



Journal of the Senate

Number 20

Thursday, May 26, 1988

CALL TO ORDER

The Senate was called to order by the President at 10:30 a.m. A quorum present—37:

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

Excused: Mr. President at 11:20 a.m.; and periodically, members of the Conference Committee on HB 1700

PRAYER

The following prayer was offered by James C. Vaughn, Jr., Senate Reading Clerk:

Shema Yisrael, Adonai, Elohanu, Adonai, Echod and unto whom all hearts are open, all desires known, and from whom no secrets are hid: We graciously beg thee to cleanse the thoughts of this august body's heart by thy Holy Spirit, as they embark upon another day of deliberations over legislation that will eventually affect the lives of all Floridians.

Holy Father, give these women and men sensitive ears to hear the desires and the needs of the people whom they represent and enable them to make the right decisions, which will translate into laws that will allow justice to roll down like waters and righteousness, like an ever-flowing stream.

As these lawmakers are approaching the sunset of this session, where their hearts are becoming weary and their minds tired, touch their stamina and patience to remember that it "ain't over 'til it's over." And finally, remind them that they have only just a minute left. Only sixty seconds—forced upon them—can't refuse, didn't seek it, didn't choose it, but it's up to them to use. They must suffer if they lose it, give account if they abuse it. Just a tiny little minute, but Florida's future and her eternity resides in it. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 26 and Monday, May 30, 1988: CS for CS for SB 399, CS for CS for SJR 391, HB 270, HB 433, CS for SB 1252, CS for CS for CS for SB 1054, SB 1105, SB 1033, CS for SB 143, CS for CS for CS for SB 587, CS for SB's 849 and 1351, CS for SB 93, CS for SB 982, SB 824, SB 890, CS for SB 370, CS for SB 90, SB 546, CS for SB 567, CS for SB 598, CS for SB 1212, CS for SB 1354, CS for SB 1375, HB 321, SB 1353, CS for CS for SB 1257, CS for SB 764, CS for SB 315, SB 461, SB 528, SB 548, SB 654, SB 566, SB 1246, SB 1234, CS for SB 1232, SB 1088, SB 1115, SB 787, CS for SB 452, CS for SB 341, CS for SB 739, CS for SB 773, SB 231, CS for SB 239

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following Claims Bill Calendar for Thursday, May 26, 1988: SB 68, SB 105, SB 180, SB 181, SB 189, SB 336, SB 387, SB 424, SB 490, SB 494, SB 495, SB 647, HB 56, HB 62, CS for HB 159, CS for HB 282, CS for HB 991

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Commerce recommends the following pass: CS for HB 1519 with 2 amendments

The Committee on Corrections, Probation and Parole recommends the following pass: CS for HB's 1574, 1422, 1430, 1438, 1439 and 1567 with 2 amendments, HB 1653 with 2 amendments

The Committee on Finance, Taxation and Claims recommends the following pass: SB 593 with 4 amendments

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

The Committee on Finance, Taxation and Claims recommends the following pass: HB 56, HB 62, CS for HB 159, CS for HB 282, CS for HB 991, SB 68 with 1 amendment, SB 105 with 1 amendment, SB 180 with 2 amendments, SB 181 with 2 amendments, SB 189 with 1 amendment, SB 336, SB 387, SB 424 with 2 amendments, SB 490, SB 494, SB 495, SB 647 with 3 amendments, SB 955

The bills were placed on the calendar.

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: SB 307

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: CS for SB 1056, SB 1102

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 648

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 749

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 742

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1349

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 Appropriations recommends committee substitutes for the following: CS for SB 45, SB 293, CS for CS for SB 560, CS for SB 792, CS for SB 904, SB 931, CS for CS for SB 1054, CS for SB's 1107, 776, 798 and 1180, CS for SB 1221

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 609, CS for SB 725, SB 938

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 1034, SB 1308

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

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committees on Appropriations; and Health and Rehabilitative Services and Senators Malchon, Woodson, Grant, Myers and Gordon—

CS for CS for SB 45—A bill to be entitled An act relating to services for disabled adults; creating s. 410.601, F.S.; providing a short title; creating s. 410.602, F.S.; providing legislative intent; creating s. 410.603, F.S.; providing definitions; creating s. 410.604, F.S.; directing the Department

of Health and Rehabilitative Services to provide a community care program for disabled adults; providing eligibility; providing for a continuum of services; providing for funding and fees; requiring evaluation and reports; creating s. 410.605, F.S.; providing confidentiality; providing for review and repeal; creating s. 410.606, F.S.; providing for the adoption of rules; amending s. 410.031, F.S.; including disabled adults in legislative intent; amending s. 410.032, F.S.; expanding the definition of "elderly person" to include any person 60 years of age or over; defining "disabled adult"; amending s. 410.033, F.S.; including disabled adults in the home care for the elderly program; amending s. 410.035, F.S.; requiring the department to develop a schedule of subsidy payments for disabled adults and elderly persons by October 1, 1988; creating s. 410.037, F.S.; providing confidentiality; providing for review and repeal; requiring the department to conduct a study; providing an appropriation; providing an effective date.

By the Committee on Appropriations and Senator Kiser—

CS for SB 293—A bill to be entitled An act relating to the Sports Advisory Council of the Department of Commerce; amending s. 20.17, F.S.; authorizing the department to enter into a contract with a corporation not for profit to assist the council in the promotion and development of professional sports and related industries; prescribing qualifications of the corporation authorized to be the direct-support organization; specifying required terms of the contract; authorizing the department to allow the corporation to use property and services of the department; providing for audits of the corporation; limiting the authority of the direct-support organization with respect to the receipt of funds; providing an effective date.

By the Committee on Corrections, Probation and Parole and Senators Johnson, Lehtinen and Jenne—

CS for SB 307—A bill to be entitled An act relating to sentencing; amending s. 921.0015, F.S.; providing for legislative adoption and implementation of revisions to sentencing guidelines promulgated by the Florida Supreme Court in accordance with s. 921.001, F.S.; amending s. 921.001, F.S.; authorizing the commission to develop revised statewide guidelines; authorizing community control or incarceration for certain felony offenders; changing the standard of appellate review; providing legislative findings and intent as to career criminals; providing for enhanced prosecution of and penalties for career criminals; providing criteria and standards; providing for investigative cooperation among criminal justice agencies; providing for the establishment of career criminal prosecution units in state attorneys' offices; providing guidelines for prosecution; providing for career criminal apprehension programs to be implemented by law enforcement agencies; amending s. 775.084, F.S.; deleting provisions relating to habitual misdemeanants and providing for the sentencing of habitual violent felony offenders; providing a limitation on gain-time for habitual felons; providing for extended terms of imprisonment; providing definitions, procedures, and standards; amending s. 775.021, F.S.; providing legislative intent as to the rules of construction for determining criminal penalties; providing for severability; providing an effective date.

By the Committees on Appropriations; Finance, Taxation and Claims; and Commerce and Senators Weinstein, W. D. Childers, Margolis, Hill, Woodson and Meek—

CS for CS for CS for SB 560—A bill to be entitled An act relating to regulation of sellers of travel; creating s. 559.927, F.S.; providing definitions; providing for registration of sellers of travel; providing registration fees; providing for submission of documents by sellers of travel and by promoters; providing for recordkeeping; providing for suspension or revocation of registration; prescribing acts or omissions which constitute violations; prescribing criminal and civil penalties; providing for bonds by registrants; providing exemptions; providing for disposition of moneys recovered; providing for state preemption of the subject matter; providing for future review and repeal; providing an appropriation; providing an effective date.

By the Committee on Judiciary-Civil and Senator Gordon—

CS for SB 609—A bill to be entitled An act relating to the "Life-Prolonging Procedure Act of Florida"; amending s. 765.04, creating s. 765.051, F.S., and amending s. 765.07, F.S.; authorizing the parents or guardians of minors to act on behalf of their minor children under the act; amending s. 765.15, F.S.; providing that written declarations on behalf of minor children must comply with federal law; providing an effective date.

By the Committee on Judiciary-Civil and Senator Brown—

CS for SB 648—A bill to be entitled An act relating to witnesses; amending s. 92.231, F.S.; expanding the definition of "expert witness" with respect to criminal cases; amending s. 406.09, F.S.; providing that expert witness fees for medical examiners be paid by the party taking the testimony within a reasonable time period; amending s. 914.06, F.S.; providing for compensation of expert witnesses in criminal cases when such witnesses are medical examiners; providing an effective date.

By the Committees on Judiciary-Civil; and Judiciary-Criminal and Senator Frank—

CS for CS for SB 725—A bill to be entitled An act relating to assault, battery, and sexual battery; creating s. 784.046, F.S.; providing for the issuance of restraining orders, without the necessity of legal representation, in cases in which acts of repeat violence are alleged; providing definitions; providing duties of the clerk of court; providing for waiver of fees for indigents; providing a form for petition for injunction; providing for service of process; providing for ex parte temporary injunction; providing for injunctive relief of 1 year; providing for extension of such relief; providing for dissemination and verification of injunction; providing for enforcement through contempt proceedings and imposition of fine; providing for arrest for violation of injunction; providing for modification or dissolution of injunction; amending s. 901.15, F.S.; authorizing warrantless arrest by law enforcement officer for violation of repeat violence injunction; providing an effective date.

By the Committee on Natural Resources and Conservation and Senator Kiser—

CS for SB 749—A bill to be entitled An act relating to environmental control; amending s. 403.087, F.S.; revising the fees which may be charged for various permits by the Department of Environmental Regulation; providing restrictions; authorizing single applications and single fees for certain air pollution sources; requiring rules to establish maximum fees to be paid by any one owner; amending s. 403.311, F.S.; increasing the fee for weather modification licenses; amending s. 403.722, F.S.; deleting reference to the amount of the fee for a hazardous waste facility permit; requiring the Department of Environmental Regulation to begin rule-making within a specified time; providing an effective date.

By the Committees on Appropriations; and Governmental Operations and Senators Johnson, Kiser, Brown, Crawford, Crenshaw, Gordon, Jennings, Lehtinen, Margolis, Meek, Myers, Ros-Lehtinen, Thomas and Vogt—

CS for CS for SB 792—A bill to be entitled An act relating to fine arts and historic preservation; creating s. 265.2861, F.S.; establishing a State Major Cultural Institution Trust Fund; providing for transfer of a portion of corporate annual report fees thereto; creating a State Major Cultural Institution Program; providing for award of grants and providing requirements with respect thereto; requiring annual reports and audits; providing appropriations from the State Major Cultural Institution Trust Fund to the Vital Local Cultural Program and the art grants program; amending s. 607.361, F.S.; increasing the filing fee for corporate annual reports; amending s. 265.286, F.S.; creating a Vital Local Cultural Program; providing for award of grants and providing requirements with respect thereto; amending s. 265.285, F.S.; revising provisions relating to membership and duties of the Florida Arts Council; creating s. 265.701, F.S.; authorizing the Division of Cultural Affairs to accept and administer moneys to fund grants to counties, municipalities, and certain nonprofit corporations for the acquisition, renovation, or construction of cultural facilities; specifying duties of the Florida Arts Council; requiring matching contributions; amending s. 267.0617, F.S.; authorizing the Division of Historical Resources to accept and administer moneys to fund historic preservation grants-in-aid; providing requirements with respect thereto; specifying duties of the Historic Preservation Advisory Council; revising a cross reference; providing an effective date.

By the Committees on Appropriations and Commerce—

CS for CS for SB 904—A bill to be entitled An act relating to health care; creating the Health Care Cost Containment Act; creating chapter 407, F.S.; amending and transferring part II of chapter 395, F.S., relating to the Health Care Cost Containment Act of 1979, to chapter 407, F.S.; providing a short title; providing definitions; prescribing the maximum allowable rate of increase in hospital rates; providing legislative intent; establishing administrative authority; revising composition of the Hospital Cost Containment Board; deleting obsolete language; revising board

procedures; revising powers and duties of the board; requiring a threshold by which budgets are subject to board review; providing immunity to hospitals for releasing certain data; prescribing law governing hospital budgets and budget amendments; revising the uniform system of financial reporting for hospitals and providing procedures for grouping hospitals; requiring all hospitals exceeding certain thresholds to submit budgets; providing penalties relating to required reports and information; providing for analyses, studies, and reports by the board; requiring accessible data base; abolishing the Office of Technical Assistance; deleting certain technical assistance responsibilities; revising procedures establishing prospective payment arrangements; requiring hospitals not exceeding maximum allowable rate of increase to file budget letters with board instead of detailed budget; establishing detailed budget review threshold; allowing hospitals to accumulate percentage points for use in future; providing rulemaking authority; revising board budget review and approval review processes; requiring hospitals requesting increases above the maximum allowable rate of increase to file budgets; establishing hospital groupings; providing for budget review; providing for budget amendment; establishing criteria for budget review; providing for preliminary findings; providing for objections; providing for hearings; providing for exceptions; providing exemptions for certain hospitals from detailed budget review; providing an effective date for revised budget review and approval procedures; modifying penalty provisions; providing for accumulation of net revenue percentage points to offset penalties; providing for waiver of penalty; specifying duties of Public Counsel; repealing s. 395.52, F.S., relating to information or physician charges; providing for studies and reports by the board; providing an appropriation; providing for a hospital expenditure and revenue study; providing for rules; revising and readopting provisions of part II of chapter 395, F.S., as amended and transferred, notwithstanding repeals scheduled under the Regulatory Sunset Act; providing for future review and repeal of such provisions; creating chapter 389, F.S.; amending and transferring ss. 381.025, 381.703, 400.341, 400.343-400.346, F.S., to chapter 389, F.S.; creating the "Health Planning Act"; providing legislative intent; providing definitions; designating the state health planning agency; authorizing health planning studies, analyses, and reports; providing for biennial health care plans; providing departmental cost containment responsibilities; providing for an annual health care cost containment plan; creating an Office of Technical Assistance within the department; establishing technical assistance responsibilities; establishing a state center for health statistics; providing for a comprehensive health information system; establishing center functions; providing for center technical assistance; providing for center publications, reports, and special studies; providing for data confidentiality; providing a penalty; limiting provider reporting; providing for center budget, fees, and trust fund; providing an appropriation; establishing a Comprehensive Health Information System Advisory Council; providing for appointments; providing for staggering of terms; providing for meetings; providing for uniform system of financial reporting to the department by nursing homes; providing for monitoring of certificate-of-need projects; providing for assessments on certain health care facilities; providing a fine for noncompliance; providing a penalty; providing for a study on health care coverage for the uninsured; providing for interim and final reports; providing an appropriation; amending s. 381.704, F.S.; revising duties and responsibilities of department; creating s. 409.2665, F.S.; providing for a Medicaid selective contracting plan; repealing s. 400.342, F.S., relating to definitions; amending ss. 119.07, 215.22, 381.601, 381.710, 395.101, 400.609, 409.2663, 627.9175, 768.81, F.S.; conforming cross-references; providing an effective date.

By the Committee on Appropriations and Senator Peterson—

CS for SB 931—A bill to be entitled An act relating to citrus; amending section 2 of chapter 87-182, Laws of Florida; delaying for 1 year the repeal of s. 581.193, F.S., which imposes an excise tax on citrus nursery stock; amending section 2 of chapter 86-128, Laws of Florida, as amended; extending for 1 year an excise tax on citrus which is deposited in the Florida Citrus Canker Trust Fund; amending s. 601.15, F.S.; revising citrus excise taxes; repealing s. 601.151, F.S., which provides an additional tax on fresh fruit; providing effective dates.

By the Committee on Judiciary-Civil and Senators Thomas and Barron—

CS for SB 938—A bill to be entitled An act relating to trespass; amending ss. 810.08, 810.09, F.S., relating to trespass in a structure or conveyance and trespass on property other than a structure or conveyance, respectively, to provide that any such trespasser who is armed may be taken into custody and detained; providing immunity from liability; creating s. 768.075, F.S.; limiting liability of owner of real property to trespasser; providing an effective date.

By the Committee on Natural Resources and Conservation and Senator Girardeau—

CS for SB 1034—A bill to be entitled An act relating to shrimp fishing; amending s. 370.153, F.S.; revising language with respect to dead shrimp production in certain counties to provide for the inheritance or transfer of a license to an immediate family member; providing an effective date.

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

CS for CS for CS for SB 1054—A bill to be entitled An act relating to taxation; amending s. 624.509, F.S.; reducing the percentage rate of the insurance premium tax; providing for a credit for intangible taxes; increasing the salary credit allowed against the premium tax; increasing the maximum total for corporate income tax and salary credits; providing for 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; providing exemptions from the premium tax; 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, 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.

By the Committees on Finance, Taxation and Claims; and Transportation and Senators Kiser, Margolis, Gordon, McPherson, Dudley, Myers, Johnson, Hill, Kirkpatrick, Woodson, Frank, Grant, Stuart, Plummer, Malchon, Meek, Hair and Weinstein—

CS for CS for SB 1056—A bill to be entitled An act relating to motor vehicle inspections; creating the Clean Outdoor Air Law; providing definitions; providing requirements for a motor vehicle emissions inspection program to be administered by the Department of Highway Safety and Motor Vehicles; specifying motor vehicles that are subject to inspection requirements and providing exemptions therefrom; specifying program area designation by county; providing for voluntary safety inspections; requiring the Department of Environmental Regulation to adopt rules establishing exhaust emissions inspection criteria; requiring the Department of Highway Safety and Motor Vehicles to enforce and administer such rules; requiring the department to establish requirements for inspection stations; authorizing the department to enter into contracts to implement the emissions inspection program; providing contract requirements; providing for contract zones; providing procedures for protesting contract awards and requests for proposals; authorizing the

department to waive inspection requirements under certain circumstances; providing for repair procedures with respect to defective vehicles; providing for licensure as a self-inspector; providing penalties; amending s. 20.21; creating the Motor Vehicle Inspection Trust Fund; providing for the use of the fund; providing a maximum inspection fee and a delinquency charge; providing for the remittance of such fee and charge; providing that inspection does not constitute a warranty of mechanical condition; prohibiting certain forgery, alteration, reproduction, and possession of inspection certificates; providing penalties; requiring cost-benefit analyses and evaluations and reports with respect thereto; requiring a public education program prior to implementation of the emissions inspection program; creating s. 316.2935, F.S.; prohibiting tampering with air pollution control equipment; providing penalties; amending s. 320.02, F.S.; providing for local motor vehicle registration under certain circumstances; requiring proof of inspection or waiver at time of motor vehicle registration; amending s. 215.22, F.S.; including the Motor Vehicle Inspection Trust Fund in a list of funds from which certain deductions may be made; amending s. 20.24; creating the Division of Motor Vehicle Inspection; providing rulemaking authority; providing effective dates.

