



# Journal of the Senate

Number 22

Tuesday, May 31, 1988

## CALL TO ORDER

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

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

Excused: Periodically, the President to attend budget conference meetings; conferees on HB 1700 and CS for CS for SB 1192; Senator Meek from 3:40 p.m. until 3:50 p.m.

## PRAYER

The following prayer was offered by the Rev. Roger Watts, Pastor, St. Mark's United Methodist Church, St. Petersburg:

We come together from many places and perspectives, from many faiths and philosophies—let's pray together, each of us in his own way.

Dear Lord, our God, we pause at the beginning of this session to ask your blessing and guidance upon the Senators of our State.

We are grateful for the beauty and diversity of Florida: its people, its cities and towns, its countrysides and seacoasts, its classes and cultures.

We are grateful for the possibilities and challenges which are before us.

We pray that your guidance will enable a spirit of unity in the deliberations and decisions that come to this Chamber today; that the finest motives, the highest ideals, and the most honorable methods might prevail; and that the greatest good might be served.

We pray that all persons might be represented with equality and justice as they are served by these with dignity and honor.

Thank you, Lord, for hearing our prayers—each of us praying in his own way—and me as I pray in the name of Jesus Christ, my Lord. Amen.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 31, 1988: CS for HJR 290, CS for CS for SB 161, CS for CS for SB 579, CS for HB 1519, HB 1683, CS for CS for SB 1056, HB 1454, CS for CS for SB's 42 and 49, CS for SB 484, SB 765, CS for SB 782, SB 1377, SB 607, SB 881, CS for SB 1051, SB 1139, CS for SB 1156, CS for SB 1193, CS for SB 1229, CS for CS for SB 45, CS for SB 286, CS for SB 411, CS for SB 810, SB 892, SB 1296, CS for SB 1302, CS for HB 600, CS for SB 711, CS for CS for SB 792, SB 955, SB 1195, CS for HB 559, HB 1159, HB 242, CS for SB 425, CS for SB 244

Respectfully submitted,  
*Dempsey J. Barron, Chairman*

The Committee on Rules and Calendar submits the following Consent Calendar for Tuesday, May 31, 1988: SB 718, SB 762, CS for SB 286, CS for CS for SB 45, CS for SB 938, CS for SB 502, SB 290, CS for SB 63, CS for SB 1190, SB 892, SB 1298, CS for SB 484, CS for SB 979, SB 188, CS for SB 48, CS for SB 363, SB 1128, CS for SB 897, SB 233, SB 771, CS for SB 1034, SB 499, CS for SB 1364, SB 1342, SB 1146, CS for SB 1229, CS for SB 810, SB 544

Respectfully submitted,  
*Dempsey J. Barron, Chairman*

The Committee on Appropriations recommends committee substitutes for the following: SB 46, SB 431, CS for SB 487, CS for CS for SB 634, CS for SB's 1149 and 156, CS for CS for SB 1164, SB 1343

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

## FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Appropriations and Senators Malchon, Weinstein, Gordon, Grant, McPherson, Meek, Woodson, Frank, Myers, Weinstock, D. Childers and Langley—

**CS for SB 46**—A bill to be entitled An act relating to smoking in public places; amending s. 386.203, F.S.; providing definitions; amending s. 386.207, F.S.; providing for enforcement by the Department of Health and Rehabilitative Services and the Division of Hotels and Restaurants of the Department of Business Regulation; requiring public agencies to report violations; providing enforcement procedures; providing for civil penalties; providing for exemptions; specifying use of fine moneys; providing for the adoption of rules; providing an effective date.

By the Committees on Appropriations and Judiciary-Civil—

**CS for SB 431**—A bill to be entitled An act relating to guardianship; creating the Study Commission on Guardianship Law; providing for appointment of members; providing duties and responsibilities; requiring the submission of reports; providing for staffing of the commission; providing per diem for members; providing for expiration of the commission; providing an appropriation; providing an effective date.

By the Committees on Appropriations and Judiciary-Civil—

**CS for CS for SB 487**—A bill to be entitled An act relating to child support; amending s. 28.24, F.S.; deleting a use for service charges collected by the clerk; amending s. 28.241, F.S.; deleting a filing charge for trial and appellate proceedings; amending s. 48.193, F.S.; providing for long-arm jurisdiction in paternity cases; amending s. 61.13, F.S.; deleting a requirement that the clerk of court transmit certain information from support orders to the Secretary of State; amending s. 61.1301, F.S.; providing that the court may order more than 20 percent of a support obligor's periodic support obligation to be withheld to reduce arrearages; providing which law and procedures control interstate income deduction orders; providing a procedure for initiating an interstate income deduction order with the local depository; providing legislative intent; amending s. 61.14, F.S.; providing for the modification of a judgment by operation of law; providing for notice and an opportunity for a hearing on limited grounds; providing that the court shall hold a hearing within certain time limits; providing that the judgment by operation of law includes the amount of the delinquency and all other amounts which thereafter become due, plus costs and a \$5 fee; amending s. 88.151, F.S.; providing that the state, its political subdivisions, and the support obligee are not responsible for costs incurred pursuant to the Revised Uniform Reciprocal Enforcement of Support Act; amending s. 319.24, F.S.; providing a procedure for the perfection of a lien on motor vehicles by the director of the state child support enforcement program; amending s. 328.15, F.S.; providing a procedure for the perfection of a lien on vessels by the director of the state child support enforcement program; amending s. 409.2554, F.S.; defining the term "public assistance" to include money assistance paid on the basis of Title XIX, Social Security Act; providing a definition for the term "administrative costs"; amending s. 409.2561, F.S.; providing for the collection and release of certain medical insurance information by the IV-D agency in public assistance cases; requiring notification of termination of coverage by insurance companies; amending s. 409.2567, F.S.; reducing the application fee for IV-D services; providing that the court is to order payment of administrative costs without corroborating evidence; providing that the obligee is not responsible for IV-D administrative costs; amending s. 409.2569, F.S.; providing for continua-

tion of child support enforcement services under certain circumstances; creating s. 409.2575, F.S.; providing a procedure whereby the director of the IV-D program can place a lien on motor vehicles and vessels for delinquent child support payments; providing for enforcement of the procedure; amending s. 409.2577, F.S.; providing sources of information from whom or from which the department shall receive information for its parent locator service; providing to whom parent locator service information may be provided; creating s. 409.2579, F.S.; specifying IV-D case file information which is exempt from public record disclosure requirements; requiring future legislative review of such exemptions pursuant to the Open Government Sunset Review Act; providing a penalty; amending s. 689.02, F.S.; providing for the inclusion of social security numbers on warranty deeds; providing legislative intent with respect to the repeal of certain provisions in the Florida Statutes; providing for the transfer of certain fees collected by the clerk of the court; repealing s. 61.1352, F.S., relating to a statewide lien system for delinquent child support payments; providing for the applicability of certain provisions of the act; providing an effective date.

