator W. D. Childers, the Senate reconsidered the vote by which—

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

—as amended passed this day.

Senator W. D. Childers moved the following amendment which was adopted by two-thirds vote:

Amendment 7—On page 3, strike all of lines 20 and 21 and insert:

Section 4. This section and the section 3 (relating to education) shall take effect upon becoming a law, and the remainder of this act shall take effect upon implementation of the section 3 (relating to education).

On motion by Senator W. D. Childers, HB 1415 as amended was read 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

Vote after roll call:

Yea—Peterson

CONSENT CALENDAR, continued

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

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote CS for SB 1013 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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	
Girardeau	Kirkpatrick	Plummer	

Nays—None

SB 842—A bill to be entitled An act relating to traffic infractions; amending s. 316.660, F.S.; providing that fines collected by a county court for certain traffic violations be divided among certain special improvement districts and the county in which such fines were collected; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator Ros-Lehtinen and failed:

Amendment 1—On page 1, lines 27 and 30, and on page 2, lines 8 and 19, after “district” insert: created by s. 285.17

Amendment 2—On page 2, line 9, strike “subsection (1)” and insert: *this subsection*

Amendment 3—On page 2, between lines 19 and 20, insert:

Section 2. Subsection (1) of section 318.21, Florida Statutes, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(1) If the violation occurred within a municipality or a special improvement district of the Seminole and Miccosukee Indian Tribes:

(a) Twenty-five percent shall be paid to the General Revenue Fund of the state; and

(b) Seventy-five percent shall be paid to the municipality or a special improvement district of the Seminole and Miccosukee Indian Tribes.

Amendment 4—In title, on page 1, line 7, after the semicolon (;) insert: amending s. 318.21, F.S.; providing that a portion of certain fines collected by a county court be paid to certain special improvement districts.

Senator Ros-Lehtinen moved the following amendments which were adopted:

Amendment 5—On page 1, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 316.660, Florida Statutes, 1986 Supplement, is amended to read:

316.660 Disposition of fines and forfeitures collected for violations.—

(1) Except as otherwise provided, all fines and forfeitures received by any county court from violations of any of the provisions of this chapter, or from violations of any ordinances adopting matter covered by this chapter shall be deposited in the following manner: violations committed within a municipality shall be paid monthly to that municipality; violations committed within a special improvement district of the Seminole and Miccosukee Indian Tribes, as created by s. 285.17, shall be paid monthly to that special improvement district. It is the intent of the Legislature that such fines and forfeitures be paid monthly to that municipality or special improvement district, as created by s. 285.17, in addition to any other fines and forfeitures received by a county court that are required to be paid to that municipality or special improvement district, as created by s. 285.17, as otherwise provided by law. If any chartered county court having countywide jurisdiction was trying traffic offenses committed within a municipality on February 1, 1972, then in that county two-thirds of the fines and forfeitures from violations of this chapter, or from violations of any ordinances adopting matter covered by

this chapter, committed within a municipality shall be paid and distributed to the municipality, and the remainder shall be paid to the county. *The funds payable to a special improvement district, as created by s. 285.17, which is located in a charter county shall be determined in the same manner as the funds payable to municipalities in that county.* All fines and forfeitures received by any county court as the result of citations issued pursuant to s. 316.640(2)(b)1. shall be paid to the county whether or not such citations are issued for parking violations occurring within a municipality or special improvement district, as created by s. 285.17.

Section 2. Subsections (1) and (3) of section 318.21, Florida Statutes, are amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(1) If the violation occurred within a municipality or a special improvement district of the Seminole and Miccosukee Indian Tribes:

(a) Twenty-five percent shall be paid to the General Revenue Fund of the state; and

(b) Seventy-five percent shall be paid to the municipality or a special improvement district of the Seminole and Miccosukee Indian Tribes.

(3)(a) Moneys paid to the General Revenue Fund of the state under subsections (1) and (2) shall be distributed as follows:

1. Forty percent shall be deposited in the Emergency Medical Services Trust Fund for the purposes set forth in s. 401.113;

2. Twenty-five percent shall be deposited in the Additional Court Cost Clearing Trust Fund established pursuant to s. 943.25 for criminal justice purposes; and

3. The remainder may be used for any lawful purpose.

(b) Moneys paid to a municipality or special improvement district of the Seminole and Miccosukee Indian Tribes under subsection (1) shall be used to fund local criminal justice training as provided in s. 943.25(7), when such a program is established by ordinance; to fund a municipal school crossing guard program, when such a program is established by ordinance; and for any other lawful purpose.

(c) Moneys paid to a county under subsection (2) shall be used to fund local criminal justice training as provided in s. 943.25(7) when such a program is established by ordinance; to fund a county school crossing guard program, when such a program is established by ordinance; and for any other lawful purpose.

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

Amendment 6—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to traffic infractions; amending s. 316.660, F.S.; providing that fines collected by a county court for certain traffic violations be divided among certain special improvement districts and the county in which such fines were collected; amending s. 318.21, F.S.; providing that a portion of certain fines collected by a county court be paid to certain special improvement districts; providing an effective date.

On motion by Senator Ros-Lehtinen, by two-thirds vote SB 842 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	Ros-Lehtinen
Brown	Grant	Kiser	Scott
Childers, D.	Grizzle	Langley	Stuart
Childers, W. D.	Hair	Lehtinen	Thomas
Crenshaw	Hill	Malchon	Thurman
Deratany	Hollingsworth	McPherson	Weinstein
Dudley	Jenne	Meek	Weinstock
Frank	Jennings	Myers	Woodson
Girardeau	Johnson	Peterson	

Nays—None

CS for SB 994—A bill to be entitled An act relating to domestic violence; amending s. 741.30, F.S.; providing a cause of action for injunctive relief to any family member who is being victimized; redefining “domestic violence” by changing the definition of who constitutes a victim of such violence; conforming provisions relating to actions for protection against domestic violence; providing an effective date.

—was read the second time by title.

Senator Weinstein moved the following amendment which was adopted:

Amendment 1—On page 2, lines 11 and 12, strike “as though members of one household”

On motion by Senator Weinstein, by two-thirds vote CS for SB 994 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	Gordon	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	McPherson	Thurman
Childers, W. D.	Hollingsworth	Meek	Weinstein
Crawford	Jenne	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson
Dudley	Johnson	Plummer	
Frank	Kirkpatrick	Ros-Lehtinen	
Girardeau	Langley	Scott	

Nays—None

Vote after roll call:

Yea—Grant

SB 656—A bill to be entitled An act relating to the investment of financial assets; amending s. 744.444, F.S.; providing that a guardian may invest estate assets in securities guaranteed by the full faith and credit of the Federal Government; providing an effective date.

—was read the second time by title. On motion by Senator Plummer, by two-thirds vote SB 656 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

CS for SB 763—A bill to be entitled An act relating to educational facilities; amending s. 235.41, F.S.; requiring the Commissioner of Education, in consultation with the legislative appropriations committees, to provide annually to the State Board of Community Colleges and the Board of Regents an estimate of funds to be utilized by the boards in developing their 3-year priority lists; amending s. 235.435, F.S.; providing certain restrictions on the inclusion of certain projects on 3-year priority lists; providing for the carrying forward of certain unfunded projects on such lists; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote CS for SB 763 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Myers	Stuart	Weinstein
Ros-Lehtinen	Thomas	Weinstock
Scott	Thurman	Woodson

Nays—None

Vote after roll call:

Yea—Peterson

CS for SB 827 was laid on the table.

Nays—None

On motions by Senator Myers—

HB 606—A bill to be entitled An act relating to local government; amending s. 125.01, F.S.; authorizing counties to establish municipal service taxing units which include municipalities or portions thereof to provide fire control and rescue services; authorizing the levy of charges, assessments, or taxes therein; providing procedures and requirements; providing procedures for removal of a municipality or portion thereof from such unit; providing millage limitations; providing an effective date.

—a companion measure, was substituted for SB 730 and by two-thirds vote read the second time by title. On motion by Senator Myers, by two-thirds vote HB 606 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	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	

Nays—None

Vote after roll call:

Yea—Langley

SB 730 was laid on the table.

On motions by Senator Dudley, by two-thirds vote CS for HB 453 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

On motions by Senator Dudley—

CS for HB 453—A bill to be entitled An act relating to local option taxes; amending s. 125.0104, F.S.; 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; providing an effective date.

—a companion measure, was substituted for CS for SB 827 and by two-thirds vote read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for HB 453 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

CS for SB 644—A bill to be entitled An act relating to saltwater products dealers; amending s. 370.07, F.S., providing definitions; revising license fees; requiring retail dealers to keep certain records; amending s. 370.06, F.S.; providing criteria for saltwater products license; amending s. 370.14, F.S.; requiring a saltwater products license for certain harvest of crawfish; changing fee disposition; requiring certain display of licenses and trap numbers; providing a fee for certain harvest by any other method; authorizing the Department of Natural Resources to implement a trap retrieval program; providing a retrieval fee; conditioning renewal of a trap number upon payment of such fees; providing for waiver under certain circumstances; defining the term "licensed saltwater fisheries trap"; prohibiting the unlawful possession of such traps; providing penalties; providing exceptions; requiring owners of such traps to provide the Department of Natural Resources with certain information; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote CS for SB 644 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Hollingsworth

Vote after roll call:

Nay to Yea—Hollingsworth

CS for SB 1181—A bill to be entitled An act relating to persons with disabilities; authorizing the Governor to designate a private nonprofit corporation to receive federal funds for certain programs providing for protection and advocacy of the rights of persons with disabilities; transferring all powers, duties, property, etc., of the Governor's Commission on Advocacy for Persons with Disabilities to the nonprofit corporation; requiring the nonprofit corporation to meet certain federal requirements; authorizing access to client records and facilities as provided by federal law; providing for the confidentiality of certain records; providing state liability insurance coverage, use of state communications system, and sovereign immunity; requiring state agencies to cooperate with the nonprofit corporation; providing for submission of annual audits by the nonprofit corporation to the Governor; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendments which were adopted:

Amendment 1—On page 3, strike all of lines 24-29 and insert:

(7) All departments, officers, agencies, and

Amendment 2—In title, on page 1, strike all of lines 16 and 17 and insert: insurance coverage and use of state communications system; requiring state

On motion by Senator Margolis, by two-thirds vote CS for SB 1181 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	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	

Nays—None

On motions by Senator Malchon—

CS for HB 802—A bill to be entitled An act relating to toxic substances; amending ss. 442.102, 442.103, 442.109, 442.115, and 442.118, F.S.; creating s. 442.130, F.S.; revising the definition of "health professional"; providing for regulation of toxic substances stored in a workplace by the Department of Labor and Employment Security; providing an additional source for the Florida Substance List; exempting sealed substances, consumer products, and stored substances from certain regulations; providing for information regarding the presence of toxic substances to be furnished to local emergency agencies; providing for enforcement of regulations of the department by counties and municipalities; providing a civil penalty; providing for a standard form; requiring notice of toxic substances which may be used in the performance of such contract; providing the district superintendent with the responsibility of enforcing safety precautions set forth in the material safety data sheets for toxic substances used; providing a prohibition against the impairment of obligations of contract; providing an effective date.

—a companion measure, was substituted for CS for SB 904 and by two-thirds vote read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for HB 802 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	Grizzle	Lehtinen	Stuart
Childers, 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

CS for SB 904 was laid on the table.

On motion by Senator Lehtinen, by two-thirds vote HB 740 was withdrawn from the Committee on Transportation.

On motion by Senator Lehtinen—

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

—a companion measure, was substituted for SB 1136 and read the second time by title. On motion by Senator Lehtinen, by two-thirds vote HB 740 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

SB 1136 was laid on the table.

CS for SB 920—A bill to be entitled An act relating to mental health; amending s. 394.455, F.S.; providing a definition of involuntary placement; amending s. 394.4785, F.S.; requiring the review of placement of a minor in a mental health unit by the attending physician or a designee or an on-call physician; amending s. 394.875, F.S.; modifying the licensed bed capacity limits for crisis stabilization units for a limited time; providing for a report and study of the utilization of crisis stabilization units; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 920 to conform the bill to CS for HB 921.

Pending further consideration of CS for SB 920 as amended, on motion by Senator Langley, by two-thirds vote CS for HB 921 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Langley—

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

—a companion measure, was substituted for CS for SB 920 and read the second time by title. On motion by Senator Langley, by two-thirds vote CS for HB 921 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for SB 920 was laid on the table.

SB 1202—A bill to be entitled An act relating to licenses; amending s. 320.131, F.S.; providing for temporary license tags for marine boat trailers to be issued; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 1202 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

On motion by Senator Kirkpatrick, by two-thirds vote HB 1297 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Kirkpatrick—

HB 1297—A bill to be entitled An act relating to disposition of dead human bodies; amending s. 470.019, F.S.; providing for new disciplinary actions and grounds for discipline against direct disposal establishments and direct disposers; amending s. 470.036, F.S.; providing for disciplinary actions against cinerator facilities; providing an effective date.

—a companion measure, was substituted for SB 1238 and by two-thirds vote read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 1297 was read the third time by title.

Further consideration of HB 1297 was deferred.

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

—was read the second time by title.

Senator D. Childers moved the following amendments which were adopted:

Amendment 1—On page 1, lines 25 and 26, strike everything after the enacting clause and insert:

Section 2. Section 233.051, Florida Statutes, is amended to read:

233.051 Programs of remediation.—

(1) By August 1, 1990, programs of remediation shall primarily be the responsibility of the district school boards through their schools. This remediation shall provide students with enhancement or improvement of any basic skills in which the students are deficient and shall assist students in moving from one grade or level to another, ~~including moving from secondary education to postsecondary education~~, and assist residents of the district who request remedial assistance, including those residents with high school diplomas.

(2) *Each district school board shall notify the parents of a student receiving remediation in elementary or secondary school that the student is receiving remediation, and all reports of the student's progress in programs of remediation shall include a statement that the program is remedial and a record of the skill level or grade level upon which an evaluation is based.*

(3)(2) The district school boards shall work with the community colleges in their districts in order to assure that the community college students have access to remedial education.

(4)(3) Beginning October 1, 1984, the Department of Education shall submit an annual report to the Legislature outlining the progress being made in the school districts, community colleges, and state universities toward fulfilling the objectives of this section and s. 240.117.

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

Amendment 2—In title, on page 1, strike all of lines 2-6 and insert: An act relating to remedial education; amending s. 233.051, F.S.; specifying content of remediation programs; requiring a district school board to notify the parents of a student receiving remedial education; requiring certain reports to reflect a student's participation and progress in remedial programs; providing an effective date.

On motion by Senator Johnson, by two-thirds vote CS for HB 282 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Reconsideration

On motion by Senator Johnson, the Senate reconsidered the vote by which CS for HB 282 as amended passed.

Further consideration of CS for HB 282 was deferred.

CS for SB 353—A bill to be entitled An act relating to children; providing intent; providing definitions; providing for establishment of a pilot program for a network of services of alternative treatment for specified children in District VII, Department of Health and Rehabilitative Services; requiring the department to contract for services; providing for evaluation and report; providing an appropriation; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 353 to conform the bill to CS for HB 129.

Pending further consideration of CS for SB 353 as amended, on motions by Senator Jennings, by two-thirds vote CS for HB 129 was withdrawn from the Committees on Health and Rehabilitative Services; and Appropriations.

On motions by Senator Jennings—

CS for HB 129—A bill to be entitled An act relating to children; providing intent; providing definitions; providing for establishment of a pilot program for a network of services of alternative treatment for specified children in District VII, Department of Health and Rehabilitative Services; requiring the department to contract for services; providing for evaluation and report; providing an effective date.

—a companion measure, was substituted for CS for SB 353 and by two-thirds vote read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for HB 129 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	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 353 was laid on the table.

On motion by Senator Deratany, 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 with amendments CS for SB 142 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 142—A bill to be entitled An act relating to tax administration; amending ss. 72.011, 213.05, 213.053, 220.53, F.S.; revising certain statute cross references; authorizing the Department of Revenue to disclose to local governments certain taxpayer information under certain circumstances; amending ss. 198.14, 198.15, F.S.; providing for extending the time for paying estate taxes under certain circumstances; amending ss. 199.135, 201.132, F.S.; requiring clerks of circuit courts to pay certain taxes to the Department of Revenue within a certain time; providing for a collection allowance for clerks; amending s. 199.282, F.S.; authorizing the Department of Revenue to settle or compromise certain taxes, penalties, or interest; amending s. 201.01, F.S.; exempting certain governmental entities from the documentary stamp tax; requiring nonexempt parties to a document to pay such tax; amending s. 201.05, F.S.; defining "stock"; providing penalties; creating s. 832.062, F.S.; prohibiting paying taxes, penalties, interest, fees or associated amounts to the Department of Revenue with worthless checks, drafts, or debit card orders; providing penalties; amending s. 832.07, F.S.; providing for prima facie evidence of identity of persons issuing bad checks, drafts, or debit card orders; amending s. 214.14, F.S.; providing a technical correction; amending s. 220.03, F.S.; correcting certain internal cross references; repealing s. 201.04, F.S., relating to taxing transfers of stock; providing an effective date.

Amendment 1—On page 15, between lines 8 and 9, insert:

Section 14. Section 498.019, Florida Statutes, is amended to read:

498.019 *Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund.*—There is created within the State Treasury the *Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund* to be used for the administration and operation of this chapter and chapters 718, 719, 721, and 723 by the division. All funds collected by the division and any amount paid for a license, fee, or penalty under this chapter shall be deposited in the State Treasury to the credit of the trust fund created by this section. The *Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund* shall be subject to the service charge imposed pursuant to chapter 215.

Section 15. Subsection (4) of section 498.049, Florida Statutes, is amended to read:

498.049 Suspension; revocation; civil penalties.—

(4) The division may, by order, impose civil penalties against any person for violations of this chapter or rules relating hereto. Such imposition of a civil penalty shall not preclude the division from invoking any other appropriate remedy authorized by this chapter. Each person who materially participates in any offer or disposition of any interest in subdivided lands in violation of this chapter or rules relating hereto, which violation involves fraud, deception, false pretenses, misrepresentation, or false advertising or involves the disposition, concealment, or diversion of any funds or assets of any person so as to adversely affect the interests of a purchaser of any interest in subdivided lands, and who directly or indirectly controls a subdivider or is a general partner, officer, director, agent, or employee of a subdivider shall also be liable under this subsection jointly and severally with and to the same extent as the subdivider, unless such person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by which such liability is alleged to exist, and among such persons there is a right of contribution as in cases of contracts among persons so liable, except that a creditor of a subdivider so liable shall not be jointly and severally liable unless the creditor has assumed managerial or fiduciary responsibility in a manner which is pertinent to the basis for the liability of the subdivider under this subsection. No civil penalty so imposed shall exceed \$10,000 for each offense, and all amounts collected shall be deposited with the Treasurer to the credit of the *Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund*. No order requiring the payment of a civil penalty shall become effective until 20 days after the date of such order, unless otherwise agreed in writing by the person on whom the penalty is imposed.

Section 16. Paragraph (d) of subsection (1) and subsection (2) of section 718.501, Florida Statutes, 1986 Supplement, are amended to read:

718.501 Powers and duties of Division of Florida Land Sales, Condominiums, and Mobile Homes.—

(1) The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by

chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. In performing its duties, the division has the following powers and duties:

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against any developer or association, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer or association, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignee or agent, for any violation of this chapter or a rule promulgated pursuant hereto. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. All amounts collected shall be deposited with the Treasurer to the credit of the *Division of Florida Land Sales, Condominiums, and Mobile Homes Florida Condominiums Trust Fund*. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order will not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(2)(a) Each condominium association which operates more than two units shall pay to the division, on or before January 1 of each year, an annual fee in the amount of ~~\$2 50 cents~~ for each residential unit in condominiums operated by the association. If the fee is not paid by ~~March~~ June 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association will not have standing to maintain or defend any action in the courts of this state until the amount due, plus any penalty, is paid.

(b) All fees shall be deposited in the *Division of Florida Land Sales, Condominiums, and Mobile Homes Florida Condominiums Trust Fund* as provided by law.

Section 17. Subsection (3) of section 718.502, Florida Statutes, is amended to read:

718.502 Filing prior to sale or lease.—

(3) Upon filing as required by subsection (1), the developer shall pay to the division a filing fee of \$15 ~~\$10~~ for each residential unit to be sold by the developer which is described in the documents filed. If the condominium is to be built or sold in phases, the fee shall be paid prior to offering for sale units in any subsequent phase.

Section 18. Section 718.509, Florida Statutes, is amended to read:

718.509 *Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund.*—~~There is created within the State Treasury the Florida Condominiums Trust Fund to be used for the administration and operation by the division of this chapter and chapter 719. All funds collected by the division and any amount paid for a fee or penalty under this chapter shall be deposited in the State Treasury to the credit of the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund trust fund created by s. 498.019 this section. The Florida Condominiums Trust Fund shall be subject to the service charge imposed pursuant to chapter 215.~~

Section 19. Paragraph (d) of subsection (1) and subsection (2) of section 719.501, Florida Statutes, 1986 Supplement, are amended to read:

719.501 Powers and duties of Division of Florida Land Sales, Condominiums, and Mobile Homes.—

(1) The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units. In performing its duties, the division shall have the following powers and duties:

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer or association, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer or association, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or a rule promulgated pursuant hereto. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. All amounts collected shall be deposited with the Treasurer to the credit of the *Division of Florida Land Sales, Condominiums, and Mobile Homes Florida Condominiums Trust Fund*. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(2)(a) Each cooperative association shall pay to the division, on or before January 1 of each year, an annual fee in the amount of \$2 ~~50 cents~~ for each residential unit in cooperatives operated by the association. If the fee is not paid by ~~March June~~ 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association shall not have the standing to maintain or defend any action in the courts of this state until the amount due is paid.

(b) All fees shall be deposited in the *Division of Florida Land Sales, Condominiums, and Mobile Homes Florida Condominiums Trust Fund* as provided by law.

Section 20. Subsection (3) of section 719.502, Florida Statutes, 1986 Supplement, is amended to read:

719.502 Filing prior to sale or lease.—

(3) Upon filing as required by subsection (1), the developer shall pay to the division a filing fee of \$15 ~~\$10~~ for each residential unit to be sold by the developer which is described in the documents filed. If the cooperative is to be built or sold in phases, the fee shall be paid prior to offering for sale units in any subsequent phase.

Section 21. Paragraph (d) of subsection (5) of section 721.26, Florida Statutes, is amended to read:

721.26 Regulation by division.—In addition to other powers and duties prescribed by chapters 498, 718, and 719, the division has the power to enforce and ensure compliance with the provisions of this chapter. In performing its duties, the division shall have the following powers and duties:

(5) Notwithstanding any remedies available to purchasers, if the division has reasonable cause to believe that a violation of this chapter has occurred, the division may institute enforcement proceedings in its own name against any developer, exchange program, seller, managing entity, association, or other person as follows:

(d)1. The division may impose a civil penalty against any developer, exchange program, seller, association, managing entity, escrow agent, or other person for a violation of this chapter. A penalty may be imposed on the basis of each day of continuing violation, but in no event may the penalty for any offense exceed \$10,000. All accounts collected shall be deposited with the Treasurer to the credit of the *Division of Florida Land Sales, Condominiums, and Mobile Homes Florida Real Estate Time-Sharing Trust Fund*.

2.a. If a developer, exchange program, seller, escrow agent, or other person fails to pay a civil penalty, the division shall thereupon issue an order directing that such developer, exchange program, seller, escrow agent, or other person cease and desist from further operation until such time as the civil penalty is paid; or the division may pursue enforcement of the penalty in a court of competent jurisdiction.

b. If an association or managing entity fails to pay a civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction.

Section 22. Section 721.28, Florida Statutes, is amended to read:

721.28 *Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund*.— ~~Florida Real Estate Time-Sharing Trust Fund~~.— ~~There is created within the State Treasury the Florida Real Estate Time-Sharing Trust Fund, to be used for the administration and operation of this chapter by the division. All funds collected by the division and any amounts paid as fees or penalties under this chapter shall be deposited in the State Treasury to the credit of the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund trust fund created by s. 498.019. This section. The Florida Real Estate Time-Sharing Trust Fund shall be subject to the service charge imposed pursuant to chapter 315.~~

Section 23. Paragraph (d) of subsection (5) of section 723.006, Florida Statutes, 1986 Supplement, is amended to read:

723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(5) Notwithstanding any remedies available to mobile home owners, mobile home park owners, and homeowners' associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or any rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, mobile home park owner, or homeowners' association, or its assignee or agent, as follows:

(d)1. The division may impose a civil penalty against a mobile home park owner or homeowners' association, or its assignee or agent, for any violation of this chapter, a properly promulgated park rule or regulation, or a rule or regulation promulgated pursuant hereto. A penalty may be imposed on the basis of each separate violation and, if the violation is a continuing one, for each day of continuing violation, but in no event may the penalty for each separate violation or for each day of continuing violation exceed \$5,000. All amounts collected shall be deposited with the Treasurer to the credit of the *Division of Florida Land Sales, Condominiums, and Mobile Homes Florida Mobile Home Trust Fund*.

2. If a violator fails to pay the civil penalty, the division shall thereupon issue an order directing that such violator cease and desist from further violation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If a homeowners' association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in which the violation occurred.

Section 24. Section 723.009, Florida Statutes, is amended to read:

723.009 *Division of Florida Land Sales, Condominiums, and Mobile Homes Mobile Home Trust Fund.*—All proceeds from the fees, penalties, and fines imposed pursuant to this chapter, ~~minus the service charge imposed by s. 215.20,~~ shall be deposited into the *Division of Florida Land Sales, Condominiums, and Mobile Homes Mobile Home Trust Fund* created by s. 498.019, ~~which is hereby created.~~ Moneys in this fund, as appropriated by the Legislature pursuant to chapter 216, may be used to defray the expenses incurred by the division in administering the provisions of this chapter.

Section 25. *The Florida Land Sales Trust Fund, the Florida Condominium Trust Fund, and the Florida Mobile Home Trust Fund are hereby dissolved and all funds contained therein shall be merged and credited to the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund.*

(Renumber subsequent sections of the bill.)

Amendment 2—On page 2, line 2, insert after the semicolon (;) amending s. 498.019, F.S., creating the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to be used for designated purposes; eliminating the Florida Land Sales Trust Fund; amending s. 498.049, F.S., conforming to the act; amending s. 718.501, F.S., deleting reference to the Florida Condominiums Trust Fund and referring to the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund; increasing unit fees paid by condominium associations; revising the date for late payment of fees; amending s. 718.502, F.S., increasing condominium developer fees; amending s. 718.509, F.S., eliminating the Florida Condominiums Trust Fund and substituting therefor the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund; amending s. 719.501, F.S., increasing unit fees paid by cooperative associations; revising the date for late payments; amending s. 719.502, F.S., increasing cooperative developer fees; amending s. 721.26, F.S., deleting reference to the Florida Real Estate Time-Sharing Trust Fund; amending s. 721.28, F.S., eliminating the Florida Real Estate Time-Sharing Trust Fund and substituting therefor the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund; amending s. 723.006, F.S., conforming to the act; amending s. 723.009, F.S., eliminating the Florida Mobile Home Trust Fund and substituting therefor the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund; dissolving the Florida Land Sales Trust Fund, the Florida Condominiums Trust Fund, and the Florida Mobile Home Trust Fund; providing for transfer of funds;

On motions by Senator Deratany, 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.

Motion

Senator Langley moved that the Senate reconsider the vote by which the Senate refused to concur in the House amendments.

Further consideration of CS for SB 142 was deferred.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 790 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 790—A bill to be entitled An act relating to the Board of Professional Land Surveyors; creating s. 472.008, F.S.; providing rulemaking authority; amending s. 472.017, F.S.; creating s. 472.018, F.S.; providing a continuing education requirement for license renewal; providing an effective date.

Amendment 1—On page 1, lines 11-18, strike all of said lines and insert:

Section 1. Subsection (28) is added to section 177.091, Florida Statutes, to read:

177.091 Plats made for recording.—Every plat of a subdivision offered for recording shall conform to the following:

(28) *The plat shall include in a prominent place the following statement: "NOTICE: There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county."*

Section 2. Section 472.008, Florida Statutes, is created to read:

472.008 *Rules of the board.*—The board shall adopt such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by this chapter. Such rules shall set out alternative methods that, as a condition of licensing and prior to the issuance or renewal of an active license for the practice of land surveying, an applicant shall demonstrate to the satisfaction of the board and the department that he or his employer has the financial responsibility to pay claims and costs ancillary thereto arising out of the rendering of, or the failure to render, services pursuant to this chapter.

Section 3. Subsection (10) is added to section 553.79, Florida Statutes, 1986 Supplement, to read:

553.79 Application.—

(10) *No enforcing authority may issue a building permit for any building construction, erection, alteration, repair, or addition unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county."*

Section 4. *Each section which is added to chapter 472, Florida Statutes, by this act is repealed on October 1, 1989, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.*

(Renumber subsequent sections.)

Amendment 2—On page 1, in title, line 3, after Surveyors; insert: amending s. 177.091, F.S.; requiring that a notice regarding possible additional restrictions be included on each recorded plat of a subdivision; creating s. 472.008, F.S.; providing rulemaking authority of the Board of Professional Land Surveyors; requiring rules on financial responsibility; amending s. 553.79, F.S.; prohibiting the issuance of building permits unless they include a notice regarding possible additional restrictions; providing for review and repeal;

Amendment 3—On page 1, line 11, insert new Sections 1 and 2 to read:

Section 1. Section 471.008, Florida Statutes, is created to read:

471.008 *Rules of the board.*—The board may adopt such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by this chapter.

Section 2. Paragraph (f) of subsection (2) of section 471.003, Florida Statutes, is amended to read:

471.003 Qualifications for practice, exemptions.—

(2) The following persons are not required to register under the provisions of ss. 471.001-471.039 as a registered engineer:

(f) Any certified full-time faculty member teaching the principles and methods of engineering design in any college or university located in the state, as of July 1, 1979, and any such faculty member initially employed after July 1, 1979, for a period of 3 2 years from the date of employment.

(Renumber subsequent sections.)

Amendment 4—On page 1, in the title, lines 2-3, strike all of said lines and insert:

An act relating to land development; creating s. 471.008, F.S., providing rulemaking authority for the Board of Professional Engineers; amending s. 471.003, F.S.; amending the registration requirement for certified full-time engineering faculty; creating s. 472.008, F.S.;

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

SB 790 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—39

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

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

Nays—None

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 1 and 2 to SB 131 and again requests the Senate to concur.

John B. Phelps, Clerk

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

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

SB 131 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

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

Nays—1

Jenne

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, by two-thirds vote HB 619 was withdrawn from the Committee on Rules and Calendar.

Recess

On motion by Senator Barron, the Senate recessed at 12:01 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Barron at 2:00 p.m. A quorum present—33:

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

CONSENT CALENDAR, continued

On motions by Senator Hollingsworth—

CS for HB 577—A bill to be entitled An act relating to hunting; amending s. 372.57, F.S., providing exemptions for licenses and stamps for hunting and fishing for residents of Georgia age 65 or older provided a reciprocal provision exists in Georgia for residents of Florida age 65 or older; providing separate nonresident hunting license fees with respect to residents of certain states contiguous to Florida unless such states have reciprocal agreements with Florida and providing for conformance with license fee changes in contiguous states; providing for repeal of exemptions for licenses and stamps for hunting and fishing for residents of

Georgia age 65 or older; amending s. 372.561, F.S., providing that all licenses and stamps issued pursuant to chapter 372, F.S., shall include a statement on allowable agent's fees; providing an effective date.

—a companion measure, was substituted for CS for CS for SB's 606 and 712 and by two-thirds vote read the second time by title.

Senator Crenshaw presiding

Senator D. Childers moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 23 and 24, insert:

(j) A sportsman's license for a resident shall be \$40.00. The sportsman's license authorizes the holder to take freshwater fish and game, wild ducks, wild geese, and wild turkeys and authorizes the same activities authorized by a management area stamp, a muzzle-loading gun stamp, and an archery stamp. A nonresident may not purchase a sportsman's license.

Amendment 2—In title, on page 1, line 26, after "amended" insert: and paragraph (j) is added to said section

On motion by Senator Hollingsworth, by two-thirds vote CS for HB 577 as amended, was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Peterson

CS for CS for SB's 606 and 712 was laid on the table.