By the Committee on Finance, Taxation and Claims and Senators Gordon, Girardeau, Stuart and Meek—

CS for SB 1102—A bill to be entitled An act relating to economic development; creating the "Florida Economic Development Act of 1988"; 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 for reports; providing for repeal; providing legislative intent; creating the Florida Economic Growth Commission; providing for members and their duties; authorizing the employment of administrative staff; providing for travel reimbursement and per diem; providing powers and duties; providing for a strategic economic plan; providing administrative funding; providing for future repeal; creating s. 15.185, F.S., relating to sister city relationships between Florida cities and cities throughout the world and sister state relationships between the State of Florida and countries and provinces throughout the world; providing for powers; amending s. 159.445, F.S.; renaming the Florida High Technology Innovation Research and Development Fund as the Florida Seed Capital Fund; renaming and transferring the Florida High Technology Innovation Research and Development Board as the Florida Seed Capital Board and providing its powers and duties; providing for annual election of a chairperson; prohibiting certain investments; providing an appropriation; providing for a feasibility study; providing for suspension of expenditures from the Florida Seed Capital Fund pending specified action by the Legislature; providing exceptions; amending s. 288.03, F.S.; providing additional powers and duties to the Division of Economic Development; requiring a report; saving s. 288.012(2), F.S., relating to department exemptions from specified provisions of state law in connection with the establishment, management, and operation of any of its offices in a foreign country, from scheduled repeal on January 1, 1989, and providing for future review and repeal; reorganizing chapter 288, F.S.; creating s. 288.118, F.S.; creating the position of export finance officer within the Department of Commerce; providing duties of such officer; creating part VI of chapter 288, F.S., relating to Florida export finance corporations; providing legislative purposes and findings; providing definitions; providing for a feasibility study; providing procedures for incorporation of an export finance corporation; providing for a committee to prepare articles of incorporation and bylaws; providing content of articles of incorporation and bylaws; providing special corporate powers; providing for uses of corporate assets; providing prohibition relating to export capital; providing for powers of stockholders; providing procedures for amendments to the articles of incorporation; providing for the conduct of corporate business; providing for the use of corporate earnings; requiring designation of a corporation depository for corporate funds; requiring periodic examinations of the corporation by the Department of Banking and Finance and requiring reports; providing for meetings; providing for dissolution of the corporation; providing that the credit of the state is not pledged; requiring an occupational license tax; providing a fiscal year for the corporation; amending s. 288.115, F.S.; correcting a cross-reference; amending s. 220.02, F.S., relating to the Florida corporate income tax; providing legislative intent and order of tax credits; amending s. 220.03, F.S.; providing definitions; providing for repeal; amending ss. 220.181, 220.182, 220.183, and 220.184, F.S.; correcting cross-references; creating ss. 220.188, 624.5106, F.S.; providing for export development corporation tax credits; providing requirements and conditions to claim said credit; providing for repeal; amending s. 199.023, F.S., relating to intangible personal property

taxes; revising the definition of the term "banking organization" to include a Florida export finance corporation; providing duties of the Florida Small Business Development Centers; amending section 1 of chapter 86-216, Laws of Florida; extending the expiration date of the Florida Council on Asian Affairs; providing appropriations; creating the International Banking and Trade Study Commission; providing for appointment of members; providing for reimbursement of expenses; providing for termination of the commission; providing for administrative support of the Department of Banking and Finance; providing duties of the commission; requiring reports to the Governor and Legislature; amending s. 290.0055, F.S.; providing for change of boundaries of approved enterprise zones; requiring that certain enterprise zones include a neighborhood improvement district; amending s. 290.0065, F.S.; revising enterprise zone categories; revising provisions relating to rescinding of approval of such zones; authorizing approval of additional zones; amending s. 212.08, F.S.; revising requirements relating to qualification for the sales tax exemptions for building materials used in the rehabilitation of real property located in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone and revising refund provisions; amending s. 212.096, F.S., which provides a credit against the sales tax for job creation in enterprise zones; revising the definition of the term "new employee"; revising the amount of the credit; revising requirements for qualification for the credit; revising the time period for allowing the credit; adding a provision to the required filing statement; requiring the annual filing of forms containing specified information; amending s. 220.03, F.S.; revising the definition of "new employee" under the Florida Income Tax Code; amending s. 220.181, F.S., which provides an enterprise zone jobs credit against the corporate income tax; revising the amount of the credit; revising requirements for qualification for the credit; adding a provision to the required filing statement; requiring the annual filing of forms containing specified information; providing an exception from the prohibition against a business which claims said credit also claiming the credit against the sales tax for job creation in enterprise zones; repealing provisions relating to certain employment qualifications for said credit; amending s. 290.008, F.S.; specifying enterprise zones for which the Department of Community Affairs must prepare and submit information for such zone to be considered as eligible under similar federal programs; amending s. 220.181, F.S.; providing for enterprise zone jobs credits; providing an appropriation; providing effective dates.

By the Committees on Appropriations and Commerce and Senators Jenne, Myers, D. Childers, Weinstein, Stuart, Margolis, W. D. Childers, Gordon, Crawford, Frank, Thomas, McPherson, Malchon, Dudley, Meek, Hill, Scott, Kiser, Brown, Langley, Beard, Johnson, Grant and Deratany—

CS for CS for SB's 1107, 776, 798 and 1180—A bill to be entitled An act relating to motor vehicle liability insurance; amending s. 316.066, F.S.; requiring law enforcement officers to file accident reports in certain circumstances; providing that a written report includes a report generated through information technology resources; amending s. 316.646, F.S.; prescribing conditions for suspension of a person's driver's license and registration; amending s. 320.02, F.S.; providing for proof and affidavit of required insurance when registering a motor vehicle; providing for audit of affidavits to determine if any are false; amending s. 324.021, F.S.; increasing the amount of property damage insurance which must be maintained; clarifying applicability of insurance requirements to owner/lessors; creating s. 324.022, F.S.; providing for financial responsibility for property damage; amending s. 324.151, F.S.; revising provisions relating to a deductible for property damage coverage; amending s. 324.201, F.S.; providing for the seizure of motor vehicle license plates under certain circumstances; providing that certain information available to the Department of Highway Safety and Motor Vehicles shall also be available to local law enforcement agencies; amending s. 324.221, F.S.; providing a criminal penalty for operating a vehicle with a license plate not registered under the name of the owner of the vehicle and whose driver's license or registration is under suspension; amending s. 626.9541, F.S.; redefining the acts which constitute the unlawful imposition of additional premiums; amending s. 627.4132, F.S.; clarifying when stacking of coverages does not apply to uninsured motorist coverage; amending s. 627.727, F.S.; prescribing criteria for determination of maximum coverage for uninsured motorist coverage; creating s. 627.7275, F.S.; requiring motor vehicle insurance policies to contain certain property damage coverage; amending s. 627.733, F.S.; providing for reinstatement of a driver's license or registration which has been suspended for failure to maintain required security; providing for distribution of funds to certain local government entities and state agencies; amending s. 627.736, F.S.; prohibit-

ing insurers from requiring certain purchases of property damage liability insurance; providing for the location of mental or physical examinations of injured persons; authorizing issuance of short-term policies to attain common expiration dates; requiring insurers to report renewals, non-renewals, and cancellations of policies providing personal injury protection; amending s. 817.234, F.S.; prohibiting certain solicitations by attorneys; providing appropriations; providing applicability; providing an effective date.

By the Committees on Appropriations; and Economic, Community and Consumer Affairs and Senators Meek and Malchon—

CS for CS for SB 1221—A bill to be entitled An act relating to housing; amending s. 420.502, F.S.; providing additional legislative findings under the Florida Housing Finance Agency Act; amending s. 420.503, F.S.; providing definitions; amending s. 420.504, F.S.; revising membership of the Florida Housing Finance Agency; amending s. 420.507, F.S.; providing additional powers of the Florida Housing Finance Agency; creating s. 420.5087, F.S.; creating the State Apartment Incentive Loan Program; providing requirements and procedures for loans; creating the State Apartment Incentive Trust Fund; providing for foreclosure upon default; providing for acquisition and sale of property; creating s. 420.5088, F.S.; creating the Florida Homeownership Assistance Program; providing requirements for loans; creating the Florida Homeownership Assistance Trust Fund; amending s. 420.511, F.S.; providing additional requirements for the annual report of the agency; amending s. 420.604, F.S.; deleting a provision that the Florida Affordable Housing Demonstration Program be a 2-year pilot program; providing an additional criterion for inclusion of demonstration areas in the demonstration project; amending s. 420.605, F.S.; providing for loans to community development corporations and community-based organizations; establishing a pilot program for housing cooperatives; creating ss. 420.303-420.31, F.S., the Housing Predevelopment Assistance Act; providing legislative findings and purpose; providing definitions; establishing the Housing Predevelopment Trust Fund; authorizing loans and specifying eligible activities; providing for repayment of loans; providing for security; providing application procedure; providing for rules and annual reports; providing for foreclosure or other action upon default; providing for acquisition and sale of property; providing for disposition of undeveloped land; providing for applicability; amending s. 420.609, F.S.; revising membership of the Affordable Housing Study Commission; extending the commission and revising its duties; amending s. 420.608, F.S.; expanding the inventory of publicly owned lands and buildings established for the purpose of identifying lands and buildings suitable for housing; establishing the Center for Affordable Housing; amending s. 212.235, F.S.; adding the financing of affordable housing to the list of purposes for which infrastructure funds may be expended; amending s. 290.0475, F.S.; providing a penalty for misrepresentation of information by grant applicants under the Community Development Block Grant Program; creating part IX of chapter 420, F.S.; creating the Maintenance of Housing for the Elderly Trust Fund; creating the Maintenance of Housing for the Elderly Program; providing for loans; providing powers and duties of the Department of Community Affairs; providing for the future review and repeal of s. 420.609, F.S., relating to the Affordable Housing Study Commission; amending s. 36 of ch. 86-192, Laws of Florida, to change the date of the future review and repeal of s. 31 of such act, relating to an advisory group on housing for the elderly; repealing ss. 420.40-420.417, the "Farmworker Housing Assistance Act"; repealing s. 420.607, F.S., relating to a community-based organization loan program; repealing ss. 420.701-420.713, F.S., the "Florida Mobile Home Relocation Site Acquisition and Development Act of 1986"; providing effective dates.

By the Committee on Natural Resources and Conservation and Senator Brown—

CS for SB 1308—A bill to be entitled An act relating to beach and shore preservation; amending s. 161.053, F.S.; providing conditions for delegation of certain permitting activities to coastal counties and municipalities; providing an exemption from specified requirements for construction landward of certain existing seawalls; providing restrictions; providing an effective date.

By the Committee on Natural Resources and Conservation and Senator Brown—

CS for SB 1349—A bill to be entitled An act relating to public access to beaches; creating the "Florida Beach Access Act of 1988"; creating s. 253.041, F.S.; providing for public policy; creating s. 253.042, F.S.; providing for interpretation; creating s. 253.043, F.S.; providing definitions; cre-

ating s. 253.044, F.S.; providing for the use of public beaches; creating s. 253.045, F.S.; prohibiting obstructions to public beach access; providing a penalty; creating s. 253.046, F.S.; providing for suits to remove obstructions and signs; providing for declaratory judgment suits; creating s. 253.047, F.S.; providing for beach access inventories; providing for notice of beach access points; creating s. 253.048, F.S.; providing for notice to state; amending s. 125.0104, F.S.; including acquisition of sites for public beach access and access to public beach facilities for handicapped persons within the list of authorized uses of revenue under the tourist development tax; amending s. 212.235, F.S.; providing that moneys in the State Infrastructure Fund may be used for public beach access; providing for access to public beaches for the handicapped; amending s. 161.161, F.S.; providing for additional criteria for the beach management plan; amending s. 161.101, F.S.; providing additional criteria for expenditures from the Beach Management Trust Fund; amending s. 163.3177, F.S.; including facilities for public beach access for the handicapped within the comprehensive plan; amending s. 161.55, F.S.; revising language with respect to public access; amending s. 375.021, F.S.; providing additional requirements with respect to the comprehensive multipurpose outdoor recreation and conservation plan; amending s. 161.58, F.S.; revising language with respect to vehicular traffic on coastal beaches; providing a penalty; amending s. 259.035, F.S.; prohibiting land acquisition for conservation or recreation under certain circumstances; amending s. 375.251, F.S.; redefining the term "outdoor recreational purposes"; amending s. 193.501, F.S.; including reference to beach access easements with respect to assessment of certain lands; amending s. 375.075, F.S.; providing additional criteria for selection of projects with respect to outdoor recreation; providing appropriations; providing an effective date.

Motion

On motion by Senator Hair, the rules were waived and **SB 1356** was ordered immediately certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Langley, by two-thirds vote **SB 1139** and **CS for SB 826** were withdrawn from the Committee on Judiciary-Civil.

On motions by Senator Johnson, by two-thirds vote **SB 718** and **HB 1397** were withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Margolis, by two-thirds vote **SB 1262**, **CS for SB 810** and **CS for HB 386** were withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Hollingsworth, by two-thirds vote **CS for SB 1293** was withdrawn from the Committee on Agriculture.

On motion by Senator Frank, by two-thirds vote **Senate Bills 1141** and **903** were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator D. Childers, by two-thirds vote **HB 181** was withdrawn from the Committee on Education.

On motions by Senator Scott, by two-thirds vote **CS for HJR 290**, **Senate Bills 225, 404, 427, 762**, **CS for SB 381**, **CS for SB 582**, **CS for SB 832**, **CS for SB 1147** and **CS for SB 1190** were withdrawn from the Committee on Appropriations.

On motion by Senator Scott, the rules were waived and the Committee on Appropriations was granted permission to meet May 27 from 9:00 a.m. until 12:00 noon, and Rule 2.6 requiring publication of notice of agenda in the calendar for the legislative day preceding the day of such committee meetings was waived.

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 as amended House Bills 1485, 1606 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Judiciary and Representative Simon—

HB 1485—A bill to be entitled An act relating to landlord and tenant; amending s. 48.183, F.S.; revising language with respect to service of proc-

ess in actions for possession of residential premises; amending s. 83.20, F.S.; clarifying language regarding service of the 3-day notice that rent is delinquent; amending s. 83.49, F.S.; revising language with respect to notice by a tenant to a landlord of intent to vacate or abandon leased premises; providing that failure to provide notice shall not waive any right of the tenant to his security deposit; amending s. 83.595, F.S.; clarifying when the landlord may choose his remedies after the tenant breaches the lease; amending s. 83.62, F.S.; providing that the landlord or his agent is responsible for removing personal property left at the premises to which a landlord has regained possession and providing that once removed, neither the landlord nor sheriff is liable for loss, destruction, or damage to the property; amending s. 83.625, F.S.; clarifying that a money judgment for past-due rent must be entered in compliance with the Rules of Civil Procedure; amending s. 83.67, F.S.; clarifying certain prohibited practices by the landlord; amending s. 713.691, F.S.; clarifying that the landlord's right to possession of the premises is not dependent upon whether the tenant's property has been removed from the premises; providing an effective date.

(Substituted for CS for SB 1232 on the special order calendar this day.)

By the Committee on Insurance and Representative Simon—

HB 1606—A bill to be entitled An act relating to insurance; amending s. 624.315, F.S.; providing for additional material in a required annual report; amending ss. 627.0625 and 627.215, F.S.; providing for commercial property risk management plans; revising the definition of "commercial property insurance"; deleting the supplemental finding for risk management plans through excess profits; prohibiting excess profits for commercial property and commercial casualty insurance in the same manner as is currently the case for workers' compensation and employer's liability insurance; providing legislative intent with respect to retroactive applicability; amending s. 627.351, F.S.; revising language with respect to property and casualty insurance risk apportionment; revising elements of the plan; revising rate requirements; amending s. 627.3515, F.S.; providing for a governing board for the market assistance plan; authorizing the board to appoint an executive committee; providing an effective date.

—was referred to the Committee on Commerce.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 1; receded from House Amendments 3 and 4; has amended Senate Amendment 1 to House Amendment 2, concurred in same as amended and passed SB 152, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

House Amendment 1 to Senate Amendment 1 to House Amendment 2—On page 1, lines 3 and 4, strike all of said lines and entire Senate Bill title and insert:

A bill to be entitled An act relating to marriage; creating s. 61.075, F.S.; authorizing courts to equitably distribute marital assets and liabilities and prescribing factors for the court to consider in making such distributions; defining marital and nonmarital assets and liabilities; providing for the effect of a recorded judgment; establishing the date for determining marital assets and liabilities and the value thereof; providing a presumption as to marital assets and liabilities; providing for monetary payments in lump sum or installments; providing for the consideration of an alimony award; amending s. 61.08, F.S.; providing that the court may con-

sider the adultery of either spouse in determining the amount of alimony to award; adding marital assets and liabilities as factors in the determination of an award of alimony or maintenance; providing that certain sources of income are marital property; providing that certain information must be included in final judgments of dissolution of marriage if funds are to come from retired or retainer pay of the federal uniformed services; amending s. 382.023, F.S., increasing the filing charge for judgment of dissolution of marriage; amending s. 741.02, F.S., increasing the additional fee collected for application for the issuance of a marriage license; amending s. 28.101, F.S., to conform; providing an effective date.

On motions by Senator Langley, the Senate concurred in House Amendment 1 to Senate Amendment 1 to House Amendment 2 and House Amendment 2 as amended.

SB 152 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—31

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

Nays—None

Vote after roll call:

Yea—Crenshaw, Jennings, Kirkpatrick

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 334 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 334—A bill to be entitled An act relating to homestead tax exemption; amending s. 196.011, F.S.; authorizing persons who fail to timely apply for a homestead tax exemption to petition the property appraisal adjustment board; providing a filing fee; authorizing the granting of the exemption; providing an effective date.

Amendment 1—On page 2, lines 13 and 14, strike all of said lines and insert:

Section 2. Subsection (3) is added to section 196.295, Florida Statutes, to read:

196.295 Property transferred to exempt governmental unit; tax payment into escrow; taxes due from prior years; *abatement of taxes upon destruction or damage to buildings and structures due to windstorm or tornado.*—

(3) *If houses or other residential buildings or structures on land are destroyed or damaged due to windstorm or tornado so that such houses or other residential buildings or structures are not capable of being used and occupied, upon application filed with the property appraiser, taxes may be partially abated in the following manner.*

(a) *Application must be filed by the owner with the property appraiser prior to March 1 following the tax year in which the destruction or damage resulting in the loss of use and occupancy occurred. Failure to file such application prior to March 1 shall constitute a waiver of any claim for abatement.*

(b) *The application shall identify the property and describe the event of calamity which caused the destruction or damage, shall state the date thereof, and shall include the number of months of loss of use and occupancy.*

(c) *The application shall be verified under oath under penalty of perjury.*

(d) *Upon receipt of the application, the property appraiser shall investigate the statements contained therein to determine if the appli-*

cant is entitled to such partial abatement. If he determines that the applicant is entitled to such partial abatement, no later than April 1 he shall issue an official written statement to the tax collector, which shall contain:

1. The number of months the building or structure was not capable of use and occupancy. In calculating the number of months, the property appraiser shall consider each 30-day period as a month. Partial 30-day periods of 15 days or less shall not be considered, but a partial period of 16 days to 25 days shall be calculated as a 30-day monthly period.

2. The value of the building or structure as determined by the property appraiser prior to damage or destruction.

3. Total taxes due on the building or structure as reduced, based on the ratio that the number of months of loss of use and occupancy bears to 12.

4. The amount of reduction of taxes.

(e) Upon receipt of the written statement from the property appraiser, the tax collector shall reduce the taxes on the property shown on the tax collection roll to the amount shown by the property appraiser to be due.

(f) No later than May 1, the tax collector shall notify the board of county commissioners and the Department of Revenue of the total reduction in taxes for all property which received a partial abatement of taxes pursuant to this section.

(g) For purposes of this subsection:

1. "Loss of use and occupancy" means that the building or structure, or some self-sufficient unit within it, cannot be used for the purpose for which it was constructed during a period of 60 days or more.

2. "House or other residential building or structure" does not include amenities not essential to use and occupancy such as detached utility buildings, bulkheads, fences, detached carports, swimming pools, and other similar items of property.

(g) This subsection shall take effect upon becoming law, and shall apply retroactive to January 1, 1988 and shall stand repealed July 1, 1989.

Section 3. Except as otherwise provided herein, this act shall take effect January 1, 1989, and shall apply only to tax years 1989 and thereafter.

Amendment 2—On page 1, strike all of lines 2-8 and insert: An act relating to ad valorem tax administration; amending s. 196.011, F.S.; authorizing persons who fail to timely apply for a homestead tax exemption to petition the property appraisal adjustment board; providing a filing fee; authorizing the granting of the exemption; amending s. 196.295, F.S.; authorizing a partial abatement of taxes under certain conditions; providing an effective date.