By the Committees on Appropriations, Governmental Operations and Judiciary-Criminal and Senators Lehtinen and Weinstein—

**CS for CS for CS for SB 634**—A bill to be entitled An act relating to victims of crime; creating the Victims' Rights Act of 1988; amending s. 775.089, F.S.; revising the standards under which a court may limit restitution to a victim of a crime; requiring a court to order certain types of restitution when a victim has suffered bodily injury; requiring a court to consider additional factors in determining the amount of restitution; requiring an order for income deduction; amending s. 914.21, F.S.; providing a definition; amending s. 914.22, F.S.; prohibiting tampering with a witness, victim, or informant in an official investigation; providing penalties; amending s. 921.001, F.S.; requiring the Sentencing Commission to consider additional factors in developing statewide sentencing guidelines; specifying facts which a court may consider in imposing a sentence that is outside such guidelines; amending s. 921.187, F.S.; providing conforming language; creating s. 943.172, F.S.; requiring the Criminal Justice Standards and Training Commission of the Department of Law Enforcement to establish standards and require a specified amount of instruction for law enforcement officers in victims assistance and rights; amending s. 944.512, F.S.; revising the specified distribution of the proceeds of the sale by a convicted felon of an account of his crime; providing for attachment of a lien on such proceeds; extending the lien to accounts of crimes by persons; amending s. 944.605, F.S.; revising notification requirements of an inmate's anticipated release from incarceration or a person's anticipated release from parole; amending s. 947.06, F.S.; authorizing victims of crime to make certain statements before the Parole and Probation Commission; requiring the commission to adopt rules governing such statements; amending s. 948.03, F.S.; providing conforming language; amending s. 945.091, F.S.; providing that the Department of Corrections may require restitution be made from an inmate's employment proceeds; amending s. 960.001, F.S.; providing implementing language conforming to the provisions of a proposed constitutional amendment; deleting provisions requiring that certain notification be given to a witness of a crime; requiring that notification of certain judicial proceedings be given to a victim and a relative of certain victims; authorizing the state attorney to consult a victim or a victim's guardian or family regarding the sentencing of a person accused of the crime; providing that a victim be notified of certain additional rights; providing for a victim's rights information card or brochure; requiring the Governor to advise state agencies of certain statutory changes; deleting provisions requiring that an explanation be provided to the Governor if certain objectives are not achieved by an agency; requiring the Executive Office of the Governor to review guidelines for the fair treatment of victims adopted by specified agencies; providing for injunctive relief; providing that victims and witnesses are not required to attend certain discovery depositions; creating s. 960.002, F.S.; authorizing the creation of a direct-support organization, with the approval of the Governor, to provide assistance to victims of crime; providing requirements for the operation, financial records, and accounts of such organization; amending ss. 39.19, 960.17, 960.20, F.S.; assessing specified costs against a juvenile, who has committed a delinquent act, for deposit to the Juvenile Justice-Crime Victim Trust Fund; requiring a juvenile who is placed on community control to pay compensation to the Crimes Compensation Trust Fund; creating s. 960.211, 960.29, 960.30, F.S.; creating the "Juvenile Justice-Crime Victim Trust Fund" and providing for the distribution of money from the fund; authorizing the Department of Labor and Employment Security to administer a crime victim assistance program and the trust fund; providing guidelines to determine priority of crime victim assistance grants from the trust fund;

creating s. 959.31, F.S., the Delinquency Prevention Act of 1988, to authorize delinquency prevention plans and programs thereunder; providing intent and definitions; authorizing the establishment of delinquency prevention councils and providing duties thereof; authorizing the Department of Health and Rehabilitative Services to award delinquency prevention program grants and providing application procedures therefor and conditions with respect thereto; providing an appropriation; limiting the authority of the direct-support organization with respect to the receipt of funds; providing effective dates; providing a conditional effective date.

By the Committees on Appropriations; and Natural Resources and Conservation and Senators Brown, Kirkpatrick, Hollingsworth, Beard and Johnson—

**CS for CS for SB's 1149 and 156**—A bill to be entitled An act relating to pollution control; amending s. 206.9925, F.S.; revising the definitions of "petroleum product" and "pollutants" for purposes of excise taxes on fuel and other pollutants and requirements related thereto; amending s. 206.9935, F.S.; revising the rates of the tax for water quality and the conditions under which said tax is imposed; authorizing a credit for certain taxes paid; repealing s. 206.9941(4), F.S., which exempts pesticides, ammonia, chlorine, and derivatives thereof from the tax for coastal protection and the tax for water quality under certain conditions; amending s. 376.307, F.S.; providing limitations on the expenditure of funds from the Water Quality Assurance Trust Fund for water supply systems or filters for contaminated potable water wells; amending s. 373.309, F.S., relating to the authority of the Department of Environmental Regulation to adopt rules regulating water wells; revising provisions authorizing delegation of its authority to other agencies or political subdivisions; providing duties with respect to prevention of potable water well contamination and remediation of contamination; providing for delineation of areas of groundwater contamination; providing for testing and standards; providing for permitting and for establishment of fees therefor; creating s. 403.7223, F.S.; providing for the establishment of a waste reduction and elimination assistance program; amending s. 403.7264, F.S.; authorizing the department and local governments which have established local or regional hazardous waste collection centers to enter into contracts for the local governments to administer and supervise amnesty days; providing a schedule for amnesty days for purging small quantities of hazardous wastes; providing a limitation on amounts to be accepted at no cost; providing duties of local governments and regional planning councils; creating the Water Quality Assurance Trust Fund Study Commission; prescribing its membership and duties; providing for travel expenses and providing an appropriation; amending s. 403.7265, F.S., relating to the local hazardous waste collection program; revising requirements for a plan to be formulated by the department for collecting small quantities of hazardous waste; directing the department to develop a statewide local hazardous waste management plan; requiring establishment of a grant program for local governments; revising grant amounts and requirements with respect thereto; providing appropriations and authorizing positions; redesignating s. 203.10, F.S., as s. 403.7215, F.S.; providing an effective date.

By the Committees on Appropriations, Governmental Operations and Transportation and Senator Beard—

**CS for CS for CS for SB 1164**—A bill to be entitled An act relating to transportation; amending s. 20.04, F.S.; exempting the Department of Transportation from adhering to the standard terms for its internal structure; amending s. 20.23, F.S.; reorganizing the department; specifying the titles and duties of certain employees of the department; amending s. 110.205, F.S.; specifying classifications for certain employees exempted from the Career Service System; amending s. 334.14, F.S.; requiring that certain employees of the department be professional engineers; providing conforming language; amending s. 288.15, F.S.; providing conforming language; amending s. 316.515, F.S.; providing conforming language; amending s. 332.001, F.S.; providing conforming language; amending s. 348.52, F.S.; specifying composition of the governing board of the Tampa-Hillsborough County Expressway Authority; amending s. 348.753, F.S.; specifying composition of the governing board of the Orlando-Orange County Expressway Authority; amending s. 348.967, F.S.; specifying composition of the governing board of the Santa Rosa Bay Bridge Authority; amending s. 349.03, F.S.; specifying composition of the governing board of the Jacksonville Transportation Authority; creating s. 334.065, F.S.; establishing the Florida Center for Urban Transportation Research; providing the role of the center; providing for a steering committee; repealing ss. 334.18 and 334.19, F.S., relating to the employment of legal counsel and a comptroller by the Department of Transportation; providing an effective date.

