



Journal of the Senate

Number 14

Tuesday, May 17, 1988

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—39:

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

Excused: Senator Hill

PRAYER

The prayer was offered by the Rev. James L. Howell, Pastor, Dixieland Baptist Church, Eaton Park, at the invitation of Senator Peterson.

PLEDGE

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 17, 1988: CS for SB 111, SB 836, SB 442, SB 907, CS for SB 874, SB 1028, CS for SB 702, CS for SB 419, SB 378, CS for SB 539, SB 59. CS for SB 87, SB 178, SB 439, CS for SB 521, CS for SB 615, SB 682, SB 683, SB 714, CS for SB 941, SB 1025, CS for SB 1043, CS for SB 1091, CS for SB 1108, CS for SB 1176, HB 183

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Commerce recommends the following pass: SB 46

The Committee on Corrections, Probation and Parole recommends the following pass: CS for SB's 277 and 816 with 1 amendment, SB 973, SB 974, SB 976, SB 1045, SB 1130

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

The Committee on Commerce recommends the following pass: SB 704, SB 1167 with 1 amendment

The Special Master on Claims recommends the following pass: SB 647 with 1 amendment

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

The Committee on Corrections, Probation and Parole recommends the following pass: HB 1432 with 1 amendment

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

The Committee on Commerce recommends the following pass: SB 748 with 1 amendment

The bill was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Commerce recommends the following pass: SB 1033

The bill was placed on the calendar.

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: SB 1329

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: CS for SB 136, SJR 391, CS for SB 1054

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

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 1309

The bill with committee substitute attached was referred to the Committee on Appropriations on motion by Senator Scott on May 12, 1988.

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 633

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 522, SB 1192

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: SB 24, CS for SB 38

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

The Committee on Judiciary-Criminal recommends that the Senate confirm the appointment made by the Governor of James T. Moore, Tallahassee, as Executive Director of the Department of Law Enforcement, to serve at the pleasure of the Governor and Cabinet.

The appointment contained in the foregoing report was referred to the Committee on Executive Business under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By the Committee on Appropriations—

SB 1400—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1988, and ending June 30, 1989, to pay salaries, other expenses, capital outlay - building and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations—

SB 1401—A bill to be entitled An act relating to state government; providing legislative intent; authorizing the Administration Commission to approve certain transfers related to reorganization; providing requirements for the purchasing or leasing of automobiles; restricting the transfer or utilization of services of certain employees; restricting price at which vehicles may be purchased; providing legislative intent regarding the expenditure of certain funds available as a result of litigation against oil companies and refiners and distributors; directing the Governor's

Energy Office to recommend projects to be funded with oil overcharge money; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of such restrictions; providing for the advance of funds in any specific appropriation under certain conditions; authorizing the expenditure of certain funds by state attorneys and public defenders and requiring a report with respect thereto; requiring the Department of Transportation to allocate resources to districts prior to a specified date; authorizing the Department of Transportation to provide moneys to the Department of Commerce to fund economic development transportation projects; authorizing the Department of Transportation to advance funds for certain airports; providing for funding the Five-Year Work Program of the Department of Transportation; providing for use of appropriated funds to assist the Mid Bay Bridge Authority; providing for expenditure of funds provided the Department of Transportation for projects not in the State Highway System; authorizing the Department of Transportation to negotiate for certain leased space; exempting certain building renovations or repairs from review by the Department of General Services; providing for continuation of a specified day care center; providing for reimbursement to school districts for costs of residential nonpublic school contracts and providing conditions, eligibility, and funding with respect thereto; providing that appropriations to the Department of Education for certain purchases of electronic data processing equipment by school districts, community colleges, and the Board of Regents are subject to approval by the Commissioner of Education; providing that certain provisions relating to education shall be implemented only to the extent specifically provided for in the General Appropriations Act; providing that district school boards may levy a nonvoted discretionary millage; providing procedures to be used in determining annual allocations through the Florida Education Finance Program; requiring budget entities to meet certain approved annual salary rate restrictions; prohibiting the Department of Health and Rehabilitative Services from expending funds for the purchase or production of wood pellets; providing for reversion of certain appropriated funds for energy conservation projects if statutory requirements are not met; prescribing powers and duties of school districts and community colleges with respect to vocational education programs; providing for college credit for summer inservice institute participants; transferring relocatable facilities at the South Florida State Hospital and North Florida State Hospital to the Broward County and Baker County school districts, respectively; renaming programs under the Florida Education Finance Program; specifying the date for application of reversion provisions with respect to an appropriation for Palm Beach Junior College; postponing the date by which matching funds for an appropriation for Broward County Performing Arts Center must be paid; providing for interchange of funds appropriated for the Pembroke Pines Resource Center and authorizing construction of a media center; exempting certain appropriations from local match requirements; authorizing payment of salaries and benefits in the Division of Motor Vehicles from the Motor Vehicle License Replacement Trust Fund; prohibiting the Department of Transportation from establishing additional offices; exempting certain services from certain contractual document requirements; prescribing the date for certain funds appropriated under chapter 86-2, Laws of Florida; authorizing changes in loan repayment schedules; authorizing Miami-Dade Community College to acquire property with non-PECO funds; authorizing St. Petersburg Junior College to acquire certain property; providing that matching funds may not be required by the Department of Natural Resources for a specified project; requiring the State Board of Community Colleges to adopt a long-range expansion plan and providing for elements to be contained in the plan; abolishing the trust funds of certain agencies and providing for transfer of moneys therein; reviving certain trust funds scheduled for repeal; requiring the Secretary of State to study local match requirements for Arts and Historic Preservation projects; providing that specified funds previously appropriated for a park may be used for the renovation and restoration of a civic center; providing that specified funds previously appropriated shall be used for the construction of a senior citizens center and shall not revert; prohibiting the Department of Professional Regulation from expending funds for the lease or acquisition of specified office space or other specified uses; providing for joint-use facilities for certain approved programs for specified community colleges and school districts; providing for improvements or renovations to dormitories at Florida State University, to be financed partially from bonds; authorizing the construction of specified facilities at state universities from non-PECO courses; providing for the refinancing of bonds issued for specified facilities at Florida International University; revising and reallocating previous appropriations made to specified universities for specified facilities; revising dates that funds for specific appropriations in prior years will revert for projects at University of Flor-

ida, University Hospital-Jacksonville, and University of South Florida/Sarasota fine arts facility; providing a retroactive effective date and an expiration date.

—was referred to the Committee on Appropriations.

SR 1407 was introduced out of order and adopted May 12.

SR 1408 was introduced out of order and adopted May 12.

By Senator Crawford—

SB 1409—A bill to be entitled An act relating to Spring Lake Improvement District in Highlands County; amending s. 42, ch. 71-669, Laws of Florida, to provide an alternate method of levying, enforcing, and collecting special assessments authorized thereunder; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

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

CS for SB 24—A bill to be entitled An act relating to objections to ad valorem tax assessments; amending s. 194.011, F.S.; deleting the requirement that condominium or cooperative associations obtain the written consent of certain association members before filing a joint petition with the property appraisal adjustment board; requiring such associations to provide certain notice; amending s. 194.181, F.S.; including certain condominium or cooperative associations as parties to a law suit; amending s. 197.343, F.S.; requiring duplicate tax notices to be sent to certain condominium associations under certain circumstances; authorizing tax collectors to charge certain fees; providing an effective date.

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

CS for CS for SB 38—A bill to be entitled An act relating to mobile homes and recreational vehicles; amending s. 320.01, F.S.; redefining the term "park trailer" with respect to the definition of "motor vehicle"; amending s. 320.77, F.S.; redefining the term "mobile home or recreational vehicle broker" with respect to licensing such persons; amending s. 320.822, F.S.; redefining the term "code" to conform to a name change of a model code and redefining the term "mobile home dealer" to include persons who buy, sell, or deal in one or more mobile homes or recreational vehicles in a 12-month period; amending s. 320.834, F.S.; redefining legislative purpose with respect to mobile home code requirements, mobile home warranties, and resolution of consumer complaints; amending s. 418.304, F.S.; revising criteria with respect to the power of a mobile home park recreation district to enter into certain contracts; reviving and re-adopting ss. 320.77-320.866, F.S., notwithstanding repeal scheduled pursuant to the Regulatory Sunset Act and providing for future review and repeal of said sections; providing an effective date.

By the Committees on Finance, Taxation and Claims; and Health and Rehabilitative Services and Senator Woodson—

CS for CS for SB 136—A bill to be entitled An act relating to adult congregate living facilities; creating s. 400.4185, F.S.; providing for registration of certain facilities with three or fewer residents; requiring basic training programs; providing for access by the district nursing home and long-term care facility ombudsman councils; requiring a media campaign; requiring an annual report to the Legislature; amending s. 400.447, F.S.; providing a penalty; amending s. 400.453, F.S.; providing for consultation by the Department of Health and Rehabilitative Services; amending s. 409.212, F.S.; modifying the criteria for eligibility for optional supplementation payments; providing an appropriation; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senators Brown, Stuart, McPherson, Dudley, Kiser and Beard—

CS for SJR 391—A joint resolution proposing the creation of Section 17, Article VII of the State Constitution, relating to state bonds, to authorize general obligation bonds for acquiring real property for state transportation purposes or for constructing bridges.

By the Committee on Natural Resources and Conservation—

CS for SB 522—A bill to be entitled An act relating to water management; repealing s. 373.339, F.S., which excludes certain areas from regulation under specified laws relating to the regulation of wells; reviving and readopting ss. 373.0693, 373.0695, 373.073-373.087, 373.089-373.103, F.S., notwithstanding repeal scheduled under the Sundown Act; reviving and readopting ss. 373.323-373.336, 373.342, F.S., notwithstanding repeal scheduled under that act; providing for future repeal and review of ss. 373.323-373.336, F.S.; providing for future repeal and review of water management district regulatory programs and consideration of the report of the Environmental Efficiency Study Commission; amending s. 373.342, F.S.; providing for delegation of certain authority by a governing board of a water management district to its executive director; amending s. 373.323, F.S.; transferring from the Department of Environmental Regulation to the water management districts authority over licensing of water well contractors and registration of water well drillers; specifying prerequisites for driller registration; providing that registrations for drilling methods are valid throughout the state; amending s. 373.326, F.S.; transferring to water management districts the authority to grant exemptions from the provisions of law relating to the regulation of wells; amending s. 373.329, F.S.; specifying fees with respect to well driller registrations; providing an effective date.

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

CS for SB 633—A bill to be entitled An act relating to local governments; amending s. 11.45, F.S., relating to legislative audits; redefining the term "local governmental entity" for purposes of said section; requiring each special district issuing bonds in excess of a specified amount to obtain annual financial audits; providing for hearings by the Legislative Auditing Committee on the failure of local governmental entities to comply with the reporting requirements under said section; providing for actions that may be taken against such entities; providing for forwarding of the findings of an audit of a special district to the Division of Bond Finance of the Department of General Services if problems related to debt policy or practice are found; requiring that division to prepare a report on the matter for the Legislative Auditing Committee; requiring the Auditor General annually to provide lists of special districts that are in compliance and that are not in compliance with said section to the Office of Special District Information of the Department of Community Affairs; amending s. 20.18, F.S.; requiring the Department of Community Affairs to work with other state agencies to improve enforcement of special district reporting requirements and communication among state agencies receiving reports from special districts; amending s. 75.05, F.S., relating to the procedure for bond validation; providing for service of a copy of the complaint on the Division of Bond Finance of the Department of General Services if the issuer is an independent special district, as redefined; amending s. 100.011, F.S.; requiring all elections conducted by special districts to be conducted in accordance with specified general laws; prescribing general requirements for the conduct of elections by special districts; prescribing duties of supervisors of elections with respect thereto; providing for the conversion of certain special districts having governing board members elected on the basis of one vote for each one acre of land owned to a different method of electing board members; prescribing duties of the supervisors of elections with respect thereto; providing for composition of the governing boards, terms of members, filling of vacancies, landowners' meetings, qualification of candidates, and when elections will be held; providing for election of members of governing boards of certain independent special districts; amending s. 112.322, F.S.; requiring the Commission on Ethics to report the names of special district officers failing to comply with certain financial disclosure laws to the Office of Special District Information of the Department of Community Affairs; amending s. 112.665, F.S.; requiring the Division of Retirement of the Department of Administration to provide annual reports concerning special district participation in, and compliance with, local government and state-administered retirement system provisions; amending s. 121.021, F.S.; redefining the term "special district" for purposes of the Florida Retirement System Act; repealing s. 165.022(2), F.S., relating to the prohibition against special laws or general laws of local application pertaining to the creation of dependent or independent special districts under conditions, or subject to provisions, which conflict with those provided in ch. 165, F.S.; amending s. 165.031, F.S.; redefining the terms "special district," "dependent special district," and "independent special district" as used in that chapter; amending s. 165.041, F.S.; revising formation procedures for creation of special districts; amending s. 189.003, F.S.; redefining the terms "special district," "dependent special