Amendment 3—On page 1, line 11, insert:

Section 1. Subsection (2) of section 193.011, Florida Statutes, is amended to read:

193.011 Factors to consider in deriving just valuation.—In arriving at just valuation as required under s. 4, Art. VII of the State Constitution, the property appraiser shall take into consideration the following factors:

(2) The highest and best use to which the property can be expected to be put in the immediate future and the present use of the property, taking into consideration any applicable *judicial limitation*, local or state land use regulation and considering any moratorium imposed by executive order, law, ordinance, regulation, resolution, or proclamation adopted by any governmental body or agency or the Governor when the moratorium or *judicial limitation* prohibits or restricts the development or improvement of property as otherwise authorized by applicable law;

(Renumber subsequent sections.)

Amendment 4—On page 1, line 2, after the semicolon (;) insert: amending s. 193.011, F.S.; revising language with respect to factors to be considered with respect to just valuation to include reference to judicial limitations;

Amendment 5—On page 1, line 12, insert:

Section 1. (1) The Florida Advisory Council on Intergovernmental Relations is directed to conduct a study of the extent and severity of the impact of escalating ad valorem and non-ad valorem tax assessments on the homestead residences of elderly homeowners in Florida, and to recommend alternative means of mitigating the negative impact of such escalation. The study shall include estimates of this impact arrayed by age, income level, and geographical locations; descriptions of actions and taxing policies of other states; and recommendations of recognized experts in the field. The study shall be submitted to the Governor and Legislature no later than February 15, 1989.

(2) The Department of Community Affairs is also directed to develop and prepare, by February 15, 1989, a brochure to be distributed through the property appraisers' offices. The brochure shall provide an explanation in layman's terms of the Homestead Property Tax Deferral Act, ss. 197.242-197.312, Florida Statutes, and shall demonstrate the impact of taking advantage of homestead property tax deferral on the homeowner's equity over a period of time, assuming a reasonable rate of growth in the value of the property.

(Renumber subsequent sections.)

Amendment 6—On page 1, line 2, after the semicolon (;) insert: directing the Florida Advisory Council on Intergovernmental Relations to conduct a study of the impact of escalating tax assessments on homestead residences of elderly homeowners; directing the Department of Community Affairs to prepare a brochure explaining the Homestead Property Tax Deferral Act;

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

CS for SB 334 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford, Crenshaw, Jennings, Kirkpatrick

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 178, 308, CS for SB 472, CS for CS for SB 556, SB 595, Senate Bills 682, 1356; and has adopted SM 894.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

SPECIAL ORDER

Consideration of CS for CS for SB 399 was deferred.

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

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

That the creation of Section 17 of Article VII of the State Constitution set forth below is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1988, and shall take effect upon such approval:

ARTICLE VII
FINANCE AND TAXATION

SECTION 17. Bonds for acquiring transportation right-of-way or for constructing bridges.—

(a) When authorized by law, state bonds pledging the full faith and credit of the state may be issued, without a vote of the electors, to finance or refinance the cost of acquiring real property or the rights to real property for state transportation facilities or for state transportation corridors, or to finance or refinance the cost of state bridge construction, and purposes incidental to such property acquisition.

(b) Bonds issued under this section shall be secured by a pledge of and shall be payable primarily from toll revenues, motor fuel and special fuel taxes, or motor vehicle license taxes, as provided by law and shall additionally be secured by the full faith and credit of the state.

(c) Bonds may not be issued under this section unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds proposed to be issued and all other bonds secured by the same pledged revenues exceed ninety percent of the pledged revenues available for payment of such debt service requirements, as defined by law. For the purposes of this subsection, the term "pledged revenues" means all revenues pledged to the payment of debt service, excluding any pledge of the full faith and credit of the state.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 17

BONDS FOR ACQUISITION OF TRANSPORTATION LAND AND PROPERTY.—Proposing an amendment to the State Constitution, effective upon adoption, to authorize the Legislature to provide for issuance by the state, without a vote of the electors, of bonds pledging the full faith and credit of the state, the proceeds of which are to be used to finance or refinance the cost of acquiring real property for transportation facilities or corridors or for constructing bridges.

—was read the second time in full. On motion by Senator Brown, by two-thirds vote CS for CS for SJR 391 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—36

Table with 4 columns: Mr. President, Girardeau, Johnson, Plummer. Lists names of senators who voted 'yea'.

Nays—None

Vote after roll call:

Yea—Crawford, Crenshaw, Kirkpatrick

HB 270—A bill to be entitled An act relating to the Consultants' Competitive Negotiation Act; amending s. 287.055, F.S., modifying the definition of "continuing contract"; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 9-25 and insert:

Section 1. Paragraph (g) of subsection (2) and paragraph (b) of subsection (4) of section 287.055, Florida Statutes, are amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or land-surveying services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(g) A "continuing contract" is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which construction costs do not exceed \$500,000, or for study activity when the fee for such professional service does not exceed \$25,000, or for work of a specified nature as outlined in the contract required by the agency, with no time limitation except that the contract shall provide a termination clause.

(4) COMPETITIVE SELECTION.—

(b) The agency shall select, in order of preference, no fewer than three firms deemed to be the most highly qualified to perform the required services. In determining whether a firm is qualified, the agency shall consider such factors as the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to each firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. The agency may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations under subsection (5).

Amendment 2—In title, on page 1, line 5, after the semicolon (;) insert: specifying time during which proposals for compensation are to be requested, accepted, and considered;

On motion by Senator Barron, by two-thirds vote HB 270 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Table with 4 columns: Mr. President, Frank, Jennings, Plummer. Lists names of senators who voted 'yea'.

Nays—None

Vote after roll call:

Yea—Crawford, Kirkpatrick

On motion by Senator Barron, the rules were waived and HB 270 was ordered immediately certified to the House.

On motion by Senator Barron, by unanimous consent—

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 taken up out of order with pending Amendment 1A.

By permission, Amendment 1A was withdrawn.

Amendment 1 was adopted.

Senator Margolis moved the following amendment which was adopted:

Amendment 2—In title, on page 1, strike all of lines 1-26 and insert: A bill to be entitled An act relating to mobile homes and recre-

ational vehicles; amending s. 320.01, F.S.; redefining the term "park trailer" with respect to the definition of "motor vehicle"; providing a definition for "van conversion"; amending s. 320.71, F.S.; providing for the registration of nonresident motor vehicle, mobile home, and recreational vehicle dealers with the Department of Revenue for the purpose of obtaining a sales tax dealer registration number; providing for service of process; amending s. 320.77, F.S.; redefining the terms "dealer" and "mobile home or recreational vehicle broker" with respect to licensing such persons; clarifying the ability of mobile home dealers to sell mobile homes in mobile home parks; requiring garage liability insurance of recreational vehicle dealers; requiring a statement of applicants for licensure as recreational vehicle dealers relative to unfair or deceptive trade practices; providing for fingerprinting of applicants for licensure and for costs to be borne by such applicants; providing for the issuance of licenses in the form of computerized cards and for costs to be borne by licensees; providing for deposit of specified fees; providing for training of applicants for licensure; authorizing off-premise sales by recreational vehicle dealers; authorizing the department to seek injunctive relief against recreational vehicle dealers; 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. 320.823, F.S.; requiring a one hour fire rated wall in duplex mobile home construction; amending s. 320.8255, F.S.; providing for special inspections of mobile homes and fees; amending s. 320.8256, F.S.; providing for the inspection of used recreational vehicles within 72 hours of a sale; providing for special inspections and fees; amending s. 320.834, F.S.; redefining legislative intent 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; saving ss. 320.01, 320.71, and 320.77-320.866, F.S., from Sunset repeal; providing for future review and repeal of said sections; providing an effective date.

On motion by Senator Margolis, by two-thirds vote CS for CS for SB 38 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford, Kirkpatrick, Woodson

HB 433—A bill to be entitled An act relating to theft; amending s. 812.015, F.S.; providing that the charges of theft and resisting a merchant may be tried concurrently; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote HB 433 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Plummer	Stuart	Weinstein
Ros-Lehtinen	Thomas	Weinstock
Scott	Thurman	Woodson

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Jennings, by two-thirds vote HB 1606 was withdrawn from the Committee on Commerce.

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

HB 1606—A bill to be entitled An act relating to insurance; amending s. 624.315, F.S.; providing for additional material in a required annual report; amending ss. 627.0625 and 627.215, F.S.; providing for commercial property risk management plans; revising the definition of "commercial property insurance"; deleting the supplemental finding for risk management plans through excess profits; prohibiting excess profits for commercial property and commercial casualty insurance in the same manner as is currently the case for workers' compensation and employer's liability insurance; providing legislative intent with respect to retroactive applicability; amending s. 627.351, F.S.; revising language with respect to property and casualty insurance risk apportionment; revising elements of the plan; revising rate requirements; amending s. 627.3515, F.S.; providing for a governing board for the market assistance plan; authorizing the board to appoint an executive committee; amending s. 626.918, F.S.; changing eligibility requirements for surplus lines insurers; providing an effective date.

—a companion measure, was substituted for CS for SB 1252 and by two-thirds vote read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 1606 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crawford

Consideration of CS for CS for CS for SB 1054 was deferred.

SB 1105—A bill to be entitled An act relating to automobile insurance; repealing s. 627.728(7), F.S., relating to notice of the right to a hearing upon the cancellation of a policy; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 1105 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Girardeau	Kirkpatrick	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	Jennings	Myers	Weinstock
Frank	Johnson	Peterson	Woodson

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Girardeau, by two-thirds vote HB 1160 was withdrawn from the Committee on Commerce.

On motion by Senator Girardeau—

HB 1160—A bill to be entitled An act relating to medical malpractice insurance; amending s. 627.351, F.S.; providing for an additional member of the board of governors of the Joint Underwriting Association; providing an effective date.

—a companion measure, was substituted for SB 1033 and read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 1160 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crawford, Kirkpatrick

On motions by Senator Margolis, by two-thirds vote HB 1492 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Appropriations.

On motion by Senator Margolis—

HB 1492—A bill to be entitled An act relating to The Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.003, F.S.; clarifying legislative intent; amending s. 498.005, F.S.; clarifying various definitions and adding a definition of “common promotional plan”; amending s. 498.007, F.S.; clarifying powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.011, F.S.; deleting obsolete language with respect to employees of the division; amending s. 498.013, F.S.; clarifying language with respect to the seal and authentication of certain records; amending s. 498.017, F.S.; revising provisions relating to fees; requiring the division to set fees by rule for filing notification of a material change of an offering; providing limits on such fees; amending s. 498.019, F.S.; requiring the division to maintain separate accounts within the trust fund for each of the businesses it regulates; amending s. 498.021, F.S.; clarifying language with respect to jurisdiction; creating s. 498.022, F.S.; providing for jurisdiction over fraudulent acts; amending s. 498.023, F.S.; clarifying language relating to prohibitions on dispositions of interests in subdivided lands; amending s. 498.024, F.S., relating to reservation programs; amending s. 498.025, F.S., relating to exemptions; providing clarifying language; providing for an exemption relative to sale of lands for recreational uses; amending s. 498.027, F.S.; revising provisions relating to requirements for application for registration; requiring subdividers to furnish evidence of waivers of jurisdiction or possession of required permits for certain subdivided lands prior to the entry of an order of registration; providing for hearings; providing alternatives to required waivers, approvals or permits; providing for consolidation of registrations for additional subdivided lands; deleting duplicative language; amending s. 498.029, F.S., relating to notice of filing and registration; amending s. 498.031, F.S., relating to the division’s power to make inquiry and examine applicants; amending s. 498.033, F.S., relating to post-registration requirements; amending s. 498.035, F.S., relating to advertising materials; amending s. 498.037, F.S.; clarifying requirements for contents of public offering statements; amending s. 498.039, F.S., relating to required assurances or trust and escrow accounts and required encumbrance reports; amending s. 498.041, F.S., relating to annual renewal of registrations; deleting duplicative language; adding a requirement that registrants provide specified information on all real estate brokers and salesmen who work for them; amending s. 498.047, F.S.; providing that the division shall have the power to investigate registrants as necessary; amending s. 498.049, F.S., providing for revocation or suspension of registrations and for civil penalties; amending s. 498.051, F.S.; providing for the issuance of cease and desist orders; amending s. 498.053, F.S.; providing for the issuance of

notice to show cause orders; amending s. 498.057, F.S., relating to service of process; amending s. 498.059, F.S., relating to penalties; amending s. 498.061, F.S., relating to civil remedies; deleting the 5-year statute of repose; amending s. 498.063, F.S.; eliminating duplicative and obsolete language in the saving clause; repealing s. 498.015, F.S., relating to the advisory council appointed to advise the division in land sales matters; repealing s. 498.045, F.S., relating to the registration and regulation of salesmen and brokers; repealing s. 498.055, F.S., relating to reports of disciplinary action made to the Florida Real Estate Commission; amending s. 509.013, F.S.; revising an exclusion from the definition of the term public lodging establishment; amending s. 509.215, F.S.; delaying dates for installation of certain firesafety equipment; saving chapter 498, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 143 and read the second time by title.

Senator Margolis moved the following amendments which were adopted:

Amendment 1—On page 26, strike all of lines 10-13 and insert:

(g) 5. The contract or other agreement which a purchaser executes in connection with the purchase of subdivided land may be rescinded in writing by the purchaser for a period of 6 months from the date of execution of the contract or agreement or until 3 business days after the purchaser has personally inspected the property to be purchased, which ever occurs first prior to the execution of the purchase contract and has so certified in writing.

Amendment 2—On page 50, line 20, after “contracted” insert: *for deed*

Amendment 3—On page 50, strike all of lines 24 and 25 and insert:

(d) The fair market value of gifts received by a Florida resident for referrals relating to Florida real property does not exceed \$250 per year per household, and

Senator Gordon moved the following amendment:

Amendment 4—On page 70, lines 6-30, and on page 71, lines 1-9, strike all of said lines and renumber subsequent sections.

Further consideration of **HB 1492** as amended was deferred.

CS for CS for CS for SB 587—A bill to be entitled An act relating to agencies and functions under the direct supervision of the State Insurance Commissioner and Treasurer; amending s. 280.02, F.S.; revising definitions; amending ss. 175.301, 185.30, F.S.; correcting cross-references to definition of public depository; amending s. 280.04, F.S.; revising collateral deposit requirements for public depositories; amending s. 280.05, F.S.; providing for additional powers and duties of the Treasurer; amending ss. 280.051, 280.055, F.S.; providing clarifying language; amending s. 280.08, F.S.; providing a specified time in which a sale of securities must be accomplished or an assessment must be made following the default or insolvency of a public depository; amending s. 280.09, F.S.; requiring certain penalties be deposited in a specified trust fund; amending s. 280.11, F.S.; providing notice requirements upon the withdrawal by a public depository from the public deposit security program; amending ss. 280.16, 280.17, F.S.; revising certain reporting requirements of public depositories; amending s. 655.057, F.S.; authorizing the Treasurer to access certain records of the Department of Banking and Finance; providing an exemption from public record disclosure requirements for such records when obtained by the Treasurer; providing for future review and repeal of said provisions; amending s. 20.13, F.S.; providing for certain divisions and bureaus within the Department of Insurance; specifying the duties of such divisions and bureaus; transferring the Bureau of Municipal Police Officers and Firefighters Retirement Funds from the Division of Administration to the Division of Benefits; amending s. 240.551, F.S.; reassigning the Prepaid Postsecondary Education Expense Board from the Division of Treasury of the department to the Division of Benefits of the department; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Crenshaw, by two-thirds vote CS for CS for CS for SB 587 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	Grant	Langley	Ros-Lehtinen
Brown	Grizzle	Lehtinen	Stuart
Childers, D.	Hair	Malchon	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

Vote after roll call:

Yea—Crawford

Senator Hair presiding

CS for SB's 849 and 1351—A bill to be entitled An act relating to local occupational license taxes; amending s. 205.033, F.S.; extending to all counties the authority to levy an additional occupational license tax for implementation of a comprehensive economic development strategy; providing an effective date.

—was taken up, having been considered May 18.

On motion by Senator Dudley, CS for SB's 849 and 1351 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—2

Childers, D. Langley

Vote after roll call:

Yea to Nay—Lehtinen, Ros-Lehtinen

On motion by Senator Deratany, the rules were waived and **CS for SB's 849 and 1351** was ordered immediately certified to the House.

CS for SB 93—A bill to be entitled An act relating to professional regulation; creating the "Dietetics and Nutrition Practice Act"; providing legislative purpose; providing definitions; requiring licensure of practitioners of dietetics and nutrition; providing exemptions; providing for the creation, powers, duties, and membership of the Dietetics and Nutrition Practice Council; providing powers and duties of the Board of Medicine in regulating the practice of dietetics and nutrition; providing for the adoption of fees and providing fee caps; specifying requirements for licensure as a dietitian/nutritionist or nutrition counselor; providing for waiver of certain requirements; providing for temporary permits; providing for the display of licenses; providing for licensure by endorsement; providing for biennial license renewal; providing for inactive status of licenses; providing practice requirements; providing prohibitions and penalties; providing grounds for disciplinary actions; providing for future review and repeal; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1—On page 14, strike all of lines 4-20 and insert:

(1)(a) A licensee shall not implement a dietary plan for a condition for which the patient is under the active care of a physician licensed under chapter 458 or chapter 459, without the oral or written dietary order of the referring physician. In the event a licensee is unable to obtain authorization or consultation after a good faith effort to obtain it from the physician, the licensee may use professional discretion in providing nutrition services until authorization or consultation is obtained from the physician.

(b) The licensee shall refer a patient to a physician licensed under chapter 458 or chapter 459 upon the recognition of a condition within the scope of practice as authorized under chapter 458 or 459, unless the patient has been referred by or is currently being treated by a physician licensed under chapter 458 or 459.

(2)(a) A licensee shall not implement a dietary plan for a chiropractic condition for which the patient is under the active care of a chiropractic physician licensed under chapter 460, without the oral or written dietary order of the referring chiropractic physician. In the event a licensee is unable to obtain authorization or consultation after a good faith effort to obtain it from the chiropractic physician, the licensee may use professional discretion in providing nutrition services until authorization or consultation is obtained from the chiropractic physician.

(b) The licensee shall refer a patient to a chiropractic physician licensed under chapter 460 upon the recognition of a condition within the scope of practice as authorized under chapter 460, unless the patient has been referred or is currently being treated by a chiropractic physician licensed under chapter 460.

Senator Gordon moved the following amendment which was adopted:

Amendment 2—On page 4, line 6, after "480," insert: chapter 490 or chapter 491.

On motion by Senator Grant, by two-thirds vote CS for SB 93 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Barron	Girardeau	Johnson	Peterson
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

Nays—None

Vote after roll call:

Yea—Crawford, Plummer

On motion by Senator Grant, the rules were waived and **CS for SB 93** was ordered immediately certified to the House.