By the Committee on Appropriations and Senator Hair—

**CS for SB 1343**—A bill to be entitled An act relating to retirement; amending s. 112.363, F.S.; revising the effective date of contribution rate increases with respect to the retiree health insurance subsidy; amending s. 121.031, F.S.; repealing language requiring benefit increases to be amortized over a 15-year period; amending s. 121.052, F.S.; revising contribution rates applicable to members of the Elected State Officers' Class; providing a contribution rate for the Retiree Health Insurance Subsidy; amending s. 121.055, F.S.; revising the contribution rate applicable to members of the Senior Management Service Class; providing a contribution rate for the retiree health insurance subsidy; amending s. 121.071, F.S.; revising contribution rates applicable to members of the Regular Class, Special Risk Class, and Special Risk Administrative Support Class; providing a contribution rate for the retiree health insurance subsidy; amending s. 121.40, F.S.; revising the contribution rate applicable to Institute of Food and Agricultural Science Supplemental Retirement Act; amending s. 112.1904, F.S.; providing clarifying language to provide that death benefits are provided to state attorney investigators; amending s. 112.362, F.S.; revising the formula for cost-of-living adjustments to the minimum benefit adjustment; amending s. 121.021, F.S.; clarifying the definition of "past service," changing the definition of "prior service," and defining "termination"; amending s. 121.031, F.S.; requiring actuarial reviews of the Florida Retirement System to be presented to the Legislature by a certain date; amending s. 121.0515, F.S.; permitting certain special risk members to receive special risk credit for prior service; amending s. 121.081, F.S.; requiring the purchase of past service credit at the contribution rate in effect at the time the service was earned; deleting the 12 continuous month reemployment provision for prior service; revising the contribution rate for the purchase of certain prior service; amending s. 121.091, F.S.; providing that benefits may not be paid under the Florida Retirement System until a member has terminated employment; revising the criteria for eligibility to qualify for disability benefits; revising the contribution rate for purchase by a spouse of a deceased member's refunded service; allowing certain judges to receive a salary in addition to retirement benefits during the 12 months subsequent to retirement; amending s. 121.121, F.S.; providing new limitations for authorized leaves of absence; amending s. 121.35, F.S.; permitting employees of the State University System Executive Service to participate in the Optional Retirement Program; amending s. 121.40, F.S.; revising the formula for cost-of-living adjustments for Institute of Food and Agricultural Sciences supplemental benefits; amending s. 112.65, F.S.; providing that certain limitations on benefits do not apply to supplemental benefits or cost-of-living adjustments; amending s. 121.051, F.S.; revising conditions under which certain employees may transfer to the Florida Retirement System; amending s. 121.055, F.S.; permitting optional participation in the Senior Management Class for certain employees; creating a Joint Legislative Retirement Study Committee; amending s. 121.021, F.S.; revising the definition of the term "prior service" to include service as an employee of a state executive committee; amending s. 121.081, F.S.; conforming a cross-reference; amending s. 121.052, F.S.; providing for the Elected State Officers' Class to include certain elected mayors; specifying intent with respect to the contribution rates specified in this act; providing an effective date.

## 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 House Bills 527, 531, 691, 746, 809, 813, 996, CS for HB 1112, House Bills 1169, 1594; has passed as amended House Bills 394, 429, 505, CS for HB 567, CS for HB 675, HB 1421, CS for HB 1433 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Ireland—

**HB 527**—A bill to be entitled An act relating to Lee County; amending section 5 of chapter 76-412, Laws of Florida, relating to the South Trail Fire Protection and Rescue Service District; increasing the millage tax rate from \$1.75 per \$1,000 of net taxable assessed valuation to \$2.00 per \$1,000 of net taxable assessed valuation; providing for a referendum.

—was referred to the Committee on Rules and Calendar.

By Representative Dunbar and others—

**HB 531**—A bill to be entitled An act relating to Pinellas County; amending ss. 1, 3, 4, 9, 10, and 12 of chapter 61-2661, Laws of Florida, as amended, relating to the Palm Harbor Special Fire Control District; excluding from the district territory annexed by the City of Dunedin; providing for compensation of members of the board of commissioners of the district; specifying commencement of commissioner's term of office; providing for disposition of revenue and funds of the district; providing authority of the district to borrow money; providing authorized expenditures of the district; providing procedures for meetings of the board of commissioners; providing for adoption of ordinances and procedures therefor; providing for civil penalties; providing for costs and attorney's fees; repealing ss. 5, 6, 7, and 8 of chapter 61-2661, Laws of Florida, as amended, removing provisions relating to the levy of special assessments; amending ss. 1 and 2 of chapter 86-441, Laws of Florida, requiring payment of impact fee to the district prior to issuance of a building permit; providing for effect of failure to collect fees; providing that the levy of ad valorem taxes by the district shall proceed pursuant to general law; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

**HB 691**—A bill to be entitled An act relating to Manatee County; amending section 16 of chapter 85-454, Laws of Florida; adding impact fees for recreational or travel trailer park developments within the Braden River Fire Control and Rescue District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative B. L. Johnson—

**HB 746**—A bill to be entitled An act relating to Santa Rosa County; amending section 6 of chapter 84-526, Laws of Florida, as amended, relating to the date of adjustment meetings of the East Milton Fire Protection and Rescue District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Martinez and others—

**HB 809**—A bill to be entitled An act relating to Hillsborough County; amending chapter 83-423, Laws of Florida, as amended by chapter 87-496, Laws of Florida, relating to the Hillsborough County Public Transportation Commission; amending sections 1, 2(1), 3(12), 5(1) and (2), 9(1), and 11 of said chapter; providing for regulation of certain wreckers by the commission; providing general powers of the commission; providing definitions; providing for application for certificate for wreckers and for exclusion of public hearing requirements for wreckers; providing for adoption of safety and equipment regulations and for display of public vehicle driver's license; providing for additional insurance requirements for wreckers; providing penalty for violation of the provisions of any act relating to the commission; amending section 12 of chapter 83-423, Laws of Florida, providing that wrecker operators may not subcontract with individual operators; adding a section providing for the temporary exemptions for certain wrecker operators; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Davis and others—

**HB 813**—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending subsection (3) of section 5 of chapter 79-573, Laws of Florida, as amended by section 2 of chapter 86-404, Laws of Florida; providing for the deletion of obsolete language from the Oath of Candidate; amending section 21 of chapter 79-573, Laws of Florida; providing for qualifying periods and times of special elections to coincide with regularly scheduled elections when possible; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Upchurch—

**HB 996**—A bill to be entitled An act relating to the Hastings Drainage District; amending section 9 of chapter 27310, Laws of Florida, 1951; increasing the tax authorized to be levied by the district; providing for a referendum.

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

By the Committee on Transportation and Representative Gardner and others—

**CS for HB 1112**—A bill to be entitled An act relating to transportation construction or maintenance contracts; amending s. 337.141, F.S.; reducing time frames with respect to the payment of construction or maintenance contracts; providing that the Department of Transportation notify a contractor within a certain time period of receipt of required documents for payment that such documents are incomplete; amending s. 337.18, F.S.; providing additional grounds for recovery by the department against a contractor for failure to complete the project within the time stipulated in the contract or within such additional time as may have been granted by the department; providing an effective date.

(Substituted for CS for SB 1229 on the special order calendar this day.)

By Representative Nergard and others—

**HB 1169**—A bill to be entitled An act relating to St. Lucie County; abolishing the Fort Pierce Port and Airport Authority in St. Lucie County, as created and amended; creating a new special taxing district to be known as the St. Lucie County Port and Airport Authority, the boundaries of said special taxing district being the same as the boundaries of the former Fort Pierce Port and Airport Authority; providing that the Board of County Commissioners of St. Lucie County shall be the Board of County Commissioners of the St. Lucie County Port and Airport Authority; providing for the government and administration of the St. Lucie County Port and Airport Authority; providing the St. Lucie County Port and Airport Authority shall succeed to the title and all ownership of all property, uncollected taxes, claims, and choses in action owned by the Fort Pierce Port and Airport Authority, and that all debts, contracts, bonds, or obligations of the Fort Pierce Port and Airport Authority shall be the obligations of the new district; providing for the levy and collection of taxes for the purpose of the St. Lucie County Port and Airport Authority; providing for the transfer and conveyance to the St. Lucie County Port and Airport Authority of the St. Lucie County International Airport; prescribing the powers and duties of the St. Lucie County Port and Airport Authority; providing for the issuance of bonds by the St. Lucie County Port and Airport Authority; prohibiting the bringing of any action for injury or damage against the St. Lucie County Port and Airport Authority unless brought within 12 months from the time of such injury or damage; prohibiting the maintaining of any tort action against said authority unless written notice is given within 30 days from the occurrence of the injury or damage; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Martin—

**HB 1594**—A bill to be entitled An act relating to Alachua County; naming the county-owned park at Newnans Lake on Highway 20 in Alachua County the "Earl P. Powers Park"; authorizing the East Gainesville Garden Club, in cooperation with the Alachua County Board of County Commissioners, to erect suitable markers; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Gutman—

**HB 394**—A bill to be entitled An act relating to home health services; amending s. 400.462, F.S., exempting home dialysis services, supplies, and equipment from the definition of "home health services"; providing an effective date.

