



# Journal of the Senate

Number 19

Wednesday, May 25, 1988

## CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—40:

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

Excused: Periodically, members of the Conference Committee on HB 1700

## PRAYER

The following prayer was offered by Rabbi Mark Gross, Temple Beth Orr, Coral Springs:

Sovereign of the Universe, in whose hands are the souls of all flesh; who governs heaven and calls us to govern earth in accord with your will and your higher purpose.

You instructed us through your prophet, Jeremiah, to work for the good of the communities in which we live and taught us in the wisdom of the Talmud to pray for the welfare of our government.

Be, then, with these men and women, entrusted by their neighbors to work for the good of our state. Encourage them with success; give them courage and vision to match their dedication and wisdom. Guide them in straight paths for your name's sake; and at the aspiration of the Psalmist, be their blessing; establish thou the work of our hands.

## PLEDGE

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

## Consideration of Resolutions

On motion by Senator Weinstock, by two-thirds vote SCR 992 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Weinstock—

**SCR 992**—A concurrent resolution requesting the Governor to proclaim May 25, 1988, as Missing Children's Day.

WHEREAS, hundreds of thousands of children disappear from their homes each year, and

WHEREAS, an estimated 60 percent of these missing children become the victims of sexual and physical exploitation while they are away from a family environment, and

WHEREAS, the search for missing children is frequently a low priority for many law enforcement agencies, with federal and local law enforcement groups often conducting uncoordinated and ineffective investigations, and

WHEREAS, there is a tremendous need to increase public awareness and understanding of this problem, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:*

That the Governor is hereby requested to proclaim May 25, 1988, Missing Children's Day in recognition of the need for the understanding and cooperation of individuals and agencies nationwide to assist in the compilation and dissemination of information on children missing from their homes and families.

—was taken up out of order by unanimous consent, read the second time in full, unanimously adopted and certified to the House.

On motion by Senator Meek, by unanimous consent—

By Senators Meek, Ros-Lehtinen, Lehtinen, Margolis, Gordon, Plummer, Hill, Johnson, D. Childers and Woodson—

**SR 1417**—A resolution commending Linda Lentin, the 1989 Florida Teacher of the Year.

WHEREAS, Linda Lentin has taught school for 30 years, 20 of which have been the first grade at North Miami Elementary School, and

WHEREAS, Linda Lentin developed innovative teaching methods which have been incorporated into the Early Childhood Curriculum Project, a federal program for high-risk children, and

WHEREAS, Linda Lentin has served as a demonstration teacher for the Early Childhood Curriculum Project and has served as a consultant to other school districts in this country, and

WHEREAS, Linda Lentin serves as an inspiration to her students and to other teachers through her methods of positive reinforcement and her refusal to accept second-best, and

WHEREAS, in recognition of her many accomplishments, Linda Lentin, has been selected as the 1989 Florida Teacher of the Year, NOW, THEREFORE,

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

That the Florida Senate commends Linda Lentin, the 1989 Florida Teacher of the Year, for her outstanding accomplishments and her contributions to the field of education over the past 30 years.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Linda Lentin as a tangible token of the sentiments expressed herein.

—was introduced out of order and read by title. On motion by Senator Meek, SR 1417 was read the second time in full and unanimously adopted.

At the request of the President, Senators Meek and Margolis escorted Mrs. Lentin to the rostrum where she was presented a copy of the resolution.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 25 and Thursday, May 26, 1988: CS for CS for SB 1192, SB 907, CS for SB 521, CS for SB 615, SB 682, SB 714, CS for SB 941, SB 1025, CS for SB 1043, CS for SB 1091, CS for SB 1108, HB 183, CS for CS for SB 38, CS for SB 141, SB 959, CS for SB 1050, CS for SB 24, SB 1173, SB 247, SB 248, CS for SB 497, SB 576, CS for CS for SB 399, CS for SB 530, CS for SB 619, SB 626, SB 802, SB 912, SB 1153, SB 183, SB 1356, HB 881, SB 807, SB 475

Respectfully submitted,  
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following Local Bill Calendar for Wednesday, May 25, 1988: SB 977, CS for SB 1335, SB 1380, SB 1381, SB 1383, SB 1384, SB 1385, SB 1391, SB 1395, SB 1404, SB 1409, SB 1410, SB 1411, SB 1412, HB 408, HB 524, HB 532, HB 547, HB 607, HB 617, HB 688, HB 689, HB 690, HB 810, HB 811, HB 812, HB 856, HB 912, HB 913, HB 914, HB 1179, HB 1240, HB 1242, HB 1243, HB 1245, HB 1249, HB 1250, HB 1292, HB 1381, HB 1525, SB 1415, HB 1088, HB 1246, HB 1247, HB 1248, HB 1411, HB 616

Respectfully submitted,  
*Dempsey J. Barron, Chairman*

The Committee on Commerce recommends the following pass: CS for SB 1124

The Committee on Education recommends the following pass: CS for HB 1649 with 8 amendments, SB 888

The Committee on Natural Resources and Conservation recommends the following pass: SB 753 with 2 amendments, SB 1202

**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 322 with 1 amendment

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SJR 1060 with 2 amendments

The Committee on Natural Resources and Conservation recommends the following pass: SB 1042 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 Commerce recommends the following pass: HB 1473 with 2 amendments

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

The Committee on Judiciary-Civil recommends the following pass: HJR 1610 with 4 amendments

**The bill was referred to the Committee on Rules and Calendar under the original reference.**

The Committee on Appropriations recommends the following pass: HB 642, CS for CS for SB 16, CS for SB 594 with 1 amendment, CS for SB 1193

The Committee on Commerce recommends the following pass: HB 321 with 3 amendments, SB 566, SB 1105, SB 1298

The Committee on Judiciary-Civil recommends the following pass: SB 233, SB 748

The Committee on Natural Resources and Conservation recommends the following pass: HB 702, SB 1075 with 2 amendments, SB 1117 with 1 amendment

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

The Committee on Commerce recommends committee substitutes for the following: SB 519, SB 820, SB 876

The Committee on Economic, Community and Consumer Affairs recommends committee substitutes for the following: SB 451, SB 1150

The Committee on Education recommends a committee substitute for the following: SB 319

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 780, SB 1030, SB 1053, SB 1255, SB 1373

**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 Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 1267

**The bill with committee substitute attached was referred to the Committee on Commerce under the original reference.**

The Committee on Commerce recommends committee substitutes for the following: SB 553, SB 786

The Committee on Economic, Community and Consumer Affairs recommends committee substitutes for the following: SB 432, SB 1259

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1226

**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 Health and Rehabilitative Services recommends a committee substitute for the following: SB 826

**The bill with committee substitute attached was referred to the Committee on Judiciary-Civil under the original reference.**

The Committee on Education recommends a committee substitute for the following: SB 199

**The bill with committee substitute attached was referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.**

The Committee on Commerce recommends a committee substitute for the following: SB 11

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 411, SB 979, SB 1307

The Committee on Judiciary-Civil recommends a committee substitute for the following: CS for SB's 42 and 49

**The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.**

## INTRODUCTION AND REFERENCE OF BILLS

### First Reading

SR 1416 was introduced out of order and adopted this day.

SR 1417 was introduced out of order and adopted this day.

By Senators Peterson and Crawford—

SR 1418—A resolution commending the late Dick Pope, Sr., and Julie Downing Pope.

—was referred to the Committee on Rules and Calendar.

By Senator Grizzle—

SB 1419—A bill to be entitled An act relating to Pinellas County; amending chapter 73-594, Laws of Florida, as amended, relating to the Pinellas County Planning Council; providing definitions; revising the membership of the council; revising the terms of office of council members; providing for the appointment of council members; providing for meetings of the council; deleting provisions relating to the executive committee and attendance; revising the powers and duties of the council; providing requirements for the executive director of the council; providing for a Planners Advisory Committee; providing membership and duties of such committee; deleting provisions that have had their effect; revising the requirements for public hearings on proposals by the council; deleting requirements providing for the review of certain plans, codes, and regulations by units of local government; providing for the adoption of a countywide future land use plan and countywide comprehensive plan by the Pinellas County Board of County Commissioners upon approval by the voters of Pinellas County of a specified amendment to the county charter; providing for amendments to such plans; providing for administrative review of certain amendment recommendations by the council; providing for the council to adopt advisory recommendations relating to local government comprehensive plans if a specified amendment to the county charter is not approved by the voters of Pinellas County; providing for contractual services; creating a study committee to evaluate the impact of the revisions made by this act; providing for membership; requiring a report; providing for abolishment of the council and for legislative review of the council in advance thereof; 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 Commerce and Senator Girardeau—

**CS for SB 11**—A bill to be entitled An act relating to the Florida Cemetery Act; amending s. 497.009, F.S.; revising language with respect to annual renewal license applications; amending s. 497.027, F.S.; reducing the amount of acreage used to compute an exemption to the minimum acreage requirement; amending s. 497.041, F.S.; revising language with respect to a fee a cemetery company may charge for the inspection and marking of monuments not installed by the cemetery company or its agents; amending s. 497.044, F.S.; providing a maximum amount for public liability insurance required by persons installing, placing, or setting monuments upon cemetery company land; providing an effective date.

By the Committees on Judiciary-Civil; Health and Rehabilitative Services and Senators Malchon and Girardeau—

**CS for CS for SB's 42 and 49**—A bill to be entitled An act relating to negligence; amending s. 768.13, F.S.; providing an exemption from civil liability for licensed medical personnel working gratuitously in nonprofit medical facilities; providing an effective date.

By the Committee on Education and Senator Meek—

**CS for SB 199**—A bill to be entitled An act relating to district school boards; amending s. 231.495, F.S.; authorizing district school boards to purchase annuities for members of the Florida Retirement System and certain members of the Teachers' Retirement System who have out-of-state teaching services under certain circumstances; amending s. 240.344, F.S., authorizing community college boards of trustees to purchase annuities for members of the Florida Retirement System who have out-of-state teaching service under certain circumstances; providing an effective date.

By the Committee on Education and Senator Johnson—

**CS for SB 319**—A bill to be entitled An act relating to education; creating s. 236.1224, F.S.; providing for additional categorical funds for teaching science laboratory skills; providing eligibility criteria for school districts; providing for distribution of funds; providing for use of funds; providing for data collection and compliance monitoring; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Kirkpatrick—

**CS for SB 411**—A bill to be entitled An act relating to medical transportation services; creating the study committee on Emergency Medical Transportation Services; providing for designation and appointment of members; providing study committee deadlines; providing travel-related reimbursement; mandating a report with required topics; providing an appropriation; providing an effective date.

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

**CS for SB 432**—A bill to be entitled An act relating to local governments; creating the Local Option Interim Proprietary and General Services Fee Act; providing legislative intent; authorizing counties and municipalities to levy a fee for the cost of providing services to newly improved properties for which the improvements are not subject to ad valorem taxes; providing for the calculation and assessment of such fee; requiring a report by the county or municipality to the Department of Revenue; authorizing a county or municipality to revise the fee rate at a specified time; providing that the fee may not be levied upon specified improvements; providing for the expenditure of fee proceeds; providing an effective date.

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

**CS for SB 451**—A bill to be entitled An act relating to community services; amending s. 1, ch. 82-228, Laws of Florida; revising the Community Services Block Grant Program Act; changing the definition of the term "department" to refer to the Department of Community Affairs to conform to governmental reorganization; providing for administration of the act by that department; providing for appropriation of state funds to

supplement federal funding; specifying uses of state-appropriated funds; providing for distribution of moneys in the Community Services Block Grant Fund; prescribing duties of the Community Services Block Grant Advisory Committee; deleting provisions that have served their purpose; providing for Sunset review and repeal; providing an effective date.

By the Committee on Commerce and Senator Gordon—

**CS for SB 519**—A bill to be entitled An act relating to insurance coverage for adopted children; amending ss. 627.6415, 627.6578, 641.31, F.S.; requiring individual health insurance policies, group, blanket, and franchise health insurance policies, and health maintenance organization contracts which provide coverage for family members to provide coverage for adopted children from the moment of placement in the residence, or from the moment of birth if an agreement to adopt the children has been entered into; providing limitations; providing an effective date.

By the Committee on Commerce and Senator McPherson—

**CS for SB 553**—A bill to be entitled An act relating to pari-mutuel wagering; amending ss. 550.51, 550.04, 550.081, 550.083, 550.0831, 550.291, 550.34, 550.43, 550.45, 551.11, F.S.; authorizing horseracing, harness racing, greyhound dogracing, and jai alai permitholders to operate on Sundays subject to certain limitations; providing an effective date.

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

**CS for SB 742**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.0305, F.S.; revising uses of the proceeds of the charter county convention development tax; providing for tax refunds to municipalities and other authorities under specified circumstances; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Weinstock—

**CS for SB 780**—A bill to be entitled An act relating to adult congregate living facilities; creating s. 400.442, F.S.; requiring specific adult congregate living facilities to contract for the services of a consultant pharmacist; requiring the department to provide a consultant pharmacist under certain circumstances; providing that the medication of certain residents is not reviewed by the consultant pharmacist; providing for the adoption of rules; requiring that a consultant pharmacist be on a specified survey team if funds are appropriated for that purpose; providing an effective date.

By the Committee on Commerce and Senator Gordon—

**CS for SB 786**—A bill to be entitled An act relating to horseracing; amending s. 550.16, F.S.; providing that certain permitholders may withhold an additional percentage of the handle of certain races for capital improvements or to reduce capital improvement debts under certain circumstances; providing for an audit; providing an effective date.

By the Committee on Commerce and Senators Margolis and Grant—

**CS for SB 820**—A bill to be entitled An act relating to health insurance; amending ss. 627.6417, 627.6612, F.S.; requiring individual and group, blanket, or franchise accident or health insurance policies providing coverage for mastectomies to provide coverage for mammograms for screening and diagnostic purposes; providing exceptions; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Weinstein—

**CS for SB 826**—A bill to be entitled An act relating to nursing homes and related health care facilities; creating the position of Advocate for Nursing Home and Long-Term Care Facility Residents, in the Department of Legal Affairs; providing for authority of such advocate; providing an effective date.

By the Committee on Commerce and Senator Grant—

**CS for SB 876**—A bill to be entitled An act relating to the Florida Cemetery Act; providing legislative findings; creating s. 497.026, F.S.; providing for contract cancellation and refunds; amending s. 497.048, F.S.; revising requirements with respect to receipts from the sale of personal property or services and deposits into the merchandise trust fund; revising the method of computing the cost of certain property or services; creating s. 497.0484, F.S.; providing for surety bonds and letters of credit

as alternatives to trust fund deposits; creating s. 497.049, F.S.; providing for proof of compliance for existing merchandise trust funds; providing for future review and repeal; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Kirkpatrick—

**CS for SB 979**—A bill to be entitled An act relating to bond financed facilities; amending s. 154.205, F.S.; revising the period of time during which the financing charges and interest costs incurred in the construction of a public health facility must be guaranteed through the proceeds of the sale of revenue bonds; amending s. 159.27, F.S.; revising the period of time during which the cost of all machinery and equipment, financing charges, and interest incurred in the construction of a project financed via the Florida Industrial Development Financing Act must be guaranteed through the proceeds of the sale of revenue bonds; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senators Kirkpatrick and Gordon—

**CS for SB 1030**—A bill to be entitled An act relating to cholesterol screening; creating the study committee on cholesterol screening; providing for designation and appointment of members; providing study committee deadlines; providing travel-related reimbursement; mandating a report with required topics; providing an appropriation; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Woodson—

**CS for SB 1053**—A bill to be entitled An act relating to substance abuse; amending ss. 396.042, 397.031, F.S.; requiring the Department of Health and Rehabilitative Services to establish a program for the dissemination of such moneys for use in local alcohol and drug treatment programs; creating s. 939.017, F.S.; providing for imposition of a surcharge on persons found guilty of a misdemeanor involving alcohol and drugs as an additional cost in the case; creating a position entitled the Statewide Coordinator for Substance Abuse Prevention and Treatment; providing for administrative placement; providing responsibilities; directing the Department of Health and Rehabilitative Services, the Department of Education, the Department of Corrections, the Department of Community Affairs, and the Department of Law Enforcement to appoint a policy level staff person as the agency substance abuse coordinator; providing for substance abuse prevention coordinators; directing each state university and community college to develop training programs; providing an effective date.

By the Committee on Governmental Operations and Senator Margolis—

**CS for SB 1095**—A bill to be entitled An act relating to international affairs; creating the Florida International Advisory Council; providing functions and duties; providing membership; authorizing employment of an executive director and staff; providing for per diem and travel reimbursement; providing an exemption from the provisions of ch. 119, F.S., for certain records; requiring an annual report by the council; providing for future repeal; providing an effective date.

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

**CS for SB 1150**—A bill to be entitled An act relating to state financing of low-cost housing; amending ss. 420.803, 420.805, 420.806, F.S.; designating the community of Immokalee as a "pocket of poverty" and establishing a pilot pocket-of-poverty program in that community; authorizing the expenditure of state funds to encourage the construction and rehabilitation of low-cost housing units in that community; providing for preparation of a local comprehensive farmworker housing plan for that community; providing for review and approval of the plan by the Department of Community Affairs; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator D. Childers—

**CS for SB 1226**—A bill to be entitled An act relating to public swimming and bathing places and facilities; amending s. 514.011, F.S.; revising the definition of the term "public bathing place" for purposes of provisions relating to such facilities; defining the term "public saltwater bathing beach" for such purposes; amending s. 514.0115, F.S.; specifying which of certain licensed physical therapy establishments are exempt

from supervision under ch. 514, F.S.; amending s. 514.021, F.S.; requiring the Department of Health and Rehabilitative Services to review and revise rules within a specified time; authorizing the Department of Health and Rehabilitative Services to grant variances from rules relating to public swimming pools and bathing places; amending s. 514.025, F.S.; providing authority of public health units for water quality complaint investigations at public saltwater bathing beaches, as defined; amending s. 514.028, F.S.; revising provisions relating to the departmental member on the advisory review board; providing for per diem and traveling expenses; amending s. 514.033, F.S.; increasing fees charged for permits to construct, develop, modify, or operate a public swimming pool or bathing place; deleting a provision that requires the department to deposit such fees into the Public Swimming Pool and Bathing Place Trust Fund; imposing a fee for a variance from department rules; amending s. 514.04, F.S.; authorizing department personnel to enter saltwater bathing beaches to examine and investigate the sanitary or safety conditions; creating s. 514.065, F.S.; requiring public health units to post certain notices at any public saltwater bathing beach that has inadequate water-quality conditions; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator D. Childers—

**CS for SB 1255**—A bill to be entitled An act relating to public health; amending s. 509.013, F.S.; removing exemption from inspection by the Department of Business Regulation those retail grocery stores which prepare food for consumption off the premises; amending s. 381.061, F.S., relating to duties of the Department of Health and Rehabilitative Services; providing that the department shall adopt standards for training of managers of food establishments; providing for certification and testing; providing a fee; precluding the sanitary ranking of establishments; providing an effective date.

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

**CS for SB 1259**—A bill to be entitled An act relating to local government financial matters; amending ss. 199.292, 210.20, F.S.; revising distributions of intangible personal property taxes and cigarette taxes with respect to revenue sharing trust funds; amending s. 218.21, F.S.; revising the calculation of the guaranteed entitlement under municipal revenue sharing for certain local governments; amending s. 218.215, F.S.; creating a Revenue Sharing Reserve Trust Fund for Municipalities and providing for distributions therefrom; repealing s. 218.23(1)(c) and (3), F.S.; removing provisions which impose a local tax effort requirement on local governments participating in revenue sharing and which specify application to local governments participating in the local government half-cent sales tax; amending s. 200.132, F.S.; relating to qualification of municipalities for grants from the Municipal Financial Assistance Trust Fund; revising a reference; amending s. 206.605, F.S.; revising authorized uses of the municipal tax on motor fuel; providing an effective date.

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

**CS for SB 1267**—A bill to be entitled An act relating to accessibility by handicapped persons; amending s. 553.48, F.S.; providing accessibility features required of new buildings and certain buildings being altered or having a change in use; providing for the application of the section; providing for compliance with certain standards; providing definitions; providing specific requirements with respect to accessibility; providing exemptions; providing for compliance by certain public food service establishments and establishments licensed under the Beverage Law; providing requirements with respect to public assembly occupancies; providing requirements with respect to certain residential structures; providing for automobile parking space requirements; providing an effective date.

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

**CS for SB 1302**—A bill to be entitled An act relating to nursing; amending s. 464.022, F.S.; exempting technicians who assist in the furnishing of hemodialysis in a patient's home from the Nursing Practices Act; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Ros-Lehtinen—

**CS for SB 1307**—A bill to be entitled An act relating to adult congregate living facilities; requiring the Department of Health and Rehabilitative Services to conduct a study of mentally ill persons residing in adult congregate living facilities, describing needs, and determining services necessary to meet those needs; recommending whether a specialized adult congregate living facility or other alternative should be developed for mentally ill persons; identifying licensure requirements; determining the impact of specialized facilities on the remaining adult congregate living facility population and providers; requiring a report; providing an effective date.

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

**CS for SB 1363**—A bill to be entitled An act relating to professional licensing; amending s. 490.005, F.S.; creating s. 490.013, F.S.; revising provisions relating to the licensure of psychologists; creating s. 491.013, F.S.; revising provisions relating to the licensure of clinical social workers, marriage and family therapists, and mental health counselors; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Hollingsworth—

**CS for SB 1373**—A bill to be entitled An act relating to rural hospitals; specifying a definition of the terms "rural hospital," "rural area health education center," and "swing bed"; amending s. 154.011, F.S.; requiring each primary care program established for Medicaid recipients and low-income persons to use services provided by rural hospitals, as defined; amending s. 409.266, F.S.; providing for Medicaid funding of certain patients in rural hospitals; amending s. 410.016, F.S.; requiring the Department of Health and Rehabilitative Services to use rural hospitals in providing services for the aged; requiring the department to conduct a study of licensing and certification requirements of rural hospital personnel; directing the Department of Health and Rehabilitative Services to conduct certain rural health planning functions; providing for appropriations from the General Revenue Fund to the department to provide tuition reimbursements to certain rural health care providers; providing an appropriation to fund a study of allied health personnel employed in rural hospitals and to extend Medicaid reimbursement to certain patients; requiring the adoption of rules relating to rural hospital swing beds; providing an effective date.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote CS for SB 5, CS for SB 48, CS for SB 504, CS for SB 547, Senate Bills 113, 408, 524, 860, 994, 1058, 1128, 1203 and 1288 were withdrawn from the Committee on Appropriations.

On motions by Senator Scott, by two-thirds vote CS for SB 306, Senate Bills 704, 966 and 1167 were removed from the calendar and referred to the Committee on Appropriations.

On motions by Senator Barron, by two-thirds vote CS for CS for SB 1192 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed first on the special order calendar.

On motion by Senator Barron, the rules were waived and the Committee on Corrections, Probation and Parole was granted permission to meet this day from 12:00 noon until 2:00 p.m.

On motions by Senator Barron, by two-thirds vote Senate Bills 335 and 612, SM 644, CS for CS for SJR 391, HJR 1610 and HB 242 were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Scott, by two-thirds vote SB 307 was withdrawn from the Committee on Appropriations and referred to the Committee on Corrections, Probation and Parole and then recommitted to the Committee on Appropriations.

On motion by Senator Scott, the rules were waived and the Committee on Corrections, Probation and Parole was granted permission to consider SB 307 this day.

#### MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 265, which he approved on May 24, 1988.

The following Executive Order was filed with the Secretary:

#### EXECUTIVE ORDER NUMBER 88-110

(Executive Order of Reinstatement)

WHEREAS, LAVELLE PITTS was suspended from his office as Sheriff of Bay County, Florida, pursuant to Executive Order of the Governor, Number 87-171, dated October 23, 1987, and

WHEREAS, on October 22, 1987, the Grand Jury for Bay County, Florida, returned an indictment charging LAVELLE PITTS with four counts of perjury which was the basis of his suspension, and

WHEREAS, the Governor has been advised by the Honorable James Russell, State Attorney for the Sixth Judicial Circuit, and specially assigned State Attorney for the Fourteenth Judicial Circuit, pursuant to Executive Order of the Governor, Number 87-64, that on May 16, 1987, a jury in the Circuit Court of Bay County, Florida, has found LAVELLE PITTS not guilty of these charges.

NOW, THEREFORE, I, BOB MARTINEZ, Governor of Florida, pursuant to the Constitution and laws of the State of Florida, do hereby promulgate the following Executive Order, effective 12:01 a.m., May 19, 1988:

Executive Order of the Governor, Number 87-171, is hereby revoked, and the suspension of LAVELLE PITTS is hereby terminated, pursuant to Article IV, Section 7 of the Florida Constitution.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 18th day of May, 1988.

Bob Martinez  
GOVERNOR

ATTEST:  
Jim Smith  
SECRETARY OF STATE

Referred to the Committee on Executive Business.

#### 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 400, House Bills 704, 705, 1226, 1320, 1325, 1414, CS for HB 1493, House Bills 1555, 1557, 1592, 1609, 1636, CS for HB 1673; has passed as amended CS for HB 203, CS for HB's 302, 434 and 863, CS for CS for HB 464, CS for HB 470, House Bills 596, 648, CS for HB 717, CS for HB 940, House Bills 1049, 1373, 1436; has passed by the required Constitutional three-fifths vote of the membership of the House, HJR 1590 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committee on Judiciary and Representative Jennings and others—

**CS for HB 400**—A bill to be entitled An act relating to the Florida Adoption Act; amending s. 63.032, F.S., providing that the definition of "primary residence and place of employment in Florida" includes military personnel who designate Florida as their place of residence; amending s. 63.085, F.S.; requiring the intermediary to take certain action when he represents both sides in an adoption proceeding; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representative McEwan—

**HB 704**—A bill to be entitled An act relating to insurance; amending s. 627.4615, F.S.; prescribing the interest rate payable upon life insurance death benefits; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Upchurch—

**HB 705**—A bill to be entitled An act relating to the military code; amending s. 250.22, F.S.; revising language with respect to retirement to eliminate a prohibition in the computation of certain retirement benefits; providing an effective date.

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

By Representative Tobiassen and others—

**HB 1226**—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; amending section 5 and creating sections 21 and 22 of chapter 61-2655, Laws of Florida, as amended; providing for increases in certain retirement benefits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Locke—

**HB 1320**—A bill to be entitled An act relating to intergovernmental transfer and interchange of public employees; amending s. 112.24, F.S.; providing for biennial extensions of interchange agreements relating to faculty members of the State University System; providing that certain restrictions on state employees relating to filling positions and receiving compensation do not apply to the interchange program; providing for retroactive effect; providing an effective date.

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

By Representative Lombard and others—

**HB 1325**—A bill to be entitled An act relating to the Sarasota County Public Hospital Board, Sarasota County; adding Section 8(r), chapter 26468, Special Laws of Florida, Extraordinary Session 1949, as amended, relating to powers of the Hospital Board to invest its funds; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Thomas—

**HB 1414**—A bill to be entitled An act relating to the South Venice Special Tax Road District, Sarasota County; amending sections 3 and 4 of chapter 57-1839, Laws of Florida, as amended, deleting the tax cap; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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

**CS for HB 1493**—A bill to be entitled An act relating to health care; creating the Medical Education and Tertiary Care Trust Fund within the Board of Regents; providing for the distribution of funds from the fund to teaching hospitals in the state; providing an effective date.

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

By the Committee on Insurance and Representative Simon and others—

**HB 1555**—A bill to be entitled An act relating to insurance; creating s. 624.4392, F.S., within the Florida Nonprofit Multiple-Employer Welfare Arrangement Act; providing fund balance requirements; providing an exception; creating s. 624.4412, F.S.; requiring approval of forms; creating s. 624.4414, F.S.; specifying employer participants' liability for the obligations of the arrangement; creating s. 624.4415, F.S.; providing requirements relating to assessment of employers; providing for review and repeal; providing an effective date.

—was referred to the Committee on Commerce.

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

**HB 1557**—A bill to be entitled An act relating to the Department of Corrections; amending s. 945.48, F.S.; providing procedures for court-ordered treatment orders for inmates who refuse consent for the treatment of mental illness; providing for notice, appointment of counsel, and a standard of proof; providing an effective date.