CS for SB 982—A bill to be entitled An act relating to motor vehicle dealers, manufacturers, importers, and distributors; amending s. 320.131, F.S.; authorizing the department to issue temporary tags; amending s. 320.27, F.S.; creating a presumption relating to wholesale motor vehicle dealers; adding definition of "salvage motor vehicle dealer"; allowing issuance of a dealer license pending fingerprint check; amending s. 320.60, F.S.; adding definition of "line-make vehicles"; creating s. 320.605, F.S.; providing legislative intent; amending s. 320.61, F.S.; clarifying state jurisdiction over manufacturers, distributors, importers, and over foreign manufacturers; amending s. 320.62, F.S.; removing obsolete language; amending s. 320.63, F.S.; requiring franchise agreements to include provision voiding all terms inconsistent with state law; amending s. 320.64, F.S.; expanding and adding disciplinary grounds; creating s. 320.6403, F.S.; prohibiting certain manufacturer or importer rejection of distributor's successor; amending s. 320.6405, F.S.; exempting certain distributors from agency relationship; amending s. 320.641, F.S.; adding criteria for determination of fairness of cancellation; providing procedure for cancellation when dealer has abandoned franchise agreement; extending period during which no replacement dealer may be appointed; amending s. 320.642, F.S.; requiring notice of proposed additional or relocated dealer to be published; providing for protest eligibility; providing dealer protest procedure; providing standard for denial and factors to be considered by department in determining whether standard is met; providing period in which department's decision is effective; amending s. 320.643, F.S.; allowing a manufacturer to challenge proposed dealer transferee; amending s. 320.644, F.S.; clarifying change of executive management provisions; amending s. 320.645, F.S.; clarifying requirements of the buyer of a manufacturer owned dealership; amending s. 320.696, F.S., relating to reasonable compensation for warranty repairs; creating s. 320.699, F.S.; allowing administrative hearing for manufacturer misconduct; providing time

limit for hearing and extension for good cause; providing limitation for reapplications for additional or relocated dealership of certain dismissed applications; providing for application of the act relating to certain systems of distribution; providing for continuation of laws notwithstanding repeals scheduled pursuant to the Regulatory Sunset Act; providing for future review and repeal of said laws; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 982 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

On motion by Senator Margolis, the rules were waived and CS for SB 982 was ordered immediately certified to the House.

Motions

On motion by Senator Grant, the rules were waived and SB 682 was ordered immediately certified to the House.

On motion by Senator Kirkpatrick, the rules were waived and CS for CS for SB 1192 was ordered immediately certified to the House.

Consideration of SB 824 was deferred.

SB 890—A bill to be entitled An act relating to education; amending ss. 228.074, 228.075, 228.076, F.S.; conforming terminology; providing requirements for lay member nominees to the regional coordinating councils established within each vocational education planning region; requiring a council chairman to notify the Commissioner of Education rather than the Governor of the absence of certain council members; providing additional duties for the councils; requiring the Department of Education to summarize regional vocational education plans prepared by the councils; deleting the requirement that school districts and community colleges submit annual budgets to the appropriate regional coordinating council for review; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 7, line 17, strike “prepare” and insert: *coordinate the development of*

On motion by Senator Peterson, by two-thirds vote SB 890 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	Hill	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

CS for SB 370—A bill to be entitled An act relating to fuel taxes; creating ss. 206.101, 206.102, F.S.; consolidating state taxes on motor fuel and local option taxes on motor fuel; providing for collection, enforcement, and administration of such taxes; providing collection allowances; renumbering and amending ss. 206.23, 206.02, 206.021, 206.404, 206.055, 206.026, 206.027, 206.028, 206.03, 206.04, 206.05, 206.065, 206.43, 206.09, 206.10, 206.48, 206.485, 206.62, 206.42, 206.41, 206.425, 212.67, 206.11, 206.44, 206.426, 206.56, 206.14, 206.18, 206.06, 206.07, 206.075, 206.19, 206.21, 206.215, 206.24, 206.27, 206.59, 206.406, 206.45, 206.47, 206.60, 206.605, 212.69, 206.89, 206.90, 206.91, 206.87, 206.877, 206.875, 206.879, 206.97, F.S.; creating ss. 206.703, F.S.; amending ss. 206.01, 206.9915, 206.9825, 206.9845, 206.9931, 206.9441, 206.9442, 207.003, 207.026, 212.05, 212.08, 336.021, 336.025, 336.026, F.S.; consolidating and reorganizing provisions of chapters 206, 212, 336, F.S., relating to the taxation of motor fuel; providing for the return of certain taxes paid by a school district to such school district; revising certain tax exemptions relating to special fuels; revising certain cross-references; revising certain definitions; creating s. 206.178, F.S.; authorizing certain importers and jobbers to self-accrue and remit taxes under certain circumstances; providing an exemption from paying certain taxes; renumbering ss. 206.022, 206.025, 206.095, 206.12, 206.15, 206.16, 206.17, 206.175, 206.20, 206.204, 206.205, 206.22, 206.28, 206.405, 206.445, 206.46, 206.61, 206.85, 206.86, 206.88, 206.92, 206.96, F.S.; amending ss. 7.52, 163.3184, 207.023, 207.026, 212.235, 215.22, 218.21, 336.024, 376.301, 849.092, F.S.; correcting cross-references; repealing ss. 206.08, 206.25, 206.41, 206.49, 206.625, 206.63, 206.64, 206.93, 206.94, 206.945, 212.60, 212.61, 212.62, 212.6201, 212.63, 212.635, 212.64, 212.65, 212.66, F.S., relating to the motor fuel tax and the sales tax on motor fuel and special fuel; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 20, insert:

Section 1. Paragraph (l) is added to subsection (3) of section 125.0104, Florida Statutes, to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(l) Any county which has imposed the additional 1-percent tax pursuant to paragraph (d) for a period of 1 year may, by a majority plus one vote of the governing board of the county, impose an additional tax of 2 percent of each dollar.

(Renumber subsequent sections.)

Amendment 2—On page 33, strike all of lines 6-18 and insert:

(4)(a) In order to seek relief from an audit or assessment completed on or after June 24, 1984, a person may, through the informal protest procedure established under s. 213.21 and the rules of the department, provide the department with evidence of the exempt status of a sale or removal transfer of motor fuel. The department shall accept resale certificates or affidavits properly executed when submitted during the protest period, but such certificates or affidavits may not be considered in proceedings instituted under chapter 120 or in actions instituted in circuit court under chapter 72, unless such certificates or affidavits have been submitted and considered by the department under the procedure established in s. 213.21.

(b) If a person or licensee can establish to the satisfaction of the department that the tax assessed has been remitted to the state or that no tax is due on transactions involving propane sold for a use other than for use in a motor vehicle, that person or licensee may seek relief from the department pursuant to s. 213.21.

Amendment 3—On page 108, line 11, before the period (.) insert: , except that if it becomes a law after July 1, 1988, section 25 shall operate retroactively to that date and shall apply to audit periods which remain open for final assessment on that date for which a proposed assessment has been issued

Amendment 4—In title, on page 1, strike line 2 and insert: An act relating to taxation; amending s. 125.0104, F.S.; authorizing certain counties to levy an additional 2-percent tourist development tax on transactions involving living quarters or accommodations; creating ss.

Amendment 5—In title, on page 2, line 16, after the semicolon(;): insert: providing for retroactivity and application of certain provisions under certain circumstances;

On motion by Senator Deratany, by two-thirds vote CS for SB 370 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Hollingsworth Langley

Vote after roll call:

Yea—Plummer, Weinstein

On motion by Senator Deratany, the rules were waived and CS for SB 370 was ordered immediately certified to the House.

The Senate resumed consideration of—

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

advisory council appointed to advise the division in land sales matters; repealing s. 498.045, F.S., relating to the registration and regulation of salesmen and brokers; repealing s. 498.055, F.S., relating to reports of disciplinary action made to the Florida Real Estate Commission; amending s. 509.013, F.S.; revising an exclusion from the definition of the term public lodging establishment; amending s. 509.215, F.S.; delaying dates for installation of certain firesafety equipment; saving chapter 498, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

—with pending Amendment 4 which failed.

On motion by Senator Margolis, by two-thirds vote HB 1492 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—2

Brown Woodson

Vote after roll call:

Yea—Crawford, Frank, Jennings

On motion by Senator Margolis, the rules were waived and HB 1492 was ordered immediately certified to the House.

CS for SB 90—A bill to be entitled An act relating to child care; amending s. 110.151, F.S.; authorizing coordination of child care services; providing for the selection of service providers; setting standards for providers; requiring a statewide feasibility study of child care needs of state employees; authorizing the department to adopt rules; providing an appropriation; providing for retroactive application; 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 Malchon and adopted:

Amendment 1—On page 2, strike all of lines 20-26 and renumber subsequent subsections.

Senator Malchon moved the following amendment which was adopted:

Amendment 2—On page 1, line 20, strike “may” and insert: shall

Senators Grant, Grizzle, Malchon and Frank offered the following amendments which were moved by Senator Grant and adopted:

Amendment 3—On page 6, between lines 19 and 20, insert:

Section 3. Section 787.04, Florida Statutes, is amended to read:

787.04 Felony to remove *minors children* from state or to conceal *minors children* contrary to state agency or court order.—

(1) It is unlawful for any person, in violation of a court order, to lead, take, entice, or remove a *minor child* beyond the limits of this state, or to conceal the location of a *minor child*, with personal knowledge of the order.

(2) It is unlawful for any person, with criminal intent, to lead, take, entice, or remove a *minor child* beyond the limits of this state, or to conceal the location of a *minor child*, during the pendency of any action or proceeding affecting custody of the *minor child*, after having received notice as required by law of the pendency of the action or proceeding, without the permission of the court in which the action or proceeding is pending.

(3) It is unlawful for any person, with criminal intent, to lead, take, entice, or remove a *minor* beyond the limits of this state, or to conceal

the location of a minor, during the pendency of a dependency proceeding affecting such minor or during the pendency of any investigation, action, or proceeding concerning the alleged abuse or neglect of such minor, after having received notice of the pendency of such investigation, action, or proceeding and without the permission of the state agency or court in which the investigation, action, or proceeding is pending.

(4)(3) It is unlawful for any person, who has carried beyond the limits of this state any minor child whose custody is involved in any action or proceeding pending in this state, pursuant to the order of the court in which the action or proceeding is pending, or pursuant to the permission of the court, thereafter, to fail to produce the minor child in the court or deliver the minor child to the person designated by the court.

(5) It is a defense under this section that a person who leads, takes, entices, or removes a minor beyond the limits of the state reasonably believes that his action was necessary to protect the minor from child abuse as defined in s. 827.04.

(6)(4) Any person who violates ~~convicted of a violation of~~ this section is ~~law shall be~~ guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Subsections (1) and (2) of section 827.04, Florida Statutes, are amended to read:

827.04 Child abuse.—

(1) Whoever, willfully or by culpable negligence, deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment, or who, knowingly or by culpable negligence, inflicts or permits the infliction of physical or mental injury to the child, and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to such child, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Whoever, willfully or by culpable negligence, deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment, or who, knowingly or by culpable negligence, inflicts or permits the infliction of physical or mental injury to the child, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Renumber subsequent section.)

Amendment 4—On page 6, line 22, after “1988” insert: , except sections 3 and 4 shall take effect October 1, 1988.

Senator Malchon moved the following amendment which was adopted:

Amendment 5—In title, on page 1, line 3, strike “authorizing” and insert: requiring

Senators Grant, Grizzle, Malchon and Frank offered the following amendments which were moved by Senator Grant and adopted:

Amendment 6—In title, on page 1, line 10, after the semicolon (;) insert: amending s. 787.04, F.S.; prohibiting the removal of a minor from the state or concealment of the location of a minor under specified circumstances; providing a penalty; amending s. 827.04, F.S.; providing that infliction of physical or mental injury to a child constitutes child abuse; providing penalties;

Amendment 7—In title, on page 1, line 2, strike “child care” and insert: children

The Committee on Personnel, Retirement and Collective Bargaining recommended the following amendment which was moved by Senator Malchon and adopted:

Amendment 8—In title, on page 1, lines 6-8, strike “requiring a statewide feasibility study of child care needs of state employees” and insert: requiring a survey of child care needs of certain state employees

On motion by Senator Malchon, by two-thirds vote CS for SB 90 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motions by Senator Ros-Lehtinen, by two-thirds vote HB 796 was withdrawn from the Committees on Health and Rehabilitative Services; and Appropriations.

On motion by Senator Ros-Lehtinen—

HB 796—A bill to be entitled An act relating to application for social security numbers for newborn babies; directing the Department of Health and Rehabilitative Services, through the State Registrar, to provide for the participation by this state in the voluntary enumeration-at-birth program of the United States Social Security Administration, under which program a parent may apply for a social security number for his newborn baby when he submits the information needed for completion of the baby's birth certificate; authorizing and directing the State Registrar to take any actions necessary to administer the program in this state; providing an effective date.

—a companion measure, was substituted for SB 546 and read the second time by title. On motion by Senator Ros-Lehtinen, by two-thirds vote HB 796 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

CS for SB 567—A bill to be entitled An act relating to displaced homemakers; amending s. 410.30, F.S.; requiring the Department of Health and Rehabilitative Services to contract with and make grants to entities that provide programs for displaced homemakers; revising the definition of the term “displaced homemaker”; deleting certain duties of the department; providing for statewide availability of displaced homemaker service programs; providing criteria for contract and grant awards to entities providing displaced homemaker service programs; requiring a state plan and an annual report by the department; establishing the Displaced Homemaker Trust Fund to be used by the department to fund displaced homemaker service programs; amending s. 28.101, F.S.; providing an additional fee upon filing a petition for dissolution of marriage; providing that such fee be deposited in the Displaced Homemaker Trust Fund; providing for the waiver of the fee under certain circumstances; amending s. 741.01, F.S.; providing an additional fee for issuance of a marriage license; providing that such fee be deposited in the Displaced Homemaker Trust Fund; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for SB 567 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Jennings

CS for SB 598—A bill to be entitled An act relating to trauma care; amending s. 395.031, F.S.; changing definition of "trauma center"; specifying standards for evaluating trauma medical services systems and approving local and regional plans; requiring implementation of plans; specifying rules from which the Department of Health and Rehabilitative Services may exempt trauma agencies; providing for the delegation of the pediatric referral center verification process to trauma agencies; prohibiting discrimination by certain hospitals against trauma victims on specified grounds; providing for written notices of intent to cease local plan implementation and local agency operation; specifying time for applications to renew verification; amending s. 395.032, F.S.; specifying where state trauma regions must be designated and their purpose; removing duplication provisions relating to trauma center verification standards, requests, expiration, and service provision; amending s. 395.035, F.S.; prescribing dates by which trauma centers and acute care hospitals must submit registry information; providing trauma registry proceedings and providing that certain proceedings, records, and reports are confidential; amending s. 320.0801, F.S.; specifying uses of revenues in the Emergency Medical Services Trust Fund; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 8, between lines 29 and 30, insert:

(6) *The department may withdraw local or regional agency authority, prescribe corrective actions, or use the administrative remedies as provided in s. 395.018 for the violation of any provision of this section and ss. 395.032, 395.035, and 395.036 or rules adopted thereunder. All amounts collected pursuant to this subsection shall be deposited into the Emergency Medical Services Trust Fund provided in s. 401.34.*

Amendment 2—On page 9, strike all of lines 3-13, and insert:

(1) The department may establish trauma regions in those geographical areas where there are no department approved local or regional trauma system agencies and plans and where the department determines there is need for organized trauma services for the residents of the geographical area. The department shall base its definition of the regions upon:

Amendment 3—On page 14, strike all of lines 19 and 20, and insert:

Section 5. Subsection (1) of section 401.245, Florida Statutes, is amended to read:

401.245 Emergency Medical Services Advisory Council.—

(1) The provisions of s. 20.19(4)(a)3. notwithstanding, the secretary of the Department of Health and Rehabilitative Services may appoint an advisory council for the purpose of acting as the advisory body to the emergency medical services program. No more than 15 members may be appointed to this council. Each district of the department shall be represented on the advisory council by July 1, 1989. ~~Initially, the secretary shall appoint one-half of the members for terms of 1 year each. Thereafter, Members shall be appointed for 3-year 2-year terms in such a manner that each year the terms of one-third of the members expire. The chairman of the council shall be designated by the secretary and shall serve for a term of 1 year. Vacancies shall be filled for the remainder of unexpired terms in the same manner as the original appointment. Members shall receive no compensation, but may be reimbursed for per diem and travel expenses.~~

Section 6. Section 395.0142, Florida Statutes, is created to read:

395.0142 Access to emergency services and care.—

(1) **LEGISLATIVE INTENT.**—The Legislature finds and declares it to be of vital importance that emergency services and care be provided by hospitals to every person in need of such care. The Legislature finds that persons have been denied emergency services and care by hospitals. It is the intent of the Legislature that the department vigorously enforce the ability of persons to receive emergency services and care and that the department act in a thorough and timely manner against hospitals which deny persons emergency services and care.

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

(a) "Active labor" means a labor at a time at which:

1. There is inadequate time to effect safe transfer to another hospital prior to delivery; or
2. A transfer may pose a threat to the health and safety of the patient or the unborn child.

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

(c) "Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, which may include severe pain, such that the absence of immediate medical attention could reasonably be expected to result in any of the following:

1. Serious jeopardy to the patient's health.
2. Serious impairment to bodily functions.
3. Serious dysfunction of any bodily organ or part.

(d) "Emergency services and care" means medical screening, examination, and evaluation by a physician, or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine if an emergency medical condition or active labor exists and, if it does, the care, treatment, or surgery by a physician necessary to relieve or eliminate the emergency medical condition, within the service capability of the facility.

(e) "Stabilized" means, with respect to an emergency medical condition, that no material deterioration of the condition is likely, within reasonable medical probability, to result from the transfer of the patient from a hospital.

(3) **EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF FACILITY OR HEALTH CARE PERSONNEL.**—

(a) Every hospital which has an emergency department shall provide emergency services and care for any emergency medical condition or for active labor when:

1. Any person requests emergency services and care; or
2. Emergency services and care are requested on behalf of a person by:

a. An emergency medical services provider who is rendering care to or transporting the person; or

b. Another hospital, when such hospital is seeking a medically necessary transfer for a patient who has been stabilized, when such transfer meets the requirements of s. 395.0144 and applicable federal law.

(b) In no event shall the provision of emergency services and care be based upon, or affected by, the person's race, ethnicity, religion, national origin, citizenship, age, sex, preexisting medical condition, physical or mental handicap, insurance status, economic status, or ability to pay for medical services, except to the extent that a circumstance such as age, sex, preexisting medical condition, or physical or mental handicap is medically significant to the provision of appropriate medical care to the patient.

(c) Neither the hospital nor its employees, nor any physician, dentist, or podiatrist shall be liable in any action arising out of a refusal to render emergency services or care if the refusal is based on the determination, exercising reasonable care, that the person is not suffering from an emergency medical condition, that the person is not in active labor, or that the hospital does not have the appropriate facilities or qualified personnel available to render those services.

(d) Emergency services and care shall be rendered without first questioning the patient or any other person as to his or her ability to pay therefor. No hospital to which another hospital is transferring a person in need of emergency services and care may require the transferring hospital to guarantee payment for the person as a condition of receiving transfer. However, the patient or his or her legally responsible relative or guardian shall execute an agreement to pay therefor or otherwise supply insurance or credit information promptly, after the services and care are rendered.

(e) If a hospital subject to the provisions of this chapter does not maintain an emergency department, its employees shall nevertheless exercise reasonable care to determine whether an emergency medical condition exists and, in addition to meeting the requirements of s. 395.0143, shall direct the persons seeking emergency care to a nearby facility which can render the needed services, and shall assist the persons seeking emergency care in obtaining the services, including transportation services, in every way reasonable under the circumstances.

(4) RECORDS OF TRANSFERS; REPORT OF VIOLATIONS.—

(a) Each hospital shall maintain records of each transfer made or received for a period of 3 years.

(b) Any hospital employee, physician, other licensed emergency room health care personnel, or certified prehospital emergency personnel who knows of an apparent violation of this section or the rules adopted hereunder shall report the apparent violation to the department on a form prescribed by the department within 1 week following its occurrence.

(c) No hospital, government agency, or person shall retaliate against, penalize, institute a civil action against, or recover monetary relief from, or otherwise cause any injury to, a physician or other personnel for reporting in good faith an apparent violation of this section or the rules adopted hereunder to the department, hospital, medical staff, or any other interested party or government agency.