CS for SB 795—A bill to be entitled An act relating to vessels; amending s. 327.30, F.S.; requiring the operator of a vessel involved in an accident to report the accident to certain agencies as soon as practicable; providing penalties for operators of vessels involved in certain types of accidents who leave the scene without taking certain actions; amending s. 327.25, F.S.; providing for vessel classification, registration, fees, and disposition of fees; amending s. 327.351, F.S.; providing punishment for operation of vessels while intoxicated; amending s. 327.353, F.S.; requiring an operator of a vessel to submit, under specified circumstances, to certain tests for physical impairment; creating s. 327.36, F.S.; prohibiting trial courts from withholding adjudication of guilt, suspending sentence, or accepting pleas to lesser offenses for certain specified offenses; amending s. 327.73, F.S.; providing for noncriminal infractions; creating s. 327.74, F.S.; providing for uniform boating citations; amending s. 328.05, F.S.; providing that specified unlawful acts relating to certificates of title or other indicia of ownership shall constitute any vessel to which they relate as contraband subject to seizure and forfeiture proceedings; amending s. 843.18, F.S.; providing that any vessel used to flee or attempt to elude a law enforcement officer shall be contraband subject to seizure and forfeiture proceedings; providing penalties; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendment which was adopted:

Amendment 1—On page 5, between lines 26 and 27, insert:

Section 6. Subsection (1) of section 327.37, Florida Statutes, is amended to read:

327.37 Water skis and aquaplanes regulated.—

(1) No person shall operate a vessel on any waters of this state towing a person on water skis, or an aquaplane, or similar device unless there is in such vessel a person in addition to the operator, in a position to observe the progress of the person being towed, or the vessel is equipped

with a wide-angle rear view mirror mounted in such manner as to permit the operator of the vessel to observe the progress of the person being towed. *This subsection does not apply to class A motorboats, operated by the person being towed and designed to be incapable of carrying the operator in the motorboat.*

(Renumber subsequent sections.)

Senator Stuart moved the following amendment which was adopted:

Amendment 2—On page 9, after line 31, insert:

Section 9. Section 330.36, Florida Statutes, is amended to read:

330.36 Prohibition against county or municipal licensing of airports; regulation of seaplane landings.—

(1) No county or municipality of this state shall license airports or control their location except by zoning requirements. The determination of suitable sites and standards of safety for airports shall be in accordance with the provisions of this chapter. Nothing in this chapter shall be interpreted as prohibiting a county or municipality from issuing occupational licenses to operators of airports.

(2) *A municipality may prohibit or otherwise regulate the landing of seaplanes in, over, and upon any public waters of the state which waters are located within the limits or jurisdiction of, or bordering on, the municipality.*

(Renumber subsequent sections.)

Senator Kiser moved the following amendment which was adopted:

Amendment 3—On page 1, line 20, after the semicolon (;) insert: amending s. 327.37, F.S.; exempting class A motorboats from requirements regarding the tow of a person on water skis;

Senator Stuart moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 28, after the semicolon (;) insert: amending s. 330.36, F.S.; authorizing municipalities to regulate the landing of seaplanes;

On motion by Senator Jenne, by two-thirds vote CS for SB 795 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

The Senate resumed consideration of—

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

On motion by Senator Johnson, by two-thirds vote the Senate reconsidered the vote by which CS for HB 282 was read the third time.

On motions by Senator Johnson, the Senate reconsidered the vote by which Amendments 1 and 2 were adopted. By permission, Amendments 1 and 2 were withdrawn.

Senator D. Childers moved the following amendments which were adopted:

Amendment 3—On page 1, between lines 25 and 26, insert:

Section 2. Section 233.051, Florida Statutes, is amended to read:

233.051 Programs of remediation.—

(1) By August 1, 1990, programs of remediation shall primarily be the responsibility of the district school boards through their schools. This remediation shall provide students with enhancement or improvement of any basic skills in which the students are deficient and shall assist students in moving from one grade or level to another, ~~including moving from secondary education to postsecondary education~~, and assist residents of the district who request remedial assistance, including those residents with high school diplomas.

(2) *Each district school board shall notify the parents of a student receiving remediation in elementary or secondary school that the student is receiving remediation, and all reports of the student's progress in programs of remediation shall include a statement that the program is remedial and a record of the skill level or grade level upon which an evaluation is based.*

(3)(2) The district school boards shall work with the community colleges in their districts in order to assure that the community college students have access to remedial education.

(4)(3) Beginning October 1, 1984, the Department of Education shall submit an annual report to the Legislature outlining the progress being made in the school districts, community colleges, and state universities toward fulfilling the objectives of this section and s. 240.117.

(Renumber subsequent section.)

Amendment 4—In title, on page 1, line 5, after the semicolon (;) insert: amending s. 233.051, F.S.; specifying content of remediation programs; requiring a district school board to notify the parents of a student receiving remedial education; requiring certain reports to reflect a student's participation and progress in remedial programs;

On motion by Senator Johnson, by two-thirds vote CS for HB 282 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

SB 348—A bill to be entitled An act relating to road contractors; amending s. 337.11, F.S.; requiring contracts let by the Department of Transportation to include provisions for registration of vehicles used by nonresident road contractors; defining nonresident road contractor; amending s. 337.141, F.S.; prohibiting payments by the department to such contractors who have not submitted proof of such registration; amending s. 337.16, F.S.; establishing the failure to register motor vehicles by such contractors as a ground for suspension or revocation of the contractors' certificates of qualification; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote SB 348 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Beard	Dudley	Hair	Kiser
Brown	Frank	Hill	Langley
Childers, D.	Gordon	Hollingsworth	Malchon
Childers, W. D.	Grant	Jenne	Margolis
Crawford	Grizzle	Johnson	McPherson

Meek Ros-Lehtinen Thomas
Myers Scott Thurman
Plummer Stuart Weinstein

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

Consideration of SB 781 was deferred.

On motion by Senator Grizzle, by two-thirds vote CS for HB 114 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Grizzle—

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

—a companion measure, was substituted for CS for SB 774 and read the second time by title. On motion by Senator Grizzle, by two-thirds vote CS for HB 114 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

CS for SB 774 was laid on the table.

On motion by Senator Grant, by two-thirds vote CS for HB 714 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Grant—

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

—a companion measure, was substituted for CS for SB 688 and read the second time by title. On motion by Senator Grant, by two-thirds vote CS for HB 714 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

CS for SB 688 was laid on the table.

SB 781—A bill to be entitled An act relating to criminal justice information; creating s. 943.0535, F.S.; requiring clerks of courts to furnish without charge certified copies of court records of aliens convicted of felonies, to the appropriate federal immigration officers upon official request; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 781 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

CS for SB 950—A bill to be entitled An act relating to medical practice; amending s. 395.017, F.S., providing access to confidential patient records for certain proceedings of the Department of Professional Regulation; limiting public access thereto; amending s. 395.041, F.S., expanding internal risk management training requirements; requiring certain incident reports relating to surgical procedures; requiring report of certain incidents to the department; limiting public access; providing for department investigation of incidents which may involve grounds for physician discipline; amending s. 455.241, F.S., providing for reports on certain psychiatric patient records; amending s. 458.307, F.S., expanding membership of the Board of Medicine; modifying membership requirements; specifying composition of probable cause panels; providing for a training program; amending s. 458.311, F.S., relating to licensure by examination; amending s. 458.313, F.S., correcting cross-references; amending s. 458.315, F.S., prohibiting issuance of temporary certificates for practice in areas of critical need to certain persons by endorsement; amending s. 458.3165, F.S., providing for biennial renewal of public psychiatry certificates; amending s. 458.331, F.S., clarifying grounds for disciplinary action due to malpractice; amending s. 458.345, F.S., establishing requirements for registration of resident physicians and interns; providing a fee; restricting renewal or extension; prohibiting registration of certain persons; increasing a penalty; deleting requirement that hospitals annually list their employees; requiring reports; amending s. 627.912, F.S., requiring insurers to report certain claims against dentists; requiring the Department of Insurance to send certain closed claims to the department; providing for department investigations; requiring provision of investigation reports to licensees upon request; amending s. 768.57, F.S., requiring notice to the department prior to filing certain malpractice claims; specifying contents; protecting claimants' legal rights; providing for department investigation; providing an effective date.

—was read the second time by title.

Senator Deratany moved the following amendment:

Amendment 1—On page 16, between lines 27 and 28, insert:

Section 13. Subsection (2) of section 768.13, Florida Statutes, 1986 Supplement, is amended to read:

768.13 Good Samaritan Act; immunity from civil liability.—

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

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

1. An "emergency" is a situation or occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate medical attention.

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

Section 14. Section 458.320, Florida Statutes, as amended by chapters 86-160 and 86-245, Laws of Florida, and section 459.0085, Florida Statutes, as amended by chapters 86-160 and 86-290, Laws of Florida, are hereby repealed.

(Renumber subsequent section.)

Further consideration of CS for SB 950 was deferred.

Consideration of SB 1109 was deferred.

CS for SB 869—A bill to be entitled An act relating to financial responsibility; amending s. 324.072, F.S.; providing increased financial responsibility requirements for persons convicted of violations relating to driving under the influence; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for SB 869 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

Consideration of Senate Bills 1158 and 770 was deferred.

SB 912—A bill to be entitled An act relating to road designation; designating those portions of State Road 64, U.S. Highway 17, State Road 66, U.S. Highway 98, County Road 68, U.S. Highway 441, County Road 68, and State Road 68 from Bradenton to Fort Pierce as the "Florida Cracker Trail"; providing for the erection of appropriate markers by the Department of Transportation; providing for designation on the Official Florida Transportation Map; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 9, after the period (.) insert: The markers shall be erected where the "Florida Cracker Trail" changes road number designations and its termini.

On motion by Senator Crawford, by two-thirds vote SB 912 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

Consideration of CS for SB's 1012, 726, 97, 9 and 5 and CS for SB 1094 was deferred.

On motion by Senator Brown, by two-thirds vote CS for HB 374 was withdrawn from the Committee on Governmental Operations and Economic, Community and Consumer Affairs.

On motion by Senator Brown—

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

—a companion measure, was substituted for CS for SB 155 and read the second time by title. On motion by Senator Brown, by two-thirds vote CS for HB 374 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

CS for SB 155 was laid on the table.

CS for SB 1094—A bill to be entitled An act relating to remedial education; amending s. 233.051, F.S.; specifying content of remediation programs; requiring a district school board to notify the parents of a student receiving remedial education; requiring certain reports to reflect a student's participation and progress in remedial programs; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote CS for SB 1094 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

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

Nays—2

Jennings Stuart

Vote after roll call:

Yea—Kirkpatrick, Peterson

SB 1109—A bill to be entitled An act relating to state uniform traffic control; creating s. 316.252, F.S.; prohibiting the operation of certain motor vehicles unless equipped with fenders, wheel covers, or other splash and spray suppressant devices, a penalty for which is provided by law; providing an effective date.

—was read the second time by title.

Five amendments were adopted to SB 1109 to conform the bill to CS for HB 337.

Pending further consideration of SB 1109 as amended, on motion by Senator Frank, by two-thirds vote CS for HB 337 was withdrawn from the Committee on Transportation.

On motion by Senator Frank—

CS for HB 337—A bill to be entitled An act relating to state uniform traffic control; creating s. 316.252, F.S.; prohibiting the operation of certain motor vehicles unless equipped with fenders, wheel covers, or other splash and spray suppressant devices, a penalty for which is provided by law; providing exceptions; requiring the Department of Transportation to adopt rules; providing an effective date.

—a companion measure, was substituted for SB 1109 and read the second time by title. On motion by Senator Frank, by two-thirds vote CS for HB 337 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Beard	Grant	Malchon	Thurman
Brown	Grizzle	Margolis	Weinstein
Childers, D.	Hill	McPherson	Weinstock
Childers, W. D.	Hollingsworth	Meek	Woodson
Deratany	Jenne	Ros-Lehtinen	
Frank	Jennings	Scott	
Gordon	Kiser	Stuart	

Nays—2

Crawford Langley

Vote after roll call:

Yea—Kirkpatrick, Peterson

SB 1109 was laid on the table.

On motions by Senator Stuart, by two-thirds vote CS for HB 798 was withdrawn from the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

On motions by Senator Stuart—

CS for HB 798—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.153, F.S., increasing the license fee for live bait shrimp production licenses in specified counties; modifying language relating to commercial trawling in the St. Johns River; providing an effective date.

—a companion measure, was substituted for SB 770 and by two-thirds vote read the second time by title.

Senator Stuart moved the following amendment which was adopted:

Amendment 1—On page 2, strike all of lines 3-8 and insert:

(4) **DEAD SHRIMP PRODUCTION.**—Any person may operate as a commercial dead shrimp producer ~~on the St. Johns River~~ provided that:

(a) A dead shrimp production permit is procured from the Department of Natural Resources upon the receipt by the department of a properly filled out and approved application by a person intending to use a boat, not to exceed 35 feet in length in Duval, St. Johns, Putnam, and Clay Counties, and not to exceed 45 feet in length in Nassau County, for dead shrimp production within the inland waters of Nassau County and the inland waters of the St. Johns River of Duval, Putnam, St. Johns, Flagler, or Clay Counties, which permit shall cost \$250 and shall be required for each vessel used for dead shrimp production. The design of the application and permit shall be determined by the Department of Natural Resources. The proceeds of the fees imposed by this paragraph shall be deposited into the account of the Motorboat Revolving Trust Fund to be used by the Department of Natural Resources for the purpose of enforcement of marine resource laws.

(b) All commercial trawling *in the St. Johns River proper* shall be restricted to ~~the St. Johns River proper~~ in the area north of the Acosta Bridge in Jacksonville and at least 100 yards from the nearest shoreline.

(c) No person may use any trawl exceeding 35 feet in length or less than a 1½-inch stretch mesh with a 10-pound pull. Length measurement shall be made from the point where the webbing is hung on the corkline at one end of the net to the point where the webbing is hung on the corkline at the opposite end of the net.

(d) No person may use any tickler chain.

(e) The Department of Natural Resources may, by rule, place additional restrictions upon the types of equipment to be used by dead shrimp producers.

(f) All commercial shrimping activities shall be allowed during daylight hours from Tuesday through Friday each week.

(g) No person holding a dead shrimp production permit issued pursuant to this subsection shall simultaneously hold a permit for noncommercial trawling under the provisions of subsection (5). The number of permits issued by the department for commercial trawling or dead shrimp production in any one year shall be the number issued in the base year, 1976. All permits shall be nontransferable and annually renewable only by the original holder thereof. All permits not renewed shall expire and shall not be renewed under any circumstances.

(h) It is illegal for any person to sell dead shrimp caught in the St. Johns River, unless the seller is in possession of a dead shrimp production license issued pursuant to this subsection.

(i) It is illegal for any person to purchase shrimp for consumption from any seller (with respect to shrimp caught in the St. Johns River) who does not produce his dead shrimp production license prior to the sale of the shrimp.

(j) In addition to any other penalties provided for in this section, any person who violates the provisions of this subsection shall have his license revoked by the department.

On motion by Senator Stuart, by two-thirds vote CS for HB 798 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

SB 770 was laid on the table.

On motions by Senator Beard, by two-thirds vote CS for CS for HB 761 was withdrawn from the Committees on Commerce; and Finance, Taxation and Claims.

On motions by Senator Beard—

CS for CS for HB 761—A bill to be entitled An act relating to motor vehicles; transferring the fuel use tax functions of the Department of Revenue to the Department of Highway Safety and Motor Vehicles; amending ss. 72.011, 72.031, and 120.575, F.S., relating to actions in circuit court to contest tax assessments and administrative proceedings related thereto, to include the Department of Highway Safety and Motor Vehicles with respect to assessments under chapter 207; amending s. 206.877, F.S.; correcting references; amending s. 207.002, F.S.; providing definitions; amending ss. 207.004, 207.007, 207.011, 207.013, 207.023, and 207.029, F.S.; exempting certain Florida-based commercial vehicles from registration requirements and delinquency penalty provisions; increasing delinquency penalties; revising references to the department and including references to chapter 320; providing for audit procedures; amending s. 207.025, F.S.; providing for exchange of information with other states; amending s. 207.026, F.S.; deleting an obsolete reference; amending s. 207.028, F.S.; authorizing cooperative reciprocal agreements with other states for the administration of the fuel use tax; amending ss. 213.05 and 213.053, F.S., relating to Department of Revenue responsibilities and confidentiality, to delete references to chapter 207; amending s. 316.545, F.S., relating to enforcement of chapter 207, to conform; amending ss. 316.605 and 320.0706, F.S.; revising provisions relating to display of license plates on trucks; amending s. 320.01, F.S.; providing definitions; amending s. 320.02, F.S.; requiring proof of certain required insurance at time of registration; providing for suspension of registration for failure to maintain required insurance; requiring certain notice of cancellation; amending ss. 320.055, 320.0843, 320.105, 320.14, and 322.04, F.S.; correcting cross-references; clarifying language; amending s. 320.06, F.S.; specifying that certain license plates be imprinted with the word "Restricted"; amending s. 320.0609, F.S.; specifying application of certain refund provisions to vehicles registered under the International Registration Plan; amending s. 320.07, F.S.; specifying that certain persons assessed a penalty for failure to have a valid registration certificate are not subject to a delinquent fee if they obtain a certificate within a specified period; amending s. 320.0715, F.S.; requiring carriers registered under the International Registration Plan to maintain certain records; amending s. 320.08, F.S.; revising provisions relating to license taxes for trucks, commercial trucks and truck tractors, semitrailers, and trailers; creating s. 320.405, F.S.; providing for inspection of records in connection with certain vehicle license taxes; providing for hearings; providing for enforcement of assessments; creating s. 320.406, F.S.; authorizing the department to estimate taxes due from motor carriers under certain conditions; creating s. 320.407, F.S.; providing for suits for unpaid taxes; providing certain penalties; creating s. 320.408, F.S.; providing for warrants for unpaid taxes and penalties; creating s. 320.409, F.S.; providing for liens for unpaid taxes and penalties; creating s. 320.411, F.S.; providing requirements with respect to officer's sale of property or franchise; creating s. 320.412, F.S.; requiring the department to furnish certificates of liens; creating s. 320.413, F.S.; specifying requirements relating to discontinuance or transfer of business of a motor carrier or change of address; providing liability of purchaser or transferee; creating s. 320.414, F.S.; providing that certain violators may be restrained and enjoined from operating a commercial motor vehicle; creating s. 320.415, F.S.; providing authority of the Department of Highway Safety and Motor Vehicles, the Department of Agriculture and Consumer Services, and the Department of Transportation to inspect vehicles and seize property; creating s.

320.416, F.S.; providing for cooperation of other state agencies; creating s. 320.417, F.S.; providing for actions to foreclose liens; amending s. 320.57, F.S.; adding commercial truck and trailer combinations to a penalty provision for excessive gross vehicle weight; amending s. 324.171, F.S., relating to self-insurers, and s. 627.7415, F.S., relating to additional liability coverage, to include reference to commercial motor vehicles as defined under chapter 320; amending s. 715.07, F.S., providing exemptions from certain notice requirements; amending s. 320.07, F.S., 1986 Supplement, providing for the submission of an affidavit with respect to expired registration certificates; amending s. 322.15, F.S., 1986 Supplement, providing for the issuance of a suspension clearance to persons who cannot supply proof of a valid driver's license under certain circumstances; amending s. 316.646, F.S., 1986 Supplement, providing for the submission of an affidavit with respect to proof of security under certain circumstances; providing for dismissal of charges relating to proof of security under certain circumstances; providing a fee; providing an effective dates.

—a companion measure, was substituted for CS for CS for SB 207 and by two-thirds vote read the second time by title. On motion by Senator Beard, by two-thirds vote CS for CS for HB 761 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

CS for CS for SB 207 was laid on the table.

On motion by Senator Johnson, 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 with amendments CS for SB 628 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

Amendment 1—On page 2, line 1, insert:

Section 2. Subsection (3) is added to section 561.221, Florida Statutes, to read:

561.221 Licensing manufacturers and distributors as vendors prohibited; exceptions.—

(a) Nothing contained within the provisions of this chapter, or any other chapter of the beverage law, shall prohibit any entity which is affiliated with a manufacturer, which is also a primary american source under s. 564.045 or s. 565.095 from obtaining a consumption on premises vendors license; provided that the vendors license is for a premises which is part of the operation of a hotel, as defined in s. 509.242, which contains at least 275 rooms; provided that such hotel is owned by or operated by or on behalf of any entity affiliated with a manufacturer; and provided that no more than 25% of the gross annual revenues of the hotel is derived from the sale of alcoholic beverages. In addition, the holder of the vendor's license shall make all alcoholic beverage purchases directly from licensed distributors in Florida; and provided further that no more than 35% of the gallonage volume measured annually of the alcoholic beverages sold at such hotel shall be manufactured or imported by any entity directly or indirectly affiliated with the holder of the vendor's license. Such vendors license shall be issued for consumption on the premises only, and sale to the public by package is specifically prohibited.

Amendment 2—On page 1, in the title, line 5, after the semicolon (;) insert: amending s. 561.221, F.S., relating to the licensing of manufacturers and distributors as vendors;

On motions by Senator Johnson, 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.

CONSENT CALENDAR, continued

On motion by Senator Jennings, by two-thirds vote HB 809 was withdrawn from the Committee on Commerce.

On motion by Senator Jennings—

HB 809—A bill to be entitled An act relating to credit service organizations; creating part III of chapter 817, F.S.; providing definitions; prohibiting certain acts; providing an exemption to the requirement to obtain a surety bond under circumstances; requiring a written statement to buyers; providing for an information statement to buyers; specifying provisions of the contract between a buyer and a credit service organization; prohibiting waivers by a buyer; establishing the burden of proving an exemption or exception; providing for penalties; providing actions for damages; providing an effective date.

—a companion measure, was substituted for SB 1158 and read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 809 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 1158 was laid on the table.

SPECIAL ORDER

Consideration of CS for SB 2, CS for SB 463 and CS for SB 793 was deferred.

SB 587—A bill to be entitled An act relating to vocational rehabilitation; creating s. 413.445, F.S.; authorizing the Division of Vocational Rehabilitation of the Department of Labor and Employment Security to recover from third parties the cost of providing for vocational rehabilitation services; specifying parties from whom recovery is to be collected; authorizing the division to release records for reimbursement purposes; authorizing the filing of liens; authorizing the division to make settlements; providing rulemaking authority; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 18 and 19, insert:

Section 2. Section 413.46, Florida Statutes, is amended to read:

413.46 Legislative intent.—It is the intent of the Legislature to insure the referral of severely disabled persons to the ~~division Department of Health and Rehabilitative Services~~ by appropriate individuals or public and private agencies in order that all severely disabled persons might obtain the appropriate rehabilitative services rendered by the ~~division department~~ and other state agencies.

Section 3. Subsection (1) of section 413.47, Florida Statutes, is amended to read:

413.47 Definitions.—As used in ss. 413.46-413.49:

(1) “~~Division~~” “~~Department~~” means the *Division of Vocational Rehabilitation of the Department of Labor and Employment Security Health and Rehabilitative Services*.

Section 4. Section 413.48, Florida Statutes, is amended to read:

413.48 Establishment and maintenance of a central registry.—The ~~division department~~ shall establish and maintain a central registry of severely disabled persons.

(1) Every public and private health and social agency and attending physician shall report to the ~~division department~~ within 7 days after identification of any severely disabled person; however, the consent of the individual shall be obtained prior to making this report, except that every spinal cord disease or injury resulting in permanent or total disability shall be reported to the ~~division department~~ immediately upon identification.

(2) The report shall contain the name, age, residence, and type of disability of the individual and such additional information as may be deemed necessary by the ~~division department~~.

Section 5. Section 413.49, Florida Statutes, is amended to read:

413.49 Duties and responsibilities of the department.—

(1) Within 15 days of the report and identification of a severely disabled person, the ~~division department~~ shall notify the most immediate family members of their right to assistance from the state, the services available, and the eligibility requirements.

(2) The ~~division department~~ shall refer severely disabled persons to ~~appropriate divisions of the department~~ and other state agencies to assure that rehabilitative services, if desired, are obtained by the severely disabled person.

(3) All other agencies of the state shall cooperate with the department to insure that appropriate rehabilitative services are available.

Section 6. Subsections (1) and (2) of section 413.602, Florida Statutes, is amended to read:

413.602 Definitions.—As used in this act:

(1) “~~Division~~” “~~Department~~” means the *Division of Vocational Rehabilitation of the Department of Labor and Employment Security Health and Rehabilitative Services*.

(2) “~~Secretary~~” means the secretary of the Department of *Labor and Employment Security Health and Rehabilitative Services*.

(3) “~~Emergency medical evacuation system~~” means a transportation system which provides timely skilled emergency care and movement of persons believed to have suffered spinal cord injuries.

(4) “~~Intensive trauma care center~~” means a facility which provides diagnosis and intensive treatment of persons with spinal cord injuries aimed at preventing paralysis.

(5) “~~Rehabilitation center~~” means a facility which provides intermediate care and stresses rehabilitation for persons with spinal cord injuries.

(6) “~~Halfway house~~” means a facility which provides a temporary, structured residential environment for those individuals with spinal cord injuries in a training or educational program, in order to prepare such individuals to live independently.

Section 7. Section 413.603, Florida Statutes, is amended to read:

413.603 Establishment of a plan for a system of treatment for persons with spinal cord injuries.—The ~~division department~~ shall develop a plan for the establishment of a multilevel treatment program for persons with spinal cord injuries and present the plan to the secretary for review by March 1, 1977. The plan shall contain at least the following components:

(1) Establishment of an emergency medical evacuation system which shall include the operation and implementation of an emergency transport system in order that persons with spinal cord injuries can be transported to an intensive trauma care center on a timely basis.

(2) Establishment of intensive trauma care centers which will provide as a minimum:

(a) The administration of preventive treatment to persons with spinal cord injuries to prevent paralysis, save lives, and stabilize the person's medical condition so that he can be transferred as soon as possible to a rehabilitation center for further rehabilitation.

(b) The appropriate number of centers to be developed according to need. Each facility shall consist of a special medical unit with appropriate professional personnel and expertise.

(3) Establishment of rehabilitation centers to provide rehabilitation services for persons transferred from the intensive trauma care center and for other persons with spinal cord injuries requiring rehabilitation services. Such centers shall be located according to need and shall be equipped with the appropriate staff component to meet the specialized rehabilitation needs of persons with spinal cord injuries.

(4) Establishment of an appropriate number of halfway houses for individuals who need attendant care, who are in adjustment periods, who require a structured environment, or who are in retraining or educational programs. All residents shall use the halfway house as a temporary measure and not as a permanent home or domicile.

(5) Residents of any of the above-cited facilities shall pay a monthly fee based on ability to pay.

Section 8. Section 413.604, Florida Statutes, is amended to read:

413.604 Nursing home residents, age 55 and under; annual survey.—The *division department* shall conduct an annual survey of nursing homes in the state to determine the number of individuals 55 years of age and under who reside in such homes due to a spinal cord injury. All individuals identified in such a survey shall be evaluated as to their rehabilitation potential, and any individual who may benefit from rehabilitation shall be given an opportunity to participate in an appropriate rehabilitation program for which he may be eligible.

Section 9. Subsection (1) of section 413.605, Florida Statutes, is amended to read:

413.605 Advisory council on spinal cord injuries.—

(1) There is created within the *Department of Labor and Employment Security department* an advisory council on spinal cord injuries composed of five appropriate professionals, with expertise in areas related to the care and rehabilitation of individuals with spinal cord injuries, and six individuals with spinal cord injuries.

(2) Members of the council shall be appointed by the secretary and shall serve for terms of 4 years, except that five members of the first appointed council shall serve for 2 years.

(3) The council shall meet at least *two four* times annually, and members shall be entitled to per diem and travel expenses in accordance with the provisions of s. 112.061.

(4) The council shall provide advice and expertise to the *division department* in the preparation, implementation, and periodic review of the coordinated rehabilitation program as set forth in this act.

Section 10. Section 413.611, Florida Statutes, is amended to read:

413.611 Head-injured persons; legislative intent.—It is the intent of the Legislature to provide in the central registry established under s. 413.48 the capacity to collect information to facilitate the development of head injury treatment and rehabilitation programs. It is the further legislative intent that the registry ensure the referral of head-injured persons to the *division Department of Health and Rehabilitative Services* by appropriate individuals or public and private agencies in order that such persons might obtain the appropriate rehabilitative services rendered by the *division department* and other providers.

Section 11. Section 413.612, Florida Statutes, is amended to read:

413.612 Requirement for reports to the central registry of head-injured persons.—

(1) As used in this section:

(a) "*Division*" "~~Department~~" means the *Division of Vocational Rehabilitation of the Department of Labor and Employment Security Health and Rehabilitative Services*.

(b) "Head injury" means an insult to the skull, brain, or its covering, resulting from external trauma which produces an altered state of consciousness or anatomic, motor, sensory, or cognitive/behavioral deficits.

(2) The *division department* shall provide for and maintain in the central registry established under s. 413.48 the capacity to accept reports on persons who have suffered head injuries.

(3)(a) Every public or private health and social agency and every attending physician shall report to the *division department* within 5 days after identification of any head-injured person. The consent of such person shall not be required.

(b) The report shall contain the name, age, residence, and diagnosis of the person and such additional information as may be deemed necessary by the *division department*.

(4) There is created within the *Department of Labor and Employment Security department* a 13-member Advisory Council on Head Injury. The council shall be composed of physicians, other allied health professionals, administrators of head-injury programs, and representatives from support groups and the Florida Neurosurgical Society. Members of the council shall be appointed by the secretary of the department and shall serve for terms of 4 years, except that 6 members shall be initially appointed to terms of 2 years. The council shall meet at least 2 4 times annually and shall provide advice and expertise to the *division department* in the preparation, implementation, and periodic review of a coordinated rehabilitation program for head-injured individuals in Florida. The council shall assist the *division department* in developing a coordinated multilevel plan of care which will be presented to the secretary for review and approval by July 1, 1986.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 13, after "authority;" insert: amending ss. 413.46, 413.47(1), 413.48, 413.49, 413.602, 413.603, 413.604, 413.611, 413.612, F.S.; transferring certain powers and duties of the Department of Health and Rehabilitative Services to the Division of Vocational Rehabilitation of the Department of Labor and Employment Security; amending s. 413.605(1), F.S.; transferring the advisory council on spinal cord injuries to the Department of Labor and Employment Security; specifying the number of annual meetings;

On motion by Senator Jennings, by two-thirds vote SB 587 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

On motions by Senator Jennings, by two-thirds vote HB 781 was withdrawn from the Committees on Commerce and Finance, Taxation and Claims.

On motions by Senator Jennings—

HB 781—A bill to be entitled An act relating to registration of trademarks and service marks; amending s. 495.021, F.S., relating to the registrability of a mark to increase the time period during which the mark must be used to be accepted as distinctive by the Department of State; amending s. 495.031, F.S.; increasing the filing fee that must be paid when an application for registration of a trademark or service mark is filed; amending s. 495.081, F.S.; increasing the recording fee that must be paid when an assignment of such mark and its registration is recorded; amending s. 495.111, F.S., revising the classification plan of goods and

services to adopt the international classification; providing an effective date.

—a companion measure, was substituted for SB 588 and by two-thirds vote read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 781 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

SB 588 was laid on the table.

On motion by Senator W. D. Childers, by two-thirds vote HB 1163 was withdrawn from the Committee on Appropriations.

On motions by Senator W. D. Childers—

HB 1163—A bill to be entitled An act relating to student loans; authorizing the state to borrow and lend funds to certain lenders; providing for the repayment of such loans; authorizing the state to enter into loan agreements and interlocal agreements with local governments; providing for notice and estoppel; providing an effective date.

—a companion measure, was substituted for SB 665 and by two-thirds vote read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1163 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Langley, Peterson, Stuart

SB 665 was laid on the table.

On motions by Senator Deratany, by two-thirds vote CS for HB 780 was withdrawn from the Committees on Governmental Operations; Economic, Community and Consumer Affairs; and Appropriations.

On motion by Senator Deratany—

CS for HB 780—A bill to be entitled An act relating to solicitation of funds; amending s. 496.02, F.S., revising definitions under the Solicitation of Charitable Contributions Act; 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 professional solicitors and their employees; authorizing acceptance of a surety other than bond; providing for the registration of fundraising consultants; amending s. 496.046, F.S., revising registration and renewal fees for charitable organizations 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 profes-

sional 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; requiring written contracts with respect to solicitation or fundraising; requiring the filing of the contract with the department; 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; including reference to fundraising consultants; 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; creating 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; providing an effective date.

—a companion measure, was substituted for CS for SB 793 and by two-thirds vote read the second time by title.

Further consideration of CS for HB 780 was deferred.

Motion

On motion by Senator Barron, by two-thirds vote SB 40 was removed from the special order calendar and indefinitely postponed.

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

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendments which were moved by Senator Margolis and adopted:

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

Section 1. Section 570.543, Florida Statutes, is amended to read:

570.543 Florida Consumers' Council.—The Florida Consumers' Council in the Department of Agriculture and Consumer Services is hereby created as herein described to advise and assist the department in carrying out its duties.