district," "independent special district," and "local governing authority" for purposes of ch. 189, F.S.; creating s. 189.0034, F.S.; providing a procedure for preparing the official list of special districts; requiring activities undertaken by a special district related to the provision of public facilities to be consistent with local government comprehensive plans; amending s. 189.005, F.S.; clarifying that a special meeting is other than a regular meeting; prohibiting the approval of an annual budget at an emergency meeting; amending s. 189.006, F.S.; allowing a local government or entity authorized to create an independent special district to submit a copy of the document creating the district, or of any amendment to such document to the Department of Community Affairs within specified time periods; requiring that department to make a determination respecting the status of the district as independent or dependent; requiring an independent special district to file a map of the district with the local general-purpose governing authority; amending s. 189.007, F.S.; providing for the effect of the failure of a special district to file its public facilities report with the general-purpose local government; creating s. 189.011, F.S.; establishing the Office of Special District Information of the Department of Community Affairs; prescribing its responsibilities with respect to the collection, maintenance, publication, dissemination, and distribution of certain information and reports pertaining to special districts; creating s. 189.021, F.S.; declaring state policy respecting coordination of planning between special districts and general-purpose local governments; requiring, after a specified date, a special district to have a public facilities report; providing exceptions; prescribing the contents and the terms of such a report; requiring the report to be submitted to each general-purpose local government in which the special district is located and allowing such governments to use the plan in the preparation or revision of their comprehensive plans; creating s. 189.051, F.S.; authorizing the Department of Community Affairs to adopt rules under ch. 189, F.S.; amending s. 190.011, F.S.; allowing community development districts to use a new non-ad valorem assessment collection method; amending s. 190.021, F.S.; allowing community development districts to use non-ad valorem assessments to fund certain activities; amending s. 197.102, F.S.; redefining the terms "tax certificate," "tax notice," "tax rolls," and "assessment rolls," and defining the terms "ad valorem tax roll" and "non-ad valorem assessment rolls," for purposes of ch. 197, F.S., relating to tax collections, sales, and liens; amending s. 197.322, F.S.; providing for delivery to tax payers of a combined notice of ad valorem taxes and non-ad valorem assessments; providing for payment of the postage therefor by the local governing boards; amending s. 197.363, F.S.; providing that the property appraiser may continue to place on the ad valorem roll any non-ad valorem assessments that were placed on that roll under that section before the effective date of the act; creating s. 197.3631, F.S.; prescribing a uniform method for the levy, collection, and enforcement of non-ad valorem assessments by counties, municipalities, and special districts, as those terms are defined; excepting certain counties; providing for reimbursement of the property appraisers and tax collectors of the administrative costs with respect thereto; providing for publication of notice and mailing of written notice of the public hearing at which the non-ad valorem assessment roll is to be adopted, under certain circumstances; providing certain criteria for such assessments; creating s. 197.3635, F.S.; providing for the form of the combined notice of ad valorem taxes and non-ad valorem assessments; prescribing its contents; requiring its approval by the Department of Revenue; providing for payment of the cost of producing the form by the tax collector; amending s. 197.502, F.S.; providing for application for obtaining tax deed by the holder of a combined tax certificate; providing property appraisers and tax collectors a specified period of time to implement certain changes made by the act; amending s. 200.001, F.S.; redefining the terms "special district" and "dependent special district" and defining the term "independent special district"; amending s. 200.0684, F.S.; requiring the Division of Ad Valorem Tax of the Department of Revenue to submit an annual report to the Department of Community Affairs concerning compliance of special districts levying ad valorem taxes with ch. 200, F.S.; amending s. 215.84, F.S.; requiring the State Board of Administration to notify the Division of Bond Finance when it authorizes a governmental unit issuing bonds to charge a rate of interest exceeding the maximum rate; requiring that division to use the notification to verify special district compliance with certain notice requirements relating to the issuance of bonds; amending s. 218.31, F.S.; redefining the terms "special district," "dependent special district," and "independent special district" for purposes of pt. I, ch. 218, F.S., relating to general financial provisions applicable to political subdivisions; amending s. 218.32, F.S.; providing for hearings by the Legislative Auditing Committee on the failure of units of local government to comply with specified financial reporting requirements; providing for actions that may be taken against such units of local

government; requiring the annual financial report of a municipality or county to list dependent special districts within its jurisdiction; requiring the Department of Revenue to report certain information to the Governor, the Legislature, and the Office of Special District Information; amending s. 218.34, F.S.; deleting the authority of a local governing authority to approve the budget or tax levy of any special district located solely within its boundaries; deleting requirement that special districts certify compliance or noncompliance with s. 200.065, F.S., to the Department of Banking and Finance; deleting requirement that annual report of Department of Banking and Finance to Governor and Legislature include information related to certification with s. 200.065, F.S.; requiring state agencies administering funding programs to conduct certain oversight activities with respect to the use of such funds by special districts and to report certain information to the Office of Special District Information; amending s. 218.37, F.S.; requiring the Division of Bond Finance to report special districts that are not in compliance with certain bond issuance requirements to the Office of Special District Information; requiring the Division of Bond Finance to use a copy of a bond validation complaint to verify compliance of special districts with reporting requirements; amending s. 218.38, F.S.; providing for hearings by the Legislative Auditing Committee on the failure of units of local government to comply with such bond issuance requirements; providing for actions that may be taken against such districts; amending s. 218.503, F.S.; providing that any unit of local government or state agency may notify the Governor and the Legislative Auditing Committee of conditions indicating that a local government is in a state of financial emergency; requiring the Division of Bond Finance to conduct a study on establishing a state-pooled insurance program for local government bond issues; requiring a fee schedule to be established for the purpose of covering the costs of administering this act; prohibiting fees from exceeding \$150 per district per year; appropriating \$175,000 to the Department of Community Affairs for fiscal year 1988-1989; exempting the provisions in this act from application to water management districts created pursuant to ch. 373, F.S., and ports listed in s. 403.021(9)(b), F.S.; providing an effective date.

By the Committees on Finance, Taxation and Claims; and Commerce and Senators Deratany, Crawford, Hair, W. D. Childers, Hollingsworth, Jennings, Girardeau, Crenshaw and Grant—

CS for CS for SB 1054—A bill to be entitled An act relating to taxation; amending s. 624.509, F.S.; reducing the percentage rate of the insurance premium tax; providing for a credit for intangible taxes; increasing the salary credit allowed against the premium tax; increasing the maximum total for corporate income tax and salary credits; providing for consolidated premium tax returns for groups of insurers in an insurance holding company system; authorizing the Department of Insurance to conduct certain audits, to settle or compromise certain tax liabilities; authorizing the sharing of certain information with the Department of Insurance; requiring the Department of Legal Affairs to be responsible for certain disputes; providing for emergency rules of the Department of Insurance; amending section 35 of chapter 87-99, Laws of Florida; changing the retaliatory credit against the insurance premium tax for domestic insurers; creating s. 624.4425, F.S.; providing that multiple-employer welfare arrangements are subject to the insurance premium tax; specifying the rate; creating s. 624.475, F.S.; providing that commercial self-insurance funds are subject to the insurance premium tax; specifying the rate; amending s. 627.356, F.S.; providing that professional liability risk management trust funds are subject to the insurance premium tax; specifying the rate; amending s. 627.357, F.S.; providing that medical malpractice self-insurance funds are subject to the insurance premium tax; specifying the rate; creating s. 629.5011, F.S.; providing that premiums and assessments received by reciprocal insurers are subject to the insurance premium tax; amending s. 631.705, F.S.; changing the offset schedule for assessments of the Florida Insurance Guaranty Association against the premium tax; amending s. 631.719, F.S.; changing such offset schedule with respect to assessments of the Florida Life and Health Guaranty Association; amending s. 634.131, F.S.; providing that premiums and assessments of motor vehicle service agreement companies are subject to the sales tax rather than a premium tax; amending s. 634.415, F.S.; providing that premiums and assessments of service warranty association's are subject to the sales tax rather than a premium tax; creating s. 637.406, F.S.; providing that dental service plans are subject to the insurance premium tax; creating s. 651.027, F.S.; providing that fees of continuing care contracts are subject to the insurance premium tax; amending s. 175.101, F.S.; reducing the municipal excise tax on property insurance premiums; amending s. 185.08, F.S.; reducing the municipal excise tax on casualty insurance premiums; amending s. 440.51, F.S.; authorizing workers' compensation administration expense assessment deductions against the pre-

mium tax of group self-insurer's funds and commercial self-insurance funds; amending s. 440.57, F.S.; providing that workers' compensation group self-insurer's funds are subject to the insurance premium tax; specifying the rate; amending ss. 634.023, 634.3025, 634.4025, F.S.; clarifying legislative intent; amending ss. 634.308, 634.312, 634.3123, F.S.; changing certain limitations on certain renewal contracts; providing an appropriation; providing for retroactive application; providing an effective date.

By the Committee on Natural Resources and Conservation and Senators Kirkpatrick, Hollingsworth, Weinstock, McPherson and Lehtinen—

CS for SB 1192—A bill to be entitled An act relating to waste management; amending s. 403.701, F.S.; providing a short title; amending s. 403.702, F.S.; providing legislative findings; amending s. 403.703, F.S.; providing definitions; amending s. 403.704, F.S.; revising powers and duties of the Department of Environmental Regulation; amending s. 403.7045, F.S.; providing conforming language; repealing s. 403.705, F.S., relating to the state resource recovery and management program; creating s. 403.7051, F.S., relating to compost standards and applications; amending s. 403.706, F.S.; requiring counties to operate solid waste disposal facilities; prohibiting municipalities from operating such facilities after a specified date unless approved by an interlocal agreement or special act; providing an exception; prohibiting special assessments for the purpose of funding solid waste management services except under certain circumstances; providing for user fees; providing requirements for county recycling programs; providing that local governments not in compliance with the act are ineligible for certain revenue sharing moneys; amending s. 403.7065, F.S.; revising procurement requirements for state agencies; creating s. 403.7066, F.S., relating to the use of compost by state agencies; amending s. 403.707, F.S.; revising permitting requirements for solid waste management facilities; amending s. 403.7075, F.S.; providing conforming language; amending s. 403.708, F.S.; providing prohibitions relating to the disposal of solid waste; providing prohibitions relating to the sale of certain beverage and food containers; providing a penalty; providing for retail trade-ins of lead-acid batteries; creating s. 403.7085, F.S., relating to the disposal of animal parts, fats, byproducts, waste products, and vegetable oils disposal; creating the Solid Waste Management Trust Fund within the department; providing for the use of the fund; amending s. 403.709, F.S.; providing for grant programs to be developed by the department; providing requirements for the selection of grant recipients; providing for the funding of grants; amending s. 403.712, F.S.; providing for the use of revenues from certain bonds; amending s. 403.713, F.S.; revising certain prohibitions relating to the transport of solid waste; amending s. 403.714, F.S.; providing for recycling programs within certain state agencies; providing for demonstration projects at the Department of Agriculture and Consumer Services and the Department of Environmental Regulation; requiring the legislative and executive offices to institute a recycling program; amending ss. 403.715, 403.721, 403.722, 403.723, 403.724, 403.725, 403.727, 403.73, F.S.; providing conforming language; amending s. 403.7221, F.S.; providing for research, development, and demonstration permits for solid waste management facilities; amending s. 403.7265, F.S.; specifying date by which the decision regarding the assessment and location of a multipurpose hazardous waste facility site must be completed; providing for regional hazardous waste collection centers; amending s. 403.75, F.S.; providing definitions relating to public used oil recycling; amending s. 403.751, F.S.; providing additional prohibitions; amending s. 403.753, F.S.; authorizing state agencies and local governments to procure certain recycled oil products; amending s. 403.754, F.S.; revising registration requirements for used oil collection facilities; amending ss. 403.756, 403.758, 403.759, F.S.; providing conforming language; amending s. 403.757, F.S.; providing additional duties for certain state agencies in promoting the use of recycled oil; creating s. 403.760, F.S.; providing requirements for public used oil collection facilities; providing for immunity from liability for the owner or operator of a used oil collection center under certain circumstances; creating ss. 403.7601, 403.7602, F.S.; providing for the department to establish an incentive program and administer a grant program to encourage the collection, reuse, and disposal of used oil; requiring a report; creating ss. 403.761, 403.762, 403.763, F.S.; providing requirements for persons who transport or recycle used oil; repealing s. 403.8055(4), F.S., relating to the repeal of department rules; requiring the department to require training programs for operators of solid waste landfills, coordinators of recycling programs, and other solid waste management facilities; requiring owners and operators of landfills to maintain an escrow account to provide funds for the closure of such landfills; providing definitions; providing account requirements; providing for a fee or surcharge or other funding mechanism to ensure the financial resources to close a landfill; authorizing an owner or operator to establish proof of financial responsibility in lieu of