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

By Representative Saunders—

**HB 1592**—A bill to be entitled An act relating to the Monroe County Mosquito Control District; amending section 2 of chapter 67-1726, Laws of Florida, as amended; providing for amendment of the description of the division of the districts of the Monroe County Mosquito Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Judiciary and Representative Upchurch—

**HB 1609**—A bill to be entitled An act relating to the judiciary; amending s. 35.06, F.S.; increasing the number of judges for specified district courts of appeal; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing an effective date.

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

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

**HB 1636**—A bill to be entitled An act relating to the files of the Department of Corrections; amending s. 945.10, F.S.; authorizing the department to grant an inmate access to the files pertaining to him upon court order or upon exceptional circumstances; requiring the department to promulgate rules; providing an effective date.

(Substituted for CS for SB 1043 on the special order calendar this day.)

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

**CS for HB 1673**—A bill to be entitled An act relating to health care; creating the "Affordable Health Care Assurance Act of 1988"; amending s. 154.01, F.S.; authorizing counties to relinquish public health facilities and equipment; amending s. 154.011, F.S.; modifying provisions relating to a system of primary care programs; amending s. 154.301, F.S.; renaming "The Florida Health Care Responsibility Act" as "The Florida Health Care Responsibility Act of 1988"; amending s. 154.302, F.S.; revising legislative intent; amending s. 154.304, F.S.; revising definitions; amending s. 154.306, F.S.; specifying financial responsibilities of hospitals and counties for certified residents who are qualified indigent patients; specifying county obligation per calendar year; providing duties of the Health Care Cost Containment Board and the Department of Health and Rehabilitative Services; amending s. 154.308, F.S.; requiring uniform statewide eligibility criteria; requiring that rules be adopted; increasing the time frame for determination of financial eligibility; providing for qualified indigents; authorizing counties to establish less restrictive financial eligibility thresholds; creating s. 154.309, F.S.; providing for certification of county of residence; providing minimum criteria; requiring certain notification to treating hospitals; amending s. 154.31, F.S.; specifying obligation of participating hospitals and regional referral hospitals to admit patients; providing penalties; creating s. 154.3105, F.S.; providing for rules; requiring a work group; providing membership criteria; requiring promulgation of certain rules; amending s. 154.312, F.S.; providing procedure for settlement of disputes; amending s. 154.314, F.S.; revising time frames for payment to hospitals; requiring the Comptroller to provide a quarterly accounting; amending s. 154.316, F.S.; providing conditions for reimbursement for treatment of patients; amending s. 154.331, F.S.; providing for establishment of independent health care special districts, with authority to levy ad valorem taxes; providing for appointment and powers and functions of governing boards; providing procedures and restrictions with respect to millage rates; providing for dissolution of districts; providing for compliance with statutory requirements; amending s. 200.001, F.S.; providing certain authority to independent health care spe-

cial districts in described home rule charter counties; amending s. 381.702, F.S.; defining "multifacility project"; amending s. 381.703, F.S.; providing sources of funding for the local health councils and Statewide Health Council; amending ss. 381.705, 381.706, 381.709, and 381.710, F.S.; providing additional projects subject to certificate-of-need review; providing review criteria; modifying review process; extending validity period for certain certificates of need; creating chapter 407, F.S., relating to health care cost containment; renumbering ss. 395.5125 and 395.5135, F.S., and amending and renumbering ss. 395.501, 395.502, 395.5025, 395.503, 395.504, 395.5042, 395.505, 395.5051, 395.507, 395.508, 395.5085, 395.509, 395.5092, 395.5094, 395.511, 395.512, 395.513, 395.514, 395.515, and 395.52, F.S., formerly constituting part II of chapter 395, F.S.; changing short title; providing and changing definitions; providing legislative intent with respect to the Health Care Cost Containment Board, formerly the Hospital Cost Containment Board; revising administration, membership, and terms; modifying powers and duties; providing for effect of existing board rules; providing for submission of the board's final legislative budget request; requiring certain hospitals to submit budget information to the board; providing for additional research and analysis relating to health care costs; modifying contents of a report to the Legislature; revising provisions relating to consumer information; eliminating the Consumer Information Network; providing additional responsibilities of the Office of Technical Assistance; providing for quality assurance monitoring; revising provisions relating to review of hospital budgets; requiring hospitals not exceeding maximum allowable rate of increase to file a budget letter, rather than a detailed budget; allowing banking of percentage points for future use; providing review criteria and procedures; providing for budget amendments; providing for objections and hearing; providing exemptions for certain hospitals; providing a penalty; clarifying duty of the Public Counsel with respect to budget proceedings; providing an exemption for information relating to charges by certain physicians; requiring an annual report by health insurers relating to physician charges; requiring publication of specified information; conforming terminology; deleting obsolete language; creating s. 407.025, F.S.; providing immunity from liability for certain report or release of patient data; creating s. 407.10, F.S.; creating the consumer information and advisory council; amending and renumbering ss. 400.341, 400.343, 400.344, 400.345, and 400.346, F.S.; directing the board to make certain nursing home financial information available; correcting cross-references; conforming language; directing the board to contract with the State University System for certain studies; directing the board to conduct a study of the shortage of registered nurses in Florida; providing contents; providing for a technical assistance panel; requiring reports; providing for an appropriation; directing the board to undertake a study of the impact on and reimbursement for hospitals in providing services to migrant and rural farmworkers; providing for a report; amending s. 409.266, F.S.; authorizing certain use of moneys in the Public Medical Assistance Trust Fund; expanding Medicaid eligibility to certain persons; requiring a report; providing for increases in physician reimbursement; extending the length of stay for certain hospital services; amending s. 409.2661, F.S.; providing for additional primary care health training demonstration projects; increasing funding; amending s. 409.2662, F.S.; specifying additional uses of moneys in the Public Medical Assistance Trust Fund; amending s. 409.2663, F.S.; revising provisions for redistribution of surplus public medical assistance funds; providing for an accounting of funds; providing a methodology to qualify for funds; providing a timetable; amending s. 627.9175, F.S.; deleting requirement for certain reports by health insurers; creating the "Rural Hospital Act of 1988"; providing legislative intent and definitions; amending s. 154.011, F.S.; requiring certain primary care programs to utilize and coordinate with rural hospitals for outpatient services; providing for an appropriation to increase primary care physicians and nurses in rural areas; amending s. 409.266, F.S.; extending Medicaid funding to certain patients in rural areas; amending s. 410.016, F.S.; requiring the Department of Health and Rehabilitative Services to utilize rural hospitals in providing services to the aged; providing for a study of personnel shortages in rural hospitals; requiring a report; providing certain rulemaking authority; postponing Sunset repeal of s. 409.266(7)(k), F.S., relating to the Medicaid medically needy program; saving part II of chapter 395, F.S., from Sunset repeal; providing for future review and repeal; repealing s. 212.055(2), F.S., relating to an indigent care surtax in Hillsborough County; repealing s. 400.342, F.S., which provides definitions relating to nursing homes; providing appropriations; providing a directive to statute editors; providing effective dates.

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

By the Committee on Insurance and Representative Gordon and others—

**CS for HB 203**—A bill to be entitled An act relating to firefighters, paramedics, and police officers; creating s. 112.185, F.S.; creating the Florida Firefighters, Paramedics, and Police Officers Health Project at the University of Miami School of Medicine; prescribing duties of the project; providing for annual audit and report; providing for review and repeal; providing an effective date.

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

By the Committee on Youth and Representative Bankhead and others—

**CS for HB's 302, 434, and 863**—A bill to be entitled An act relating to juvenile offenders; amending s. 39.01, F.S.; defining "serious habitual juvenile offender"; amending ss. 39.015 and 39.423, F.S.; correcting references; amending s. 39.09, F.S.; providing for determination whether serious habitual juvenile offender placement is required; creating s. 39.115, F.S.; providing for a program to rehabilitate serious habitual juvenile offenders; authorizing the Department of Health and Rehabilitative Services to conduct such program and to place such offenders in the program; creating s. 39.117, F.S.; providing that sheriffs are encouraged to maintain central identification files on such offenders and those at risk of becoming such offenders; providing for contents of such files and authorizing certain persons and agencies to provide such information; providing for multiagency information sheets; providing application of confidentiality requirements; providing for multiagency task forces; providing an effective date.

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

By the Committees on Finance and Taxation, Insurance and Representative Simon and others—

**CS for CS for HB 464**—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 credits and deductions; providing for consolidated premium tax returns for groups of insurers in an insurance holding company system; providing for determination of premium tax liability and auditing; providing for promulgation of rules and authority to issue a subpoena; repealing section 35 of chapter 87-99, Laws of Florida, relating to 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 associations 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 premium 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, and 634.4025, F.S.; clarifying

legislative intent; directing the Department of Insurance to collect and report to the Legislature certain information relating to insurance agents and administrators; providing an appropriation; providing effective dates.

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

By the Committee on Insurance and Representative Simon and others—

**CS for HB 470**—A bill to be entitled An act relating to the Child Health Assurance Act; amending chapter 86-122, Laws of Florida, delaying until October 1, 1992, the sunset of provisions which require certain individual and group, blanket, or franchise health insurance policies and health care services plan contracts to provide coverage for child health supervision services; providing for a study by the Department of Insurance assessing the increase in premiums and use of insurance plans covering child health supervision services; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By Representative Crotty—

**HB 596**—A bill to be entitled An act relating to transportation finance; amending s. 288.063, F.S.; providing that certain transportation projects to facilitate the economic growth and development of the state shall be approved only as a consideration to attract new employment opportunities to the state or to expand employment in existing companies; amending s. 339.08, F.S.; authorizing the use of State Transportation Trust Fund moneys for economic development transportation projects; providing an effective date.

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

By the Committee on Agriculture and Representative Mitchell and others—

**HB 648**—A bill to be entitled An act relating to the marketing of agricultural products; amending s. 570.02, F.S.; defining the term "agricultural marketing facilities"; amending s. 570.07, F.S.; expanding the functions, powers, and duties of the Department of Agriculture and Consumer Services; amending s. 570.53, F.S.; clarifying the powers and duties of the Division of Marketing of the Department of Agriculture and Consumer Services; authorizing the division to enter into contracts with private persons; creating s. 570.531, F.S.; creating the Market Improvements Working Capital Trust Fund; providing legislative intent; providing for a study; providing an effective date.

—was referred to the Committees on Agriculture and Appropriations.

By the Committee on Tourism and Cultural Affairs and Representative Arnold and others—

**CS for HB 717**—A bill to be entitled An act relating to state lands; creating s. 253.027, F.S.; creating the Emergency Archaeological Property Acquisition Act of 1988; providing legislative intent; providing a definition; establishing procedures for emergency archaeological acquisition; providing for segregation of moneys within the Conservation and Recreation Lands Trust Fund; authorizing certain expenditures; providing restrictions; providing procedure for initiation of purchase; providing that property acquired shall be held by the Board of Trustees of the Internal Improvement Trust Fund; authorizing the board to waive or limit appraisals or surveys; authorizing the board to accept a lesser interest in property; authorizing the board to resell lands; providing for disposition of proceeds; providing restrictions; providing duties of the director of the Division of Historical Resources of the Department of State and the Division of State Lands of the Department of Natural Resources; providing severability; providing for liberal construction; providing an effective date.

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

By the Committee on Transportation and Representatives Burnsed and Sansom—

**CS for HB 940**—A bill to be entitled An act relating to airport zoning; amending s. 333.01, F.S.; redefining the term "airport hazard" and defining the terms "airport layout plan" and "obstruction"; amending s. 333.02, F.S.; providing clarifying language with respect to airport hazards;

amending s. 333.025, F.S.; revising language with respect to airports affected under law requiring permits for structures exceeding federal obstruction standards; providing additional criteria for permit issuance; amending s. 333.03, F.S.; requiring airport regulations to require obstruction marking and lighting for certain structures; amending s. 333.07, F.S.; providing time frames with respect to actions taken for airport variances; providing for appeal by the Department of Transportation; providing for obstruction marking and lighting; amending s. 333.08, F.S.; providing clarifying language with respect to appeals to refer to the Department of Transportation; amending s. 333.11, F.S.; revising language with respect to judicial review; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Nergard and others—

**HB 1049**—A bill to be entitled An act relating to costs of judicial proceedings; amending ss. 27.34 and 27.54, F.S.; providing for counties to pay to state attorneys and public defenders specified costs certified as necessary in the prosecution or defense of criminal proceedings; amending s. 27.3455, F.S., relating to collection and distribution of additional court costs in criminal proceedings; providing for such costs to be part of plea agreements; providing for deposit in a special trust fund of the county; providing for an annual financial statement to the Comptroller and the Auditor General; providing for review by an independent certified public accountant; providing for enforcement by the Comptroller; providing for priority of distribution and use of surplus funds; providing rulemaking authority; providing for future repeal; repealing section 3 of chapter 85-213, Laws of Florida, relating to future repeal; providing an effective date.

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

By Representative Patchett and others—

**HB 1373**—A bill to be entitled An act relating to the Sebastian Inlet District in Indian River and Brevard Counties; amending sections 1, 7, 8, 9, 15, 27, and 28 of chapter 7976, Laws of Florida, 1919, as amended; amending the name of the District; providing for additional officers of the District; applying the purpose of the District; setting out the compensation of the commissioners; establishing an exemption to the requirements, for performance, payment, and surety bonds; allowing the vacation of District lands and easements and transfer of such lands and easements; altering reporting dates; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Kelly—

**HB 1436**—A bill to be entitled An act relating to the City of Tavares, Lake County; providing for the deannexation of a portion of State Road 500 from the municipal limits of the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Judiciary and Representative Upchurch—

**HJR 1590**—A joint resolution proposing an amendment to Section 2, Article V of the State Constitution, relating to the assignment of judges and justices.

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

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 101 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 101**—A bill to be entitled An act relating to operating motor vehicles or vessels under the influence; amending ss. 316.1932, 316.1934, 327.352, and 327.354, F.S.; authorizing the use of physical tests, including infrared light measuring devices, for testing to determine blood alcohol levels; providing for approval of test methods by the Department of

Health and Rehabilitative Services; amending s. 316.193, F.S.; providing that a term of imprisonment for driving under the influence may be served in a residential alcoholism or drug abuse treatment program; providing an effective date.

**Amendment 1**—On page 5, line 3, strike “direction of the arresting” and insert: *request of a law enforcement*

**Amendment 2**—On page 14, lines 3-5, strike all of said language and insert:

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

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

SB 101 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Brown, Girardeau, Kiser

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed SB 144 with amendments and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 144**—A bill to be entitled An act relating to the Tourism Advisory Council; amending s. 288.347, F.S.; providing for the term of office for council members; providing for meetings; providing for a chairman; requiring minutes of meetings; reviving and readopting said section, notwithstanding repeal scheduled pursuant to the Sundown Act; providing for future review and repeal of said section; providing an effective date.

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

Section 1. Subsections (3), (4), (5), (6), and (7) of section 288.34, Florida Statutes, are amended to read:

288.34 Division of Tourism; powers and duties.—

~~(3) The division is authorized to encourage the organization of advisory boards or committees among interested groups of citizens. Such boards or committees shall advise the division as to its work, and it shall, as far as practicable, cooperate with such advisory boards or committees to secure the active aid thereof in the accomplishment of the aims and fulfillment of the duties of the division.~~

(3)(4) The Division of Tourism, upon receipt of a declaration, petition, resolution, certified copy of an ordinance, or other clear directions from a community, board of county commissioners, municipality, county, city, specified region or area of the state, or other governmental or quasi-governmental agency whose substantial interests are affected that removal of motorist services directional signs, as defined in s. 479.01(10), from specific defined areas would cause a substantial economic hardship in such defined areas, shall forward such declaration, resolution, or finding, together with such supportive information as is available and a certification by the Division of Tourism that such removal would, in fact, cause a substantial economic hardship in a specific defined area, to the Department of Transportation for transmittal to the United States Secretary of Transportation for approval as provided in 23 U.S.C. s. 131(o).

(4)(5) The division is authorized to make grants of funds in accordance with this section pursuant to appropriations for such grants made by the Legislature.

(5)(6) Notwithstanding the provisions of part I of chapter 287, the division shall promulgate rules for the purpose of entering into contracts which are primarily for promotional and advertising services and promotional events which may include commodities involving a service. Such rules shall include the authority to negotiate costs with offerors of such services and commodities who have been determined to be qualified on the basis of technical merit, creative ability, and professional competency.

(6)(7) The division is authorized to accept any grant, payment, or gift of funds or property made by the United States or any department or agency thereof or by any individual, firm, corporation, municipality, county, or organization for any or all of the purposes specified in this chapter; and the division may expend such funds in accordance with the terms and conditions of any such grant, payment, or gift.

Section 2. Section 288.347, Florida Statutes, is amended to read:

288.347 Tourism Advisory Council; creation; membership; function.—

(1) There is created within the Division of Tourism of the Department of Commerce the Tourism Advisory Council, hereinafter referred to as the “council.” *The purpose of the council is to advise and assist the division in carrying out its duties. The powers and duties of the council shall include, but are not limited to:*

(a) *Making recommendations to the division regarding promoting and marketing the tourism industry.*

(b) *Advising the division regarding tourism programs and policies.*

(c) *Suggesting policies and practices for the administration of s. 288.34 to the division and the secretary of the Department of Commerce which they shall duly consider.*

(d) *Advising and informing the division regarding domestic and international tourism trends.*

(e) *Considering all matters submitted to it by the division, the secretary of the Department of Commerce, or other members of the council.*

(2) The council shall consist of 37 persons who are resident citizens of the state, each of whom is, or has been, actively engaged in the tourism industry or a related industry. The members of the council shall possess the qualifications herein provided and shall be appointed by the secretary of the Department of Commerce. *Each member shall serve for a term of 4 years from the date of appointment, except that a vacancy shall be filled by appointment for the remainder of the term. The secretary may remove a council member for cause. Initially, the secretary shall appoint 10 members for a term of 4 years and 18 members for a term of 3 years. Thereafter, members shall be appointed for 4 year terms. Any vacancy shall be filled for the remainder of the unexpired term.*

(3)(a)(2) The council shall function as a body from which the Division of Tourism may obtain differing and varying views as to what actions or proposals are needed throughout the state regarding tourism.

(b) *Members shall elect a chairman annually.*

(c) The council shall meet at the call of its chairman, at the request of a majority of its membership, at the request of the division, or at such times as may be prescribed by rule, but not less than twice a year its rules to offer its views on the state of the tourism industry and to recommend proposed action.

(d) *A majority of the members shall constitute a quorum, and action by a majority of a quorum shall be official.*

(4) *A designee of the division shall serve as secretary of the council. The secretary shall keep a complete record of the proceedings of each meeting, which shall show the names of the members present and shall document the discussions of the council, the recommendations made, and actions taken. The secretary shall keep the records on file and shall make the records available to any interested person or group.*

(5)(3) Members shall serve without compensation but shall be entitled to receive reimbursement for per diem and traveling expenses as provided in s. 112.061.

(6) *The division may establish advisory committees as it deems necessary to assist the council in fulfilling its purpose. The division, in consultation with the council, shall clearly define the purpose for each com-*

mittee established pursuant to this subsection. The duties assigned to each committee shall be consistent with the statutory duties of the council. The division may appoint non-council members to serve on the advisory committees. Any non-council member appointed shall serve on a voluntary basis, and shall be entitled to travel and per diem reimbursement. Any committee created by the council shall serve the council in a strictly advisory capacity.

Section 3. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with s. 11.611, Florida Statutes, s. 288.347, Florida Statutes, shall not stand repealed on October 1, 1988, and shall continue in full force and effect as amended herein.

Section 4. Section 288.347, Florida Statutes, as amended by this act, is repealed on October 1, 1998, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 5. This act shall take effect October 1, 1988.

**Amendment 2**—On page 1, lines 2-11, strike all of said lines and insert: An act relating to tourism; amending s. 288.34, F.S.; deleting authority of the Division of Tourism of the Department of Commerce to encourage the organization of advisory boards or committees among interested groups of citizens; amending s. 288.347, F.S., relating to the Tourism Advisory Council; providing for purpose of the council; providing for term of office for members; providing for removal of members; providing for annual election of a council chairman; providing for meetings; providing for a council secretary; requiring records of meetings; providing for the appointment and duties of advisory committees; saving s. 288.347, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

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

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 344 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 344**—A bill to be entitled An act relating to traffic control; amending s. 316.271, F.S.; providing for the equipping and use of bells by trolleys and similar vehicles; amending s. 316.1945, F.S.; authorizing the Department of Transportation to regulate parking on the roadway or shoulder of a limited access facility; providing an effective date.

**Amendment 1**—On page 3, line 7, insert:

Section 3. Subsection (79) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(79) **WORK ZONE AREA**.—The area and its approaches on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes is closed to traffic.

Section 4. Subsection (2) of section 316.0745, Florida Statutes, is amended to read:

316.0745 Uniform signals and devices.—

(2) The Department of Transportation shall compile and publish a manual of uniform traffic control devices which defines the uniform system adopted pursuant to subsection (1), and shall compile and publish minimum specifications for traffic control signals and devices certified by it as conforming with the uniform system. and

(a) The department shall make copies of such manual and specifications available to all counties, municipalities, and other public bodies having jurisdiction of streets or highways open to the public in this state.

(b) The manual shall provide for the use of regulatory speed signs in work zone areas. The installation of such signs is exempt from the provisions of s. 335.10.

Section 5. Subsection (6) is added to section 316.183, Florida Statutes, to read:

316.183 Unlawful speed.—

(6) No driver of a vehicle shall exceed the posted maximum speed limit in a work zone area.

Section 6. Subsection (10) is added to section 337.11, Florida Statutes, to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(10) Each contract let by the department for performance of road or bridge construction or maintenance work must contain a traffic maintenance plan which shows the appropriate regulatory speed signs and traffic control devices for the work zone area as defined in s. 316.1927

Section 7. Section 316.1927, Florida Statutes, is hereby repealed.

(Renumber subsequent section.)

**Amendment 2**—On page 1, line 8, after the semicolon (;) insert: amending s. 316.003, F.S.; defining the term "work zone area" for purposes of traffic control laws; amending s. 316.0745, F.S.; providing for the inclusion of provisions relating to the use of regulatory signs in work zone areas in the Manual of Uniform Traffic Control Devices; exempting the installation of such signs from notice requirements of s. 335.10, F.S.; amending s. 316.183, F.S.; requiring compliance with posted speed limit; amending s. 337.11, F.S.; providing additional requirements for certain maintenance or construction contracts let by the Department of Transportation; repealing s. 316.1927, F.S., relating to prima facie evidence of careless driving;

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

CS for SB 344 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Jennings, Kiser

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 400 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 400**—A bill to be entitled An act relating to elections; amending s. 100.041, F.S.; providing that the term of office for county officers shall commence on a certain date; amending s. 129.06, F.S.; limiting certain county officers from amending their budget without approval; providing an effective date.

**Amendment 1**—On page 1, lines 28-31, and on page 2, lines 1-3, strike all of said lines and insert: (b) Any county constitutional officer whose budget is approved by the board of county commissioners, who has not been reelected to office or is not seeking reelection, shall be prohibited from making any budget amendments, transferring funds between itemized appropriations, or expending in a single month more than one-twelfth of any itemized approved appropriation, following the date he is eliminated as a candidate or October 1 whichever comes later, without approval of the board of county commissioners.

Section 3. Subsection (5) is added to section 195.087, F. S., to read:

195.087 Property appraisers and tax collectors to submit budgets to Department of Revenue.—

(5) Any property appraiser or tax collector whose budget is approved by the Department of Revenue, who has not been reelected to office or is not seeking reelection, shall be prohibited from making any budget amendments, transferring funds between itemized appropriations, or expending in a single month more than one-twelfth of any itemized approved appropriation, following the date he is eliminated as a candidate or October 1, whichever comes later, without the approval of the Department of Revenue.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 5, strike “s. 129.06” and insert: ss. 129.06 and 195.087

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

CS for SB 400 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Jennings, Kiser, Peterson, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 458 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 458—A bill to be entitled An act relating to metropolitan planning organizations; amending s. 339.175, F.S.; providing that the Governor shall prescribe a method for appointing alternate members who may vote in specified circumstances; providing an effective date.

Amendment 1—On page 1, line 10, insert:

Section 1. Subsection (17) of section 339.175, Florida Statutes, is amended to read:

339.175 Transportation planning organization.—

(17) Each M.P.O., in cooperation with the department, shall appoint a technical advisory committee which shall include planners, engineers, representatives from local aviation authorities and port authorities or aviation departments and seaport departments of municipal or county governments, other appropriate individuals employed by the signatories, and the school superintendent for each county covered by the M.P.O. or such superintendent's designee.

(a) In addition to its other duties, each technical advisory committee is responsible for identifying projects contained in its long range transportation plan or transportation improvement plan as deserving classification as a school safety concern.

(b) The technical advisory committee shall recommend to the M.P.O. those projects which the committee believes are deserving of classification as a school safety concern. Upon receipt of the recommendation from the technical advisory committee, the M.P.O. shall vote on whether to classify each project contained in the recommendation as a school safety concern.

When a project has been identified as a school safety concern pursuant to this subsection, the governmental entity responsible for the project shall consider at least two alternatives before making its decision about the project.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 23, after the word entity insert: or area

Amendment 3—On page 1, line 6, after the semicolon insert: providing that when a transportation project has been identified as a school safety concern by a technical advisory committee, the governmental entity responsible for the project shall consider at least two alternatives before making its decision about the project;

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

CS for SB 458 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Jennings

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 2, has amended Senate Amendment 1, concurred in same as amended and passed HB 212, as amended and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 212—A bill to be entitled An act relating to the Medical Advisory Board; amending s. 322.125, F.S.; providing for administrative officer of board to be employed by the Department of Highway Safety and Motor Vehicles; deleting unnecessary language; providing that a member of the board shall be a chiropractic physician; clarifying immunity from liability for board members; saving s. 322.125, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

Amendment 1—On page 1, lines 12-18, strike all of said lines and insert: board members. Every member but two must be a doctor of medicine licensed to practice medicine in this or any other state and must be a member in good standing of the Florida Medical Association or the Florida Osteopathic Association. One member must be an optometrist licensed to practice optometry in this state and must be a member in good standing of the Florida Optometric Association. One member must be a chiropractor licensed to practice chiropractic in this state. ~~One member must be a~~

On motion by Senator Beard, the Senate concurred in the House amendment to Senate Amendment 1.

HB 212 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

Vote after roll call:

Yea—Jennings

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for SB 292 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for CS for SB 292**—A bill to be entitled An act relating to state uniform traffic control; creating s. 316.1951, F.S.; prohibiting persons from parking a motor vehicle in certain locations with the intent to sell, hire, or rent the vehicle under certain circumstances; providing for uniform written notice; providing an exception; providing an effective date.

**Amendment 1**—On page 2, line 26, insert:

Section 2. Subsection (79) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(79) **WORK ZONE AREA**.—*The area and its approaches on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes is closed to traffic.*

Section 3. Subsection (2) of section 316.0745, Florida Statutes, is amended to read:

316.0745 Uniform signals and devices.—

(2) The Department of Transportation shall compile and publish a manual of uniform traffic control devices which defines the uniform system adopted pursuant to subsection (1), and shall compile and publish minimum specifications for traffic control signals and devices certified by it as conforming with the uniform system. ~~and~~

(a) *The department shall make copies of such manual and specifications available to all counties, municipalities, and other public bodies having jurisdiction of streets or highways open to the public in this state.*

(b) *The manual shall provide for the use of regulatory speed signs in work zone areas. The installation of such signs is exempt from the provisions of s. 335.10.*

Section 4. Subsection (6) is added to section 316.183, Florida Statutes, to read:

316.183 Unlawful speed.—

(6) *No driver of a vehicle shall exceed the posted maximum speed limit in a work zone area.*

Section 5. Subsection (10) is added to section 337.11, Florida Statutes, to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(10) *Each contract let by the department for performance of road or bridge construction or maintenance work must contain a traffic maintenance plan which shows the appropriate regulatory speed signs and traffic control devices for the work zone area as defined in s. 316.003.*

Section 6. Section 316.1927, Florida Statutes, is hereby repealed.

(Renumber subsequent section.)