(d) No hospital, government agency, or person shall retaliate against, penalize, institute a civil action against, or recover monetary relief from, or otherwise cause any injury to, a physician who refused to transfer a patient when the physician determines, within reasonable medical probability, that the transfer or delay caused by the transfer will create a medical hazard to the person.

(5) PENALTIES.—

(a) The department may deny, revoke, or suspend a license or impose an administrative fine, not to exceed \$10,000 per violation, for the violation of any provision of this section or rules adopted hereunder.

(b) Any person who suffers personal harm as a result of a violation of this section or the rules adopted hereunder may recover, in a civil action against the responsible administrative or medical personnel, damages, reasonable attorney's fees, and other appropriate relief.

(c) Any administrative or medical personnel who knowingly or intentionally violates any provision of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. The Department of Health and Rehabilitative Services shall establish and maintain an inventory of hospitals with emergency departments. Included in the inventory shall be a listing of all services by the hospital. The department shall use the inventory to assist emergency medical services providers and others in locating appropriate emergency medical care. The inventory shall also be made available to the general public. The department shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, by March 1, 1989, the status of the inventory.

Section 8. Subsection (3) is added to section 401.265, Florida Statutes, to read:

401.265 Medical directors.—

(3) Any medical director who in good faith gives oral or written instructions to certified emergency medical services personnel for the provision of emergency care shall be deemed to be providing emergency medical care or treatment for the purposes of s. 768.13(2).

Section 9. This act shall take effect October 1, 1988.

Amendment 4—In title, on page 2, line 1, after the semicolon () insert: amending s. 401.245, F.S.; increasing from two years to three years the terms of Office of Emergency Medical Services Advisory Council members; creating s. 395.0142, F.S.; establishing access to emergency services and care; providing legislative intent; providing definitions; providing for emergency services and care; providing certain immunity from liability; providing for records of transfers and providing reporting requirements; providing penalties; requiring the Department of Health and Rehabilitative Services to determine the availability of emergency departments of hospitals and requiring the publication of such information; amending s. 401.265, F.S.; providing that certain instructions given by a medical director are deemed to be emergency medical care;

On motion by Senator Myers, by two-thirds vote CS for SB 598 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Jennings

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

CS for CS for CS for SB 1054—A bill to be entitled An act relating to taxation; amending s. 624.509, F.S.; reducing the percentage rate of the insurance premium tax; providing for a credit for intangible taxes; increasing the salary credit allowed against the premium tax; increasing the maximum total for corporate income tax and salary credits; providing for 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; providing exemptions from the premium tax; 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, 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 read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Hair

Vote after roll call:

Yea—Jennings

On motion by Senator Deratany, the rules were waived and **CS for CS for SB 1054** was ordered immediately certified to the House.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 375 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 375—A bill to be entitled An act relating to ad valorem tax exemptions; amending s. 196.012, F.S.; revising and providing applicable definitions; conforming a cross-reference; requiring ownership of property by an exempt entity for grant of an exemption; amending s. 196.192, F.S.; specifying criteria to be used in granting exemptions for certain purposes; amending s. 196.196, F.S.; including religious organizations in a list of exempt entities; providing an effective date.

Amendment 1—On page 2, line 28, strike all of said line and insert: *to any physical use. This section shall not apply in determining the exemption for property owned by governmental units pursuant to s. 196.199.*

Amendment 2—On page 1, line 9, after the semicolon (;) insert: specifying that the criteria does not apply to exemptions pursuant to s. 196.199, F.S.

Amendment 3—On page 2, line 9, after the period insert:

(5)(4) "Educational institution" means a state, parochial, church, or private school, college, or university conducting regular classes and courses of study required for eligibility to certification by, accreditation to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Secondary Schools, or the Florida Council of Independent Schools; and educational direct-support organizations created pursuant to ss. 229.8021, 240.299 and 240.331; and facilities located on the property of eligible entities which will become owned by those entities on a date certain.

Amendment 4—On page 1, line 21, after (3), insert: (5),

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

CS for SB 375 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Beard, Hill, Jennings

SPECIAL ORDER, continued

CS for SB 1212—A bill to be entitled An act relating to health care; amending s. 400.461, F.S.; providing that the provisions of part III of chapter 400, F.S., do not supersede applicable federal laws or regulations; amending s. 400.462, F.S.; providing definitions; amending s. 400.478, F.S.; requiring registrant's to maintain employment histories of specified personnel; requiring notice of the right to report abusive, neglectful, or exploitative practices to patients and families; requiring screening; amending s. 400.487, F.S.; requiring the evaluation of services by health professionals; creating s. 400.495, F.S.; requiring notice of the right to report abusive, neglectful, or exploitative practices to patients and families; amending s. 400.497, F.S.; requiring agencies to maintain employment histories of specified personnel; requiring screening; amending s. 415.107, F.S.; requiring the department to search the abuse registry records for screening purposes; amending s. 415.51, F.S.; requiring the department to search the abuse registry records for screening purposes; providing for review and repeal; amending s. 464.008, F.S.; requiring applicants for licensure to provide information for certain background checks; amending s. 464.013, F.S.; requiring as a condition of licensure renewal the signing of an affidavit attesting to specific information; amending s. 464.014, F.S.; requiring inactive licensees to provide information for certain background checks; amending s. 464.018, F.S.; establishing grounds for disciplinary actions; amending s. 455.241, F.S.; correcting a cross-reference; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote CS for SB 1212 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Stuart

CS for SB 1354—A bill to be entitled An act relating to radiologic technologists; amending s. 468.301, F.S.; defining "basic X-ray machine operator-podiatry"; modifying related definitions; amending s. 468.302, F.S.; limiting use of title "basic X-ray machine operator-podiatry"; deleting obsolete language; limiting the practice of a basic X-ray machine operator-podiatry; amending s. 468.303, F.S.; providing for establishment of fees by department rule; amending s. 468.304, F.S.; increasing the maximum fee for examination for certification; providing qualifications for examination of an applicant for basic X-ray machine operator-podiatry; saving provisions relating to certification of computed tomography technologists; amending s. 468.305, F.S.; providing fees for educational programs; amending s. 468.306, F.S.; increasing the maximum fee for subsequent examinations; amending s. 468.307, F.S.; providing for temporary certification of a basic X-ray machine operator-podiatry; amending s.

468.309, F.S.; increasing the maximum fee for certificate renewal; amending s. 468.3101, F.S.; expanding a ground for disciplinary action; repealing s. 468.3035, F.S.; relating to legislative intent that Department of Health and Rehabilitative Services contract with the Department of Professional Regulation; repealing s. 468.308, F.S.; relating to certification based on prior experience or training; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote CS for SB 1354 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford, Stuart

RECESS

On motion by Senator Barron, the Senate recessed at 11:59 a.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Hair at 2:15 p.m. A quorum present—35:

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

Motions

On motion by Senator Margolis, the rules were waived and CS for SB 24 was ordered immediately certified to the House.

On motion by Senator Girardeau, the rules were waived and CS for SB 530 was ordered immediately certified to the House.

CLAIMS BILLS

SB 68—A bill to be entitled An act for the relief of John G. Harkovitch, individually and as guardian of the property of Scott A. Harkovitch and Kelly E. Harkovitch, Scott A. Harkovitch, a minor, and Kelly E. Harkovitch, a minor; providing an appropriation to compensate them for the death of Marsha Harkovitch, their wife and mother, respectively, whose death resulted from the negligence of the Department of Transportation; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Weinstock and adopted:

Amendment 1—On page 2, lines 27-31, and on page 3, lines 1-9, strike all of said lines and insert:

Section 2. The sum of \$150,000 is appropriated out of funds in the State Treasury to the credit of the Department of Transportation to be paid to Scott A. Harkovitch. The sum of \$150,000 is appropriated out of funds in the State Treasury to the credit of the Department of Transportation to be paid to Kelly E. Harkovitch.

Section 3. The Comptroller is directed to draw his warrants upon funds in the State Treasury to the credit of the Department of Transportation in the sum of \$150,000 in favor of Scott A. Harkovitch, a minor, and \$150,000 in favor of Kelly E.

On motion by Senator Weinstock, by two-thirds vote SB 68 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—23

Brown	Grant	Kiser	Plummer
Childers, D.	Grizzle	Langley	Ros-Lehtinen
Childers, W. D.	Hair	Lehtinen	Thurman
Dudley	Hollingsworth	Margolis	Weinstein
Girardeau	Jenne	McPherson	Weinstock
Gordon	Kirkpatrick	Myers	

Nays—1

Johnson

Vote after roll call:

Yea—Frank, Malchon, Peterson

SB 105—A bill to be entitled An act for the relief of Rita Mae Goldberg; authorizing the compensation of Mrs. Goldberg for the loss of certain life insurance benefits upon her husband, A. David Goldberg, deceased; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Weinstock and adopted:

Amendment 1—On page 2, line 28, strike "12" and insert: 6

On motion by Senator Weinstock, by two-thirds vote SB 105 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

Beard	Gordon	Kirkpatrick	Plummer
Brown	Grant	Kiser	Ros-Lehtinen
Childers, D.	Grizzle	Langley	Stuart
Childers, W. D.	Hair	Lehtinen	Thurman
Dudley	Hollingsworth	Margolis	Weinstein
Frank	Jenne	Meek	Weinstock
Girardeau	Jennings	Myers	

Nays—1

Johnson

Vote after roll call:

Yea—Malchon, Peterson

SB 180—A bill to be entitled An act for the relief of Gerald Clearwater and Denise K. Clearwater, as personal representatives of the estate of Ryan Patrick Clearwater, deceased, and for the relief of Gerald Clearwater, individually, and Denise Clearwater, individually; directing the North Broward Hospital District to compensate them for the death of Ryan Patrick Clearwater as a result of the negligence of the North Broward Hospital District, d/b/a Broward General Medical Center; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Weinstein and adopted:

Amendment 1—On page 2, line 19, strike everything after the enacting clause and insert:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The North Broward Hospital District is directed to appropriate the sum of \$355,840.70 out of funds of the district not otherwise appropriated to be paid to Gerard Clearwater and Denise Clearwater.

Section 3. The North Broward Hospital District shall draw its warrant in favor of Gerard Clearwater and Denise Clearwater in the amount of \$355,840.70 out of funds of the district not otherwise appropriated.

Section 4. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 1, line 1, through line 16 on page 2, strike everything before the enacting clause and insert: A bill to be entitled An act for the relief of Gerard Clearwater and Denise Clearwater; directing the North Broward Hospital District to compensate them for the death of Ryan Patrick Clearwater as a result of the negligence of the North Broward Hospital District, d/b/a Broward General Medical Center; providing an effective date.

WHEREAS, section 768.28, Florida Statutes (1984 Supplement), provides that a judgment rendered in excess of the statutory tort liability of a division of state government may be reported to the Legislature so that it may be paid by further act of the Legislature, and

WHEREAS, pursuant to a jury verdict, a judgment which included \$225,000 in favor of Gerard Clearwater and \$225,000 in favor of Denise Clearwater was entered in the Circuit Court of the 17th Judicial Circuit on June 27, 1984, against the North Broward Hospital District, d/b/a Broward General Medical Center, and

WHEREAS, the purpose of the judgment was compensation for Gerard Clearwater and Denise Clearwater for mental pain and suffering resulting from the severe brain damage and subsequent death of their infant son, and

WHEREAS, this death was caused primarily by the hospital's negligence in that the emergency doctor on duty sent Mrs. Clearwater home when she was in labor; consequently, the infant was born at home where he did not have access to suction equipment, and, as a result, he sustained severe brain damage from lack of oxygen and subsequently died, and

WHEREAS, the sum of \$350,000 remains payable under said judgment, together with a cost judgment in the amount of \$5,840.70, the district having paid \$100,000 to Gerard Clearwater and Denise Clearwater on March 16, 1987, NOW, THEREFORE,

On motion by Senator Weinstein, by two-thirds vote SB 180 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

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

Nays—2

Dudley Johnson

Vote after roll call:

Yea—Peterson

On motion by Senator Weinstein, the rules were waived and **SB 180** was ordered immediately certified to the House.

SB 181—A bill to be entitled An act for the relief of Brent R. Eldred, a minor; directing the North Broward Hospital District to compensate him for injuries he sustained as a result of the negligence of the North Broward Hospital District, d/b/a Broward General Medical Center; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Weinstein and adopted:

Amendment 1—On page 1, lines 10-31, and on page 2, lines 1-6, strike all of said lines and insert:

WHEREAS, section 768.28, Florida Statutes (1983), provides that a judgment rendered in excess of the statutory tort liability of a division of state government may be reported to the Legislature so that it may be paid by further act of the Legislature, and

WHEREAS, pursuant to a jury verdict, a judgment for \$900,000, was entered in the Circuit Court of the 17th Judicial Circuit on July 5, 1983, against the North Broward Hospital District, d/b/a Broward General Medical Center, and

WHEREAS, the purpose of the judgment was to compensate Brent Eldred for intellectual impairment, loss of brain substance, and permanent brain damage, and

WHEREAS, Brent Eldred's injuries were due to the negligence of the Broward General Medical Center, which failed to maintain a proper standard of infection control, thereby causing Brent Eldred to contract a bacterial infection which led to the described impairment, and

WHEREAS, this judgment remains wholly unsatisfied, NOW, THEREFORE,

Amendment 2—On page 2, strike all of lines 10-27, and insert:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The North Broward Hospital District is directed to appropriate the sum of \$700,000 out of funds of the district not otherwise appropriated to be paid to Brent Eldred, a minor, by and through his parents and next friends, Susan E. Eldred and Richard K. Eldred, and their attorney, Sheldon J. Schlesinger, in satisfaction of the judgment.

Section 3. The North Broward Hospital District shall draw its warrant in favor of Brent Eldred, a minor, by and through his parents and next friends, Susan E. Eldred and Richard K. Eldred, and Sheldon J. Schlesinger, P.A., in the amount of \$700,000 out of funds of the district not otherwise appropriated.

Section 4. This act shall take effect upon becoming a law.

On motion by Senator Weinstein, by two-thirds vote SB 181 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

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

Nays—None

Vote after roll call:

Yea—Crawford, Peterson

On motion by Senator Weinstein, the rules were waived and **SB 181** was ordered immediately certified to the House.

SB 189—A bill to be entitled An act relating to the City of West Palm Beach; providing for the relief of Deborah L. Feigelson, to compensate her for personal injuries resulting from a diving accident in the City of West Palm Beach; providing for payment by the City of West Palm Beach; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Weinstein and adopted:

Amendment 1—On page 3, line 2, strike everything after the enacting clause and insert:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The City of West Palm Beach is authorized and directed to appropriate from funds of the city not otherwise appropriated the sum of \$87,500 payable to Deborah L. Feigelson to compensate her for her injuries and to purchase an annuity in favor of Deborah L. Feigelson at a cost of \$350,000.

Section 3. The City of West Palm Beach shall draw a warrant in favor of Deborah L. Feigelson in the sum of \$87,500 and purchase an annuity costing \$350,000 from funds of the city not otherwise appropriated.

Section 4. This act shall take effect upon becoming a law.

Further consideration of **SB 189** as amended was deferred.

SB 336—A bill to be entitled An act relating to Dade County; providing for the relief of Daisy Perez Vidal, as personal representative of the estate of Jorge Henry Vidal, deceased, and Daisy Perez Vidal, individually; requiring the county to appropriate compensation to the survivors of Jorge Henry Vidal for his death and to Daisy Perez Vidal for her personal injuries, both arising out of an automobile accident on January 1, 1983, at the entrance to the Key Biscayne Golf Course and Roger's on the Green restaurant in Dade County, Florida; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 336 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

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

Nays—1

Grant

SB 387—A bill to be entitled An act relating to the City of Jacksonville; providing for the relief of Floyd Parrish and Della Parrish, his wife, to compensate them for injuries sustained by Floyd Parrish from an accident caused by the negligence of the City of Jacksonville; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote SB 387 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Crawford

SB 424—A bill to be entitled An act relating to the State of Florida; providing for the relief of Graciela Nacianceno, widow of Angel Antonio Nacianceno; Angel Antonio Nacianceno, Jr., a minor; and the estate of Angel Antonio Nacianceno; requiring the state to pay compensation to the survivors of Angel Antonio Nacianceno for his wrongful death, which occurred February 23, 1984, partly as a result of the defendant's negligence.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Gordon and adopted:

Amendment 1—On page 2, line 9, strike everything after the enactment clause and insert:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The legislature hereby directs that the sum of \$309,550 be appropriated out of funds in the State Treasury to the credit of the Department of Transportation, which funds are not otherwise encumbered, and paid jointly to Graciela Nacianceno, as personal representative for the estate of Angel Antonio Nacianceno, and Robert Rossano, Esquire.

Section 3. The comptroller is hereby directed to draw his warrant in the amount of \$309,550 upon funds in the State Treasury to the credit of the Department of Transportation, and the State Treasurer is directed to pay such funds, to the order of Graciela Nacianceno and Robert Rossano, Esquire.

Section 4. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 1, line 10, after "negligence" insert: ; providing an effective date

On motion by Senator Gordon, by two-thirds vote SB 424 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

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

Nays—3

Beard Johnson Langley

SB 490—A bill to be entitled An act relating to Dade County; providing for the relief of Linda Nelson, and Brian Nelson; providing an appropriation to compensate her for injuries sustained by Brian Nelson, a minor, as a result of the negligence of Metropolitan Dade County; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 490 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

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

Nays—1

Langley

Vote after roll call:

Yea—Stuart

SB 494—A bill to be entitled An act for the relief of Terrence L. Bryant; authorizing and directing the School Board of Leon County to compensate him for personal injuries suffered as a result of the negligence of the School Board of Leon County; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 494 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

SB 495—A bill to be entitled An act relating to the Public Health Trust of Dade County; providing for the relief of Mattie Bohannon and Edwin Bohannon, to compensate them for injuries and suffering sustained by Edwin Bohannon due to negligence of the Public Health Trust of Dade County; providing an effective date.

—was read the second time by title. On motion by Senator Plummer, by two-thirds vote SB 495 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Crawford

Yea to Nay—Deratany

SB 647—A bill to be entitled An act for the relief of Thomas W. Hicks; providing an appropriation to compensate him for personal injuries he sustained as a result of a collision between his vehicle and a vehicle owned by the Department of Transportation and operated by a department employee; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 2, line 1, strike “this sum” and insert: the sum of \$100,000

Amendment 2—On page 2, lines 15 and 20, strike “\$468,000” and insert: \$100,000

Amendment 3—On page 1, line 29, strike “\$468,000”

On motion by Senator Kirkpatrick, by two-thirds vote SB 647 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

HB 56—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Sarah Deza, authorizing and directing said county to compensate her for certain damages suffered in a motor vehicle collision; providing for payment by the county; providing an effective date.

—was read the second time by title.

Senator Gordon moved that the rules be waived and HB 56 be read the third time by title. The motion failed. The vote was:

Yeas—13

Brown	Grizzle	Meek	Weinstein
Crenshaw	Hair	Peterson	
Frank	Malchon	Plummer	
Gordon	Margolis	Stuart	

Nays—13

Beard	Hollingsworth	Lehtinen	Woodson
Childers, W. D.	Johnson	Myers	
Dudley	Kirkpatrick	Ros-Lehtinen	
Grant	Langley	Weinstock	

HB 62—A bill to be entitled An act for the relief of Dr. Dorvan T. Rust; providing an appropriation to compensate him for two salary warrants inadvertently misplaced; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 62 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

CS for HB 159—A bill to be entitled An act relating to the relief of Earnest Conley Campbell; providing an appropriation to compensate him for personal injuries; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote CS for HB 159 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

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

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

CS for HB 282—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Harriet Semmes to compensate her for injuries sustained while a passenger in an automobile which was struck by a Metropolitan Dade County transit bus; providing for payment by Metropolitan Dade County; providing an effective date.