escrow account requirements; requiring a permit to collect or process waste tires; providing for waste tire grants; providing a prohibition; requiring persons selling new tires to pay a fee to the Department of Revenue; providing for the deposit of such fee; authorizing the Department of Transportation to contract for certain supplemental litter removal; creating a nonprofit corporation to be funded by voluntary annual assessment of the businesses who are members; providing that both membership in the corporation and the annual assessment shall be based upon the results of a survey of litter from state highways; providing for a board of directors of the corporation; providing board membership; providing powers and duties of the board; amending s. 187.201, F.S.; revising certain policies and goals of the State Comprehensive Plan; amending s. 196.199, F.S.; requiring payment of ad valorem taxes under certain circumstances; amending s. 403.1834, F.S.; providing that certain leasehold interests in property used for multi-purpose hazardous waste treatment facilities are not exempt from ad valorem taxation; creating s. 287.074, F.S.; authorizing the Division of Purchasing of the Department of General Services to review and modify certain specifications to facilitate the purchase of recycled paper and paper products by state agencies; creating s. 336.044, F.S.; requiring the Department of Transportation to review and modify certain specifications to facilitate the use of certain recycled materials; requiring the department to undertake certain demonstration projects and report to the Legislature; requiring the department to establish an anti-litter program; authorizing certain local governments to form regional solid waste management authorities; providing requirements for local government participation; providing for a governing body of the authorities; providing for financing the operations of the authorities; providing the authorities with power of eminent domain; providing for joint liability and obligations of the participating local governments; providing for issuance of revenue bonds; creating s. 381.80, F.S.; authorizing the Department of Health and Rehabilitative Services to regulate the packaging, storage, treatment, and certain disposal of biohazardous waste; providing definitions; providing for rules, enforcement, and penalties; creating s. 220.185, F.S.; providing a tax credit for the procurement of operating equipment by a commercial recycling facility; providing an industrial machinery and equipment tax incentive; amending s. 159.445, F.S.; revising duties of the Florida High Technology Innovation Research and Development Board; amending s. 240.539, F.S.; revising duties of the Florida High Technology and Industry Council; requiring the Board of Regents to establish a Solid and Hazardous Waste Institute within one of the state universities; specifying research activities of the institute; imposing a fee for the sale of newsprint in the state; requiring such fee to be reported and paid to the Department of Revenue; providing a fee credit for newsprint accepted for recycling purposes; amending s. 377.709, F.S.; revising the advanced funding program for solid waste facilities administered by the Public Service Commission; authorizing the commission to establish rules to exempt solid waste facilities operated by, or on behalf of, a local government from certain risk considerations used in setting rates; providing an advance disposal fee program; providing for repeal and future review of such program; providing for deposits on beverage containers; providing definitions; prescribing procedures for payment and refund of deposits; providing for notification of refundability; providing for establishment of redemption centers; providing for rules; requiring the distribution of certain information; prescribing penalties; limiting the effect on local governmental authority; providing for appointment of a Solid Waste Management Advisory Council; amending s. 212.12, F.S.; altering certain allowances for the collection of taxes; amending s. 212.18, F.S.; requiring an annual registration fee; creating s. 212.237, F.S.; providing for the deposit of certain tax collections in the Solid Waste Management Trust Fund; amending s. 403.413, F.S., the Florida Litter Law of 1971; providing definitions; prohibiting specified acts; providing penalties; amending s. 322.27, F.S.; providing for driver's license points to be assessed for violation of specified provisions of the Florida Litter Law; providing appropriations; providing an effective date.

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

CS for SB 1309—A bill to be entitled An act relating to taxation; amending s. 212.06, F.S.; providing a method for calculating the use tax on asphalt manufactured for one's own use; amending s. 212.054, F.S.; providing additional criteria for determining the location of a sales transaction; providing an effective date.

By the Committee on Corrections, Probation and Parole and Senator Hollingsworth—

CS for SB 1329—A bill to be entitled An act relating to juveniles; amending s. 39.09, F.S.; providing a judicial priority placement option for a boot camp training program; creating s. 39.113, F.S.; requiring the Department of Health and Rehabilitative Services to operate a juvenile boot camp; requiring screening for boot camp admission; requiring participation in activities, work assignments, and education and treatment programs; requiring an aftercare component; providing rulemaking authority; requiring an outcome evaluation study by 1991; providing authorization for contracting with private companies; amending s. 39.112; providing that escape from boot camp is a third-degree felony; providing an effective date.

Motions

On motion by Senator Frank, the rules were waived and **CS for SB 500** was ordered immediately certified to the House.

On motion by Senator Hair, the rules were waived and **SB 1077** was ordered immediately certified to the House.

On motion by Senator Woodson, the rules were waived and **CS for SM 302** was ordered immediately certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Margolis, by two-thirds vote **CS for HB 74** was withdrawn from the Committee on Economic, Community and Consumer Affairs.

Motion to Reconsider

Senator Stuart moved that the Senate reconsider the vote by which **SB 283** passed on May 12.

The motion was placed on the calendar.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 117, 243, **CS for SB 249**, **CS for SB 254**, **SB 261**, **SB 330**, **CS for SB 421** and **SB 962**, which he approved on May 12, 1988; and **CS for SB 412** which became law without his signature on May 12, 1988.

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 78**, **CS for HB 318**, **HB 426**, **CS for HB 432**, **CS for HB 555**, **HB 908**, **HM 1465**, House Bills 1534, 1550; has passed as amended House Bills 26, 239, 247, 278, 294, **CS for HB 386**, **HB 416**, **CS for HB 841**, House Bills 1380, 1471, **CS for CS for HB 1487**, House Bills 1492, 1500, **CS for HB 1519** and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Transportation and Representative Holland and others—

CS for HB 78—A bill to be entitled An act relating to the Florida Safety Belt Law; amending s. 316.614, F.S.; exempting law enforcement officers from safety belt usage under certain circumstances; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Community Affairs and Representative Thomas—

CS for HB 318—A bill to be entitled An act relating to county water and sewer districts; amending s. 153.83, F.S.; authorizing district boards to cancel or alter erroneous, improper, or unfair billings; providing an effective date.

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

By Representative Drage—

HB 426—A bill to be entitled An act relating to probate of decedents estates; amending s. 733.903, F.S.; providing clarifying language to prohibit the subsequent administration of an estate based on the discovery of a will or later will; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Criminal Justice and Representative Gardner—

CS for HB 432—A bill to be entitled An act relating to worthless checks and drafts; amending s. 68.065, F.S.; removing the maximum limit for triple damages with respect to certain actions to collect worthless checks, drafts, or orders of payment; amending s. 832.05, F.S.; providing, with respect to worthless checks, drafts or debit card orders, that a payee does not have reason to believe a payor does not have sufficient funds to insure payment of a check solely because the payor has previously issued a worthless check to the payee; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Criminal Justice and Representatives Harris and Bronson—

CS for HB 555—A bill to be entitled An act relating to burglary and trespass; amending s. 810.115, F.S.; expanding provisions relating to willfully and maliciously breaking or injuring fences for which a penalty is provided; providing for compensation to the owner; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representatives Upchurch and Mortham—

HB 908—A bill to be entitled An act relating to the Florida School for the Deaf and the Blind; amending s. 242.331, F.S.; authorizing The Common Fund to be included as an investment option for the school's endowment funds; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Tourism and Cultural Affairs and Representatives Arnold and Rush—

HM 1465—A bill to be entitled An act relating to the Division of Tourism of the Department of Commerce; amending s. 283.34, F.S.; authorizing certain marketing and advertising research studies; providing for confidentiality of sources, trade secrets, and commercial or financial information; providing for review and repeal; providing penalties; providing an effective date.

—was referred to the Committee on Commerce.

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

HB 1534—A bill to be entitled An act relating to the Department of Corrections; creating s. 945.35, F.S., requiring the department to establish a mandatory education program for all inmates on the human immunodeficiency virus and acquired immunodeficiency syndrome; requiring such mandatory education program for all staff on an annual basis; requiring an annual report to the Legislature; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

By the Committee on Ethics and Elections and Representative Crady—

HB 1550—A bill to be entitled An act relating to elections; amending s. 104.071, F.S.; authorizing a candidate to furnish complimentary tickets to his campaign fund raiser to other candidates; authorizing a candidate to give his own personal or business funds to another candidate under certain circumstances; providing a penalty; amending s. 106.08, F.S.; modifying provisions relating to limitations on contributions, for which there are penalties; providing that a candidate may purchase tickets or admission to political events sponsored by or advertisements from a religious, civic, or charitable group; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representative Bainter—

HB 26—A bill to be entitled An act relating to liens; reenacting s. 713.50, F.S.; providing liens upon personal property; creating s. 713.655, F.S.; providing liens to veterinarians for unpaid fees for professional services rendered; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

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

HB 239—A bill to be entitled An act relating to public retirement systems; amending s. 112.65, F.S., providing a new limitation of benefits for certain retirees; amending s. 121.051, F.S., providing existing system members must have a 12 month break in service to transfer to the Florida Retirement System; amending s. 121.055, F.S.; permitting optional participation in the Senior Management Class for certain employees; providing an effective date.

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

By Representative Guber—

HB 247—A bill to be entitled An act relating to education; amending s. 232.0225, F.S.; revising requirements for excused public school absences for religious instruction; providing for excused public school absences for observance of religious holidays; providing for district school board rules; creating s. 240.134, F.S.; requiring state university, community college, and vocational education school policies relating to religious observance by students; providing requirements; amending ss. 228.041 and 236.02, F.S.; providing for the designation of final examination days for secondary school students; providing for a decrease in the minimum length of the school day for such examination days; amending s. 232.246, F.S.; relating to high school graduation requirements; providing for the applicability of certain requirements; providing an effective date.

—was referred to the Committee on Education.

By Representative Tobin—

HB 278—A bill to be entitled An act relating to hunter safety; creating s. 372.5717, F.S.; prohibiting certain persons from hunting without having successfully completed a hunter safety course and without having a certification card; directing the Game and Fresh Water Fish Commission to institute and coordinate a statewide hunter safety course; providing for certification cards; providing exceptions; providing a penalty; providing an effective date.

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

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

HB 294—A bill to be entitled An act relating to veterans affairs; creating s. 20.37, F.S., to create a Department of Veterans Affairs; amending s. 20.31, F.S., to transfer the Division of Veterans' Affairs to the department; amending s. 292.04, F.S., relating to the Florida Commission on Veterans Affairs; transferring the commission to the department; amending s. 292.05, F.S., relating to the duties of the department; repealing s. 292.07, F.S., relating to the appointment of veterans' affairs officers; repealing s. 295.124, F.S., relating to the state approving agency for purposes of certain veterans' education and training; amending ss. 292.11, 295.01, 295.016, 295.11, 295.16, 295.17, 320.084, 322.21, 626.833, and 744.421, F.S.; changing terminology, to conform; providing an effective date.

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

By the Committee on Housing and Representative Martin and others—

CS for HB 386—A bill to be entitled An act relating to the homeless; amending s. 420.623, F.S.; revising functions of the local coalitions for the homeless; requiring an annual report from the Department of Health and Rehabilitative Services; creating s. 420.625, F.S.; establishing a grant-in-aid program to assist local communities in serving the homeless; providing for administration through the districts of the Department of Health and Rehabilitative Services; requiring local matching funds; repealing

section 13 of chapter 87-106, Laws of Florida, which provides an expiration date for provisions relating to local coalitions for the homeless; providing an effective date.

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

By Representative Davis—

HB 416—A bill to be entitled An act relating to alternative dispute resolution; amending s. 44.302, F.S.; requiring assignment of disputes involving child custody, visitation, and child support to existing mediation programs; amending s. 44.303, F.S.; deleting reference to a fee for arbitrators; directing the Supreme Court to encourage the use of voluntary arbitrators; providing for discretionary rather than mandatory assessment of costs under certain circumstances; amending s. 44.304, F.S.; providing that arbitrators shall enjoy full judicial immunity; providing exceptions to disputes which may be referred to voluntary binding arbitration; providing an effective date.