**Amendment 2**—On page 1, in the title, line 8, after the second semicolon insert: amending s. 316.003, F.S.; defining the term “work zone area” for purposes of traffic control laws; amending s. 316.0745, F.S.; providing for the inclusion of provisions relating to the use of regulatory signs in work zone areas in the Manual of Uniform Traffic Control Devices; exempting the installation of such signs from notice requirements of s. 335.10, F.S.; amending s. 316.183, F.S.; requiring compliance with posted speed limit; amending s. 337.11, F.S.; providing additional requirements for certain maintenance or construction contracts let by the Department of Transportation; repealing s. 316.1927, F.S., relating to prima facie evidence of careless driving;

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

CS for CS for SB 292 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1 to House Amendment 1, concurred in same as amended and passed SB 26, as amended, 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, lines 11-14, strike the entire amendment and insert: *or to any local government decision with respect to construction not subject to a state agency model code.*

On motions by Senator Margolis, the Senate concurred in the House amendment to Senate Amendment 1 to House Amendment 1 and House Amendment 1 as amended.

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

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 995 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 995**—A bill to be entitled An act relating to environmental control; amending s. 403.0625, F.S.; requiring certain water quality tests to be conducted by a laboratory certified by the Department of Health and Rehabilitative Services; providing an effective date.

**Amendment 1**—On page 1, line 10, insert:

Section 1. Subsection (6) of section 381.294, Florida Statutes, is amended to read:

381.294 Bottled water plants.—

(6) OPERATING STANDARDS.—

(a) Water samples shall be taken from the water supply source by ~~department personnel~~ as often as reasonably necessary, but at least annually, to ensure compliance with water quality standards as established by rule of the department. A plant may conduct its own water sampling and analyses for purposes including internal monitoring for quality control. Analysis for microbiological contaminants shall be made weekly if the source is other than a community water system. Records of the sampling and analyses shall be maintained on file at the plant and at department offices for not less than 2 years. Analysis of the samples may be performed by approved commercial laboratories or the department's state laboratories.

(b) To ensure that the bottled water is in compliance with water quality standards as established by rule of the department, the following analyses shall be performed by a laboratory certified by the department. The representative sample shall be derived from the bottled product.

1. For microbiological purposes, a bottled water plant shall employ a certified laboratory to conduct a weekly analysis of a representative sample from a batch or segment of a continuous production of each type of bottled water produced by the plant.

2. For chemical, physical, and radiological purposes, a bottled water plant shall employ a certified laboratory to conduct an annual analysis of a representative sample of a finished product of a continuous product run for each type of bottled drinking water produced by the plant. *The department may take the quality of source water and type packaging materials into consideration in determining the extent of product analysis needed.*

(Renumber the subsequent sections.)

**Amendment 2**—On page 1, in the title, line 2, after the semicolon insert: amending s. 381.273, F.S.; increasing research fees with respect to certain permit;

**Amendment 3**—On page 1, line 10, insert:

Section 1. Paragraph (c) of subsection (1) of section 381.273, Florida Statutes, is amended to read:

381.273 Fees.—The Department of Health and Rehabilitative Services is authorized to collect fees for services provided under this part. Notwithstanding the provisions of s. 154.06, it is the intent of the Legislature that the total fees assessed under this part be in an amount sufficient to meet the cost of carrying out the provisions of this part.

(1) The fee schedule for fiscal year 1983-1984 shall be the following minimum fees provided in this section, and such schedule shall remain in effect until the effective date of a fee schedule promulgated by rule by the Department of Health and Rehabilitative Services:

(c) Research: An additional \$5 \$3 fee shall be added to each permit issued during fiscal years 1988-1993 1983-1988 to be used for septic tank research to determine whether high density installation of systems, installation of systems under certain soil and water table conditions, and current methods of system installation are polluting state ground water. *Research fees shall also be used to determine alternative design and installation methods for improved functioning of such systems.* The research shall be supervised by the department.

The funds collected pursuant to paragraphs (a), (b), and (c) shall be deposited in a trust fund administered by the Department of Health and Rehabilitative Services to be used for the purposes stated in this section.

(and renumber the subsequent sections.)

**Amendment 4**—On page 1, in the title, line 2, after the semicolon insert: amending s. 381.294, F.S.; relating to bottled water plants;

**Amendment 5**—On page 2, line 10, strike all of said line and insert:

Section 2. By October 1, 1989, the department shall develop and adopt rules to implement this act.

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

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

SB 995 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Jennings

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 374, 378, 493, 514, 652, 836, 878, CS for SB 990, CS for SB 1140, Senate Bills 1177, 1189 1231; and has adopted CS for SM 302.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

#### SPECIAL ORDER

**CS for 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; allowing local governments to impose certain conditions on an occupational license; 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; prohibiting local governments from discriminating against privately owned 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 motor vehicle 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; amending s. 395.002, F.S.; redefining the term "solid waste" for the purposes of laws regulating hospitals to include biohazardous waste; amending s. 212.08, F.S.; exempting certain machinery and equipment, related to recycling, from sales tax; 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 coordinate solid and hazardous waste research, training, and service activities; specifying research activities; 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 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; creating the Applications Demonstration Center for Resource Recovery from Solid Organic Materials, and prescribing its duties; creating an advisory council for the center; amending s. 197.102, F.S.; amending and providing definitions; amending s. 197.322, F.S.; specifying requirements for ad valorem and non-ad valorem tax rolls; amending s. 197.363, F.S.; providing for collection of special assessments; creating s. 197.3631, F.S.; providing for non-ad valorem assessments; creating s. 197.3632, F.S.; providing definitions; specifying a method for levy, collection, and enforcement of special assessments; creating s. 197.3635, F.S.; providing for a combined notice of ad valorem taxes and non-ad valorem assessments; transferring s. 203.10, F.S., to s. 403.7215, F.S.; providing appropriations; providing an effective date.

—was read the second time by title.

#### Senator Hair presiding

Senator Kirkpatrick moved the following amendments which were adopted:

**Amendment 1**—On page 14, line 31, strike "and" and insert: or

**Amendment 2**—On page 28, line 27, after the period (.) insert:

(4) *Disposal of dead animals, including those which were diseased, shall be consistent with applicable federal and state laws and regulations.*

**Amendment 3**—On page 31, line 12, strike "management" and insert: disposal

**Amendment 4**—On page 29, strike all of lines 6-31 and insert:

(2) The department shall establish standards for the production of compost including:

(a) Requirements necessary to produce a hygienically safe compost; and

(b) A classification scheme for compost based on: the types of waste composted, including at least one type containing only yard trash; the maturity of the compost, including at least three degrees of decomposition for fresh, semi-mature and mature; and the levels of organic and inorganic constituents in the compost. This scheme shall address:

1. Methods for measurement of the compost maturity.

2. Allowable particle sizes for fine, medium, and coarse compost.

3. Allowable moisture content of compost products.

4. Allowable average levels of organic and inorganic constituents, including heavy metals, for such classes of compost as the department establishes, and the analytical methods to determine those levels.

(3) The department shall prescribe allowable uses and application rates of compost based on the total quantity of organic and inorganic constituents, including heavy metals, allowed to be applied through the addition of compost to the soil per acre per year.

(4) The department shall, within six months of the effective date of the Florida Solid Waste Management and Reduction Act, initiate rule-

making to implement the provisions of subsections (2) and (3) and shall adopt such rules within twelve months of initiation of such rulemaking.

**Amendment 5**—On page 38, between lines 2 and 3, insert:

(b) *Storage by persons of solid waste in containers resulting from their own activities on their property, leased or rented property, property subject to a homeowners or maintenance association for which the person contributes association assessments provided that the solid waste in such containers is collected at least once a week.*

(Renumber subsequent paragraphs.)

**Amendment 6**—On page 38, line 8, strike "2" and insert: II

**Amendment 7**—On page 41, lines 3 and 4, strike "solid waste management facility" and insert: *resource recovery facility*

**Amendment 8**—On page 41, between lines 21 and 22, insert:

(10) *After 1993, the issuance of permits for the expansion of existing, or construction of new, incineration facilities will be dependent upon the achievement of the volume reduction goals specified in s. 403.706(4)(d) for the county to be served by such facilities. However, the issuance of permits prior to October 1, 1993, for expansion or maintenance of incineration facilities shall not be contingent on such counties meeting specified reduction goals.*

**Amendment 9**—On page 42, line 27, strike "July 1, 1989" and insert: *January 1, 1989*

**Amendment 10**—On page 43, lines 11-31, and on page 44, lines 1-16, strike all of said lines and renumber subsequent paragraphs.

**Amendment 11**—On page 45, line 20, strike "Federal" and insert: *Food and*

**Amendment 12**—On page 45, line 31, and on page 46, line 1, strike "Institute on Solid and Hazardous Waste Management are" and insert: *Board of Regents is*

**Amendment 13**—On page 46, line 28, after "establishment" insert: *, excluding an establishment licensed pursuant to chapter 509,*

**Amendment 14**—On page 58, strike all of lines 13-27 and insert:

Section 21. The Department of Agriculture and Consumer Services in cooperation with the Institute of Food and Agricultural Sciences and the Department of Environmental Regulation shall implement a demonstration project in Alachua County to exhibit the feasibility of composting yard trash from a typical municipal solid waste stream. Funds shall be made available from the Solid Waste Management Trust Fund for such project in fiscal year 1988-1989 and such project must be completed by February 1, 1990.

Section 22. The Department of Environmental Regulation, in cooperation with Dixie, Franklin, Taylor, and Wakulla Counties, shall undertake a demonstration project in fiscal year 1988-1989 to find acceptable solutions to problems created from the disposal of seafood processing byproducts, including shellfish parts, at public landfills. Such project

**Amendment 15**—On page 59, strike all of lines 19-22 and insert: *program.*

**Amendment 16**—On page 59, lines 27 and 28, strike "and 220.185"

**Amendment 17**—On page 76, line 21, strike "physical"

**Amendment 18**—On page 77, line 8, after "crude oil" insert: *or is a synthetic oil*

**Amendment 19**—On page 78, line 21, after the period (.) insert:

(3) *Nothing in this section shall be construed to limit the use of used oil for the beneficiation or flotation of phosphate rock.*

**Amendment 20**—On page 83, line 25, insert: This subsection applies only to that portion of the public used oil collection center used for the collection of used oil and does not apply if the owner or operator is grossly negligent in the operation of the public used oil collection center.

**Amendment 21**—On page 89, line 28, after "area" insert: *for which a permit, other than a general permit, is required by s. 403.707*

**Amendment 22**—On page 91, line 23, after "certificates of deposit," insert: *securities,*

**Amendment 23**—On page 93, line 11, after the comma (,) insert: *a permitted waste tire processing facility,*

**Amendment 24**—On page 97, line 14, after "Conservancy," insert: *the Florida Chapter of the Sierra Club,*

**Amendment 25**—On page 98, line 28, strike "Implementing" and insert: *Implementing*

**Amendment 26**—On page 115, line 25, after "403.703" insert: *and certified to the department by the Department of Environmental Regulation*

**Amendment 27**—On page 121, strike all of lines 5-8 and insert: *evidence, that newsprint sold within the state is being recycled at a rate of 50 percent or more of the quantity sold within the state, the product waste disposal fee on newspapers shall be rescinded. If the department determines on that date, by a preponderance of evidence, that newsprint sold within the state is being recycled at a rate of less than 50 percent of the quantity sold within the state, the product waste disposal fee on newsprint shall be*

**Amendment 28**—On page 127, line 16; on page 128, line 5; and on page 131, line 8, strike "or aluminum" and insert: *aluminum,*

**Amendment 29**—On page 128, line 22, after the period (.) insert: *The Department of Revenue shall determine the amount which needs to be reserved in the Container Recycling Trust Fund each quarter for refunds and administrative costs. Any amount above that reserve shall be transferred quarterly to the Solid Waste Management Trust Fund for the purposes specified therein.*

**Amendment 30**—On page 131, line 17, after the period (.) insert: *This term does not include a person licensed pursuant to chapters 509 or 561 who sells or offers for sale containers, the contents of which are consumed on the premises; nor a common carrier in the conduct of interstate passenger service who sells, offers for sale, or distributes to its passengers, containers, the contents of which are consumed on the premises.*

**Amendment 31**—On page 137, line 20, strike "0.80" and insert: *0.83*

**Amendment 32**—On page 139, line 22, through line 30 on page 144, strike all of section 77 and insert:

Section 77. Section 403.413, Florida Statutes, is amended to read:

403.413 Florida Litter Law.—

(1) **SHORT TITLE.**—This section shall be known as and may be cited as the "Florida Litter Law of 1971."

(2) **DEFINITIONS.**—As used in this section, *the term:*

(a) "Litter" means any garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; tire; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility; water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations ~~lighted or unlighted cigarette or cigar, or flaming or glowing material.~~

(b) "Person" means any individual, firm, sole proprietorship, partnership, corporation, or unincorporated association.

(c) "Law enforcement officer" means any officer of the Florida Highway Patrol, a county ~~sheriff's department~~ ~~sheriffs' departments,~~ a municipal law enforcement ~~department~~ ~~departments,~~ a law enforcement ~~department~~ ~~departments~~ of any other political subdivision, the Department of Natural Resources, or the ~~and~~ Game and Fresh Water Fish Commission. In addition, and solely for the purposes of this section, *the term* "law enforcement officer" means any employee of a county or municipal park or recreation department designated by the department head as a litter enforcement officer.

(d) "Aircraft" means a motor vehicle or other vehicle that is used or designed to fly, but does not include a parachute or any other device used primarily as safety equipment.

(e) "Commercial purpose" means for the purpose of economic gain.

(f) "Commercial vehicle" means a vehicle that is owned or used by a business, corporation, association, partnership, or sole proprietorship or any other entity conducting business for a commercial purpose.

(g) "Dump" means to dump, throw, discard, place, deposit, or dispose of.

(h) "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor, or semitrailer combination or any other vehicle that is powered by a motor.

(i) "Vessel" means a boat, barge, or airboat or any other vehicle used for transportation on water.

(3) **RESPONSIBILITY OF BOARD OF COUNTY COMMISSIONERS.**—The board of county commissioners shall determine the training and qualifications of any employee of the county or municipal park or recreation department designated to enforce the provisions of this section if the designated employee is not a regular law enforcement officer.

(4) **DUMPING LITTER ACTS PROHIBITED.**—It is unlawful for any person to ~~dump~~ ~~throw, discard, place, or deposit~~ litter in any manner or amount:

(a) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor; when any litter is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this section;

(b) In or on any freshwater lake, river, or stream or tidal or coastal water of the state; when any litter is thrown or discarded from a boat, the operator or owner of the boat, or both, shall be deemed in violation of this section; or

(c) In or on any private property, unless prior consent of the owner has been given and unless such litter will not cause a public nuisance or be in violation of any other state or local law, rule, or regulation.

(5) **PENALTIES; ENFORCEMENT.**—

(a) Any person who dumps litter in violation of subsection (4) in an amount not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes is guilty of a noncriminal infraction, punishable by a civil penalty of \$50. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.

(b) Any person who dumps litter in violation of subsection (4) in an amount exceeding 15 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds in weight or 100 cubic feet in volume, and not for commercial purposes is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed. Further, if the violation involves the use of a motor vehicle, upon a finding of guilt, whether or not adjudication is withheld or whether imposition of sentence is withheld, deferred, or suspended, the court shall forward a record of the finding to the Department of Highway Safety and Motor Vehicles, which shall record a penalty of three points on the violator's driver's license pursuant to the point system established by to s. 322.27.

(c) Any person who dumps litter in violation of subsection (4) in an amount exceeding 500 pounds in weight or 100 cubic feet in volume or in any quantity for commercial purposes is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the court may order the violator to:

1. Remove, or render harmless, the litter that he dumped in violation of this section;

2. Repair or restore property damaged by, or pay damages for any damage arising out of, his dumping litter in violation of this section; or

3. Perform public service relating to the removal of litter dumped in violation of this section or to the restoration of an area polluted by litter dumped in violation of this section.

(d) A court may enjoin a violation of this section.

(e) A motor vehicle, vessel, aircraft, container, crane, winch, or machine used to dump litter that exceeds 500 pounds in weight or 100 cubic feet in volume is declared contraband and is subject to forfeiture in the same manner as provided in ss. 932.703 and 932.704.

(f) If a person sustains damages arising out of a violation of this section that is punishable as a felony, a court, in a civil action for such damages, shall order the person to pay the injured party threefold the actual damages or \$200, whichever amount is greater. In addition, the court shall order the person to pay the injured party's court costs and attorney's fees. A final judgment rendered in a criminal proceeding against a defendant under this section estops the defendant from asserting any issue in a subsequent civil action under this paragraph which he would be estopped from asserting if such judgment were rendered in the civil action, unless the criminal judgment was based upon a plea of no contest or nolo contendere.

(g) For the purposes of this section, if a person dumps litter from a commercial vehicle, that person is presumed to have dumped the litter for commercial purposes.

(h) In the criminal trial of a person charged with violating this section, the state does not have the burden of proving that the person did not have the right or authority to dump the litter or that litter dumped on private property causes a public nuisance. The defendant has the burden of proving that he had authority to dump the litter and that the litter dumped does not cause a public nuisance.

~~(a) Any person violating the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082 and 775.083. The court may impose the additional penalties of picking up litter or performing other labor commensurate with the offense committed.~~

~~(i)(b) It shall be the duty of all law enforcement officers, as defined herein, to enforce the provisions of this section.~~

(6) **ENFORCEMENT OF OTHER REGULATIONS.**—This section does not limit the authority of any state or local agency to enforce other laws, rules, or ordinances relating to litter or solid waste management.

**The President presiding**

**Amendment 33**—On page 141, line 17, after "ACTS PROHIBITED." insert: *Unless otherwise authorized by law or permit,*

**Amendment 34**—On page 162, between lines 27 and 28, insert:

Section 87. Section 395.0101, Florida Statutes, is amended to read:

395.0101 Identification, segregation, and separation of biohazardous infectious waste.—Each hospital and ambulatory surgical center shall ensure that biohazardous infectious waste is properly identified, segregated, and separated from other solid waste at the generating facility. Any transporter or potential transporter of such waste shall be notified of the existence and locations of such waste.

(Renumber subsequent sections.)

**Amendment 35**—On page 165, strike all of lines 27-31 and insert:

(8) There is hereby transferred from the Innovative Research Trust Fund to the Solid Waste Management Trust Fund the sum of \$563,000 to be used by the Board of Regents for the High Technology and Industry Council in consultation with the Department of Environmental Regulation for the activities authorized by section 67 of this act. The Board of Regents is authorized to use up to 5 percent of these funds for administrative purposes relating to implementing programs to mobilize scientific and technological resources of the state to expedite and foster programs to recycle materials in the solid waste stream.

**Amendment 36**—On page 166, line 5, strike "\$1.5 million" and insert: \$475,000

**Amendment 37**—On page 166, strike all of lines 29-31 and insert:

(13) There is hereby transferred from the Innovative Research Trust Fund to the Solid Waste Management Trust Fund the sum of \$500,000 to be used by the Department of Environmental Regulation for activities authorized by the Florida Solid Waste Management and

**Amendment 38**—On page 35, between lines 18 and 19, insert:

(9) In the development and implementation of a curbside secondary recyclable materials collection program, a county or municipality shall enter into negotiations with a franchisee who is operating to exclusively collect solid waste at curbside within a service area of a county or municipality to undertake curbside secondary recyclable materials collection responsibilities for a county or municipality. If the county or municipality and such franchisee fail to reach an agreement within 60 days from the initiation of such negotiations, the county or municipality may solicit proposals from other persons to undertake curbside secondary recyclable materials collection responsibilities for the county or municipality, as they may require. Upon the determination of the lowest responsible proposal, such exclusive franchisee shall be given the option of undertaking the responsibilities of the county or municipality consistent with the terms of that proposal. If such exclusive franchisee fails to exercise this option within 10 days, the county or municipality may undertake, or enter into a written agreement with the person who submitted the lowest responsible proposal to undertake the curbside secondary recyclable materials collection responsibilities for the county or municipality, notwithstanding the exclusivity of such franchise agreement. The foregoing notwithstanding, nothing in this section shall be construed to give such franchisee a right of first refusal to contract with the county or municipality for the operation of recycling facilities.

(Renumber subsequent subsections.)

**Amendment 39**—On page 139, line 11, after the period (.) insert: *However, the fee pursuant to this subsection shall not exceed \$10,000 for any dealer who files a consolidated return pursuant to s. 212.11.*

Senator Grizzle moved the following amendment:

**Amendment 40**—On page 32, line 16, strike "1989" and insert: 1990

On motion by Senator Kirkpatrick, further consideration of **CS for CS for SB 1192** was deferred.

#### Consideration of Resolutions

On motion by Senator Weinstein, by two-thirds vote **SR 571** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Weinstein—

**SR 571**—A resolution proclaiming May 28, 1987, as Jewish Federation Celebration "20."

WHEREAS, twenty years ago a small group of men and women from North Broward County saw the need to organize and develop the Jewish community's central organization and major Jewish philanthropy, the United Jewish Appeal Campaign, and

WHEREAS, the need to provide vital social service and humanitarian programs to the brave men, women, and children of Israel during the crisis of the struggle for the survival of the Jewish State was apparent to the Jewish Federation of Greater Fort Lauderdale, and

WHEREAS, thousands of our Jewish brethren in 34 lands around the world turn to American Jewry for life-saving, life-sustaining programs, and

WHEREAS, in North Broward County tens of thousands of Jewish men's, women's, and children's lives are enriched and strengthened in an array of Jewish needs; cultural, religious, educational, family welfare, leisure, care of the aged, and interfaith relations, NOW, THEREFORE,

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

That May 28, 1987, is declared to be Jewish Federation Celebration "20" in honor of the 20th Anniversary of the Jewish Federation of Greater Fort Lauderdale, and the Senate hereby calls upon all people to observe this special occasion of the North Broward County Jewish community's central organization historically rooted in centuries of tradition and adapted to the patterns and practicalities of our American society.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Jewish Federation of Greater Fort Lauderdale as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and unanimously adopted.

Senator Weinstein introduced the following special guests: Rabbi David Gordon, Rabbi Mark Gross; Esther Cannon, President, South Florida Hadassah Council; Joel Telles, Community Relations Director, Jewish Federation of Fort Lauderdale; Dr. Abraham Gittleson, Education Director, Jewish Federation of Fort Lauderdale; and Marty Lipnack, Former Board Member and Legislative Director, Jewish Federation of Fort Lauderdale.

At the request of the President, Senator Weinstein escorted Rabbi Gordon, Rabbi Gross, Ms. Cannon, Mr. Telles, Dr. Gittleson and Mr. Lipnack to the rostrum where they were presented copies of the resolution.

On motion by Senator Meek, by unanimous consent—

By Senators Meek, Gordon, Girardeau, Margolis, Grant, Weinstock, Stuart, D. Childers, Hill, Crenshaw, Frank, Dudley, Weinstein, Malchon, Plummer, Brown, Hair, Scott, Jenne, Hollingsworth, Johnson, Kiser, Ros-Lehtinen, Lehtinen, Vogt and Thomas—

**SR 1416**—A resolution recognizing the 40th anniversary of the creation of the State of Israel.

WHEREAS, the State of Israel was created on May 14th, 1948, and 1988 thus marks the 40th anniversary of its rebirth as a sovereign nation, and

WHEREAS, the people of the United States have a special friendship and relationship with Israel, characterized by their common commitments to freedom and democracy, and the people of Florida also share an emphasis on tourism and agriculture, as elements of their economies, and

WHEREAS, in the brief period of 40 years since its rebirth, Israel has created a remarkable record of achievement in agriculture, science, medicine, and technology and has generously shared the fruits of its brilliant successes in these fields with dozens of third world countries, and

WHEREAS, the people and the government of Israel have welcomed, integrated, and absorbed hundreds of thousands of refugees from post World War II Europe, Ethiopia, the Soviet Union, Iran, Iraq, and many other countries, while maintaining their economic and defense responsibilities and commitments with courage and strength, and

WHEREAS, the achievements of Israel constitute a tribute to the ideals of democracy and freedom, NOW, THEREFORE,

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

That the people and the nation of Israel are hereby congratulated on the 40th anniversary of the creation of the State of Israel, and that the Senate does hereby call upon all people in the State of Florida to participate in the various celebrations of this event, recalling the ancient expression of good wishes from the Bible that Israel may continue to grow from strength to strength in the years ahead.

BE IT FURTHER RESOLVED that copies of this resolution, with the seal of the Senate affixed, be sent to Ambassador Rachamim Timor, Consul General for Israel in Florida, and to the Presidents of the Jewish Federations in Florida.

—was introduced out of order and read by title. On motion by Senator Meek, **SR 1416** was read the second time in full and unanimously adopted.

On motion by Senator Weinstein, by two-thirds vote **SR 1132** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Weinstein—

**SR 1132**—A resolution calling upon Kurt Waldheim, President of Austria, to resign his position because of his complicity in Nazi war crimes.

WHEREAS, the International Historians' Commission concluded that Austrian President Kurt Waldheim had intimate guilty knowledge of Nazi atrocities, and

WHEREAS, specifically, the Commission reported that despite his strong denials, Waldheim was unquestionably a member of the Nazi Student Federation, and

WHEREAS, Waldheim's assertion, repeated as recently as January 28, 1988, that he had no idea of the fate awaiting the deportation of Greek Jews was found by the Commission to be unbelievable, and

WHEREAS, although Waldheim denied in writing that he had served in an army unit that was linked with war crimes against partisans operating in the Balkans and with the deportation of Greek Jews, the Commission found ". . . there is enough evidence to show that the Army in general, and Army Group E (in which Waldheim served) in particular, was involved in the deportation of Jews . . .," and

WHEREAS, despite Waldheim's claims that it would have been suicide to resist orders, the Commission reported that "latest research has turned up no example of . . . [a soldier being punished for] . . . refusing to take part in the murder of civilians" and cited two concrete examples of successful resistance by German officers in Greece, and

WHEREAS, the Commission stated that Waldheim "repeatedly assisted in connection with illegal actions and thereby facilitated . . . execution[s]," and

WHEREAS, the victims of such illegal actions were tens of thousands of Greeks, Italians, and Yugoslavs, both Christians and Jews, and

WHEREAS, despite Waldheim's claim that knowledge is not a crime, the Commission, citing the 1946 Nuremberg ruling on passive participation in war crimes, stated, "In general, a certain degree of guilt can be incurred by the mere knowledge of human rights violations at one's own post, if the person in question--through a lack of strength or courage--fails in his human duty to intervene against injustice," and

WHEREAS, the United States Department of State, in a most extraordinary decision, placed a head of state on its Watch List, thereby denying Kurt Waldheim admission to this country, NOW, THEREFORE,

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

That the Florida Senate pause in its deliberations to call upon Kurt Waldheim, President of Austria, to resign his office.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be transmitted to Kurt Waldheim and to the Chancellor of Austria.

—was taken up out of order by unanimous consent, read the second time in full and unanimously adopted.

#### SPECIAL ORDER, continued

The Senate resumed consideration of—

**CS for 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; allowing local governments to impose certain conditions on an occupational license; 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; prohibiting local governments from discriminating against privately owned 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 motor vehicle 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; amending s. 395.002, F.S.; redefining the term "solid waste" for the purposes of laws regulating hospitals to include biohazardous waste; amending s. 212.08, F.S.; exempting certain machinery and equipment, related to recycling, from sales tax; 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 coordinate solid and hazardous waste research, training, and service

activities; specifying research activities; 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 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; creating the Applications Demonstration Center for Resource Recovery from Solid Organic Materials, and prescribing its duties; creating an advisory council for the center; amending s. 197.102, F.S.; amending and providing definitions; amending s. 197.322, F.S.; specifying requirements for ad valorem and non-ad valorem tax rolls; amending s. 197.363, F.S.; providing for collection of special assessments; creating s. 197.3631, F.S.; providing for non-ad valorem assessments; creating s. 197.3632, F.S.; providing definitions; specifying a method for levy, collection, and enforcement of special assessments; creating s. 197.3635, F.S.; providing for a combined notice of ad valorem taxes and non-ad valorem assessments; transferring s. 203.10, F.S., to s. 403.7215, F.S.; providing appropriations; providing an effective date.

—with pending Amendment 40.

Further consideration of CS for CS for SB 1192 was deferred.

#### RECESS

On motion by Senator Barron, the Senate recessed at 12:03 p.m. to reconvene at 2:00 p.m.

#### AFTERNOON SESSION

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

Mr. President	Frank	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	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jennings	Myers	Woodson
Dudley	Johnson	Peterson	

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote CS for SB 63, CS for CS for SB 130, SB 281, CS for SB 363, SB 435, CS for CS for SB 446, CS for SB 522, Senate Bills 523, 537, 544, 607, CS for SB 642, Senate Bills 704, 706, CS for SB 711, Senate Bills 827 and 1342 were withdrawn from the Committee on Appropriations.