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

Yeas—29

Beard	Dudley	Grizzle	Johnson
Brown	Frank	Hair	Kirkpatrick
Childers, D.	Girardeau	Hill	Langley
Childers, W. D.	Gordon	Hollingsworth	Lehtinen
Crenshaw	Grant	Jenne	Margolis

Meek	Plummer	Thurman
Myers	Ros-Lehtinen	Weinstein
Peterson	Stuart	Weinstock

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

CS for HB 991—A bill to be entitled An act relating to Dade County; providing for the relief of Steven Colon, a minor, by and through Hazel Alexander and Pamela Colon, guardians ad litem, to compensate Steven Colon for injuries and suffering sustained by him as a result of negligence on the part of the Public Health Trust of Dade County; providing an effective date.

—was read the second time by title. On motion by Senator Plummer, by two-thirds vote CS for HB 991 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

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

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Hollingsworth, by two-thirds vote HB 1471 was withdrawn from the Committee on Agriculture.

SPECIAL ORDER, continued

CS for SB 1375—A bill to be entitled An act relating to preneed funeral merchandise or service contracts; creating s. 639.055, F.S.; providing legislative intent; amending s. 639.07, F.S.; revising and providing definitions; amending s. 639.09, F.S., relating to certificates of authority; exempting certain corporations from needing a certificate; amending s. 639.10, F.S.; providing for disclosure of preneed contracts; providing for an annual report on trusts; providing a fine for failure to file the report; amending s. 639.105, F.S.; requiring certain disclosure in preneed contracts; creating s. 639.107, F.S.; providing for nonconforming contracts; creating s. 639.108, F.S.; creating the Preneed Funeral Contract Consumer Protection Trust Fund; providing fees; providing for uses of moneys in the fund; providing for adjustment of fees; creating s. 639.109, F.S.; providing for ownership of proceeds received on contracts; amending s. 639.11, F.S.; revising language with respect to disposition of proceeds received on contracts; providing certain liability; amending s. 639.13, F.S.; revising language with respect to cancellation of or default on preneed contracts; amending s. 639.14, F.S.; providing clarifying language with respect to payment of funds upon death of a named beneficiary; creating s. 639.145, F.S.; providing for evidence of financial responsibility as an alternative to trust deposit; creating s. 639.149, F.S.; providing for alternative preneed contracts; amending s. 639.15, F.S.; providing for the examination of guaranteeing organizations; amending s. 639.16, F.S.; adding grounds for denial, suspension, or revocation of a certificate of authority; amending s. 639.165, F.S.; deleting provisions regarding venue of delinquency proceedings; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for SB 1375 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford

HB 321—A bill to be entitled An act relating to insurance rates and contracts; creating s. 627.0665, F.S.; requiring insurers who have an automatic bank withdrawal agreement with an insured party to notify the insured party of any premium increase prior to any automatic bank withdrawal of an increased premium; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendments which were moved by Senator Jennings and adopted:

Amendment 1—On page 1, strike all of lines 19 and 20 and insert: *premiums for any type of insurance shall give the named insured at least 15 days advance written notice of any increase in policy premiums prior to any*

Amendment 2—On page 1, between lines 21 and 22, insert:

Section 2. Section 627.0665, Florida Statutes, is repealed October 1, 1992, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

(Renumber subsequent sections.)

Amendment 3—In title, on page 1, line 8, after the semicolon (;) insert: *providing for review and repeal;*

On motion by Senator Jennings, by two-thirds vote HB 321 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Crawford, Woodson

SB 1353—A bill to be entitled An act relating to beach and shore preservation; amending s. 161.053, F.S.; authorizing the Department of Natural Resources to enter into certain agreements regulating development activities landward of a coastal construction control line; providing restrictions; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 1353 to conform the bill to CS for HB 841.

Pending further consideration of SB 1353 as amended, on motion by Senator Dudley, by two-thirds vote CS for HB 841 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Dudley—

CS for HB 841—A bill to be entitled An act relating to beach and shore preservation; amending s. 161.053, F.S.; authorizing the Depart-

ment of Natural Resources to enter into certain agreements regulating development activities landward of a coastal construction control line; requiring certain prior authorization; providing restrictions; providing an effective date.

—a companion measure, was substituted for SB 1353 and read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for HB 841 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Beard	Girardeau	Jennings	Myers
Brown	Gordon	Langley	Ros-Lehtinen
Childers, W. D.	Grant	Lehtinen	Thurman
Crenshaw	Grizzle	Malchon	Weinstock
Deratany	Hair	Margolis	Woodson
Dudley	Hill	McPherson	
Frank	Hollingsworth	Meek	

Nays—None

Vote after roll call:

Yea—Crawford, Kirkpatrick, Stuart

Consideration of CS for CS for SB 1257, CS for SB 764, CS for SB 315 and SB 46 was deferred.

SB 528—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; repealing s. 321.071, F.S., relating to the assigning of patrol officers as special service officers or flight officers by the department; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote SB 528 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Crawford, Woodson

On motions by Senator Jennings, by two-thirds vote HB 872 was withdrawn from the Committees on Governmental Operations and Appropriations.

On motion by Senator Jennings—

HB 872—A bill to be entitled An act relating to historical and archaeological resources; amending s. 267.061, F.S.; authorizing the Division of Historical Resources of the Department of State to acquire and maintain objects which have an historical or archaeological value and relate to the history, government, or culture of the state; providing for the inventory of such objects; providing for the loan, exchange, or sale of such objects; exempting the division from surplus property requirements in any such loan, exchange, or sale; providing for the deposit of moneys received from the sale of such objects; requiring the division to adopt rules relating to the disposal of such objects; providing penalties; providing an effective date.

—a companion measure, was substituted for SB 548 and read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 872 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford, Woodson

SB 654—A bill to be entitled An act relating to public records; amending s. 119.011, F.S.; specifying that certain documents given to a person arrested are not excluded from the meaning of "criminal intelligence information" or "criminal investigative information" for purposes of confidentiality; amending s. 119.07, F.S.; providing for confidentiality of medical examiners' records; specifying that active criminal intelligence and criminal investigative information remains exempt from public records requirements after discovery is provided to the defendant or the state in a criminal prosecution; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, lines 9-31, and on page 3, lines 1-10, strike all of said lines and insert:

Section 3. Paragraph (d) of subsection (3) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection and examination of records; exemptions.—

(3)

(d) Active criminal intelligence information and active criminal investigative information are exempt from the provisions of subsection (1). *Such information remains exempt from the provisions of subsection (1) even after discovery is provided to the defendant or the state in a criminal prosecution pursuant to Rule 3.220, Florida Rules of Criminal Procedure.*

(Renumber subsequent section.)

Amendment 2—On page 2, line 24, after the period (.) insert: *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Amendment 3—In title, on page 1, strike all of lines 9 and 10 and insert: specifying that active

Amendment 4—In title, on page 1, line 14, after the semicolon (;) insert: providing for review and repeal of the exemption;

On motion by Senator Deratany, by two-thirds vote SB 654 as amended was read the third time by title.

Further consideration of **SB 654** as amended was deferred.

On motion by Senator McPherson, by two-thirds vote HB 58 was withdrawn from the Committee on Commerce.

On motion by Senator McPherson—

HB 58—A bill to be entitled An act relating to family attendance at greyhound dogracing and jai alai; creating s. 550.051, F.S.; permitting minors to attend greyhound dograces under certain circumstances; prohibiting minors from placing wagers; creating s. 551.115, F.S., permitting minors to attend jai alai exhibitions under certain circumstances; prohibiting minors from placing wagers; amending s. 551.12, F.S., conforming language; providing an effective date.

—a companion measure, was substituted for SB 566 and read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 58 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—19

Beard	Jenne	Malchon	Scott
Deratany	Johnson	Margolis	Thurman
Gordon	Kirkpatrick	McPherson	Weinstein
Grizzle	Kiser	Meek	Woodson
Hill	Lehtinen	Ros-Lehtinen	

Nays—14

Brown	Dudley	Hollingsworth	Thomas
Childers, D.	Frank	Langley	Weinstock
Childers, W. D.	Grant	Peterson	
Crenshaw	Hair	Stuart	

Vote after roll call:

Yea—Jennings, Plummer

Nay—Crawford

Yea to Nay—Woodson

Nay to Yea—Langley

On motion by Senator McPherson, the rules were waived and **HB 58** was ordered immediately certified to the House.

On motions by Senator McPherson, by two-thirds vote **HB 1408** was withdrawn from the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

On motion by Senator McPherson—

HB 1408—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.041, F.S.; and creating s. 550.2636, F.S.; creating a Breeders' Crown Meet for harness racing to be conducted in the same manner as the Breeders' Cup Meet; authorizing the attendance of minors at the Breeders' Crown Meet under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 1246** and read the second time by title.

On motion by Senator McPherson, by two-thirds vote **HB 1408** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

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

Nays—9

Crawford	Hollingsworth	Stuart
Frank	Langley	Thomas
Hair	Peterson	Weinstock

Vote after roll call:

Nay to Yea—Hollingsworth, Stuart, Thomas

On motion by Senator McPherson, the rules were waived and **HB 1408** was ordered immediately certified to the House.

The Senate resumed consideration of—

SB 654—A bill to be entitled An act relating to public records; amending s. 119.011, F.S.; specifying that certain documents given to a person arrested are not excluded from the meaning of "criminal intelligence information" or "criminal investigative information" for purposes of confidentiality; amending s. 119.07, F.S.; providing for confidentiality of medical examiners' records; specifying that active criminal intelligence and criminal investigative information remains exempt from public records requirements after discovery is provided to the defendant or the state in a criminal prosecution; providing an effective date.

Senator Deratany moved the following amendment which was adopted by two-thirds vote:

Amendment 5—On page 2, between lines 24 and 25, insert:

Section 3. Subsection (4) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection and examination of records; exemptions.—

(4) Nothing in this section shall be construed to exempt from subsection (1) a public record which was made a part of a court file and which is not specifically closed by order of court, except as provided in paragraphs (e), (f), (g), (m), (o), and (r) of subsection (3) and except information or records which may reveal the identity of a person under the age of 18 who is a victim of a sexual offense as provided in paragraph (h) of subsection (3).

(Renumber subsequent sections.)

On motion by Senator Deratany, **SB 654** as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Deratany, the rules were waived and **SB 654** was ordered immediately certified to the House.

SB 1234—A bill to be entitled An act relating to taxation of real property; amending s. 196.29, F.S.; canceling certain taxes upon real property acquired by a community college district board of trustees; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote **SB 1234** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Gordon, the rules were waived and **SB 1234** was ordered immediately certified to the House.

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

HB 1485—A bill to be entitled An act relating to landlord and tenant; amending s. 48.183, F.S.; revising language with respect to service of process in actions for possession of residential premises; amending s. 83.20, F.S.; clarifying language regarding service of the 3-day notice that rent is delinquent; amending s. 83.49, F.S.; revising language with respect to notice by a tenant to a landlord of intent to vacate or abandon leased premises; providing that failure to provide notice shall not waive any right of the tenant to his security deposit; amending s. 83.595, F.S.; clarifying when the landlord may choose his remedies after the tenant breaches the lease; amending s. 83.62, F.S.; providing that the landlord or

his agent is responsible for removing personal property left at the premises to which a landlord has regained possession and providing that once removed, neither the landlord nor sheriff is liable for loss, destruction, or damage to the property; amending s. 83.625, F.S.; clarifying that a money judgment for past-due rent must be entered in compliance with the Rules of Civil Procedure; amending s. 83.67, F.S.; clarifying certain prohibited practices by the landlord; amending s. 713.691, F.S.; clarifying that the landlord's right to possession of the premises is not dependent upon whether the tenant's property has been removed from the premises; providing an effective date.

—a companion measure, was substituted for CS for SB 1232 and by two-thirds vote read the second time by title.

Senator Langley moved the following amendment which was adopted:

Amendment 1—On page 6, line 18, insert:

Section . 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 regulations, 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 . 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 . 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 . 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 judi-*

cial 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.)

Senator Langley moved the following amendment:

Amendment 2—In title, on page 2, between lines 1 and 2, insert: amending s. 723.033, F.S.; providing for a court to make specific determinations regarding mobile home lot rental agreements; prohibiting certain unreasonable agreements; providing remedies; requiring the amount of lot rental in dispute to be paid into the court registry under certain circumstances; amending s. 723.037, F.S.; requiring certain speci-

fied disputes involving lot rental agreements to be submitted to arbitration prior to either party filing a court action; specifying circumstances under which a party is not entitled to attorney's fees; amending s. 723.038, F.S.; requiring the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation to employ arbitrators and adopt rules for arbitration proceedings; providing that parties may agree to be bound by the final order of arbitration; providing an arbitration procedure; limiting the use of information obtained by subpoena; providing for a trial de novo within a specified time following a nonbinding arbitration proceeding; prescribing circumstances under which attorney's fees and costs may be awarded; amending s. 723.061, F.S.; entitling a mobile home owner to certain reimbursement upon his eviction; requiring certain notice to be written;

Further consideration of **HB 1485** as amended was deferred.

SB 1088—A bill to be entitled An act relating to fire prevention and control; amending s. 633.021, F.S.; defining scope of practice of persons engaged in a business relating to fire protection systems for which certification of competency is required; amending s. 633.34, F.S.; revising criteria for qualifications for employment as a firefighter; amending s. 633.35, F.S.; including emergency medical training as a prerequisite for certification as a firefighter; amending s. 633.351, F.S.; revising standards for decertification; amending s. 633.382, F.S.; redefining the term "firefighter" with respect to supplemental compensation; amending s. 633.521, F.S.; providing requirements for examinations; revising prerequisites; reducing insurance requirements for certain contractors; amending s. 633.524, F.S.; providing fees; amending s. 633.527, F.S.; providing revised language with respect to examination procedures and confidentiality; amending s. 633.534, F.S.; providing supervision requirements; amending s. 633.537, F.S.; clarifying language with respect to certificate renewal; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendments which were moved by Senator Thurman and adopted:

Amendment 1—On page 6, strike all of lines 13-25

Amendment 2—In title, on page 1, strike all of lines 9-11 and insert: amending s.

On motion by Senator Thurman, by two-thirds vote SB 1088 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	Grant	Langley	Ros-Lehtinen
Brown	Grizzle	Lehtinen	Scott
Childers, D.	Hair	Malchon	Stuart
Childers, W. D.	Hill	Margolis	Thomas
Crenshaw	Hollingsworth	McPherson	Thurman
Dudley	Jenne	Meeke	Weinstein
Frank	Jennings	Myers	Weinstock
Girardeau	Johnson	Peterson	Woodson
Gordon	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford

SB 1115—A bill to be entitled An act relating to the thermal efficiency code; amending s. 553.901, F.S.; revising the time for giving notice of changes in the code; amending s. 553.902, F.S.; defining or redefining terms; amending s. 553.904, F.S.; providing additional criteria to be considered in setting standards for new nonresidential buildings; amending s. 553.906, F.S.; providing additional criteria to be considered in setting standards for renovated buildings; amending s. 553.907, F.S.; providing procedures with respect to certification of compliance of buildings when alterations are made in design, materials, or equipment during construction or renovation; amending s. 553.9085, F.S.; revising provisions related to energy performance disclosure for residential buildings; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 1115 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Johnson, by two-thirds vote HB 108 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Johnson—

HB 108—A bill to be entitled An act relating to the fine arts; amending s. 265.603, F.S., revising the definition of “sponsoring organization,” under the Fine Arts Endowment Program of 1985, to exclude museums owned and operated by community colleges; providing an effective date.

—a companion measure, was substituted for SB 787 and read the second time by title.

Senator Johnson moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 30 and 31, insert:

Section 2. Subsection (4) of section 265.26, Florida Statutes, is amended to read:

265.26 Trustees of Ringling Museum of Art.—

(4)(a) The board of trustees shall have complete jurisdiction over the management of the museum and is invested with full power and authority to appoint a director, who shall be exempt from the Career Service System, and to appoint other employees, in accordance with Florida Statutes and rules; to remove the same in accordance with Florida Statutes and rules; to provide for the proper keeping of accounts and records and budgeting of funds; to enter into contracts for professional programs of the museum and for the support and maintenance of the museum; to secure public liability insurance; and to do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the John and Mable Ringling Museum of Art at the highest efficiency economically possible while taking into consideration the purposes of the establishment.

(b) *Funds received from all admissions and rentals shall be held in trust by the board of trustees, subject to the reversion clauses in the trust agreement, and may be used in accordance with a contract or agreement with the board of trustees.*

(c) *Any other funds, except those enumerated in paragraph (b) and other income from the museum and its programs, shall be held in a separate trust fund by the direct-support organization.*

(d) *Upon approval by the board of trustees, income from the trust fund established in paragraph (c) may be used for supplemental salaries and personnel not provided for by the General Revenue Fund.*

(e) *The trust agreements shall provide for reversion of the funds held in trust by the direct-support organization in the event of the dissolution of the direct-support organization.*

(f) *The direct-support organization shall submit an annual budget for the approval of the board of trustees. The budget shall be submitted according to rules established by the board of trustees.*

(g) *The Board of Trustees of the John and Mable Ringling Museum of Art:*

1. *May permit the use of property, facilities, and personal services at the John and Mable Ringling Museum of Art by a direct-support organization subject to the provisions of this section.*

2. *May prescribe by rule any condition with which a direct-support organization must comply in order to use property, facilities, or personal services at the John and Mable Ringling Museum of Art.*

3. *Shall not permit the use of property, facilities, or personal services at the John and Mable Ringling Museum of Art by any direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.*

(h) *Each direct-support organization shall cause an annual postaudit of its financial accounts to be conducted by an independent, certified public accountant in accordance with rules adopted by the Board of Trustees of the John and Mable Ringling Museum of Art. The annual audit report shall be submitted to the Auditor General and to the board of trustees for review. The Auditor General and the board of trustees are each authorized to require and receive from the direct-support organization, or from its independent auditor, any detail or supplemental data relative to the operation of such organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. The records of the organization other than the auditor's report and supplemental data requested by the Auditor General or the board of trustees shall not be considered public records for the purposes of chapter 119. This exemption is subject to s. 119.14, the Open Government Sunset Review Act.*

~~(b)1. The board of trustees may contract or agree with one direct support organization to delegate the responsibility for the operation and maintenance of the John and Mable Ringling Museum of Art. The organization shall not be responsible for salaries or operating capital outlay expenditures but shall be responsible for expenses or other personal services.~~

~~2. The contract or agreement shall provide for:~~

~~a. Approval of the articles of incorporation of the direct support organization by the board of trustees and for the governance of the direct support organization by a board of directors appointed by the board of trustees.~~

~~b. Submission of an annual budget for the approval of the board of trustees. The budget shall be submitted according to rules established by the board of trustees.~~

~~c. A trust agreement providing for reversion of the funds held in trust by the direct support organization in the event of the termination of the contract or agreement.~~

~~3. Funds received from all admissions and rentals and other income from the museum and its programs shall be held in trust by the direct support organization, subject to the reversion clauses in the trust agreement, and may be used in accordance with the contract or agreement with the board of trustees.~~

Section 3. Subsections (2) and (3) of section 265.261, Florida Statutes, are hereby repealed.

(Renumber subsequent section.)

Amendment 2—On page 1, line 31, insert:

Section 2. Subsection (4) is added to section 265.605, Florida Statutes, to read:

265.605 Fine Arts Endowment Trust Fund; creation; administration; rulemaking, allocation.—

(4) *The uncommitted balance in the trust fund shall be divided into five equal parts on October 1, 1988, with one part being allocated to each of the five fine arts regions created pursuant to s. 265.604.*

(Renumber subsequent section.)