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

By the Committee on Natural Resources and Representative Hawkins—

CS for HB 841—A bill to be entitled An act relating to beach and shore preservation; amending s. 161.053, F.S.; authorizing the Department of Natural Resources to enter into certain agreements regulating development activities landward of a coastal construction control line; requiring certain prior authorization; providing restrictions; providing an effective date.

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

By Representative Souto and others—

HB 1380—A bill to be entitled An act relating to the designation of state historic highways; designating Red Road which borders Coral Gables Wayside Park in Miami as a state historic highway; providing a definition; providing restrictions on removing trees and on construction in the area and physical alterations to the area; providing for a public meeting prior to physical alteration; providing for the erection of suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Agriculture and Representative Mitchell and others—

HB 1471—A bill to be entitled An act relating to aquaculture; amending s. 258.42, F.S., providing that aquaculture is presumed to be in the public interest, for certain purposes; amending s. 597.003, F.S., modifying duties of the Department of Agriculture and Consumer Services with respect to the development of aquaculture activities; amending s. 597.005, F.S., modifying membership, terms, and procedures of the Aquaculture Review Council; amending s. 597.006, F.S., changing the name of the Aquaculture Interagency Coordinating Board; modifying membership; providing procedures and responsibilities; saving ss. 597.005 and 597.006, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committees on Agriculture and Appropriations.

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

CS for CS for HB 1487—A bill to be entitled An act relating to solid waste; amending s. 403.701, F.S.; renaming the "Florida Resource Recovery and Management Act" as the "Florida Solid Waste Management Act"; amending s. 403.702, F.S.; revising findings and purpose with respect to the act; amending s. 403.703, F.S.; revising definitions; amending ss. 316.003 and 319.30, F.S., to conform; amending s. 403.704, F.S.; revising powers and duties of the Department of Environmental Regulation under the act; amending s. 403.7045, F.S.; revising the wastes and activities regulated under the act; creating s. 403.7049, F.S.; requiring counties and municipalities to determine the full cost for solid waste management and to provide certain cost information to users of solid waste management services; providing requirements regarding funding of such services; authorizing the charging of certain fees and providing for collection; amending s. 403.705, F.S.; providing for a state solid waste management

program and providing requirements with respect thereto; requiring an annual report; amending s. 403.706, F.S.; requiring counties to prepare local solid waste management programs and submit them for department approval by specified dates; specifying goals for the reduction of solid waste; providing requirements for such programs; requiring a recycling program and providing requirements thereof; providing for joint development of programs by counties and municipalities; providing for determination of the agency responsible for a local program and for use of certain facilities; requiring certain notice; providing for program review; providing construction with respect to local ordinances and authority and duties of local governments; specifying application of the act to authorities or special districts with solid waste management responsibilities; requiring solid waste management facilities to measure solid waste by weight or by formulae approved by the Department of Environmental Regulation; creating s. 403.7061, F.S.; providing requirements for adoption of local solid waste management programs; providing for submission to municipalities for ratification; providing penalties applicable to counties that do not adopt a program or that do not meet solid waste reduction goals; authorizing the department to reduce or modify solid waste reduction goals; creating s. 403.7063, F.S.; providing for review and approval of local programs by the department; providing for implementation upon approval; providing procedures and penalties upon disapproval; creating s. 403.7064, F.S.; requiring certain municipalities to develop a recycling program by specified dates; providing requirements for such programs; providing requirements for adoption of such programs; providing procedures for determination of a franchisee or other person to undertake recycling responsibilities; providing for department approval of recycling programs; providing for implementation upon approval; providing procedures and penalties upon disapproval; providing penalties for municipalities that do not adopt a recycling program; amending s. 403.7065, F.S.; providing requirements with respect to procurement of products or materials with recycled content by governmental agencies; creating s. 403.7068, F.S.; authorizing the withholding of certain state funds from a county that does not adopt and implement a local solid waste management program or a municipality that does not adopt and implement a recycling program; amending s. 403.707, F.S.; providing requirements for permitting of solid waste management facilities; providing activities that do not require a permit; providing requirements applicable to disposal of construction and demolition debris; providing certain duties of water management districts; providing requirements with respect to construction permits; providing grounds for refusal of permits; requiring registration of persons who transport biohazardous waste; prohibiting certain discrimination; amending s. 403.708, F.S.; specifying prohibited activities and penalties; prohibiting the distribution or sale of products packaged in certain containers; requiring the labeling of plastic container products; prohibiting the disposal of specified solid wastes in landfills and other facilities; requiring the acceptance of used lead-acid batteries as trade-ins; amending s. 403.709, F.S.; eliminating provisions relating to grants for local resource recovery and management programs; creating the Solid Waste Management Trust Fund and specifying uses thereof; providing for grants to local governments; authorizing certain businesses to apply for a grant from the trust fund; requiring an annual report on the trust fund; amending s. 403.714, F.S.; specifying the duties of state agencies, the legislative and judicial branches, and the State University System with respect to collection of recyclable materials and waste reduction; specifying duties of certain state agencies regarding use of compost materials; providing duties of the Department of Education regarding collection of recyclable materials and solid waste reduction and instructional programs; providing duties of the district school boards; renumbering s. 203.10, F.S., relating to tax on gross receipts of commercial hazardous waste facilities; creating s. 403.7223, F.S.; directing the Department of Environmental Regulation to establish a hazardous substances reduction and waste reduction and elimination assistance program; amending s. 163.01, F.S.; providing that certain entities created under the Florida Interlocal Cooperation Act of 1969 may exercise the power of eminent domain; providing for application of certain privileges, immunities, and exemptions to such entities and their officers, agents, or employees; creating s. 287.05, F.S.; directing the Division of Purchasing to review and revise procurement procedures with respect to materials with recycled content or that may be recycled; providing requirements relating to invitations to bid; authorizing a price preference for certain bidders; authorizing requests to the division to evaluate certain products; providing duties of the Department of Commerce with respect to assisting and encouraging the recycling industry; requiring reports; amending s. 337.02, F.S.; directing the Department of Transportation to review and revise bid procedures with respect to materials with recycled content or that may be recycled; providing for coordination of activities related to solid and haz-

ardous waste management conducted by state universities by the Board of Regents; providing for a study of commercial product packaging by institutions of the State University System and requiring a report; amending s. 403.75, F.S.; providing definitions relating to used oil; amending s. 403.751, F.S.; specifying prohibited actions with respect to used oil; amending s. 403.753, F.S.; providing duties of the Department of Environmental Regulation regarding procurement of recycled oils for government use; authorizing a price preference; amending s. 403.754, F.S.; revising provisions relating to registration of persons maintaining a used oil collection facility; providing an exemption from registration requirements; amending s. 403.7545, F.S.; correcting a reference; amending s. 403.757, F.S.; directing the nonprofit corporation organized to operate correctional work programs and the Department of Transportation to examine certain uses of used oil; requiring reports; amending s. 403.758, F.S.; correcting a reference; amending s. 403.759, F.S.; providing for deposit of proceeds relating to used oil in the Solid Waste Management Trust Fund; creating s. 403.760, F.S.; directing the department to encourage the establishment of public used oil collection centers and recycling programs; providing duties of such centers; providing duties of the Department of Agriculture and Consumer Services; providing conditions under which certain costs may not be recovered from owners or operators of such centers and certain authority may not be used against such persons; creating s. 403.761, F.S.; authorizing the department to establish an incentives program for return of used oil to a collection center; creating s. 403.763, F.S.; directing the department to develop a grants program for local governments to encourage reuse and proper disposal of used oil; creating s. 403.767, F.S.; providing for certification requirements for used oil transporters; creating s. 403.769, F.S.; requiring permits for the operation, modification, or closure of a used oil recycling facility; providing exemptions; requiring permits for the collection or processing of waste tires; prohibiting disposal of waste tires except at permitted sites; specifying application to sites in existence on the effective date of the act; providing exemptions; providing for fees; providing for an incentives program; requiring persons selling new tires to pay a fee; providing duties of the Department of Revenue; providing for grants; prohibiting the sale of beverages in certain containers; authorizing the Division of Alcoholic Beverages and Tobacco and the Department of Agriculture and Consumer Services to impose fines for violations; providing for disposition of fines; prohibiting retail outlets from providing certain plastic bags to customers; providing a penalty; amending s. 377.709, F.S., relating to funding by electric utilities of local government solid waste facilities that generate electricity; revising a definition; directing the Public Service Commission to establish guidelines relating to purchase of capacity or energy by electric utilities from local government solid waste facilities; providing legislative intent that the state provide financial assistance for the establishment of Keep Florida Beautiful, Inc.; creating the Clean Florida Commission within the Department of Transportation to coordinate a statewide litter prevention program; providing its powers and duties; providing for grants to local governments and nonprofit organizations; requiring reports; creating s. 381.80, F.S.; providing for standards for the safe packaging, storage, treatment and disposal of biohazardous waste; providing duties of the Department of Health and Rehabilitative Services and the Department of Environmental Regulation; providing for enforcement and penalties; amending s. 395.002, F.S.; defining "biohazardous waste"; amending s. 395.0101, F.S., to conform; providing for contracting with private persons for solid waste management services; creating s. 212.0605, F.S.; imposing an employing unit reporting fee; providing exemptions; providing for administration, collection, interest and penalties; providing for disposition of fees; providing for repeal; providing requirements with respect to non-ad valorem assessments; amending s. 197.102, F.S.; redefining the terms "tax certificate" and "tax notice" and defining the terms "ad valorem tax roll" and "non-ad valorem assessment roll"; amending s. 197.322, F.S.; providing for notice of ad valorem taxes and non-ad valorem assessments; amending s. 197.363, F.S.; revising provisions relating to the method of collection of special assessments and service charges; restricting the application of such provisions; creating s. 197.3631, F.S.; providing general requirements relating to non-ad valorem assessments; creating s. 197.3632, F.S.; providing a uniform method for the levy, collection, and enforcement of non-ad valorem assessments; creating s. 197.3635, F.S.; providing for the form of combined notice of ad valorem taxes and non-ad valorem assessments; amending s. 403.413, F.S.; relating to the Florida Litter Law; providing for detainment under certain circumstances; providing additional penalties; 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 Representatives Kelly and Saunders—

HB 1492—A bill to be entitled An act relating to The Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.003, F.S.; clarifying legislative intent; amending s. 498.005, F.S.; clarifying various definitions and adding a definition of "common promotional plan"; amending s. 498.007, F.S.; clarifying powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.011, F.S.; deleting obsolete language with respect to employees of the division; amending s. 498.013, F.S.; clarifying language with respect to the seal and authentication of certain records; amending s. 498.017, F.S.; revising provisions relating to fees; requiring the division to set fees by rule for filing notification of a material change of an offering; providing limits on such fees; amending s. 498.019, F.S.; requiring the division to maintain separate accounts within the trust fund for each of the businesses it regulates; amending s. 498.021, F.S.; clarifying language with respect to jurisdiction; creating s. 498.022, F.S.; providing for jurisdiction over fraudulent acts; amending s. 498.023, F.S.; clarifying language relating to prohibitions on dispositions of interests in subdivided lands; amending s. 498.024, F.S., relating to reservation programs; amending s. 498.025, F.S., relating to exemptions; providing clarifying language; providing for an exemption relative to sale of lands for recreational uses; amending s. 498.027, F.S.; revising provisions relating to requirements for application for registration; requiring subdividers to furnish evidence of waivers of jurisdiction or possession of required permits for certain subdivided lands prior to the entry of an order of registration; providing for hearings; providing alternatives to required waivers, approvals or permits; providing for consolidation of registrations for additional subdivided lands; deleting duplicative language; amending s. 498.029, F.S., relating to notice of filing and registration; amending s. 498.031, F.S., relating to the division's power to make inquiry and examine applicants; amending s. 498.033, F.S., relating to post-registration requirements; amending s. 498.035, F.S., relating to advertising materials; amending s. 498.037, F.S.; clarifying requirements for contents of public offering statements; amending s. 498.039, F.S., relating to required assurances or trust and escrow accounts and required encumbrance reports; amending s. 498.041, F.S., relating to annual renewal of registrations; deleting duplicative language; adding a requirement that registrants provide specified information on all real estate brokers and salesmen who work for them; amending s. 498.047, F.S.; providing that the division shall have the power to investigate registrants as necessary; amending s. 498.049, F.S., providing for revocation or suspension of registrations and for civil penalties; amending s. 498.051, F.S.; providing for the issuance of cease and desist orders; amending s. 498.053, F.S.; providing for the issuance of notice to show cause orders; amending s. 498.057, F.S., relating to service of process; amending s. 498.059, F.S., relating to penalties; amending s. 498.061, F.S., relating to civil remedies; deleting the 5-year statute of repose; amending s. 498.063, F.S.; eliminating duplicative and obsolete language in the saving clause; repealing s. 498.015, F.S., relating to the advisory council appointed to advise the division in land sales matters; repealing s. 498.045, F.S., relating to the registration and regulation of salesmen and brokers; repealing s. 498.055, F.S., relating to reports of disciplinary action made to the Florida Real Estate Commission; amending s. 509.013, F.S.; revising an exclusion from the definition of the term public lodging establishment; amending s. 509.215, F.S.; delaying dates for installation of certain firesafety equipment; saving chapter 498, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

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

By the Committee on Youth and Representative Reddick—

HB 1500—A bill to be entitled An act relating to the Florida Youth Conservation Corps Act of 1987; amending s. 369.105, F.S.; authorizing the Department of Natural Resources to delegate certain powers and duties to a public or private not-for-profit agency under the act; requiring the department to provide, by rule, criteria for selecting applicants under the act; creating the Youth Conservation Corps Trust Fund in the Department of Natural Resources; directing the Department of Natural Resources to promulgate rules for expenditures; providing an effective date.