(1)(a) The council, to be appointed by the Commissioner of Agriculture, shall not exceed 15 members, selected from the various areas of consumer interest, who are, when possible, leading members of statewide organizations representing segments of the consumer public so as to establish a broadly based and representative consumer council.

(b) Upon expiration of the terms of members serving on the effective date of this act, the commission shall appoint four members for terms of 2 years each; four members for terms of 3 years each; and any additional members for terms of 4 years each. ~~Eight of the members appointed shall serve for 1 year from July 1, 1987, and the remaining members of such group shall serve for a term of 2 years.~~ Thereafter, all members shall be appointed for a term of 4 2 years and shall serve until their successors are appointed. A vacancy shall be filled for the remainder of the unexpired term.

(2)(a) The council shall annually elect from its appointed members a chairman and a vice chairman.

(b) The council shall meet at the call of its chairman, at the request of a majority of its membership, at the request of the division, or at such times as may be prescribed by its rules, except that the council membership or chairman may call no more than two meetings.

(c) In conducting its meetings the council shall use accepted rules of procedure. The secretary shall keep a complete record of each meeting, which shall show the names of members present and the actions taken. These records shall be kept on file with the Division of Consumer Services, and these records and other documents about matters within the jurisdiction of the council shall be subject to inspection by members of the council.

(3) The members of the council shall receive no compensation for their services, except that they shall receive per diem and traveling expenses as provided in s. 112.061.

(4) The division shall be responsible for providing administrative and staff support services relating to the functions of the council.

(5) The council shall transmit a written summary of its legislative recommendations to the President of the Senate and Speaker of the House of Representatives at least 60 days prior to the regular legislative session. Recommendations regarding legislation which has been filed shall be submitted within 30 days after the commencement of a legislative session.

Section 2. Notwithstanding the provisions of section 4, chapter 81-55, Laws of Florida, or section 1, chapter 82-46, Laws of Florida, as amended by section 2, chapter 83-265, Laws of Florida, section 570.543, 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. Section 570.543, Florida Statutes, is repealed 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, line 8, strike "saving s." and insert: reviving and readopting provisions relating to the council notwithstanding the provisions of ch. 81-55 or ch. 82-46, Laws of Florida; providing for future review and repeal of said section; providing an effective date.

On motion by Senator Margolis, by two-thirds vote HB 501 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson, Stuart

Consideration of SB 1201 was deferred.

HB 1272—A bill to be entitled An act relating to post-judgment proceedings; amending s. 56.29, F.S.; providing authority to the court to tax reasonable attorney's fees against defendants in proceedings supplementary to execution of judgments; creating s. 57.115, F.S.; authorizing certain post-judgment discovery and collections and providing for the award and assessment of costs and attorney's fees incurred in connection with the execution process; providing an effective date.

—was read the second time by title.

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

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

Section 1. Subsection (2) of section 28.101, Florida Statutes, 1986 Supplement, is amended to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(2) Upon receipt of a final judgment of dissolution of marriage for filing, and in addition to the filing charges in s. 28.241, the clerk shall collect and receive a service charge of \$5 \$3 for the recording and reporting of such final judgment of dissolution of marriage to the vital statistics office of the Department of Health and Rehabilitative Services.

Section 2. Section 28.24, Florida Statutes, is amended to read:

28.24 Service charges by clerk of the circuit court.—The clerk of the circuit court shall make the following charges for services rendered by his office in recording documents and instruments and in performing the duties enumerated. However, in those counties where the clerk's office operates as a fiscal unit of the county pursuant to s. 145.022(1), the clerk shall not charge the county for such services.

Charges

- (1) For court attendance by each clerk or deputy clerk, per day \$75.00 ~~\$60.00~~
- (2) For court minutes, per page 5.00
- (3) For examining, comparing, correcting, verifying, and certifying transcripts of record in appellate proceedings, prepared by attorney for appellant or someone else other than clerk, per page 3.00
- (4) For preparing, numbering, and indexing an original record of appellate proceedings, per instrument 2.00
- (5) For certifying copies of any instrument in the public records 1.00
- (6) For verifying any instrument presented for certification prepared by someone other than clerk, per page 2.00
- (7) For making and reporting payrolls of jurors to State Comptroller, per page, per copy 5.00
- (8)(a) For making copies by photographic process of any instrument in the public records consisting of pages of not more than 14 inches by 8½ inches, per page 1.00
- (b) For making copies by photographic process of any instrument in the public records of more than 14 inches by 8½ inches, per page 5.00
- (9) For making microfilm copies of any public records:
 - (a) 16 mm 100' microfilm roll 25.00
 - (b) 35 mm 100' microfilm roll 35.00
 - (c) Microfiche, per fiche 2.00
- (10) For copying any instrument in the public records by other than photographic process, per page 4.00
- (11) For writing any paper other than herein specifically mentioned, same as for copying, including signing and sealing 4.00
- (12) For indexing each entry not recorded 1.00
- (13) For receiving money into the registry of court:
 - (a)1. First \$500, percent 2
 - 2. Each subsequent \$100, percent 1
 - (b) Eminent domain actions, per deposit \$100.00
- (14) For examining, certifying, and recording plats and for recording condominium exhibits larger than 14 inches by 8 1/2 inches:

- (a) First page 30.00 ~~25.00~~
- (b) Each additional page 15.00 ~~10.00~~
- (15) For recording, indexing, and filing any instrument not more than 14 inches by 8½ inches, including required notice to property appraiser where applicable:
 - (a) First page or fraction thereof 5.00
 - (b) Each additional page or fraction thereof 4.00
 - (c) For indexing instruments recorded in the official records which contain more than four names, per additional name 1.00
- (16) Oath, administering, attesting, and sealing, not otherwise provided for herein 2.00 ~~1.00~~
- (17) For validating certificates, any authorized bonds, each 2.00 ~~1.00~~
- (18) For preparing affidavit of domicile 5.00 ~~4.00~~
- (19)(a) For exemplified certificates, including signing and sealing 4.00
- (20)(b) For authenticated certificates, including signing and sealing 4.00
- (21)(19)(a) For issuing and filing a subpoena for a witness, not otherwise provided for herein (includes writing, preparing, signing, and sealing) 4.00
 - (b) For signing and sealing only 1.00
- (22)(20) For issuing venire facias (includes writing, preparing, signing, and sealing) 5.00
- (23)(21) For paying of witnesses and making and reporting payroll to State Comptroller, per copy, per page 5.00
- (24)(22) For approving bond 5.00
- ~~(23) For receiving and disbursing domestic support payments, per payment, unless otherwise provided by county ordinance or special or general law; 2.00~~
- (25)(24) For searching of records, for each year's search 1.00
- (26)(25) For processing an application for a tax deed sale (includes application, sale, issuance, and preparation of tax deed, and disbursement of proceeds of sale), other than excess proceeds 60.00 ~~40.00~~
- (27)(26) For disbursement of excess proceeds of tax deed sale, first each \$100 or fraction thereof 10.00 ~~2.00~~
- (28)(27) Upon receipt of an application for a marriage license, for preparing and administering of oath; issuing, sealing, and recording of the marriage license; and providing a certified copy 20.00 ~~10.00~~
- (29)(28) For solemnizing matrimony 20.00 ~~10.00~~
- (30) Postal charges incurred by the clerk of the circuit court in any mailing by certified or registered mail shall be paid by the party at whose instance the mailing is made.
- (31) For sealing any court file or expungement of any record 25.00
- (32) For receiving and disbursing all restitution payments, per payment 2.00

Section 3. Subsection (1) of section 28.2401, Florida Statutes, is amended to read:

28.2401 Service charges in probate matters.—

(1) Except when otherwise provided, the service charges for the following services shall be:

- (a) For the opening of any estate of one document or more, including, but not limited to, petitions and orders to approve settlement of minor's claims; to open a safe deposit box; to enter rooms and places; for the determination of heirs, if not formal administration; and for a foreign guardian to manage property of a nonresident; but not to include issuance of letters or order of summary and family administration \$20 00 ~~15.00~~
- (b) Caveat 15.00 ~~10.00~~
- (c) Petition and order to admit foreign wills, authenticated copies, exemplified copies, or transcript to record 30.00 ~~25.00~~
- (d) For disposition of personal property without administration 20.00 ~~10.00~~
- (e) Summary administration 35.00 ~~25.00~~
- (f) Family administration 45.00 ~~35.00~~
- (g) Formal administration, guardianship, ancillary, curatorship, or conservatorship proceedings 75.00
 - with an inventory below \$60,000 60.00
 - ~~(h) Formal administration, guardianship, ancillary, curatorship, or conservatorship proceedings, with an inventory of \$60,000 but less than \$100,000 75.00~~
 - ~~(i) Formal administration, guardianship, ancillary, curatorship, or conservatorship proceedings, with an inventory of \$100,000 or more 100.00~~
 - (h)(j) Guardianship proceedings of person only 25.00 ~~10.00~~
 - (i)(k) Veterans administration guardianship pursuant to chapter 744 chapters 203 and 204 25.00 ~~10.00~~
 - (j)(l) Exemplified certificates 4.00
 - (k)(m) Petition for determination of incompetency 25.00 ~~15.00~~

Section 4. Section 28.241, Florida Statutes, 1986 Supplement, is amended to read:

28.241 Filing charges for trial and appellate proceedings.—

(1) The party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a service charge of \$40 ~~\$30~~ in all cases in which there are not more than five defendants, and an additional service charge of \$2 for each defendant in excess of five. An additional service charge of \$10 shall be paid by the party seeking each severance that is granted. An additional service charge of \$35 shall be paid to the clerk for all proceedings of garnishment, attachment, replevin, and distress. An additional service charge of \$3 ~~\$2.50~~ shall be paid to the clerk for each civil action filed, \$2 of such charge to be remitted by the clerk to the State Treasurer for deposit into the General Revenue Fund unallocated. An additional charge of \$1 shall be paid to the clerk for each civil action brought in circuit or county court, to be deposited into the Court Education Trust Fund; the moneys collected shall be forwarded by the clerk to the Supreme Court monthly for deposit in the fund. Effective January 1, 1988, an additional charge of \$12 shall be paid to the clerk for each action in which child support is initially sought; \$10 of which shall be forwarded by the clerk to the Department of State within two working days for deposit in the Corporations Trust Fund and \$2 of which shall be retained by the clerk. Service charges in excess of those herein fixed may be imposed by the governing authority of the county by ordinance, or by special or local law; and such excess shall be expended as provided by such ordinance or any special or local law, now or hereafter in force, in providing and maintaining facilities, including a law library, for the use of the courts of the county wherein the service charges are collected or for a legal aid program in such county. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. That part of the within fixed or allowable service charges which is not by local or special law applied to the special purposes shall constitute the total service charges of the clerk of such court for all services performed by him in civil actions, suits, or proceedings.

(2) The clerk of the circuit court of any county in the state who operates his office from fees and service charges collected, as opposed to budgeted allocations from county general revenue, shall be paid by the county as service charges for all services to be performed by him in any criminal or juvenile action or proceeding in such court, in lieu of all other service charges heretofore charged, except as hereinafter provided, the sum of \$40 ~~\$30~~ for each defendant or juvenile. However, in cases involving capital punishment the charge shall be \$50 ~~\$35~~. In any county where a law creates a law library fund or other special fund, this charge may be increased for that purpose by a special or local law or an ordinance.

(3) Upon the institution of any appellate proceeding from any inferior court to the circuit court of any such county or from the circuit court to an appellate court of the state, the clerk shall charge and collect from the party or parties instituting such appellate proceedings a service charge of \$75 ~~\$60~~ for filing a notice of appeal from an inferior court and \$50 ~~\$25~~ for filing a notice of appeal to a higher court.

(4) Nothing in this section shall be construed to include the service charges required by law for the clerk as provided in s. 28.24 and other sections of the Florida Statutes.

(5) This section shall not apply to any suit or proceeding pending on July 1, 1970.

Section 5. Subsection (1) of section 34.041, Florida Statutes, is amended to read:

34.041 Service charges and costs.—

(1) Upon the institution of any civil action or proceeding in county court, the plaintiff, when filing his action or proceeding, shall pay the following service charges:

- (a) For all claims less than \$100 \$10.00.
- (b) For all claims of \$100 or more but *not more than* \$2,500 ~~less than \$1,000~~ 25.00~~20.00~~.
- (c) For all claims of *more than* \$2,500 ~~\$1,000 or more~~ 35.00 ~~25.00~~.
- (d) In addition, for all proceedings of garnishment, attachment, replevin, and distress 35.00 ~~25.00~~.
- (e) For removal of tenant action 35.00 ~~30.00~~.

Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the party at whose instance service is made. Except as provided herein, service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. Service charges in excess of those herein fixed may be imposed by the governing authority of the county by ordinance or by special or local law, and such excess shall be expended as provided by such ordinance or any special or local law now or hereafter in force in providing and maintaining facilities, including a law library, for the use of the county court in the county in which the charge is collected or for a legal aid program. All filing fees shall be remitted monthly to the county in the manner prescribed by the Auditor General.

Section 6. Subsection (1) of section 45.031, Florida Statutes, is amended to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the following procedure may be followed as an alternative to any other sale procedure if so ordered by the court:

(1) SALE BY CLERK.—In the order or final judgment, the court shall direct the clerk to sell the property at public sale on a specified day that shall be not less than 20 days after the date thereof, on terms and conditions specified in the order or judgment. In cases when a person has an equity of redemption, the court shall not specify a time for the redemption, but the person may redeem the property at any time before the sale. Notice of sale shall be published once a week for 2 consecutive weeks in a newspaper of general circulation, as defined in chapter 50, published in the county where the sale is to be held. The second publication shall be at least 5 days before the sale. The notice shall contain:

- (a) A description of the property to be sold.
- (b) The time and place of sale.

(c) A statement that the sale will be made pursuant to the order or final judgment.

(d) The caption of the action.

(e) The name of the clerk making the sale.

The clerk shall receive a service charge of \$40 ~~\$25~~ for his services in making, recording, and certifying the sale and title that shall be assessed as costs. The court may enlarge the time of the sale. Notice of the changed time of sale shall be published as provided herein.

Section 7. Subsection (2) of section 55.10, Florida Statutes, is amended to read:

55.10 Judgments and decrees; lien of all, generally; transfer of liens of security.—

(2) Any lien claimed under subsection (1) may be transferred, by any person having an interest in the real property upon which the lien is imposed or the contract under which the lien is claimed, from such real property to other security by either depositing in the clerk's office a sum of money or filing in the clerk's office a bond executed as surety by a surety insurer licensed to do business in this state. Such deposit or bond shall be in an amount equal to the amount demanded in such claim of lien plus interest thereon at 6 percent per year for 3 years and plus \$100 to apply on any court costs which may be taxed in any proceeding to enforce said lien. Such deposit or bond shall be conditioned to pay any judgment or decree which may be rendered for the satisfaction of the lien for which such claim of lien was recorded and costs not to exceed \$100. Upon such deposit being made or such bond being filed, the clerk shall make and record a certificate showing the transfer of the lien from the real property to the security and mail a copy thereof by registered or certified mail to the lienor named in the claim of lien so transferred, at the address stated therein. Upon the filing of the certificate of transfer, the real property shall thereupon be released from the lien claimed, and such lien shall be transferred to said security. The clerk shall be entitled to a fee of \$10 ~~\$2~~ for making and serving the certificate. *If the transaction involves the transfer of multiple liens, an additional charge of \$5 for each additional lien shall be charged.* Any number of liens may be transferred to one such security.

Section 8. Section 56.041, Florida Statutes, is amended to read:

56.041 Executions; collection and return.—All executions shall be returnable when satisfied, and the officers to whom they are delivered shall collect the amounts thereof as soon as possible *and shall furnish the defendant with a satisfaction of judgment.* All receipts shall be endorsed on the execution.

Section 9. Subsection (2) of section 197.542, Florida Statutes, is amended to read:

197.542 Sale at public auction.—

(2) The clerk of the circuit court shall demand immediate payment of an amount equal to the highest bid plus applicable documentary stamp taxes and recording fees. If full payment is not received by the clerk within 24 hours after the advertised time of the sale, the clerk shall cancel the bids and readvertise the property for sale. If the sale is canceled for any reason, the clerk shall immediately readvertise the sale to be held no later than 30 days from the date the sale was canceled. Only one advertisement shall be necessary. No further notice shall be required. The amount of the statutory (opening) bid shall be increased by the cost of advertising, additional clerk's fees as provided for in s. 28.24(26)(25), and interest as provided for in s. 197.542(1). The clerk shall receive full payment prior to the issuance of the tax deed.

Section 10. Subsection (2) of section 713.585, Florida Statutes, is amended to read:

713.585 Enforcement of lien by sale of motor vehicle.—A person claiming a lien under s. 713.58 for performing labor or services on a motor vehicle may enforce such lien by sale of the vehicle in accordance with the following procedures:

(2) If the owner of the vehicle is unknown or his whereabouts cannot be determined, or if the owner or any person notified as provided in subsection (1) fails to acknowledge receipt of such notice, the lienor, at least 20 days before the proposed or scheduled date of sale of the vehicle, shall publish the notice required by this section once in a newspaper circulated in the county where the vehicle is held. A certificate of compliance with

the notification provisions of this section, verified by the lienor, together with a copy of the notice and return receipt for mailing of the notice required by this section, or proof of publication, as the case may be, shall be duly and expeditiously filed with the clerk of the circuit court in the county where the vehicle is held. *The lienor, at the time of filing the certificate of compliance, shall pay to the clerk of that court a service charge of \$10 for indexing and recording the certificate.*

Section 11. Section 744.638, Florida Statutes, is amended to read:

744.638 Clerk of the circuit court; fees; duties.—Upon the filing of the petition for guardianship, granting of same and entering decree thereon, the clerk of the circuit court is entitled to *the service charge as provided by law a fixed charge or cost not to exceed \$25*, which shall include the cost of recording the petition, bond, and decree and the issuing of letters of guardianship. The certificate of the administrator or his authorized representative provided for in s. 744.613 need not be recorded but must be kept in the file. Upon issuing letters of guardianship or letters appointing a guardian for the estate of a minor or incompetent, the clerk of the circuit court shall send, to the regional office of the Veterans Administration having jurisdiction in this state, two certified copies of the letters and two certified copies of the bond approved by the court, without charge or expense to the estate involved. The clerk of the circuit court shall also send a certified copy of such letters to the property appraiser and to the tax collector in each county in which the ward owns real property.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 2, strike “post-judgment proceeding;” and insert: service charges, court costs, and attorney’s fees; amending s. 28.101, F.S., increasing service charge for recording final judgment of dissolution of marriage; amending s. 28.24, F.S., revising charges for recording certain documents and instruments; amending s. 28.2401, F.S., revising charges in probate matters; amending s. 28.241, F.S., increasing certain charges with respect to trial and appellate proceedings; authorizing an additional service charge for proceedings of garnishment, attachment, replevin, or distress; amending s. 34.041, F.S., increasing certain charges, and authorizing additional service charges, for institution of proceedings in county court; amending s. 45.031, F.S., increasing charge relating to judicial sale; amending s. 55.10, F.S., increasing charge for transfer of lien; providing for multiple liens; amending s. 56.041, F.S., requiring the officer collecting an execution to furnish a satisfaction of judgment; amending s. 197.542, F.S., correcting a cross-reference; amending s. 713.585, F.S., authorizing a service charge with respect to enforcement of lien by sale of a motor vehicle; amending s. 744.638, F.S., modifying charges relating to a petition for guardianship;

On motion by Senator Langley, by two-thirds vote HB 1272 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

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

—was read the second time by title. On motion by Senator Langley, by two-thirds vote HB 1345 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

Senator Kiser presiding

SB 1201—A bill to be entitled An act relating to resource recovery facilities; requiring the use of best-available control technology for resource recovery facilities; 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 McPherson and adopted:

Amendment 1—On page 1, line 17, after the period (.) insert: However, this provision shall not apply to existing or permitted facilities unless the Department of Environmental Regulation or the federal Environmental Protection Agency determines the need for such requirement based on air quality violations.

On motion by Senator McPherson, by two-thirds vote SB 1201 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	Kiser	Scott
Brown	Gordon	Langley	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	Plummer	
Frank	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

On motions by Senator Weinstein, by two-thirds vote HB 685 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Weinstein—

HB 685—A bill to be entitled An act relating to recreational vehicles; amending s. 513.01, F.S., redefining the term “recreational vehicle”; providing an effective date.

—a companion measure, was substituted for CS for SB 1011 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 685 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

CS for SB 1011 was laid on the table.

The Senate resumed consideration of—

CS for HB 780—A bill to be entitled An act relating to solicitation of funds; amending s. 496.02, F.S., revising definitions under the Solicitation of Charitable Contributions Act; 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 professional solicitors and their employees; authorizing acceptance of a surety other than bond; providing for the registration of fundraising consultants; amending s. 496.046, F.S., revising registration and renewal fees for charitable organizations 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; requiring written contracts with respect to solicitation or fundraising; requiring the filing of the contract with the department; 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; including reference to fundraising consultants; 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; creating 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; providing an effective date.

Senators W. D. Childers, Jenne, Barron, Hollingsworth, Johnson, Thomas, Beard, Grant, Langley, Crawford, Dudley, Deratany, Grizzle, Thurman, Crenshaw, Gordon and Brown offered the following amendment which was moved by Senator W. D. Childers and adopted:

Amendment 1—On page 4, line 7, after the period insert: "This definition does not include a fraternal organization, provided that organization is exempt under the provisions of Chapter 501 (c)(10) of the Internal Revenue Code of 1954."

Senator Stuart was recorded as voting nay on Amendment 1.

On motion by Senator Deratany, by two-thirds vote CS for HB 780 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

CS for SB 793 was laid on the table.

On motion by Senator Crenshaw, 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 accepted the Conference Committee Report as an entirety and passed CS for CS for HB 1247 as amended by the Conference Committee Report.

John B. Phelps, Clerk

CONFERENCE COMMITTEE REPORT ON CS for CS for HB 1247

June 3, 1987

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

*The Honorable Jon Mills
Speaker, House of Representatives*

Dear Sirs:

Your conference committee on the disagreeing votes of the two Houses on CS for CS for HB 1247, relating to:

The State Lottery

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate recede from the Senate Amendments to Committee Substitute for Committee Substitute for House Bill 1247.
2. That the House and Senate adopt the Conference Committee Amendments to Committee Substitute for Committee Substitute for House Bill 1247 attached hereto and by reference made a part of this report.
3. That the House and Senate pass Committee Substitute for Committee Substitute for House Bill 1247 as amended by said Conference Committee Amendments.

*s/Christian Meffert,
Chairman
a/Winston W. Gardner, Jr.
s/Ronald A. Silver
s/T. K. Wetherell
Managers on the part of the
House of Representatives*

*s/Ander Crenshaw,
Chairman
s/Dempsey J. Barron
s/Curtis Peterson
s/Karen Thurman
Managers on the part of the
Senate*

SUMMARY OF CONFERENCE COMMITTEE ACTION:

The bill is divided into 22 sections. Sections 1 and 2 provide a short title—The Florida Public Education Lottery Act and purpose and intent language including the direction that the lottery be used to provide additional moneys to support improvements in public education and that the lottery department be operated like an entrepreneurial enterprise as much as possible.

Section 3 provides definitions for the terms: Department, Secretary, Commission, Person, Retailer and Vendor. Retailers sell lottery tickets to the public while vendors sell lottery goods and services to the department. The section also defines "major procurement" as specified categories of lottery-related goods and services. The act provides for financial disclosures by vendors involved in major procurements.

Section 4 provides for the creation of the Department of the State Lottery. The head of the department is to be the secretary who is to be appointed by the Governor subject to the confirmation of the Senate. The secretary serves at the pleasure of the Governor. Legislative intent is given directing that the Governor should "conduct a thorough search to find the most qualified appointee available." The compensation of the secretary is to be set annually by executive order of the Governor. All of this is language from the Senate bill.

The House bill would not have required Senate confirmation but would have required the Governor's appointment or removal of the secretary to meet the approval of three members of the Cabinet. In the House bill the secretary's salary and benefits would have been set by the Legislature.

The secretary is given certain duties including the creation of such divisions, bureaus, sections and subsections as are needed to operate the lottery. The bill provides for the creation of one division, the Division of Security. Tallahassee is designated as the location for the department's headquarters, as provided by the House bill and authorization is given for the establishment of regional offices as necessary. The Senate bill allowed the secretary to select the location of the headquarters.

Section 5 creates the State Lottery Commission composed of five members appointed by the Governor. All matters relating to the Commission, except its name, is from the Senate bill. The Senate bill entitled the group a council. The House bill allowed the President of the Senate and Speaker of the House to appoint two each with the Governor appointing one experienced in law enforcement and security. Length of membership is limited to no more than two consecutive four-year terms with the exception of those commissioners whose initial appointments are to terms of less than four years; these could serve two additional four-year terms.

The portions of commission meetings dealing with confidential matters are exempt from s. 286.011, F.S., the public meetings law, when the commission is discussing matters defined as confidential by this act. The commission is to meet at least quarterly or more often at the call of the chairman or secretary. At such call the meetings are exempt from the notice requirements of Chapter 120, the Administrative Procedures Act, when such notice is not practical. In such cases alternative notice requirements are specified. Commissioners are entitled to per diem and travel expenses.

The duty of the commission is to serve as a resource for the lottery department and to provide the secretary with private-sector perspectives on operating a large marketing enterprise. The commission is directed to review the department's performance and is required to report its findings and recommendations to the secretary, the Governor, the Speaker of the House and the President of the Senate. The commission is repealed on October 1, 1997, and is to be reviewed prior to that date by the Legislature, pursuant to the "Sundown Act" s. 11.611, F.S.

Section 6 enumerates the powers and duties of the department, including supervising and administering the operation of the lottery, making rules, submitting monthly and annual reports to the commission, the Governor, the Treasurer and legislative presiding officers, keeping weekly records, and conducting certain studies and research. The department is directed to provide the commission with any information that is requested.

The department is directed to initiate the sale of lottery tickets with instant games by January 15, 1988, and to commence operation of on-line games no later than May 1, 1988. This is a compromise reached with the joint goal of generating as much money for public education as possible while still providing the necessary time for commencing the start-up. The Senate language allowing for delay in sale of both types of tickets is included. This language states that if the secretary of the department finds that a state of emergency exists that should preclude initiation of either type of game by the mandated deadlines, and the Governor verifies this finding, ticket sales may be delayed until after resolution of the state of emergency.

The department is given broad discretion in matters involving the operation of lottery games, including the selection of games, determina-

tion of winners, price of tickets, amounts of prizes, number and type of locations where tickets can be purchased and the manner and amount of compensation for retailers. Three prohibitions are provided in Section 6 as follows:

1. No name of an elected official can appear on any lottery ticket or play slip or any prize or instrument used to pay a prize unless the prize is in the form of a state warrant.
2. No coins or currency can be dispensed from any electronic lottery terminal or device.
3. No player-activated terminals or devices can be used in any lottery game. (In other words, assistance must be provided by the retailer where the ticket is purchased.) A study of player-activated machines is to be conducted by the Department with a report to the Legislature by March 1, 1989.

Both Senate and House bills provided similar prohibitions. The committee agreed to delay the study, which was not in the Senate bill, for an additional year.

The department is instructed in Section 6 to be sensitive to the impact of the lottery on the pari-mutuel industry and provision is made to allow the use of pari-mutuel themes and results in lottery games, so long as the outcome of any lottery game based on pari-mutuel results is determined entirely by chance. This was language in the House bill and was clarified by the Conference Committee to emphasize that winners must be determined completely by chance.

Confidential matters are exempt from Chapter 119, F.S., the public records law, and are defined as those "necessary to the security and integrity of the lottery." The department is to determine by rule what information is confidential. The exemption from Chapter 119 is subject to the open Government Sunset Review Act as provided in s. 119.14, F.S. The House position on confidential matters was adopted.

The department is authorized to perform any of a variety of functions, including purchasing, that, for other state agencies, are performed by the Department of General Services. If agency effectiveness is impaired or impeded by required procedures, the department may adopt rules providing alternative procurement procedures. This language was in both bills.

The department is authorized to acquire and improve property. The title of any property is vested in the Board of Trustees of the Internal Improvement Trust Fund. This language is from the Senate bill.

The committee also adopted Senate language which authorizes the department to charge fees to persons seeking contracts as vendors or retailers to cover application processing and security investigations.

The department is further authorized to participate in multi-state lotteries after one year of lottery ticket sales has been completed. This is a compromise between the House's unlimited authorization and the Senate's authorization only after completion of three years of ticket sales.

There are restrictions on employment of persons convicted of or who have entered a plea of guilty or nolo contendere to a felony committed within the last ten years, regardless of adjudication, unless the person has: been pardoned, had his civil rights restored, or has "engaged in the kind of law-abiding commerce and good citizenship that would reflect well upon the integrity of the lottery" subsequent to conviction or plea. These restrictions were in both bills.

Employees of the department are required to notify the secretary if they discuss employment with a vendor or lottery retailer, and in the case of the secretary and members of the commission, must notify the Governor of any such discussion. Employees with financial interest in a vendor are precluded from participation in decisions relating to the vendor. Employees who have discussed employment with a vendor may only participate in such decisions with the approval of the secretary, or in the secretary's case with the approval of the Governor. Employees are precluded from representing vendors or retailers before the department regarding any specified matter in which the employee was involved for one year after terminating employment with the department. The Senate bill had a two-year prohibition; the conferees accepted the House language.

Section 6 also exempts all employees of the department from Chapter 110, F.S., relating to the Career Service System, and requires the department to establish its own personnel system. All employees serve at the

pleasure of the secretary. The department is given the same authority with regard to its employees as the Department of Administration has for other state employees. Personnel actions are exempt from the provisions of the Administrative Procedures Act (Chapter 120, F.S.). Language from the Senate bill requiring adoption of a code of ethics for department officers and employees concludes Section 6.

Section 7 is the Senate language relating to legislative intent that advertising and promotion of lottery games be "consistent with the dignity and integrity of the state." This section also allows the department to refer to the sum of all prize payments awarded over a number of years when advertising, and to both sell and give away lottery tickets.

Section 8 describes the duties of the previously mentioned Division of Security and requires that the division director and investigators meet employment requirements provided by s. 943.13, F.S. Further, these persons are designated as law enforcement officers, and so must meet the requirements for certification established by the Criminal Justice Standards and Training Commission. This language is from the House bill. The Senate bill did not require law enforcement certification. Certain authority to investigate violations, including entry without warrant into places where lottery tickets are sold, manufactured, printed or stored, is provided.

The Department of Law Enforcement is to perform full criminal background investigations of employees and applicants at the level of secretary, division director, bureau chief or at any level within the Division of Security. This language is from the Senate bill. The division is instructed to conduct background investigations of lottery vendors, retailers, employees, and applicants for employment as necessary with the assistance of the Department of Law Enforcement. The Department of the State Lottery is to reimburse the Department of Law Enforcement for the actual cost of conducting investigations and providing other assistance as requested by the secretary and agreed to by the Executive Director of the Department of Law Enforcement. The Division of Security is also required to supervise ticket validation and lottery drawings. This, too, is from the Senate bill.

The Department of the State Lottery is required to contract with an independent firm experienced in security procedures for a study and evaluation of lottery security after the first year of operations or sooner if found necessary by the secretary. Confidential recommendations from the report are exempt from Chapter 119, F.S., and are to be given only to the secretary, the Director of the Division of Security, the commission, the Governor, and the Auditor General. This exemption is also subject to the open Government Sunset Review Act pursuant to s. 119.14, F.S. Such confidential information may be disclosed to the Legislature and its staff when necessary for the purpose of initiating legislative changes. Additional studies are to be conducted at least every two years. Matters relating to such studies are from the House bill.

Section 9 of the bill relates to rulemaking and contracting. The House position, allowing emergency rules of the department to be replaced by other emergency rules or by nonemergency rules, was adopted. This decision reflects the Legislature's finding of the need for the department to "respond as quickly as is practicable to changes in the marketplace."

Section 9 includes the Senate position on contracting which follows the Administrative Procedures Act but requires that formal written protests be submitted within 72 hours of any decision. The secretary is also allowed to continue the contracting process, despite such protest, if he states in writing that such action is necessary "to avoid a substantial loss of funding to the state or to avoid substantial disruption of the timetable for any scheduled lottery game."

Section 10 is the Senate language stating that venue for actions against the department shall be in Leon County.

Section 11 relates to vendors whose goods or services are needed to operate the lottery and allows the department to contract with such vendors. Before any contracting occurs, the department is to conduct investigations of the vendor, a vendor involved in a major procurement must disclose certain information listed in the bill and any other information deemed necessary by the department. Language relating to vendors is from the House bill except that, pursuant to the Senate bill, if any substantial part of the work is by a subcontractor, the vendor is required to disclose the same information for the subcontractor. Periodic updates of disclosures by vendors are required, and failure to cooperate is grounds for contract termination by the commission.