On motion by Senator Langley, by two-thirds vote CS for SB 845 was withdrawn from the Committee on Judiciary-Civil.

#### SPECIAL ORDER, continued

The Senate resumed consideration of—

**CS for 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; allowing local governments to impose certain conditions on an occupational license; 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; prohibiting local governments from discriminating against privately owned 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 motor vehicle 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; amending s. 395.002, F.S.; redefining the term "solid waste" for the purposes of laws regulating hospitals to include biohazardous waste; amending s. 212.08, F.S.; exempting certain machinery and equipment, related to recycling, from sales tax; 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 coordinate solid and hazardous waste research, training, and service activities; specifying research activities; 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 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; creating the Applications Demonstration Center for Resource Recovery from Solid Organic Materials, and prescribing its duties; creating an advisory council for the center; amending s. 197.102, F.S.; amending and providing definitions; amending s. 197.322, F.S.; specifying requirements for ad valorem and non-ad valorem tax rolls; amending s. 197.363, F.S.; providing for collection of special assessments; creating s. 197.3631, F.S.; providing for non-ad valorem assessments; creating s. 197.3632, F.S.; providing definitions; specifying a method for levy, collection, and enforcement of special assessments; creating s. 197.3635, F.S.; providing for a combined notice of ad valorem taxes and non-ad valorem assessments; transferring s. 203.10, F.S., to s. 403.7215, F.S.; providing appropriations; providing an effective date.

—with pending Amendment 40.

Senator Langley moved the following substitute amendment which was adopted:

**Amendment 41**—On page 32, line 15, strike "implement" and insert: initiate

#### Senator Peterson presiding

On motion by Senator Kiser, the Senate reconsidered the vote by which Amendment 8 was adopted.

**Amendment 8** failed.

Senator Grizzle moved the following amendments which failed:

**Amendment 42**—On page 32, strike all of lines 26-29 and renumber subsequent sections.

**Amendment 43**—On page 33, line 9, strike the period (.) and insert: or waste reduction programs.

**Amendment 44**—On page 33, line 17, after the period (.) insert: Local governments which, prior to the effective date of this act, have incurred bonded indebtedness for the purpose of implementing a waste-to-energy facility, shall be considered to have met the waste reduction goals set forth in this act, unless such facilities fail to meet the requirements of their operating permits.

**Amendment 45**—On page 41, strike all of lines 15-21

Senator Grizzle moved the following amendment which was adopted:

**Amendment 46**—On page 141, lines 19-21, strike all underlined words

Senator Deratany moved the following amendments which were adopted:

**Amendment 47**—On page 58, strike all of lines 23 and 24 and insert: Regulation, in cooperation with Brevard, Dixie, Taylor, Wakulla, and Franklin counties, shall undertake demonstration projects in fiscal

**Amendment 48**—On page 166, line 17, strike "\$200,000" and insert: \$500,000

Senator Hollingsworth moved the following amendment which was adopted:

**Amendment 49**—On page 70, line 24, strike "completed" and insert: *finalized by the Cabinet*

Senator Johnson moved the following amendment:

**Amendment 50**—On page 128, line 16, strike "one-tenth of one cent" and insert: two cents

Further consideration of CS for CS for SB 1192 as amended was deferred.

The hour of 3:00 p.m. having arrived, the Senate proceeded to consideration of—

#### LOCAL CALENDAR

On motions by Senator Deratany, by two-thirds vote HB 1373 was withdrawn from the Committees on Natural Resources and Conservation and Rules and Calendar.

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

**HB 1373**—A bill to be entitled An act relating to the Sebastian Inlet District in Indian River and Brevard Counties; amending sections 1, 7, 8, 9, 15, 27, and 28 of chapter 7976, Laws of Florida, 1919, as amended; amending the name of the District; providing for additional officers of the District; applying the purpose of the District; setting out the compensation of the commissioners; establishing an exemption to the requirements, for performance, payment, and surety bonds; allowing the vacation of District lands and easements and transfer of such lands and easements; altering reporting dates; providing an effective date.

—a companion measure, was substituted for SB 977 and by two-thirds vote read the second time by title. On motion by Senator Deratany, by two-thirds vote HB 1373 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

On motion by Senator Brown—

**HB 1088**—A bill to be entitled An act relating to the City of Ormond Beach, Volusia County; authorizing the extension and enlargement of the corporate limits of the city to include unincorporated real property in Flagler County, subject to approval of the Flagler County Commission and specified interlocal agreements; providing conditions; providing an effective date.

—a companion measure, was substituted for CS for SB 1335 and read the second time by title. On motion by Senator Brown, by two-thirds vote HB 1088 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**SB 1380**—A bill to be entitled An act relating to conditional zoning in Marion County; amending s. 3 of ch. 85-464, Laws of Florida; deleting the requirement that conditions be proffered before the public hearing at which the request for zoning is approved; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 1380 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **SB 1381** was deferred.

On motion by Senator Brown—

**HB 408**—A bill to be entitled An act relating to Volusia County; amending chapter 57-2085, Laws of Florida, as amended; specifying permissible categories of expenditures which may be authorized by the West Volusia Hospital Authority in the operation of the hospital district; granting power to set time for performance of physical inventories; providing an effective date.

—a companion measure, was substituted for SB 1383 and read the second time by title. On motion by Senator Brown, by two-thirds vote HB 408 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**SB 1384**—A bill to be entitled An act relating to Marion County; amending s. 3 of ch. 85-466, Laws of Florida; expanding the classifications of the real property against which a special assessment for road improvements may be levied; deleting the requirement that a petition be signed by a specified percentage of landowners before a special assessment may be levied to make road improvements in the county; providing for the county to adopt procedures providing for public notice and hearing regarding such road improvement; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 1384 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Johnson, by two-thirds vote **HB 1325** was withdrawn from the Committee on Rules and Calendar.

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

**HB 1325**—A bill to be entitled An act relating to the Sarasota County Public Hospital Board, Sarasota County; adding Section 8(r), chapter 26468, Special Laws of Florida, Extraordinary Session 1949, as amended, relating to powers of the Hospital Board to invest its funds; providing for severability; providing an effective date.

—a companion measure, was substituted for SB 1385 and by two-thirds vote read the second time by title. On motion by Senator Johnson, by two-thirds vote **HB 1325** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Plummer, by two-thirds vote **HB 1592** was withdrawn from the Committee on Rules and Calendar.

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

**HB 1592**—A bill to be entitled An act relating to the Monroe County Mosquito Control District; amending section 2 of chapter 67-1726, Laws of Florida, as amended; providing for amendment of the description of the division of the districts of the Monroe County Mosquito Control District; providing an effective date.

—a companion measure, was substituted for SB 1395 and by two-thirds vote read the second time by title. On motion by Senator Plummer, by two-thirds vote HB 1592 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Johnson, by two-thirds vote HB 1414 was withdrawn from the Committee on Rules and Calendar.

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

**HB 1414**—A bill to be entitled An act relating to the South Venice Special Tax Road District, Sarasota County; amending sections 3 and 4 of chapter 57-1839, Laws of Florida, as amended, deleting the tax cap; providing an effective date.

—a companion measure, was substituted for SB 1404 and by two-thirds vote read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 1414 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **SB 1409** was deferred.

**SB 1410**—A bill to be entitled An act relating to the Port Everglades Authority, Broward County; amending section 9 of part IV of chapter 59-1157, Laws of Florida, as amended; prescribing the method of filling vacancies in the office of port commissioner when the vacated office was filled by appointment of the Broward County Board of County Commissioners; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote SB 1410 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Langley, by two-thirds vote HB 1436 was withdrawn from the Committee on Rules and Calendar.

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

**HB 1436**—A bill to be entitled An act relating to the City of Tavares, Lake County; providing for the deannexation of a portion of State Road 500 from the municipal limits of the city; providing an effective date.

—a companion measure, was substituted for SB 1411 and by two-thirds vote read the second time by title. On motion by Senator Langley, by two-thirds vote HB 1436 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Langley—

**HB 1525**—A bill to be entitled An act relating to the Town of Lady Lake, Lake County; extending the boundaries of the town to include a portion of the right-of-way of State Road 500; providing an effective date.

—a companion measure, was substituted for SB 1412 and read the second time by title.

Senator Langley moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 14, strike "Marion" and insert: Sumter

On motion by Senator Langley, by two-thirds vote HB 1525 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 524**—A bill to be entitled An act relating to Sarasota County; prohibiting the use of a gill net in the saltwaters of Sarasota County without a license; providing for an annual license fee; providing for the form of the license; providing for display; providing for disposition of license fees; providing for application of the act; providing that persons holding or applying for a saltwater products license may credit that license fee against the gill net license fee; providing that certain similar licenses issued in other Florida counties shall be valid in Sarasota County; providing a penalty; providing for repeal; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 524 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Barron	Childers, W. D.	Dudley	Grant
Beard	Crawford	Frank	Grizzle
Brown	Crenshaw	Girardeau	Hair
Childers, D.	Deratany	Gordon	Hill

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

Nays—None

**HB 532**—A bill to be entitled An act relating to the Pinellas Sports Authority; amending chapter 77-635, Laws of Florida, deleting provisions relating to exemption from ad valorem taxation; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote HB 532 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 547**—A bill to be entitled An act relating to Charlotte County; amending sections 8 and 19 of chapter 65-1357, Laws of Florida, as amended, relating to the Charlotte County Development Authority; revising provisions relating to compensation and travel expenses of authority members and ratification of prior actions; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 547 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 607**—A bill to be entitled An act relating to the East Mulloch Drainage District, Lee County; amending s. 1 of chapter 63-930, Laws of Florida; expanding the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 607 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

**HB 617**—A bill to be entitled An act relating to the boundary between the Cities of Rockledge and Cocoa in Brevard County; redefining that boundary by transferring a portion of the City of Rockledge to the City of Cocoa; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote HB 617 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 688**—A bill to be entitled An act relating to Manatee County; amending section 5 of chapter 85-452, Laws of Florida, relating to the Ellenton Fire Control District; revising language with respect to the authority to levy special assessments; amending section 15 of chapter 85-452, Laws of Florida, as amended, increasing the Ellenton Fire Control District rates and the special assessment schedule; providing an effective date.

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 688 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 689**—A bill to be entitled An act relating to Manatee County; amending subsections (2)(e) and (3) of section 15 of chapter 84-478, Laws of Florida, as amended, relating to the Cedar Hammock Fire Control District; amending the schedule of special assessments; providing an effective date.

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 689 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

**HB 690**—A bill to be entitled An act relating to Manatee County; amending section 15 of chapter 84-476, Laws of Florida, as amended; increasing the rates of special assessments that may be charged by the Anna Maria Island Fire Control District; providing an effective date.

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 690 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 810**—A bill to be entitled An act relating to Hillsborough County; providing that the Sheriff of Hillsborough County may provide the cost of certain items to bailiffs under certain circumstances; authorizing an appropriation by the Board of County Commissioners of Hillsborough County to fund said cost; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote HB 810 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 811**—A bill to be entitled An act relating to the Hillsborough County Department of Criminal Justice Information; amending sections 1 and 4 of chapter 83-414, Laws of Florida; providing for the transfer of the Hillsborough County Department of Criminal Justice Information and funds therefor to the Hillsborough County Board of County Commissioners; providing that the County Administrator shall administer said department; providing that employees, with certain exemptions, shall be subject to civil service laws; providing that the department shall be renamed as the Hillsborough County Justice Information System; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote HB 811 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

**HB 812**—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending section 3 of chapter 23559, Laws of Florida, 1945, as amended by chapter 81-497, Laws of Florida, providing for Divisions A and B of the General Employees Retirement Plan and for membership in each; adding subsection (D) to section 7 of chapter 23559, Laws of Florida, 1945, as amended by chapter 81-497, Laws of Florida, providing for certain employees to elect to receive credit in the General Employees Pension Fund, under certain conditions; amending section 17 of chapter 23559, Laws of Florida, 1945, as amended by chapter 81-497, Laws of Florida, providing officers, department heads and appointive officers shall have the same status as permanent employees in the pension plan and providing for their participation in Division B of the General Employees Pension Plan under certain conditions; repealing paragraph 4. of subsection (C) of section 6 of chapter 23559, Laws of Florida, 1945, as amended by chapter 81-497, Laws of Florida, relating to the use and/or taking of pension funds created by said act; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote HB 812 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 856**—A bill to be entitled An act relating to the City of Jacksonville, amending chapter 67-1320, Laws of Florida, as amended; being the Charter of the City of Jacksonville by adding subsection (26) to section 17.06, to exempt certain positions from civil service status; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 856 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 912**—A bill to be entitled An act relating to the City of Lake Worth, Palm Beach County; repealing chapter 72-592, Laws of Florida, as amended; abolishing the Lake Worth Downtown Development Authority; providing that the property of the former Lake Worth Downtown Development Authority is the property of the City of Lake Worth, subject to the outstanding obligations of the authority; providing for a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Weinstock, by two-thirds vote HB 912 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—39

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

## Nays—None

**HB 913**—A bill to be entitled An act relating to the Indian Trail Water Control District, Palm Beach County; amending sections 5 and 7 of chapter 57-646, Laws of Florida, as amended; establishing monthly meetings of the board of supervisors; providing the authority for the board of supervisors to adopt a plan defining single member districts in the activated units of development and a rural district; providing for definitions; providing the authority for the board of supervisors to redistrict the urban and rural districts; providing for the expiration of the terms of the existing members of the board of supervisors in 1988; providing for the qualification of the candidates for the board of supervisors; requiring public hearings; providing for public notice of public hearings; prescribing a procedure for electing members of the board of supervisors; establishing election rules; providing for a change in the term of office for the members of the board of supervisors elected in 1988; establishing residency requirements for certain supervisors after 1992; expanding the board of supervisors from five to seven members; requiring landowner input regarding certain actions taken by the board of supervisors; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 913 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—39

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

## Nays—None

**HB 914**—A bill to be entitled An act relating to the Loxahatchee Groves Water Control District, Palm Beach County, created pursuant to chapter 298, F.S.; authorizing the construction, maintenance, improvement, and repair of roads and roadways by the district; providing for the creation of uniform standards for sizes of culverts connecting to works of the district and providing for enforcement thereof; providing for the district to require maintenance of swales, drainage ditches, culverts, or canals connecting to works of the district and providing for the enforcement thereof; providing for the levying, imposing, and collecting of special assessments upon lands within the district for the construction, maintenance, improvement, and repairs of roads or roadways and establishing the procedure therefor; providing for the issuance of special assessment bonds to pay for all or any part of a system of roads and roadways and any improvements thereto; establishing a procedure with respect to the issuance of such bonds; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 914 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—39

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

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

## Nays—None

**HB 1179**—A bill to be entitled An act relating to Saint Lucie County; amending section 1 of chapter 57-1790, as amended by chapter 71-895, Laws of Florida, relating to the Saint Lucie County Law Library; expanding authority of board of trustees to establish one or more law library facilities within Saint Lucie County as appropriate; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 1179 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—39

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

## Nays—None

**HB 1240**—A bill to be entitled An act relating to Broward County; providing that any person in the employ of the Clerk of the Circuit and County Courts, except for a deputy clerk, has all of the rights of an employee of any other county officer; limiting the number of persons who may be designated as deputy clerks; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 1240 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—39

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

## Nays—None

**HB 1242**—A bill to be entitled An act relating to the City of Sunrise, Broward County; deannexing, amending and clarifying the status of six specific properties known as a portion of "NEW RIVER ESTATES SECTION ONE" located within the Development known as 84 South; providing that contracts in force prior to deannexation shall not be affected; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 1242 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—39

Barron	Childers, W. D.	Dudley	Grant
Beard	Crawford	Frank	Grizzle
Brown	Crenshaw	Girardeau	Hair
Childers, D.	Deratany	Gordon	Hill

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

Nays—None

**HB 1243**—A bill to be entitled An act relating to the Central Broward Drainage District, Broward County; amending section 7 of chapter 61-1439, Laws of Florida, as amended; providing that the election of the chairperson and vice-chairperson of the district board of commissioners shall take place at the meeting elected commissioners are installed in office following general election for commissioners in 1988 and following the general election for commissioners in each even-numbered year thereafter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 1243 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 1245**—A bill to be entitled An act relating to Port Everglades Authority, Broward County; amending section 6 of article 1 of part II of chapter 59-1157, Laws of Florida, as amended; increasing the maximum compensation and expense allowance of port commissioners; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 1245 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 1249**—A bill to be entitled An act relating to Port Everglades Authority, Broward County; repealing section 7(a)(2)d, part IX of chapter 59-1157, Laws of Florida, as amended, relating to campaign contributions for candidates for the port commission and redesignating sections 7(a)(2)e, f, and g; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendments which were adopted:

**Amendment 1**—On page 1, lines 12-31, strike all of section 1 and insert:

Section 1. Subparagraph d. of paragraph (2) of subsection (a) of section 7 of part IX of chapter 59-1157, Laws of Florida, as amended by section 1 of chapter 74-441, Laws of Florida, is hereby repealed.

**Amendment 2**—In title, on page 1, lines 6 and 7, strike “and redesignating sections (7)(a)(2)e, f, and g”

On motion by Senator Jenne, by two-thirds vote HB 1249 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 1250**—A bill to be entitled An act relating to the City of Tamarac, Broward County; extending and enlarging the corporate limits of the City of Tamarac to include specified unincorporated lands within said corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 1250 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 1292**—A bill to be entitled An act relating to Washington County; providing for membership, appointment, terms, removal, compensation, and powers of members of the Washington County Hospital Board of Trustees; providing for the appointment, terms, removal, compensation, and powers of the members of the Washington County Hospital Board of Trustees; repealing chapter 76-502, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 1292 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 1381**—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending sections 1, 3, 9, 22, and 27 of chapter 84-510, Laws of Florida; providing for designation of employees in the unclassified service of the City; providing for disqualification of a member of the Civil Service Board; providing certain retirement benefits for staff of the Civil Service Board; increasing entrance eligible list; providing for reporting and transcription of disciplinary hearings; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1381 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**SB 1415**—A bill to be entitled An act relating to Citrus County, Homosassa Special Water District; amending section 17(j) of chapter 63-1222, Laws of Florida, as amended, by providing that either the county tax collector or water district board of commissioners may collect special assessment liens; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 1415 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 1246**—A bill to be entitled An act relating to Port Everglades Authority, Broward County; amending chapter 59-1157, Laws of Florida, as amended; removing certain lands from the definition and description of "port operational lands"; amending section 6, article 2, part VI of chapter 59-1157, Laws of Florida, as amended; authorizing the lease of certain lands for a term not in excess of 99 years; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 1246 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**HB 1247**—A bill to be entitled An act relating to Port Everglades Authority, Broward County; amending chapter 59-1157, Laws of Florida, as amended; removing certain lands from the definition and description of "port operational lands"; imposing restrictions on the lease of certain jurisdictional lands; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 1247 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

**HB 1248**—A bill to be entitled An act relating to Port Everglades Authority, Broward County; amending section 3(j), Article 3, Part III of Chapter 59-1157, Laws of Florida, as amended; conforming the requirement to competitively bid certain purchases to the requirements of section 1(b), Part IX of Chapter 59-1157, Laws of Florida, as amended; amending section 1(b) and (c), Part IX of Chapter 59-1157, Laws of Florida, as amended; providing that the purchase of goods, supplies, materials, or equipment and the construction or repair of projects undertaken in conjunction with a project on specified property and by agreement with Broward County may be made without publication of notice and solicitation of bids; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendment which was adopted:

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

The Port Director shall be the chief administrative official, and shall be responsible to the Port Commission for the proper administration of all affairs of, the Port Authority. His functions, duties and powers shall include, but not be limited to the following:

On motion by Senator Jenne, by two-thirds vote HB 1248 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**HB 1411**—A bill to be entitled An act relating to Fort Myers Shores Fire District, Lee County; amending subsection (2) of section 8 of chapter 76-409, Laws of Florida, relating to the deposit of proceeds of assessments and checks written on funds of the district; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment which was adopted:

**Amendment 1**—In title, on page 1, line 2, after "Fire" insert: Protection and Rescue

On motion by Senator Dudley, by two-thirds vote HB 1411 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

**HB 616**—A bill to be entitled An act relating to Duval County; creating a home rule charter for the City of Neptune Beach, prescribing powers, form of government, boundaries, and repealing special acts relating thereto; providing effective dates.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 616 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**SB 1391**—A bill to be entitled An act relating to Palm Beach County; amending sections 3, 4, 6, 9, and 12 of chapter 87-450, Laws of Florida; relating to the Palm Beach County Health Care Act; providing for the prohibition of hospital construction by the district; providing for the adoption of criteria for the provision of health care; providing for the membership of the district board; providing for limitations on the assessment and levying of ad valorem taxes for the district; providing for the membership of subdistrict boards of the Palm Beach County Health Care District; providing for the submission of an annual report and budget to the Palm Beach County Board of County Commissioners by the district board; providing for the submission of an annual report and budget to the Palm Beach County Legislative Delegation; providing severability; providing an effective date.

—was read the second time by title.

Senator Weinstock moved the following amendments which were adopted:

**Amendment 1**—On page 2, line 23, strike “county” and insert: Palm Beach County

**Amendment 2**—On page 4, line 18, after “five” insert: Community based

On motion by Senator Weinstock, by two-thirds vote SB 1391 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**SPECIAL ORDER, continued**

The Senate resumed consideration of—

**CS for 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; allowing local governments to impose certain conditions on an occupational license; 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; prohibiting local governments from discriminating against privately owned 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 motor vehicle 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; amending s. 395.002, F.S.; redefining the term "solid waste" for the purposes of laws regulating hospitals to include biohazardous waste; amending s. 212.08, F.S.; exempting certain machinery and equipment, related to recycling, from sales tax; 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 coordinate solid and hazardous waste research, training, and service activities; specifying research activities; 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 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; creating the Applications Demonstration Center for Resource Recovery from Solid Organic Materials, and prescribing its duties; creating an advisory council for the center; amending s. 197.102, F.S.; amending and providing definitions; amending s. 197.322, F.S.; specifying requirements for ad valorem and non-ad valorem tax rolls; amending s. 197.363, F.S.; providing for collection of special assessments; creating s. 197.3631, F.S.; providing for non-ad valorem assessments; creating s. 197.3632, F.S.; providing definitions; specifying a method for levy, collection, and enforcement of special assessments; creating s. 197.3635, F.S.; providing for a combined notice of ad valorem taxes and non-ad valorem assessments; transferring s. 203.10, F.S., to s. 403.7215, F.S.; providing appropriations; providing an effective date.

—with pending Amendment 50.

Senator Crawford moved the following substitute amendment which was adopted:

**Amendment 51**—On page 128, line 16, strike "one-tenth of"

Senator Johnson moved the following amendment:

**Amendment 52**—On page 130, line 28, strike "1 cent" and insert: 5 cents

Senator Crawford moved the following substitute amendment which was adopted:

**Amendment 53**—On page 130, line 28, strike "one cent" and insert: two cents

Senator Kirkpatrick moved the following amendment which was adopted:

**Amendment 54**—On page 129, strike all of lines 16-18 and renumber subsequent paragraphs.

Senators McPherson and Meek offered the following amendment which was moved by Senator McPherson and adopted:

**Amendment 55**—On page 96, line 18, after the period (.) insert: The sum of \$90,000 is appropriated from the Solid Waste Management Trust Fund for the purposes of this section.

Senator Kirkpatrick moved the following amendments which were adopted:

**Amendment 56**—In title, on page 7, strike all of lines 28-30 and insert: 403.413, F.S.; revising the Florida Litter Law of 1971; prohibiting the dumping, throwing, discarding, placing, depositing, or disposing of litter, as defined, in certain places; providing penalties; providing for injunctive relief; providing for forfeiture of certain property used in committing certain violations; providing for treble damages, attorney's fees, and court costs; providing that a final judgment in a criminal proceeding estops the defendant from asserting certain issues in a subsequent civil action; providing a presumption; providing for the burden of certain proof in a criminal proceeding; providing for enforcement by specified law enforcement officers; amending s. 322.27,

**Amendment 57**—In title, on page 8, strike all of lines 7-19 and insert: center;

**Amendment 58**—In title, on page 8, line 21, after "F.S.;" insert: amending s. 395.0101, F.S.; substituting the term biohazardous for infectious;

On motion by Senator Kirkpatrick, by two-thirds vote CS for CS for SB 1192 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Deratany, by two-thirds vote CS for SB 274, CS for SB 553, CS for SB 1098, CS for SB 1218, CS for CS for SB 1359, SB 322, CS for SB 1158, CS for SB 1181, CS for SB 1204 and CS for SB 1376 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Jennings, by two-thirds vote CS for SB 1348 was withdrawn from the Committee on Commerce.

On motions by Senator D. Childers, by two-thirds vote HB 541, CS for HB 925 and CS for SB 1134 were withdrawn from the Committee on Education.

Senator Hair presiding

**SPECIAL ORDER, continued**

**SB 907**—A bill to be entitled An act relating to public school site selection; amending s. 235.19, F.S.; requiring that a new site and improvements thereon must be at least 1 mile from existing county detention facilities and state correctional institutions; providing an effective date.

—was read the third time by title, having been considered and amended May 12.

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

**Amendment 2**—On page 1, line 11, through line 16 on page 3, strike all of said language and insert:

Section 1. Section 235.19, Florida Statutes, is amended to read:

235.19 Site planning and selection.—

(4) Sites recommended for purchase, or purchased, in accordance with the provisions of chapter 230 or chapter 240 shall meet standards prescribed therein and such supplementary standards as may be prescribed by the state board to promote the educational interests of the students. Each site shall be well drained and reasonably free from mud, and the soil shall be adaptable to landscaping and suitable for outdoor educational purposes. Insofar as is practicable, the site shall not be located within any path of flight approach of any airport or adjoin a right-of-way of any railroad or through highway and shall not be adjacent to any prison, jail, factory or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program.

**Amendment 3**—In title, on page 1, lines 3-7, strike everything after the semicolon (;) on line 3 through "institutions" on line 7 and insert: prohibiting sites for educational facilities from being adjacent to prisons and jails when practicable

On motion by Senator Weinstock, SB 907 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford

Consideration of CS for SB 521 was deferred.

**CS for SB 615**—A bill to be entitled An act relating to corporations; amending s. 607.109, F.S., which provides requirements with respect to control-share acquisitions; specifying that certain persons shall not be deemed to be part of a "group" or to be an "acquiring person" for purposes of such requirements; amending s. 660.41, F.S., relating to certain fiduciary functions of corporations; revising language relating to corporations as transfer agents; providing an effective date.

—was read the second time by title.

One amendment was adopted to CS for SB 615 to conform the bill to HB 654.

Pending further consideration of CS for SB 615 as amended, on motion by Senator Grant, by two-thirds vote HB 654 was withdrawn from the Committee on Commerce.

On motion by Senator Grant—

**HB 654**—A bill to be entitled An act relating to corporations; amending s. 607.109, F.S., which provides requirements with respect to control-share acquisitions; specifying that certain persons shall not be deemed to be part of a "group" or to be an "acquiring person" for purposes of such requirements; amending s. 660.41, F.S., relating to certain prohibited fiduciary functions of corporations; revising language relating to corporations as transfer agents; providing an effective date.

—a companion measure, was substituted for CS for SB 615 and read the second time by title. On motion by Senator Grant, by two-thirds vote HB 654 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford

**SB 682**—A bill to be entitled An act relating to insurance; amending s. 626.752, F.S.; limiting when an agent may place private passenger motor vehicle insurance with certain insurers; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator Grant:

**Amendment 1**—On page 1, strike all of lines 9-23 and insert:

Section 1. Section 626.752, Florida Statutes, is amended to read:

626.752 Exchange of business.—

(1)(a) "Excess business" is defined as risks requiring insurance above the limits of that which the agent's own insurer will accept.

(b) "Rejected business" is defined as risks which an agent's own insurer is authorized to write but rejects for underwriting reasons.

(2) Pursuant to rules and regulations adopted by the department, and subject to the provisions of subsection (3) of this section:

(a) An ~~an~~ agent may place with an insurer for which he is not a licensed agent only such excess or rejected business for which he is appointed and licensed, and which the insurer by which he is appointed is authorized to write, ~~with an insurer for which he is not a licensed agent.~~

(b) An ~~However, an~~ agent may place a class of business which his insurer is authorized to write with an insurer for which he is not a licensed agent when it is in the best interest of the insured to do so and whether or not it is rejected business.