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

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

CS for HB 1519—A bill to be entitled An act relating to Acquired Immunodeficiency Syndrome (AIDS); creating the Florida Health Care Professional Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Education Act; amending ss. 401.27, 455.213, 457.105, 457.107, 458.347, 459.0055, 459.008, 459.022, 460.408, 461.007, 463.007, 464.013, 465.009, 466.006, 466.007, 466.0135, 466.014, 467.009, 467.012, 468.1685, 468.1715, 468.209, 468.219, 468.307, 468.309, 486.031, 486.085, 486.102, 486.108, 490.005, 490.007, 491.005, and 491.007, F.S., and creating ss. 458.318, 460.4066, 461.0061, 462.185, 463.0061, 464.0091, 465.0071, and 468.3611, F.S.; requiring education in the transmission, control, treatment, and prevention of Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS) as a condition for licensure or certification of emergency medical technicians, paramedics, acupuncturists, physicians, physician's assistants, osteopathic physicians, osteopathic physician assistants, chiropractic physicians, podiatrists, naturopathic physicians, optometrists, nurses, pharmacists, dentists, dental hygienists, midwives, nursing home administrators, occupational therapists, occupational therapy assistants, radiologic technologists, respiratory therapists, physical therapists, physical therapist assistants, psychologists, school psychologists, clinical social workers, marriage and family therapists, and mental health counselors; requiring continuing education on HIV and AIDS as a condition for renewal of such licensure or certification; creating the Florida Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Education Act; creating s. 110.1125, F.S.; requiring state agencies to annually provide HIV and AIDS information to state employees; amending s. 232.246, F.S.; including an HIV and AIDS education component in the life management skills requirement for high school graduation; providing an exemption; amending s. 233.0672, F.S., relating to health education in the public schools; providing content of instruction in acquired immune deficiency syndrome, sexually transmitted diseases, and human sexuality; amending s. 233.067, F.S.; including such education component in the comprehensive health education and substance abuse prevention program for certain students; providing an exemption; amending s. 240.2097, F.S.; requiring the Board of Regents to develop a State University System policy relating to HIV and AIDS; requiring a statement of such policy in universities' student handbooks; creating s. 240.3192, F.S.; requiring each community college to develop such a policy; creating s. 381.609, F.S.; requiring the Department of Health and Rehabilitative Services to establish a program to educate the public on HIV and AIDS; providing requirements and components; authorizing the department to enter into contracts; amending ss. 393.067, 394.457, 395.005, 397.031, 400.141, 400.452, 400.497, 400.562, 400.608, 400.621, and 402.305, F.S.; requiring education and training in the transmission, control, and prevention of HIV and AIDS for clients and staff at residential facilities for the developmentally disabled, patients and staff at mental health facilities, employees of licensed hospitals and ambulatory surgical centers, participants and personnel of DATAP programs, administrators and other staff of nursing homes and related health care facilities, agency personnel of home health services, certain personnel of adult day care centers, staff of hospice programs, persons providing care in adult foster homes, and personnel of child care facilities; amending ss. 476.144, 476.154, 477.019, 477.0201, 480.041, 480.0415, 483.051, and 483.154, F.S., and creating s. 470.0135, F.S.; requiring such education and training as a condition for licensure, certification, or registration, and renewal thereof, for funeral directors, embalmers, direct disposers, barbers, cosmetologists, specialty practitioners in cosmetology, masseurs, and clinical laboratory personnel; creating s. 943.172, F.S.; requiring basic skills training in HIV and AIDS for law enforcement officers; creating s. 945.35, F.S.; requiring a continuing education program in HIV and AIDS for all inmates and staff of correctional facilities; requiring an annual report; creating s. 381.607, F.S.; providing for certification of laboratories to perform HIV-related tests; requiring written, informed consent for tests; providing exceptions; requiring certain counseling; providing confidentiality; requiring certain confirmatory testing; providing exemptions; providing penalties; creating s. 381.608, F.S.; providing testing and other requirements for donation and transfer of human tissue; providing penalties; prohibiting discrimination in employment, housing, public accommodations, and government services, on the basis of HIV or AIDS; providing penalties; amending s. 760.10, F.S.; providing unlawful employment practices against persons with HIV or AIDS by employers, employment agencies, labor organizations, or joint labor-management committees; amending s. 760.22, F.S.; prohibiting discrimination in the sale, rental, or financing of housing; providing that HIV infection is not a material fact in transactions of real property; creat-

ing s. 381.610, F.S.; authorizing the Department of Health and Rehabilitative Services to establish patient care networks for care and treatment of persons with AIDS and AIDS-Related Complex (ARC); creating s. 381.611, F.S.; requiring the department to conduct epidemiological research; amending s. 381.703, F.S.; providing duties of the Statewide Health Council, local health councils, and department districts; amending s. 384.23, F.S.; including HIV within the definition of "sexually transmissible disease"; amending s. 384.24, F.S., relating to unlawful acts by persons with a sexually transmissible disease; amending s. 384.27, F.S.; providing requirements and restrictions for court-ordered physical examination and treatment; amending s. 384.28, F.S.; providing requirements and restrictions for court-ordered isolation, hospitalization, residential placement, or quarantine; creating s. 384.282, F.S.; protecting from disclosure the names of persons subject to court proceedings; amending ss. 384.34 and 796.08, F.S.; providing penalties for certain acts by persons with HIV infection; amending s. 624.155, F.S.; making the civil remedy apply to a violation of s. 627.429, F.S., for insurers; creating ss. 627.429 and 641.31092, F.S.; restricting inquiry and use of medical tests for HIV in underwriting life and health insurance policies, multiple-employer welfare arrangements, or health maintenance organization contracts; providing for counseling; providing for confidentiality; providing for certification of laboratories; restricting exclusions and limitations; amending s. 641.28, F.S.; providing a civil remedy; amending ss. 627.411 and 641.31, F.S.; providing for Department of Insurance disapproval of health insurance policies or HMO contracts which exclude or limit coverage for HIV or AIDS; creating ss. 627.6265 and 627.6646, F.S.; prohibiting certain cancellation or nonrenewal of individual and group health insurance policies; providing duties of the Departments of Professional Regulation and Health and Rehabilitative Services; providing for deferral of continuing education requirements for certain health care professionals; requiring the Social Services Estimating Conference to include in its forecasts the impact of Acquired Immune Deficiency Syndrome; providing for review and repeal; providing effective dates.

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

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 152 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 152—A bill to be entitled An act relating to dissolution of marriage; creating s. 61.075, F.S.; authorizing courts to equitably distribute marital assets and liabilities and prescribing factors for the court to consider in making such distributions; defining marital and nonmarital assets and liabilities; providing for the effect of a recorded judgment; establishing the date for determining marital assets and liabilities and the value thereof; providing a presumption as to marital assets and liabilities; providing for monetary payments in lump sum or installments; providing for the consideration of an alimony award; amending s. 61.08, F.S.; providing that the court may consider the adultery of either spouse in determining the amount of alimony to award; adding marital assets and liabilities as factors in the determination of an award of alimony or maintenance; providing that certain sources of income are marital property; providing that certain information must be included in final judgments of dissolution of marriage if funds are to come from retired or retiree pay of the federal uniformed services; providing an effective date.

Amendment 1—On page 7, line 15, strike all of said line and insert:

Section 5. Effective July 1, 1988, subsection (2) of section 382.023, Florida Statutes, is amended to read:

382.023 Clerks of circuit courts to furnish department with record of dissolutions of marriage granted; charges.—

(2) Clerks of the circuit courts shall collect for their service at the time of the filing of a final judgment of dissolution of marriage a charge of \$7 \$5, of which \$3 shall be retained by the circuit court as a part of the cost in the cause in which the judgment is granted and of which \$4 \$2 shall be collected and transmitted to the department as a part of the cost of maintaining the dissolution-of-marriage record system.

Section 6. Effective July 1, 1988, section 741.02, Florida Statutes, is amended to read:

741.02 Additional fee.—Upon the receipt of each application for the issuance of a marriage license, the county court judge or clerk of the circuit court shall, in addition to the fee allowed by s. 741.01, collect and receive an additional fee of \$4 \$3, to be distributed as provided by s. 382.022.

Section 7. Effective July 1, 1988, subsection (2) of section 28.101, Florida Statutes, 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 \$7 \$5 pursuant to s. 382.023 for the recording and reporting of such final judgment of dissolution of marriage to the Department of Health and Rehabilitative Services.

Section 8. Except as otherwise provided, this act shall take effect October 1, 1988.

Amendment 2—On page 1, in the title, line 26, strike nothing and after the semicolon, insert: amending s. 382.023, F.S., increasing the filing charge for judgment of dissolution of marriage; amending s. 741.02, F.S., increasing the additional fee collected for application for the issuance of a marriage license; amending s. 28.101, F.S., to conform;

Amendment 3—On page 7, line 15, strike nothing and insert: Section 5.

Subsection (6) is added to section 61.052, F.S., to read:

61.052 Dissolution of marriage.—

(6) *In any action for dissolution of marriage, the court shall order both parties to take all steps solely within their power to remove any barrier to the other's remarriage. Failure to comply with the court's order shall constitute contempt of court. For purposes of this section, "barrier to remarriage" means any religious or conscientious restraint or inhibition, of which the party is aware, that is imposed on a party to a marriage, under the principles held by the clergyman or minister who has solemnized the marriage, by reason of the other party's commission or withholding of any voluntary act. Nothing in this section shall be construed to require any party to consult with any clergyman or minister to determine whether there exists any such religious or conscientious restraint or inhibition. It shall not be deemed a "barrier to remarriage" within the meaning of this section if the restraint or inhibition cannot be removed by the party's voluntary act. Nor shall it be deemed a "barrier to remarriage" if the party must incur expenses in connection with removal of the restraint or inhibition and the other party refuses to provide reasonable reimbursement for such expenses.*

(Renumber subsequent section)

Amendment 4—On page 1, in the title, line 26, strike nothing and after the semicolon, insert: amending s. 61.052, F.S., providing that parties to a dissolution of marriage must remove all barriers to the other party's remarriage subsequent to the dissolution;

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

Amendment 1—On page 1, lines 13 and 25, and on page 2, line 3, after "Effective July 1, 1988," insert: or upon becoming a law, whichever occurs later,

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

Amendment 1—In title, on page 1, line 2, strike "dissolution of"

On motions by Senator Langley, the Senate concurred in House Amendments 1 and 2 as amended and the House was requested to concur in the Senate amendments to the House amendments.

On motions by Senator Langley, the Senate refused to concur in House Amendments 3 and 4 and the House was requested to recede. The action of the Senate was certified to the House.

SB 152 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 26 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 26—A bill to be entitled An act relating to the State Minimum Building Codes; amending s. 553.77, F.S.; requiring the Board of Building Codes and Standards of the Department of Community Affairs to issue binding opinions relating to enforcement of specific model codes adopted by state agencies to regulate building construction and other matters related to such model codes; providing an effective date.

Amendment 1—On page 1, line 29, insert: "before the period" or to any local regulatory boards or agencies with respect to non-governmental or private construction.