Vendors who have been convicted of or entered a plea of guilty or nolo contendere to a felony committed within the last ten years, regardless of adjudication, may not enter into any contract unless, as required for department employees, certain conditions are met. An additional way of allowing for participation of such persons is provided if the vendor is a firm or some other sort of group enterprise. In such cases, if the vendor no longer has any relationship with the person whose conduct was responsible for the conviction or entry of plea, that vendor's bid can be considered by the department.

Vendors are required to post appropriate bonds, and to file appropriate tax returns. Payment of liquidated damages is required for any breach of contract.

Section 12 relates to lottery retailers and requires the department to select businesses to sell lottery tickets which meet certain standards that "best serve the public interest." The department is authorized to require any information necessary in considering applications by retailers, and is directed not to establish any limit on the number of retailers. Further, the department is directed to "make every effort to allow small business participation." The Senate language stating that selections be made "without regard to political affiliation" is included.

The department is precluded from contracting with any retailer who is less than 18 years old or who has been convicted of or entered a plea of nolo contendere to a felony committed within the last ten years, regardless of adjudication, unless one of the three conditions listed earlier for vendors is satisfied. There is also a prohibition on contracting with any person as a retailer whose exclusive business is selling lottery tickets, except that, as provided earlier, the department may sell tickets.

Retailers authorized to sell lottery tickets are to be issued a certificate of authority by the department and are to display the certificate in a conspicuous place along with the estimated odds of each game. The certificates are not assignable or transferable, and the retailer can sell only at the location stated on the certificate. The certificate confers no rights not specifically granted by the contract with the department. Retailers are also required to post a statement, provided by the department, of the odds of winning any lottery game. The statement was required by the House bill; the conferees specified that such statements shall be provided by the department.

Department contracts with retailers may be suspended or terminated for any of a variety of reasons, and the department is exempt from any bond requirement in any civil action involving such an action.

The department, however, may require an appropriate bond from any retailer or may purchase blanket bonds covering some or all retailers. In lieu of such bonds, the department may allow a retailer to deposit interest-bearing securities with the State Treasurer who will hold them in trust. In any breach of contract by the retailer, provision is made for payment of liquidated damages.

Retailers are to account for tickets sold and funds received in a manner to be established by the department, provided that payments to the department from retailers be in the form of a check, bank draft, electronic fund transfer or other authorized instrument. No payment shall be in cash.

Retailers whose premises are on habitable grade levels must be accessible to disabled persons.

Section 13 requires that 15 percent of the total number of all retailers and vendors taken together be minority business enterprises, provided that no more than 35 percent of such businesses are of the same type of minority. The department is to provide training and education programs to foster competition by minority businesses on an equal basis. This is, in essence, the House language on minority business participation.

Section 14 requires that each retailer make such payments to the department or to a qualified public depository as directed by the department with the approval of the treasurer. Such deposits must go into a qualified public depository as defined by s. 280.02, F.S., less the amount retained by the retailer as compensation and paid out as prizes. Reports from retailers may be required by the department, and all retailers are liable to the department for tickets unless they are returned in a way prescribed by the department. All moneys received by retailers for tickets are to be held in trust until delivery to the department or by electronic transfer into the Administrative Trust Fund.

Section 15 relates to payment of prizes and provides certain restrictions and requirements on the claim and payment of such prizes. Retailers may pay up to \$599 on their premises.

Payment of prizes is prohibited to persons with tickets sold in violation of this act including persons who are prohibited from buying tickets. Winners have 60 days to claim winnings from instant tickets and 180 days after the drawing or end of the game in which the prize was won to claim prizes for on-line games. Unclaimed prize money is to be used for special prize promotions or future prizes. This was the Senate position. The House bill directed that half the money go to education, with the remainder to prizes.

When lottery prizes are in amounts of \$600 or more, the state has first claim on the prize money to offset any money owed the state or owed in child support collected through a court. Such prize money goes directly to the Comptroller. Affected state agencies and the judicial branch are responsible for identifying to the department persons owing such debts.

Section 16 restricts the purchase of lottery tickets to persons 18 years of age and older and prohibits purchase by officers or employees of the department and officers or employees of any vendor under contract with the department, and their relatives living in the same household. Lottery retailers and their families living in the same household are not allowed to purchase tickets from that particular retailer. Violation of this section constitutes a first degree misdemeanor.

There is no prohibition on the purchase of a ticket for the purpose of giving a gift to a minor. In those instances, the department is allowed to provide payment to an adult in the minor's family or to the legal guardian. The adult or guardian is then subject to the powers and duties prescribed in the Florida Uniform Transfers to Minors Act found in Chapter 710, F.S.

Section 17 provides that it is also a first degree misdemeanor to sell a lottery ticket if not authorized to do so by the department or by law, to sell a lottery ticket to a minor, or to sell a lottery ticket at any price not established by the department.

Section 18 provides for five more prohibited acts with penalties as follows:

1. Unlawful extensions of credit—retailers are not allowed to extend credit or lend money to a person who wishes to purchase a lottery ticket. Providing such credit constitutes a second degree felony. (There is no prohibition on the use of a credit card or other instrument issued by a financial institution or a retailer pursuant to Part II of Chapter 520, F.S. However, any purchase of a lottery ticket with a credit card from a retailer must be in addition to purchase of merchandise or service valued at \$20 or more. This language is from the House bill.)
2. Unlawful assignment or transfer of right to claim prize—persons are not allowed to pressure a lottery winner to assign, transfer or sell his right to claim a prize or to volunteer to collect a winner's prize for compensation. Commission of these acts constitutes a first degree misdemeanor.
3. Counterfeit or altered tickets—No dealing in such tickets is allowed. Violation of this prohibition is a third degree felony.
4. Breach of confidentiality—a person who "knowingly and willfully" discloses confidential information with intent to defraud or to provide a financial or other advantage to himself or another is guilty of a first degree felony.
5. Unlawful representation—persons are precluded from using lottery materials or from representing themselves as lottery retailers without department authorization. Further, the unauthorized use of terms relating to the Florida lottery for purposes unrelated to the lottery, is prohibited. Violation of either prohibition is a first degree misdemeanor.

Section 19 prohibits the use of the word lottery in a corporate name unless the department approves in writing such use. The Department of State is to require corporations which exist on the effective date of this act to comply with this prohibition within six months. This was from the Senate bill.

Section 20 creates the Administrative Trust Fund within the State Treasury to be administered and disbursed by the department. The fund

consists of all proceeds from sale of lottery tickets and any other funds from a lottery-related source. The department may disburse money to pay prizes and cover administrative expenses.

The Administrative Trust Fund shall be administered as are other state agency trust funds and the budget of the department is subject to legislative review and approval. However, the Governor may authorize additional positions for the department and other agencies for implementation of the lottery until July 1, 1989. In addition the Department of Administration may allow a sales incentive program for employees of the lottery department. This was the Senate position. When the department needs to pay an agency for services, payment may be made in advance of such expenses being incurred.

Section 21 represents a compromise from the House and Senate bills and provides for the allocation of moneys in the Administrative Trust Fund as follows:

1. At least 50 percent for prizes (as nearly as practical) (provided in both Senate and House bills);
2. At least 35 percent shall be transferred to the Department of Education to the benefit of public education. Public education is defined to include, but not be limited to, "endowment, scholarship, matching funds, direct grants, research and economic development related to education, salary enhancement, contracts with independent institutions to conduct programs consistent with the state master plan for post-secondary education, or any other educational program or purpose deemed desirable by the Legislature."
3. The remainder shall be used for administrative expenses of the department. (The House bill had provided a 15 percent limit of such expenses while the Senate bill had no specified limit while providing for a goal of 35 percent for education.)

Moneys for public education shall be transferred at least quarterly to the Educational Enhancement Trust Fund as created in the House bill. The Department of Education is authorized to make disbursements. The Legislature is to equitably distribute these moneys to public schools, to community colleges, and to universities. A portion of the money may go to each school district "if determined annually by the Legislature" for distribution to each public school where a committee of educators and parents may determine the proper expenditure of each school's share. (This section adopts the Senate bill's less directive position on allocation of funds with the addition of the House bill's distribution of an amount to each public school. The House bill specified that 70 percent of funds go to public schools with 15% each to community colleges and universities.)

Section 22 relates to this act's effect on other laws and includes provisions that the act authorizes only the state lottery, that no state or local tax shall be imposed upon prizes or tickets, that lottery matters are state responsibility, and that current laws prohibiting possession of lottery tickets do not apply to tickets from lotteries administered by other states and jurisdictions. Department activities are also exempted from certain other chapters not intended to apply to the state lottery.

Section 23 requires the Legislative Auditing Committee to contract each year with an independent certified public accountant for preparation of a financial audit and a study of internal auditing controls. The accounting firm cannot have any financial interest in any vendor under contract to the department. The Auditor General may audit any phase of lottery operations.

Section 24 represents a compromise of the House and Senate bills and provides for start-up funding for the department from an inter-trust fund loan. Start-up funds shall include moneys for fixed capital outlay. The department must repay the loan with interest but may extend repayment for up to an additional 18 months if earlier repayment would cause the department to exceed the limit on administrative expenses provided in the bill.

Section 24 also requires that the secretary be appointed and in office within 90 days after the effective date of the bill. This was the Senate position.

Conference Committee Amendment 1—Strike everything after the enacting clause and insert:

Section 1. *Short title.*—This act may be cited as the "Florida Public Education Lottery Act."

Section 2. *Purpose and intent.*—

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

(2) *The intent of the Legislature is:*

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

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

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

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

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

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

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

(3) *"Commission" means the State Lottery Commission.*

(4) *"Person" means any individual, firm, association, joint adventure, partnership, estate, trust, syndicate, fiduciary, corporation, or other group or combination and shall include any agency or political subdivision of the state.*

(5) *"Major procurement" means a procurement for a contract for the printing of tickets for use in any lottery game, consultation services for the start-up of the lottery, any goods and services relating to marketing and promotion, any goods or services involving the official recording for lottery game play purposes of a player's selections in any lottery game involving player selections, any goods or services involving the receiving of a player's selection directly from a player in any lottery game involving player selections, any goods or services involving the drawing, determination, or generation of winners in any lottery game, or the security report services provided for in this act.*

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

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

Section 4. *Department of the Lottery.*—There is created a Department of the Lottery.

(1) *The head of the Department of the Lottery is the secretary, who shall be appointed by the Governor, subject to the confirmation of the Senate. The secretary shall serve at the pleasure of the Governor. It is the intent of the Legislature that, prior to appointing a secretary of the department, the Governor conduct a thorough search to find the most qualified appointee available. In conducting such search, the Governor shall emphasize such considerations as business management experience, marketing experience, computer experience, and lottery management experience. The compensation of the secretary shall be set annually by executive order of the Governor.*

(2) *The purpose of the department is to operate the state lottery as authorized by s. 15, Art. X of the State Constitution so as to maximize revenues in a manner consonant with the dignity of the state and the welfare of its citizens.*

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

bureaus. However, in order to promote and protect the integrity of and the public confidence in the state lottery, there is created a Division of Security within the department.

(4) *The headquarters of the department shall be located in Tallahassee. However, the department may establish such regional offices throughout the state as the secretary deems necessary to the efficient operation of the state lottery.*

Section 5. *State Lottery Commission.*—

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

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

(3) *The commission shall annually select a chairman.*

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

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

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

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

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

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

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

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

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

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

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

Section 6. *Powers and duties of department.*—The department shall:

(1) *Have the authority to sue or be sued in the corporate name of the department and to adopt a corporate seal and symbol.*

(2)(a) *Supervise and administer the operation of the lottery in accordance with the provisions of this act and rules adopted pursuant thereto.*

(b) Initiate the public sale of lottery tickets with an instant game starting no later than January 15, 1988. If the secretary finds that a state of emergency exists that would prohibit the department from initiating such sale on or before such date or that would cause the initiation of such sale on or before such date to be clearly contrary to the integrity of the state, the secretary shall certify such finding to the Governor. If the Governor verifies such finding, the department shall initiate the sale of lottery tickets on the earliest feasible date after the abatement of such state of emergency.

(c) Also begin to operate on-line games no later than May 1, 1988. If the secretary finds that a state of emergency exists that would prohibit the department from initiating such on-line games on or before such date or that would cause the initiation of on-line games on or before such date to be clearly contrary to the integrity of the state, the secretary shall certify such finding to the Governor. If the Governor verifies such finding, the department shall initiate the sale of lottery tickets on the earliest feasible date after the abatement of such state of emergency.

(3) For purposes of any investigation or proceeding conducted by the department, have the power to administer oaths, take depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence.

(4) Make available to the commission any record or other information relating to the lottery that the commission requests.

(5) Submit monthly and annual reports to the commission, the Governor, the Treasurer, the President of the Senate, and the Speaker of the House of Representatives disclosing the total lottery revenues, prize disbursements, and other expenses of the department during the preceding month. The annual report shall additionally describe the organizational structure of the department, including its hierarchical structure, and shall identify divisions and bureaus created by the secretary and summarize the departmental functions performed by each.

(6) Adopt by rule a system of internal audits.

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

(8) Make a continuing study of the lottery to ascertain any defects of this act or rules adopted thereunder which could result in abuses in the administration of the lottery, and make a continuing study of the operation and the administration of similar laws in other states and federal laws which may affect the lottery, and the reaction of the public to existing and potential features of the lottery.

(9) Conduct such market research as is necessary or appropriate, which may include an analysis of the demographic characteristics of the players of each lottery game and an analysis of advertising, promotion, public relations, incentives, and other aspects of communications.

(10) Adopt rules governing the establishment and operation of the state lottery, including:

(a) The type of lottery games to be conducted, except that:

1. No name of an elected official shall appear on the ticket or play slip of any lottery game or on any prize or on any instrument used for the payment of prizes, unless such prize is in the form of a state warrant.

2. No coins or currency shall be dispensed from any electronic computer terminal or device used in any lottery game.

3. No terminal or device may be used for any lottery game which may be operated solely by the player without the assistance of the retailer.

(b) The sales price of tickets.

(c) The number and sizes of prizes.

(d) The method of selecting winning tickets. However, if a lottery game involves a drawing, the drawing shall be public and witnessed by an independent certified public accountant. The equipment used in the drawing shall be inspected before and after the drawing.

(e) The manner of payment of prizes to holders of winning tickets.

(f) The frequency of drawings or selections of winning tickets.

(g) The number and type of locations at which tickets may be purchased.

(h) The method to be used in selling tickets.

(i) The manner and amount of compensation of retailers.

(j) Such other matters necessary or desirable for the efficient or economical operation of the lottery or for the convenience of the public.

(11) Study the feasibility of using for any lottery game a terminal or device which may be operated solely by the player without the assistance of the retailer, and report to the Legislature no later than March 1, 1989.

(12) Have the authority to hold copyrights, trademarks, and service marks and enforce its rights with respect thereto.

(13) In the selection of games and method of selecting winning tickets, be sensitive to the impact of the lottery upon the pari-mutuel industry and, accordingly, the department may use for any game the theme of horseracing, dogracing, or jai alai and may allow a lottery game to be based upon a horserace, dograce, or jai alai activity so long as the outcome of such lottery game is determined entirely by chance.

(14) Determine by rule information relating to the operation of the lottery which is confidential. Such information includes trade secrets; security measures, systems, or procedures; security reports; information concerning bids or other contractual data, the disclosure of which would impair the efforts of the department to contract for goods or services on favorable terms; employee personnel information unrelated to compensation, duties, qualifications, or responsibilities; and information obtained by the Division of Security pursuant to its investigations which is otherwise confidential. To be deemed confidential, the information must be necessary to the security and integrity of the lottery. Information deemed confidential pursuant to this subsection is exempt from the provisions of s. 119.07(1), Florida Statutes. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14, Florida Statutes.

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

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

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

(18) Enter into contracts for the purchase, lease, or lease-purchase of such goods and services as are necessary for the operation and promotion of the state lottery, including assistance provided by any governmental agency.

(19) In accordance with the provisions of this act, enter into contracts with retailers so as to provide adequate and convenient availability of tickets to the public for each game.

(20) Have the authority to enter into agreements with other states for the operation and promotion of a multistate lottery if such agreements are in the best interest of the state lottery. The authority conferred by this subsection is not effective until 1 year after the first day of lottery ticket sales.

(21) Employ division directors and other staff as may be necessary to carry out the provisions of this act; however:

(a) No person shall be employed by the department who has been convicted of, or entered a plea of guilty or nolo contendere to, a felony committed in the preceding 10 years, regardless of adjudication, unless the department determines that:

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

2. Subsequent to such conviction or entry of plea the person has engaged in the kind of law-abiding commerce and good citizenship that would reflect well upon the integrity of the lottery.

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

(c) No officer or employee of the department who leaves the employ of the department shall represent any vendor or retailer before the department regarding any specific matter in which the officer or employee was involved while employed by the department for a period of 1 year following cessation of employment with the department. A violation of this paragraph is punishable in accordance with s. 112.317, Florida Statutes.

(d) The department shall establish and maintain a personnel program for its employees, including a personnel classification and pay plan which may provide any or all of the benefits provided in the Senior Management Service or Selected Exempt Service. Each officer or employee of the department shall be a member of the Florida Retirement System. The retirement class of each officer or employee shall be the same as other persons performing comparable functions for other agencies. Employees of the department shall serve at the pleasure of the secretary and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the secretary. Such personnel actions are exempt from the provisions of chapter 120, Florida Statutes. All employees of the department are exempt from the Career Service System provided in chapter 110, Florida Statutes, and notwithstanding the provisions of s. 110.205(5), Florida Statutes, are not included in either the Senior Management Service or the Selected Exempt Service.

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

Section 7. Advertising and promotion.—

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

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

Section 8. Division of Security; duties; security report.—

(1) The secretary shall appoint a director of the Division of Security who is qualified by training and experience in law enforcement or security to supervise, direct, coordinate, and administer all activities of the division.

(2) The director and all investigators employed by the division shall meet the requirements for employment and appointment provided by s. 943.13, Florida Statutes, and shall satisfy the requirements for certification established by the Criminal Justice Standards and Training Commission pursuant to chapter 943, Florida Statutes. The director and such investigators shall be designated law enforcement officers and shall have the power to investigate and arrest for any alleged violation of this act or any rule adopted pursuant thereto, or any law of this state. Such law enforcement officers may enter upon any premises in which lottery tickets are sold, manufactured, printed, or stored within the state for the performance of their lawful duties and may take with them any necessary equipment, and such entry shall not constitute a trespass. In any instance in which there is reason to believe that a violation has occurred, such officers have the authority, without warrant, to search and inspect any premises where the violation is alleged to have occurred or is occurring. Any such officer may, consistent with the United States and Florida Constitutions, seize or take possession of any papers, records, tickets, currency, or other items related to any alleged violation.

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

(4) The division shall conduct such investigations of vendors, retailers, and employees of the department, including applicants for contract or employment, as are necessary to ensure the security and integrity of the operation of the state lottery. The department may require persons subject to such investigations to provide such information, including fingerprints, as is needed by the Department of Law Enforcement for processing or otherwise necessary to facilitate access to state and federal criminal history information.

(5) The Department of Law Enforcement shall provide assistance in obtaining criminal history information relevant to investigations required for honest, secure, and exemplary lottery operations, and such other assistance as may be requested by the secretary and agreed to by the executive director of the Department of Law Enforcement. Any other state agency, including the Department of Business Regulation and the Department of Revenue, shall, upon request, provide the Department of the Lottery with any information relevant to any investigation conducted pursuant to this act. The Department of the Lottery shall maintain the confidentiality of any confidential information it receives from any other agency. The Department of the Lottery shall reimburse any agency for the actual cost of providing any assistance pursuant to this subsection.

(6) The division shall supervise ticket validation and lottery drawings.

(7)(a) After the first full year of sales of tickets to the public, or sooner if the secretary deems necessary, the department shall engage an independent firm experienced in security procedures, including, but not limited to, computer security and systems security, to conduct a comprehensive study and evaluation of all aspects of security in the operation of the department.

(b) The portion of the security report containing the overall evaluation of the department in terms of each aspect of security shall be presented to the commission, the Governor, the President of the Senate, and the Speaker of the House of Representatives. Notwithstanding other provisions of state law, the portion of the security report containing specific recommendations shall be confidential and shall be presented only to the secretary, the commission, the Governor, and the Auditor General; however, upon certification that such information is necessary for the purpose of effecting legislative changes, such information shall be disclosed to the President of the Senate and the Speaker of the House of Representatives, who may disclose such information to members of the Legislature and legislative staff as necessary to effect such purpose. However, any person who receives a copy of such information or other information which is confidential pursuant to this act or rule of the department shall maintain its confidentiality. The confidential portion of the report is exempt from the provisions of chapter 119, Florida Statutes. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14, Florida Statutes.

(c) Thereafter, similar studies of security shall be conducted as the department deems appropriate but at least once every 2 years.

Section 9. Administrative procedure.—

(1) The department may at any time adopt emergency rules pursuant to s. 120.54(9), Florida Statutes. The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to benefit the public. The Legislature further finds that the unique nature of state lottery operations requires, from time to time, that the department respond as quickly as is practicable to changes in the marketplace. Therefore, in adopting such emergency rules, the department need not make the findings required by s. 120.54(9)(a), Florida Statutes. Emergency rules adopted under this section are exempt from s. 120.54(9)(c), Florida Statutes, and shall remain in effect until replaced by other emergency rules or by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedure Act.

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

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

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

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

Section 11. Vendors.—

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

(2) The department shall investigate the financial responsibility, security, and integrity of any person who submits a bid, proposal, or offer as part of a major procurement. At a minimum, each such person shall first disclose at the time of submitting such bid, proposal, or offer to the department all of the following items:

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

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

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

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

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

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

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

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

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

(e) A disclosure of the details of any conviction or judgment of a state or federal court of the vendor of any felony and any other criminal offense other than a traffic violation.

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

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

No contract for a major procurement with any vendor who has not complied with the disclosure requirements described in this subsection shall be entered into or be enforceable. Any contract with any vendor who does not comply with such requirements for periodically updating such disclosures during the tenure of such contract as may be specified in such contract may be terminated by the department. This subsection shall be construed broadly and liberally to achieve the ends of full disclosure of all information necessary to allow for a full and complete evaluation by the department of the competence, integrity, background, and character of vendors for major procurements.

(3) No contract for a major procurement with any vendor shall be entered into if that vendor has been convicted of, or entered a plea of guilty or nolo contendere to, a felony committed in the preceding 10 years, regardless of adjudication, unless the department determines that:

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

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

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

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

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

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

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

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

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

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

(6) Each vendor shall be qualified to do business in this state and shall file appropriate tax returns as provided by the laws of this state, and all contracts shall be governed by the laws of this state.

Section 12. Retailers.—

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

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

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

(a) Is less than 18 years of age.

(b) Is engaged exclusively in the business of selling lottery tickets; however, this paragraph shall not preclude the department from selling lottery tickets.

(c) Has been convicted of, or entered a plea of guilty or nolo contendere to, a felony committed in the preceding 10 years, regardless of adjudication, unless the department determines that:

1. The person has been pardoned or the person's civil rights have been restored; or

2. Subsequent to such conviction or entry of plea the person has engaged in the kind of law-abiding commerce and good citizenship that would reflect well upon the integrity of the lottery; or

3. If the person is a firm, association, partnership, trust, corporation, or other entity, the person has terminated its relationship with the individual whose actions directly contributed to the person's conviction or entry of plea.

(4) The department shall issue a certificate of authority to each person with whom it contracts as a retailer for purposes of display pursuant to subsection (6). The issuance of the certificate shall not confer upon the retailer any right apart from that specifically granted in the contract. The authority to act as a retailer shall not be assignable or transferable.

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

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

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

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

(d) Insufficient sale of tickets.

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

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

(6) Every retailer shall post and keep conspicuously displayed in a location on the premises accessible to the public its certificate of authority and, with respect to each game, a statement supplied by the department of the estimated odds of winning some prize for the game.

(7) No contract with a retailer shall authorize the sale of lottery tickets at more than one location, and a retailer may sell lottery tickets only at the location stated on the certificate of authority.

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

(9)(a) The department may require every retailer to post an appropriate bond as required by the department, using an insurance company acceptable to the department, in an amount not to exceed twice the average lottery ticket sales of the retailer for the period within which the retailer is required to remit lottery funds to the department. For the first 90 days of sales of a new retailer, the amount of the bond may not exceed twice the average estimated lottery ticket sales for the period within which the retailer is required to remit lottery funds to the department. This paragraph shall not apply to lottery tickets which are prepaid by the retailer.

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

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

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

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

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

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

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

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

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

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

Section 13. Minority participation.—It is the intent of the Legislature that the department encourage participation by minority business enterprises as defined in s. 288.703, Florida Statutes. Accordingly, 15 percent of the total number of all retailers and vendors taken together

shall be minority business enterprises as defined in s. 288.703(2), Florida Statutes; however, no more than 35 percent of such retailers or vendors shall be owned by the same type of minority person, as defined in s. 288.703(3), Florida Statutes. The department is directed to undertake training programs and other educational activities to enable such persons to compete for such contracts on an equal basis. This section shall not preclude or prohibit a minority person from competing for any other retailing or vending agreement awarded by the department.

Section 14. Bank deposits and control of lottery transactions.—

(1) All moneys received by each retailer from the operation of the state lottery, including, but not limited to, all ticket sales, interest, gifts, and donations, less the amount retained as compensation for the sale of the tickets and the amount paid out as prizes, shall be remitted to the department or deposited in a qualified public depository, as defined in s. 280.02, Florida Statutes, as directed by the department. The department shall have the responsibility for all administrative functions related to the receipt of funds. The department may also require each retailer to file with the department reports of the retailer's receipts and transactions in the sale of lottery tickets in such form and containing such information as the department may require. The department may require any person, including a qualified public depository, to perform any function, activity, or service in connection with the operation of the lottery as it may deem advisable pursuant to this act and rules of the department and such functions, activities, or services shall constitute lawful functions, activities, and services of such person.

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

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

Section 15. Payment of prizes.—

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

(a) The right of any person to a prize shall not be assignable. However, a person entitled to a prize may assign not more than 50 percent of a prize to a bank, savings association, or credit union organized under the laws of this state or of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state. Also, a prize may be paid to the estate of a deceased prize winner or to a person designated pursuant to an appropriate judicial order.

(b) No prize shall be paid to any person under the age of 18 years unless the winning ticket was lawfully purchased and made a gift to the minor. In such case the department shall direct payment to an adult member of the minor's family or the legal guardian of the minor as custodian for the minor. The person named as custodian shall have the same powers and duties as prescribed for a custodian pursuant to chapter 710, Florida Statutes, the Florida Uniform Transfers to Minors Act.

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

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

(e) For the convenience of the public, retailers may be authorized to pay winners up to \$599 after performing validation procedures on their premises appropriate to the lottery game involved.

(f) Holders of tickets shall have the right to claim prizes for 180 days after the drawing or the end of the lottery game or play in which the prize was won; except that with respect to any game in which the player may determine instantly if he has won or lost, such right shall exist for 60 days after the end of the lottery game. If a valid claim is not made for a prize within the applicable period, the prize shall constitute an unclaimed prize for purposes of subsection (2).

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

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

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

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

Section 16. Unlawful purchase of lottery tickets; penalty.—

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

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

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

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

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

Section 17. Unlawful sale of lottery tickets; penalty.—Any person who knowingly:

(1) Sells a state lottery ticket when not authorized by the department or this act to engage in such sale;

(2) Sells a state lottery ticket to a minor; or

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

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

Section 18. Other prohibited acts; penalties.—

(1) **UNLAWFUL EXTENSIONS OF CREDIT.**—Any retailer who extends credit or lends money to a person for the purchase of a lottery ticket is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes. This subsection shall not be construed to prohibit the purchase of a lottery ticket through the use of a credit or charge card or other instrument issued by a bank, savings association, credit union, or charge card company or by a retailer pursuant to part II of chapter 520, Florida Statutes, provided that any such purchase from a retailer shall be in addition to the purchase of goods and services other than lottery tickets having a cost of no less than \$20.

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

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

- (a) Knowingly presents a counterfeit or altered state lottery ticket;
- (b) Knowingly transfers a counterfeit or altered state lottery ticket to another to present for payment; or
- (c) With intent to defraud, falsely makes, alters, forges, passes, or counterfeits a state lottery ticket;

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

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

(5) **UNLAWFUL REPRESENTATION.**—

(a) Any person who uses point-of-sale materials issued by the department or otherwise holds himself out as a retailer without being authorized by the department to act as a retailer is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

(b) Any person who without being authorized by the department in writing uses the term "Florida Lottery," "State Lottery," "Florida State Lottery," or any similar term in reference to an enterprise other than a lottery conducted under this act is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 19. Corporate name.—The corporate name of a corporation shall not contain the word "lottery" unless the Department of the Lottery approves such name in writing. The Department of State shall require each corporation existing on the effective date of this act to comply with this section no later than 6 months after the effective date of this act.

Section 20. Financial matters.—

(1) There is hereby created in the State Treasury an Administrative Trust Fund to be administered in accordance with chapters 215 and 216, Florida Statutes, by the department. All money received by the department shall be deposited into the Administrative Trust Fund. All moneys in the trust fund are appropriated to the department for the purposes specified in this act.

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

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

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

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

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

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

Section 21. Allocation of revenues and expenditure of funds for public education.—

(1) As nearly as practical, at least 50 percent of the moneys in the Administrative Trust Fund shall be returned to the public in the form of prizes paid by the department or retailers as authorized by this act.

(2) Each fiscal year, at least 35 percent of the moneys in the Administrative Trust Fund shall be deposited in the Educational Enhancement Trust Fund, which is hereby created in the State Treasury to be administered by the Department of Education. The Department of the Lottery shall transfer moneys to the Educational Enhancement Trust Fund at least once each quarter. Funds in the Educational Enhancement Trust Fund shall be used to the benefit of public education in accordance with the provisions of this act.

(3) The funds remaining in the Administrative Trust Fund after payment of prizes and transfers to the Educational Enhancement Trust Fund shall be used for the payment of administrative expenses of the department. These expenses shall include all costs incurred in the operation and administration of the lottery and all costs resulting from any contracts entered into for the purchase or lease of goods or services required by the lottery, including, but not limited to, the compensation paid to retailers; the costs of supplies, materials, tickets, independent audit services, independent studies, data transmission, advertising, promotion, incentives, public relations, communications, security, bonding for retailers, printing, distribution of tickets, and reimbursing other governmental entities for services provided to the lottery; and any other goods and services necessary for effectuating the purposes of this act.

(4)(a) Public educational programs and purposes funded by the Educational Enhancement Trust Fund may include, but are not limited to, endowment, scholarship, matching funds, direct grants, research and economic development related to education, salary enhancement, contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education, or any other educational program or purpose deemed desirable by the Legislature.

(b) Except as provided in paragraph (c), the Legislature shall equitably apportion moneys in the trust fund among public schools, community colleges, and universities.

(c) A portion of such net revenues, if determined annually by the Legislature, shall be distributed to each school district based upon weighted full-time equivalent student membership data, and shall be made available to each public school in the district for expenditure by a committee composed of instructional staff and parents of students at the school.

Section 22. Exemption from taxation; state preemption; inapplicability of other laws.—

(1) This act shall not be construed to authorize any lottery except the lottery operated by the department pursuant to this act.

(2) No state or local tax shall be imposed upon any prize paid or payable under this act or upon the sale of any lottery ticket pursuant to this act.

(3) All matters relating to the operation of the state lottery are preempted to the state, and no county, municipality, or other political subdivision of the state shall enact any ordinance relating to the operation of the lottery authorized by this act. However, this subsection shall not prohibit a political subdivision of the state from requiring a retailer to obtain an occupational license for any business unrelated to the sale of lottery tickets.

(4) Any state or local law providing any penalty, disability, restriction, or prohibition for the possession, manufacture, transportation, distribution, advertising, or sale of any lottery ticket, including chapter 849, Florida Statutes, shall not apply to the tickets of the state lottery operated pursuant to this act; nor shall any such law apply to the pos-

session of a ticket issued by any other government-operated lottery. In addition, activities of the department under this act are exempt from the provisions of:

- (a) Chapter 616, Florida Statutes, relating to public fairs and exhibitions.
- (b) Sections 365.02, 365.03, and 365.05, Florida Statutes, relating to use of wire services.
- (c) Chapter 946, Florida Statutes, relating to correctional work programs.
- (d) Chapter 282, Florida Statutes, relating to communications and data processing.
- (e) Sections 186.021 and 186.022, Florida Statutes, relating to agency functional plans.
- (f) Section 110.131, Florida Statutes, relating to other personal services.
- (g) Section 283.315, Florida Statutes, relating to publications.