(3)(a) An insurer may furnish to resident Florida general lines agents who are not licensed by such insurer its forms, coverage documents, binders, applications, and other incidental supplies only for the purposes set forth in this section and only to the extent necessary to facilitate the writing of exchange of business pursuant to this section. The insurer shall assign an unique brokering agent's register number to each agent not licensed with the insurer but furnished with the insurer's forms, coverage documents, binders, applications, and other incidental supplies.

(b) Each form, coverage document, binder, and application shall contain the following legend prominently displayed which shall be properly and completely filled out by the agent when utilized: "BROKERING AGENT'S REGISTER NO. ."

(c) The following legend must immediately preface a line provided for the applicant's signature on the application which shall be properly and completely filled out by the agent when utilized: "I understand this application is not a binder unless indicated as such on this form by the brokering agent."

(d)1. When business is placed under paragraph (2)(a), the following legend must preface a line provided for the brokering agent's signature which shall be properly and completely filled out by the agent when utilized: "This application is in compliance with Section 626.752, Florida Statutes. A copy has been submitted to the applicant or insured and coverage is: [ ] Bound effective . . . (time) . . . . . (date) . . . ; [ ] Not bound."

2. When business is placed under paragraph (2)(b), the following legend must preface a line provided for the brokering agent's signature which shall be properly and completely filled out by the agent when utilized: "This application is in compliance with Section 626.752, Florida Statutes, and is submitted in the best interest of the applicant or insured to whom a copy has been furnished and coverage is: [ ] Bound effective . . . (time) . . . . . (date) . . . , [ ] Not bound."

(e) The brokering agent shall maintain an appropriate and permanent Brokering Agent's Register, which shall be a bound journal, in which chronologically numbered transactions are entered no later than the day in which the Brokering Agent's application bearing the same number is signed by the applicant. The numbers shall reflect an annual aggregate through numerical sequence and be preceded by the last two digits of the current year. The initial entry shall contain the number of the transaction, date, time, and date of binder, date on which coverage commences, name and address of applicant, type of coverage desired, name of insurer binding the risk or to whom the application is to be submitted, and the amount of any premium collected therefor. By no later than the date following policy delivery, the policy number and coverage expiration date shall be added to the register.

(f) Policies written in accordance with this section shall be properly countersigned in accordance with the provisions of s. 624.425.

(g)1. Any insurer which violates this section as a general business practice, in addition to other penalties as may apply, shall be liable for coverage of any risk placed with such insurer by nonlicensed agents utilizing forms, coverage documents, binders, and applications not bearing the insurer's name provided that such insurer has a history of accepting placement from such agent, which placements have not been made in compliance with the requirements of this section.

2. Any insurer furnishing forms, coverage documents, binders, applications, and incidental supplies to an agent not licensed with said insurer shall keep a log sufficient to identify the agent.

3. With respect to business placed under this section, if an agent collects a premium payment from an insured during the policy period, the payment to the agent shall be deemed to constitute payment to the insurer.

(h)1. No insurer shall furnish forms, coverage documents, binders, applications, and incidental supplies to an agent, for the purposes of this section, whether or not licensed with the insurer, unless the name of the insurer is prominently displayed thereon.

2. No agent shall utilize a form, coverage documents, binder, or application which does not have prominently displaced on its face the insurer's name.

3. No agent shall utilize a form, coverage document, binder, or application not furnished by the insurer or not furnished on behalf of the insurer by its managing general agent with respect to which the form, coverage document, binder, or application applies.

4. The agent shall not place any business pursuant to this section unless the agent has fully complied with all requirements of this section.

5. No insurer shall accept business from an agent not licensed with said insurer on a form, coverage document, binder, or application not furnished to the agent by said insurer; providing, however, in the event an insurer accepts business in violation of this provision the insurer shall be liable for coverage arising thereunder.

6. No business shall be placed pursuant to subsection (2), using a form, coverage document, binder, or application containing the name of more than one insurer with check-off boxes or spaces in which the agent indicates the insurer with which coverage is bound or with respect to which premium is collected.

(i) No provision of this section shall be construed to limit the rights of any person afforded under s. 626.342.

(4)(3) The foregoing limitations and restrictions shall not be construed, and shall not apply to, the placing of surplus lines business under the provisions of part VIII.

(Renumber subsequent sections.)

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

**Amendment 1A**—On page 4, strike line 11 and insert: *the policy period, in the absence of fraud by the agent, the payment to the agent shall be deemed to*

**Amendment 1B**—On page 5, line 14, after the period (.) insert: (5) *A licensed supervising or managing general agent as defined in s. 626.091, when placing business under this section, may charge a per-policy fee not to exceed \$25. In no instance shall the per-policy fee authorized by this subsection, when combined with any other per-policy fee charged by the insurer, result in per-policy fees which exceed \$25. The per-policy fee shall be a component of the insurer's rate filing.*

Senator Hair offered the following amendment to Amendment 1 which was moved by Senator Grant and adopted:

**Amendment 1C**—On page 5, line 15, insert:

Section 2. Paragraph (b) of subsection (2) of section 626.918, Florida Statutes, is amended to read:

626.918 Eligible surplus lines insurers.—

(1) No surplus lines agent shall place any coverage with any unauthorized insurer which is not then an eligible surplus lines insurer as provided for under this section.

(2) No unauthorized insurer shall be or become an eligible surplus lines insurer unless made eligible by the department in accordance with the following conditions:

(a) Eligibility of the insurer must be requested in writing by a licensed surplus lines agent;

(b) The insurer must be currently an authorized insurer in the state or country of its domicile as to the kind or kinds of insurance proposed to be so placed and must have been such an insurer for not less than the 3 years next preceding; or must be the wholly owned subsidiary of an authorized insurer, or must be the wholly owned subsidiary of an already eligible surplus lines insurer or authorized insurer that has been so eligible for a period of not less than the 3 years next preceding. However, the department may waive the 3-year requirement if the insurer provides a product or service not readily available to the consumers of this state or has operated successfully for a period of at least 1 year next preceding and has capital and surplus of \$10 million;

(Renumber subsequent sections.)

**Amendment 1** as amended was adopted.

The Committee on Commerce recommended the following amendment which was moved by Senator Grant:

**Amendment 2**—In title, on page 1, strike all of lines 3-5 and insert: 626.752, F.S., relating to the exchange of business, providing additional restrictions, disclosures and requirements; providing for liability of insurers for coverage written by unlicensed agents under certain circumstances; providing an effective date.

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

**Amendment 2A**—On page 1, line 16, after the semicolon (;) insert: providing for the charging of a per-policy fee;

Senator Hair offered the following amendment to Amendment 2 which was moved by Senator Grant and adopted:

**Amendment 2B**—On page 1, line 16, after the semicolon (;) insert: amending s. 626.918, F.S.; clarifying existing language; providing a waiver of certain requirements by the Department of Insurance with respect to certain surplus lines insurers;

**Amendment 2** as amended was adopted.

On motion by Senator Grant, by two-thirds vote SB 682 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

**SB 714**—A bill to be entitled An act relating to the Florida Adoption Act; amending s. 63.085, F.S.; requiring the intermediary to take certain action when he represents both sides in an adoption proceeding; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 714 to conform the bill to CS for HB 400.

Pending further consideration of SB 714 as amended, on motion by Senator Woodson, by two-thirds vote CS for HB 400 was withdrawn from the Committee on Judiciary-Civil.

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

**CS for HB 400**—A bill to be entitled An act relating to the Florida Adoption Act; amending s. 63.032, F.S., providing that the definition of "primary residence and place of employment in Florida" includes military personnel who designate Florida as their place of residence; amending s. 63.085, F.S.; requiring the intermediary to take certain action when he represents both sides in an adoption proceeding; providing an effective date.

—a companion measure, was substituted for SB 714 and by two-thirds vote read the second time by title. On motion by Senator Woodson, by two-thirds vote CS for HB 400 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford, Gordon

On motion by Senator Hollingsworth, by two-thirds vote HB 1534 was withdrawn from the Committee on Corrections, Probation and Parole.

On motion by Senator Hollingsworth—

**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.

—a companion measure, was substituted for CS for SB 941 and read the second time by title.

Senator Hollingsworth moved the following amendments which were adopted:

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

(3) *When there is evidence that an inmate, while in the custody of the department, has engaged in behavior which places the inmate at a high risk of transmitting or contracting a human immunodeficiency disorder, the department may begin a testing program. For purposes of this subsection, "high-risk behavior" includes:*

1. *Sexual contact with any person.*
2. *An altercation involving exposure to body fluids.*
3. *The use of intravenous drugs.*
4. *Tattooing.*
5. *Any other activity medically known to transmit the virus.*

(4) *The results of such tests shall become a part of that inmate's medical file, accessible only to persons designated by agency rule.*

(5) *The department shall establish policies on the housing, physical contact, dining, recreation, and exercise hours or locations for inmates with immunodeficiency disorders as are medically indicated and consistent with the proper operation of its facilities.*

(6) *The department shall report to the Legislature by*

**Amendment 2**—On page 2, between lines 5 and 6, insert:

Section 2. Section 951.27, Florida Statutes, is created to read:

951.27 *Blood tests of inmates.—*

(1) *Each county and each municipal detention facility shall have a written procedure developed, in consultation with the facility medical provider, establishing conditions under which an inmate will be tested for infectious disease. It is not unlawful for the person receiving the test results to divulge the test results to the sheriff or chief correctional officer. However, such information is exempt from the provisions of ss. 119.01 and 119.07.*

(2) *Serologic blood test results obtained pursuant to subsection (1) may be shared only with employees or officers of the sheriff or chief correctional officer who are responsible for the custody and care of the affected inmate.*

(3) *The results of any serologic blood test on an inmate shall become a part of that inmate's permanent medical file. Upon transfer of the inmate to any other correctional facility, such file shall be transferred in an envelope marked confidential.*

(Renumber subsequent section.)

**Senator Peterson presiding**

**Amendment 3**—In title, on page 1, strike all of lines 2 and 3 and insert: An act relating to correctional facilities and county and municipal detention facilities; creating s. 945.35, F.S.;

**Amendment 4**—In title, on page 1, line 9, after the semicolon (;) insert: providing for testing of inmates and access to records;

**Amendment 5**—In title, on page 1, line 10, after the semicolon (;) insert: creating s. 951.27, F.S.; authorizing testing of inmates; providing for confidentiality of test results;

On motion by Senator Hollingsworth, by two-thirds vote HB 1534 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford, Hair

**SB 1025**—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; expanding the definition of the term "wages" for purposes of ch. 440, F.S., relating to workers' compensation; amending s. 440.13, F.S.; revising the procedure by which an employer, carrier, or injured employee must file certain medical reports with the Division of Workers' Compensation; specifying certain medical record copies relating to an injured employee which a health care provider or a health care facility must provide to the injured employee; authorizing the health care provider or health care facility to charge specified copy costs; repealing a requirement that the division or the Department of Labor and Employment Security adopt, by rule, criteria for utilization review of health care services rendered under the Workers' Compensation Law; amending s. 440.14, F.S.; revising the procedure by which the average weekly wage of certain injured employees is determined; amending s. 440.15, F.S.; increasing the maximum amount of compensation payable for temporary total disability; revising the procedure by which the amount of wage-loss benefits paid for permanent impairment is determined; amending s. 440.185, F.S.; requiring an injured employee to report certain information to his carrier or self-insured employer on a sworn statement; amending s. 440.20, F.S.; revising the procedure by which notice is filed with the division that the right to workers' compensation is controverted; continuing the provision that authorizes lump-sum settlements of workers' compensation claims by repealing the expiration clause applicable thereto; providing for retroactive application of a portion of the act; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 1025 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hair, Stuart

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

**HB 1636**—A bill to be entitled An act relating to the files of the Department of Corrections; amending s. 945.10, F.S.; authorizing the department to grant an inmate access to the files pertaining to him upon court order or upon exceptional circumstances; requiring the department to promulgate rules; providing an effective date.

—a companion measure, was substituted for CS for SB 1043 and by two-thirds vote read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote HB 1636 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Hair, Stuart

**CS for SB 1091**—A bill to be entitled An act relating to commercial feed and feedstuffs; amending s. 580.081, F.S., relating to misbranding; providing administrative penalties for certain ingredient violations;

amending s. 580.121, F.S.; providing penalties for a pattern of noncompliance with the Florida Commercial Feed Law; providing for deposit of penalty payments; repealing s. 580.131(6), F.S., relating to recovery of penalties by consumers; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for SB 1091 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford, Hair, Stuart

**CS for SB 1108**—A bill to be entitled An act relating to the practice of auctioneering; amending ss. 468.381, 468.383, F.S.; providing additional exemptions from provisions regulating the practice of auctioneering; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for SB 1108 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Crawford, Hair, Stuart

On motion by Senator Thurman, the rules were waived and **CS for SB 1108** was ordered immediately certified to the House.

**HB 183**—A bill to be entitled An act relating to municipalities; amending s. 166.045, F.S.; reviving and readopting the exemption from public records requirements for written appraisals, offers, and counteroffers with respect to the proposed purchase of real property by a municipality; providing for future review and repeal; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendments which were moved by Senator Margolis and adopted:

**Amendment 1**—On page 1, line 12, strike everything after the enacting clause and insert:

Section 1. Section 125.355, Florida Statutes, is amended to read:

125.355 Proposed purchase of real property by county; confidentiality of records; procedure.—

(1)(a) In any case in which a county, pursuant to the provisions of this section chapter, seeks to acquire by purchase any real property for a public purpose, every appraisal, offer, or counteroffer must be in writing. Notwithstanding s. 119.14, such appraisals, offers, and counteroffers shall not be available for public disclosure or inspection and are exempt from the provisions of chapter 119 until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the board of county com-

missioners. If a contract or agreement for purchase is not submitted to the board of county commissioners for approval, the exemption from chapter 119 will expire 30 days after the termination of negotiations. The county shall maintain complete and accurate records of every such appraisal, offer, and counteroffer. For the purposes of this section, the term "option contract" means a proposed agreement by the county to purchase a piece of property, subject to the approval of the local governing body at a public meeting after 30 days' public notice. *The county will not be under any obligation to exercise the option unless the option contract is approved by the governing body at the public hearing specified in this section.* The exemptions from chapter 119 that are provided in this paragraph are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

~~(b) The county will not be under any obligation to exercise the option unless the option contract is approved by the governing body at the public hearing specified in this section.~~ If the exemptions provided in this section are this procedure is utilized, the governing body shall obtain at least one appraisal by an appraiser who is a member of an appraisal organization listed in s. 253.025(7)(b) for each purchase in an amount of not more than \$500,000. For each purchase in an amount in excess of \$500,000, the governing body shall obtain at least two appraisals by appraisers who are members of appraisal organizations listed in s. 253.025(7)(b). If the agreed purchase price exceeds the average appraised price of the two appraisals, the governing body is required to approve the purchase by an extraordinary vote. The governing body may, by ordinary vote, exempt a purchase in an amount of \$100,000 or less from the requirement for an appraisal.

(c) *Notwithstanding the provisions of this section, any county that does not choose with respect to any specific purchase to utilize the exemptions from chapter 119 provided in this section may follow any procedure not in conflict with the provisions of chapter 119 for the purchase of real property which is authorized in its charter or established by ordinance.*

(2) Nothing in this section shall be interpreted as providing an exemption from, or an exception to, s. 286.011.

Section 2. Section 166.045, Florida Statutes, is amended to read:

166.045 Proposed purchase of real property by municipality; confidentiality of records; procedure.—

(1)(a) In any case in which a municipality, pursuant to the provisions of this section chapter, seeks to acquire by purchase any real property for a municipal purpose, every appraisal, offer, or counteroffer must be in writing. *Notwithstanding s. 119.14, such appraisals, offers, and counteroffers are not available for public disclosure or inspection and are exempt from the provisions of chapter 119 until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the governing body of the municipality.* If a contract or agreement for purchase is not submitted to the governing body for approval, the exemption from chapter 119 will expire 30 days after the termination of negotiations. The municipality shall maintain complete and accurate records of every such appraisal, offer, and counteroffer. For the purposes of this section, the term "option contract" means a proposed an agreement by the municipality to purchase a piece of property, subject to the approval of the local governing body at a public meeting after 30 days' public notice.

~~(b) The municipality will not be under any obligation to exercise the option unless the option contract is approved by the governing body at the public hearing specified in this section.~~ *The exemptions from chapter 119 that are provided in this paragraph are subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(b) If the exemptions provided in this section are this procedure is utilized, the governing body shall obtain at least one appraisal by an appraiser who is a member of an appraisal organization listed in s. 253.025(7)(b) for each purchase in an amount of not more than \$500,000. For each purchase in an amount in excess of \$500,000, the governing body shall obtain at least two appraisals by appraisers who are members of appraisal organizations listed in s. 253.025(7)(b). If the agreed purchase price exceeds the average appraised price of the two appraisals, the governing body is required to approve the purchase by an extraordinary vote. The governing body may, by ordinary vote, exempt a purchase in an amount of \$100,000 or less from the requirement for an appraisal.

(c) *Notwithstanding the provisions of this section, any municipality that does not choose with respect to any specific purchase to utilize the exemption from chapter 119 provided in this section may follow any procedure not in conflict with the provisions of chapter 119 for the purchase of real property which is authorized in its charter or established by ordinance.*

(2) Nothing in this section shall be interpreted as providing an exemption from, or an exception to, s. 286.011.

~~(3) This section is repealed on October 1, 1988.~~

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

**Amendment 2**—In title, on page 1, strike all of lines 1-9 and insert: An act relating to purchase of real property by a county or municipality; amending s. 125.355, F.S., relating to proposed purchases of real property by a county; clarifying the application of that section; providing that the purchase procedure specified therein is alternative to certain other purchase procedures; amending s. 166.045, F.S., relating to proposed purchases of real property by a municipality; providing that the purchase procedure specified therein is alternative to certain other purchase procedures; continuing the exemptions from public records requirements for written appraisals, offers, and counteroffers with respect to a proposed purchase; deleting the provision providing for termination of the section; providing for future legislative review of these exemptions pursuant to the Open Government Sunset Review Act; providing an effective date.

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

Yeas—30

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Crawford, Hair, Stuart

**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.

—was read the second time by title.

Senator Margolis moved the following amendment:

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

Section 1. Paragraph (b) of subsection (1) of section 320.01, Florida Statutes, as amended by chapter 87-198, Laws of Florida, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(b) A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, as that section may hereafter be amended. As defined below, the basic entities are:

1. The "travel trailer," including a "fifth-wheel travel trailer," which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.

2. The "camping trailer," which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

3. The "truck camper," which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.

4. The "motor home," which is a vehicular unit which does not exceed the length and width limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. The "van conversion" which is a vehicular unit which does not exceed the length and width limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.

6. The "park trailer," which is a transportable unit which has a body width not exceeding 14 1/2 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior walls at the level of maximum dimensions, not and including any bay window that extends to the floor line, and does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

Section 2. Section 320.71, Florida Statutes, is amended to read:

320.71 Nonresident motor vehicle, mobile home, or recreational vehicle dealer's license.—

(1) Any person who is a nonresident of the state, who does not have a dealer's contract from the manufacturer or manufacturer's distributor of motor vehicles, mobile homes, or recreational vehicles authorizing the sale thereof in definite Florida territory, and who sells or engages in the business of selling said vehicles at retail within the state shall register with the Department of Revenue for a sales tax dealer registration number and comply with chapter 212, and pay a license tax of \$2,000 \$750 per annum in each county where such sales are made; \$1,250 \$500 of said tax shall be transmitted to the Department of Banking and Finance to be deposited in the General Revenue Fund of the state, and \$750 \$250 thereof shall be returned to the county. The license tax shall cover the period from January 1 to the following December 31, and no such license shall be issued for any fractional part of a year.

(2) The acceptance by any person of a license under this section shall be deemed equivalent to an appointment by such person of the Secretary of State as the agent of such person upon whom may be served all lawful process in any action, suit, or proceeding against such person arising out of any transaction or operation connected with or incidental to any activities of such person carried on under such license, and the acceptance of such license shall be signification of the agreement of such person that any process against him which is so served shall be of the same legal force and validity as if served personally on him. Service of such process shall be in accordance with and in the same manner as now provided for service of process upon nonresidents under the provisions of chapter 48.

Section 3. Paragraphs (a) and (b) of subsection (1), paragraphs (h), (j), and (k) of subsection (3), and subsections (6), (7), and (11) of section 320.77, Florida Statutes, are amended to read:

320.77 License required of mobile home and recreational vehicle dealers.—

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

(a) "Dealer" means any person engaged in the business of buying, selling, or dealing in mobile homes or recreational vehicles or offering or displaying mobile homes or recreational vehicles for sale. The term "dealer" includes a mobile home or recreational vehicle broker. Any person who buys, sells, deals in, or offers or displays for sale, or who acts as the agent for the sale of, one or more mobile homes or recreational vehicles in any 12-month period shall be prima facie presumed to be a dealer. The terms "selling" and "sale" include lease-purchase transactions. The term "dealer" does not include banks, credit unions, and finance companies that acquire mobile homes or recreational vehicles as an incident to their regular business and does not include mobile home rental and leasing companies that sell mobile homes or recreational vehicles to dealers licensed under this section. Any licensed dealer dealing exclusively in mobile homes shall not have benefit of the privilege of using dealer license plates.

(b) "Mobile home or recreational vehicle broker" means any person who is engaged in the business of offering to procure or procuring used mobile homes or recreational vehicles for the general public; who holds himself out through solicitation, advertisement, or otherwise as one who offers to procure or procures used mobile homes or recreational vehicles for the general public; or who acts as the agent or middleman on behalf of the owner or seller of a used mobile home which is for sale or who assists or represents the seller in finding a buyer for the mobile home.

(3) APPLICATION.—The application for such license shall be in the form prescribed by the department and subject to such rules as may be prescribed by it. The application shall be verified by oath or affirmation and shall contain:

(h) Certification by the applicant that the location is a permanent one, not a tent or a temporary stand or other temporary quarters; and, except in the case of a mobile home or recreational vehicle broker, that the location affords sufficient unoccupied space to store all mobile homes and recreational vehicles offered and displayed for sale; and that the location is a suitable place in which the applicant can in good faith carry on business and keep and maintain books, records, and files necessary to conduct such business, which will be available at all reasonable hours to inspection by the department or any of its inspectors or other employees. This subsection shall not preclude a licensed mobile home dealer from displaying and offering for sale mobile homes in a mobile home park.

(j) A statement that the applicant is insured under a garage liability insurance policy, which shall include, at a minimum, \$25,000 combined single limit liability coverage, including bodily injury and property damage protection, and \$10,000 personal injury protection, if the applicant is to be licensed as a dealer in, or intends to sell, recreational vehicles. ~~A statement that the applicant either is an independent (nonfranchised) dealer or is franchised by a manufacturer of mobile homes or recreational vehicles, in which case the name of each mobile home or recreational vehicle that the applicant is franchised to sell shall be included.~~

(k) A statement that the applicant for a recreational vehicle license, issued pursuant to this section, has not and will not enter into any agreements, written or oral, with any other person or business entity which would constitute an unfair or deceptive trade practice in violation of part II of chapter 501.

(l) ~~(l)~~ Such other relevant information as may be required by the department. Each applicant, general partner in the case of a partnership, or corporate officer and director in the case of a corporate applicant, must file a set of fingerprints with the department for the purpose of determining any prior criminal record or any outstanding warrants. The department shall submit the fingerprinting to the Department of Law Enforcement for state processing and forwarding to the Federal Bureau of Investigation for federal processing. The actual cost of such state and federal processing shall be borne by the applicant and is to be in addition to the fee for licensure. The department may issue a license to an applicant pending the results of the fingerprint investigation, which license is fully revocable if the department subsequently determines that any facts set forth in the application are not true or correctly represented.

The department shall, if it deems necessary, cause an investigation to be made to ascertain if the facts set forth in the application are true and shall not issue a license to the applicant until it is satisfied that the facts set forth in the application are true.

(6) **LICENSE CERTIFICATE.**—A license certificate shall be issued by the department in accordance with the application when the same is regular in form and in compliance with the provisions of this section. *The license certificate may be in the form of a document or a computerized card as determined by the department. The cost of each original, additional, or replacement computerized card shall be borne by the licensee and is in addition to the fee for licensure. The fees charged applicants for both the required background investigation and the computerized card as provided in this section shall be deposited into the Motor Vehicle License Plate Replacement Trust Fund.* The license, when so issued, shall entitle the licensee to carry on and conduct the business of a mobile home dealer or recreational vehicle dealer at the location set forth in the license for a period of 1 year from October 1 preceding the date of issuance. *Each initial application received by the department after July 1, 1989, shall be accompanied by verification that, within the preceding 6 months, the applicant or one or more of his designated employees has attended a training and information seminar conducted by the department or by a public or private provider approved by the department. Such seminar shall include, but not be limited to, statutory dealer requirements, which requirements include required bookkeeping and recording procedures, requirements for the collection of sales and use taxes, and such other information that in the opinion of the department will promote good business practices.*

(7) **SUPPLEMENTAL LICENSE.**—Any person licensed pursuant to this section shall be entitled to operate one or more additional places of business under a supplemental license for each such business if the ownership of each business is identical to that of the principal business for which the original license is issued. Each supplemental license shall run concurrently with the original license and shall be issued upon application by the licensee on a form to be furnished by the department and payment of a fee of \$50 for each such license. Only one licensed dealer shall operate at the same place of business. *A supplemental license authorizing off-premise sales shall be issued, at no charge to the dealer, for a period not to exceed 10 consecutive calendar days.*

(11) **INJUNCTION.**—In addition to the remedies provided in this chapter, and notwithstanding the existence of any adequate remedy at law, the department is authorized to make application to any circuit court of the state, and the circuit court shall have jurisdiction, upon a hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from acting as a mobile home dealer or recreational vehicle dealer under the terms of this section who is not properly licensed or who violates or fails or refuses to comply with any of the provisions of chapters 319 and 320 or any rule or regulation adopted thereunder. Such injunction shall be issued without bond. A single act in violation of the provisions of chapter 319 or chapter 320 shall be sufficient to authorize the issuance of an injunction.

Section 4. Section 320.822, Florida Statutes, is amended to read:

320.822 Definitions.—In construing ss. 320.822-320.862 ~~320.822-320.864~~, unless the context otherwise requires, the following words or phrases have the following meanings:

(1) "Buyer" means a person who purchases at retail from a dealer or manufacturer a mobile home or recreational vehicle for his own use as a residence, or other related use.

(2) "Code" means the appropriate standards found in:

(a) The Federal Mobile Home Construction and Safety Standards for single-family mobile homes, promulgated by the Department of Housing and Urban Development;

(b) The Uniform Standards Code approved by the United States of America Standards Institute, ANSI A-119.1 for duplex mobile homes;

(c) The Uniform Standards Code approved by the American National Standards Institute, ANSI A-119.2 for recreational vehicles and ANSI A-119.5 for park trailers or the United States Department of Housing and Urban Development standard for park trailers certified as meeting that standard; or

(d) The ~~Used~~ Mobile Home Repair and Remodeling Code and ~~Used~~ or Recreational Vehicle Code.

(3) "Construction" means the minimum requirements for materials, products, equipment, and workmanship needed to assure that the mobile home or recreational vehicle will provide structural strength and rigidity; protection against corrosion, decay, and other similar destructive forces; resistance to the elements; and durability and economy of maintenance.

(4) "Institute" means the United States of America Standards Institute.

(5) "Length," for purposes of transportation only, means the distance from the extreme front of the mobile home, park trailer, or travel trailer, to the extreme rear, including the drawbar and coupling mechanism, but not including expandable features that do not project from the body during transportation.

(6) "Length of a mobile home" means the distance from the exterior of the front wall (nearest to the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments.

(7) "Licensee" means any person licensed or required to be licensed under s. 320.8225.

(8) "Mobile home dealer" means any person engaged in the business of buying, selling, or dealing in mobile homes or recreational vehicles or offering or displaying mobile homes or recreational vehicles for sale. Any person who buys, sells, or deals in ~~one three~~ or more mobile homes or recreational vehicles in any 12-month period or who offers or displays for sale ~~one three~~ or more mobile homes or recreational vehicles in any 12-month period shall be prima facie presumed to be engaged in the business of a mobile home dealer. The terms "selling" and "sale" include lease-purchase transactions. The term "mobile home dealer" does not include a bank, credit union, or finance company that acquires mobile homes or recreational vehicles as an incident to its regular business, and does not include a mobile home rental or leasing company that sells mobile homes or recreational vehicles to mobile home dealers licensed under s. 320.77, and does not include persons who are selling their own mobile homes or recreational vehicles.