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

Amendment 1—On page 1, strike all of lines 28 and 29 and insert: to the Department of General Services made pursuant to the provisions of s. 255.25, Florida Statutes, or to any local government decision with respect to construction not subject to a state agency model code.

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

SB 26 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 447, Senate Bills 630, 631, 651, 671, 672, 867, 877 and 1220.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

SPECIAL ORDER

Consideration of CS for SB 111 was deferred.

SB 836—A bill to be entitled An act relating to transportation; amending s. 335.141, F.S.; specifying authority of the Department of Transportation to regulate the speed limits of railroad traffic and establish speed limits by order; specifying authority to enforce orders; providing authority of local governments to enact ordinances relating to blocking of streets by railroad engines and cars; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 18-24 and insert:

(3) The department is authorized to regulate the speed limits of railroad traffic on a municipal, county, regional, or statewide basis. *Such speed limits shall be established by order of the department, which order is subject to the provisions of chapter 120. The department shall have the authority to adopt reasonable rules to carry out the provisions of this subsection. Such rules shall, at a minimum, provide for public input prior to the issuance of any such order.*

On motion by Senator Ros-Lehtinen, by two-thirds vote SB 836 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford, Stuart

Consideration of **Senate Bills 442 and 907** was deferred.

CS for SB 874—A bill to be entitled An act relating to the judicial review of certain decisions of state agencies; amending s. 120.68, F.S.; deleting a provision that the court must grant, as a matter of right, a stay of enforcement of a state agency decision to revoke or suspend a license pending judicial review; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 15-28 and insert:

(3) The filing of the petition does not itself stay enforcement of the agency decision, *however but if the agency decision has the effect of suspending or revoking a license, other than pursuant to s. 120.60(8), the filing of a petition automatically supersedes the agency decision from the effective date of such agency decision supersedeas shall be granted as a matter of right upon such conditions as are reasonable, unless until the court, upon petition of the agency, determines that a supersedeas would constitute a probable danger to the health, safety, or welfare of the state, in which event the court shall lift the stay or impose such conditions thereon as are reasonable.* The agency may also grant a stay upon appropriate terms, but, whether or not the action has the effect of suspending or revoking a license, a petition to the agency for a stay is not a prerequisite to a petition to the court for supersedeas. In any event, the order shall specify the conditions, if any, upon which the stay or supersedeas is granted.

On motion by Senator Kiser, by two-thirds vote CS for SB 874 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Deratany	Hair	Lehtinen	Scott
Dudley	Hollingsworth	Malchon	Thomas
Frank	Jennings	Margolis	Thurman
Girardeau	Johnson	McPherson	Weinstein
Gordon	Kirkpatrick	Meek	Weinstock
Grant	Kiser	Myers	Woodson
Grizzle	Langley	Plummer	

Nays—None

Vote after roll call:

Yea—Peterson, Stuart

Reconsideration

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

HB 627—A bill to be entitled An act relating to seed; amending s. 578.09, F.S., relating to label requirements; amending s. 578.20, F.S., relating to short title; amending ss. 578.26 and 578.27, F.S., changing the name of the seed arbitration council; increasing membership, providing terms of members, and modifying procedures; providing for informal hearing of complaints; providing for review and repeal; providing an effective date.

—passed May 12.

The Committee on Agriculture recommended the following amendment which was moved by Senator Thomas and adopted by two-thirds vote:

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

Section 1. The introductory paragraph of section 578.09, Florida Statutes, is amended to read:

578.09 Label requirements.—Each container of agricultural, vegetable, or flower seed sold, offered for sale, exposed for sale, or distributed for sale within this state for sowing or planting purposes shall bear thereon or have attached thereto, in a conspicuous place, a single label or labels containing all information required under this section, plainly written or printed in the English language, in century type. *All data pertaining to analysis shall appear on a single label. Language setting forth the requirements for filing and serving complaints as described in s. 578.26(1)(b) shall be included on the analysis label or be otherwise attached to the package, except for packages containing less than 1,000 seeds by count., giving the following information:*

Section 2. Section 578.20, Florida Statutes, is amended to read:

578.20 Short title.—*This chapter Sections 578.011, 578.09-578.14, 578.181, 578.22-578.25 shall be known and cited as the "Florida Seed Law."*

Section 3. Subsections (1) and (3) of section 578.26, Florida Statutes, are amended, and subsection (4) is added to said section, to read:

578.26 Complaint, investigation, hearings, findings, and recommendation prerequisite to legal action.—

(1)(a) When any farmer is damaged by the failure of agricultural, vegetable, flower, or forest tree seed to produce or perform as represented by the label or labels attached to such seed as required by s. 578.09, as a prerequisite to his right to maintain a legal action against the dealer from whom such seed was purchased, such farmer shall make a sworn complaint against such dealer alleging damages sustained. The complaint shall be filed with the department, and a copy of the complaint shall be served on the dealer by certified mail, within such time as to permit inspection of the crops, plants, or trees by the seed investigation and conciliation arbitration council or its representatives and by the dealer from whom the seed was purchased.

(b) Language setting forth the requirement for filing and serving such complaint shall be legibly typed or printed on the analysis label or be otherwise attached to the package containing such seed at the time of purchase by the farmer. ~~If language setting forth the requirement is not so placed on the package label, the filing and serving of a complaint under this subsection is not required.~~

(c) A filing fee of \$10 shall be paid to the department with each complaint filed, which fee shall be recovered from the dealer upon the recommendation of the *seed investigation and conciliation arbitration* council.

(3) The department shall refer the complaint and the answer thereto to the *seed investigation and conciliation arbitration* council provided in s. 578.27 for investigation, *informal hearing*, findings, and recommendation on the matters complained of.

(a) *Each party shall be allowed to present its side of the dispute at an informal hearing before the seed investigation and conciliation council. Attorneys may be present at the hearing to confer with their clients. However, no attorney may participate directly in the proceeding.*

(b) *Hearings, including the deliberations of the seed investigation and conciliation council, shall be open to the public.*

(c) *Within 30 days after completion of a hearing, the seed investigation and conciliation council shall transmit its findings and recommendations to the department.*

Upon receipt of the findings and recommendation of the *seed investigation and conciliation arbitration* council, the department shall transmit them to the farmer and to the dealer by certified mail.

(4) *The department shall provide administrative support for the seed investigation and conciliation council and shall adopt rules to govern investigations and hearings. A copy of the rules shall be mailed to each party, upon receipt of a complaint by the department.*

Section 4. Section 578.27, Florida Statutes, is amended to read:

578.27 *Seed investigation and conciliation Arbitration* council; composition; purpose; meetings; duties; expenses.—

(1) ~~The Commissioner Department of Agriculture and Consumer Services shall appoint a seed investigation and conciliation an arbitration council composed of seven five members and seven five alternate members, one member and one alternate to be appointed upon the recommendation of each of the following: the deans of extension and research, Institute of Food and Agricultural Sciences, University of Florida; president of the Florida Seedsmen and Garden Supply Association; president of the Florida Farm Bureau Federation; and the president of the Florida Fruit and Vegetable Association. The Commissioner of Agriculture shall appoint a representative and an alternate from the agriculture industry at large and from the Department of Agriculture and Consumer Services the Commissioner of Agriculture. Initially, three members and their alternates shall be appointed for 4-year terms and four members and their alternates shall be appointed for 2-year terms. Thereafter, members and alternates shall be appointed for 4-year terms. Each member and alternate shall continue to serve until replaced by the department. Each alternate member shall serve only in the absence of the member for whom he is an alternate. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment. The council shall annually elect a chairman and a secretary from its membership. It shall be the duty of the chairman to conduct all meetings and deliberations held by the council and to direct all other activities of the council. The department representative shall serve as secretary of the council. It shall be the duty of the secretary to keep accurate and correct records on all meetings and deliberations and perform other duties for the council as directed by the chairman.~~

(2) ~~The purpose of the seed investigation and conciliation arbitration council is to assist farmers and agricultural seed dealers in determining the validity of complaints made by farmers against dealers and recommend cost damages resulting from alleged failure of seed to produce as represented by label on the seed package.~~

(3) ~~The seed investigation and conciliation arbitration council may be called into session by the department or upon the direction of the chairman to consider matters referred to it by the department.~~

(4)(a) ~~When the department refers to the seed investigation and conciliation arbitration council any complaint made by a farmer against a dealer, said council shall make a full and complete investigation of the matters complained of and at the conclusion of said investigation report its findings and make its recommendation of cost damages and file same with the department.~~

(b) ~~In conducting its investigation the seed investigation and conciliation arbitration council or any representative, member, or members~~

thereof is authorized to examine the farmer on his farming operation of which he complains and the dealer on his packaging, labeling, and selling operation of the seed alleged to be faulty; to grow to production a representative sample of the alleged faulty seed through the facilities of the state, under the supervision of the department when such action is deemed to be necessary; to hold informal hearings at a time and place directed by *the department or by the chairman of the council upon reasonable notice to the farmer and the dealer.*

(c) ~~Any investigation made by less than the whole membership of the council shall be by authority of a written directive by the department or by the chairman and such investigation shall be summarized in writing and considered by the council in reporting its findings and making its recommendation.~~

(5) ~~The members of the council shall receive no compensation for the performance of their duties hereunder, but the members of the council shall be reimbursed for travel expenses as provided in s. 112.061, when they attend a meeting or perform a service in conformity with the requirements of this section.~~

Section 5. Section 578.27, Florida Statutes, is repealed on October 1, 1998, and the seed investigation and conciliation council shall be reviewed by the Legislature pursuant to section 11.611, Florida Statutes.

Section 6. This act shall take effect October 1, 1988.

HB 627 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Deratany, Malchon, Peterson, Stuart

SPECIAL ORDER, continued

SB 1028—A bill to be entitled An act relating to workers' compensation; amending s. 440.57, F.S.; exempting certain governmental entities from regulations relating to employers who pool liabilities to qualify as a group self-insurer's fund; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 1028 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Peterson, Stuart

CS for SB 702—A bill to be entitled An act relating to municipal public works; amending s. 180.191, F.S., relating to the limitation on water and sewer rates charged consumers outside city limits; revising provisions which exempt certain home rule counties from the operation of the section to allow certain municipalities in said counties to operate under the rate limitations and restrictions of general law, rather than under county regulation; providing conditions; providing for construction; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 702 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Stuart

CS for SB 419—A bill to be entitled An act relating to the investment of county and municipal funds; amending ss. 125.31, 166.261, F.S.; providing requirements for the safekeeping of securities purchased by such entities; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendments which were adopted:

Amendment 1—On page 2, strike line 26 and insert:

Section 3. Paragraph (f) is added to subsection (1) of section 125.31, Florida Statutes, to read:

125.31 Investment of surplus public funds; regulations.—

(1) Unless otherwise authorized by law or by ordinance, the board of county commissioners shall, by resolution to be adopted from time to time, invest and reinvest any surplus public funds in its control or possession in:

(f) *Securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to United States Government obligations and to repurchase agreements fully collateralized by such United States Government obligations and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.*

Section 4. Paragraph (f) is added to subsection (1) of section 166.261, Florida Statutes, to read:

166.261 Municipalities; investments.—

(1) Unless otherwise authorized by law or by ordinance, the governing body of each municipality shall, by resolution to be adopted from time to time, invest and reinvest any surplus public funds in its control or possession in:

(f) *Securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to United States Government obligations and to repurchase agreements fully collateralized by such United States Government obligations and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.*

Section 5. Paragraph (o) is added to subsection (1) of section 215.47, Florida Statutes, to read:

215.47 Investments; authorized securities.—Subject to the limitations and conditions of the State Constitution or of the trust agreement relating to a trust fund, moneys available for investments under ss. 215.44-215.53 may be invested as follows:

(1) Without limitation in:

(o) *Securities of, or other interests in, any open-end or closed-end*

management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to United States Government obligations and to repurchase agreements fully collateralized by such United States Government obligations and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

Section 6. Paragraph (a) of subsection (1) of section 219.075, Florida Statutes, is amended to read:

219.075 Investment of surplus funds by county officers.—

(1)(a) Except when another procedure is prescribed by law or by ordinance as to particular funds, a tax collector or any other county officer having, receiving, or collecting any money, either for his office or on behalf of and subject to subsequent distribution to another officer of state or local government, while such money is surplus to current needs of his office or is pending distribution, shall invest such money, without limitation, in:

1. The Local Government Surplus Funds Trust Fund, as created by s. 218.405;

2. Bonds, notes, or other obligations of the United States guaranteed by the United States or for which the credit of the United States is pledged for the payment of the principal and interest or dividends; or

3. Interest-bearing time deposits or savings accounts in banks organized under the laws of this state, in national banks organized under the laws of the United States and doing business and situated in this state, in savings and loan associations which are under state supervision, or in federal savings and loan associations located in this state and organized under federal law and federal supervision, provided that any such deposits are secured by collateral as may be prescribed by law; or

4. *Securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to United States Government obligations and to repurchase agreements fully collateralized by such United States Government obligations and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.*

Section 7. Paragraph (p) is added to subsection (1) of section 280.13, Florida Statutes, to read:

280.13 Collateral eligible for pledge by banks.—

(1) Securities eligible to be pledged as collateral by banks shall be limited to:

(p) *Securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to United States Government obligations and to repurchase agreements fully collateralized by such United States Government obligations and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.*

Section 8. Paragraph (q) is added to subsection (1) of section 280.14, Florida Statutes, 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:

(q) *In the discretion of the Treasurer, securities of, or other interests in, any open-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to United States Government obligations and to repurchase agreements fully collateralized by such United States Government obligations and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.*

Section 9. Paragraph (n) is added to subsection (1) of section 665.0701, Florida Statutes, to read:

665.0701 Investment powers and limitations.—An association may invest its funds subject to the following definitions, restrictions, and limitations:

(1) INVESTMENTS NOT SUBJECT TO LIMITATION.—There is no limitation, with respect to the total assets of the investing association, on the following investments:

(n) *In the discretion of the Treasurer, securities of, or other interests in, any open-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to United States Government obligations and to repurchase agreements fully collateralized by such United States Government obligations and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.*

Section 10. This act shall take effect October 1, 1988.