Section 23. Annual audit of financial records and reports.—The Legislative Auditing Committee shall contract with a certified public accountant licensed pursuant to chapter 473, Florida Statutes, for an annual financial audit of the department. The certified public accountant shall have no financial interest in any vendor with whom the department is under contract. The certified public accountant shall present an audit report no later than 7 months after the end of the fiscal year and shall make recommendations to enhance the earning capability of the state lottery and to improve the efficiency of department operations. The certified public accountant shall also perform a study and evaluation of internal accounting controls and express an opinion on those controls in effect during the audit period. The cost of the annual financial audit shall be paid by the department. The Auditor General may at any time conduct an audit of any phase of the operations of the state lottery and shall receive a copy of the yearly independent financial audit and any security report prepared pursuant to section 8. A copy of any audit performed pursuant to this section shall be submitted to the secretary, the commission, the Governor, the President of the Senate, the Speaker of the House of Representatives, and members of the Legislative Auditing Committee.

Section 24. Transitional provisions.—

(1) Moneys necessary for the purpose of paying all start-up costs relating to the operation of the department during the period ending June 30, 1988, including fixed capital outlay, shall be transferred in accordance with s. 215.18, Florida Statutes, to the Administrative Trust Fund created by this act. The department shall repay such moneys, together with interest at the same rate earned by the State Treasurer on investments of state funds, from moneys allocated by the department for administrative expenses no later than June 30, 1988. However, any law to the contrary notwithstanding, if the department determines that repayment by such date would cause the department to exceed the limit on administrative expenses imposed by this act, the department may extend such repayment for up to 18 months after such date.

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

Section 25. This act shall take effect upon becoming a law.

Conference Committee Amendment 2—In title, on page 1, lines 2-31; page 2, lines 1-31; and page 3, lines 1-4, strike all of said lines and insert: An act relating to the state lottery; creating the Florida Public Education Lottery Act; providing purpose and intent; providing definitions; creating the Department of the Lottery; providing for appointment of a secretary; specifying qualifications; authorizing creation of divisions and bureaus; creating a Division of Security; providing for departmental offices; creating the State Lottery Commission; providing membership and terms; specifying duties thereof; providing for per diem and travel expenses; providing for future repeal; specifying powers and duties of the department; providing requirements with respect to operation of a state lottery; specifying authority of department regarding procurement and state property; providing requirements relating to department officers and employees; prohibiting certain conflicts of interest and providing for penalties; providing for advertising and promotion; providing duties of the Division of Security; providing law enforcement officer status for cer-

tain persons in the division; specifying such persons' powers, including certain searches without warrant; providing for assistance of the Department of Law Enforcement and other agencies; requiring security reports; providing for certain confidentiality and providing for review and repeal; providing for rules, including emergency rules; providing exemptions from the Administrative Procedure Act; providing venue; authorizing the department to contract with vendors; requiring certain disclosure; providing qualifications and restrictions; authorizing bond requirements; providing for contracts with retailers; providing qualifications; declaring certain persons to be ineligible; providing for grounds for suspension and termination of contracts; requiring retailers to display certificates of authority and provide certain information to the public; authorizing bond requirements; requiring certain accessibility; providing for participation by minority business enterprises; authorizing preferences and programs; providing procedures for the deposit of funds and control of lottery transactions; providing restrictions upon the payment of prizes; providing time limits; providing for disposition of unclaimed prizes; providing for release from liability; authorizing the Comptroller to offset amounts due state agencies from certain prizes; prohibiting certain purchases and sales of lottery tickets and declaring certain other activities to be unlawful; providing penalties; providing restrictions on corporate names; providing for deposit of revenues in an Administrative Trust Fund for payment of expenses and prizes; providing for additional positions; authorizing a sales incentive program for department employees; providing for the allocation of revenues; providing for transfer of net revenues to a trust fund under the Department of Education; providing educational purposes for which revenues may be used; exempting prizes and ticket sales from taxes; specifying inapplicability of certain other laws; providing for audits; providing for the transfer of start-up funds to the department and for repayment thereof; providing an effective date.

The Conference Committee Report was read and on motion by Senator Crenshaw was adopted. CS for CS for HB 1247 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—30

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

Nays—3

Barron	Langley	Plummer
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Vote after roll call:

Yea—Girardeau, Hair, Kirkpatrick, Peterson

Yea to Nay—Hollingsworth

Explanations of Vote

I have voted in favor of CS for CS for HB 1247, implementing the new state lottery.

While I am personally opposed to the further legalization of any form of gambling, I recognize the responsibility we have as elected officials to carry out the policy decision on this matter which the voters so overwhelmingly approved by referendum last November.

This bill reflects the voters' wishes, not only as to the authorization for a lottery itself, but a commitment that all of the proceeds thereof will be used solely for public education as well.

Frank R. Dudley, 38th District

The reason for my vote against CS for CS for HB 1247 is because a significant portion of the lottery process is not open to the public.

As a Senator dedicated to government in the sunshine, I feel it is my responsibility to vote against this bill.

Lawrence H. Plummer, 39th District

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote CS for SB 865, SB 274, CS for SB 893, SB 952, CS for SB 988 and SB 638 were withdrawn from the Committee on Appropriations.

On motion by Senator Hollingsworth, by two-thirds vote HB 1111 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Jennings, by two-thirds vote HB 485 was withdrawn from the Committee on Commerce.

On motion by Senator Margolis, by two-thirds vote HB 784 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Langley, by two-thirds vote SB 1225 was withdrawn from the Committee on Judiciary-Civil.

Reconsideration

The Senate resumed consideration of—

CS for SB 142—A bill to be entitled An act relating to tax administration; amending ss. 72.011, 213.05, 213.053, 220.53, F.S.; revising certain statute cross references; authorizing the Department of Revenue to disclose to local governments certain taxpayer information under certain circumstances; amending ss. 198.14, 198.15, F.S.; providing for extending the time for paying estate taxes under certain circumstances; amending ss. 199.135, 201.132, F.S.; requiring clerks of circuit courts to pay certain taxes to the Department of Revenue within a certain time; providing for a collection allowance for clerks; amending s. 199.282, F.S.; authorizing the Department of Revenue to settle or compromise certain taxes, penalties, or interest; amending s. 201.01, F.S.; exempting certain governmental entities from the documentary stamp tax; requiring nonexempt parties to a document to pay such tax; amending s. 201.05, F.S.; defining "stock"; providing penalties; creating s. 832.062, F.S.; prohibiting paying taxes, penalties, interest, fees or associated amounts to the Department of Revenue with worthless checks, drafts, or debit card orders; providing penalties; amending s. 832.07, F.S.; providing for prima facie evidence of identity of persons issuing bad checks, drafts, or debit card orders; amending s. 214.14, F.S.; providing a technical correction; amending s. 220.03, F.S.; correcting certain internal cross references; repealing s. 201.04, F.S., relating to taxing transfers of stock; providing an effective date.

The motion by Senator Langley that the Senate reconsider the vote by which the Senate refused to concur in the House amendments was taken up and adopted, and the Senate reconsidered.

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

Amendment 1—On page 4, lines 29 and 30 and on page 7, line 29, strike "\$2 50 cents" and insert: \$1.00

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

CS for SB 142 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—25

Barron	Deratany	Kiser	Thomas
Beard	Dudley	Langley	Thurman
Brown	Frank	Malchon	Weinstock
Childers, D.	Grizzle	McPherson	Woodson
Childers, W. D.	Hill	Meek	
Crawford	Hollingsworth	Ros-Lehtinen	
Crenshaw	Jennings	Stuart	

Nays—6

Gordon	Johnson	Myers
Jenne	Margolis	Plummer

Vote after roll call:

Yea—Girardeau, Kirkpatrick, Peterson

Yea to Nay—Weinstock

On motion by Senator Myers, 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 accepted the Conference Committee Report as an entirety and passed CS for HB 1384 as amended by the Conference Committee Report.

John B. Phelps, Clerk

CONFERENCE COMMITTEE REPORT ON CS for HB 1384

June 3, 1986

*The Honorable Jon L. Mills
Speaker House of Representatives*

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

Dear Sirs:

Your Conference Committee on the disagreeing votes of the two Houses to Committee Substitute for House Bill 1384 same being:

An act relating to health care

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

1. That the Senate recede from its Amendments 1 and 2.
2. That the Senate and House of Representatives adopt the Conference Committee amendments 1 and 2 attached hereto; and by reference made a part of this report.
3. That the Senate and the House of Representatives pass Committee Substitute for House Bill 1384 as amended by said Conference Committee amendments.

*s/Michael I. Abrams,
Chairman
s/C. Fred Jones
s/Steve Press
s/Arthur E. Grindle
s/Michael Edward Langton,
Alternate
s/Bruce McEwan,
Alternate*

Managers on the part of the
House of Representatives

*s/William G. Myers,
Chairman
s/Jack D. Gordon
s/Dexter W. Lehtinen
s/James A. Scott*

Managers on the part of the
Senate

Conference Committee Amendment 1—Strike everything after the enacting clause and insert:

Section 1. *Legislative intent.*—

(1) *The Legislature finds that although government and private health care providers are expending a substantial portion of their resources to provide health care for low-income and medically indigent persons, significant health care needs are still not being met. The gap between private insurance and government programs is expanding, leaving both providers and low-income persons at risk for providing or accessing necessary health services. In addition, the amount of uncompensated health care provided to uninsured, underinsured, or medically indigent persons is rapidly rising. The Legislature further finds that this fact is due in large measure to the lack of a comprehensive and coordinated health care system. Historically, emphasis has been placed on funding services in hospitals and other institutional settings, rather than utilizing more cost-efficient primary and preventive care services. Current government-sponsored health programs which do exist, such as Medicaid, serve only a fraction of the people in need and often do not cover the cost of providing services. Therefore, it is the intent of the Legislature that:*

(a) *Funds be made available on the short term to help ease the financial burden placed on hospitals currently providing the bulk of services to low-income persons.*

(b) *Emphasis be placed on shifting the reliance on restrictive and costly institutional care to outpatient, primary, and preventive care services.*

(c) *Incentives be developed to shift the burden of providing uncompensated charity care more equitably among providers.*

(d) *Incentives be developed to improve the participation of physicians, hospitals, and other providers in the Medicaid program.*

(e) *Resources be targeted to those groups, such as pregnant women and children, where early intervention and treatment has the greatest potential for reducing the incidence of more costly and serious disease.*

(f) *Resources be directed to provide health care services for elderly and disabled adults.*

(g) *Resources be directed to test health care demonstration projects.*

(2) *It is the intent of the Legislature that state appropriated funding strategies for indigent health care services contained in this legislation represent a 1-year commitment only and that indigent health care services be reviewed by the 1988 Legislature.*

(3) *This section shall take effect July 1, 1987, or upon becoming a law, whichever occurs later.*

Section 2. Paragraph (q) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(a) Establish, and subsequently merge or abolish those created hereunder, municipal service taxing or benefit units for any part or all of the unincorporated area of the county, within which may be provided fire protection, law enforcement, beach erosion control, recreation service and facilities, water, streets, sidewalks, street lighting, garbage and trash collection and disposal, waste and sewage collection and disposal, drainage, transportation, *indigent health care services*, and other essential facilities and municipal services from funds derived from service charges, special assessments, or taxes within such unit only. It is declared to be the intent of the Legislature that this paragraph is the authorization for all counties to levy additional taxes, within the limits fixed for municipal purposes, within such municipal service taxing units under the authority of the second sentence of s. 9(b), Art. VII of the State Constitution.

Section 3. *County indigent health care districts.—Each county may establish a dependent special district pursuant to the provisions of chapter 125, Florida Statutes, or, by ordinance, create an independent special district to provide indigent health care services throughout the county in accordance with this section.*

(1) *The county governing body shall appoint an indigent health care board to serve as the governing board of the independent special district.*

(2)(a) *Each indigent health care board shall have the following powers and duties:*

1. *To provide and maintain in the county such indigent health care clinics as the board determines are needed for the general welfare of the county.*

2. *To provide for the health care of indigents and to provide such other services for indigents as the board determines are needed for the general welfare of the county.*

3. *To allocate and provide funds for other agencies in the county which are operated for the benefit of indigents.*

4. *To collect information and statistical data that will be helpful to the board in deciding the health care needs of indigents in the county.*

5. *To consult with other agencies dedicated to the health care of indigents to the end that the overlapping of services will be prevented.*

6. *To lease or buy such real property and personal property and to construct such buildings as are needed to execute the foregoing powers and duties; however, such purchases may not be made or construction done except for cash with funds on hand.*

7. *To employ and pay any part-time or full-time personnel needed to execute the foregoing powers and duties.*

(b) *Books of account must be kept by the board or its clerical assistants, and the fiscal affairs of the board must be exclusively audited by state auditors assigned from time to time to audit the affairs of the county officials.*

(3)(a) *The fiscal year of the district must be the same as that of the county.*

(b) *On or before May 1 of each year, the indigent health care board shall prepare and adopt an annual written budget of its expected income and expenditures, including a contingency fund. The written budget must be certified and delivered to the board of county commissioners on or before July 1 of each year. Included in each certified budget must be an estimate of the millage rate necessary to be applied to raise the funds budgeted for expenditures, which millage rate may not exceed a maximum of 5 mills for each \$1,000 of assessed valuation of all properties within the county which are subject to county taxes. The budget of the indigent health care board so certified and delivered to the board of county commissioners may not be changed or modified by the board of county commissioners or any other authority.*

(c) *In order to provide funds for the indigent health care board, the independent special district, by vote of the electorate, shall levy ad valorem taxes annually on all taxable property in the county in an amount not to exceed 5 mills. The tax shall be assessed, levied, and collected in the same manner and at the same times as is provided by law for the levy, collection, and enforcement of collection of county taxes.*

(d) *All tax moneys collected under this section, as soon after the collection thereof as is reasonably practicable, must be paid directly to the indigent health care board by the tax collector of the county, or the clerk of the circuit court if the clerk collects delinquent taxes. The moneys so received by the indigent health care board must be deposited in a special bank account and may be withdrawn only by checks signed by the chairman of the indigent health care board and countersigned by one other member of the indigent health care board who is so authorized by the board. The chairman and the other member of the indigent health care board who signs its checks shall each give a surety bond in the sum of \$1,000, which bond must be conditioned that each of them shall faithfully discharge the duties of his office. No other member of the indigent health care board may be required to give bond or other security. No funds of the indigent health care board may be expended except by check as aforesaid, except expenditures from a petty cash account, which may not at any time exceed \$25. All expenditures from petty cash must be recorded on the books and records of the indigent health care board. No funds of the indigent health care board, excepting expenditures from petty cash, may be expended without prior approval of the board, in addition to the budgeting thereof.*

(e) *Within 10 days after the expiration of each quarter-annual period, the indigent health care board shall cause to be prepared and filed with the board of county commissioners a financial report, which includes:*

1. *The total expenditures of the board for the quarter-annual period;*

2. *The total receipts of the board during the quarter-annual period; and*

3. *A statement of the funds the board has on hand or in banks at the end of the quarter-annual period.*

(4) *After the first year of operation of the indigent health care board, the board of county commissioners may, at its option, fund the budget of the indigent health care board from its own funds.*

Section 4. Effective July 1, 1987, or upon becoming a law, whichever, occurs later, section 154.011, Florida Statutes, is created to read:

154.011 Primary care services.—

(1) *It is the intent of the Legislature that all 67 counties offer primary care services through contracts as required by s. 154.01(3), for Medicaid recipients and other qualified low-income persons. Therefore, beginning July 1, 1987, the department is directed, to the extent that funds are appropriated, to develop a plan to implement a program in cooperation with each county. The department shall coordinate with the county's primary care panel, as created by this act, or with the county's governing body if no primary care panel is appointed. Such primary care programs shall be phased-in and made operational as additional resources are appropriated pursuant to s. 409.266(6)(c), and shall be subject to the following:*

(a) *The department shall enter into contracts with the county governing body for the purpose of expanding primary care coverage. The county governing body shall have the option of organizing the primary care programs through county public health units or through county public hospitals owned and operated directly by the county. The department shall, as its first priority, maximize the number of counties participating in the primary care programs under this section, but shall establish priorities for funding based on need and the willingness of counties to participate. The department shall select counties for programs through a formal request-for-proposal process that requires compliance with program standards for cost-effective quality care and seeks to maximize access throughout the county.*

(b) *Each county shall have the options of providing services directly through the county public health units, contracting with individual or group practitioners for all or part of the service, or developing service delivery models which are organized through the county public health units, but which utilize other service or delivery systems available, such as federal primary care programs or prepaid health plans. In addition, counties shall have the option of pooling resources and joining with neighboring counties in order to fulfill the intent of this section.*

(c) *Each primary care program shall conform to the requirements and specifications of the department, and shall at a minimum:*

1. *Adopt a minimum eligibility standard of at least 100 percent of the federal nonfarm poverty level.*

2. *Provide a comprehensive mix of preventive and illness care services.*

3. *Be family-oriented and be easily accessible regardless of income, physical status, or geographical location.*

4. *Ensure 24-hour telephone access and offer evening and weekend clinic services.*

5. *Offer continuity of care over time.*

6. *Make maximum use of existing providers to ensure efficient use of resources.*

7. *Have a sliding fee schedule based on income for eligible persons above 100 percent of the federal nonfarm poverty level.*

8. *Include quality assurance provisions and procedures for evaluation.*

9. *Provide early periodic screening diagnostic and treatment services for Medicaid-eligible children.*

(2) *The department shall be responsible for monitoring, measuring, and evaluating the quality, cost-effectiveness, services, and geographic accessibility provided by each primary care program and shall utilize the resulting data when renegotiating contracts with counties.*

(3) *It is the intent of the Legislature that each county primary care program include a broad range of preventive and acute care services which are actively coordinated through comprehensive medical management; and further, that the health and preventive services currently offered through the county public health units are fully integrated, to the extent possible, with the services provided by the primary care programs.*

(4) *Each county primary care program shall coordinate obstetrical services with the Improved Pregnancy Outcome Program. Financially eligible women at risk for adverse pregnancy outcomes, due to any potential medical complication, shall not be denied access to prenatal care. Potential medical complications may arise out of, but not be limited to, alcohol abuse, drug abuse, or delay in obtaining initial prenatal care. The inability of the primary care program to provide funding for hospitalization or other acute services shall not preclude an eligible patient from obtaining prenatal services.*

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

Section 5. Section 154.013, Florida Statutes, is created to read:

154.013 County primary care service panels.—

(1) *Each county may establish a primary health care panel consisting of two members of the county governing body appointed by the chairman of the county governing body, the county public health unit director, the district administrator of the district of the Department of Health and Rehabilitative Services in which the county is located, at least one but not more than three health care providers appointed by the chairman of the county governing body, and two laypersons appointed by the chairman of the county governing body.*

(2) *The panel shall develop a plan for the delivery of primary care services in the county subject to review and approval by the county governing body. Such plan shall include recommended primary care services to be offered within the county and criteria and standards to be included in any request-for-proposal or bid specifications. In addition, the panel shall review any contract proposals that may be submitted to the county in order to make recommendations as to which providers should be awarded contracts.*

Section 6. Paragraph (e) of subsection (2) of section 155.40, Florida Statutes, is amended to read:

155.40 Reorganization of county, district, or municipal hospital as a not-for-profit corporation.—

(1) *In order that citizens and residents of the state may receive quality health care, any county, district, or municipal hospital organized and existing under the laws of this state, acting by and through its governing board, shall have the authority to reorganize such hospital as a not-for-profit Florida corporation, and enter into contracts with not-for-profit Florida corporations for the purpose of operating and managing such hospital and any or all of its facilities of whatsoever kind and nature; to enter into leases with a not-for-profit Florida corporation for the operating of such facilities so existing. The term of any such lease, contract, or agreement and the conditions, covenants, and agreements to be contained therein shall be determined by the governing board of such county, district, or municipal hospital.*

(2) *Any such lease, contract, or agreement made pursuant hereto shall:*

(a) *Provide that the articles of incorporation of such not-for-profit corporation be subject to the approval of the board of directors or board of trustees of such hospital;*

(b) *Require that the not-for-profit corporation become qualified under s. 501(c)(3) of the United States Internal Revenue Code;*

(c) *Provide for the orderly transition of such facilities to not-for-profit corporation status;*

(d) *Provide for the return of such facility to the county, municipality, or district upon the termination of such agreement or the dissolution of such not-for-profit corporation; and*

(e) *Provide for the continued treatment of indigent patients pursuant to the Florida Health Care Responsibility Act and pursuant to this act.*

(3) *The articles of incorporation of such not-for-profit corporation may provide for the abolishment of the existing governing board of the hospital and the establishment of a new board.*

Section 7. Effective July 1, 1987, or upon becoming a law, whichever occurs later, paragraph (a) of subsection (1) and subsections (2), (5) and (6) of section 409.266, Florida Statutes, are amended, subsections (7), (8), (9), (10), (11), (12), and (13) are renumbered as subsections (8), (9), (10), (11), (12), (13), and (15), respectively, and new subsections (7) and (14) are added to said section, to read:

409.266 Medical assistance.—

(1) *The department is designated as the state agency responsible for the administration of Medicaid funds under Title XIX of the Social Security Act and, to the extent moneys are appropriated, is authorized to provide payment for medical services to any person who:*

(a) *Is determined by the department or its agents to be eligible for Medicaid or for assistance from the Public Medical Assistance Trust Fund pursuant to s. 409.2662.*

(2) *The department shall purchase medical services for eligible persons in the most cost-effective form consistent with the delivery of qual-*

ity medical care. The department shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services where appropriate and other alternative service delivery and reimbursement methodologies designed to facilitate the cost-effective purchase of a case-managed continuum of comprehensive care. The department shall also require providers to minimize the exposure of recipients to the need for acute inpatient care and to minimize the inappropriate or unnecessary utilization of high-cost services. To this end, the department is authorized to:

(a) Enter into such agreements with appropriate agents, other state agencies, or any agency of the Federal Government and accept such duties in respect to social welfare or public aid as may be necessary or needed to implement the provisions of Title XIX of the Social Security Act pertaining to medical assistance.

(b) Contract with health maintenance organizations certified pursuant to part II of chapter 641 for the provision of medical services to eligible persons.

(c) Contract with health units authorized by s. 154.01 to provide a comprehensive range of health care services on a prepaid per capita or prepaid aggregate fixed-sum basis to persons determined to be eligible for Medicaid services. Such health unit may provide such prepaid services either directly or through arrangements with other providers. Such prepaid health care services are exempt from the provisions of part II of chapter 641.

(d) Contract with the following entities on a prepaid per capita or prepaid aggregate fixed-sum basis for the provision of a comprehensive range of health care services to persons determined eligible for Medicaid services:

1. Any licensed health care provider which:

a. Is organized primarily for the purpose of providing health care services;

b. Assures that services meet the standards set by the department for quality, appropriateness, and timeliness;

c. Makes provisions satisfactory to the department for insolvency protection and assures that neither enrolled Medicaid recipients nor the department will be liable for the debts of the organization;

d. Proposes a plan satisfactory to the department which is actuarially sound and provides for working capital sufficient to carry all operating expenses for a period of at least 3 months or working capital of \$75,000, whichever is greater;

e. Furnishes evidence satisfactory to the department of adequate insurance coverage or an adequate plan of self-insurance to respond to claims for injuries arising out of the furnishing of comprehensive health care;

f. Provides, through contract or otherwise, for periodic review of its medical facilities and services, as required by the department; and

g. Provides organizational, operational, financial, and other data required by the department.

2. Any health insurer which:

a. Pays for health care services provided to enrolled Medicaid recipients in exchange for a premium payment paid by the department;

b. Assumes the underwriting risk;

c. Is organized and licensed under applicable provisions of the Florida Insurance Code.

Such entities may provide the prepaid services either directly or through arrangements with other providers. Entities which provide no prepaid health care services other than Medicaid services under contract with the department are exempt from the provisions of part II of chapter 641.

(5) The following services may also be provided to eligible Medicaid recipients in addition to the federally required Medicaid services, provided that the department promulgates and enforces rules requiring appropriate program monitoring or prior authorization and review of services, coinsurance, bulk purchasing when fiscally beneficial, written certification from providers that services were rendered, and other procedures necessary to prevent fraud and abuse in the utilization of these services:

(a) Those services of a licensed dentist which services are required for the dispensing of dentures.

(b) Dentures made by or under the direction of a licensed dentist.

(c) The services of a licensed physician who specializes in diseases of the eye or of a licensed optometrist which services are required for the prescribing of eyeglasses.

(d) Eyeglasses and the repair of eyeglasses prescribed by a licensed physician who specializes in diseases of the eye or by a licensed optometrist; however, only one pair of eyeglasses may be issued to any Medicaid recipient during a 2-year period, unless an exception to this limitation is made by the department, on a case-by-case basis, in accordance with the provisions of the rules required under this subsection.

(e) The services of a licensed otolaryngologist, otologist, or physician, which services are required to determine hearing aid candidacy; however, a physician other than an otolaryngologist or otologist shall refer persons to an audiologist, otolaryngologist, or otologist for evaluation and testing.

(f) Hearing aids and the dispensing, service, and repair of hearing aids provided by a person licensed to fit and sell hearing aids, provided that dispensing, services, and repair of hearing aids shall be purchased based on bids let by the department at the district, subdistrict, or service network level, or may be purchased in bulk by the department if bulk purchasing is less expensive; however, no hearing aid shall be made available to a Medicaid recipient under this section unless the candidacy for a hearing aid has been determined as provided in this subsection, and only one hearing aid may be issued to any Medicaid recipient during a 3-year period, unless an exception to this limitation is made by the department, on a case-by-case basis, in accordance with the provisions of the rules required under this subsection.

The department shall periodically review expenditures for these services, and if expenditure trends indicate a higher rate of utilization than can be funded by the current appropriation for these services, the secretary is authorized, after providing 2 weeks' notice to participating providers and eligible recipients, to either temporarily or permanently terminate reimbursement for these services. All providers and recipients of these services shall be subject to the penalty provisions of s. 409.325 regarding Medicaid fraud. Except as provided in this subsection, the department shall not require copayment or coinsurance on Medicaid services without legislative authorization. The department shall protect, to the extent possible under state and federal laws, the use of patient medical records.

(6) The Department of Health and Rehabilitative Services shall, within the intent of this section, expand payment for medical services to additional eligible persons as provided herein:

(a) The department shall, by rule, increase the Medicaid outpatient hospital services cap from \$500 to \$1,000, effective October 1, 1987 July 1, 1984.

(b) Beginning July 1, 1984, the department is authorized to use up to \$10 million from the Public Medical Assistance Trust Fund, as created in s. 409.2662, to establish primary care programs for low-income persons through the county public health units pursuant to s. 154.011. The department shall enter into contracts with counties for the purpose of this paragraph and shall establish priorities for funding based on the need and willingness of counties to participate.

(c) Beginning July 1, 1987, the department is authorized to use up to \$10 million from the Public Medical Assistance Trust Fund in addition to the moneys authorized in paragraph (b), for a total of \$20 million for fiscal year 1987-1988, in order to expand primary care programs for low-income persons pursuant to s. 154.011.

(d)(e) Beginning July 1, 1985, the department shall provide by rule for the delivery of Medicaid services to:

1. Financially eligible individuals under age 21 who are children in intact families;

2. Financially eligible unemployed parents and their children who are under age 18; and

3. Financially eligible married pregnant women.

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

(e) The department shall provide, by rule, for the delivery of federally approved Medicaid services to qualified elderly persons and disabled persons whose family incomes are below 90 percent of the federal nonfarm poverty level.

(f) Beginning October 1, 1987, the department shall provide, by rule, for the delivery of Medicaid services as specified in paragraph (j) to qualified pregnant women whose family incomes are below 100 percent of the federal nonfarm poverty level.

(g) Beginning October 1, 1987, the department shall provide, by rule, for the delivery of federally approved Medicaid services to qualified infants and children under 2 years of age, whose family incomes are below 100 percent of the federal nonfarm poverty level, and shall phase in additional age limits as follows:

1. Beginning October 1, 1988, Medicaid benefits shall be extended to cover eligible children under the age of 3.

2. Beginning October 1, 1989, Medicaid benefits shall be extended to cover eligible children under the age of 4.

3. Beginning October 1, 1990, Medicaid benefits shall be extended to cover eligible children under the age of 5.

(h) The department is prohibited from applying a resource test to those pregnant women or children who are made eligible for Medicaid services under paragraph (f) or paragraph (g), unless such persons also receive Aid to Families with Dependent Children (AFDC) or Supplemental Security Income (SSI) benefits.

(i) Beginning October 1, 1987, the department is directed to implement the federal option of presumptive eligibility in accordance with 42 U.S.C., ss. 1396(a)(47) and 1396r, for all Medicaid-eligible pregnant women who affirm their family income to be within the Medicaid eligibility standards.

(j) The Medicaid services to be provided in paragraphs (e) through (i) shall be those authorized by the Federal Sixth Omnibus Budget Reconciliation Act and provided for in the General Appropriations Act.

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

(7) The department shall, within the intent of this section, expand payment for Medicaid services as follows:

(a) Beginning October 1, 1987, the department is directed to increase all Medicaid physician reimbursement up to a minimum of the Medicare 50th percentile as published in the 1986 Medicare Part B Procedure Codes and Prevailing Allowances, to be phased in over a 5-year period, except, however, effective October 1, 1987:

1. The department shall increase the Medicaid physician reimbursement rate for office visits to the Medicare 50th percentile.

2. Reimbursement fees to physicians for providing total obstetrical services to Medicaid recipients, which include prenatal, delivery, and postpartum care, shall be at least \$800 per delivery for a pregnant woman with low medical risk and at least \$1,200 per delivery for a pregnant woman with high medical risk. Nurse midwives licensed under chapter 464 and chapter 467 shall be paid at no less than 80 percent of the low medical risk fee. The department shall by rule determine, for the purpose of this paragraph, what constitutes a high or low medical risk pregnant woman. Such determination shall not include a consideration of whether a caesarean section was performed. The department shall by rule determine a prorated payment for obstetrical services in cases where only part of the total prenatal, delivery, or postpartum care was performed. The department shall review these reimbursement fees annually in relation to the actual cost of providing the obstetrical care, and shall make recommendations to the Legislature for appropriate increases as necessary.

3. Reimbursement per day per patient to a physician licensed under chapter 458 or chapter 459, who is certified or is eligible for certification by an appropriate board to practice neonatal-perinatal medicine, shall be limited to no more than 10 percent of the total obstetrical service delivery rate for a high medical risk pregnant woman. The department may by rule establish a graduated fee schedule which is based on the complexity and severity of the infant's medical problems. However, in no instance shall the physician's daily reimbursement per patient be set at less than \$50.

(b) Consistent with the legislative intent to emphasize primary and preventive health services as they apply to children, beginning October 1, 1987, the department is directed to provide, by rule, for the expansion of Medicaid coverage to increase provider fees for early periodic screening diagnosis and treatment of Medicaid-eligible children up to a minimum of \$30 per unit. The department shall review provider fees annually in relation to the actual cost of providing the screening, diagnosis, and treatment, and shall make recommendations to the Legislature for appropriate increases as necessary.

(c) Beginning October 1, 1987, the department shall provide, by rule, for a 100-percent increase in Medicaid provider fees for home health care services, up to a maximum of 55 percent of the Medicare maximum allowance; provided however, that licensed practical nurses shall be reimbursed 15 percent less than registered nurses.

(d) Beginning October 1, 1987, the department shall reimburse physicians \$35 per unit to provide annual health screening and diagnostic services for Medicaid-eligible adults. The department shall review provider fees annually in relation to the actual cost of providing the screening and diagnosis, and shall make recommendations to the Legislature for appropriate increases as necessary.

(e) Beginning October 1, 1987, the department shall increase access to primary dental care by increasing Medicaid dental fees to 100 percent of the October 1, 1984, departmental fee schedule for non-Medicaid clients as determined by the advisory Dental Fee Committee.

(14) Beginning July 1, 1987, the department shall develop a plan and implement procedures for onsite Medicaid eligibility determinations by the department, or contracted where allowable to the provider or other appropriate entities. Onsite eligibility determination shall be made available, to the extent feasible and cost-effective, at hospitals which are major Medicaid providers at county public health units and other appropriate sites. However, the department shall implement a pilot program with any teaching hospital which chooses to participate. The pilot program shall test the hospital's ability to provide Medicaid eligibility determination by hospital employees in a more cost-effective and timely manner than is currently provided by the department. The department is directed to provide whatever technical assistance may be necessary to implement this pilot program. The hospital shall be entitled to reimbursement from the department for reasonable administrative costs associated with eligibility determination.