(9) "Mobile home manufacturer" means any person, resident or non-resident, who, as a trade or commerce, manufactures or assembles mobile homes or recreational vehicles or converts van-type vehicles in such manner that they then qualify as recreational vehicles, for sale in this state.

(10) "Responsible party" means a manufacturer, dealer, or supplier.

(11) "Seal" or "label" means a device issued by the department certifying that a mobile home or recreational vehicle meets the appropriate code, which device is to be displayed on the exterior of the mobile home or recreational vehicle.

(12) "Setup" means the operations performed at the occupancy site which render a mobile home fit for habitation. Such operations include, but are not limited to, transporting, positioning, blocking, leveling, supporting, tying down, connecting utility systems, making minor adjustments, or assembling multiple or expandable units.

(13) "Substantial defect" means:

(a) Any substantial deficiency or defect in materials or workmanship occurring to a mobile home or recreational vehicle which has been reasonably maintained and cared for in normal use.

(b) Any structural element, utility system, or component of the mobile home or recreational vehicle, which fails to comply with the code.

(14) "Supplier" means the original producer of completed components, including refrigerators, stoves, hot water heaters, dishwashers, cabinets, air conditioners, heating units, and similar components, which are furnished to a manufacturer or dealer for installation in the mobile home or recreational vehicle prior to sale to a buyer.

(15) "Width of a mobile home" means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, wall and roof extensions, or other attachments.

(16) "Body size" of a park trailer or travel trailer means the distance from the exterior side or end to the opposite exterior side or end of the body. Such distance includes expandable rooms, bay windows, wall and roof extensions, or other extrusions in the travel mode. The following exceptions apply:

(a) Travel trailers shall not exceed 320 square feet. All square footage measurements are of the exterior when in setup mode and do not include bay windows. Fifth-wheel over-hitch space would be excluded unless over 5 feet ceiling height.

(b) Park trailers constructed to ANSI A-119.5 shall not exceed 400 square feet. Park trailers constructed to the United States Department of Housing and Urban Development standard shall not exceed 500 square feet. All square footage measurements are of the exterior when in setup mode and do not include bay windows.

Section 5. Section 320.823, Florida Statutes, is amended to read:

320.823 Establishment of uniform mobile home standards.—Each single-family mobile home manufactured in this state or manufactured outside this state but sold or offered for sale in this state shall meet the Federal Mobile Home Construction and Safety Standards, promulgated by the Department of Housing and Urban Development. Each duplex mobile home manufactured in this state or manufactured outside this state but sold or offered for sale in this state shall be constructed to meet the Federal Mobile Home Construction and Safety Standards. Construction requirements shall include a one hour fire rated wall separating the two units shall meet the Uniform Standards Code ANSI book A 110.1 approved by the institute. Such standards shall include, but not be limited to, standards for body and frame construction and the installation of plumbing, heating and electrical systems.

Section 6. Subsection (3) of section 320.8255, Florida Statutes, is renumbered as subsection (4) and amended, and a new subsection (3) is added to said section, to read:

320.8255 Mobile home inspection.—

(3) Mobile home manufacturers and dealers shall be charged a fee for special inspections, including, but not limited to, plant approvals, 100 percent plant inspections, increased frequency inspections, reinspections, and special consumer complaint investigations as requested by a manufacturer or dealer or as may be deemed necessary by the department.

(4)(3) The department shall determine fees a fee for special inspections and for the seal authorized under s. 320.827 which are is sufficient to cover the cost of inspection and administration under this section. Fees collected for the seals shall be deposited into the General Revenue Fund.

Section 7. Subsection (1) of section 320.8256, Florida Statutes, is amended, present subsection (3) is renumbered as subsection (4) and amended, and a new subsection (3) is added to said section, to read:

320.8256 Recreational vehicle inspection.—

(1) In order to ensure the highest degree of quality control in the construction of new recreational vehicles and to ensure the safe condition of used recreational vehicles, each new or used recreational vehicle sold in the state shall be inspected by the department or inspected by a private firm, person, or agency approved by the department to conduct such inspections. The inspection of used recreational vehicles shall be made within 72 hours of a sale. Such approval and all inspections shall be pursuant to procedures developed by the department which assure compliance with code provisions. The department may adopt reasonable rules pursuant to chapter 120 for the implementation and enforcement of this inspection.

(3) Recreational vehicle manufacturers and dealers shall be charged a fee for special inspections, including, but not limited to, plant approvals, 100 percent plant inspections, increased frequency inspections, reinspections, and special consumer complaint investigations as requested by a manufacturer or dealer or as may be deemed necessary by the department.

(4)(3) The department shall determine fees a fee for special inspections and for the seal authorized under s. 320.827 which are is sufficient to cover the cost of inspection and administration under this section. Fees collected for the seals shall be deposited into the General Revenue Fund.

Section 8. Section 320.834, Florida Statutes, is amended to read:

320.834 Purpose.—It is the intent of the Legislature to ensure the safety and welfare of residents of mobile homes through an inspection program conducted by the Department of Highway Safety and Motor Vehicles. Mobile homes are a primary housing resource of many of the residents of the state and satisfy a large segment of statewide housing needs. It is the further intent of the Legislature that the department, mobile home dealers, and mobile home manufacturers continue to work together to meet the applicable code requirements for mobile homes and that such dealers and manufacturers share the responsibilities of warranting mobile homes in accordance with applicable codes and resolving legitimate consumer complaints in a timely, efficient manner. Legislature's intent to improve the general welfare and safety of mobile home residents in this state. The Legislature finds that mobile homes have become a primary housing resource of many of the citizens of the state; that a growing awareness exists of problems in the quality of mobile homes which diminish their safety and value as housing units; that existing warranties offered by the mobile home industry to buyers are inadequate and do not provide a viable means of remedying quality and safety defects in mobile homes; and that it is the responsibility of the mobile home industry to provide mobile homes which are of reasonable quality and safety. Consistent with these findings, the Legislature deems it necessary to further public interests of safety and welfare that the mobile home industry be responsible for mobile homes and that it assures the safety and quality of mobile homes. The Legislature finds that the most efficient and economical way to assure quality and responsibility is to require all segments of the mobile home industry to warrant the quality of mobile homes.

Section 9. Subsection (13) of section 418.304, Florida Statutes, is amended to read:

418.304 Powers of the mobile home park recreation district; recreation district tax.—An ordinance creating or amending the charter of a mobile home park recreation district may grant to the recreation district the following powers:

(13) To enter into contracts involving the purchase, lease, conveyance, or other manner of acquisition of common real or tangible personal property; however, in any instance when the cost, price, or consideration therefor exceeds \$25,000, including all obligations proposed to be assumed in connection with such acquisition, then only if:

(a) The trustees by a two-thirds vote have approved the terms and conditions of such acquisition by written resolution;

(b) Within not less than 30 days nor more than 60 days after the date of the resolution, the trustees certify the resolution to the supervisor of elections for the county for a referendum election; and

(c) The resolution is approved by a majority vote of the qualified electors voting in a referendum called for the purpose of considering the resolution. A majority of qualified electors of the district approve the resolution by referendum election.

Section 10. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, sections 320.01, 320.71, and 320.77-320.866, Florida Statutes, shall not stand repealed on October 1, 1988, and shall continue in full force and effect as amended herein.

Section 11. Sections 320.01, 320.71, and 320.77-320.866, Florida Statutes, are repealed October 1, 1998, and shall be reviewed by the Legislature pursuant to section 11.61, Florida Statutes.

Section 12. This act shall take effect October 1, 1988.

Senator Langley moved the following amendment to Amendment 1:

**Amendment 1A**—On page 11, between lines 11 and 12, insert:

Section 8. Section 723.033, Florida Statutes, is amended to read:

723.033 Unconscionable or unreasonable lot rental agreements.—

(1) The Legislature recognizes that before a mobile home owner assumes occupancy in a mobile home park, the park owner and the mobile home owner are presumed to be in positions of equal bargaining power, but, after the mobile home owner assumes occupancy in the park, the park owner is in a vastly superior bargaining position.

(2) In any action brought by the home owner to challenge the unconscionability of the initial lot rental agreement entered into at the time the mobile home owner first assumes occupancy in the park, or any provision thereof, the court shall determine such unconscionability as a matter of law.

(3) After the mobile home owner has assumed occupancy in the park, a new lot rental agreement shall not be unreasonable and any change in a new or existing lot rental agreement, or any renewal thereof shall not be a change that is unreasonable. Such changes include, but are not limited to, an increase in lot rental amount, a reduction in services or utilities, or any change in rules and regulations. In determining whether such a lot rental agreement, renewal, or change is unreasonable, the trier of fact shall consider, where applicable, the following:

(a) Whether there has been a decrease in services without a commensurate decrease in rent;

(b) Whether the increase in the lot rental amount is founded upon any legitimate financial basis or is arbitrary or capricious;

(c) Whether the lot rental increase is confiscatory in that it has caused a decrease in the value of mobile homes in the park;

(d) Whether the increase in lot rental amount makes the lot rental amount comparable with lot rental amounts existing at the time and paid by mobile home owners in similar circumstances for similar facilities in comparable mobile home parks in the vicinity;

(e) Whether the increase charged exceeds the percentage change in the Consumer Price Index (All Urban Consumer) published by the United States Department of Labor, Bureau of Labor Statistics, for the applicable periods;

(f) Whether there has been an increase or decrease in the operating costs of the park including utility rates, property taxes, maintenance costs, management costs, costs of major repairs or improvements, and other fees, costs, or assessments relating to the operation of the park to which the mobile home owner might be subjected;

(g) Whether the change is a departure from prior disclosures or promises made by the park owner to either the current mobile home owner or his assignor;

(h) Whether the park owner has purchased the mobile home park within the past 5 years at a price above the fair market value at the time of purchase; and

(i) Whether any of the above considerations existed prior to the change in an existing lot rental agreement.

(4) When it is claimed that the rental agreement, or any provision or change thereof, may be unconscionable or unreasonable, as provided in this section, the parties may present evidence as to the meaning and purpose of the rental agreement or any change thereof, the relationship of the parties, and any other relevant factors to aid the trier of fact in making its determination.

(5) If the court, as a matter of law, finds that a mobile home lot rental agreement, or any provision of the rental agreement, is to have been unconscionable at the time it was made as provided under subsection (2), or if the court determines that a new mobile home rental agreement, or any change or renewal thereof, is unreasonable, as provided under subsection (3), the court may, as appropriate:

- (a) Refuse to enforce the lot rental agreement.
- (b) Enforce the remainder of the lot rental agreement without the unconscionable or unreasonable provision.
- (c) Limit the application of the unconscionable or unreasonable provision so as to avoid any unconscionable or unreasonable result.
- (d) Award damages.
- (e) Award such equitable relief as deemed necessary.
- (6) Upon filing an action under this section, the court may order the home owners, or the homeowners' association on their behalf, to pay the disputed portion of the lot rental amount into the registry of the court.
- (7) This section does not preclude the finding that a lot rental increase, reduction in services or utilities, a change in rules and regula-

tions, or other changes, are invalid on other grounds and does not limit any rights of a mobile home owner or preclude a mobile home owner from seeking any other remedies allowed by this chapter or arising under law.

~~(2) When it is claimed or appears to the court that the rental agreement, or any provision thereof, may be unconscionable, the parties shall be afforded a reasonable opportunity to present evidence as to its meaning and purpose, the relationship of the parties, and other relevant factors to aid the court in making the determination.~~

Section 9. Section 723.037, Florida Statutes, is amended to read:

723.037 Lot rental increases; reduction in services or utilities; change in rules and regulations; ~~mediation or arbitration.~~

(1) A park owner shall give written notice to each affected mobile home owner and the board of directors of the homeowners' association, if one has been formed, at least 90 days prior to any increase in lot rental amount or reduction in services or utilities provided by the park owner or change in rules and regulations. The notice shall identify all other affected home owners, ~~which may be~~ by lot number, name, group, or phase. ~~If the affected home owners are not identified by name, and the park owner shall make the names and addresses of the affected home owners available upon request.~~ Rules adopted as a result of restrictions imposed by governmental entities and required to protect the public health, safety, and welfare may be enforced prior to the expiration of the 90-day period but are not otherwise exempt from the requirements of this chapter. Pass-through charges must be separately listed as to the amount and nature of the charge being levied. Notices of increase in the lot rental amount due to a pass-through charge shall state the additional payment and starting and ending dates of each the pass-through charge charges. ~~The homeowners' association shall have no standing to challenge the increase in lot rental amount, reduction in services or utilities, or change of rules and regulations unless a majority of the affected home owners agree, in writing, to such representation.~~

(2) Notice as required by this section shall only be required to include the change in the present lot rental amount, the reduction in services or utilities, or the change in rules and regulations and the effective date thereof.

(3) A committee, not to exceed five in number, designated by a majority of the affected mobile home owners or by the board of directors of the homeowners' association, if applicable, and the park owner, shall meet, at a mutually convenient time and place, ~~with the park owner~~ within 30 days after receipt by the home owners of the notice and to discuss the reasons for the increase in lot rental amount, reduction in services or utilities, or change in rules and regulations shall be fully explained to the committee.

(4) Within ~~45~~ 30 days after of the date of the scheduled meeting described in subsection (3), the ~~homeowners' committee~~ home owners shall request that the dispute be submitted to ~~arbitration~~ mediation pursuant to s. 723.038 if the board of directors of the homeowners' association, or, if there is no incorporated homeowners' association, a majority of the affected home owners, designate ~~have designated~~, in writing, that they dispute the changes as being unreasonable:

- ~~(a) The rental increase is unreasonable;~~
- ~~(b) The rental increase has made the lot rental amount unreasonable;~~
- ~~(c) The decrease in services or utilities is not accompanied by a corresponding decrease in rent or is otherwise unreasonable; or~~
- ~~(d) The change in the rules and regulations is unreasonable.~~
- (5) The provisions of this section and of section 723.038 shall be liberally construed to provide for the nonjudicial resolution of disputes arising under this chapter. The arbitration process provided pursuant to this chapter is not subject to s. 120.57 or chapter 682.

~~(5) If both parties subsequently agree, they may request that the dispute be arbitrated rather than mediated.~~

(6) No action relating to a dispute described in this section may be filed in any court unless and until a request has been submitted to the division for mediation or arbitration and the request has been processed in accordance with s. 723.038.

(7) If a party refuses to meet pursuant to subsection (3), fails to attend or participate in the arbitration agree to mediate or arbitrate, or fails to request arbitration mediation, upon proper request, that party is shall not be entitled to attorney's fees in any action relating to a dispute described in this section.

Section 10. Section 723.038, Florida Statutes, is amended to read:

723.038 Mandatory arbitration ~~Dispute settlement.~~—

(1) The purpose of this section is to provide a procedure for the resolution of disputes arising under s. 723.037 or s. 723.033 which will lead to an early disposition and result in savings in time and costs to the litigants and to the court and which will not sacrifice the quality of justice or the rights of litigants.

(2) Arbitration under this section is mandatory.

(3)(4) The division shall employ a sufficient number of qualified ~~mediators and~~ arbitrators who are members in good standing of The Florida Bar to conduct ~~mediation or~~ arbitration proceedings. The division shall adopt ~~promulgate~~ rules of procedure consistent with this chapter to govern such proceedings.

(4)(2) ~~The mediation or arbitration as provided herein is not binding unless the parties may agree otherwise in writing to be bound by the final order of arbitration. When the parties have not agreed to be bound by the final order of result of the mediation or arbitration, all parties to the dispute are a party is not~~ foreclosed from seeking a trial de novo on any matter of law or question of dispute that was resolved pursuant to an arbitration proceeding conducted under this section ~~in a court of competent jurisdiction.~~

(5) Upon receipt of a request for arbitration, the division shall designate an arbitrator who shall communicate with the parties in an effort to ascertain a mutually convenient date for a hearing and shall then schedule, and give notice of the date, time, and place of the arbitration hearing. The hearing shall be scheduled to be held within 60 days after receipt of the request for arbitration by the division. Thereafter, the division may, for good cause, grant a continuance of the hearing for up to 90 days after the date of receipt by the division of the request. Any continuance beyond that time must be certified by the director of the division, setting forth the causes for the continuance. If a continuance is granted beyond 90 days either party may, at its option, agree to the continued arbitration date or proceed without arbitration to file an action directly in the appropriate court.

(6) The arbitration proceeding, judgment, or award shall be in accordance with s. 723.033, s. 723.037, and other applicable provisions of this chapter.

(7)(3) ~~The division director may is authorized to exercise his authority to subpoena the books and records of any party if the mediator or arbitrator determines that such information is relevant to the resolution of the dispute. Any information acquired by subpoena shall be for use by the division only and is exempt from chapter 119.~~

(4) ~~No resolution arising from a dispute settlement proceeding as provided for in s. 723.037 or this section shall be deemed final agency action.~~

(8) An arbitration hearing may proceed in the absence of a party who, after due notice, fails to be present, but an award of damages, if any, may not be based solely upon the absence of a party. If a party, after due notice, fails to attend or participate in the arbitration, the arbitrator may, upon proper request, award to the other party, attorney's fees and costs related to the arbitration.

(9) At least 10 days before the arbitration hearing, each party shall furnish to every other party a list of witnesses, if any, and copies or photographs of all exhibits to be offered at the hearing. The arbitrator may refuse to consider any witness or exhibit which has not been so disclosed.

(10) The park owner and the homeowners' committee or their designated representative shall attend the arbitration hearing. The arbitration hearing shall be conducted in accordance with rules of procedure adopted by the division. The hearing shall be conducted informally. The presentation of testimony shall be kept at a minimum and the cases shall be presented to the arbitrator primarily through statements and arguments of the attorneys, qualified representatives, or the parties themselves in the event they are not represented.

(11) Any party may have a recording or transcript of the arbitration hearing made at his own expense.

(12) An order of arbitration and award of damages, if any, shall be entered within 30 days after the hearing. Damages awarded by the arbitrator, if any, shall not include attorney's fees to the prevailing party. The final order of arbitration shall not be deemed final agency action under chapter 120.

(13) Either party may file an action in the appropriate court within 60 days after the date of the final order of nonbinding arbitration and is entitled to a trial de novo. Such action shall be treated for all purposes as if there had not been any arbitration proceeding. At the trial de novo, the court shall not admit evidence that there has been an arbitration proceeding, the nature of the final order of arbitration, or award of damages, if any, or any other matter concerning the conduct of the arbitration proceedings, except that testimony given at an arbitration proceeding may be used for any purpose otherwise permitted by the Florida Rules of Evidence or the Florida Rules of Civil Procedure.

(14) If neither party files an action in the appropriate court seeking a trial de novo within 60 days after the date of the final order of arbitration, such final order shall become enforceable by a court of competent jurisdiction.

(15) Any party who requests a trial de novo and fails to obtain a ruling in an appropriate court more favorable than the ruling obtained pursuant to arbitration is liable for the reasonable costs and attorney's fees of the adverse parties in the trial de novo. If a party is entitled to costs and fees pursuant to this subsection, the court may disallow an award of costs and attorney's fees if it determines that such an award would not be reasonable under the circumstances of the case. In determining the reasonableness of an award of attorney's fees and costs pursuant to this subsection, the court shall consider along with all other relevant criteria, the following facts:

(a) The then apparent merit or lack of merit of the claim that was subject to the award.

(b) The closeness of questions of fact and law at issue.

(c) Whether a party had unreasonably refused to furnish information in connection with the requirements of s. 723.037 and the rules of the division or refused to furnish information necessary to evaluate the award of damages, if any, by the arbitrator.

(d) Whether information came to light during the course of the trial or the proceedings after arbitration which was not known, and which it was reasonable not to know, at the time of the arbitration.

(e) The amount of additional costs, expenses, and attorney's fees incurred as a result of the filing of an action for a trial de novo.

Section 11. Paragraph (a) of subsection (2) and subsection (4) of section 723.061, Florida Statutes, are amended to read:

723.061 Eviction; grounds, proceedings.—

(2) In the event of eviction for change of land use, home owners must object to the change in land use by petitioning for administrative or judicial remedies within 90 days of the date of the notice or they will be barred from taking any subsequent action to contest the change in land use. This provision shall not be construed to prevent any home owner from objecting to a zoning change at any time.

(a) Within 90 days from the time the park owner gives the 1-year notice, he shall notify the home owner of his election to either buy the mobile home, relocate the mobile home to another park owned by the park owner, or pay to relocate the mobile home to another mobile home park, as follows:

1. Pay as damages the actual cost, including setup fees, to move an evicted mobile home, with comparable and any required appurtenances, to a comparable mobile home park within a 50-mile radius of the mobile home park or other distance agreed upon by the park owner and mobile home owner. Since the amount of damages that a home owner will suffer due to the change in land use by the park owner cannot be easily estimated and would be difficult and expensive to determine, it is the intent of the Legislature that the payment contained herein be considered in the nature of liquidated damages and not a penalty. It is the intent of the Legislature that the liquidated damages to which the mobile home owner is entitled be limited to the damages defined in this subparagraph only

for so long as this subsection remains in effect. The liquidated damages apply only to the harm incurred by the home owner for having to relocate, and this provision shall not preclude incidental damages that might occur in relocating the mobile home;

2. Purchase the mobile home and all appurtenances thereto at a value to be determined as follows:

a. A mutually agreed upon appraiser will assess the book value of the mobile home and cash value of all appurtenances thereto and the market value of the mobile home as situated immediately prior to the notice of change in land use. The NADA Mobile Home/Manufactured Housing Appraisal Guide shall be used as a guide for determining such value.

b. The home owner will be entitled to the book value of the mobile home and cash value of the appurtenances.

c. The home owner will also be entitled to the following portion of the difference between the sum of the book value of the mobile home added to the cash value of the appurtenances and the market value of the mobile home. If the home owner has resided in the mobile home at the time of notice of land use change by the park owner:

0 years up to 5 years.....	40 percent
5 years up to 15 years.....	60 percent
15 years up to 20 years.....	80 percent
20 years or more.....	100 percent

d.e. The home owner who has become a resident of the park within 0-5 years of the notice of change in land use shall be entitled, in addition to the compensation set forth above, to 60 percent of the difference between the book value and the market value of the mobile home.

e.d. Between the date of the appraisals referred to in this subsection and the delivery of title and possession of the mobile home and all appurtenances thereto to the park owner, the mobile home and the appurtenances shall be maintained by the home owner in the condition existing on the date of the appraisals, ordinary wear and tear excepted; or

3. Reach a mutually agreed to settlement between the park owner and the home owner.

(4) Any notice required by this section must be in writing, and the delivery of any such written notice required by this section shall begin on the date of postmark and be by certified or registered mail, return receipt requested, addressed to the mobile home owner at his last known address.

(Renumber subsequent section.)

**Point of Order**

Senator Margolis raised a point of order stating that pursuant to Rule 7.1 the amendment was not germane and therefore out of order.

On motion by Senator Barron, further consideration of CS for CS for SB 38 was deferred so that the chairman of the Committee on Rules and Calendar could advise the President on the point of order.

On motions by Senator Jennings, by two-thirds vote HB 658 was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Jennings—

**HB 658**—A bill to be entitled An act relating to consumer finance; revising and restructuring chapter 516, F.S., the Florida Consumer Finance Act; amending s. 516.01, F.S.; providing definitions; amending s. 516.02, F.S.; specifying that licensees are not liable when acting in reliance upon an order, declaratory statement or rule of the Department of Banking and Finance; amending s. 516.03, F.S.; providing that amendments do not affect preexisting contracts; amending s. 516.031, F.S.; providing for public records; amending s. 516.035, F.S.; providing penalties; amending s. 516.05, F.S.; specifying that a license is required to engage in the business of making consumer finance loans; providing a maximum interest rate; providing for lines of credit; amending s. 516.07, F.S.; providing for license application; providing for license fees and investigation fees; amending s. 516.08, F.S.; providing for biennial licensing; providing for inactive status and reactivation fees; providing requirements with respect to a licensee's place of business; amending s. 516.09, F.S.; providing grounds for denial of license or disciplinary action; specifying disci-

plinary actions; providing for fines; providing licensees' responsibility for employees; amending s. 516.11, F.S.; providing for posting of license; amending s. 516.12, F.S.; providing for records; amending s. 516.13, F.S.; providing duties of licensees; amending s. 516.15, F.S.; providing monthly installment requirement; amending s. 516.16, F.S.; providing requirements for credit property and credit life and disability insurance; amending s. 516.17, F.S.; prohibiting certain actions by licensees; amending s. 516.18, F.S.; providing application of law to purchase or assignment of wages; amending s. 516.19, F.S.; providing consumer protection provisions; amending s. 516.20, F.S.; providing limitations and maximum interest rates and finance charges; specifying allowable charges; providing for refinancing; amending s. 516.21, F.S.; providing rate of interest upon default; amending s. 516.22, F.S.; providing restrictions on borrower's indebtedness; amending s. 516.221, F.S.; providing investigative powers of the department; providing for examination fees; providing for complaints; amending s. 516.23, F.S.; providing for rules and copies of documents; amending s. 516.26, F.S.; providing for injunctions and appointment of receivers; providing for civil enforcement of laws relating to budget planning and to credit service organizations; amending s. 516.27, F.S.; providing duties of department regarding consumer credit counseling; repealing s. 516.231, F.S., relating to appointment of managers for licensed locations, s. 516.29, F.S., relating to suspension or revocation of license for unreasonable collection tactics, s. 516.30, F.S., relating to a transition period, s. 516.31, F.S., relating to consumer protection provisions, s. 516.32, F.S., relating to consumer credit counseling, s. 516.33, F.S., relating to public disclosures, s. 516.34, F.S., relating to transfer of certain previous licenses, s. 516.35, F.S., relating to credit insurance, s. 516.36, F.S., relating to monthly installment requirement, and s. 516.37, F.S., relating to transactions governed by the act; saving chapter 516, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 141 and read the second time by title.

Senator Jennings moved the following amendments which were adopted:

**Amendment 1**—On pages 3-28, strike everything after the enacting clause and insert:

Section 1. Section 516.01, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 516.01, F.S., for present text.)*

516.01 Definitions.—As used in this chapter, the term:

(1) "Consumer finance borrower" or "borrower" means a person who has incurred either direct or contingent liability to repay a consumer finance loan.

(2) "Consumer finance loan" means a loan of money, credit, goods, or choses in action, including, except as otherwise specifically indicated, provision of a line of credit, in an amount or to a value of \$5,000 or less for which the lender charges, contracts for, collects, or receives interest at a rate greater than 18 percent per annum.

(3) "Department" means the Department of Banking and Finance.

(4) "Interest" means the cost of obtaining a consumer finance loan and includes any profit or advantage of any kind whatsoever that a lender may charge, contract for, collect, receive, or in anywise obtain, including by means of any collateral sale, purchase, or agreement, as a condition for a consumer finance loan. Charges specifically permitted by this chapter, including commissions received for insurance written as permitted by this chapter, shall not be deemed interest.

(5) "License" means a permit issued under this chapter to make and collect loans in accordance with this chapter at a single place of business.

(6) "Licensee" means a person to whom a license is issued.

Section 2. Section 516.02, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 516.02, F.S., for present text.)*

516.02 Loans; lines of credit; rate of interest; license.—

(1) A person must not engage in the business of making consumer finance loans unless he is authorized under this chapter or other statute and unless he first obtains a license from the department.

(2)(a) A person who is engaged in the business of making loans of money, except as authorized by this chapter or other statutes of this state, may not directly or indirectly charge, contract for, or receive any interest or consideration greater than 18 percent per annum upon the loan, use, or forbearance of money, goods, or choses in action, or upon the loan or use of credit, of the amount or value of \$5,000 or less.

(b) The prohibition in paragraph (a) applies to any lender who, as security for any such loan, use, or forbearance of money, goods, or choses in action, or for any such loan or use of credit, makes a pretended purchase of property from any person and permits the owner or pledgor to retain the possession thereof or who by any device or pretense of charging for services or otherwise seeks to obtain a greater compensation than is authorized by this chapter.

(c) A loan for which a greater rate of interest or charge than is allowed by this chapter has been contracted for or received, wherever made, is not enforceable in this state, and each person who in any manner participates therein in this state is subject to this chapter. However, this paragraph does not apply to loans legally made to a resident of another state by a person within that state if that state has in effect a regulatory small loan or consumer finance law similar in principle to this chapter.