Amendment 3—In title, on page 1, line 6, after the semicolon (;) insert: amending s. 265.26, F.S.; providing that certain funds be held in a separate trust fund by the direct-support organization for the Ringling Museum of Art; providing that the fund may be used for supplemental salaries and personnel; authorizing the board of trustees to permit use of property, facilities, and personal services; requiring audits of the direct-support organization; exempting certain records from ch. 119, F.S.; providing for review under the Open Government Sunset Review Act; deleting certain provisions regarding a contract between the museum and a

direct-support organization; repealing s. 265.261(2), (3), F.S., which relate to the use of property, facilities, and services of the museum and to the audit of direct-support organizations;

Amendment 4—In title, on page 1, line 6, after the semicolon (;) insert: amending s. 265.605, F.S.; providing for the allocation of funds in the Fine Arts Endowment Trust Fund;

On motion by Senator Johnson, by two-thirds vote HB 108 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Crawford, Kirkpatrick, Stuart

On motion by Senator Johnson, the rules were waived and **HB 108** was ordered immediately certified to the House.

CS for SB 452—A bill to be entitled An act relating to motor vehicle towing; amending s. 125.0103, F.S.; authorizing local governments to regulate rates with respect to the towing of vehicles from private property; amending s. 166.043, F.S.; including the towing of vehicles from private property within a group of rate areas where a local government may enact public service rates; creating s. 320.901, F.S.; providing definitions; creating s. 320.902, F.S.; requiring tow truck operators to obtain a certificate of authority; creating s. 320.903, F.S.; providing for application; creating s. 320.904, F.S.; providing for application and renewal fees; creating s. 320.905, F.S.; providing for the denial, suspension, or revocation of a certificate of authority; creating s. 320.906, F.S.; providing for authorization for tow truck operators licensed in other states; creating s. 320.907, F.S.; providing for recordkeeping; creating s. 320.908, F.S.; providing a penalty; creating s. 320.909, F.S.; providing for enforcement; creating s. 320.910, F.S.; providing for authority to inspect; amending s. 715.07, F.S.; prohibiting towing or removing companies from charging extra fees because a towed vehicle is illegally parked on private property; providing for towing or removal rate regulation; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote CS for SB 452 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Meek, the rules were waived and **CS for SB 452** was ordered immediately certified to the House.

CS for SB 341—A bill to be entitled An act relating to the operation of vessels; amending s. 327.02, F.S.; defining the terms "boating accident" and "navigation rules"; amending s. 327.33, F.S.; prescribing penalties for violations of navigation rules; amending s. 327.352, F.S.; requiring vessel operators to be told that failure to take a breath test or urine test when required will result in a civil penalty; creating s. 327.3521, F.S.; providing a civil penalty for failure to take a breath test or urine test when required;

providing for hearings; providing criminal penalties for certain offenses relating to failure to pay a civil penalty or request a hearing; amending s. 327.50, F.S.; prescribing duties of vessel operators with respect to safety equipment and lighting requirements; amending s. 327.73, F.S.; providing for a noncriminal infraction; creating s. 327.731, F.S.; requiring certain persons convicted of offenses related to vessel operation to complete a boating safety course approved by the Department of Natural Resources; providing penalties; providing an effective date.

—was read the second time by title.

Senator McPherson moved the following amendments which were adopted:

Amendment 1—On page 1, lines 29 and 30, and on page 2, lines 1-4, strike all of said lines and insert:

Section 1. Subsection (18) of section 327.02, Florida Statutes, is amended and subsections (31) and (32) are added to said section to read:

327.02 Definitions of terms used in this chapter and in chapter 328.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(18) "Operate" means to ~~navigate or otherwise use a vessel~~ be in the actual physical control of a vessel upon the waters of this State, or to exercise control over or steer a vessel being towed by another vessel upon the waters of the State.

Amendment 2—On page 2, lines 13, 14, and 18, strike "and as thereafter amended,"

Amendment 3—On page 1, line 3, after the semicolon (;) insert: *redefining the term "operate" and*

On motion by Senator McPherson, by two-thirds vote CS for SB 341 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Ros-Lehtinen, by two-thirds vote HB 1193 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Ros-Lehtinen—

HB 1193—A bill to be entitled An act relating to raffles and other drawings by chance; requiring disclosure of the date, time, and place where the winners of such events will be chosen; providing penalties for selling or offering for sale tickets that do not comply with such requirements; providing an effective date.

—a companion measure, was substituted for CS for SB 739 and read the second time by title.

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

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

Section 1. Subsections (3) and (5) of section 849.0935, Florida Statutes, are amended to read:

849.0935 Charitable, nonprofit organizations; drawings by chance; required disclosures; unlawful acts and practices; penalties.—

(3) All brochures, advertisements, notices, tickets, or entry blanks used in connection with a drawing by chance shall conspicuously disclose:

- (a) The rules governing the conduct and operation of the drawing.
(b) The full name of the organization or operator, and its principal place of business.
(c) The source of the funds used to award cash prizes or to purchase prizes.
(d) The date, hour, and place where the winner will be chosen, unless the brochures, advertisements, notices, tickets, or entry blanks are not offered to the public more than 3 days prior to the drawing.

(5) Any operator who engages in any act or practice in violation of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, any operator or other person who sells or offers for sale in this state a ticket or entry blank for a raffle or other drawing by chance, without complying with the requirements of paragraph (3)(d), is guilty of a misdemeanor of the second degree, punishable by fine only as provided in s. 775.083.

Section 2. Section 849.0935, Florida Statutes, does not apply to the state lottery operated pursuant to chapter 24, Florida Statutes.

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

Amendment 2—In title, on page 1, strike all of lines 1-8 and insert: A bill to be entitled An act relating to raffles and other drawings by chance; amending s. 849.0935, F.S.; requiring disclosure of the date, time, and place where the winners of such events will be chosen; providing penalties for selling or offering for sale tickets or entry blanks that do not comply with such requirements; providing that s. 849.0935, F.S., does not apply to the state lottery; providing an effective date.

On motion by Senator Ros-Lehtinen, by two-thirds vote HB 1193 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Table with 4 columns of names: Barron, Grant, Kiser, Plummer, 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, Dudley, Johnson, Myers, Weinstock, Frank, Kirkpatrick, Peterson, Woodson

Nays—None

Vote after roll call:

Yea—Crawford, Girardeau

On motion by Senator Ros-Lehtinen, the rules were waived and HB 1193 was ordered immediately certified to the House.

CS for SB 773—A bill to be entitled An act relating to domestic animals; requiring the governing body of each county and municipality to enact a rabies control ordinance requiring certain dogs and cats to be vaccinated against rabies; requiring local governments to implement and enforce such ordinance; providing ordinance requirements; authorizing the State Health Officer to establish requirements for certification as a rabies vaccination administrator; providing requirements for a rabies vaccination certificate; providing that certain animals may be exempt from the vaccination requirement; providing a penalty; authorizing counties and municipalities to enact additional ordinance provisions; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 1, lines 22-31, and on page 2, lines 1-7, strike all of said lines and insert:

(1) The governing body of each county or municipality within the state shall enact an ordinance relating to rabies control and shall designate an agency of the local government to implement and enforce a local rabies control program.

(2) Each local government shall appoint a rabies vaccination administrator who must be:

- (a) A person employed by a public or private incorporated animal shelter, or other facility operated for the collection and care of stray, neglected, abandoned, or unwanted animals; or
(b) A licensed veterinarian.
(3) A rabies vaccination administrator employed by a public or private incorporated animal shelter, or other facility operated for the collection and care of stray, neglected, abandoned, or unwanted animals, must:

Amendment 2—On page 5, between lines 10 and 11, insert:

(13) Any county or municipality that does not have an existing rabies or animal control program is exempt from this section until such time as it establishes such a program.

Amendment 3—On page 2, line 3, strike the period (.) and insert: ; or

Amendment 4—On page 2, between lines 3 and 4, insert:

(c) certified animal health technician.

Amendment 5—In title, on page 1, line 6, after the semicolon (;) insert: providing an exemption;

On motion by Senator Myers, by two-thirds vote CS for SB 773 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

Table with 4 columns of names: Childers, D., Grant, Lehtinen, Ros-Lehtinen, Crenshaw, Grizzle, Malchon, Scott, Deratany, Hill, Margolis, Stuart, Dudley, Jenne, McPherson, Weinstein, Frank, Jennings, Meek, Weinstock, Girardeau, Kiser, Myers, Woodson, Gordon, Langley, Plummer

Nays—8

Table with 4 columns of names: Beard, Childers, W. D., Hollingsworth, Peterson, Brown, Hair, Johnson, Thurman

Vote after roll call:

Nay—Barron

On motion by Senator Myers, the rules were waived and CS for SB 773 was ordered immediately certified to the House.

SB 231—A bill to be entitled An act relating to minority business enterprises; amending s. 287.062, F.S.; specifying that the procedures for reserving certain contracts apply only to bids entered by a certified minority business enterprise, or to contractors who use such enterprises as subcontractors or subvendors, rather than to any minority business enterprise; amending s. 287.094, F.S.; providing penalties for false representation as a certified minority business enterprise; requiring a person to be disqualified to bid on contracts or negotiate to render professional services for a specified period if that person is involved in, or knows about, a violation of this section; amending s. 287.0943, F.S.; allowing revocation of certification of a minority business enterprise; prohibiting an enterprise from applying for certification for a specified period after a revocation and for a specified period after a denial of certification because of ineligibility; providing an effective date.

—was read the second time by title.

One amendment was adopted to SB 231 to conform the bill to HB 459.

Pending further consideration of SB 231 as amended, on motions by Senator Meek, by two-thirds vote HB 459 was withdrawn from the Committees on Commerce and Governmental Operations.

On motion by Senator Meek—

HB 459—A bill to be entitled An act relating to minority business enterprises; amending s. 287.062, F.S.; specifying that the procedures for reserving certain contracts apply only to bids entered by a certified minority business enterprise, or to contractors who use such enterprises as subcontractors or subvendors, rather than to any minority business

enterprise; amending s. 287.094, F.S.; providing penalties for false representation as a certified minority business enterprise; requiring a person to be disqualified to bid on contracts or negotiate to render professional services for a specified period if that person is involved in, or knows about, a violation of this section; amending s. 287.0943, F.S.; allowing revocation of certification of a minority business enterprise; prohibiting an enterprise from applying for certification for a specified period after a revocation and for a specified period after a denial of certification because of ineligibility; providing an effective date.

—a companion measure, was substituted for SB 231 and read the second time by title. On motion by Senator Meek, by two-thirds vote HB 459 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford

CS for SB 239—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 appropriations; providing for review and repeal; providing an effective date.

—was read the second time by title.

Three amendments were adopted to CS for SB 239 to conform the bill to CS for HB 203.

Pending further consideration of CS for SB 239 as amended, on motions by Senator Margolis, by two-thirds vote CS for HB 203 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; Governmental Operations; and Appropriations.

On motion by Senator Margolis—

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.

—a companion measure, was substituted for CS for SB 239 and read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for HB 203 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crawford

CS for CS for SB 399—A bill to be entitled An act relating to salt-water fishing; directing the Department of Natural Resources to establish a licensing program for the harvesting of tarpon; providing fees; providing for disposition of fees; prohibiting the taking of tarpon without a tag; providing penalties; providing for tag removal; providing exemptions; amending s. 120.52, F.S.; providing that harvest limits arrived at by the marine fisheries commission through a mechanism established by rule is also a rule for purposes of the Administrative Procedure Act; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendments which were adopted:

Amendment 1—On page 1, lines 18-31, strike everything after the enacting clause and insert:

Section 1. Department of Natural Resources licenses program for tarpon; fees; penalties.—

(1) The Department of Natural Resources shall establish a license program for the purpose of issuing tags to individuals desiring to harvest tarpon (*megalops atlantica*) from the waters of the State of Florida. The tags shall be nontransferable, except that the Marine Fisheries Commission may allow for a limited number of tags to be purchased by professional fishing guides for transfer to individuals, and issued by the department in order of receipt of a properly completed application for a nonrefundable fee of \$50 per tag. The tax collector in those counties designated by the department shall be agents of the department for the purpose of issuing the tags and collecting the fees therefor. To defray the cost of issuing any tag, the issuing tax collector shall collect and retain as his costs, in addition to the tag fee collected, the amount allowed under s. 372.561(4), Florida Statutes, for the issuance of licenses. Tarpon tags shall expire on December 31 of the calendar year in which issued.

(2) The number of tags to be annually issued shall be determined by rule of the Marine Fisheries Commission. The rule shall be adopted prior to November 30 of each year for the upcoming calendar year. The commission shall in no way allow the issuance of tarpon tags to adversely affect the tarpon population.

(3) Proceeds from the sale of tarpon tags shall be deposited in the Marine Fisheries Commission Trust Fund and shall be used to gather information directly applicable to tarpon management. Provided, however, upon request by the department, the commission shall transfer to the department those proceeds from the sale of tarpon tags necessary to defray the cost of administering the tag program.

(4) No individual shall take, kill, or possess any fish of the species *megalops atlantica*, commonly known as tarpon, unless such individual has purchased a tarpon tag and securely attached it through the lower jaw of the fish. Said individual shall within 5 days after the landing of the fish submit a form to the department which indicates the length, weight, and physical condition of the tarpon when caught; the date and location of where the fish was caught; and any other pertinent information which may be required by the department. The department may refuse to issue new tags to individuals or guides who fail to provide the required information.

(5) Any individual including a taxidermist who possesses a tarpon which does not have a tag securely attached as required by this section shall be subject to penalties as prescribed in s. 370.021, Florida Statutes. Provided, however, a taxidermist may remove the tag during the process of mounting a tarpon. The removed tag shall remain with the fish during any subsequent storage or shipment.

(6) Purchase of a tarpon tag shall not accord the purchaser any right to harvest or possess tarpon in contravention of rules adopted by the Marine Fisheries Commission. No individual may sell, offer for sale, barter, exchange for merchandise, transport for sale, either within or without the state, offer to purchase or purchase any species of fish known as tarpon.

(7) The department shall prescribe and provide suitable forms and tags necessary to carry out the provisions of this section.

(8) The provisions of this section shall not apply to anyone who immediately returns a tarpon uninjured to the water at the place where the fish was caught.

Section 2. This act shall take effect October 1, 1988.

Amendment 2—In title, on page 1, lines 1-14, strike everything before the enacting clause and insert: A bill to be entitled An act relating to saltwater fisheries; directing the Department of Natural Resources to establish a licensing program for the harvesting of tarpon; providing fees; providing for the disposition of fees; prohibiting the taking of tarpon without a tag; providing penalties; providing for tag removal; providing exemptions; providing an effective date.

On motion by Senator Kiser, by two-thirds vote CS for CS for SB 399 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford

CS for SB 764—A bill to be entitled An act relating to state purchasing; amending s. 119.07, F.S.; providing that certain agency documents related to bids are exempt from the public records law; amending s. 120.53, F.S.; providing for notice by the Division of Purchasing of the Department of General Services relating to certain exceptional purchases; amending s. 216.345, F.S.; exempting payments for certain membership dues from the procurement of personal property and services requirements of chapter 287, F.S.; amending s. 287.012, F.S.; defining the term “commodity” to include certain portable structures and excluding certain medical drugs and supplies from the definition of such term; defining the term “exceptional purchase”; amending s. 287.042, F.S.; providing for expedited bid solicitation for term contracts under certain circumstances; providing a protest procedure relating to such contracts; requiring a bond and providing for the award of costs and charges; requiring the maintenance of records of the use of certified minority business enterprises in state contracting; amending s. 287.052, F.S.; providing that certain contracts in which commodities are purchased are deemed contracts for the acquisition or purchase of services; amending s. 287.057, F.S.; requiring the selection of certified minority-owned firms in certain situations; providing for renewal of contracts for contractual services; amending s. 287.058, F.S.; increasing the threshold amount which requires a written contract in the state procurement of contractual services; providing for the incorporation of certain statutory contract requirements by reference into contracts; requiring certification relating to certain oral contracts entered into because of valid emergencies; amending s. 287.062, F.S.; providing an exception for emergency purchase of personal clothing, shelter, or supplies to the requirement for competitive bidding for purchase of commodities; amending s. 287.073, F.S.; redefining the term “information technology resource”; amending s. 946.515, F.S.; requiring state agency purchases of goods and services produced in correctional work programs; requiring commodities produced in such programs to meet certain standards; amending s. 946.519, F.S.; requiring state agency purchases of goods and services produced through the Department of Corrections; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendments which were adopted:

Amendment 1—On page 2, line 28, after “amended” insert: and paragraph (y) is added to said section

Amendment 2—On page 3, between lines 10 and 11, insert:

(y) Any records supplied by a telecommunications company to a state or local governmental agency which contain the name, address, and telephone number of a subscriber are exempt from the provisions of subsection (1).

Amendment 3—On page 4, strike line 23, and insert: respectively, and new subsections (6) and (14) are added to said

Amendment 4—On page 5, between lines 19 and 20, insert:

(14) “Competitive bids” or “competitive offers” mean the receipt of two or more bids or offers submitted by responsive and qualified bidders or offerors.

Amendment 5—On page 11, strike all of lines 8-30 and insert:

Section 9. Subsection (1) of section 287.062, Florida Statutes, is amended to read:

287.062 Competitive bids, when required; exception; deferred-payment purchases.—

(1) No purchase of commodities may be made when the purchase price thereof is in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO unless made upon competitive bids received, except:

(a) If the head of any state agency maintains that an emergency exists in regard to the purchase of any commodity, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, then the head of such agency shall file with the division a statement under oath certifying the conditions and circumstances. *The individual purchase of personal clothing, shelter, or supplies which are needed on an emergency basis to avoid institutionalization or placement in a more restrictive setting is an emergency for the purposes of this section, and the filing with the division of such statement is waived.* In the case of the emergency purchase of insurance, the period of coverage of such insurance shall not exceed a period of 30 days; and all such emergency purchases shall be reported to the head of the Department of General Services.

(b) Purchasing agreements, contracts, and maximum price regulations executed by the division are excepted from bid requirements.

(c) Commodities available only from a single source may be excepted from the bid requirements upon the filing by the head of an agency of a certification of conditions and circumstances with the division if, subsequent thereto, the division authorizes the exception in writing.

(d) When it is in the best interest of the state, the head of the Department of General Services may authorize the division director to purchase insurance by negotiation, but this shall be done only under conditions most favorable to the public interest and upon a showing that such purchase will result in the lowest ultimate cost for the coverage obtained.

(e) When an agency determines in writing that the solicitation for competitive bids is not practicable or not advantageous to the state, commodities may be procured by requests for proposals. For commodities in excess of the threshold amount provided in s. 287.017 for CATEGORY FOUR, the determination shall be submitted to the division. To assure full understanding of and responsiveness to the requirements set forth in the request for proposals, discussions may be conducted with qualified offerors. The division shall assist in the discussion upon request from the agency. Qualified offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals prior to the submittal date specified in the request for proposals. The award shall be made to the responsive offeror whose proposal is determined to be the most advantageous to the state, taking into consideration price and the other evaluation criteria set forth in the request for proposals. The basis on which the award is made for commodities in excess of the threshold amount provided in s. 287.017 for CATEGORY FOUR shall be submitted in writing to the division.

(f) *Prescriptive assistive devices for the purpose of medical, developmental, or vocational rehabilitation of clients are exempt from competitive bid requirements when the delay incident to competitive bidding, or factors such as the availability of service, professional consultation, or manufacturer expertise indicate that alternative methods of procurement would better serve the rehabilitation of the client, and procurement is made by negotiation, pursuant to an established fee schedule, by requests for proposals, or by any other method which ensures the best price for the state, taking into consideration the needs of the client. Prescriptive assistive devices include, but are not limited to, prosthetics, orthotics, and wheelchairs. For purchases made pursuant to this paragraph, state agencies shall certify to the division the circumstances which require an alternative method of procurement, and shall file with the division a description of the purchases and methods of procurement.*

Amendment 6—On page 12, lines 10-31, and on page 13, lines 1 and 2, strike all of said lines

Senator Thurman moved the following amendment which was adopted:

Amendment 7—On page 12, before line 1, insert:

Section 10. The Comptroller may waive the requirements of s. 287.058, Florida Statutes, for services which are enumerated in s. 287.012(4)(b), Florida Statutes, as excluded from the definition of contractual services.