Section 8. The Auditor General shall contract for a study of the current procedures and forms used for the certification of persons eligible for Medicaid and the reimbursement of providers participating in the Medicaid program and shall recommend revising such forms and procedures as necessary to facilitate Medicaid eligibility determinations and the expeditious processing of reimbursement claims. The entity conducting the study must have experience and expertise in reviewing Medicaid programs in other states. There is hereby appropriated from the General Revenue Fund to the Auditor General \$50,000 to contract for this study.

Section 9. The Auditor General shall conduct a program audit of the Medicaid program and its implementation by the Department of Health and Rehabilitative Services. The audit shall be completed and a report furnished to the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the House Minority Leader no later than January 1, 1988. The audit shall examine the current design of Florida's Medicaid program and its implementation by the department, and the audit shall include recommendations regarding program improvements that should be considered by the Legislature with respect to enhancing the effectiveness of the program in delivering needed health care services to Florida's poor and improving the efficiency of the program in the areas of service provided, certification and enrollment of eligible persons, and reimbursement of providers.

Section 10. Effective July 1, 1987, or upon becoming a law, whichever occurs later, section 409.2661, Florida Statutes, is created to read:

409.2661 *Medically indigent demonstration projects.*—Beginning July 1, 1987, the department is directed to plan for and establish medically indigent demonstration projects and to evaluate the impact of each on improving access to services by persons who are medically underserved.

(1) The department shall contract to assist in funding one rural and one urban demonstration primary care health training project which links the provision of primary care services to low-income persons with the education of medical students, interns, and residents. Such program shall at a minimum:

(a) Be sponsored by state-approved medical schools which shall be responsible for the clinical training and supervision.

(b) Cover large geographical areas and large numbers of patients.

(c) Utilize a multidisciplinary approach with appropriate medical supervision.

Nothing in this subsection shall preclude a primary care health training demonstration project from utilizing current community resources such as county public health units, primary care programs, or other established cooperative agreements.

(2) The department shall contract to assist in funding at least one demonstration project aimed at improving the access of medically indigent persons to alcohol and substance abuse services.

(a) Preference shall be given to those projects which share in the cost of operating the program and which have the greatest potential to serve a large number of needy clients. Emphasis shall be placed on education and prevention and early intervention.

(b) Eligibility for state funding is limited to those programs servicing persons whose incomes fall below 150 percent of the federal nonfarm poverty level and who are not eligible to receive Medicaid.

(c) Certification of eligibility for participation in the demonstration project shall be the responsibility of the department. However, the department may contract with the project coordinator or with another appropriate entity for the delivery of eligibility determination services.

(3) The department shall establish procedures for quality assurance, performance evaluations, periodic audits, and other appropriate safeguards with respect to demonstration projects established pursuant to this section.

(4) The department shall make every effort to assure that projects chosen pursuant to this section do not discriminate among enrollees with respect to age, race, sex, or health status; provided, however, that this does not preclude projects from targeting high-risk medically needy population groups as part of a demonstration.

(5) The department is directed to develop monitoring and evaluation criteria for each project established pursuant to this section and to make annual reports to the Legislature on the project's status. Such reporting criteria shall include, but not be limited to, patterns of utilization, cost, quality of service, and other measures appropriate for conducting analysis and measuring effectiveness of the project.

(6) Not more than \$3 million shall be appropriated for the medically indigent demonstration projects; provided, however, that each demonstration project shall be awarded no more than \$1 million to cover service, administration, and start-up costs. This money shall be derived exclusively from the Public Medical Assistance Trust Fund.

Section 11. Effective July 1, 1987, or upon becoming a law, whichever occurs later, subsections (3) and (4) of section 409.2662, Florida Statutes, are amended to read:

409.2662 Public Medical Assistance Trust Fund.—

(3) There is hereby annually appropriated to the Public Medical Assistance Trust Fund \$30 \$20 million from the General Revenue Fund.

(4) Moneys deposited into the Public Medical Assistance Trust Fund shall be used solely for the purposes set out in this section, in sections 12, 14, and 16, and in ss. s. 409.266(6) and 409.2661 and s. 10 of chapter 84-36, Laws of Florida.

Section 12. *Redistribution of funds in the Public Medical Assistance Trust Fund.*—

(1) **LEGISLATIVE INTENT.**—The Legislature finds that the Public Medical Assistance Trust Fund was created for the purpose of providing equity among hospitals in the provision of indigent health care services. The Legislature further finds that the Medicaid medically needy program and the categorical expansion of the Medicaid program are insufficient in and of themselves to redistribute the funds in the Public Medical Assistance Trust Fund. The Legislature concludes that additional mechanisms for the redistribution of funds in the Public Medical Assistance Trust Fund are needed in order to accomplish the original intent, including a direct redistribution of trust fund dollars to hospitals which are major providers of indigent care. However, a redistribution formula is considered appropriate only for the short term until other, more appropriate, mechanisms for equalizing the indigent care burden among hospitals can be established. Further, it is the intent of the Legislature that county governments shall not reduce county contributions for indigent care as a result of funds redistributed to hospitals in that county.

(2) **DEFINITIONS.**—As used in this section:

(a) "Adjusted patient day" means the sum of acute patient days and intensive care patient days divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues.

(b) "Audited actual data" or "audited actual experience" means data contained within financial statements examined by an independent, Florida-licensed, certified public accountant, in accordance with generally accepted auditing standards.

(c) "Bad debts" means that portion of hospital charges for care provided to a patient whose family income fails to qualify him for charity care and for which there is no compensation. Bad debts shall not include administrative or courtesy discounts, contractual allowances to third-party payers, or failure of a hospital to collect full charges due to partial payment by government programs.

(d) "Board" means the Hospital Cost Containment Board as established in s. 395.503, Florida Statutes.

(e) "Charity care" means that portion of hospital charges for care provided to a patient whose family income for the 12 months preceding the determination is below 150 percent of the federal nonfarm poverty level unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income, and for which there is no compensation. Charity care shall not include administrative or courtesy discounts, contractual allowances to third-party payers, or failure of a hospital to collect full charges due to partial payment by government programs.

(f) "Charity care days" means the sum of charity care divided by gross revenues per adjusted patient day.

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

(h) "Hospital" means a health care institution as defined in s. 395.002(6), Florida Statutes.

(i) "Gross revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges, and other operating revenue. Gross revenues do not include contributions, donations, legacies, or bequests made to a hospital without restriction by the donors.

(j) "Public Medical Assistance Trust Fund" or "trust fund" means the Public Medical Assistance Trust Fund as established in s. 409.2662, Florida Statutes.

(k) "Uncompensated care" means the sum of charity care and bad debts.

(l) "Uncompensated care days" means the sum of uncompensated care divided by gross revenue per adjusted patient day.

(3) **HOSPITAL REDISTRIBUTION OF PUBLIC MEDICAL ASSISTANCE TRUST FUND SURPLUS.**—The hospital redistribution of surplus funds in the Public Medical Assistance Trust Fund shall be based upon fiscal 1986 hospital data as reported to the board.

(a) During state fiscal year 1987-1988, the department shall redistribute \$69.5 million in trust funds to hospitals which meet the following criteria:

1. The hospital began contributing to the trust fund on or before January 1, 1987.

2. The hospital provided at least 2.5 percent of its total inpatient days to Medicaid eligibles or a combination of charity care days and Medicaid days which, when added together, equals at least 5 percent of the total inpatient days, during the hospital's 1986 fiscal year. A hospital ineligible to participate in the Medicaid program due to the nature of the services it provides is exempt from this requirement. For the purposes of this subsection, charity care days shall be calculated based on the actual charity care rendered as reported to the board for fiscal year 1986.

3. The dollar value of uncompensated care provided by the hospital during the hospital's 1986 fiscal year exceeded 5 percent of the hospital's gross revenues.

(b) By July 1, 1987, the board shall calculate the first-year redistribution amount for each hospital meeting all criteria of paragraph (a) based on the following formula:

1. The board shall calculate the dollar amount by which uncompensated care exceeded 5 percent of the hospital's gross revenue and then convert the dollar amount of excess revenue into uncompensated care days.

2. For each uncompensated care day provided above the 5 percent of gross revenues level, the hospital shall earn 80 percent of the hospital's Medicaid per diem rate as determined by the department, for up to 12 days per admission. The 12-day length-of-stay adjustment factor as determined by the indigent care study conducted pursuant to section 8 of chapter 84-35, Laws of Florida, is .7054. The number of uncompensated care days are to be reduced by this factor.

3. Fifty percent of the restricted and unrestricted revenues provided to a hospital by local governments or tax districts shall be considered as offsets against uncompensated care.

4. No hospital shall be entitled to receive more than 30 percent of the total amount of trust funds to be distributed.

5. If the total amount earned by all hospitals under this paragraph exceeds \$69.5 million, each hospital's share shall be reduced on a pro rata basis so that the total dollars redistributed from the trust fund do not exceed \$69.5 million for the year.

(c) The board shall certify to the department the amount owed each hospital by July 1, 1987, and the department shall disburse the funds in quarterly allotments as follows:

1. One quarterly payment by July 31, 1987.
2. One quarterly payment by October 31, 1987.
3. One quarterly payment by January 31, 1988.
4. One quarterly payment by April 30, 1988.

(4) Funds distributed to a hospital pursuant to this section shall not be considered as net revenues of such hospital in determining whether an excess has occurred pursuant to s. 395.5094, Florida Statutes. However, if an excess occurs, such funds shall be included in determining the reduction of the amount of the excess for the amount of the assessment paid by the hospital pursuant to s. 395.101, Florida Statutes, minus the amount of revenues received by the hospital pursuant to this section or s. 409.266(6), Florida Statutes.

(5) A hospital may correct, subject to verification by the hospitals' independent certified auditors, its 1986 fiscal year data up until 90 days after the effective date of this act. Based upon this corrected data, the board shall recalculate the distribution due under this act no later than October 15, 1987, and shall certify to the department a revised formula by October 25, 1987. Amounts previously distributed may be adjusted based upon this final determination.

(6) This section shall take effect July 1, 1987, or upon becoming a law, whichever occurs later.

Section 13. Effective July 1, 1987, or upon becoming a law, whichever occurs later, section 395.5094, Florida Statutes, is amended to read:

395.5094 Exceeding approved budget or previous year's actual experience by more than maximum rate of increase; allowing or authorizing operating revenue or expenditures to exceed amount in approved budget; penalties.—

(1) The board shall annually compare the audited actual experience of each hospital to the audited actual experience of that hospital for the previous year. If the board determines that the audited actual experience of a hospital exceeded its previous year's audited actual experience by more than the maximum allowable rate of increase or exceeded the projected budget as approved by the board, whichever is greater, the amount of such excess shall be determined by the board, and a penalty shall be levied against such hospital based thereon, as follows:

(a) For the first occurrence within a 5-year period, the board shall prospectively reduce the current budget of the hospital by the amount of the excess up to 5 percent; and, if such excess is greater than 5 percent over the maximum allowable rate of increase, any amount in excess of 5 percent shall be levied by the board as a fine against such hospital, to be deposited in the Public Medical Assistance Trust Fund, as created in s. 409.2662.

(b) For the second occurrence within the 5-year period following the first occurrence as set forth in paragraph (a), the board shall prospectively reduce the current budget of the hospital by the amount of the excess up to 2 percent; and, if such excess is greater than 2 percent over the maximum allowable rate of increase, any amount in excess of 2 percent shall be levied by the board as a fine against such hospital, to be deposited in the Public Medical Assistance Trust Fund.

(c) For the third occurrence within the 5-year period following the first occurrence as set forth in paragraph (a), the board shall:

1. Levy a fine against the hospital in the total amount of the excess, to be deposited in the Public Medical Assistance Trust Fund.

2. Notify the Department of Health and Rehabilitative Services of the violation, whereupon, the department shall not accept any application for a certificate of need pursuant to ss. 381.701-381.715 s. 381.494 from or on behalf of such hospital until such time as the hospital has demonstrated, to the satisfaction of the board, that, following the date the penalty was imposed under subparagraph 1., the hospital has stayed within its projected budget for a period of at least 1 year. However, this provision does not apply with respect to a certificate-of-need application filed to satisfy a life or safety code violation.

3. Upon a determination that the hospital knowingly and willfully generated such excess, notify the Department of Health and Rehabilitative Services, whereupon the department shall initiate disciplinary proceedings to deny, modify, suspend, or revoke the license of such hospital or impose an administrative fine on such hospital not to exceed \$20,000.

The determination of the amount of any such excess shall be based upon net revenues per adjusted admission excluding funds distributed to the hospital pursuant to section 12 or s. 409.266(6). However, in making such determination, the board shall appropriately reduce the amount of the excess by the total amount of the assessment paid by such hospital pursuant to s. 395.101 minus the amount of revenues received by the hospital through the operation of s. 409.266(6) or section 12. It is the responsibility of the hospital to demonstrate, to the satisfaction of the board, its entitlement to such reduction. It is the intent of the Legislature that the Hospital Cost Containment Board, in levying any penalty imposed against a hospital for exceeding its approved budget pursuant to this subsection, consider the effect of changes in the case mix of the hospital. It is the responsibility of the hospital to demonstrate, to the satisfaction of the board, any change in its case mix.

(2) If the board finds that any hospital chief executive officer, or any person who is in charge of hospital administration or operations, has knowingly and willfully allowed or authorized actual operating revenues or expenditures that are in excess of projected operating revenues or expenditures in the hospital budget as approved by the board, the board shall order such officer or person to pay an administrative fine not to exceed \$5,000.

Section 14. Child health assistance program demonstration projects.—The Department of Health and Rehabilitative Services shall establish at least two child health assistance demonstration projects,

one in a small, low-density population county and one in a high-density population county. Each demonstration project may be funded at up to \$750,000, but total funding for all demonstration projects shall not exceed \$1.5 million. This money shall be derived exclusively from the Public Medical Assistance Trust Fund. The demonstration projects shall be funded on a request for proposal basis with preference given to projects affiliated with county public health units. The department shall award grants to those proposals which provide the best opportunity for preventive health programs for the greatest number of low-income children. Programs shall include a nutrition component which emphasizes the preventive health benefits of proper nutrition. A description of each demonstration project shall be prepared by the department and submitted to the Legislature by March 1, 1988.

Section 15. The Legislature shall study the provision of psychiatric services to persons eligible under the Medicaid program. The study shall assess the extent to which psychiatric services are currently provided, the costs of such services, and the need for psychiatric services, including in-patient psychiatric services, by Medicaid-eligible individuals.

Section 16. The Florida Small Business Health Access Corporation Act.—

(1) **SHORT TITLE.**—This section may be cited as the "Florida Small Business Health Access Corporation Act."

(2) **LEGISLATIVE INTENT.**—The Legislature finds that there is insufficient group health insurance coverage available to employees of small businesses in Florida, that uninsured employees of small businesses represent a significant portion of the uncompensated costs of health care providers, and that uninsured individuals have impaired access to health care services and correspondingly lower health status. It is the intent of the Legislature that a nonprofit corporation, to be known as the "Florida Small Business Health Access Corporation," be organized for the purpose of pooling groups of individuals employed by small businesses, and the dependents of such employees, into larger groups in order to facilitate a program of affordable group health insurance coverage to uninsured individuals.

(3) **CORPORATION AUTHORIZATION, DUTIES, POWERS.**—

(a) There is authorized the "Florida Small Business Health Access Corporation." The Florida Small Business Health Access Corporation shall operate initially in Hillsborough County and a multicounty rural site to be designated by the corporation.

(b) The Florida Small Business Health Access Corporation shall:

1. Organize employers of 24 or fewer full-time employees and facilitate the provision of group health insurance to such employers and employees, and their dependents;

2. Arrange for the collection of premiums, in an amount to be determined by the board of directors, from all insured individuals to provide for claims paid under group health insurance arrangements and for the administrative expenses incurred or estimated to be incurred during the period for which the premium is paid;

3. Establish administrative and accounting procedures for the operation of the corporation;

4. Establish employer and employee eligibility criteria for participation in the program;

5. Establish participation criteria governing eligibility of insurers or any providers of health care services to participate in the program;

6. Establish procedures under which applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board;

7. Contract with an authorized insurer or insurance administrator to provide administrative services to the corporation;

8. Contract with authorized insurers or any provider of health care services for the provision of services to individuals covered through the program;

9. Develop and implement a plan to publicize the Florida Small Business Health Access Corporation, the eligibility requirements for the program, and the procedures for enrollment in the program, and to maintain public awareness of the corporation and the program;

10. Secure staff necessary to properly administer the corporation. Staff costs shall be funded from grant funds and state and local matching funds. The board of directors is authorized to determine the number of staff necessary to administer the corporation, but shall include, at a minimum, an executive director, an assistant director, and a staff assistant;

11. Enter into contracts with local agencies to provide onsite marketing and enrollment services necessary to the operation of the corporation; and

12. Provide an interim report to the Legislature by March 1, 1988, on the results of the program to date, and a final report by March 1, 1989.

(c) The corporation shall set business and employee eligibility standards which shall define a small business and establish upper limits on such factors as business maximum income and gross revenues to further identify small businesses eligible for participation in the program. Small businesses eligible for participation shall have 24 or fewer full-time employees. Employer eligibility standards shall include a provision that the employer must attest to having offered or provided no other health insurance benefit program in the 6-month period prior to the effective date of this act. The corporation shall make all necessary provisions to prevent the payment of or reimbursement for any claim or expense which may be covered under a separate health insurance or health care services plan under which an individual who participates in the program may be covered. Coverage arranged through the corporation's program is to be considered secondary to any other available coverage held by the individual participating in the program. If such an individual is also eligible for Medicare coverage, the coverage arranged by the corporation shall not pay or reimburse any individual for expenses paid by Medicare. No policy shall be arranged by the corporation which is deemed to be a Medicare supplemental policy as defined in s. 627.672, Florida Statutes.

(d) The corporation, which shall be operated as a non-profit private corporation organized pursuant to chapter 617, Florida Statutes, shall have all powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the power to receive and accept grants, loans, and advances of funds from any public or private agency, for, or in aid of, the purpose of this act, and to receive and accept contributions, from any source, of money, property, labor, or any other thing of value, to be held, used, and applied for said purposes.

(4) **BOARD OF DIRECTORS.**—

(a) The Florida Small Business Health Access Corporation shall operate subject to the supervision and approval of a nine-member board of directors, which shall consist of:

1. Two members, one from Hillsborough County and one from the multicounty rural area, who shall represent small businesses whose employees are eligible to participate in the Florida Small Business Health Access Corporation;

2. Two members, one from Hillsborough County and one from the multicounty rural area, who shall represent the employees eligible to participate in the Florida Small Business Health Access Corporation;

3. One member who shall be a representative of a provider of health care services to the program;

4. One member who shall be a representative of a domestic health care insurer or of a private company which offers a self-insured program of health benefits to employees;

5. One member who shall be the Secretary of the Department of Health and Rehabilitative Services or his designee;

6. One member who shall be a representative of the Hillsborough County Chamber of Commerce; and

7. One member who shall be a representative of an employer health coalition.

(b) The board of directors shall be appointed and may be removed by the Governor. Terms of appointment shall be for 3 years. The board shall appoint the executive director, who shall be responsible for other staff as authorized by the board.

(c) Board members may be reimbursed from funds of the Florida Small Business Health Access Corporation for actual and necessary expenses incurred by them as members, according to state travel and per diem limitations, but may not otherwise be compensated for their services.

(d) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of the board of directors, or its employees or agents, for any action taken by them in performance of their powers and duties under this act.

(5) LICENSING, FISCAL OPERATION.—

(a) The corporation shall not be deemed to be an insurer. The officers, directors, and employees of the corporation shall not be deemed to be agents of an insurer. Neither the corporation nor the officers, directors, or employees of the corporation shall be subject to the licensing requirements of the Insurance Code or the rules of the Department of Insurance. However, the Department of Insurance may require that the marketing representative utilized and compensated by the corporation be licensed as representatives of the insurers or health services providers with whom the corporation may contract.

(b) The Florida Small Business Health Access Corporation program shall be operated in accordance with sound actuarial principles. The board shall have complete fiscal control over the corporation and shall be responsible for all corporate operations.

(c) The corporation shall provide evidence to the Department of Insurance that the program will be operated in accordance with sound actuarial principles and that the premiums collected to fund the benefits arranged through the corporation's program will be designed to provide sufficient revenues to pay current and future liabilities. The Department of Insurance shall assist the program in determining that proposed premium levels will be sufficient to permit the corporation to operate in an actuarially sound manner.

(d) Any liquidation or dissolution of the corporation shall be conducted under the supervision of the Department of Insurance, which shall have all power with respect thereto granted to it under the laws governing the liquidation or dissolution of insurers.

(e) The corporation shall directly reinsure, or shall obtain reinsurance for, the program of health care services and benefits arranged through the corporation. The expenses of such reinsurance shall not exceed funds allocated from the Public Medical Assistance Trust Fund as provided in s. 409.2662(4), Florida Statutes. Any amount so provided, which is not annually required for reinsurance purposes, shall remain available to the corporation, to be supplemented by an annual amount equal to the amount expended for reinsurance in the prior year, for the purpose of meeting reinsurance requirements in succeeding years. Any amount remaining upon the liquidation or dissolution of the corporation shall be returned to the Public Medical Assistance Trust Fund.

(6) This section shall take effect July 1, 1987, or upon becoming a law, whichever occurs later.

Section 17. Unemployment compensation data availability.—

(1) In order to further the research and demonstration objectives of section 16 of this act, the Division of Unemployment Compensation, Department of Labor and Employment Security, shall, notwithstanding the provisions of s. 443.171(7), Florida Statutes, make available to the Florida Small Business Health Access Corporation such information as the corporation requests so as to facilitate contact with employers who may be eligible for participation in the program of health insurance benefits arranged through the corporation. Such information as is obtained by the corporation through the provisions of this section shall be confidential. Neither the corporation nor the staff or agents of the corporation shall release to any state or federal agency, to any private business or person, or to any other entity any information received through the operation of this section. Violation of this section shall be regarded as a violation of s. 443.171(7), Florida Statutes. This section shall stand repealed on October 1, 1990.

(2) This section shall take effect July 1, 1987, or upon becoming a law, whichever occurs later.

Section 18. Section 381.701, Florida Statutes, is created to read:

381.701 Short title.—Sections 381.701-381.715 shall be known and may be cited as the "Health Facility and Services Development Act."

Section 19. Section 381.702, Florida Statutes, is created to read:

381.702 Definitions.—As used in ss. 381.701-381.715, the term:

(1) "Capital expenditure" means an expenditure, including an expenditure for a construction project undertaken by a health care facility as its own contractor, which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance; or an expenditure which exceeds the minimum as specified in s. 381.706(1)(c), changes the bed capacity of the facility, or substantially changes the services or service area of the health care facility, health service provider, or hospice, and which includes the cost of the studies, surveys, designs, plans, working drawings, specifications, refinancing costs, and other activities essential to acquisition, improvement, expansion, or replacement of the plant and equipment. The department shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

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

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

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

(5) "District" means a service district of the department as established in s. 20.19(5).

(6) "Expedited review" means the process by which certain types of applications are not subject to the review cycle requirements contained in s. 381.709(1), and the letter of intent requirements contained in s. 381.709(2).

(7) "Health care facility" means a hospital, skilled nursing facility or intermediate care facility. A facility relying solely on spiritual means through prayer for healing is not included as a health care facility.

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

(9) "Health services" means diagnostic, curative, or rehabilitative services and includes alcohol treatment, drug abuse treatment, and mental health services.

(10) "Home health agency" means an agency that is certified or seeks certification as a Medicare home health service provider as defined in part III of chapter 400.

(11) "Hospice" or "hospice program" means a hospice as defined in part V of chapter 400.

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

(13) "Institutional health service" means a health service which is provided by or through a health care facility and which entails an annual operating cost of \$500,000 or more. The department shall, by rule, adjust the annual operating cost threshold annually using an appropriate inflation index.

(14) "Intermediate care facility" means an institution, other than an intermediate care facility for the mentally retarded which has six beds or less, which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who, because of their mental or physical condition, require health-related care and services above the level of room and board.

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

(16) "Major medical equipment" means equipment which is used to provide medical and other health services, which has been approved for general usage by the United States Food and Drug Administration for less than 3 years and which costs in excess of \$1 million. The department shall, by rule, adjust the equipment threshold annually using an appropriate inflation index.

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

(18) "Tertiary health service" means a health service which, due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost-effectiveness of such service. Examples of such service include, but are not limited to, organ transplantation, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service. The department shall establish by rule a list of all tertiary health services.

Section 20. Section 381.703, Florida Statutes, is created to read:

381.703 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

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

(b) Each local health council shall:

1. Develop a district plan, using uniform methodology as set forth by the department, which shall permit each local health council to develop goals and criteria based on its unique local health needs. The district plan shall be submitted to the department and updated periodically and shall be in a form prescribed by the department. The elements of a district plan which are necessary to the review of certificate of need applications for proposed projects within the district shall be adopted by the department as a part of its rules. The district plan shall include, but need not be limited to:

a. The availability, quality of care, efficiency, appropriateness, accessibility, extent of utilization, and adequacy of existing health care facilities and services and hospices in the district.

b. The need, availability, and adequacy of other health care facilities and services and hospices in the district, including outpatient care and ambulatory or home care services, which may serve as less costly alternatives to proposed or available health care facilities and services.

c. The probable economies and improvements in services that may be derived from operation of joint, cooperative, or shared health care and health planning resources.

d. The need in the district for special equipment and services which are not reasonably and economically accessible in adjoining areas.

e. The need for research and educational facilities, including, but not limited to, institutional and community training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels, and for other health care practitioners.

2. Stimulate the development of cooperative arrangements relating to the health manpower training efforts of educational institutions and service institutions and the health manpower recruitment and retention efforts of medically underserved communities.

3. Identify and encourage community resources and mechanisms to facilitate consumer choice and market competition in health care by providing data, information, and analysis on charges, resource availability, and certification.

4. Advise the district administrator of the department on health care resource allocations, including federal block grant funds, and work with the district administrator, the district alcohol, drug abuse, and mental health planning councils, and the areawide agency on aging in developing and carrying out a health resources allocation plan.

5. Implement activities to increase public awareness of community health needs and emphasize advantages of preventive health activities and cost-effective health service selection.

6. Assist the department in carrying out data collection activities that relate to the functions set forth in this subsection.

7. Monitor the onsite construction progress, if any, of projects and report their findings to the department on forms provided by the department.

8. Advise and assist regional planning councils and local governments within each respective district on the development of optional plan elements to address the health goals and policies in the State Comprehensive Plan.

9. Monitor and evaluate the adequacy, appropriateness and effectiveness, within the district, of state funds distributed to meet the needs of the medically indigent. A report on indigent care shall be prepared by each local health council and submitted to the Statewide Health Council no later than January 1 of each year. At a minimum, the report shall include the following elements:

a. An inventory of services within the district providing health care to Medicaid and medically indigent clients.

b. An assessment of the use of those services by Medicaid and medically indigent clients.

c. An evaluation of the population need within the district for indigent health care services and a determination of whether or not that need is being met.

d. A summary presentation of public opinion in communities throughout the district on the needs of the medically indigent and the services provided to meet these needs.

e. Recommendations for improving health care services for the medically indigent.

(c) Local health councils may conduct public hearings pursuant to s. 381.709(3)(b).

(d) Local health councils may employ personnel to carry out the councils' purposes. Such personnel shall possess qualifications and be paid salaries commensurate with comparable positions in the Career Service System. However, such personnel shall not be deemed to be state employees.

(e) Each local health council is authorized to accept and receive, in furtherance of its health planning functions, funds, grants, and services from governmental agencies and from private or civic sources, and to perform studies related to local health planning in exchange for such funds, grants, or services. Each local health council shall, no later than January 30 of each year, render an accounting of the receipt and disbursement of such funds received by it to the department. The department shall consolidate all such reports and submit such consolidated report to the Legislature no later than March 1 of each year. Funds received by a local health council pursuant to this paragraph shall not be deemed to be a substitute for, or an offset against, any funding provided pursuant to subsection (3).

(2) **STATEWIDE HEALTH COUNCIL.**—The Statewide Health Council is hereby established as a state-level comprehensive health council which is advisory to the department. The Statewide Health Council shall be composed of the 11 chairmen of the local health councils, two members appointed by the Governor, two members appointed by the President of the Senate, and two members appointed by the Speaker of the House of Representatives. At least one of the two members appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives, respectively, shall be a health care consumer or a health care purchaser. Appointed members of the council shall serve for a 2-year term commencing on January 1 of each odd-numbered year. The Statewide Health Council shall:

(a) Advise the Governor, the Legislature, and the department on state health policy issues, state and local health planning activities, and state health regulation programs;

(b) Promote public awareness of state health care issues;

(c) Consult with local health councils, the Hospital Cost Containment Board, the Department of Insurance, the Department of Health and Rehabilitative Services, and other appropriate public and private entities, including health care industry representatives regarding the development of health policies;

(d) Review district health plans for consistency with state health goals and policies;

(e) Prepare a state report, which includes the evaluations by each local health council for its respective district, on the adequacy, appropriateness, and effectiveness of state funds distributed to meet the needs of the medically indigent;

(f) Assist the Department of Community Affairs in the review of local government comprehensive plans to ensure consistency with policy developed in the district health plans; and

(g) Conduct any other functions or studies and analyses falling under the purview of the mission, goals, and objectives above.

(3) **FUNDING.**—

(a) The Legislature intends that the cost of local health councils and the Statewide Health Council be borne by application fees for certificates of need.

(b) There is created in the State Treasury the Local Health Trust Fund. Moneys in the fund shall be appropriated only to the department for the purposes of this section.

(c) The department shall, on an ongoing basis, deposit 90 percent of all certificate of need application fees in the Local Health Trust Fund.

(4) **DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT.**—

(a) The department is responsible for the planning of all health care services in the state and for the preparation of the state health plan.

(b) The department shall develop and maintain a comprehensive health care data base for the purpose of health planning and for certificate of need determinations. The department or its contractor is authorized to require the submission of information from health facilities, health service providers, and licensed health professionals which is determined by the department, through rule, to be necessary for meeting the department's responsibilities as established in this section.

(c) The department shall provide funding for the local health councils according to an allocation plan. All contract funds shall be distributed according to an allocation plan developed by the department that provides for a minimum and equal funding base for each local health council. Any remaining funds shall be distributed based on adjustments for workload. The department may also make grants to or reimburse local health councils from federal funds provided to the state for activities related to those functions set forth in this section.

Section 21. Section 381.704, Florida Statutes, is created to read:

381.704 Duties and responsibilities of department; rules.—

(1) The department is designated as the single state agency to issue, revoke, or deny certificates of need and to issue, revoke, or deny exemptions from certificate of need review in accordance with the district

plans, the statewide health plan, and present and future federal and state statutes. The department is designated as the state health planning agency for purposes of federal law.

(2) In the exercise of its authority to issue licenses to health care facilities and health service providers, as provided under chapters 393, 395, and 400, and to hospices, the department shall not issue a license to any health care facility, health service provider, hospice, or part of a health care facility which fails to receive a certificate of need for the licensed facility or service.

(3) The department shall establish, by rule, uniform need methodologies for health services and health facilities. In developing uniform need methodologies, the department shall, at a minimum, consider the demographic characteristics of the population, the health status of the population, service use patterns, standards and trends, and market economics.

(4) The department may adopt rules necessary to implement ss. 381.701-381.715.

Section 22. Section 381.705, Florida Statutes, is created to read:

381.705 Review criteria.—

(1) The department shall determine the reviewability of applications and shall review applications for certificate of need determinations for health care facilities and services, hospices, and health maintenance organizations in context with the following criteria:

(a) The need for the health care facilities and services and hospices being proposed in relation to the applicable district plan and state health plan, except in emergency circumstances which pose a threat to the public health.

(b) The availability, quality of care, efficiency, appropriateness, accessibility, extent of utilization, and adequacy of like and existing health care services and hospices in the service district of the applicant.

(c) The ability of the applicant to provide quality of care and the applicant's record of providing quality of care.

(d) The availability and adequacy of other health care facilities and services and hospices in the service district of the applicant, such as outpatient care and ambulatory or home care services, which may serve as alternatives for the health care facilities and services to be provided by the applicant.

(e) Probable economies and improvements in service that may be derived from operation of joint, cooperative, or shared health care resources.

(f) The need in the service district of the applicant for special equipment and services which are not reasonably and economically accessible in adjoining areas.

(g) The need for research and educational facilities, including, but not limited to, institutional training programs and community training programs for health care practitioners and for doctors of osteopathy and medicine at the student, internship, and residency training levels.

(h) The availability of resources, including health manpower, management personnel, and funds for capital and operating expenditures, for project accomplishment and operation; the effects the project will have on clinical needs of health professional training programs in the service district; the extent to which the services will be accessible to schools for health professions in the service district for training purposes if such services are available in a limited number of facilities; the availability of alternative uses of such resources for the provision of other health services; and the extent to which the proposed services will be accessible to all residents of the service district.