(3) A licensee may offer lines of credit not exceeding \$25,000 and may charge, contract for, and receive interest charges and other charges pursuant to s. 516.031, except that a licensee may not offer a credit card.

(4) This chapter does not apply to any person who does business under, and as permitted by, any law of this state or of the United States relating to banks, savings banks, trust companies, building and loan associations, credit unions, or industrial loan and investment companies or to any bona fide pawnbroking business transacted under a pawnbroker's license. A pawnbroker may not be licensed to transact business under this chapter.

Section 3. Subsection (1) of section 516.03, Florida Statutes, is amended to read:

516.03 Application for license; fees; etc.—

(1) APPLICATION.—Application for a license to make loans under this chapter shall be in writing, under oath, and in the form prescribed by the department, and shall contain the name, residence and business addresses of the applicant and, if the applicant is a copartnership or association, of every member thereof and, if a corporation, of each officer and director thereof, also the county and municipality with the street and number or approximate location where the business is to be conducted, and such further relevant information as the department may require. At the time of making such application the applicant shall pay to the department a biennial license fee of \$550 ~~the sum of \$175 as an annual license fee for a period terminating on the last day of the current calendar year, and a further fee of \$200 for investigating the application and the applicants. Applications, except for applications to renew or reactivate a license, must be accompanied by an investigation fee of \$200.~~

Section 4. Section 516.031, Florida Statutes, is amended to read:

516.031 Finance charge; maximum rates.—

(1) INTEREST RATES.—Every licensee may lend any sum of money not exceeding \$25,000. A licensee may not take a security interest secured by land on any loan less than \$1,000. The licensee may charge, contract for, and receive thereon interest charges as provided and authorized by this section. The maximum interest rate shall be 30 percent per annum, computed on the first \$500 of the principal amount as computed from time to time; 24 percent per annum on that part of the principal amount as computed from time to time exceeding \$500 and not exceeding \$1,000; and 18 percent per annum on that part of the principal amount as computed from time to time exceeding \$1,000 and not exceeding \$5,000; on loans exceeding \$5,000, the total interest charged on the entire principal amount shall not exceed 18 percent per annum simple interest. The original principal amount as used in this section shall be the same amount as the amount financed as defined by the Federal Truth-In-Lending Act and Regulation Z of the Board of Governors of the Federal Reserve System. In determining compliance with the statutory maximum interest and finance charges set forth herein, the computations utilized shall be simple interest and not add-on interest or any other computations.

(2) ANNUAL PERCENTAGE RATE UNDER FEDERAL TRUTH-IN-LENDING ACT.—The annual percentage rate of finance charge

which may be contracted for and received under any loan contract made by a licensee under this chapter may equal, but not exceed, the annual percentage rate which must be computed and disclosed as required by the Federal Truth-In-Lending Act and Regulation Z of the Board of Governors of the Federal Reserve System. The maximum annual percentage rate of finance charge which may be contracted for and received is 12 times the maximum monthly rate and the maximum monthly rate shall be computed on the basis of one-twelfth of the annual rate for each full month. The department shall by regulation establish the rate for each day in a fraction of a month when the period for which the charge is computed is more or less than 1 month.

(3) OTHER CHARGES.—

(a) In addition to the interest and insurance charges herein provided for, no further or other charges or amount whatsoever for any examination, service, brokerage fee, commission, or other thing or otherwise shall be directly or indirectly charged, contracted for, or received as a condition to the grant of a loan, except:

1. Charges paid for title insurance and the appraisal of real property offered as security when paid to a third party and supported by an actual expenditure;

2. Intangible personal property tax on the loan note or obligation when secured by a lien on real property;

3. The documentary excise tax and lawful fees, if any, actually and necessarily paid out by the licensee to any public officer for filing, recording, or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made or at any time thereafter;

4. The premium payable for any insurance in lieu of perfecting any security interest otherwise required by the licensee in connection with the loan, if the premium does not exceed the fees which would otherwise be payable, which premium may be collected when the loan is made or at any time thereafter; ~~or~~

5. Actual and reasonable attorney's fees and court costs as determined by the court in which suit is filed; or

6. ~~Actual and commercially and court costs, including the actual and reasonable expenses of repossession, storing, repairing and placing in condition for sale, and selling of any property pledged as security.~~

Any charges, including interest, in excess of the combined total of all charges authorized and permitted by this chapter constitute a violation of chapter 687 governing interest and usury, and the penalties of that chapter apply. In the event of a bona fide error, the licensee shall refund or credit the borrower with the amount of the overcharge immediately but within 20 days from the discovery of such error.

(b) Notwithstanding the provisions of paragraph (a), any lender of money who receives a check, draft, negotiable order of withdrawal, or like instrument drawn on a bank or other depository institution, which instrument is given by a borrower as full or partial repayment of a loan, may, if such instrument is not paid or is dishonored by such institution, make and collect from the borrower a bad check charge of not more than the greater of \$10 or an amount equal to the actual charge made to the lender by the depository institution for the return of the unpaid or dishonored instrument.

(4) DIVIDED LOANS.—No licensee shall induce or permit any borrower to split up or divide any loan. No licensee shall induce or permit any person, or any husband and wife, jointly or severally, to become obligated to him, directly or contingently or both, under more than one contract of loan at the same time, for the purpose, or with the result, of obtaining a greater finance charge than would otherwise be permitted by this section.

~~(5) APPLICABILITY OF CH. 79-274.—As amended by chapter 79-592, Laws of Florida, chapter 79-274, Laws of Florida, which amended subsection (1):~~

~~(a) Shall apply only to loans, advances of credit, or lines of credit made on or subsequent to July 1, 1979, and to loans, advances of credit, or lines of credit made prior to that date if the lender has the legal right to require full payment or to adjust or modify the interest rate, by renewal, assumption, reaffirmation, contract, or otherwise; and~~

~~(b) Shall not be construed as diminishing the force and effect of any laws applying to loans, advances of credit, or lines of credit, other than to those mentioned in paragraph (a), completed prior to July 1, 1979.~~

(5)(6) UNPAID INTEREST UPON REFINANCING.—If all or part of the consideration for a new loan contract is the unpaid principal balance of a prior loan with the licensee, the principal amount payable under the new loan contract may include not more than 60 days' unpaid interest accrued on the prior loan.

Section 5. Section 516.035, Florida Statutes, is amended to read:

516.035 Rate of interest upon default.—In the event that any balance remains unpaid at the expiration of the scheduled maturity date of a loan, licensees may continue to charge interest on the unpaid balance at the rate provided for in s. 516.031(1) for a period not to exceed 12 months. Thereafter, the interest shall not exceed *the permissible rate of interest provided by chapter 687 10 percent per annum*. When advances are made pursuant to a line of credit, a licensee may charge interest on the unpaid balance at the rate provided for in s. 516.031(1) for the period a balance remains unpaid.

Section 6. Section 516.05, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 516.05, F.S., for present text.)*

516.05 License.—

(1) Upon the filing of an application for a license and payment of all applicable fees, the department shall, unless the application is to renew or reactivate an existing license, make an investigation of the facts concerning the applicant's proposed activities. If the department determines that a license should be granted, it shall issue the license for a period not to exceed 2 years. Biennial licensure periods and procedures for renewal of licenses shall be established by the rule of the department. If the department determines that grounds exist under this chapter for denial of an application other than an application to renew a license, it shall deny such application, return to the applicant the sum paid as a license fee, and retain the investigation fee.

(2) A license that is not renewed at the end of the biennium established by the department shall automatically revert to inactive status. An inactive license may be reactivated upon submission of a completed reactivation application, payment of the biennial license fee, and payment of a reactivation fee which shall equal the biennial license fee. A license expires on the date at which it has been inactive for 6 months.

(3) Only one place of business for the purpose of making loans under this chapter may be maintained under one license, but the department may issue additional licenses to a licensee upon compliance with all the provisions of this chapter governing issuance of a single license.

(4) A licensee may not change the place of business maintained under a license without prior approval of the department. When a licensee wishes to change a place of business, the licensee shall give written notice thereof to the department, and, if the department finds that the proposed location is reasonably accessible to borrowers under existing loan contracts, it shall permit the change and shall amend the license accordingly. If the department does not so find, it shall enter an order denying removal of the business to the requested location.

(5) A licensee may conduct the business of making loans under this chapter within a place of business in which other business is solicited or engaged in, unless the department shall find that the conduct of such other business by the licensee results in an evasion of this chapter. Upon such finding, the department shall order the licensee to desist from such evasion, provided, however, that no license shall be granted to or renewed for any person or organization engaged in the pawnbroker business.

(6) If any person purchases substantially all of the assets of any existing licensed place of business, the purchaser shall give immediate notice thereof to the department and shall be granted a 90-day temporary license for the place of business within 10 days after the department's receipt of an application for a permanent license. Issuance of a temporary license for a place of business nullifies the existing license for the place of business, and the temporary licensee is subject to any disciplinary action provided for by this chapter.

(7) Licenses are not transferable or assignable. A licensee may invalidate any license by delivering it to the department with a written notice

of the delivery, but such delivery does not affect any civil or criminal liability or the authority to enforce this chapter for acts committed in violation thereof.

(8) The department may refuse to process an initial application for a license if the applicant or any person with power to direct the management or policies of the applicant's business is the subject of a pending criminal prosecution in any jurisdiction, until conclusion of such criminal prosecution.

Section 7. Section 516.07, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 516.07, F.S., for present text.)*

516.07 Grounds for denial of license or for disciplinary action.—

(1) The following acts are violations of this chapter, and constitute grounds for denial of an application for a license to make consumer finance loans and grounds for any of the disciplinary actions specified in subsection (2):

- (a) A material misstatement of fact in an application for a license;
- (b) Failure to maintain liquid assets of at least \$25,000 at all times for the operation of business at a licensed location or proposed location;
- (c) Failure to demonstrate financial responsibility, experience, character, or general fitness, such as to command the confidence of the public and to warrant the belief that the business operated at the licensed or proposed location is lawful, honest, fair, efficient, and within the purposes of this chapter.

(d) The violation, either knowingly or without the exercise of due care, of any provision of this chapter, any rule or order adopted under this chapter, or any written agreement entered into with the department;

(e) Any act of fraud, misrepresentation, or deceit, regardless of reliance by or damage to a borrower, or any illegal activity, where such acts are in connection with a loan under this chapter. Such acts include but are not limited to:

- 1. Willful imposition of illegal or excessive charges; or
- 2. Misrepresentation, circumvention, or concealment of any matter required to be stated or furnished to a borrower;

(f) The use of unreasonable collection practices or of false, deceptive, or misleading advertising, where such acts are in connection with the operation of a business to make consumer finance loans;

(g) Any violation of part III of chapter 817 or part II of chapter 559;

(h) Failure to maintain, preserve, and keep available for examination, all books, accounts, or other documents required by this chapter, by any rule or order adopted under this chapter, or by any agreement entered into with the department; or

(i) Refusal to permit inspection of books and records in an investigation or examination by the department or refusal to comply with a subpoena issued by the department.

(2) Upon a finding by the department that any person has committed any of the acts set forth in subsection (1), the department may enter an order taking one or more of the following actions:

- (a) Denying an application for a license;
- (b) Revoking or suspending a license previously granted;
- (c) Placing a licensee or an applicant for a license on probation for a period of time and subject to such conditions as the department may specify;
- (d) Placing permanent restrictions or conditions upon issuance or maintenance of a license;
- (e) Issuing a reprimand; or
- (f) Imposing an administrative fine not to exceed \$1,000 for each such act.

(3) The department may take any of the actions specified in subsection (2) against any partnership, corporation, or association, if the department finds that any of the acts set forth in subsection (1) have been committed by any member of the partnership, any officer or direc-

tor of the corporation or association, or any person with power to direct the management or policies of the partnership, corporation, or association.

(4) A licensee is responsible for the acts of the licensee's employee or agent if, with knowledge of such acts, the licensee retained profits, benefits, or advantages accruing from such acts or ratified the conduct of the employee or agent as a matter of law or fact.

(5) Action taken under this section against a licensee does not impair the obligation of any lawful contract between the licensee and a borrower. This chapter does not prevent a licensee from lending to residents of any part of this state or any other state or country or prohibit the making of loans by mail.

Section 8. Section 516.11, Florida Statutes, is amended to read:  
(Substantial rewording of section. See s. 516.11, F.S., for present text.)

516.11 Investigations and complaints.—

(1) The department shall, at intermittent periods, make such investigations and examinations of any licensee or other person as it deems necessary to determine compliance with this chapter. For such purposes, it may examine the books, accounts, records, and other documents or matters of any licensee or other person and compel the production of all relevant books, records, and other documents and materials relative to an examination or investigation. Examinations of a licensee may not be made more often than once a year unless the department has reason to believe the licensee is not complying with this chapter. Each licensee shall pay to the department an examination fee based upon the amount of outstanding loans due the licensee at the time of the examination, as follows:

Amount Outstanding	Examination Fee
From \$0 to \$50,000 .....	\$100
From \$50,000.01 to \$100,000 .....	125
From \$100,000.01 to \$250,000 .....	150
From \$250,000.01 to \$500,000 .....	200
From \$500,000.01 and over .....	325

(2) Any person who has reason to believe that this chapter has been or will be violated may file a written complaint with the department.

Section 9. Section 516.19, Florida Statutes, is amended to read:  
(Substantial rewording of section. See s. 516.19, F.S., for present text.)

516.19 Penalties.—Any person who violates any of the provisions of s. 516.02, s. 516.031, s. 516.05(3), s. 516.05(4), s. 516.05(5), or s. 516.07(1)(e) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Section 516.21, Florida Statutes, is amended to read:

516.21 Restriction of borrower's indebtedness.—

(1) No licensee shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than 18 percent per annum upon any loan, or upon any part or all of any aggregate loan indebtedness of the same borrower, of the amount of more than \$5,000. The foregoing prohibition shall also apply to any licensee who permits any person, as borrower or as endorser, guarantor, or surety for any borrower, or otherwise, or any husband and wife, jointly or severally, to owe directly or contingently or both to the licensee at any time a sum of more than \$5,000 for principal. However, if the proceeds of any loan of \$5,000 or less are used to discharge a preexisting debt of the borrower for goods or services owed directly to the person who provided such goods or services, the licensee may accept from such person a guaranty of payment of the principal of such loan with interest at a rate not exceeding 18 percent per annum, and the acceptance of one or more such guaranties in any aggregate amount shall not affect the rights of such licensee to make the charges against the primary borrower authorized by s. 516.031, nor shall the limitation apply to the isolated acquisition directly or indirectly by purchase or by discount of bona fide obligations of a borrower. However, in the event a licensee makes a bona fide purchase of substantially all of the loans made under this chapter from another licensee or other lender not affiliated with the purchaser and such licensee or other lender has an existing loan outstanding to one or more of the borrowers whose loans are purchased, such licensee making such purchase shall be entitled to liquidate and collect the balances due on such loans, including all lawful charges and interest at the rates or amounts agreed upon in such loan contracts.

~~(2) As amended by chapter 70-592, Laws of Florida, chapter 70-274, Laws of Florida, which amended subsection (1):~~

~~(a) Shall apply only to loans, advances of credit, or lines of credit made on or subsequent to July 1, 1970, and to loans, advances of credit, or lines of credit made prior to that date if the lender has the legal right to require full payment or to adjust or modify the interest rate, by renewal, assumption, reaffirmation, contract, or otherwise; and~~

~~(b) Shall not be construed as diminishing the force and effect of any laws applying to loans, advances of credit, or lines of credit, other than to those mentioned in paragraph (a), completed prior to July 1, 1970.~~

Section 11. Section 516.23, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 516.23, F.S., for present text.)

516.23 Subpoenas; enforcement actions; rules.—

(1) The department may issue and serve subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence before it in any matter pertaining to this chapter. The department may administer oaths and affirmations to any person whose testimony is required. If any person refuses to testify, produce books, records, and documents, or otherwise refuses to obey a subpoena issued under this section, the department may enforce the subpoena in the same manner as subpoenas issued under the Administrative Procedure Act are enforced. Witnesses are entitled to the same fees and mileage as they are entitled to by law for attending as witnesses in the circuit court, unless such examination or investigation is held at the place of business or residence of the witness.

(2) In addition to any other powers conferred upon it to enforce or administer this chapter, the department may:

(a) Bring an action in any court of competent jurisdiction to enforce or administer this chapter, any rule or order adopted under this chapter, or any written agreement entered into with the department. In such action, the department may seek any relief at law or equity including temporary or permanent injunction, appointment of a receiver or administrator, or an order of restitution.

(b) Issue and serve upon a person an order requiring such person to cease and desist and take corrective action whenever the department finds that such person is violating, has violated, or is about to violate any provision of this chapter, any rule or order adopted under this chapter, or any written agreement entered into with the department.

(c) Impose and collect an administrative fine against any person found to have violated any provisions of this chapter, any rule or order adopted under this chapter, or any written agreement entered into with the department, in an amount not to exceed \$1,000 for each violation.

(3) The department may adopt rules and perform such other acts as are necessary for the proper administration, enforcement, and interpretation of this chapter.

Section 12. Section 516.26, Florida Statutes, is amended to read:

516.26 Purchase or assignment of wages, salaries, etc.—The payment of \$25,000 \$600 or less in money, credit, goods, or things in action as consideration for any sale or assignment of or order for the payment of wages, salary, commissions, or other compensation for services, whether earned or to be earned, shall, for the purposes of regulation under, and the enforcement and interpretation of, any law, civil or criminal, relating to loans, interest charges, or usury, be deemed a loan secured by such assignment, and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall, for the purpose of regulation under, and the interpretation and enforcement of, such law, be deemed interest upon such loan from the date of such payment until the date such compensation is payable. Each such transaction shall be governed by and subject in all respects to all provisions of law relating to loans, interest, charges, usury, and to the same extent as if it had been in form a loan of the sum paid for the assignment.

Section 13. Subsection (1) of section 516.31, Florida Statutes, is amended to read:

516.31 Consumer protection; certain negotiable instruments restricted; assigns subject to defenses; limitation on deficiency claims; cross collateral.—

(1) SCOPE.—This section ~~applies shall apply~~ to every consumer finance loan or other contract authorized by this chapter ~~credit transaction and contract~~ in which any form of credit is extended to an individual to purchase or obtain goods or services for use primarily for personal, family, or household purposes.

Section 14. Section 516.35, Florida Statutes, is amended to read:

516.35 Credit insurance must comply with Credit Insurance Act.—

(1) *Tangible property offered as security may be reasonably insured against loss for a reasonable term, considering the circumstances of the loan. If such insurance is sold at standard rates through a person duly licensed by the Department of Insurance and if the policy is payable to the borrower or any member of his family, it shall not be deemed to be a collateral sale, purchase, or agreement even though a customary mortgage clause is attached or the licensee is a coassured.*

(2) *Credit property, credit life, and disability insurance may be which is provided at the expense of the borrowers and must be provided only under a group or individual insurance policy which complies with ss. 627.676-627.684 and lawful regulations thereunder. The cost of such credit life and disability insurance which is paid by borrowers shall be deducted from the principal amount of the loan and shall be disclosed on the statement required by s. 516.15(1) or on a combined note and disclosure statement required by the federal Truth In Lending Act.*

Section 15. Sections 516.09, 516.13, 516.18, 516.20, 516.231, 516.29, 516.30, 516.34, and 516.37, Florida Statutes, are hereby repealed.

Section 16. Notwithstanding the provisions of chapter 81-318, Laws of Florida, sections 516.001, 516.01, 516.02, 516.03, 516.031, 516.035, 516.05, 516.07, 516.08, 516.11, 516.12, 516.15, 516.16, 516.17, 516.19, 516.21, 516.22, 516.221, 516.23, 516.26, 516.27, 516.31, 516.32, 516.33, 516.35, and 516.36, Florida Statutes, shall not stand repealed on October 1, 1988, as scheduled by such law, but said sections, as amended, are hereby revived and readopted.

Section 17. Sections 516.001, 516.01, 516.02, 516.03, 516.031, 516.035, 516.05, 516.07, 516.08, 516.11, 516.12, 516.15, 516.16, 516.17, 516.19, 516.21, 516.22, 516.221, 516.23, 516.26, 516.27, 516.31, 516.32, 516.33, 516.35, and 516.36, Florida Statutes, are repealed effective October 1, 1998, and shall be reviewed by the Legislature prior to that date pursuant to section 11.61, Florida Statutes.

Section 18. This act shall take effect October 1, 1988.

**Amendment 2**—In title, on pages 1-3, strike everything before the enacting clause and insert: A bill to be entitled An act relating to consumer finance; amending s. 516.01, F.S.; providing definitions; amending s. 516.02, F.S.; requiring a license from the Department of Banking and Finance to engage in the business of making consumer finance loans; providing certain limitations on credit amounts and interest rates; excluding certain persons from regulation under ch. 516, F.S.; amending s. 516.03, F.S.; providing a biennial licensing period; increasing the license fee; amending s. 516.031, F.S.; providing clarifying language; deleting obsolete language; amending s. 516.035, F.S.; increasing the rate of interest which may be charged upon default of a loan; amending s. 516.05, F.S.; revising licensing requirements; providing for an inactive license; requiring department approval prior to a change in place of business; providing for temporary licensing; amending s. 516.07, F.S.; providing grounds for denial of a license; providing grounds for disciplinary action; amending s. 516.11, F.S.; providing for investigations and examinations by the department; providing examination fees; amending s. 516.19, F.S.; providing a penalty; amending s. 516.21, F.S.; deleting obsolete language; amending s. 516.23, F.S.; providing for enforcement; amending s. 516.26, F.S.; providing conforming language; amending s. 516.31, F.S.; providing for applicability; amending s. 516.35, F.S.; providing for certain types of credit insurance; repealing ss. 516.09, 516.13, 516.18, 516.20, 516.231, 516.29, 516.30, 516.34, 516.37, F.S., relating to the regulation of consumer finance loans; saving ch. 516, F.S., from Sunset repeal and providing for future review and repeal; providing an effective date.

On motion by Senator Jennings, by two-thirds vote HB 658 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Vote after roll call:

Yea—Crawford, Hair, Stuart

On motions by Senator Thomas, by two-thirds vote HB 730 was withdrawn from the Committees on Agriculture and Appropriations.

On motion by Senator Thomas—

**HB 730**—A bill to be entitled An act relating to quarter horse racing; creating s. 570.541, F.S.; creating the Racing Quarter Horse Advisory Council within the Department of Agriculture and Consumer Services; providing legislative findings; providing for membership of the council; providing for terms of members; providing for meetings of the council; providing for annual election of a chairman and vice chairman; providing for a council secretary; providing recordkeeping requirements; providing for reimbursement of council members for per diem and travel expenses; providing for duties of the council; providing for the adoption of rules by the Department of Agriculture and Consumer Services; providing for future review and repeal; repealing s. 550.265, F.S., relating to the creation of the Quarter Horse Advisory Council; providing an effective date.

—a companion measure, was substituted for SB 959 and read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 730 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Beard	Girardeau	Langley	Stuart
Brown	Grant	Lehtinen	Thomas
Childers, W. D.	Grizzle	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Hair, Hill, Kirkpatrick

On motion by Senator Deratany, by two-thirds vote HB 350 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Deratany—

**HB 350**—A bill to be entitled An act relating to tax records; amending s. 192.105, F.S., which provides an exemption from public records requirements for certain federal tax information; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 1050 and read the second time by title.

Senator Deratany moved the following amendment:

**Amendment 1**—On page 1, lines 11-24, strike everything after the enacting clause and insert:

Section 1. Section 192.105, Florida Statutes, is amended to read:

192.105 Unlawful disclosure of federal tax information; penalty.—

(1) *Notwithstanding s. 119.14, it is unlawful for any person to divulge or make known federal tax information obtained pursuant to 26 U.S.C. s. 6103, except in accordance with a proper judicial order or as otherwise provided by law for use in the administration of the tax laws of this state, and such information is exempt from the requirements of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(2) Any person who violates the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Section 193.074, Florida Statutes, is amended to read:

193.074 Confidentiality of returns.—*Notwithstanding s. 119.14*, all returns of property and returns required by s. 201.022 submitted by the taxpayer pursuant to law shall be deemed to be confidential in the hands of the property appraiser, the clerk of the circuit court, the department, the tax collector, and the Auditor General, except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters, and such returns are exempt from the requirements of s. 119.07(1). *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 3. Subsections (3) and (6) of section 195.027, Florida Statutes, are amended to read:

195.027 Rules and regulations.—

(3) The rules and regulations shall provide procedures whereby the property appraiser, the Department of Revenue, and the Auditor General shall be able to obtain access, where necessary, to financial records relating to nonhomestead property, which records are required to make a determination of the proper assessment as to the particular property in question. Access to a taxpayer's records shall be provided only in those instances in which it is determined that such records are necessary to determine either the classification or the value of the taxable nonhomestead property. Access shall be provided only to those records which pertain to the property physically located in the taxing county as of January 1 of each year and to the income from such property generated in the taxing county for the year in which a proper assessment is made. *Notwithstanding s. 119.14*, all records produced by the taxpayer under this subsection shall be deemed to be confidential in the hands of the property appraiser, the department, the tax collector, and the Auditor General and shall not be divulged to any person, firm, or corporation, except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters, and records are exempt from the requirements of s. 119.07(1). *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(6) The fees and costs of the sale or purchase and terms of financing shall be presumed to be usual unless the buyer or seller, or agent thereof, files a form which discloses the unusual fees, costs, and terms of financing. Such form shall be filed with the clerk of the circuit court at the time of recording. The rules and regulations shall prescribe an information form to be used for this purpose. Either the buyer or the seller, or the agent of either, shall complete the information form and certify that the form is accurate to the best of his knowledge and belief. *Notwithstanding s. 119.14*, the information form shall be confidential in the hands of all persons after delivery to the clerk, except that the Department of Revenue and the Auditor General shall have access to it in the execution of their official duties, and such form is exempt from the requirements of s. 119.07(1). *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* The information form may be used in any judicial proceeding, upon a motion to produce duly made by any party to such proceedings. Failure of the clerk to obtain an information form with the recording shall not impair the validity of the recording or the conveyance. The form shall provide for a notation by the clerk indicating the book and page number of the conveyance in the official record books of the county. The clerk shall promptly deliver all information forms received by him to the property appraiser for his custody and use.

Section 4. Subsection (1) of section 195.084, Florida Statutes, is amended to read:

195.084 Information exchange.—

(1) The department shall promulgate rules and regulations for the exchange of information among the department, the property appraisers' offices, the tax collector, and the Auditor General. All records and returns of the department useful to the property appraiser or the tax collector shall be made available upon his request, but subject to the reasonable conditions imposed by the department. This section shall supersede statutes prohibiting disclosure only with respect to the property appraiser, the tax collector, and the Auditor General, but the department may establish regulations setting reasonable conditions upon the access to and custody of such information. *Notwithstanding s. 119.14*, the Audi-

tor General, the tax collectors, and the property appraisers shall be bound by the same requirements of confidentiality as the Department of Revenue. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* Breach of confidentiality shall be a misdemeanor of the first degree punishable as provided by ss. 775.082 and 775.083.

Section 5. Subsection (4) of section 196.101, Florida Statutes, is amended to read:

196.101 Exemption for totally and permanently disabled persons.—

(4)(a) A person entitled to the exemption in subsection (2) must be a permanent resident of this state. Submission of an affidavit that the applicant claiming the exemption under subsection (2) is a permanent resident of this state is prima facie proof of such residence. However, the gross income of all persons residing in or upon the homestead for the prior year shall not exceed \$12,000. For the purposes of this section, the term "gross income" includes Veterans Administration benefits and any social security benefits paid to the persons.