(Renumber subsequent sections.)

Senator Kiser moved the following amendments which were adopted:

Amendment 8—In title, on page 1, line 4, after "bids" insert: and certain telecommunications company subscriber records supplied to governmental agencies

Amendment 9—In title, on page 1, line 17, after the semicolon (;) insert: defining the terms "competitive bids" and "competitive offers";

Amendment 10—In title, on page 2, line 13, after the semicolon (;) insert: providing an exception for purchase of prescriptive assistive devices from the requirement for competitive bidding for purchase of commodities;

Amendment 11—In title, on page 2, strike all of lines 15-22 and insert: technology resource";

Senator Thurman moved the following amendment which was adopted:

Amendment 12—In title, on page 2, line 13, after the semicolon (;) insert: authorizing the Comptroller to waive the contract document requirements on certain exempt services;

On motion by Senator Kiser, by two-thirds vote CS for SB 764 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	Grizzle	Langley	Ros-Lehtinen
Brown	Hair	Lehtinen	Scott
Childers, D.	Hill	Malchon	Stuart
Childers, W. D.	Hollingsworth	Margolis	Thomas
Dudley	Jenne	McPherson	Thurman
Frank	Jennings	Meek	Weinstein
Girardeau	Johnson	Myers	Weinstock
Gordon	Kirkpatrick	Peterson	Woodson
Grant	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford

CS for CS for SB 1257—A bill to be entitled An act relating to state employment; creating s. 110.161, F.S., the State Employees Pretax Benefits Program Act; authorizing the Department of Administration to establish a pretax benefits program for employees; providing for implementation; creating a trust fund and directing that certain moneys saved as a result of the program be deposited therein; providing an effective date.

—was read the second time by title.

Four amendments were adopted to CS for CS for SB 1257 to conform the bill to CS for HB 755.

Pending further consideration of CS for CS for SB 1257, on motions by Senator Thurman, by two-thirds vote CS for HB 755 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Thurman—

CS for HB 755—A bill to be entitled An act relating to state employment; creating s. 110.161, F.S., the State Employees Pretax Benefits Program Act; creating a State Benefits Council and providing for its membership and duties; providing for review and repeal; authorizing the Department of Administration to establish a pretax benefits program for employees; providing for implementation; creating a trust fund and directing that certain moneys saved as a result of the program be deposited therein; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 1257 and read the second time by title.

Senator Thurman moved the following amendments which were adopted:

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

Section 1. Section 110.161, Florida Statutes, is created to read:

110.161 State employees; pretax benefits program.—

(1) This section may be cited as the "State Employees Pretax Benefits Program Act."

(2) As used in this section, "employee" means any individual filling an authorized and established position, in the executive, legislative, or judicial branch of the state and including the employees of the State Board of Administration.

(3) It is found and declared that the maintenance of a system of personnel management which ensures the state the delivery of high quality performance by employees is facilitated by the state's ability to attract and retain qualified personnel. The Legislature recognizes that the public interest is best served by development of a benefits program which is not only cost-efficient but sufficiently flexible to meet the individual needs of its employees.

(4) The Congress of the United States has by the enactment of the Internal Revenue Code of 1986, as amended, recognized the increasing cost to all employers and employees of necessary benefits, and in an attempt to help employers and employees meet these increased costs has found and determined that employee benefits may be administered on a pretax basis. In so doing, Congress has thereby provided a method to assist state government in structuring employee benefit programs which are more cost-efficient for individual employees and state government.

(5) The Department of Administration shall develop rules for the pretax benefits program, which shall specify the benefits to be offered under the program, the continuing tax-exempt status of the program, and any other matters deemed necessary by the department to implement this section. The rules must be approved by a majority vote of the Administration Commission.

(6) The Department of Administration is authorized to establish a pretax benefits program for all employees, whereby employees would receive benefits which are not includable in gross income under the Internal Revenue Code of 1986. The pretax benefits program shall be implemented in phases. Phase one shall allow employee contributions to premiums for the state health program and state life insurance to be paid on a pretax basis unless an employee elects not to participate. Phase two shall allow employees to voluntarily establish expense reimbursement plans from their salaries on a pretax basis to pay for qualified medical and dependent care expenses, including premiums paid by employees for qualified supplemental insurance. Phase two may also provide for the payment of such premiums through a pretax payroll procedure as used in phase one. The Administration Commission and the Department of Administration are directed to take all actions necessary to preserve the tax-exempt status of the program.

(7) The Legislature recognizes that a substantial amount of the employer savings realized by the implementation of a pretax benefits program will be the result of diminutions in the state's employer contribution to the Federal Insurance Contributions Act tax. There is hereby created the Pretax Benefits Trust Fund in the Department of Administration. Each agency shall transfer to the Pretax Benefits Trust Fund the employer FICA contributions saved by the state as a result of the implementation of the pretax benefits program authorized pursuant to this section. Moneys in the Pretax Benefits Trust Fund shall be used for the pretax benefits program, including its administration by the Department of Administration or a third-party administrator.

(8) For all purposes under any state-administered retirement program, the compensation or gross compensation of any employee participating in any pretax benefits program shall be deemed to have been the compensation or gross compensation which the employee would have received if he were not participating in such pretax benefit program.

(9) Notwithstanding any contrary provisions of this section, the program established under this section shall be provided to members of a

collective bargaining unit represented by a certified employee organization only after the organization and the public employer have concluded the collective bargaining process regarding program provisions that are terms or conditions of employment.

Section 2. Moneys necessary for the purpose of paying for the operating costs related to the State Health Insurance Program during the period ending June 30, 1988, shall be transferred in accordance with s. 215.18, Florida Statutes, to the State Employees Health Insurance Trust Fund. The Department of Administration shall repay such moneys from moneys in said trust fund as soon as practicable but no later than June 30, 1989.

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

Amendment 2—In title, on page 1, line 15, strike everything before the enacting clause and insert: A bill to be entitled An act relating to state employment; creating s. 110.161, F.S., the State Employees Pretax Benefits Program Act; authorizing the Department of Administration to establish a pretax benefits program for employees; providing for implementation; creating a trust fund and directing that certain moneys saved as a result of the program be deposited therein; providing for the transfer of certain funds; providing an effective date.

On motion by Senator Thurman, by two-thirds vote CS for HB 755 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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	Jennings	Myers	Woodson
Deratany	Johnson	Peterson	
Dudley	Kirkpatrick	Plummer	
Frank	Kiser	Ros-Lehtinen	

Nays—None

On motion by Senator Thurman, the rules were waived and CS for HB 755 was ordered immediately certified to the House.

SB 461—A bill to be entitled An act relating to the boards and commissions within the Department of Professional Regulation; amending s. 110.205, F.S.; exempting the executive director of each board or commission established within the department from the Career Service; authorizing the Department of Administration to set the salary and benefits of these positions according to rules established for the Selected Exempt Service; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 461 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

CS for SB 315—A bill to be entitled An act relating to development activities; amending s. 380.06, F.S.; providing requirements for final development orders; providing requirements and criteria for substantial deviations from approved development activities; providing requirements for vested rights after a certain date; providing an exemption from review for certain existing sports facility complexes owned by a state university; providing requirements for areawide developments undertaken by local governments; amending s. 380.061, F.S.; providing requirements for the Florida Quality Developments Program; amending s. 380.0651, F.S.; providing statewide guidelines and standards for developments required to

undergo development-of-regional-impact review; amending s. 380.0662, F.S.; providing definitions; amending s. 380.0666, F.S.; providing powers of the land authority; amending s. 380.0667, F.S.; providing for purchases by the land authority at appraised value under certain conditions; amending s. 380.0668, F.S.; providing for the issuance of revenue bonds and providing certain requirements; amending s. 380.0669, F.S.; providing for state and local government liability on bonds; amending s. 380.0685, F.S.; providing for use of certain state park admission revenue by a land authority; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendment which was adopted:

Amendment 1—On page 2, lines 9-31, and on page 3, lines 1-3, strike all of said lines and insert:

(c) *Prior to the issuance of a final development order, the developer may elect to be bound by the rules adopted pursuant to chapters 403 and 373 in effect when such development order is issued. The rules adopted pursuant to chapters 403 and 373 in effect at the time such development order is issued shall be applicable to all applications for permits pursuant to those chapters and which are necessary for and consistent with the development authorized in such development order, except that a later adopted rule shall be applicable to an application if:*

1. *The later adopted rule is determined by the rule-adopting agency to be essential to the public health, safety, or welfare; or*

2. *The later adopted rule is required, as opposed to simply authorized, by state or federal law or is mandated in order for the state to maintain delegation of a federal program.*

Further, in order for any developer to apply for permits pursuant to this provision, the application must be filed within 5 years from the issuance of the final development order and the permit shall not be effective for more than 8 years from the issuance of the final development order. Nothing in this paragraph shall be construed to alter or change any permitting agency's authority to approve permits or to determine applicable criteria for longer periods of time.

Senator Crawford moved the following amendment which was adopted:

Amendment 2—On page 11, line 12, after the period (.) insert: *Unless otherwise shown by master plan or other clear and specific documentation for developments vested as of July 1, 1973, by subdivision registration pursuant to chapter 498 or by plat recordation which was followed no later than December 31, 1974, by such registration and for which special district bonds or similar obligations in excess of ten million dollars have been issued in the fifteen years commencing July 1, 1973, the state land planning agency shall determine the types of vested uses, including mixes thereof, and compute their density and intensity, including ranges thereof, by applying the local zoning approvals and zoning, development and building regulations in effect at the time of the registration or recordation on which vesting is based. Unless a higher density or intensity of use is allowable based on such local approvals or regulations or master plan or other clear and specific documentation, the vested level of multifamily residential development shall be two dwelling units per registered or platted lot and the vested level of office, retail, service and wholesale development shall be a 0.20 floor area ration. If a*

Senator Grant moved the following amendment which was adopted:

Amendment 3—On page 24, lines 11-30, and on page 25, lines 1-13, strike all of said lines and insert:

Section 3. Paragraphs (c), (e), (f), and (i) of subsection (3) and subsection (4) of section 380.0651, Florida Statutes, are amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(c) *Industrial plants, and industrial parks, and distribution, warehousing or wholesaling facilities.—Any proposed industrial, manufacturing, or processing plant, or distribution, warehousing, or wholesaling facility, excluding wholesaling developments which deal primarily with the general public on-site, under common ownership, or any proposed*

industrial, manufacturing, or processing activity or distribution, warehousing, or wholesaling activity, excluding wholesaling activities which deal primarily with the general public on-site, which:

1. Provides parking for more than 2,500 motor vehicles; or
2. Occupies a site greater than 320 acres.

(e) Port facilities.—The proposed construction of any waterport or marina is required to undergo development-of-regional-impact review, except one designed for:

1.a. The wet storage or mooring of fewer than 150 100 watercraft used exclusively for sport, pleasure, or commercial fishing, or:

b.2. The dry storage of fewer than 200 150 watercraft used exclusively for sport, pleasure, or commercial fishing, or:

c.3. The wet or dry storage or mooring of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing in an area designated by the Governor and Cabinet in the state marina siting plan as suitable for marina construction.

2.4. The dry storage of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

3. Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or storage thresholds equals 100 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under sub-subparagraph 1.a., 1.b., and 2. of this paragraph.

(f) Retail, and service, and wholesale development. Any proposed retail, service or wholesale business establishment or group of establishments which deals primarily with the general public on-site, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area;
2. Occupies more than 40 acres of land; or
3. Provides parking spaces for more than 2,500 cars.

On motion by Senator Kiser, by two-thirds vote CS for SB 315 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

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

Nays—None

Vote after roll call:

Yea—Langley, Weinstein

The Senate resumed consideration of—

HB 1485—A bill to be entitled An act relating to landlord and tenant; amending s. 48.183, F.S.; revising language with respect to service of process in actions for possession of residential premises; amending s. 83.20, F.S.; clarifying language regarding service of the 3-day notice that rent is delinquent; amending s. 83.49, F.S.; revising language with respect to notice by a tenant to a landlord of intent to vacate or abandon leased premises; providing that failure to provide notice shall not waive any right of the tenant to his security deposit; amending s. 83.595, F.S.; clarifying when the landlord may choose his remedies after the tenant breaches the lease; amending s. 83.62, F.S.; providing that the landlord or his agent is responsible for removing personal property left at the premises to which a landlord has regained possession and providing that once removed, neither the landlord nor sheriff is liable for loss, destruction, or

damage to the property; amending s. 83.625, F.S.; clarifying that a money judgment for past-due rent must be entered in compliance with the Rules of Civil Procedure; amending s. 83.67, F.S.; clarifying certain prohibited practices by the landlord; amending s. 713.691, F.S.; clarifying that the landlord's right to possession of the premises is not dependent upon whether the tenant's property has been removed from the premises; providing an effective date.

—with pending Amendment 2 which was withdrawn.

On motion by Senator Grant, the Senate reconsidered the vote by which Amendment 1 was adopted. By permission Amendment 1 was withdrawn.

On motion by Senator Grant, by two-thirds vote HB 1485 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Vote after roll call:

Yea—Plummer

SB 824—A bill to be entitled An act relating to DUI program coordination; amending s. 25.387, F.S.; changing the term "DWI school" to "DUI program"; increasing the assessment imposed for DUI program attendance; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendments which were adopted:

Amendment 1—On page 1, line 31, insert:

Section 2. Definitions.—As used in this act:

(a) "Adult" means a person not legally prohibited by reason of age from possessing alcoholic beverages pursuant to chapter 562, Florida Statutes.

(2) "Alcoholic beverage" means distilled spirits and any beverage containing one-half of one percent or more alcohol by volume. The percentage of alcohol by volume shall be determined in accordance with the provisions of s. 561.01(4)(b), Florida Statutes.

(3) "Control" means the authority or ability to regulate, direct, or dominate.

(4) "Drug" means a controlled substance, as that term is defined in ss. 893.02(4) and 893.03, Florida Statutes.

(5) "Minor" means a person not legally permitted by reason of age to possess alcoholic beverages pursuant to chapter 562, Florida Statutes.

(6) "Open house party" means a social gathering at a residence.

(7) "Residence" means a home, apartment, condominium, or other dwelling unit.

Section 3. Responsibility of adults; open house parties.—No adult having control of any residence shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at said residence by any minor where the adult knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

Section 4. Exception.—The provisions of this act shall not apply to the use of alcoholic beverages at legally protected religious observances or activities.

Section 5. Penalties.—Any person who violates any of the provisions of section 2 of this act is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(Renumber subsequent section.)

Amendment 2—On page 1, between lines 9 and 10, insert:

Section 1. Subsection (2) of section 775.08, Florida Statutes, is amended to read:

775.08 Classes and definitions of offenses.—When used in the laws of this state:

(2) The term "misdemeanor" shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, except an extended term, not in excess of 1 year. The term "misdemeanor" shall not mean a conviction for any *noncriminal traffic* violation of any provision of chapter 316 or any municipal or county ordinance.

Section 2. Subsection (1) of section 921.143, Florida Statutes, is amended to read:

921.143 Appearance of victim or next of kin to make statement at sentencing hearing; submission of written statement.—

(1) At the sentencing hearing, and prior to the imposition of sentence upon any defendant who has been convicted of any felony or who has pleaded guilty or nolo contendere to any crime, *including a criminal violation of a provision of chapter 316*, the sentencing court shall permit the victim of the crime for which the defendant is being sentenced, or the next of kin of the victim if the victim has died from causes related to the crime, to:

(a) Appear before the sentencing court for the purpose of making a statement under oath for the record; or

(b) Submit a written statement under oath to the office of the state attorney, which statement shall be filed with the sentencing court.

(Renumber subsequent sections.)

Senator Ros-Lehtinen moved the following amendment which was adopted:

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

Section 2. Subsection (8) is added to section 316.193, Florida Statutes, to read:

316.193 Driving under the influence; penalties.—

(8) *At the arraignment or in conjunction with any notice of arraignment provided by the clerk of the court, the clerk shall provide any person charged with a violation of this section with notice that upon conviction the court shall suspend or revoke the person's driver's license and that the person should make arrangements for transportation at any proceeding in which the court may take such action.*

Section 3. Section 1 and this section of this act shall take effect July 1, 1988, or upon this act becoming a law, whichever occurs later, and section 2 of this act shall take effect October 1, 1988.

Senator Grant moved the following amendments which were adopted:

Amendment 4—On page 1, line 5, following the semicolon (;) insert: providing definitions; prohibiting adults from allowing open house parties at any residence if alcoholic beverages or drugs are possessed or consumed by any minor; providing an exception; providing a penalty;

Amendment 5—On page 1, line 2, strike "DUI program coordination" and insert: alcoholic beverages and drugs

Amendment 6—In title, on page 1, strike line 2 and insert: An act relating to highway safety; amending s. 775.08, F.S.; revising the term "misdemeanor" as a classification of certain criminal offenses to include certain violations of ch. 316, F.S.; amending s. 921.143, F.S.; requiring a court to permit the victim of a criminal violation of ch. 316, F.S., or his next of kin to appear at the sentencing hearing of the person who has pleaded guilty or nolo contendere to the violation;

Senator Ros-Lehtinen moved the following amendment which was adopted:

Amendment 7—In title, on page 1, between lines 5 and 6, insert: amending s. 316.193, F.S.; requiring certain notice to persons upon arraignment for a violation of provisions relating to driving under the influence;

On motion by Senator Stuart, by two-thirds vote SB 824 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crawford

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

INTRODUCTION AND REFERENCE OF BILLS

On motion by Senator Weinstein, by unanimous consent—

By Senators Weinstein, Myers, Grizzle, Scott, Hill, Malchon, McPherson and Vogt—

SB 1422—A bill to be entitled An act relating to condominiums and cooperatives; amending ss. 718.401 and 719.401, F.S.; providing for the application of certain options available to condominium and cooperative leases governing recreational facilities or other common elements; prohibiting the enforcement of escalation clauses in certain existing condominium and cooperative leases; providing an effective date.

—was introduced out of order and taken up instanter.

On motions by Senator Weinstein, by two-thirds vote SB 1422 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	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

Nays—1

Langley

Vote after roll call:

Yea—Crawford

On motion by Senator Weinstein, the rules were waived and **SB 1422** was ordered immediately certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Deratany, by two-thirds vote CS for SB 786, CS for SB 1168 and CS for SB 1372 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Kiser, by two-thirds vote HB 1473 was withdrawn from the Committee on Governmental Operations.

On motions by Senator D. Childers, by two-thirds vote Senate Bills 909 and 760 were withdrawn from the Committee on Education.

On motion by Senator Barron, the rules were waived and the Committee on Judiciary-Criminal was granted permission to meet May 30 at 1:00 p.m.

On motion by Senator Barron, by two-thirds vote CS for SB 579 was removed from the calendar and recommitted to the Committee on Judiciary-Criminal.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Bills 270 and 1492 and passed as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 25 was corrected and approved.

CO-INTRODUCERS

Senator Stuart—SB 733; Senators Hollingsworth and Thomas—CS for CS for SB 1257

RECESS

Senator Barron moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Monday, May 30 at 2:00 p.m. The motion was adopted.

Pursuant to the motion by Senator Barron, the Senate recessed at 4:10 p.m. to reconvene at 2:00 p.m., Monday, May 30.