(i) The immediate and long-term financial feasibility of the proposal.

(j) The special needs and circumstances of health maintenance organizations.

(k) The needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the service district in which the entities are located or in adjacent service districts. Such entities may include medical and other health professions, schools, multidisciplinary clinics, and specialty services such as open-heart surgery, radiation therapy, and renal transplantation.

(l) *The probable impact of the proposed project on the costs of providing health services proposed by the applicant, upon consideration of factors including, but not limited to, the effects of competition on the supply of health services being proposed and the improvements or innovations in the financing and delivery of health services which foster competition and service to promote quality assurance and cost-effectiveness.*

(m) *The costs and methods of the proposed construction, including the costs and methods of energy provision and the availability of alternative, less costly, or more effective methods of construction.*

(n) *The applicant's past and proposed provision of health care services to Medicaid patients and the medically indigent.*

(2) *In cases of capital expenditure proposals for the provision of new health services to inpatients, the department shall also reference each of the following in its findings of fact:*

(a) *That less costly, more efficient, or more appropriate alternatives to such inpatient services are not available and the development of such alternatives has been studied and found not practicable.*

(b) *That existing inpatient facilities providing inpatient services similar to those proposed are being used in an appropriate and efficient manner.*

(c) *In the case of new construction, that alternatives to new construction, for example, modernization or sharing arrangements, have been considered and have been implemented to the maximum extent practicable.*

(d) *That patients will experience serious problems in obtaining inpatient care of the type proposed, in the absence of the proposed new service.*

(e) *In the case of a proposal for the addition of beds for the provision of skilled nursing or intermediate care services, that the addition will be consistent with the plans of other agencies of the state responsible for the provision and financing of long-term care, including home health services.*

Section 23. Section 381.706, Florida Statutes, is created to read:

381.706 *Projects subject to review.—*

(1) *APPLICABILITY.—Unless exempt pursuant to subsection (3), all health care-related projects, as described in paragraphs (a)-(n) shall be subject to review and shall file an application for a certificate of need with the department. The department is exclusively responsible for determining whether a health care-related project is subject to review under ss. 381.701-381.715.*

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

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

(c) *A capital expenditure of \$1 million or more by or on behalf of a health care facility or hospice for a purpose directly related to the furnishing of health services at such facility; provided that a certificate of need shall not be required for an expenditure to provide an outpatient health service, or to acquire equipment, for which a certificate of need is not otherwise required pursuant to this subsection. The department shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.*

(d) *The conversion from one type of health care facility to another, including the conversion from one level of care to another, in a skilled or intermediate nursing facility, if such conversion effects a change in the level of care of 10 beds or 10 percent of total bed capacity of such skilled or intermediate nursing facility within a 2-year period. If such nursing facility is certified for both skilled and intermediate nursing care, the provisions of this paragraph do not apply.*

(e) *Any change in licensed bed capacity.*

(f) *The establishment of a home health agency or hospice, or the direct provision of such services by a health care facility or health maintenance organization for those other than the subscribers of the health maintenance organization.*

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

(h) *The establishment of inpatient institutional health services by a health care facility, or a substantial change in such services, or the obligation of capital expenditures for the offering of, or a substantial change in, any such services which entails a capital expenditure in any amount, or an annual operating cost of \$500,000 or more. The department shall, by rule, adjust the annual operating cost threshold annually using an appropriate inflation index.*

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

(j) *The acquisition by any means of major medical equipment by a health maintenance organization or health care facility to the extent that the health maintenance organization or health care facility is not exempt pursuant to s. 381.713(1).*

(k) *An increase in the cost of a project for which a certificate of need has been issued when such increase in cost exceeds the limits set forth in paragraph (c), paragraph (h), or s. 381.702, or 10 percent of the originally approved cost of the project, whichever is less, except that no cost overrun review is necessary when the cost overrun is less than \$10,000.*

(l) *A change in the number of psychiatric or rehabilitation beds.*

(m) *The establishment of tertiary health services.*

(n) *A transfer of a certificate of need, in which case an expedited review shall be conducted according to rule and in accordance with s. 381.712.*

(2) *PROJECTS SUBJECT TO EXPEDITED REVIEW.—Unless exempt pursuant to subsection (3), projects subject to an expedited review shall include, but not be limited to:*

(a) *Cost overruns, unless such cost overruns are caused by a change in service or scope which the department determines are otherwise reviewable.*

(b) *Research, education, and training programs.*

(c) *Donations, when market value equals or exceeds the applicable capital expenditure thresholds for operating expenditures, or major medical equipment, as defined in this act.*

(d) *Acquisition of land which is to be used for the construction of a health care facility, or office facilities for health care providers.*

(e) *Termination of a health care service.*

(f) *Shared services contracts or projects.*

(g) *A transfer of a certificate of need.*

(h) *Emergency projects and unforeseen major public health hazards.*

The department shall develop rules to implement the provisions for expedited review, including time schedule, application content, and application processing.

(3) *EXEMPTIONS.—Upon request, supported by such documentation as the department may require, the department shall grant an exemption from the provisions of subsection (1):*

(a) *For any project which is specifically mandated by the Legislature to be undertaken by a specific provider and for which capital financing is funded by the Legislature.*

(b) *For any expenditure by or on behalf of a health care facility for any part of the physical plant which is not to be directly utilized for providing health services or housing health care providers. This exemption shall apply to expenditures for parking facilities, meeting rooms, cafeterias, administrative data processing facilities, research buildings, landscaping, and similar projects, but shall not apply to expenditures for office facilities for health care providers.*

(c) For any expenditure to eliminate or prevent safety hazards as defined by federal, state, or local codes.

(d) For any expenditure to replace any part of a facility or equipment which is destroyed as a result of fire, civil disturbance, or storm or any other act of God.

(e) For any expenditure to acquire major medical equipment which is a substantially identical replacement for existing equipment being taken out of service.

(f) For the initiation or expansion of obstetric services after July 1, 1988.

(g) For any expenditure to replace or renovate any part of a licensed nursing facility, provided that the number of licensed beds will not increase and, in the case of a replacement facility, the project site is the same as the facility being replaced.

(h) For providing respite care services. "Respite care" means short-term care in a licensed health care facility which is personal or custodial in nature and is provided by reason of chronic illness, physical infirmity, or advanced age for the purpose of temporarily relieving family members of the burden of providing care and attendance in the home. In providing respite care, the health care facility shall become the primary care giver. An individual may be admitted to a respite care program in a hospital without regard to inpatient requirements relating to admitting order and attendance of a member of a medical staff.

A request for exemption pursuant to this subsection may be made at any time and is not subject to the batching requirements of this section.

Section 24. Section 381.707, Florida Statutes, is created to read:

381.707 Application content.—An application for a certificate of need shall contain:

(1) A detailed description of the proposed project and statement of its purpose and need in relation to the applicant's long-range plan, the local health plan, and the state health plan.

(2) A statement of the financial resources needed by and available to the applicant to accomplish the proposed project. This statement shall include:

(a) A complete listing of all capital projects, including new health facility development projects and health facility acquisitions applied for, pending, approved, or underway in any state at the time of application, regardless of whether or not that state has a certificate of need program or a capital expenditure review program pursuant to section 1122 of the Social Security Act. The department may, by rule, require less-detailed information from major health care providers. This listing shall include the applicant's actual or proposed financial commitment to those projects and an assessment of their impact on the applicant's ability to provide the proposed project.

(b) A detailed listing of the needed capital expenditures, including sources of funds.

(c) A detailed financial projection, including a statement of the projected revenue and expenses for the period of construction and for the first 2 years of operation after completion of the proposed project. This statement shall include a detailed evaluation of the impact of the proposed project on the cost of other services provided by the applicant.

(3) An audited financial statement of the applicant. In an application submitted by an existing health care facility, health maintenance organization, or hospice, financial condition documentation shall include, but need not be limited to, a balance sheet and a profit-and-loss statement of the 2 previous fiscal years' operation.

(4) A certified copy of a resolution by the board of directors of the applicant, or other governing authority if not a corporation, authorizing the filing of the application; authorizing the applicant to incur the expenditures necessary to accomplish the proposed project; certifying that if issued a certificate, the applicant shall accomplish the proposed project within the time allowed by law and at or below the costs contained in the application; and certifying that the applicant shall license and operate the facility.

Section 25. Section 381.708, Florida Statutes, is created to read:

381.708 Fees.—The department shall assess fees on certificate of need applications. Such fees shall be deposited in the Local Health Trust Fund, for the purpose of funding the Statewide Health Council, the functions of the local health councils, and the activities of the department. The fee shall be determined as follows:

(1) A minimum base fee of \$750.

(2) In addition to the base fee of \$750, 0.006 of each dollar of proposed expenditure, except that no fee shall exceed \$9,500.

Section 26. Section 381.709, Florida Statutes, is created to read:

381.709 Review process.—The review process for certificates of need shall be as follows:

(1) REVIEW CYCLES.—The department by rule shall provide for applications to be submitted on a timetable or cycle basis; provide for review on a timely basis; and provide for all completed applications pertaining to similar types of services, facilities, or equipment affecting the same service district to be considered in relation to each other no less often than two times a year.

(2) LETTERS OF INTENT.—

(a) At least 30 days prior to filing an application, a letter of intent shall be filed by the applicant with the local health council and the department, respecting the development of a proposal subject to review. No letter of intent is required for expedited projects as defined by rule by the department.

(b) The department shall provide a mechanism by which applications may be filed to compete with proposals described in filed letters of intent.

(c) Letters of intent shall describe the proposal with specificity, including proposed capital expenditures, number of beds sought, if any, services, specific subdistrict location, identification of the applicant, including the names of those with controlling interest in the applicant, and such other information as the department may by rule prescribe. The letter of intent shall contain a certified copy of a resolution by the board of directors of the applicant, or other governing authority if not a corporation, authorizing the filing of the application described in the letter of intent; authorizing the applicant to incur the expenditures necessary to accomplish the proposed project; certifying that if issued a certificate, the applicant shall accomplish the proposed project within the time allowed by law and at or below the costs contained in the application; and certifying that the applicant shall license and operate the facility.

(d) Within 14 days after filing a letter of intent, the applicant shall publish a notice of filing to be published in a newspaper of general circulation in the area affected by the proposal. The notice of filing shall be published once a week for 2 consecutive weeks on forms and in the format and content specified by the department by rule. Within 21 days after the filing, the department shall publish notice of the filing of letters of intent in the Florida Administrative Weekly and notice that, if requested, a public hearing shall be held at the local level within 21 days after the application is deemed complete. Notices under this subsection shall contain due dates applicable to the cycle for filing applications and for requesting a hearing.

(3) APPLICATION PROCESSING.—

(a) An applicant shall file an application with the department, and shall furnish a copy of the application to the local health council and the department. Within 15 days after the applicable application filing deadline established by department rule, the staff of the department shall determine if the application is complete. If the application is incomplete, the staff shall request specific information from the applicant necessary for the application to be complete; however, the staff may make only one such request. If the requested information is not filed with the department within 21 days of the receipt of the staff's request, the application shall be deemed incomplete and deemed withdrawn from consideration.

(b) Upon the request of any applicant or substantially affected person within 14 days after notice that an application has been filed, a public hearing may be held at the department's discretion if the department determines that a proposed project involves issues of great local public interest. The public hearing shall allow applicants and other

interested parties reasonable time to present their positions and to present rebuttal information. A recorded verbatim record of the hearing shall be maintained. The public hearing shall be held at the local level within 21 days after the application is deemed complete.

(4) **STAFF RECOMMENDATIONS.**—

(a) The department's review of and final agency action on applications shall be in accordance with the district plan, and statutory criteria, and the implementing administrative rules.

(b) Within 60 days after all the applications in a review cycle are determined to be complete, the department shall issue its State Agency Action Report and Notice of Intent to grant a certificate of need for the project in its entirety, to grant a certificate of need for identifiable portions of the project, or to deny a certificate of need. The State Agency Action Report shall set forth in writing its findings of fact and determinations upon which its decision is based. If a finding of fact or determination by the department is counter to the district plan of the local health council, the department shall provide in writing its reason for its findings, item by item, to the local health council and the Statewide Health Council. If the department intends to grant a certificate of need, the State Agency Action Report or the Notice of Intent shall also include any conditions which the department intends to attach to the certificate of need. The department shall designate by rule a senior staff person, other than the person who issues the final order, to issue State Agency Action Reports and Notices of Intent.

(c) The department shall publish its proposed decision set forth in the Notice of Intent in the Florida Administrative Weekly within 14 days after the Notice of Intent is issued.

(d) If no administrative hearing is requested pursuant to subsection (5), the State Agency Action Report and the Notice of Intent shall become the final order of the department. The department shall provide a copy of the final order to the appropriate local health council.

(5) **ADMINISTRATIVE HEARINGS.**—

(a) Within 21 days after publication of notice of the State Agency Action Report and Notice of Intent, any person authorized under paragraph (b) to participate in a hearing may file a request for an administrative hearing; failure to file a request for hearing within 21 days of publication of notice shall constitute a waiver of any right to a hearing and a waiver of the right to contest the final decision of the department. A copy of the request for hearing shall be served on the applicant.

(b) Hearings shall be held in Tallahassee unless the hearing officer determines that changing the location will facilitate the proceedings. In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the department in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in such administrative hearing upon a showing that an established program will be substantially affected by the issuance of a certificate of need to a competing proposed facility or program within the same district, provided that existing health care providers, other than the applicant, have no standing or right to initiate or intervene in an administrative hearing involving a health care project which is subject to certificate of need review solely on the basis of s. 381.706(1)(c). The department shall assign proceedings requiring hearings to the Division of Administrative Hearings of the Department of Administration within 10 days after the time has run to request a hearing. Except upon unanimous consent of the parties or upon the granting by the hearing officer of a motion of continuance, hearings shall commence within 60 days after the hearing officer has been assigned. All non-state-agency parties shall bear their own expense of preparing a transcript. In any application for a certificate of need which is referred to the Division of Administrative Hearings for hearing, the hearing officer shall complete and submit to the parties a recommended order as provided in s. 120.57(1)(b). The recommended order shall be issued within 30 days after the receipt of the proposed recommended orders or the deadline for submission of such proposed recommended orders, whichever is earlier. The division shall adopt procedures for administrative hearings which shall maximize the use of stipulated facts and shall provide for the admission of prepared testimony.

(c) The department shall issue its final order within 45 days after receipt of the recommended order.

(d) If the department fails to take action within the time specified in paragraph (4)(a) or paragraph (5)(c), or as otherwise agreed to by the applicant and the department, the applicant may take appropriate legal action to compel the department to act. When making a determination on an application for a certificate of need, the department is specifically exempt from the time limitations provided in s. 120.60(2).

(6) **JUDICIAL REVIEW.**—

(a) A party to an administrative hearing for an application for a certificate of need has the right, within not more than 30 days after the date of the final order, to seek judicial review in the District Court of Appeal pursuant to s. 120.68. The department shall be a party in any such proceeding.

(b) In such judicial review, the court shall affirm the final order of the department, unless the decision is arbitrary, capricious, or not in compliance with ss. 381.701-381.715.

(c) The court, in its discretion, may award reasonable attorney's fees and costs to the prevailing party if the court finds that there was a complete absence of a justiciable issue of law or fact raised by the losing party.

Section 27. Section 381.710, Florida Statutes, is created to read:

381.710 Conditions and monitoring.—

(1)(a) The department may issue a certificate of need predicated upon statements of intent expressed by an applicant in the application for a certificate of need. Any certificate of need issued for construction of a new hospital or for the addition of beds to an existing hospital shall include a statement of the number of beds approved by category of service, including rehabilitation or psychiatric service, for which the department has adopted by rule a specialty-bed-need methodology. All beds which are approved, but are not covered by any specialty-bed-need methodology, shall be designated as general. If the holder of a certificate of need demonstrates good cause why the certificate should be modified, the department shall reissue the certificate of need with such modifications as may be appropriate. The department shall by rule define the factors constituting good cause for modification.

(b) If the holder of a certificate of need fails to comply with a condition upon which the issuance of the certificate was predicated, the department may assess an administrative fine against the certificate-holder in an amount not to exceed \$1,000 per failure per day. In assessing the penalty, the department shall take into account as mitigation the relative lack of severity of a particular failure. Proceeds of such penalties shall be deposited in the Public Medical Assistance Trust Fund.

(2)(a) Unless the applicant has commenced construction, if the project provides for construction, unless the applicant has incurred an enforceable capital expenditure commitment for a project, if the project does not provide for construction, or unless subject to paragraph (b), a certificate of need shall terminate 1 year after the date of issuance. The department may extend the period of validity of the certificate for an additional period of up to 6 months, upon a showing of good cause, as defined by rule, by the applicant for the extension. The department shall monitor the progress of the holder of the certificate of need in meeting the timetable for project development specified in the application with the assistance of the local health council as specified in s. 381.703(2)(b)7., and may revoke the certificate of need, if the holder of the certificate is not meeting such timetable and is not making a good faith effort, as defined by rule, to meet it.

(b) A certificate of need issued to an applicant holding a provisional certificate of authority under chapter 651 shall terminate 1 year after the applicant receives a valid certificate of authority from the Department of Insurance. The certificate of need validity period may be extended by the department for an additional period of up to 6 months upon a showing of good cause, as defined by rule, by the applicant for the extension.

(c) The certificate of need validity period for a project shall be extended by the department, to the extent that the applicant demonstrates to the satisfaction of the department that good faith commencement of the project is being delayed by litigation or by governmental inaction with respect to regulations or permitting precluding commencement of the project.

(3) The department shall require the submission of an executed architect's certification of final payment for each certificate of need project approved by the department. Each project which involves construction shall submit such certification to the department within 30 days following completion of construction.

Section 28. Section 381.711, Florida Statutes, is created to read:

381.711 *Certificate of need required; penalties.*—It is unlawful for any person to undertake a project subject to review under ss. 381.701-381.715 without a valid certificate of need. Any person violating the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each day of continuing violation shall be considered a separate offense.

Section 29. Effective upon becoming a law, section 381.712, Florida Statutes, is created to read:

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

Section 30. Section 381.713, Florida Statutes, is created to read:

381.713 *Special provisions.*—

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

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

1. The health maintenance organization or the combination of health maintenance organizations has in its service area an enrollment of at least 50,000 individuals;

2. The facility in which the service shall be provided is geographically located so that the service shall be reasonably accessible to such enrolled individuals; and

3. At least 75 percent of the patients who can reasonably be expected to receive the institutional health service shall be enrolled individuals.

(b) A health care facility which:

1. Primarily provides inpatient health services;

2. Is leased with at least 15 years remaining in the term of the lease or is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has in its service area an enrollment of at least 50,000 individuals; and

3. Is geographically located so that service shall be reasonably accessible to such enrolled individuals.

(2) **OSTEOPATHIC ACUTE CARE HOSPITALS.**—When an application is made for a certificate of need to construct or to expand an osteopathic acute care hospital, the need for such hospital shall be determined on the basis of the need for and availability of osteopathic services and osteopathic acute care hospitals in the district. When a prior certificate of need to establish an osteopathic acute care hospital has been issued in a district, and the facility is no longer used for that purpose, the department may continue to count such facility and beds as an existing osteopathic facility in any subsequent application for construction of an osteopathic acute care hospital.

(3) **HOSPICES.**—When an application is made for a certificate of need to establish or to expand a hospice, the need for such hospice shall be determined on the basis of the need for and availability of hospice

services in the community. The formula on which the certificate of need is based shall discourage regional monopolies and promote competition. The inpatient hospice care component of a hospice which is a freestanding facility, or a part of a facility, which is primarily engaged in providing inpatient care and related services and is not licensed as a health care facility shall also be required to obtain a certificate of need. Provision of hospice care by any current provider of health care is a significant change in service and therefore requires a certificate of need for such services.

(4) **VALIDITY OF CERTIFICATE OF NEED.**—

(a) A certificate of need issued by the department for nursing home facilities of 100 beds or more prior to February 14, 1986, is valid, provided that such facility has expended at least \$50,000 in reliance upon such certificate of need, excluding legal fees, prior to the initiation of proceedings under the Administrative Procedure Act subsequent to February 14, 1986, contesting the validity of the certificate of need. If such nursing home certificate of need includes beds that have not yet been licensed as of the effective date of this subsection, such beds shall not be considered or utilized in the determination of need or included in the inventory of licensed or approved nursing home beds by the department, with respect to applications filed before the effective date of this subsection. This subsection shall only apply to nursing home beds. Nothing contained herein shall be construed to deny action pursuant to s. 120.69, or to eliminate any conditions of the certificate of need or time requirements to commence construction, including any authorized extensions.

(b) This subsection shall take effect upon becoming a law.

Section 31. Section 381.714, Florida Statutes, is created to read:

381.714 *Injunction.*—Notwithstanding the existence or pursuit of any other remedy, the department may maintain an action in the name of the state for injunction or other process against any person to restrain or prevent the pursuit of a project subject to review under ss. 381.701-381.715, in the absence of a valid certificate of need.

Section 32. Section 381.4961, Florida Statutes, is renumbered as 381.715, Florida Statutes.

Section 33. Subsection (2) of section 395.002, Florida Statutes, is amended to read:

395.002 *Definitions.*—As used in this chapter:

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

Section 34. Subsection (2) of section 395.003, Florida Statutes, is amended to read:

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

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

(b) The department shall provide, by rule, for licensure of any ambulatory surgical center which is certified or seeks certification as a Medicare ambulatory surgical center and meets basic standards which will ensure the safe and adequate care of persons receiving ambulatory surgical services.

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

(d)(e) A license, unless sooner suspended or revoked, shall automatically expire 2 years from the date of issuance and shall be renewable biennially.

nially upon application for renewal and payment of the fee prescribed by s. 395.004(2), provided the applicant and hospital or ambulatory surgical center facility meet the requirements established under this part and rules promulgated hereunder. An application for renewal of a license shall be made 90 days prior to expiration of the license, on forms provided by the department.

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

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

Section 35. Effective upon becoming a law, paragraphs (a) and (b) of subsection (1) of section 395.503, Florida Statutes, are amended to read:

395.503 Hospital Cost Containment Board.—

(1)(a) There is created the Hospital Cost Containment Board. The board shall be *administratively located within the Office of the Secretary of the Department of Health and Rehabilitative Services and shall be composed of eleven members, four nine members, three of whom shall be providers of health care, including two representatives of the hospital industry and one representative of the nursing home industry, three of whom shall be major purchasers of health care, and four three of whom shall be consumers with no direct involvement in health care. The existing 11 members of the board who are serving on May 18, 1984, shall be entitled to continue to serve on the board until January 1, 1985, whereupon their terms shall expire and new members shall be appointed.* Members of the board shall be permanent residents of the state appointed by the Governor and confirmed by the Senate.

(b) Each appointment to the board shall be for a 3-year term, except that the initial appointment of the provider member added by this act shall be for a term ending December 31, 1989, and the initial appointment of the consumer member added by this act shall be for a term ending December 31, 1988 for the initial appointments which shall be as follows: ~~One provider, one purchaser, and one consumer shall be appointed for 1-year terms; one provider, one purchaser, and one consumer shall be appointed for 2-year terms; and the remaining members shall be appointed for 3-year terms.~~ No member is eligible for appointment for more than two consecutive terms, regardless of the length of any one term. A vacancy on the board shall be filled within 60 days from the date on which the vacancy occurs, which appointment shall be made for the remainder of the unexpired term.

Section 36. *The Hospital Cost Containment Board as established by part II of chapter 395, Florida Statutes, is hereby transferred by a type four transfer from the Governor's office to the Office of the Secretary of the Department of Health and Rehabilitative Services. In addition, any rules adopted by or for the board are included in the transfer. The department shall notify in writing, the Bureau of Administrative Code in the Division of Elections of the Department of State of the transfer of the rules.*

Section 37. (1) *Notwithstanding the provisions of ss. 395.007(1), 381.704(2), and 381.711, the Department of Health and Rehabilitative Services shall be required to accept and process a hospital's plans and specifications for preliminary inspection and approval or recommendation with respect to compliance with the rules and standards for alterations, additions, or new construction relating to the delivery of obstetric services even though said hospital has not been granted a certificate of need. Upon approval by the department, the hospital may make capital expenditures necessary to commence construction, but may not offer such services until July 1, 1988. For obstetric services to be offered after July 1, 1988, the limitations on capital expenditures for the purpose of providing inpatient institutional health services shall not apply.*

(2) *This section shall take effect upon becoming a law.*

Section 38. (1) *Nothing contained in ss. 381.701-381.715, Florida Statutes, is intended to repeal or modify any of the existing rules of the Department of Health and Rehabilitative Services, the existing composition of the local health councils and the Statewide Health Council, or the state health plan, or any of the local district health plans, unless, and only to the extent that, there is a direct conflict with the provisions of ss. 381.701-381.715, Florida Statutes. The rules of the Department of Health and Rehabilitative Services in effect on July 1, 1987, which implement the provisions of ss. 381.493-381.499, Florida Statutes, shall remain in effect and shall be enforceable by the department until such rules are repealed or amended by the department, and no judicial or administrative proceeding pending on July 1, 1987, shall be abated as a result of the provisions of ss. 381.701-381.713(1), (2), (3), 381.714-381.715, Florida Statutes.*

(2) *This section shall take effect upon becoming a law.*

Section 39. Subsection (16) of section 159.27, Florida Statutes, 1986 Supplement, is amended to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(16) "Health care facility" means property operated in the private sector, whether operated for profit or not, used for or useful in connection with the diagnosis, treatment, therapy, rehabilitation, housing, or care of or for aged, sick, ill, injured, infirm, impaired, disabled, or handicapped persons, without discrimination among such persons due to race, religion, or national origin; or for the prevention, detection, and control of disease, including, without limitation thereto, hospital, clinic, emergency, outpatient, and intermediate care, including, but not limited to, facilities for the elderly such as adult congregate living facilities, facilities defined in s. 154.205(8), day care and share-a-home facilities, nursing homes, and the following related property when used for or in connection with the foregoing: laboratory; research; pharmacy; laundry; health personnel training and lodging; patient, guest, and health personnel food service facilities; and offices and office buildings for persons engaged in health care professions or services; provided, if required by ss. 381.701-381.715 381.493-381.499 and ss. 400.601-400.614, a certificate of need therefor is obtained prior to the issuance of the bonds.

Section 40. Subsection (4) of section 395.003, Florida Statutes, is amended to read:

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

(4) The department shall issue a license which specifies the number of hospital beds on the face of the license. The number of beds for the rehabilitation or psychiatric service category for which the department has adopted by rule a specialty-bed-need methodology under ss. 381.701-381.715 s. 381.494 shall be specified on the face of the hospital license. All beds which are not covered by any specialty-bed-need methodology shall be specified as general beds. A licensed facility shall not continuously operate a number of hospital beds greater than the number indicated by the department on the face of the license.

Section 41. Paragraph (f) of subsection (1) of section 395.005, Florida Statutes, is amended to read:

395.005 Rules and enforcement.—

(1) The department shall adopt, amend, promulgate, and enforce rules to implement the provisions of this part, which shall include reasonable and fair minimum standards for ensuring that:

(f) All hospitals submit such data as necessary to conduct certificate-of-need reviews required under ss. 381.701-381.715 s. 381.494. Such data shall include, but shall not be limited to, patient origin data, hospital utilization data, type of service reporting, and facility staffing data. Data collection and dissemination procedures of the department shall include safeguards to ensure the confidentiality of individual patients. The department shall utilize existing uniform statewide data sources when available and shall minimize reporting costs to hospitals.

Section 42. Subsection (11) of section 395.011, Florida Statutes, 1986 Supplement, is amended to read:

395.011 Staff membership and professional clinical privileges.—

(11) Nothing herein shall be construed by the department as requiring an applicant for a certificate of need to establish proof of discrimina-

tion in the granting of or denial of hospital staff membership or professional clinical privileges as a precondition to obtaining such certificate of need under the provisions of s. 381.713 ~~381.494(2)~~.

Section 43. Paragraph (j) of subsection (5) of section 395.509, Florida Statutes, is amended to read:

395.509 Review of hospital budgets.—

(5) If the budget of a hospital is not subject to automatic approval because of the provisions of paragraph (2)(a) or paragraph (2)(b), the board shall review the budget to determine whether the rate of increase contained in the budget is just, reasonable, and not excessive. The board shall disapprove any budget, or part thereof, as excessive that contains a rate of increase which is not necessary to maintain the existing level of services of the hospital or, if the hospital increases its existing level of services, any amount not necessary to accomplish that increase. In making such determination and in considering any budget amendment filed by a hospital pursuant to subsection (3), the board shall consider the following criteria:

(j) The projected expenditures or revenues for or from construction of facilities or new services which are subject to regulation under ss. 381.701-381.715 ~~ss. 381.494~~ may not be included in the budget of a hospital until the construction or services are approved or authorized by the state health planning agency.

The involvement of the hospital in price-competitive activities, such as preferred provider organizations, health maintenance organizations, and other price-negotiated arrangements, shall not be construed or considered, in any way, as a factor or indication that the budget of the hospital, or amendments thereto, is unjust, unreasonable, or excessive.

Section 44. Subsection (7) of section 400.071, Florida Statutes, is amended to read:

400.071 Application for license.—

(7) The department may not issue a license to a nursing home which fails to receive a certificate of need under the provisions of ss. 381.701-381.715 ~~381.493-381.495~~. The department shall consider, in addition to the other criteria specified in s. 381.705 ~~381.494~~, the statement of intent by the applicant to designate a percentage of the beds of the facility for use by patients eligible for care under Title XIX of the Social Security Act, the percentage to be all or a portion of the need for such beds as identified in the local health plan. It is the intent of the Legislature that preference be given to an application which most closely meets the need for such beds.

Section 45. Subsection (3) of section 400.471, Florida Statutes, is amended to read:

400.471 Application for license.—

(3) The department shall not issue a license to a home health agency which fails to receive a certificate of need under the provisions of ss. 381.701-381.715 ~~381.493-381.497~~.

Section 46. Subsection (1) of section 400.603, Florida Statutes, is amended to read:

400.603 Certificate of need required; exemption.—

(1) The department shall not issue a license to a hospice which fails to receive a certificate of need under the provisions of ss. 381.701-381.715 ~~381.493-381.499~~.

Section 47. Subsection (4) of section 400.606, Florida Statutes, is amended to read:

400.606 License; application; renewal; conditional license or permit.—

(4) The department shall not issue a license to a hospice which fails to receive a certificate of need under the provisions of ss. 381.701-381.715 ~~381.493-381.499~~.

Section 48. Subsection (1) of section 651.118, Florida Statutes, 1986 Supplement, is amended to read:

651.118 Department of Health and Rehabilitative Services; certificates of need; sheltered beds; community beds.—

(1) The provisions of this section shall control in the case of conflict with the provisions of the *Health Facility and Services Development*

Act, ss. 381.701-381.715 ~~Facilities and Health Services Planning Act~~, ss. 381.493-381.499; the provisions of chapter 395; or the provisions of parts I and II of chapter 400.

Section 49. Sections 381.495, 381.498, and 381.499, Florida Statutes, section 381.493, Florida Statutes, as amended by chapter 85-167, Laws of Florida, and section 381.494, Florida Statutes, as amended by chapters 84-35, 84-285, 84-543, and 84-553, Laws of Florida, are hereby repealed.

Section 50. Section 409.266(6)(e), Florida Statutes, as amended by this act, which establishes the Medicaid medically needy program, is repealed on October 1, 1988, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 51. Except as otherwise provided herein, this act shall take effect October 1, 1987.