(Substituted for SB 1296 on the special order calendar this day.)

By Representative Saunders—

**HB 429**—A bill to be entitled An act relating to uniform traffic control; authorizing a comprehensive traffic education program in kindergarten through grade 6; providing duties of the Department of Transportation and the Department of Education; providing for use of funds; providing for rules; amending s. 316.211, F.S.; exempting certain motorcycle riders from existing safety equipment requirements; requiring persons under 16 years of age to comply with existing safety equipment requirements while riding upon certain motorcycles or upon mopeds; amending s. 316.304, F.S.; removing certain requirements for persons wearing headsets while operating motorcycles; amending s. 322.07, F.S.; clarifying language with respect to instruction permits and temporary licenses; amending s. 322.16, F.S.; providing clarifying language; exempting motorcycle and moped riders from certain restrictions; amending s. 322.025, F.S.; providing for the implementation of motorcycle driver improvement programs; deleting certain provisions relating to the use of the Accident Reports Trust Fund; creating s. 322.0255, F.S.; requiring the Department of Highway Safety and Motor Vehicles to establish a Florida Motorcycle Safety Education Program; providing for funding; providing for safety courses; providing for certification of instructors; providing for reimbursement to course providers; allowing fees to be charged; providing for rulemaking authority; amending s. 322.12, F.S.; repealing the requirement that every first-time applicant for a motorcycle license present proof of completion of an approved motorcycle safety education course prior to licensure; requiring every first time applicant for licensure to operate a motorcycle who is under 21 years of age to provide proof of completion of an approved motorcycle safety education course prior to licensure on or after January 1, 1989; repealing s. 322.026, F.S.; relating to the Florida Motorcycle Safety Education Program; providing an effective date.

—was referred to the Committee on Transportation.

By Representatives Diaz-Balart and Silver—

**HB 505**—A bill to be entitled An act relating to transportation planning; authorizing a comprehensive traffic education program in kindergarten through grade six; providing duties of the Department of Education and the Department of Transportation; providing for rules; amending s. 339.175, F.S.; providing that when a transportation project has been identified as a school safety concern by a technical advisory committee, the governmental entity responsible for the project shall consider at least two alternatives before making its decision about the project; providing an effective date.

—was referred to the Committees on Transportation and Education.

By the Committee on Finance and Taxation and Representative Liberti—

**CS for HB 567**—A bill to be entitled An act relating to ad valorem taxation; amending s. 194.034, F.S.; specifying the procedure to be followed when a taxpayer challenges an assessment before the property appraisal adjustment board; amending s. 194.035, F.S.; providing procedures and requirements with respect to the use of special masters by the board; providing an effective date.

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

By the Committees on Science and Technology and Regulatory Reform and Representatives Gordon and Wallace—

**CS for HB 675**—A bill to be entitled An act relating to state and local government financing; amending ss. 159.27, 159.701, 159.702, 159.703, 159.704, and 159.705, F.S.; providing definitions; providing purposes of research and development authorities and parks; providing for designation of research and development authorities; providing voting and notice requirements for research and development authorities; providing for financing of projects; providing for leases of state lands; amending s. 240.242, F.S.; providing an exemption from competitive bidding; amending s. 255.25, F.S.; providing for approval of building plans for leased buildings; providing for leasing of space by state agencies; providing for approval of state leases; creating s. 255.2501, F.S.; providing for lease and acquisition of space in buildings financed by local government obligations; providing for competitive bidding; providing limits on lease payments; creating s. 255.2502, F.S.; requiring language in certain state contracts; creating s. 255.2503, F.S.; prohibiting certain contractual provisions; repealing part III of chapter 23, F.S.; abolishing the Florida Research and Development Commission; providing for severability; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Crotty and others—

**HB 1421**—A bill to be entitled An act relating to the City of Orlando, Orange County; amending s. 1, ch. 31086, Laws of Florida, 1955 as amended; prescribing circumstances under which a person who receives retirement benefits from the pension fund for either the police department or fire department may be reemployed by either a public or private employer and continue to receive such retirement benefits; providing for a forfeiture of a portion of such retirement benefits under specified circumstances; prohibiting persons from earning or drawing multiple pensions from such funds; requiring specified employer contributions to such funds with respect to certain retirees who are reemployed; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Transportation and Representatives B. L. Johnson and Harden—

**CS for HB 1433**—A bill to be entitled An act relating to Okaloosa County; amending sections 2, 4, 6, 7, 8, and 9 of chapter 86-465, Laws of Florida, relating to the Mid-Bay Bridge Authority; defining “system” to include a specified bridge and connections and transportation facilities appurtenant thereto; authorizing the Authority to issue revenue anticipation notes; creating a new section 14 authorizing the authority to enter into agreements, leases, and covenants to assist the authority in financing, constructing, operating, and maintaining any project authorized by the authority; creating new section 15 relating to tax exempt status of the authority; creating new section 16 relating to eligibility of bonds for investment; providing an effective date.

Proof of publication of the required notice was attached.

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

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 870 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 870**—A bill to be entitled An act relating to interference with custody; amending s. 787.03, F.S.; providing that a person who knowingly or recklessly interferes with the custody of a child or an incompetent person is guilty of a felony of the third degree; providing that certain persons who have custody of a child or an incompetent person and who maliciously take the child or incompetent person with intent to deprive the right of custody of another who has a right to custody thereof are guilty of a felony of the third degree; providing an effective date.

**Amendment 2**—On page 2, line 28, after “741.30,” insert: *or believes that his or her action was necessary to preserve the child or the incompetent person from danger to his welfare,*

On motion by Senator W. D. Childers, the Senate concurred in the House amendment.

SB 870 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

*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 212 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 212**—A bill to be entitled An act relating to the Florida Drug and Cosmetic Act; amending ss. 499.003, 499.017, 499.018, 499.02, 499.021, 499.022, 499.041, 499.067, F.S.; creating s. 499.024, F.S.; providing restrictions on the use of legend drugs; clarifying procedures for applying for state approval and permits for the manufacture, use, distribution, repackaging, and sale of generic drugs and investigational drugs; revising provisions relating to the meetings of the Florida Drug and Cosmetic Technical Review Panel; providing duties of the panel; providing for recommendations by the panel to the Department of Health and Rehabilitative Services; providing authority for classification of products as drugs; clarifying provisions relating to certain fees and consulting contracts; clarifying grounds for denying certain permits; reviving and re-adopting ss. 499.02, 499.021, 499.022, F.S., notwithstanding repeals scheduled under the Sundown Act and Regulatory Sunset Act; providing for future review and repeal of said sections; providing an effective date.

**Amendment 1**—On page 12, between lines 6 and 7, insert a new section 9 and renumber subsequent sections:

Section 9. Section 499.051, Florida Statutes, is amended to read:

499.051 Inspections and investigations.—

(1) The agents of the department and of the Department of Law Enforcement shall have the authority to inspect, monitor, and investigate all drug and cosmetic wholesalers; drug repackagers; investigational drug programs; and drug, device, or cosmetic manufacturers during business hours for the purpose of enforcing the provisions of ss. 499.001-499.79, chapters 893 and 465, and the rules of the department which relate to the protection of the health, safety, and welfare of the public.