(b) The department shall require by rule that the taxpayer annually submit a sworn statement of gross income, pursuant to paragraph (a). The department shall require that the filing of such statement be accompanied by copies of federal income tax returns for the prior year, wage and earnings statements (W-2 forms), and other documents it deems necessary, for each member of the household. The taxpayer's statement shall attest to the accuracy of such copies. The department shall prescribe and furnish a form to be used for this purpose, which form shall include spaces for a separate listing of Veterans Administration benefits and social security benefits. *Notwithstanding s. 119.14*, all records produced by the taxpayer under this paragraph are confidential in the hands of the property appraiser, the department, the tax collector, and the Auditor General and shall not be divulged to any person, firm, or corporation, except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters, and such records are exempt from the requirements of s. 119.07(1). *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 6. Section 199.222, Florida Statutes, is amended to read:

199.222 Confidentiality of returns.—*Notwithstanding s. 119.14*, all annual personal property tax returns filed with the department shall be confidential, as provided in s. 213.053, and shall be exempt from the requirements of s. 119.07(1). *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 7. Subsection (1) of section 201.022, Florida Statutes, is amended to read:

201.022 Consideration for realty; filing of return condition precedent to recordation; failure to file does not impair validity.—

(1) As a condition precedent to the recordation of any deed transferring an interest in real property, the grantor or the grantee or agent for grantee shall execute and file a return with the clerk of the circuit court. The return shall state the actual consideration paid for the interest in real property. *Notwithstanding s. 119.14*, the return shall not be recorded, or otherwise become a public record, and shall be confidential as provided by s. 193.074, and shall be exempt from the requirements of s. 119.07(1). The original return shall be forwarded to the department, and a copy shall be forwarded to the property appraiser. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 8. Subsection (2) of section 206.27, Florida Statutes, is amended to read:

206.27 Records and files as public records.—

(2) *Notwithstanding s. 119.14*, nothing herein shall be construed as requiring the department to provide as a public record any information concerning audits in progress or those records and files of the department described in this section which are currently the subject of pending investigation by the Department of Revenue or the Florida Department of Law Enforcement. It is specifically provided that the foregoing information shall be exempt from the provisions of s. 119.07(1) ~~chapter 119~~ and shall be considered confidential pursuant to s. 213.053. Any officer, employee, or former officer or employee of the department who divulges any such information in any manner except for such official purposes or under s. 213.053 is guilty of a misdemeanor of the first degree, punishable

as provided in s. 775.082, s. 775.083, or s. 775.084. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 9. Subsection (10) of section 211.125, Florida Statutes, is amended to read:

211.125 Administration of law; books and records; powers of the department; refunds; enforcement provisions; confidentiality.—

(10) *Notwithstanding s. 119.14*, all returns and information filed with the department under this part are confidential and exempt from the requirements of s. 119.07(1), and such returns or information shall be protected from unauthorized disclosure as provided in s. 213.053 and shall be exempt from the requirements of s. 119.07(1). *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 10. Subsection (5) of section 211.33, Florida Statutes, is amended to read:

211.33 Administration of the tax; returns; delinquency penalties and interest; departmental inspections of records.—

(5) *Notwithstanding s. 119.14*, the use of information contained in any return filed by a producer under this part or in any books, records, or documents of a producer shall be as provided in s. 213.053, and shall be exempt from the requirements of s. 119.07(1). *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 11. Paragraph (d) of subsection (3) of section 212.0305, Florida Statutes, is amended to read:

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

(3) APPLICATION; ADMINISTRATION; PENALTIES.—

(d) The department shall keep records showing the amount of taxes collected, which records shall disclose the taxes collected from each county in which a local government resort tax is levied. *Notwithstanding s. 119.14*, these records shall be open for inspection during the regular office hours of the department, subject to the provisions of s. 213.053, and are exempt from the requirements of s. 119.07(1). *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 12. Subsections (2), (6), (7), and (9) of section 213.053, Florida Statutes, are amended to read:

213.053 Confidentiality and information sharing.—

(2) *Notwithstanding s. 119.14*, except as provided in subsections (3), (4), (5), (6), (7), (8), and (9), all information contained in returns, reports, accounts, or declarations received by the department, including investigative reports and information and including letters of technical advice, is confidential except for official purposes, and is exempt from the requirements of s. 119.07(1). *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* Any officer or employee, or former officer or employee, of the department who divulges any such information in any manner, except for such official purposes or in accordance with the provisions of subsection (3), subsection (4), subsection (5), subsection (6), subsection (7), subsection (8), or subsection (9), is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Any information received by the Department of Revenue in connection with the administration of taxes, including, but not limited to, information contained in returns, reports, accounts, or declarations filed by persons subject to tax, shall be made available by the department to the Auditor General or his authorized agent, the Comptroller or his authorized agent, and the Treasurer or his authorized agent, or a property appraiser or tax collector or their authorized agents pursuant to s. 195.084(1), in the performance of their official duties; however, no information shall be disclosed to the Auditor General or his authorized agent, the Comptroller or his authorized agent, or the Treasurer or his authorized agent, or to a property appraiser or tax collector or their authorized agents if such disclosure is prohibited by federal law. *Notwithstanding the provisions of s. 119.14*, the Auditor General or his authorized agent, the Comptroller or his authorized agent, and the Treasurer or his authorized agent, and the property appraiser or tax collector and their author-

ized agents, shall be subject to the same requirements of confidentiality and the same penalties for violation of the requirements as the department. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(7) The provisions of this section apply to all sections of chapter 207, the Florida Special Fuel and Motor Fuel Use Tax Act of 1981, except for s. 207.025, exchange of information. However, nothing in this section shall prevent the department from providing information relative to chapter 211, chapter 376, or chapter 377, or relative to the commencement of business activities of a taxpayer, to the proper state agency in the conduct of its official duties or from providing information relative to chapter 212 to the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation in the conduct of its official duties. *Notwithstanding s. 119.14*, such state agencies shall be bound by the same requirements of confidentiality as the Department of Revenue. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

(9)(a) *Notwithstanding other provisions of this section*, the department shall, subject to paragraph (c) and to the safeguards and limitations of paragraphs (b) and (d), disclose to the governing body of a municipality, a the county, or a subcounty district levying a local option tax, or any state tax which is distributed to units of local government based upon place of collection, which the department is responsible for administering, names and addresses only of the taxpayers who reside within the taxing boundaries of such municipality, county, or subcounty district when sufficient information is supplied by the municipality, the county, or subcounty district as the department by rule may prescribe, provided such governing bodies are following s. 212.18(3) relative to the denial of an occupational license after the department cancels a dealer's sales tax certificate of registration.

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

(c) *Notwithstanding s. 119.14*, after receipt of such information, the governing body and its officers and employees are subject to the same requirements of confidentiality and the same penalties for violating confidentiality as the department and its employees. The resolution requesting such information shall provide assurance that the governing body and its officers and employees are aware of those requirements and of the penalties for their violation of such requirements, and shall describe the measures that will be put into effect to ensure such confidentiality. The officer of the department who is authorized to receive, consider, and act upon such requests shall, if satisfied that the assurances in the resolution are adequate to assure confidentiality, grant the request. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

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

Section 13. Subsection (3) of section 213.21, Florida Statutes, is amended to read:

213.21 Informal conferences; compromises.—

(3) A taxpayer's liability for any tax or interest specified in s. 72.011(1), except taxes imposed under chapter 206, may be compromised by the department upon the grounds of doubt as to liability for or collectibility of such tax or interest. A taxpayer's liability for penalties under any of the chapters specified in s. 72.011(1) may be settled or compromised if it is determined by the department that the noncompliance is due to reasonable cause and not to willful negligence, willful neglect, or fraud. The department shall maintain records of all compromises, and the records shall state the basis for the compromise. *Notwithstanding s. 119.14*, the records of compromise shall not be subject to disclosure pursuant to s. 119.07(1) ~~chapter 119~~ and shall be considered confidential information governed by the provisions of s. 213.053. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 14. Subsection (2) of section 213.22, Florida Statutes, is amended to read:

213.22 Technical assistance advisements.—

(2) *Notwithstanding s. 119.14*, the department may not disclose pursuant to s. 119.07(1) ~~chapter 119~~, or otherwise, a technical assistance advisement or a request for a technical assistance advisement to any person other than the person who requested the advisement, or his authorized representative, or for official departmental purposes, without first deleting the name, address, and other identifying details of the person to whom the technical assistance advisement was issued. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 15. Subsections (1) and (6) of section 213.27, Florida Statutes, are amended to read:

213.27 Contracts with debt collection agencies.—

(1) The Department of Revenue may, for the purpose of collecting any delinquent taxes due from a taxpayer, contract with any debt collection agency or attorney doing business within or without this state for the collection of such delinquent taxes including penalties and interest thereon. *The department may also share confidential information pursuant to the contract necessary for the collection of delinquent taxes.* Contracts will be made pursuant to chapter 287. The taxpayer must be notified by certified mail by the department, its employees, or its authorized representative 30 days prior to commencing any litigation to recover any delinquent taxes. The taxpayer must be notified by certified mail by the department 30 days prior to the department assigning the collection of any delinquent taxes to the debt collection agency.

(6) *Notwithstanding s. 119.14, confidential information shared with debt collection or auditing agencies is exempt from the requirements of s. 119.07(1), and debt collection or auditing agencies shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by ss. 775.082 and 775.083. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 16. Section 220.242, Florida Statutes, is amended to read:

220.242 Declaration as return.—*Notwithstanding s. 119.14*, all of the provisions of this part and of s. 213.053, relating to confidentiality, shall be applicable with respect to declarations of estimated tax unless manifestly inconsistent therewith, *and such declarations shall be exempt from the requirements of s. 119.07(1).* However, the declaration required of a preparer other than the taxpayer under s. 220.221(3) shall not be required with respect to declarations of estimated tax. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 17. Subsection (1) of section 201.05, Florida Statutes, is amended to read:

201.05 Tax on stock certificates.—

(1) On each original issue, whether organization or reorganization, of certificates of stock or shares however designated issued in the state, or of certificates of profits, or of interest in property or accumulations, by any corporation or by any joint stock company or other association as set forth in s. 201.04, on each \$100 of face value, or fraction thereof, the tax shall be 15 cents; provided that when a certificate is issued without face value, the tax shall be 15 cents on each \$100 of actual value or fraction thereof. The stamps representing the tax imposed by this section shall be attached to the stock books, and not to the certificates issued. The provisions of this section do not apply to any stock or share, *issued in this state, of an open-end or closed-end management company or a unit investment trust registered under of an open-end mutual fund issued in this state and registered under* the Investment Company Act of 1940, 45 U.S.C. s. 80a-1-62, as amended.

Section 18. This act shall take effect October 1, 1988.

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

**Amendment 1A**—On page 10, strike all of lines 6-8 and insert: 211, chapter 376, or chapter 377 to the proper state agency in the conduct of its official duties or from providing information relative to the commencement of business activities of a foreign corporation to the Division of Corporations of the Department of State in the conduct of its official duties or

**Amendment 1B**—On page 10, line 26, after “taxpayers” insert: *granted a certificate of registration pursuant to s. 212.18(3)*

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

**Amendment 1C**—On page 10, line 26, after “within” insert: *or adjacent to*

Senators Girardeau, Hair and Crenshaw offered the following amendment to Amendment 1 which was moved by Senator Hair and adopted:

**Amendment 1D**—On page 7, between lines 15 and 16, insert:

Section 8. Discretionary surtax on documents; adoption; application of revenue.—

(1) The governing authority in each county the government of which is consolidated with that of one or more municipalities may levy a discretionary surtax on documents for the purpose of establishing and financing a Housing Assistance Loan Trust Fund to assist in financing the construction, rehabilitation, or purchase of housing for low-income and moderate-income families. At least 50 percent of the proceeds of the surtax must be used to assist in financing the construction, rehabilitation, or purchase of housing for low-income families. For the purposes of this section, “low-income family” means a family whose income does not exceed 80 percent of the median family income for the area, and “moderate-income family” means a family whose income is in excess of 80 percent but less than 140 percent of the median family income for the area. For the purposes of this section, the term “housing” is not limited to single-family, detached dwellings. The rate of the surtax may not exceed 45 cents for each \$100 or fractional part thereof of the consideration therefor. The surtax shall apply only to those documents taxable under s. 201.02, Florida Statutes, except that the surtax shall not apply to any document pursuant to which the interest granted, assigned, transferred, or conveyed involves only a single-family residence, whether the single-family residence is a condominium unit, a unit held through stock ownership or membership representing a proprietary interest in a corporation owning a fee or a leasehold initially in excess of 98 years, or a detached dwelling.

(2) The levy of the discretionary surtax and the creation of a Housing Assistance Loan Trust Fund must be by ordinance which sets forth the policies and procedures of the assistance program. The ordinance may be proposed only at a regular meeting of the governing authority held at least 2 weeks prior to formal adoption. The ordinance may not take effect unless formally adopted by a majority of the membership of the governing authority and may not take effect until 90 days after its formal adoption.

(3) The county shall deposit revenues from the discretionary surtax in the Housing Assistance Loan Trust Fund of the county and shall use the revenues only to help finance the construction, rehabilitation, or purchase of housing for low-income and moderate-income families and to pay necessary costs of collecting and enforcing the surtax. Authorized uses of the revenues include, but are not limited to, providing funds for first and second mortgages and acquiring property for the purpose of forming housing cooperatives. Special consideration shall be given toward using the revenues for the neighborhood economic development programs of Community Development Corporations. No more than 50 percent of the revenues collected each year pursuant to this section may be used to help finance new construction. The proceeds of the surtax may not be used for rent subsidies or grants.

(4) All provisions of chapter 201, Florida Statutes, except s. 201.15, Florida Statutes, apply to the surtax. The Department of Revenue shall pay to the governing authority of the county which levies the surtax all taxes, penalties, and interest collected under this section less any costs of administration.

(5) Each county which levies the surtax shall include in the financial report required under s. 218.32, Florida Statutes, information showing the revenues and the expenses of the trust fund for the fiscal year.

Section 9. Section 8 is repealed effective October 1, 1998.

(Renumber subsequent sections.)

Senator Deratany moved the adoption of **Amendment 1** as amended.

On motion by Senator Crenshaw, further consideration of **HB 350** was deferred.

**Senator W. D. Childers presiding**

**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.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 24 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Malchon, by two-thirds vote HB 1557 was withdrawn from the Committee on Corrections, Probation and Parole.

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

**HB 1557**—A bill to be entitled An act relating to the Department of Corrections; amending s. 945.48, F.S.; providing procedures for court-ordered treatment orders for inmates who refuse consent for the treatment of mental illness; providing for notice, appointment of counsel, and a standard of proof; providing an effective date.

—a companion measure, was substituted for SB 1173 and by two-thirds vote read the second time by title. On motion by Senator Malchon, by two-thirds vote HB 1557 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

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

Nays—None

Vote after roll call:

Yea—Crawford, Hollingsworth

**SB 247**—A bill to be entitled An act relating to the district school tax; amending s. 236.25, F.S.; revising the method of calculating the millage that a school district must levy in order to participate in the state allocation of funds for current operation and the method of calculating the limit on that millage; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 247 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

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

Nays—None

Vote after roll call:

Yea—Crawford

**SB 248**—A bill to be entitled An act relating to school finance; amending s. 236.081, F.S.; revising the manner and method of determining the basic annual allocation from the Florida Education Finance Program to each school district for operation; providing an effective date.

—was read the second time by title.

Senator Peterson moved the following amendments which were adopted:

**Amendment 1**—On page 26, between lines 27 and 28, insert:

Section 1. Subsection (4) of section 229.565, Florida Statutes, is amended to read:

229.565 Educational evaluation procedures.—

(4) ASSISTANCE AND ADJUSTMENTS.—If discrepancies or deficiencies are found, the Commissioner of Education shall provide information and assistance to the superintendent and personnel of the district in correcting the cited deficiencies. Priority for such assistance shall be given to providing the most deficient individual school programs with research-based problem identification strategies and alternatives to improve student performance. Such alternatives shall be systematically drawn from research related to school effectiveness, teacher effectiveness, or management effectiveness. If it is determined that the approved criteria and procedures for the placement of students and the conduct of programs have not been followed by the district, appropriate adjustments in the full-time equivalent student count for that district shall be made, and any excess funds shall be deducted from subsequent allocations of state funds to that district. *As provided for by rules of the State Board of Education, if errors in a specific program of a district recur in consecutive years due to lack of corrective action by the district, adjustments may be made based upon statistical estimates of error projected to the overall district program.*

**Amendment 2**—In title, on page 1, line 6, after the semicolon (;) insert: amending s. 229.565, F.S.; authorizing adjustments in district full-time equivalent student counts based on statistical estimates under certain conditions;

On motion by Senator Peterson, by two-thirds vote SB 248 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford

Consideration of **CS for SB 497** was deferred.

**Senator Peterson presiding**

**SB 576**—A bill to be entitled An act relating to state employment; amending s. 110.205, F.S.; reclassifying positions for which the employee must be a law school graduate; providing an effective date.

—was read the second time by title.

The Committee on Personnel, Retirement and Collective Bargaining recommended the following amendment which was moved by Senator Johnson and adopted:

**Amendment 1**—On page 1, lines 23 and 24, strike “receipt of the” and insert: *which require as a prerequisite to employment that the employee has received a*

Senator Johnson moved the following amendments which were adopted:

**Amendment 2**—On page 1, lines 23-25, strike all of said lines and insert: *exempted from licensure pursuant to s. 409.352; or for 12 calendar months, which require as a prerequisite to employment that the employee have received the degree of Bachelor of Laws or Juris Doctor from a law school accredited by the American Bar Association and thereafter membership in the Florida Bar*

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

Section 2. Subsection (7) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(7) (a) *The calculation for the annual salary rate for vacant and newly authorized positions shall be 10 percent above the minimum of the pay grade for the position or as provided in the letter of intent.*

(b) *No agency may exceed its maximum approved annual salary rate for the fiscal year. However, at any time during the fiscal year, an agency may exceed its approved rate by no more than 5 percent, provided that, by June 30 of every fiscal year, the agency has reduced its salary rate so that the salary rate is within the approved rate limit.*

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

**Amendment 4**—On page 1, line 5, after the semicolon (;) insert: amending s. 216.181, F.S.; providing for the calculation of salary rate for newly authorized positions;

On motion by Senator Johnson, by two-thirds vote SB 576 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator W. D. Childers, by two-thirds vote CS for HB 735 was withdrawn from the Committee on Commerce.

On motion by Senator W. D. Childers—

**CS for HB 735**—A bill to be entitled An act relating to financial institutions; amending s. 655.061, F.S.; deleting restrictions against the authorization for state banks to establish branches under the competitive equality provisions of law; providing a conditional effective date.

—a companion measure, was substituted for CS for SB 497 and read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote CS for HB 735 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford

Consideration of CS for CS for SB 399 was deferred.

**CS for SB 530**—A bill to be entitled An act relating to drivers' licenses; amending s. 322.271, F.S.; providing requirements for obtaining and retaining an employment purposes driver's license; allowing a person whose license is revoked permanently to obtain an employment purposes license; providing an effective date.

—was read the second time by title.

Senators Grant and Girardeau offered the following amendment which was moved by Senator Grant and adopted:

**Amendment 1**—On page 4, between lines 21 and 22, insert:

Section 2. Subsection (2) of section 322.291, Florida Statutes, is amended to read:

322.291 Driver improvement schools; required in certain suspension and revocation cases.—Except as provided in s. 322.03(1)(b), any person:

(2) Whose license was suspended under:

(a) The point system; or

(b) Pursuant to s. 322.261

shall, before the driving privilege may be reinstated, in addition to passing the complete driver's license examination, present to the department proof of enrollment in a department-approved *substance abuse education course or for suspensions under the point system, an approved driver training or substance abuse education course*. If the person fails to complete such course within 90 days after reinstatement, the driver's license shall be canceled by the department until such course is successfully completed.

(Renumber subsequent section.)

Senator Grant moved the following amendments which were adopted:

**Amendment 2**—On page 4, between lines 21 and 22, insert:

Section 2. Paragraphs (a) and (c) of subsection (2) of section 562.11, Florida Statutes, are amended to read:

562.11 Selling, giving, or serving alcoholic beverages to person under age 21; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21; penalties.—

(2) It is unlawful for any person to misrepresent or misstate his age or the age of any other person for the purpose of inducing any licensee or his agents or employees to sell, give, serve, or deliver any alcoholic beverages to a person under 21 years of age.

(a) Anyone convicted of violating the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; *and the court shall suspend such person's driver's license or driving privilege for a period of 1 year.*

(c) In addition to any other penalty imposed for a violation of this subsection, if a person uses a driver's license or identification card issued by the Department of Highway Safety and Motor Vehicles in violation of this subsection, the court may:

1. order the person to participate in public service or a community work project for a period not to exceed 40 hours; ~~and~~

~~2. Suspend the person's driver's license or driving privilege for a period not to exceed 1 year.~~

(Renumber subsequent section.)

**Amendment 3**—In title, on page 1, line 7, after the semicolon (;) insert: amending s. 322.291, F.S.; requiring persons whose licenses were suspended for refusal to submit to the breath, urine, or blood test for impairment to enroll in a substance abuse course; specifying which course must be completed;

Senators Grant and Girardeau offered the following amendment which was moved by Senator Grant and adopted:

**Amendment 4**—In title, on page 1, line 7, after the semicolon (;) insert: amending s. 562.11, F.S.; requiring a court to suspend, for 1 year, the driver's license or driving privilege of a person convicted of misstating or misrepresenting a minor's age in order to induce another to provide alcoholic beverages to the minor;

On motion by Senator Girardeau, by two-thirds vote CS for SB 530 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford

Consideration of **CS for SB 619** was deferred.

**SB 626**—A bill to be entitled An act relating to requirements for professional liability insurance; amending s. 337.106, F.S.; allowing certain providers of professional service to the Department of Transportation the alternative of self-insurance; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, line 20, after "or" insert: , if such person or firm is a member of a group or association qualified to self-insure under the provisions of s. 627.356,

On motion by Senator Jennings, by two-thirds vote SB 626 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Jennings, the rules were waived and **SB 626** was ordered immediately certified to the House.

On motion by Senator Thomas, by two-thirds vote HB 705 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

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

**HB 705**—A bill to be entitled An act relating to the military code; amending s. 250.22, F.S.; revising language with respect to retirement to eliminate a prohibition in the computation of certain retirement benefits; providing an effective date.

—a companion measure, was substituted for SB 802 and by two-thirds vote read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 705 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—D. Childers, Crawford, Hair

**SB 912**—A bill to be entitled An act relating to the equine industry; providing legislative findings; creating the Equine Industry Advisory Council within the Department of Agriculture and Consumer Services; providing for appointment and terms of members; providing for expenses, per diem, and removal of members; providing for quorum and meetings; providing power and duty of the council; providing for future review and repeal; providing an effective date.

—was read the second time by title.

Senator Thurman moved the following amendments which were adopted:

**Amendment 1**—On page 2, lines 14 and 15, strike "utility industry" and insert: industry, one of whom represents the pleasure horse segment

**Amendment 2**—On page 2, lines 8 and 9, strike "and pleasure"

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

Yeas—27

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

Nays—None

Vote after roll call:

Yea—D. Childers, Crawford, Hair, Hollingsworth

On motion by Senator Thurman, the rules were waived and **SB 912** was ordered immediately certified to the House.

**SB 1153**—A bill to be entitled An act relating to vocational rehabilitation; creating s. 413.341, F.S.; providing for confidentiality of applicant and client records; creating s. 413.371, F.S.; establishing an independent living program within the Division of Vocational Rehabilitation of the Department of Labor and Employment Security; creating s. 413.381, F.S.; providing definitions; amending s. 413.39, F.S.; providing for the administration of the independent living program; creating s. 413.395, F.S.; creating the Florida Independent Living Advisory Council; providing for membership and duties; amending s. 413.40, F.S.; providing the division with certain powers and duties relating to the independent living program; creating s. 413.401, F.S.; providing for eligibility for independent living services; creating s. 413.405, F.S.; creating a state Vocational Rehabilitation Advisory Council; providing for membership and duties; amending

s. 413.41, F.S.; providing conforming language; amending s. 413.42, F.S.; authorizing the division to cooperate with agencies of the Federal Government regarding administration of laws relating to individuals with disabilities and independent living; repealing s. 413.34, F.S., relating to the misuse of vocational lists and records; repealing s. 413.37, F.S., relating to the self-care program for the handicapped; repealing s. 413.38, F.S., relating to definitions; providing for future review and repeal of ss. 413.395, 413.405, F.S.; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 2, line 18, after "119.07." insert: This exemption is subject to s. 119.14, the Open Government Sunset Review Act.

On motion by Senator Langley, by two-thirds vote SB 1153 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—D. Childers, Crawford

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

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Langley, by two-thirds vote CS for SB's 362 and 364 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

#### SPECIAL ORDER, continued

On motion by Senator Myers, by two-thirds vote HB 426 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Myers—

**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.

—a companion measure, was substituted for SB 183 and read the second time by title. On motion by Senator Myers, by two-thirds vote HB 426 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Crawford, Hair, Hollingsworth

**SB 1356**—A bill to be entitled An act relating to banking; amending s. 660.33, F.S.; prescribing procedures for an affiliated trust company or an affiliated bank's trust department to be substituted as fiduciary for a predecessor trust service office; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 4, line 25, strike "the war" and insert: *their ward*

On motion by Senator Crenshaw, by two-thirds vote SB 1356 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Crawford

On motion by Senator Crenshaw, by two-thirds vote HB 1555 was withdrawn from the Committee on Commerce.

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

**HB 1555**—A bill to be entitled An act relating to insurance; creating s. 624.4392, F.S., within the Florida Nonprofit Multiple-Employer Welfare Arrangement Act; providing fund balance requirements; providing an exception; creating s. 624.4412, F.S.; requiring approval of forms; creating s. 624.4414, F.S.; specifying employer participants' liability for the obligations of the arrangement; creating s. 624.4415, F.S.; providing requirements relating to assessment of employers; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 619 and by two-thirds vote read the second time by title. On motion by Senator Crenshaw, by two-thirds vote HB 1555 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford

**HB 881**—A bill to be entitled An act relating to children; creating s. 683.17, F.S., designating a day of recognition for children; encouraging certain acknowledgement and reaffirmation by the public; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote HB 881 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford

**SB 807**—A bill to be entitled An act relating to expressway authorities; repealing part V of chapter 348, F.S.; abolishing the Palm Beach Expressway Authority; providing an effective date.

—was read the second time by title.

Three amendments were adopted to SB 807 to conform the bill to HB 799.

Pending further consideration of SB 807 as amended, on motions by Senator D. Childers, by two-thirds vote HB 799 was withdrawn from the Committees on Transportation and Appropriations.

On motion by Senator D. Childers—

**HB 799**—A bill to be entitled An act relating to expressway authorities; repealing part V of chapter 348, F.S.; abolishing the Palm Beach Expressway Authority; providing for the transfer of assets, debts and liabilities of the project to the entity taking over projects, powers and duties; providing an effective date.

—a companion measure, was substituted for SB 807 and read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 799 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford

**The President presiding**

**SB 475**—A bill to be entitled An act relating to the Department of State; amending s. 15.16, F.S.; providing for optical image record storage; prescribing admissibility and authenticity of records so stored; providing for receipt of certain records through facsimile or other electronic transfer; providing for certification and electronic transmittal of department records; authorizing the department to adopt rules; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote SB 475 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crawford

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator Barron, by two-thirds vote CS for HB 1519 was withdrawn from the Committees on Health and Rehabilitative Services; and Education.

On motion by Senator Barron, the rules were waived and the Committee on Commerce was granted permission to meet May 26 at 9:00 a.m. to consider CS for SB 1083 and CS for HB 1519.

**ENROLLING REPORTS**

Senate Bills 194, 535, 562, 951, CS for SB's 33, 197, 241, CS for SB 447, CS for SB 500, CS for SB 573, CS for SB 568, Senate Bills 630, 631, 651, 671, 672, 867, 877, 1206 and 1220 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 25, 1988.

*Joe Brown, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journals of May 19, 23 and 24 were corrected and approved.

**CO-INTRODUCERS**

Senator Frank—CS for CS for SB 1056

**VOTES RECORDED**

Senator Hair was recorded as voting yea on the following which were considered May 11: SB 1064, CS for SB 1084, House Bills 212, 657, HCR 1666; May 12: SB 198, CS for SM 302, CS for SJR's 318 and 356, SB 357, CS for CS for SB 392, SB 414, CS for SB 459, CS for SB 500, CS for CS for SB 556, CS for SB 573, Senate Bills 589, 590, CS for SB 606, CS for SB 831, CS for SB 872, CS for SB 924, CS for SB 925, Senate Bills 937, 951, 1077, 1114, CS for SB 1174, SB 1338, SR 1408, House Bills 168, 241, 592, 627, 1060, and 1662.

**RECESS**

On motion by Senator Barron, the Senate recessed at 5:00 p.m. to reconvene at 10:30 a.m., Thursday, May 26.