Amendment 2—In title, on page 1, strike all of lines 2-6 and insert: An act relating to securities; amending ss. 125.31, 166.261, 215.47, 219.075, F.S.; providing requirements for the safekeeping of securities purchased by counties and municipalities; providing for the investment of public funds in securities of, or other interests in, certain open-end or closed-end management type investment companies or investment trusts registered under the Investment Company Act of 1940; amending ss. 280.13, 280.14, F.S.; providing that securities of, or other interests in, certain open-end or closed-end management type investment companies or investment trusts registered under the Investment Company Act of 1940 may be pledged as security for public deposits by banks or savings associations; amending s. 665.0701, F.S.; providing that savings associations, savings and loan associations, and building and loan associations may invest, without limitation, in securities of, or other interests in, certain open-end or closed-end management type investment companies or investment trusts registered under the Investment Company Act of 1940; providing an effective date.

On motion by Senator Brown, by two-thirds vote CS for SB 419 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Stuart

Consideration of **SB 378** was deferred.

On motion by Senator Hair, by two-thirds vote CS for HB 911 was withdrawn from the Committee on Corrections, Probation and Parole.

On motion by Senator Hair—

CS for HB 911—A bill to be entitled An act relating to capital punishment; amending s. 922.10, F.S.; providing that a death sentence may be executed by injection of a lethal substance at the option of the convicted person; providing that the administration of a lethal substance does not constitute the practice of medicine; authorizing pharmacists to dispense drugs without prescription; providing an effective date.

—a companion measure, was substituted for CS for SB 539 and read the second time by title.

On motion by Senator Hair, further consideration of CS for HB 911 was deferred.

SB 378—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; providing for the establishment of citizen-support organizations to raise funds and assist the commission; specifying qualifications for such organizations; authorizing the commission to permit such organizations to use commission property, facilities, and personnel, subject to certain conditions; requiring each citizen-support organization to provide for an annual audit of its financial records and accounts; prohibiting the disclosure, in the auditor's reports, of the identity of anonymous donors to such an organization; providing an effective date.

—having been considered April 28, was taken up with pending Amendment 1 which was withdrawn.

Senator Lehtinen moved the following amendment which was adopted:

Amendment 2—On page 3, line 15, after the period (.) insert: All other records shall be considered public records for the purposes of Chapter 119.

Senator Brown moved the following amendment which was adopted:

Amendment 3—On page 2, line 7, strike the period (.) and insert: ; except that such organization may not receive funds from the commission by grant, gift, or contract unless specifically authorized by the Legislature.

On motion by Senator Brown, by two-thirds vote SB 378 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 59—A bill to be entitled An act relating to distribution of the Florida Statutes; amending s. 11.246, F.S.; providing for the distribution of free sets of the Florida Statutes and any supplementary matter thereto to the libraries and faculties of additional colleges of law; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 31, insert a new Section 2:

Section 2. Paragraph (c) of subsection (1) of section 283.52, Florida Statutes, is amended to read:

283.52 Distribution of session laws.—

(1) Copies of session laws of each session of the Legislature shall be distributed free by the committee as follows:

(c) A maximum of five copies, upon request, to each institution in the State University System, the University of Miami, Nova University, *St. Thomas University*, and Stetson University; and two copies to the University of Tampa, Florida Southern College, and Rollins College, to be mailed to the president of each institution upon request.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, strike all of lines 3-7 and insert: Statutes and the session laws; amending ss. 11.246 and 283.52, F.S.; providing for the distribution of free sets of the Florida Statutes and any supplementary matter thereto to the libraries and faculties of additional colleges of law; providing for the distribution of free copies of session laws of each legislative session to an additional university; providing an

On motion by Senator Lehtinen, by two-thirds vote SB 59 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Ros-Lehtinen

CS for SB 87—A bill to be entitled An act relating to juveniles; amending s. 39.41, F.S.; providing for court approval of independent living arrangements for certain foster children; providing conditions; amending s. 409.165, F.S.; providing for Department of Health and Rehabilitative Services placement of a child in an independent living situation under certain conditions; authorizing use of state foster care funds for establishment of an independent living program for certain minors; providing procedures; providing an effective date.

—was read the second time by title.

Senator Malchon moved the following amendments which were adopted:

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

Section 1. Paragraph (f) is added to subsection (1) of section 39.41, Florida Statutes, subsection (7) of said section is amended, subsections (3) through (7) are renumbered as subsections (4) through (8), respectively, and a new subsection (3) is added to said section, to read:

39.41 Powers of disposition.—

(1) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child shall have the power, by order, to:

(f) Approve placement of the child in an independent living arrangement pursuant to s. 409.165 for any foster child 16 years of age or older, if the following requirements are met:

1. The child has demonstrated independent living skills.
2. The child is capable of functioning without the daily care and supervision of a responsible adult.
3. Pursuant to s. 39.451, a performance agreement or permanent placement plan stating the goal of independent living and specifying the responsibilities, tasks, and expectations of all parties has been prepared, signed by all appropriate parties, and submitted to the court along with a petition for review and a social study report.
4. The child on independent living status is willing and able to maintain regular periodic contact with the department staff assigned to his case for the purpose of counseling, monitoring progress toward independence, referral to community resources for assistance, and other functions as specified in the written agreement described in subparagraph 3.
5. The court has heard evidence presented on the merits of placing the child on independent living status at a periodic judicial review for which all parties were noticed and the hearing held pursuant to the requirements of s. 39.451.
6. It can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the safety and welfare of the child will not be jeopardized by such an arrangement.

While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an

agency by a parent, guardian, or relative within the second degree, shall continue to be subject to the court review provisions of s. 39.453. The court shall review the plan developed by the department or agency pursuant to s. 409.165(4)(b)1. and include findings regarding the plan.

(3) If the court does not commit the child to the temporary legal custody of an adult relative, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative willing to care for the child in order to present that placement option to the court in lieu of placement with the department.

(8)(7) The court may at any time enter an order ending its jurisdiction over any child, except that, when a child has been returned to his parents pursuant to subsection (7)(6), the court shall not terminate its jurisdiction over the child until 6 months after the return. Based on a report of the department or agency and any other relevant factors, the court shall then determine whether its jurisdiction should be continued or terminated in such a case; if its jurisdiction is to be terminated, the court shall enter an order to that effect.

Section 2. Subsection (3) of section 409.165, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

409.165 Alternate care for children.—

(3) With the written consent of parents, custodians, or guardians, or in accordance with those provisions in chapter 39 that relate to dependent children, the department, under rules properly adopted, may place a child with:

- (a) With a relative;
- (b) With a person who is considering the adoption of a child in the manner provided for by law;
- (c) When limited to temporary emergency situations, with a responsible adult approved by the court; or
- (d) With a person or agency licensed by the department in accordance with s. 409.175; or
- (e) In an independent living situation, subject to the provisions of subsection (4),

under such conditions as are determined to be for the best interests or the welfare of the child. Any child placed in an institution or in a family home by the department or its agency may be removed by like authority and such disposition made as is for the best interest of the child, including the transfer to another institution, another home, or the home of the child.

(4)(a) State foster care funds shall be used to establish a continuum of independent living services to assist adolescent foster children to develop skills that will contribute to a successful transition to adulthood. Services may include, but are not limited to, education and vocational training, homemaking skills, money management, social skills training, and developing personal support systems.

(b) As a part of the continuum for independent living services, the department shall establish an independent living program in which a minor 16 years of age or older lives independent of the daily care and supervision of a responsible adult, in a setting that need not be licensed under the provisions of s. 409.175, provided the following conditions exist:

1. Independent living arrangements which are established for a child shall be part of an overall plan leading to the total independence of the child from departmental supervision. The plan shall include, but not be limited to: a description of the skills of the minor and a plan for learning additional identified skills; the behavior that the minor has exhibited that indicates an ability to be responsible and a plan for developing additional responsibilities, as appropriate; documentation of the level of school achievement and vocational training and a plan for future educational, vocational, and training skills; present financial and budgeting capabilities and a plan for improving resources and ability; description of the proposed residence; documentation that the child understands the specific consequences of his or her conduct in the independent living program; documentation of proposed services by the department and other agencies, including the type of service, and nature and frequency of contact; and a plan for maintaining or developing relationships with the family, other adults, friends, and the community, as appropriate.

2. Foster care payments in an amount established by the department may be made directly to children in independent living situations who meet the requirements for continued foster care. Individuals who meet the criteria for continued foster care as specified in s. 409.145(3) may also remain eligible for foster care payments.

(c) The department shall establish procedures and criteria to assess and determine a child's ability to demonstrate independent living skills.

Section 3. This act shall take effect October 1, 1988.

Amendment 2—In title, on page 1, strike all of lines 2-13 and insert: An act relating to juveniles; amending s. 39.41, F.S.; providing for court approval of independent living arrangements for certain foster children; requiring the disposition order to provide reasons for nonrelative placements and a determination that certain efforts were made by the Department of Health and Rehabilitative Services; providing conditions; amending s. 409.165, F.S.; providing for a continuum of independent living services and providing for Department of Health and Rehabilitative Services placement of a child in an independent living situation under certain conditions; authorizing use of state foster care funds for establishment of an independent living program for certain minors; providing procedures; providing an effective date.

On motion by Senator Malchon, by two-thirds vote CS for SB 87 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Table with 4 columns: Name, Girardeau, Kiser, Plummer. Lists names of senators and their corresponding votes.

Nays—None

Vote after roll call:

Yea—Barron, Crawford, Jennings

CS for SB 111—A bill to be entitled An act relating to elections; amending s. 97.063, F.S.; modifying attesting witness requirements for registration of absent qualified electors overseas; amending s. 101.62, F.S.; providing for a single mailing of first primary, second primary, and general elections ballots to absent qualified electors overseas; providing procedure for voting such ballots; providing a definition; providing an effective date.

—was read the second time by title.

Senator Woodson moved the following amendment:

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

Section 1. Subsections (4) and (5) of section 97.063, Florida Statutes, are amended to read:

97.063 Eligibility for absentee registration.—

(4) The absentee registration form shall be in substantially the following form:

ABSENTEE REGISTRATION FORM

I, . . . , being first duly sworn, on oath say that I am a citizen of the United States and eligible to become a legal voter in the State of Florida; that my legal residence is . . . Street (or Avenue) in the municipality of . . . , County of . . . ; that I have not been and will not be able to register personally for the reason that . . . ; that my full name is . . . ; that I was born on . . . at . . . ; that, if I was born in a foreign country, I obtained citizenship by means of . . . ; that my sex is . . . ; that my race is . . . ; that my party affiliation is . . . ; that I desire a registration certificate to be mailed to me at . . . ; and I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am 18 years of age, or will have attained the age of 18 on or before the election, and that I am qualified to vote under the Constitution and laws of the

State of Florida; that if I am currently registered in another county or state, my registration in . . . County, State of . . . , is recorded at the following address:

. . . (Registering Official) . . .
. . . (Street) . . . , . . . (City) . . . , . . . (State) . . .
. . . (Signature) . . .