(2) *In addition to the authority set forth in subsection (1), the department and any duly designated officer or employee thereof shall have the right to enter upon and inspect any other facility for the purpose of determining compliance with the provisions of this chapter and rules promulgated thereunder regarding a drug, device, or cosmetic product. The authority to enter and inspect herein contained shall not extend to the practice of the profession of pharmacy, as defined in chapter 465 and the rules promulgated thereunder, in a pharmacy permitted under chapter 465.*

(3) *Any application for a facility or product and renewal thereof made pursuant to this chapter and rules promulgated thereunder shall constitute permission for any entry or inspection of the premises in order to facilitate verification of compliance with this chapter and rule requirements; to discover, investigate, and determine the existence of compliance; or to elicit, receive, respond to, and resolve complaints and violations.*

**Amendment 2**—On page 11, line 6, insert after the period: *Nothing in this section shall be construed to subject portable emergency oxygen inhalators to classification; however this section does not exempt any person from the provisions of sections 499.011 and 499.015.*

**Amendment 3**—On page 1, in the title, line 20, insert after the semicolon: *amending s. 499.051, F.S.; authorizing the Department of Health and Rehabilitative Services to enter and inspect certain facilities; providing an exemption from inspection provisions for pharmacies; providing that an application for a facility or product constitutes permission for inspection;*

**Amendment 4**—On page 1, line 29, insert:

Section 1. Section 465.0276, Florida Statutes, is amended to read:

465.0276 Dispensing practitioner.—

(1) *A No person may not shall dispense medicinal drugs unless licensed as a pharmacist or otherwise authorized under this chapter to do so, except that a practitioner authorized by law to prescribe drugs may dispense such drugs to his patients in the regular course of his practice in compliance with this section.*

(2)(4) A practitioner who dispenses medicinal drugs for human consumption for fee or remuneration of any kind, whether direct or indirect, must shall:

(a) Register with his professional licensing board as a dispensing practitioner and pay a fee of \$25 at the time of such registration and upon each renewal of his license.

(b) Comply with and be subject to all laws and rules applicable to pharmacists and pharmacies, including, but not limited to, this chapter, chapter 499, and chapter 893 and all federal laws and federal regulations.

(c) ~~Before dispensing any drug, give the patient a written prescription and orally or in writing advise the patient that the prescription may be filled in the practitioner's office or at any pharmacy. Complete 6 hours of continuing education each year. Such courses and programs of continuing education shall be approved by the practitioner's licensing board from a list of courses and programs recommended by a committee composed of one licensed member of the Board of Pharmacy and one licensed member of the Board of Medical Examiners. Each member shall be appointed by his respective board. A third member shall be chosen by this committee who shall be knowledgeable regarding continuing education of health care professionals.~~

(3) The department shall inspect any facility where a practitioner dispenses medicinal drugs pursuant to subsection (2) in the same manner and with the same frequency as it inspects pharmacies for the purpose of determining whether the practitioner is in compliance with all statutes and rules applicable to his dispensing practice.

(4) The registration of any practitioner who has been found by his respective board to have dispensed medicinal drugs in violation of this chapter shall be subject to suspension or revocation.

(5)(2) A practitioner who confines his activities to the dispensing of complimentary packages of medicinal drugs to his own patients in the regular course of his practice, without the payment of fee or remuneration of any kind, whether direct or indirect, and who himself dispenses such drugs is shall not be required to register pursuant to this section. The practitioner must shall dispense such drugs in the manufacturer's labeled package with the practitioner's name, patient's name, and date dispensed, or, if such drugs are not dispensed in the manufacturer's labeled package, they must shall be dispensed in a container which bears the following information:

- (a) Practitioner's name;
- (b) Patient's name;
- (c) Date dispensed;
- (d) Name and strength of drug; and
- (e) Directions for use.

Section 2. There is hereby appropriated for the fiscal year 1988-89 to the Department of Professional Regulation, 4 positions, and \$161,259 from the Professional Regulation Trust Fund to implement the requirements of this legislation.

(Renumber subsequent sections.)

**Amendment 5**—On page 1, in the title, lines 2 and 3, strike all of said lines and insert:

An act relating to drugs; amending s. 465.0276, F.S.; providing for the dispensing of medicinal drugs by practitioners; requiring an annual fee; providing certain procedures for dispensing practitioners prior to dispensing medicinal drugs for remuneration; requiring the inspection of certain facilities; repealing certain continuing education requirements for dispensing practitioners; providing an appropriation; amending ss. 499.003, 499.017,

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

CS for SB 212 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the Speaker announced that Representative Gustafson was appointed as an ex officio member of the Conference Committee on HB 1700 (general appropriations bill).

The Speaker also announced that Representative B. L. Johnson was appointed a member of the Education Subcommittee of the Conference Committee on HB 1700 (general appropriations bill), instead of an alternate.

*John B. Phelps, Clerk*

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended House Bills 183, 658, 1193 and CS for HB 755.

*John B. Phelps, Clerk*

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed CS for SB 11, SB 59, CS for SB 135, CS for SB 395, Senate Bills 461, 528, CS for SB 551, SB 1025, CS for SB 1354, Senate Bills 1380 and 1410.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

#### SPECIAL ORDER

Consideration of CS for HJR 290 and CS for CS for SB 161 was deferred.

**CS for CS for SB 579**—A bill to be entitled An act relating to licenses to carry a concealed weapon or firearm; requiring the Department of State to review licensees' files for purposes of revocation; amending s. 790.001, F.S.; redefining the term "machine gun" and defining the term "sterile area" with respect to prohibiting the carrying of concealed weapons or firearms in certain areas; amending s. 790.052, F.S.; redefining the term "officer" for purposes of carrying firearms off-duty; amending s. 790.06, F.S.; providing that machine guns are not concealed weapons or firearms for purposes of licensure; changing eligibility criteria for licensing and revocation purposes; requiring the department to deny a license if the applicant has been found guilty of certain crimes; authorizing the department to revoke or suspend a license if the licensee is found guilty of certain crimes; requiring the department to suspend a license or processing of an application under certain circumstances; providing that a disqualification from licensure on account of certain offenses will expire after a term of years in specified circumstances; providing licensure procedures and qualifications for consular security officials of foreign governments; providing that a license does not authorize the licensee to carry a concealed weapon or firearm into certain premises; providing penalties; amending s. 790.33, F.S.; revising standards for adoption of waiting period ordinances by counties; providing for severability; providing an effective date.

—was read the second time by title.

Further consideration of CS for CS for SB 579 was deferred.

**CS for HB 1519**—A bill to be entitled An act relating to Acquired Immunodeficiency Syndrome (AIDS); creating the Florida Health Care Professional Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Education Act; amending ss. 401.27, 455.213, 457.105,