Conference Committee Amendment 2—Strike the title and insert: A bill to be entitled An act relating to indigent health care; providing legislative intent; amending s. 125.01, F.S.; enabling a county to establish municipal service taxing or benefit units to provide indigent health care services in unincorporated areas; authorizing a county to establish a dependent special district or an independent special district to provide indigent health care services throughout the county; providing for appointment and duties of the governing board of the independent special district; providing authority for the indigent health care board to prepare and adopt a budget; authorizing the levy of ad valorem taxes subject to referendum; limiting the millage rate; providing for expenditure of tax revenues; providing for financial reports; creating s. 154.011, F.S.; expanding primary care programs for low-income persons; requiring the Department of Health and Rehabilitative Services to develop a plan for coordination of programs in each county; authorizing counties to pool resources and jointly provide primary care programs; specifying components of primary care programs; requiring primary care programs to coordinate with the Improved Pregnancy Outcome Program; providing for department rules; creating s. 154.013, F.S.; allowing each county to establish a primary health care panel; providing for membership; providing for the development of a plan for the delivery of primary care services; providing for duties of the panel; amending s. 155.40, F.S.; requiring hospitals which reorganize as not-for-profit corporations to continue to provide indigent care as required by this act; amending s. 409.266, F.S.; requiring the purchase of medical services for persons eligible for medical assistance in a specified manner; increasing the Medicaid hospital outpatient cap; authorizing an additional appropriation from the Public Medical Assistance Trust Fund for primary care programs; extending Medicaid services to financially eligible pregnant women, children under age 5, elderly persons, and disabled persons; increasing Medicaid reimbursement for physicians, midwives, early periodic screening diagnosis and treatment of children, home health care, adult health screening and diagnosis, and dental care; providing for certain onsite Medicaid eligibility determinations; authorizing pilot programs; requiring the Auditor General to contract for a study of certain aspects of the Medicaid program; providing an appropriation; requiring the Auditor General to conduct a program audit of the Medicaid program and its implementation by the department and issue a report; creating s. 409.2661, F.S.; providing for demonstration projects for the non-Medicaid medically indigent; providing for primary care health training demonstration projects; providing for an alcohol and drug abuse demonstration project; requiring evaluation and reports to the Legislature; providing for an appropriation from the Public Medical Assistance Trust Fund; amending s. 409.2662, F.S.; increasing the annual appropriation to the Public Medical Assistance Trust Fund; providing for certain expenditures therefrom; providing for redistribution of Public Medical Assistance Trust Fund surplus moneys; providing definitions; providing a formula for redistribution; amending s. 395.5094, F.S.; directing how funds received from the redistribution formula are to be accounted for in a hospital's budget; establishing child health assistance demonstration projects; providing for funding from the Public Medical Assistance Trust Fund; providing for a report to the Legislature; providing for assessment of Medicaid psychiatric services; authorizing establishment of the Florida Small Business Health Access Corporation; providing for the organization and operation of the corporation, including collection of premiums, establishment of benefits, payment of claims; authorizing staff to administer the program; providing that the corporation shall not be licensed by the Department of Insurance; providing for reinsurance; providing access to records of the Department of Labor and Employment Security; providing for confidentiality; creating ss. 381.701-381.714, F.S., and renumbering s. 381.4961,

F.S., as s. 381.715, F.S.; creating the "Health Facility and Services Development Act"; providing definitions; establishing local health councils and the Statewide Health Council; providing powers and duties; providing for funding; creating the Local Health Trust Fund; providing duties of the Department of Health and Rehabilitative Services, relating to health planning; providing duties and responsibilities of the department, relating to certificate of need; providing criteria for review of certificate of need applications; specifying projects subject to review; specifying items subject to expedited review; providing exemptions; specifying content of applications; providing fees; providing a review process; providing for administrative hearings; providing for judicial review; specifying conditions for issuance of certificates of need; providing an administrative fine; providing a period of validity; providing a penalty; limiting transfer of a certificate of need; providing special provisions with respect to health maintenance organizations, osteopathic acute care hospitals, hospices, and validity of certain certificates of need; providing for injunction; amending s. 395.002, F.S.; modifying the definition of "ambulatory surgical center"; amending s. 395.003, F.S.; providing criteria for licensure of Medicare ambulatory surgical centers; amending s. 395.503, F.S.; placing the Hospital Cost Containment Board under the Department of Health and Rehabilitative Services for certain administrative purposes; increasing the membership of the board; providing for transfer of the board, and rules thereof, to the department; specifying processing requirements for the department with respect to obstetric services; saving certain existing rules, local and statewide health councils, and state and district plans; amending ss. 159.27, 395.003, 395.005, 395.011, 395.509, 400.071, 400.471, 400.603, 400.606, and 651.118, F.S.; conforming cross-references; repealing ss. 381.493, 381.494, 381.495, 381.498, and 381.499, F.S., relating to the "Health Facilities and Health Services Planning Act"; providing for review and repeal of the Medicaid medically needy program; providing effective dates.

The Conference Committee Report was read and on motion by Senator Myers was adopted. CS for HB 1384 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—35

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

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 CS for SB 1024 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1024—A bill to be entitled An act relating to the insurance premium tax; requiring the Department of Insurance to study certain insurance industry information; amending s. 624.509, F.S.; changing quarterly due dates; increasing the amounts of estimated tax payments; amending s. 624.429, F.S.; providing for deposit of retaliatory taxes into General Revenue; amending s. 624.521, F.S.; providing for distribution of certain tax receipts; amending ss. 175.101, 185.08, F.S.; specifying that domestic insurers are exempt from municipal excise taxes imposed on property or casualty insurance premiums; amending s. 624.509, F.S.; increasing the insurance premium tax; amending s. 624.509, F.S.; increasing the amounts of estimated tax payments; amending s. 624.512, F.S.; imposing an insurance premium tax on domestic insurers; allowing a credit against the premium tax for increased retaliatory taxes paid to other states; requiring the Department of Insurance to conduct a study; providing special provisions regarding penalties in estimated tax payments; providing an effective date.

Amendment 1—On pages 1-9, strike everything after the enacting clause and insert:

Section 1. Section 175.101, Florida Statutes, 1986 Supplement, is amended to read:

175.101 Two-percent state excise tax on property insurance premiums authorized; procedure.—Each municipality in this state described and classified in s. 175.041, having a lawfully established municipal firefighters' pension trust fund or municipal fund providing pension benefits to firefighters by whatever name known, may assess and impose on every insurance company, corporation, or other insurer now engaged in or carrying on, or who shall hereinafter engage in or carry on, the business of property insurance as shown by the records of the Department of Insurance an excise tax in addition to any lawful license or excise tax now levied by each of the municipalities, respectively, amounting to 2 percent of the gross amount of receipts of premiums from policyholders on all premiums collected on property insurance policies covering property within the corporate limits of such municipalities, respectively. In the case of multiple peril policies with a single premium for both the property and casualty coverages in such policies, 70 percent of such premium shall be used as the basis for the 2-percent tax. This excise tax shall be payable annually on March 1 of each year after the passage of an ordinance assessing and imposing the tax herein authorized. ~~Every insurance company, corporation, or other insurer paying such tax shall receive credit for the amount thereof, when paid, on the amount payable by such insurer to the state for the similar state excise tax now imposed by other provisions of law; however, this chapter shall not be construed to require the payment of any excise tax by an insurance company that does not now pay such tax.~~

Section 2. Subsection (3) of section 185.08, Florida Statutes, 1986 Supplement, is amended to read:

185.08 One-percent state excise tax on casualty insurance premiums authorized; procedure.—

(3) Said excise tax shall be payable annually March 1 of each year after the passing of an ordinance assessing and imposing the tax herein authorized. ~~Every insurance company, corporation, or other insurer paying such tax shall receive credit for the amount thereof, when paid, on the amount payable by such insurer to the state for the similar state excise tax now imposed by other provisions of law; however, this chapter shall not be construed to require the payment of an excise tax by an insurance company that does not now pay such tax.~~

Section 3. Subsections (1) and (3) of section 624.429, Florida Statutes, are amended, and effective July 1, 1987, subsection (6) of said section is amended, to read:

624.429 Retaliatory provision, insurers.—

(1) When by or pursuant to the laws of any other state or foreign country any taxes, licenses, and other fees, in the aggregate, and any fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions are or would be imposed upon Florida insurers or upon the agents or representatives of such insurers, which are in excess of such taxes, licenses, and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements, or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this state, so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses, and other fees, in the aggregate, or fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions of whatever kind shall be imposed by the department upon the insurers, or upon the agents or representatives of such insurers, of such other state or country doing business or seeking to do business in this state. *In determining the taxes to be imposed under this section, the credit provided by s. 624.509(5) shall not be taken into consideration.*

~~(3) In the application of subsection (1), any foreign insurer which maintains a regional home office in this state as defined in s. 624.514:~~

~~(a) Shall be permitted as credits and deductions from the aggregate of penalties, fees, charges, and taxes imposed pursuant to this section, the same amount of credits and deductions which would otherwise be permitted such insurer under s. 624.514.~~

~~(b) Shall not be subject to retaliation as it relates to premium tax.~~

(6) Fifty percent of the excess amount of all fees, licenses, and taxes collected by the department under this section over the amount of similar fees, licenses, and taxes provided for in part IV, together with all fines, penalties, or other monetary obligations collected under this section and ss. 626.711 and 626.743 exclusive of such fees, licenses, and taxes, shall be deposited by the department to the credit of the Insurance Commissioner's Regulatory Trust Fund. The remainder of such excess amount shall be deposited into the General Revenue Fund.

Section 4. Paragraph (a) of subsection (1) and subsection (4) of section 624.509, Florida Statutes, are amended, subsection (5) is renumbered as subsection (8), new subsections (5), (6), and (7) are added to said section, and effective October 1, 1987, paragraphs (a) and (b) of subsection (3) of said section are amended, to read:

624.509 Premium tax; rate and computation.—

(1) In addition to the license taxes provided for in this chapter, each insurer shall also annually, and on or before March 1 in each year, except as to wet marine and transportation insurance taxed under s. 624.510, pay to the Department of Revenue a tax on insurance premiums, risk premiums for title insurance, or assessments, including membership fees and policy fees and gross deposits received from subscribers to reciprocal or interinsurance agreements, and on annuity premiums or considerations, received during the preceding calendar year, the amounts thereof to be determined as set forth in this section, to wit:

(a) An amount equal to 2.25 percent of the gross amount of such receipts on account of life and health insurance policies covering persons resident in this state and on account of all other types of policies and contracts (except annuity policies or contracts taxable under paragraph (b)) covering property, subjects, or risks located, resident, or to be performed in this state, omitting premiums on reinsurance accepted, and less return premiums or assessments, but without deductions:

1. For reinsurance ceded to other insurers;
2. For moneys paid upon surrender of policies or certificates for cash surrender value;
3. For discounts or refunds for direct or prompt payment of premiums or assessments; and
4. On account of dividends of any nature or amount paid and credited or allowed to holders of insurance policies; certificates; or surety, indemnity, reciprocal, or interinsurance contracts or agreements; and

(3)(a) Installments of the tax levied under this section shall be due and payable on April 15, ~~June~~ July 15, and October 15 in each year, based upon the estimated gross amount of receipts of insurance premiums or assessments received during the immediately preceding calendar quarter. A final payment of tax due for the year shall be made at the time the taxpayer files his return for such year. On or before March 1 in each year, an annual return shall be filed showing, by quarters, the gross amount of receipts taxable for the preceding year and the installment payments made during that year.

(b) Any taxpayer who fails to report and timely pay any installment of tax, who estimates any installment of tax to be less than 90 percent of the amount finally shown to be due in any quarter, or who fails to report and timely pay any tax due with the final return shall be deemed to be in violation of this section and be subject to a penalty of 10 percent on any underpayment of taxes or delinquent taxes due and payable for that quarter or on any delinquent taxes due and payable with the final return. Any taxpayer paying, for each installment required herein, 27 percent of the amount of the annual tax reported on his return for the preceding year shall not be subject to the penalty provided by this section.

(4) The income tax imposed under chapter 220 and the emergency excise tax imposed under chapter 221 which are paid by any insurer shall be credited against, and to the extent thereof shall discharge, the liability for tax imposed by this section for the annual period in which such tax payments are made. As to any ~~a foreign or alien~~ insurer issuing policies insuring against loss or damage from the risks of fire, tornado, and certain casualty lines, the tax imposed by this section, as intended and contemplated by this subsection, shall be construed to mean the net amount of such tax remaining after there has been credited thereon such gross premium receipts tax as may be payable by such insurer in pursuance of the imposition of such tax by any incorporated cities or towns in the state for firemen's relief and pension funds and policemen's retirement funds maintained in such cities or towns, as provided in and by relevant provi-

sions of Florida Statutes. For purposes of this subsection, payments of estimated income tax under chapter 220 and of estimated emergency excise tax under chapter 221 shall be deemed paid either at the time the insurer actually files its annual returns under chapter 220 or at the time such returns are required to be filed, whichever first occurs, and not at such earlier time as such payments of estimated tax are actually made.

(5) There shall be allowed a credit against the net tax imposed by this section equal to 10 percent of the amount paid by the insurer in salaries to employees located or based within this state and who are covered by the provisions of chapter 443. For purposes of this subsection:

(a) The term "salaries" does not include amounts paid as commissions.

(b) The term "employees" does not include independent contractors or any person whose duties require that the person hold a valid license under the Florida Insurance Code, except persons defined in ss. 626.081, 626.091, and 626.101.

(c) The term "net tax" means the tax imposed by this section after applying the calculations and credits set forth in subsection (4).

(6) The credits granted by subsections (4) and (5) shall not exceed 50 percent of the tax due under subsection (1) after deducting therefrom the taxes paid by the insurer under ss. 175.101 and 185.88.

(7) Any group of insurers which is an "affiliated group of corporations" as defined in s. 220.03, may file a consolidated premium tax return for the purpose of claiming the credits set forth in subsections (4), (5) and (6). For the purposes of this subsection the term "group of insurers" includes any company whose primary business is providing services to an insurance company.

Section 5. Subsections (1) and (3) of section 624.510, Florida Statutes, are amended to read:

624.510 Tax on wet marine and transportation insurance.—

(1) On or before March 1 of each year each ~~foreign and alien~~ insurer shall file with the Department of Revenue a report of its gross underwriting profit on wet marine and transportation insurance, as defined in s. 624.607(2), written in this state during the calendar year next preceding and shall at the same time pay to the Department of Revenue a tax of 0.75 percent of such gross underwriting profit.

(3) The income tax imposed under chapter 220 which is paid by any insurer shall be credited against, and to the extent thereof shall discharge, the liability for tax imposed by this section for the annual period in which such income tax payment is made. The aggregate income tax credit for any insurer under this subsection and s. 624.509(4) shall not exceed the amount of tax paid under chapter 220 in any calendar year. As to any ~~a foreign or alien~~ insurer issuing policies insuring against loss or damage from the risks of fire, tornado, and certain casualty lines, the tax imposed by this section, as intended and contemplated by this subsection, shall be construed to mean the net amount of such tax remaining after there has been credited thereon such gross premium receipts tax as may be payable by such insurer in pursuance of the imposition of such tax by any incorporated cities or towns in the state for firemen's relief and pension funds and policemen's retirement funds maintained in such cities or towns, as provided in and by relevant provisions of Florida Statutes. For purposes of this subsection, payments of estimated income tax under chapter 220 shall be deemed paid either at the time the insurer actually files its annual return under chapter 220 or at the time such return is required to be filed, whichever first occurs, and not at such earlier time as such payments of estimated tax are actually made.

Section 6. Subsection (1) of section 634.131, Florida Statutes, is amended to read:

634.131 Tax on premiums and assessments.—

(1) In addition to the license taxes provided for in this act for motor vehicle service agreement companies, and the license taxes as provided in the Florida Insurance Code as to insurers, each such company and each such insurer shall annually on or before March 1 file with the department its annual statement, in a form as prescribed and furnished by the department, showing all service agreement premiums or assessments received by it from agreement holders in this state during the preceding calendar year, and shall pay to the Treasurer a tax in an amount equal to 2 percent of the gross amount of such premiums or assessments. ~~How-~~

~~over, the same exemptions and credits as set forth in ss. 624.512 and 624.514 allowed to insurers shall apply to motor vehicle service agreement companies and insurers under this act.~~

Section 7. Subsection (1) of section 634.313, Florida Statutes, is amended to read:

634.313 Tax on premiums; annual statement; reports.—

(1) In addition to paying the license taxes provided for in this part for home warranty associations and license taxes provided in the insurance code as to insurers, each such association and each such insurer shall, annually on or before March 1, file with the department its annual statement, in the form prescribed by the department, showing all premiums received by it in connection with the issuance of warranties in this state during the preceding calendar year and using accounting principles which will enable the department to ascertain whether the reserve required by s. 634.3077 has been maintained. Each annual statement shall contain, but is not limited to, a balance sheet listing all assets and liabilities; a schedule used to compute net assets and earned surplus including all expense, premium income, and other income items; and a schedule used to report all claims statistics. The annual statement shall be completed using generally accepted accounting principles except as otherwise provided in this part. Further, each association and each insurer shall pay to the Treasurer a tax in an amount equal to 2 percent of the amount of such premiums so received; ~~however, the same exemptions and credits as set forth in ss. 624.512 and 624.514 allowed to insurers apply to insurers and home warranty associations under this part.~~

Section 8. Subsection (1) of section 634.415, Florida Statutes, is amended to read:

634.415 Tax on premiums; annual statement; reports; quarterly statements.—

(1) In addition to the license fees provided in this part for service warranty associations and license taxes as provided in the insurance code as to insurers, each such association and insurer shall, annually on or before March 1, file with the department its annual statement, in the form prescribed by the department, showing all premiums or assessments received by it in connection with the issuance of service warranties in this state during the preceding calendar year and using accounting principles which will enable the department to ascertain whether the financial requirements set forth in s. 634.406 have been satisfied. *Further, each association and each insurer shall pay to the Treasurer a tax on such premiums and assessments in an amount equal to 2 percent of the gross amount of such premiums and assessments. There shall be allowed a deduction against the tax imposed by this section in the amount of any sales tax imposed by chapter 212 on the premiums or assessments received by an association. If, after notice and hearing as provided for in chapter 120, the department demonstrates that the income derived from the license fees provided for herein is insufficient to pay the costs of administering this part, the department may impose a premium tax of not more than 0.5 percent of the gross written premiums of all service warranty associations licensed to do business in this state.*

Section 9. Subsection (1) of section 638.141, Florida Statutes, is amended to read:

638.141 Tax on premiums and assessments.—

(1) In addition to the taxes provided for in this chapter for ambulance service associations, and license taxes as provided in the insurance code as to insurers, each such association and insurer shall, annually on or before March 1, file with the department its annual statement, in a form as prescribed and furnished by the department, showing all premiums or assessments received by it from contract holders in this state during the preceding calendar year, and shall pay to the Treasurer a tax in an amount equal to 2 percent of the gross amount of such premiums or assessments. ~~The same exemptions and credits as set forth in ss. 624.512 and 624.514 allowed to insurers shall apply to insurers and ambulance service associations under this chapter.~~

Section 10. Sections 624.512, 624.513, and 624.514, Florida Statutes, are hereby repealed.

Section 11. Effective July 1, 1987, subsection (2) of section 624.521, Florida Statutes, is amended to read:

624.521 Deposit of certain tax receipts; refund of improper payments.—

(2) The Department of Revenue shall promptly deposit in the Department of Revenue Premium Tax Clearing Trust Fund all premium taxes collected according to ss. 624.509, 624.510, 624.513 and 624.514. Such taxes shall be distributed on an estimated basis within 15 days after receipt by the Department of Revenue. Such distribution shall be adjusted pursuant to an audit by the Department of Insurance.

Section 12. (1) Before February 1, 1988, the Department of Insurance is directed to collect the information described in this section and report such information to the Legislature in a manner consistent with subsection (2). The department shall collect the following information from all entities regulated by the Department of Insurance under the Florida Insurance Code and from entities offering or performing similar services such as self-insurance trusts:

(a) Number of employees in Florida identified as to whether or not they are paid on a commission basis and whether or not they are required to hold a valid license under the Florida Insurance Code;

(b) Annual payroll associated with each category of employee described in paragraph (a);

(c) Total assets in Florida identified as to real property, tangible personal property, and intangible personal property;

(d) Dollar value of business done in Florida;

(e) Taxes paid to Florida governmental entities by type of tax; and

(f) The amount of wages paid. For purposes of this paragraph, the term "wages" means wages as defined in s. 443.036(31), Florida Statutes.

(2) Data collected pursuant to this section shall be confidential and shall be reported only in a form that makes it impossible to identify individual entities.

(3) Entities regulated by the Department of Insurance are directed to respond to requests for information pursuant to this section. Failure to do so in a timely manner shall subject such entities to penalties described in s. 624.4211, Florida Statutes.

(4) This section shall take effect July 1, 1987.

Section 13. Except as otherwise provided herein, this act shall take effect July 1, 1988.

Amendment 2—On page 1, lines 1-24, strike the entire title and insert: A bill to be entitled An act relating to insurance; amending ss. 175.101, 185.08, 624.429, 624.509, 624.510, 634.131, 634.313, 634.415, and 638.141, F.S., providing for credits against taxes due under chapter 624, F.S.; providing for payment of the 2-percent state excise tax on property insurance premiums received by domestic insurers; providing for a 1-percent state excise tax on casualty insurance premiums received by domestic insurers; providing a procedure for determining certain taxes due with respect to retaliatory provisions; providing for an increase in the insurance premiums tax rate; providing for a credit against the premium tax; providing for a tax on certain profits with respect to wet marine and transportation insurance; eliminating exemptions and credits with respect to motor vehicle service agreement premiums and assessments, home warranty premiums, and ambulance service contract premiums; providing for a premium tax on service warranty associations; providing a deduction; repealing ss. 624.512, 624.513, and 624.514, F.S., providing for the elimination of domestic insurer exemptions; repealing the tax liability for certain domestic insurers; providing for the elimination of credits on premium tax liability for foreign insurers with regional home offices; providing for the deposit of certain fees, licenses, and taxes; revising language with respect to insurance premium tax payments; amending s. 624.521, F.S.; providing for the distribution of certain taxes; directing the Department of Insurance to collect certain information and report to the Legislature; providing for confidentiality; requiring certain entities to respond to requests for information from the department; providing penalties;

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

Amendment 1—On page 8, strike all of lines 4-28 and insert:

(5) There shall be allowed a credit against the net tax imposed by this section equal to 15 percent of the amount paid by the insurer in salaries to employees located or based within this state and who are covered by the provisions of chapter 443. For purposes of this subsection:

(a) The term "salaries" does not include amounts paid as commissions.

(b) The term "employees" does not include independent contractors or any person whose duties require that the person hold a valid defined in the Florida Insurance Code, except persons defined in ss. 626.081, 626.091, and 626.101.

(c) The term "net tax" means the tax imposed by this section after applying the calculations and credits set forth in subsection (4).

(6) The credit granted by subsection (5) shall not exceed 80 percent of the tax due under subsection (1) after deducting therefrom the taxes paid by the insurer under ss. 175.101 and 185.88 and chapters 220 and 221.

(7) Any group of insurers which is an "affiliated group of corporations" as defined in ss. 1504(a), 1504(b), and 1504(c) of the Internal Revenue Code may file a consolidated premium tax return for the purpose of claiming the credits set forth in subsections (4), (5), and (6). For the purposes of this subsection the term "group of insurers" includes any company whose primary business is providing services to an insurance company.

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

CS for SB 1024 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—23

Barron	Girardeau	Malchon	Scott
Beard	Gordon	Margolis	Thomas
Brown	Hair	McPherson	Weinstein
Childers, D.	Johnson	Meek	Weinstock
Deratany	Kiser	Myers	Woodson
Dudley	Lehtinen	Ros-Lehtinen	

Nays—6

Frank	Jenne	Plummer
Hollingsworth	Langley	Stuart

Vote after roll call:

Yea—Kirkpatrick

Motion

On motions by Senator Deratany, by two-thirds vote CS for HB 483 was withdrawn from the Committees on Transportation; and Economic, Community and Consumer Affairs.

On motion by Senator Deratany, by unanimous consent—

CS for HB 483—A bill to be entitled An act relating to the enforcement of traffic laws; amending s. 316.003, F.S., redefining the term "street or highway"; amending s. 316.640, F.S.; authorizing certain officers and agencies to enforce traffic laws in mobile home park recreation districts; providing an effective date.

—was taken up out of order. On motions by Senator Deratany, by two-thirds vote CS for HB 483 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—31

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Motion

On motion by Senator Stuart, by two-thirds vote HB 1377 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Stuart, by unanimous consent—

HB 1377—A bill to be entitled An act relating to regulation of the construction industry; amending s. 489.103, F.S.; revising exemptions from such regulation provided for sale or installation of certain finished products, construction or improvement of owner-occupied structures, work performed by licensed dealers in liquefied petroleum gas, and sale or installation of heating or air conditioning units; creating s. 489.108, F.S.; providing rulemaking authority of the Construction Industry Licensing Board; amending s. 489.113, F.S.; specifying requirements relating to subcontracting of certain swimming pool work; specifying requirements relating to subcontracting of certain roofing; prohibiting certain persons from acting as roofing contractors; providing an effective date.

—was taken up out of order. On motions by Senator Stuart, by two-thirds vote HB 1377 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—31

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

The Senate resumed consideration of—

HB 1297—A bill to be entitled An act relating to disposition of dead human bodies; amending s. 470.019, F.S.; providing for new disciplinary actions and grounds for discipline against direct disposal establishments and direct disposers; amending s. 470.036, F.S.; providing for disciplinary actions against cinerator facilities; providing an effective date.

On motion by Senator Plummer, HB 1297 was read by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

SB 1238 was laid on the table.

Motion

On motions by Senator Thurman, by two-thirds vote HB 98 was withdrawn from the Committees on Agriculture and Appropriations.

On motion by Senator Thurman, by unanimous consent—

HB 98—A bill to be entitled An act relating to animal industry; amending s. 585.08, F.S., providing for certificate of veterinary inspection of domestic animals moved into the state; amending s. 585.35, F.S., authorizing the Department of Agriculture and Consumer Services to examine certain records and documents relating to animals; amending s. 585.41, F.S., providing an administrative penalty for violation of department rules and a penalty for violation of chapter 585; amending s. 585.61, F.S., expanding the jurisdiction of diagnostic laboratory services; amend-

ing ss. 585.62, 585.621, and 585.64, F.S., expanding the jurisdiction of certain poultry diagnostic disease laboratories and abolishing certain laboratories; removing laboratory construction responsibilities from the department; providing an effective date.

—was taken up out of order. On motions by Senator Thurman, by two-thirds vote HB 98 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—33

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

Nays—None

Motion

On motion by Senator Woodson, the House was requested to return CS for SB 177.

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 has passed with amendments CS for SB 1269 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

Amendment 1—On page 7, between lines 20 and 21, insert:

Section 1. Definitions.—

(1) "Community association" means a residential homeowners' association in which membership is a condition of ownership of a unit in a planned unit development, or of a lot for a home or a mobile home, or of a townhouse, villa, condominium, cooperative, or other residential unit which is part of a residential development scheme and which is authorized to impose a fee which may become a lien on the parcel.

(2) "Community association management" means any of the following practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration and for the public and when the association is greater than 50 units or has an annual budget in excess of \$100,000: controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, and coordinating maintenance for the residential development and other day-to-day services involved with the operation of a community association.

(3) "Community association manager" means a person who is licensed pursuant to this act to perform community association management services.

(4) "Department" means the Department of Business Regulation.

Section 2. Certification of community association managers.

(1) A person shall not manage or hold himself out to the public as being able to manage a community association in this state unless he is certified by the department in accordance with the provisions of this act. However, nothing in this act prohibits any person licensed in this state under any other law or court rule from engaging in the profession for which he is licensed. A person who has provided community association management services as of October 1, 1986, may continue to provide such services without certification until October 1, 1988.

(2) Nothing in this act prohibits a corporation, partnership, trust, association, or other like organization from engaging in the business of community association management without certification if it employs certified natural persons in the direct provision of community association management services. Such corporation, partnership, trust, association, or other organization shall also file with the department a statement on a form approved by the department that it submits itself to the rules of the department and the provisions of this act which the department deems applicable.

Section 3. Administration of this act; certification qualifications; examination.

(1) The department shall administer, coordinate, and enforce the provisions of this act, evaluate the qualifications of applicants, supervise the examination of applicants, and be responsible for the granting of certificates to qualified persons and for withholding certificates from unqualified persons. It may issue subpoenas, examine witnesses, and administer oaths, and shall investigate persons engaging in practices which violate the provisions of this act.

(2) The department shall conduct such hearings and keep such records and minutes as are necessary to an orderly dispatch of business.

(3) The department is authorized to promulgate rules pursuant to chapter 120 which are necessary to implement, enforce, and interpret this act.

(4) To be eligible for certification by the department as a community association manager, the applicant shall:

(a) Be of good moral character.

(b) Pass an examination promulgated or approved by the department which demonstrates that the applicant has a fundamental knowledge of the state and federal laws relating to the operation of all types of community associations and state laws relating to corporations and nonprofit corporations, proper preparation of community association budgets, proper procedures for noticing and conducting community association meetings, insurance matters relating to community associations, and management skills.

(5) Evidence of continuing education as approved by the department shall be submitted with an application to renew certification. No more than 10 hours of continuing education annually shall be required by the department for this renewal.

Section 4. Advisory council; membership; functions.—

(1) There is created an advisory council on community association managers. The council shall consist of seven members as follows: one shall be a member of the Community Associations Institute, one shall be a member of Building Managers International, and one shall be a member of some other professional organization whose membership includes community association managers; two members of the council shall be residents of communities governed by a community association, one of whom is a resident manager; and two members shall be lay citizens who are not community association managers. The secretary of the department shall appoint three members for terms of 1 year, two members for terms of 2 years, and two members for terms of 3 years. Thereafter, each member shall be appointed for a term of 4 years. A vacancy shall be filled for the remainder of the unexpired term.

(2) Members of the council shall serve without compensation but shall be entitled to receive reimbursement for per diem and traveling expenses as provided in s. 112.061, Florida Statutes.

(3) The functions of the advisory council shall be to:

(a) Review, evaluate and advise the department concerning revisions and promulgation of rules affecting community association managers.

(b) *Recommend improvements, if needed, in the certification and training of community association managers.*

(4) *The council shall meet at the call of its chairman, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules.*

Section 5. Fees; establishment; disposition.

(1) *The department shall, by rule, establish fees for the described purposes and within the ranges specified in this section:*

- (a) *Application fee: not less than \$25, or more than \$50.*
- (b) *Examination fee: not less than \$25, or more than \$100.*
- (c) *Initial license fee: not less than \$25, or more than \$100.*
- (d) *Provisional license fee: not less than \$25, or more than \$100.*
- (e) *Renewal of license fee: not less than \$25, or more than \$100.*
- (f) *Late renewal license fee: not less than \$25, or more than \$50.*
- (g) *Nonactive license fee: not less than \$10, or more than \$25.*

(2) *Fees established pursuant to subsection (1) shall be based on the actual costs incurred by the department in carrying out its licensure and other related responsibilities under this act. Fees are to be set for a period not to exceed 2 years.*

(3) *Until the department adopts rules establishing fees under subsection (1), the lower amount in each range shall apply.*

(4) *Fees collected under this section shall be deposited to the credit of the Florida Condominiums Trust Fund.*

Section 6. Suspension or revocation of certification.—A certificate may be suspended or revoked upon a showing that the registrant has:

- (1) *Violated any provision of this act.*
- (2) *Violated any lawful order or rule rendered or adopted by the department.*
- (3) *Been convicted of or pleaded nolo contendere to a felony by any court in the United States.*
- (4) *Obtained his registration or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.*
- (5) *Been found guilty of gross misconduct in the pursuit of his profession.*

Section 7. Penalties.—Any person who violates any of the provisions of this act shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 8. Sections 1 through 7 of this act are repealed on October 1, 1997, and shall be reviewed by the Legislature pursuant to 11.61, Florida Statutes.

(And renumber subsequent section.)

Amendment 2—In the title, on page 1, line 15, after the semicolon (;) insert: providing definitions; providing for certification of community association managers; providing that the Department of Business Regulation shall administer the act; providing qualifications and for examination of applicants to be community association managers; creating an advisory council on community association managers; providing for membership, powers and duties; providing fees; providing for suspension or revocation of certification; providing penalties; providing for review and repeal;

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

CS for SB 1269 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Motion

On motion by Senator Barron, by two-thirds vote the special order calendar for Thursday, June 4, was set to include the bills remaining on today's special order and the following additional bills: CS for SB's 35, 437, 894 and 923, CS for HB 1467, HB 259, CS for SB 11, CS for SB 371, CS for SB 546, CS for SB 598, CS for SB 737, CS for SB 752, SB 768, CS for SB 808, SB 810, CS for SB 833, SB 1186, CS for SB's 1289, 771 and 84, CS for SB 893, CS for SB 950, CS for HB 619, CS for SB 764, CS for SB 988, CS for CS for SB 572, CS for CS for SB 501, CS for SB 930, CS for SB's 805, 1127 and 751, HB 1111, CS for SB's 270 and 386 and CS for CS for SB 1081.

ENROLLING REPORTS

CS for SB 1218 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 3, 1987.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 2 was corrected and approved as follows:

Page 622, bottom of column 1 and top of column 2, strike HB 1337 title and insert:

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.

CO-INTRODUCERS

Senator Meek—CS for SB 827; Senator Jennings—CS for SB 920; Senator Deratany—SB 1158; Senator Peterson—CS for SB 1289

RECESS

On motion by Senator Barron, the Senate recessed at 5:02 p.m. to reconvene at 10:00 a.m., Thursday, June 4.