Sworn to and subscribed to before me this . . . day of . . . , 19. . . .

. . . (Signature and title of person administering oath) . . .
or the signatures of two registered voters of . . . County, Florida:
or, in the case of an absent qualified elector overseas, as defined in s. 101.62(7), the signatures of two persons 18 years of age or older

(5) The absentee registration form shall be witnessed either by a notary or other official authorized to administer oaths or by two registered electors of the county for which the form is requested or, with respect to an absent qualified elector overseas, as defined in s. 101.62(7), by two persons 18 years of age or older.

Section 2. Subsection (4) of section 101.62, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

101.62 Request for absentee ballots.—

(4) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail advance absentee ballots for the first primary, second primary, and general elections. An absentee ballot for the presidential preference primary election must be sent, not fewer than 35 days prior to the election, to each absent qualified elector overseas who has requested such a ballot. In a primary election, each absentee qualified elector overseas must be sent an advance absentee ballot of the political party designated in his registration. These advance absentee ballots must contain the names of all candidates who originally qualify in addition to any nonpartisan races or issues that have been certified for the ballot at the time of the deadline for mailing. The advance absentee ballot for a general election must contain the names of all candidates who originally qualify as well as any constitutional amendments or issues certified for the ballot at the time of the deadline for mailing. The advance absentee ballot must be a different color for each respective election, with the first primary ballot being red, the second primary ballot being white, and the general election ballot being blue. The absent elector shall ascertain by any means available to him which of the candidates who originally qualified are candidates in the second primary election and, subsequently, which are candidates in the general election and may vote on the respective ballot. If the overseas absent elector votes for a candidate in the second primary or the general election who is not a candidate in the respective election, his vote for that office must be disregarded. After the advance absentee ballots have been mailed, the supervisor of elections shall, not fewer less than 30 days before the first primary election, not fewer less than 24 days before the second primary election, and not fewer less than 30 days before the general election, mail an absentee ballot to each absent elector overseas who has made a request for an absentee ballot. The supervisor shall enclose an explanation with the advance absentee ballots stating that, if the absent elector returns both the advance absentee ballot and the absentee ballot in time to meet the deadline for voting in the election, only the absentee ballot will be counted. As soon as is practicable thereafter, and, as soon as the remainder of the absentee ballots are printed, the supervisor of elections shall deliver or mail an absentee ballot to each elector by whom a request for such ballot has been made. Any elector may designate in writing a person to pick up the ballot for him; however, no candidate may be designated to pick up an absentee ballot for any elector other than a member of his immediate family. Upon presentation of such written authorization by such designee in person, the supervisor may give the ballot to such designee for delivery to the elector. The supervisor shall initial the stub attached to the absentee ballot and enter the name of the elector in the place indicated for the elector to sign. The supervisor shall then detach the ballot from the stub and mail or deliver the ballot. Before mailing or delivering the ballot, the supervisor shall fill in the number of the precinct in which the voter is registered in the space provided for this purpose on the envelope. If an elector appears in person to cast an absentee ballot, the elector shall sign the stub, and the supervisor shall then detach the ballot from the stub and deliver the ballot to the elector.

(7)(a) For the purposes of this section, the term "absent qualified elector overseas" means:

1. A member of the Armed Forces while in the active service who is a permanent resident of the state and is temporarily residing outside the territorial limits of the United States and the District of Columbia;

2. A member of the Merchant Marine of the United States who is a permanent resident of the state and is temporarily residing outside the territorial limits of the United States and the District of Columbia; or

3. Any other citizen of the United States who is a permanent resident of the state and is temporarily residing outside the territorial limits of the United States and the District of Columbia and who is qualified and registered as provided by law.

(b) Notwithstanding any other provision of law to the contrary, there must appear on the ballots sent to absent qualified electors overseas, in addition to the names of the candidates for each office, the political party affiliation of each candidate for each office, other than a nonpartisan office.

(c) With respect to marked ballots mailed by absent qualified electors overseas, only those ballots mailed with an APO, FPO, or foreign postmark may be considered valid.

Section 3. This act shall take effect January 1, 1989.

Senator Langley moved the following amendment to Amendment 1 which failed:

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

Section 2. Subsections (1), (2), and (3) of section 99.061, Florida Statutes, are amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than a judicial office as defined in chapter 105, shall file his qualification papers with, and pay the qualification fee and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department of State, at any time after 8 a.m. noon of the 1st day for qualifying, which shall be as follows: the 63rd 57th day prior to the first primary, but not later than 5 p.m. noon of the 60th 53rd day prior to the date of the first primary, for persons seeking to qualify for nomination or election to federal office; and noon of the 57th 50th day prior to the first primary, but not later than noon of the 53rd 46th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to a state or multicounty district office. However, the qualification fee, if any, paid by an independent candidate or a minor party candidate shall be refunded to such candidate by the qualifying officer within 10 days from the date that the determination is made that such candidate or minor party failed to obtain the required number of signatures.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district or special district office not covered by subsection (1), shall file his qualification papers with, and pay the qualification fees and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the alternative method with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 57th 50th day prior to the first primary or special district election, but not later than noon of the 53rd 46th day prior to the date of the first primary or special district election. However, if a special district election is held at the same time as the second primary or general election, qualifying shall be the 57th 50th day prior to the first primary, but not later than noon of the 53rd 46th day prior to the date of the first primary. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(3)(a) Each person seeking to qualify for election to office as a write-in candidate shall file his qualification papers with the respective qualifying officer at any time after noon of the 1st day for qualifying, which shall be the 57th 50th day prior to the first primary, but not later than noon of the 46th 39th day prior to the date of the first primary.

(b) Any person who is seeking election as a write-in candidate shall not be required to pay a filing fee or party assessment. A write-in candidate shall not be entitled to have his name printed on any ballot; however, space for his name to be written in shall be provided on the general election ballot. No person may qualify as a write-in candidate if he has also otherwise qualified for nomination or election to such office.

Section 3. Subsection (4) of s. 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the first primary election in each year a presidential election is held. The terms shall commence on the first day of the month following each presidential general election; but the names of candidates for political party offices shall not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections not earlier than 8 a.m. noon of the 63rd 57th day, or later than 5 p.m. noon of the 60th 53rd day, preceding the first primary election. The outgoing chairman of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chairman of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

Section 4. Subsection (1) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath.—

(1) TIME OF QUALIFYING.—Candidates for judicial office shall qualify with the Division of Elections of the Department of State no earlier than noon of the 57th 50th day, and no later than noon of the 53rd 46th day, before the first primary election. Filing shall be on forms provided for that purpose by the Division of Elections. Any person seeking to qualify as a candidate for circuit judge or county court judge by the alternative method, if he has submitted the necessary petitions by the required deadline and is notified after the fifth day prior to the last day for qualifying that the required number of signatures has been obtained, shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date he is notified that the necessary number of signatures has been obtained. Any person other than a write-in candidate who qualifies within the time prescribed in this subsection shall be entitled to have his name printed on the ballot.

(Renumber subsequent sections.)

Senator Frank moved the following substitute amendment which was adopted:

Amendment 2—On page 3, lines 5-31, and on page 4, lines 1-13, strike all of said lines and insert:

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. The advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election

absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.

(b) ~~The supervisor of elections shall, not less than 30 days before the first primary election, not less than 24 days before the second primary election, and not less than 30 days before the general election, mail an absentee ballot to each absent elector overseas who has made a request for an absentee ballot; and, As soon as the remainder of the absentee ballots are printed, the supervisor of elections shall deliver or mail an absentee ballot to each elector by whom a request for such ballot has been made. Any elector may designate in writing a person to pick up the ballot for him; however, no candidate may be designated to pick up an absentee ballot for any elector other than a member of his immediate family. Upon presentation of such written authorization by such designee in person, the supervisor may give the ballot to such designee for delivery to the elector. The supervisor shall initial the stub attached to the absentee ballot and enter the name of the elector in the place indicated for the elector to sign. The supervisor shall then detach the ballot from the stub and mail or deliver the ballot. Before mailing or delivering the ballot, the supervisor shall fill in the number of the precinct in which the voter is registered in the space provided for this purpose on the envelope. If an elector appears in person to cast an absentee ballot, the elector shall sign the stub, and the supervisor shall then detach the ballot from the stub and deliver the ballot to the elector.~~

Senator Frank moved the following amendment which was adopted:

Amendment 3—In title, on page 1, line 6, strike “a single”

On motion by Senator Woodson, by two-thirds vote CS for SB 111 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crawford, Gordon

On motion by Senator Woodson, the rules were waived and CS for SB 111 was ordered immediately certified to the House.

SB 178—A bill to be entitled An act relating to education; authorizing continuation of the Virgil Hawkins Fellows Scholarships for certain students; authorizing the restriction of the Virgil Hawkins Fellows Scholarships; defining minority for the purposes of student financial assistance and admission to Florida institutions; providing an effective date.

—was read the second time by title.

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

Amendment 1—In title, on page 1, line 2, after the semicolon (;) insert: creating s. 240.4069, F.S.;

On motion by Senator Girardeau, by two-thirds vote SB 178 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

Vote after roll call:

Yea—Crawford

SB 439—A bill to be entitled An act relating to the Division of Tourism of the Department of Commerce; amending s. 288.34, F.S., authorizing certain marketing and advertising research studies; providing confidentiality of sources; protecting trade secrets and commercial or financial information; providing for future review and repeal; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 439 to conform the bill to HB 1465.

Pending further consideration of SB 439 as amended, on motion by Senator Crenshaw, by two-thirds vote HB 1465 was withdrawn from the Committee on Commerce.

On motions by Senator Crenshaw, by two-thirds vote—

HB 1465—A bill to be entitled An act relating to the Division of Tourism of the Department of Commerce; amending s. 288.34, F.S.; authorizing certain marketing and advertising research studies; providing for confidentiality of sources, trade secrets, and commercial or financial information; providing for review and repeal; providing penalties; providing an effective date.

—a companion measure, was substituted for SB 439 and by two-thirds vote read the second time by title.

On motion by Senator Crenshaw, by two-thirds vote HB 1465 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crawford

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scott, by two-thirds vote SB 1327 was removed from the calendar and referred to the Committee on Appropriations.

On motions by Senator Scott, by two-thirds vote Senate Bills 1400 and 1401 were withdrawn from the Committee on Appropriations and by two-thirds vote placed on the special order calendar for Wednesday, May 18.

On motions by Senator Scott, by two-thirds vote SB 203, CS for SB 286, Senate Bills 461, 489, 546, CS for SB 764, CS for SB 982, Senate Bills 1016 and 1088 were withdrawn from the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote SB 1282 and CS for SB 361 were withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Kiser, by two-thirds vote CS for CS for SB 161 was removed from the calendar and recommitted to the Committee on Governmental Operations.

On motion by Senator Beard, by two-thirds vote SB 1235 was withdrawn from the Committee on Transportation.

On motion by Senator D. Childers, by two-thirds vote CS for SB 1083 was withdrawn from the Committee on Education.

On motions by Senator Deratany, by two-thirds vote SB 184, CS for CS for SB 526 and SB 768 were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Malchon, by two-thirds vote Senate Bills 43, 106, 552, 637 and 1046 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator McPherson, by two-thirds vote Senate Bills 638 and 1127 were withdrawn from the committees of reference and indefinitely postponed.

ENROLLING REPORTS

Senate Bills 201, 265 and CS for SB 70 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 17, 1988.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 12 was corrected and approved.

CO-INTRODUCERS

Senator Brown—SB 77, CS for SB 1021; Senator Margolis—CS for SB 1021; Senator Johnson—SJR 1172

RECESS

On motion by Senator Barron, the Senate recessed at 12:00 noon to reconvene at 9:00 a.m., Wednesday, May 18.

SENATE PAGES

May 16-20

John Apgar, Tallahassee; Stacey L. Bradley, Alachua; Lori Brown, Jupiter; Robert T. Causseaux, Tallahassee; Carla D. Crum, Panacea; Pamela Paige Crum, Panacea; Vincent A. Cummings, Cape Coral; John Evans Dailey, Tallahassee; Sarah Scott Dailey, Tallahassee; Nicole Derden, Tallahassee; Evelyn Fletcher, Tallahassee; Debora Marie Gage, Clearwater; Joel W. Harrell, Tallahassee; Alison M. Jones, Jasper; Stacie L. Keller, Palm City; Nicole Linsey, Tampa; Lori Lintz, Dunedin; Christine Marie Lojan, Tallahassee; Jason Siegal, Miami; Douglas Stewart, Seminole