457.107, 458.347, 459.0055, 459.008, 459.022, 460.408, 461.007, 463.007, 464.013, 465.009, 466.006, 466.007, 466.0135, 466.014, 467.009, 467.012, 468.1685, 468.1715, 468.209, 468.219, 468.307, 468.309, 486.031, 486.085, 486.102, 486.108, 490.005, 490.007, 491.005, and 491.007, F.S., and creating ss. 458.318, 460.4066, 461.0061, 462.185, 463.0061, 464.0091, 465.0071, and 468.3611, F.S.; requiring education in the transmission, control, treatment, and prevention of Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS) as a condition for licensure or certification of emergency medical technicians, paramedics, acupuncturists, physicians, physician's assistants, osteopathic physicians, osteopathic physician assistants, chiropractic physicians, podiatrists, naturopathic physicians, optometrists, nurses, pharmacists, dentists, dental hygienists, midwives, nursing home administrators, occupational therapists, occupational therapy assistants, radiologic technologists, respiratory therapists, physical therapists, physical therapist assistants, psychologists, school psychologists, clinical social workers, marriage and family therapists, and mental health counselors; requiring continuing education on HIV and AIDS as a condition for renewal of such licensure or certification; creating the Florida Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Education Act; creating s. 110.1125, F.S.; requiring state agencies to annually provide HIV and AIDS information to state employees; amending s. 232.246, F.S.; including an HIV and AIDS education component in the life management skills requirement for high school graduation; providing an exemption; amending s. 233.0672, F.S., relating to health education in the public schools; providing content of instruction in acquired immune deficiency syndrome, sexually transmitted diseases, and human sexuality; amending s. 233.067, F.S.; including such education component in the comprehensive health education and substance abuse prevention program for certain students; providing an exemption; amending s. 240.2097, F.S.; requiring the Board of Regents to develop a State University System policy relating to HIV and AIDS; requiring a statement of such policy in universities' student handbooks; creating s. 240.3192, F.S.; requiring each community college to develop such a policy; creating s. 381.609, F.S.; requiring the Department of Health and Rehabilitative Services to establish a program to educate the public on HIV and AIDS; providing requirements and components; authorizing the department to enter into contracts; amending ss. 393.067, 394.457, 395.005, 397.031, 400.141, 400.452, 400.497, 400.562, 400.608, 400.621, and 402.305, F.S.; requiring education and training in the transmission, control, and prevention of HIV and AIDS for clients and staff at residential facilities for the developmentally disabled, patients and staff at mental health facilities, employees of licensed hospitals and ambulatory surgical centers, participants and personnel of DATAP programs, administrators and other staff of nursing homes and related health care facilities, agency personnel of home health services, certain personnel of adult day care centers, staff of hospice programs, persons providing care in adult foster homes, and personnel of child care facilities; amending ss. 476.144, 476.154, 477.019, 477.0201, 480.041, 480.0415, 483.051, and 483.154, F.S., and creating s. 470.0135, F.S.; requiring such education and training as a condition for licensure, certification, or registration, and renewal thereof, for funeral directors, embalmers, direct disposers, barbers, cosmetologists, specialty practitioners in cosmetology, masseurs, and clinical laboratory personnel; creating s. 943.172, F.S.; requiring basic skills training in HIV and AIDS for law enforcement officers; creating s. 945.35, F.S.; requiring a continuing education program in HIV and AIDS for all inmates and staff of correctional facilities; requiring an annual report; creating s. 381.607, F.S.; providing for certification of laboratories to perform HIV-related tests; requiring written, informed consent for tests; providing exceptions; requiring certain counseling; providing confidentiality; requiring certain confirmatory testing; providing exemptions; providing penalties; creating s. 381.608, F.S.; providing testing and other requirements for donation and transfer of human tissue; providing penalties; prohibiting discrimination in employment, housing, public accommodations, and government services, on the basis of HIV or AIDS; providing penalties; amending s. 760.10, F.S.; providing unlawful employment practices against persons with HIV or AIDS by employers, employment agencies, labor organizations, or joint labor-management committees; amending s. 760.22, F.S.; prohibiting discrimination in the sale, rental, or financing of housing; providing that HIV infection is not a material fact in transactions of real property; creating s. 381.610, F.S.; authorizing the Department of Health and Rehabilitative Services to establish patient care networks for care and treatment of persons with AIDS and AIDS-Related Complex (ARC); creating s. 381.611, F.S.; requiring the department to conduct epidemiological research; amending s. 381.703, F.S.; providing duties of the Statewide Health Council, local health councils, and department districts; amending s. 384.23, F.S.; including HIV within the definition of "sexually trans-

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

—was read the second time by title.

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

**Amendment 1**—On pages 7-95, strike everything after the enacting clause and insert:

Section 1. Section 381.607, Florida Statutes, is created to read:

381.607 Findings; intent.—The Legislature finds that Acquired Immune Deficiency Syndrome, otherwise known as AIDS, constitutes a serious and unique danger to the public health and welfare. The Legislature finds that Acquired Immune Deficiency Syndrome is transmitted by sexual activity, by intravenous drug use, or accidentally in health care or research settings and that public fear of contagion from casual contact is not supported by any scientific evidence. The Legislature finds that Acquired Immune Deficiency Syndrome is transmitted by a retrovirus which makes the possibility of development of an immunization or cure highly unlikely in the near future. The Legislature finds that, once infected, there is a high probability that an individual will develop Acquired Immune Deficiency Syndrome or a related syndrome and die a premature death as a result, but may live productively for years in a communicable state without showing any signs or symptoms of illness. The Legislature finds the unique methods of transmission of this disease, and its inevitably fatal course, have raised public fears; changed the attitudes of employers, insurers, educators, law enforcement personnel, and health and medical providers about dealing with the disease; and unexpectedly raised the medical costs of this state. The Legislature intends to establish programs and requirements related to Acquired Immune Deficiency Syndrome which carefully balance medical necessity, the right to privacy, and protection of the public from harm and which establish public programs for the care and treatment of persons with Acquired Immune Deficiency Syndrome and related conditions.

Section 2. Section 381.608, Florida Statutes, is created to read:

381.608 Education.—The Department of Health and Rehabilitative Services shall establish a program to educate the public about the threat of Acquired Immune Deficiency Syndrome.

- (1) The Acquired Immune Deficiency Syndrome Education Program shall:
  - (a) Be designed to reach a majority of the citizens of the state;
  - (b) Contain special components designed to reach non-English speaking and other minority groups within the state;
  - (c) Impart knowledge to the public about methods of transmission of Acquired Immune Deficiency Syndrome and methods of prevention;

(d) Educate the public about transmission risks in social, employment, and educational situations;

(e) Educate health care workers and health facilities' employees about methods of transmission and prevention in their unique workplace environments;

(f) Contain special components designed to reach persons who may frequently engage in behaviors placing them at a high risk for acquiring Acquired Immune Deficiency Syndrome;

(g) Provide information and consultation to state agencies to educate all state employees; and

(h) Provide information and consultation to state and local agencies to educate law enforcement and correctional personnel and inmates.

(2) The program designed by the Department of Health and Rehabilitative Services shall utilize all forms of the media and shall place emphasis on the design of educational materials that can be used by businesses, schools, and health care providers in the regular course of their business.

(3) The Department of Health and Rehabilitative Services and the Department of Professional Regulation, shall jointly develop instructional material on the Human Immunodeficiency Virus, including information related to methods of transmission, education, and infection control. The materials developed under this section shall be provided to each licensed professional most likely to provide services to persons infected with the Human Immunodeficiency Virus and shall be designed to have specific relevance to the type of practice of the licensed professional, as well as to the professional's patients. Costs of production and distribution of the instructional materials on Human Immunodeficiency Virus described in this subsection shall be wholly assumed by the Department of Professional Regulation from the fees assessed by the licensing boards which regulate the professionals who are provided with educational materials under this section. To expeditiously and economically develop, produce, and distribute the instructional material required under this subsection, the Department of Health and Rehabilitative Services and the Department of Professional Regulation shall consult with the professional associations of the health care professions to determine whether suitable instructional materials already exist that may be lawfully reproduced or reprinted.

(4) The Department of Health and Rehabilitative Services shall develop educational materials and training about the transmission, control, and prevention of Human Immunodeficiency Virus infections and Acquired Immune Deficiency Syndrome and other communicable diseases relevant for use in those facilities licensed under the provisions of chapter 393, chapter 394, chapter 395, chapter 397, chapter 400, or chapter 402, and by each person licensed under the provisions of chapter 401.

Section 3. Paragraph (b) of subsection (1) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(1)

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

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

2. Three credits in mathematics.

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

4. One credit in American history.

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

6. One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The

Florida Council on Economic Education shall provide technical assistance to the department and local school boards in developing curriculum materials for the study of economics.

7. One-half credit in American government.

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

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

10. One-half credit in life management skills to include consumer education, positive emotional development, nutrition, *prevention of Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome and other sexually transmissible diseases*, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

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

12. Nine elective credits.

Section 4. Section 233.0672, Florida Statutes, is amended to read:

233.0672 Health education; instruction in acquired immune deficiency syndrome.—

(1) Each district school board may provide instruction in acquired immune deficiency syndrome education as a specific area of health education. Such instruction may include, but not be limited to, the known modes of transmission, signs and symptoms, risk factors associated with acquired immune deficiency syndrome, and means used to control the spread of acquired immune deficiency syndrome. The instruction shall be appropriate for the grade and age of the student and shall reflect current theory, knowledge, and practice regarding acquired immune deficiency syndrome and its prevention.

(2) *Throughout instruction in acquired immune deficiency syndrome, sexually transmitted diseases, or health education containing instruction in human sexuality, a school shall:*

(a) *Teach abstinence from sexual activity outside of marriage as the expected standard for all school age children.*

(b) *Include that abstinence from sexual activity is a certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems.*

Section 5. Subsection (3) and paragraph (c) of subsection (4) of section 233.067, Florida Statutes, are amended to read:

233.067 Comprehensive health education and substance abuse prevention.—

(3) DEFINITIONS.—As used in this section, the term "comprehensive health education" includes, but is not limited to, such concerns as mental and emotional health, *sexually transmissible diseases, Human Immunodeficiency Virus infection, Acquired Immune Deficiency Syndrome venereal diseases* and other communicable diseases, substance abuse (including alcohol and tobacco), environmental health, safety and emergency care, nutrition and food management, personal health and hygiene, dental health, hereditary diseases, developmental disabilities, growth and development, and consumer health and careers.

(4) ADMINISTRATION OF THE COMPREHENSIVE HEALTH EDUCATION AND SUBSTANCE ABUSE PREVENTION PROGRAM.—

(c) The comprehensive health education and substance abuse prevention program shall include the following:

1. Implementation of inservice education programs for teachers, counselors, and other persons, *which programs deal with comprehensive health education, substance abuse prevention, and prevention of sexually transmissible diseases, especially Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome.* Such inservice education programs shall be consistent with the 5-year master plan, as specified in s. 236.0811, and shall include training in substance abuse identification and prevention. The training plan may provide for the option of using teachers as trainers and shall include, but not be limited to: information on current theory, knowledge, and practice regarding substance abuse; identification and referral procedures; legal issues; peer counseling; and methods of teaching decision-making skills and building self-concept. Inservice teacher education materials and student materials which are based upon individual performance and designed for use with a minimum of supervision shall be developed and made available to all school districts.

2. Implementation of management training programs consistent with the provisions of s. 231.087 for principals and other school leaders on the identification, prevention, and treatment of substance abuse and the availability of local and regional referral resources.

3. Instruction in nutrition education as a specific area of health education instruction. Nutrition education shall include, but not be limited to, sound nutritional practices, wise food selection, analysis of advertising claims about food, proper food preparation, and food storage procedures. The purpose of such nutrition education programs shall be to educate students in the overall area of nutrition education and significantly reduce health problems associated with poor or improper nutrition practices.

4. Instruction in substance abuse prevention in kindergarten through grade 12. Such instruction shall be designed to meet local needs and priorities and shall articulate clear instructional objectives aimed at the prevention of alcohol and substance abuse. The instruction shall be appropriate for the grade and age of the student and shall reflect current theory, knowledge, and practice regarding prevention of substance abuse and may contain instruction in such components as health, personal, and economic consequences of substance abuse and instruction in decision making, resisting peer pressure, self-concept building skills, and identifying and dealing with situations that pose a risk to one's health and may lead to substance abuse.

5. *Instruction in the causes, transmission, and prevention of Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome and other sexually transmissible diseases for students. Such instruction shall be included in appropriate middle school or junior high school health and science courses and in life management skills and other high school courses. Any student whose parent makes written request to the school principal shall be exempt from AIDS instructional activities. Curriculum frameworks for AIDS education shall not interfere with the local determination of appropriate curriculum which reflects local values and concerns.*

6.5. Design and development of programs for the selection and training of health education instructors from existing teaching staff and the orientation to teaching roles for persons employed in appropriate health fields and community volunteers.

7.6. Development of training programs to allow the use of school food service personnel as resource persons.

Section 6. Subsection (3) of section 240.2097, Florida Statutes, is amended to read:

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

(3) Each university shall compile and update annually a student handbook that includes, but is not limited to, a comprehensive calendar that emphasizes important dates and deadlines, student rights and responsibilities, appeals processes available to students, and a roster of contact persons within the administrative staff available to respond to student inquiries, *and a statement as to the State University System policy on Acquired Immune Deficiency Syndrome including the name and telephone number of the university Acquired Immune Deficiency Syndrome counselor.*

Section 7. Section 240.3191, Florida Statutes, is created to read:

240.3191 Community college student handbooks.—

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

(2) Each student handbook shall list the legal and community college specific sanctions that will be imposed upon students who violate the law or community college policies regarding controlled substances and alcoholic beverages.

(3) Each student handbook shall provide information related to AIDS education or identify sites from which AIDS education information may be obtained.

Section 8. Posting of information on AIDS required.—Any retail establishment which sells or offers for sale or rents literature, films, video tapes, implements, or devices described and promoted as "adult" merchandise of a nature which is commonly understood to be for the purpose of sexually-oriented entertainment shall have posted in a prominent place on the business premises information disseminated by the Department of Health and Rehabilitative Services concerning Acquired Immune Deficiency Syndrome. The department, by rule, shall provide for the form and content of such information required pursuant to this section.

Section 9. Prior to the transplant of a human organ into a person, the hospital or other institution where the transplant is to be performed must provide the prospective organ recipient, or the family member who is legally responsible for the recipient, with a written warning of the risk of contracting acquired immune deficiency syndrome (AIDS) from the transplant. The warning must include the following statement: "WARNING--Organ transplant recipients may risk contracting AIDS (acquired immune deficiency syndrome) as a result of receiving an infected organ. In at least one instance, a recipient of an organ from a donor who falsely tested negative for AIDS has tested positive for the HIV antibody, which indicates the presence of AIDS, even though he tested negative before the transplant and denied having other risk factors."

Section 10. Prior to the artificial insemination of a human female, the institution or physician that is responsible for overseeing the procedure must provide the prospective sperm recipient with a written warning that there is a risk of contracting AIDS (acquired immune deficiency syndrome) as a result of the procedure. The warning must include the following statement: "WARNING--you may risk contracting AIDS (acquired immune deficiency syndrome) from sperm received through artificial insemination."

Section 11. Section 381.609, Florida Statutes, is created to read:

381.609 Testing for Human Immunodeficiency Virus.—

(1) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT; RESULTS.—

(a) No person in this state shall perform a test designed to identify the Human Immunodeficiency Virus, or its antigen or antibody, without first obtaining the informed consent of the person upon whom the test is being performed, except as specified elsewhere in law. Informed consent shall be preceded by an explanation of the test, including its purpose, potential uses, and limitations and the meaning of its results. Consent need not be obtained in writing provided there is documentation in the medical record that the test has been explained and the consent has been obtained.

(b) Informed consent must be obtained from a legal guardian or other person authorized by law when the person is not competent or is otherwise unable to make an informed judgment or has not reached the age of majority.

(c) No test result shall be determined as "positive" for purposes of notification without corroborating or confirmatory tests.

(d) No positive test result shall be revealed to the person upon whom the test was performed without affording that person the immediate opportunity for individual, face-to-face counseling about the meaning of the test results; the possible need for additional testing; the social, medical, and economic consequences of a positive test result; the need to elim-

inate behavior which might spread the disease; and the availability of other health and social services as may be appropriate, except as provided in paragraph (e).

(e) Any blood donor who tests positive for HIV based upon confirmatory testing shall be notified in the following manner:

1. The donor shall be sent written notification by certified mail that abnormal test results exist with respect to his blood donation;

2. The blood bank shall offer the opportunity to discuss the nature and significance of the findings by phone or in person; or

3. If consent has been given by the donor, the blood bank shall offer to discuss the findings with the donor's physician or other designated person, including public health or social welfare agencies, for purposes of counseling with the donor. If the blood bank has not received a response from the donor within thirty days, then it shall send the actual test results, with a short written statement of the potential significance, to the donor by certified mail.

(f) Test results are confidential information and may not be revealed to any other person, except as permitted by law, unless:

1. Written consent to disclose a serologic test result is obtained from the individual receiving a test;

2. The information is disclosed pursuant to the standard practice of medicine or public health, including consultation between physicians to determine diagnosis and treatment and communication of test results between a facility licensed under chapter 395 or chapter 483 and a physician authorizing the test; or

3. Test results are disclosed during medical or epidemiologic research without the individuals' names or identifying characteristics.

**(2) PUBLIC HEALTH UNIT NETWORK OF VOLUNTARY HUMAN IMMUNODEFICIENCY VIRUS TESTING PROGRAMS.—**

(a) The Department of Health and Rehabilitative Services shall establish a network of voluntary Human Immunodeficiency Virus testing programs in every county in the state. These programs shall be conducted in each public health unit established under the provisions of chapter 154, part I. Additional programs may be contracted to other private providers to the extent that finances permit and local circumstances dictate.

(b) Each public health unit shall have the ability to provide counseling and testing for Human Immunodeficiency Virus to each patient who receives services and shall offer such testing on a voluntary basis to each patient who presents himself for services in a public health program designated by the State Health Officer by rule.

(c) Each public health unit shall provide a program of counseling and testing for Human Immunodeficiency Virus infection, on an anonymous or confidential basis, dependent on the patient's desire.

**(3) HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS; REGISTRATION WITH THE DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES; EXEMPTIONS FROM REGISTRATION.—**No public health unit, and no other person in this state shall conduct or hold themselves out to the public as conducting a confidential or anonymous testing program for Acquired Immune Deficiency Syndrome, Acquired Immune Deficiency Syndrome Related Complex, or Human Immunodeficiency Virus status without first registering with the Department of Health and Rehabilitative Services, complying with all other applicable provisions of state law, and meeting the following requirements:

(a) The program must be directed by a person with a minimum number of contact hours of experience in the counseling of persons with Acquired Immune Deficiency Syndrome, Acquired Immune Deficiency Syndrome Related Complex, or Human Immunodeficiency Virus infection, as established by the Department of Health and Rehabilitative Services by rule.

(b) The program must have all medical care supervised by a physician licensed under the provisions of chapter 458 or chapter 459.

(c) The program shall have all laboratory procedures performed in a laboratory licensed under the provisions of chapter 483.

(d) The program must meet all the informed consent criteria contained in subsection (1).

(e) The program must provide pretest counseling on the meaning of a test for Human Immunodeficiency Virus, including medical indications for the test; the possibility of false positive or false negative results; the potential need for confirmatory testing; the potential social, medical, and economic consequences of a positive test result; and the need to eliminate high-risk behavior.

(f) The program must provide supplemental corroborative testing on all positive test results before the results of any positive test is provided to the patient.

(g) The program must provide face-to-face post-test counseling on the meaning of the test results; the possible need for additional testing; the social, medical, and economic consequences of a positive test result; and the need to eliminate behavior which might spread the disease to others.

(h) Each person providing post-test counseling to a patient with a positive test result shall receive specialized training, to be specified by rule of the department, about the special needs of persons with positive results, including recognition of possible suicidal behavior, and shall refer the patient for further health and social services as appropriate.

(i) When services are provided for a charge during pretest counseling, testing, supplemental testing, and post-test counseling, the program must provide a complete list of all such charges to the patient and the Department of Health and Rehabilitative Services.

(j) Nothing in this section shall be construed to require a facility licensed under the provisions of chapter 395 or chapter 400 to register with the Department of Health and Rehabilitative Services in order to conduct a Human Immunodeficiency Virus testing program, provided the testing program requirements of this subsection are met.

(k) Nothing in this subsection shall be construed to require a person licensed under the provisions of chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 466, or chapter 467 to register with the Department of Health and Rehabilitative Services if he does not advertise or hold himself out to the public as conducting testing programs for Human Immunodeficiency Virus infection or specializing in such testing.

(l) Informed consent need not be obtained when blood, plasma, organ, skin or other human tissue is received for processing or testing from an out-of-state blood bank or health care facility or health care provider for reference testing or processing and the results of such test are reported back to the transmitting facility or provider.

(m) This subsection shall not apply to facilities licensed under chapter 483, Florida Statutes, such as blood banks, which perform testing programs incident to their procedures in providing medical or related services.

(4) **EXEMPTIONS.—**Except as provided in ss. 627.429 and 641.3109, insurers and others participating in activities related to the insurance application and underwriting process shall be exempt from this section.

(5) **MODEL PROTOCOL FOR COUNSELING AND TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.—**The Department of Health and Rehabilitative Services shall develop a model protocol for counseling and testing persons for the Human Immunodeficiency Virus.

(6) **RULES.—**The Department of Health and Rehabilitative Services may adopt such rules as are necessary to implement this section.

Section 12. Section 230.336, Florida Statutes, is created to read:

230.336 Notification to superintendent of schools of certain diseases.—Whenever it shall come to the attention of the Department of Health and Rehabilitative Services that any student or employee of a school district has tested positively for the human immunodeficiency virus (HIV), or has been diagnosed as having acquired immune deficiency syndrome-related complex or acquired immune deficiency syndrome, the Department of Health and Rehabilitative Services shall notify the appropriate superintendent of schools of the name and address of the student or employee, the provisions of s. 384.29 to the contrary notwithstanding. Except to the extent necessary to protect the health, safety, and welfare of the other students and employees, the information obtained by the

superintendent of schools shall be confidential.

Section 13. Section 381.6105, Florida Statutes, is created to read:

381.6105 Transfers of human tissue.—

(1) No person shall collect any blood, organ, skin, semen, or other human tissue from one human being and hold it for or actually perform any implantation, transplantation, transfusion, grafting, or any other method of transfer to another human being without first testing such tissue for the Human Immunodeficiency Virus and any other communicable disease specified by the Department of Health and Rehabilitative Services by rule, or without performing another process approved by rule of the Department of Health and Rehabilitative Services capable of killing the causative agent of those diseases specified by rule. Such testing shall not be required when the blood, organ, skin, semen, or other human tissue shall be required when it is to be used autologously or when there is not sufficient time to perform testing because of life-threatening emergency circumstances. However, a sample of the blood, organ, skin, semen, or other tissue, when used in such emergency situation, shall be tested at the earliest convenient time following the medical procedure.

(2) All human blood, organs, skin, semen, or other human tissue found positive for a communicable disease specified by rule of the Department of Health and Rehabilitative Services shall be rendered non-communicable by the person holding the tissue or shall be destroyed, unless the human tissue is specifically labeled to identify the communicable disease and:

- (a) Is used for research purposes,
- (b) Is to be used to save the life of another and is transferred with the recipient's informed consent, or
- (c) Is to be used autologously by the donor.

(3) A report of each case of a communicable disease specified by rule shall be made to the Department of Health and Rehabilitative Services on forms provided by it. All reports received by the Department of Health and Rehabilitative Services shall be treated as confidential information and may not be released to any person except as provided in s. 384.29.

(4) Each person who collects human blood, organs, skin, eyes, or other human tissue who finds evidence of a communicable disease in a person shall notify that person of the presence of the communicable disease, or the person's next of kin if deceased, and shall notify the person's physician if known. When notifying a person pursuant to this requirement, the person shall be provided counseling on the meaning of the test result; the possible need for additional testing; the possible economic, social, and medical consequences of a positive test result; and the need to eliminate behavior that might spread the disease. The person shall also be referred to additional health and social services agencies as appropriate. The Department of Health and Rehabilitative Services shall develop, in conjunction with persons who collect human tissue, a model protocol for providing this information.

(5) The Department of Health and Rehabilitative Services is authorized to adopt rules to implement this section. In adopting rules pertaining to this section, the Department of Health and Rehabilitative Services shall consider the rules of the Food and Drug Administration of the United States and shall conform to those rules to the extent feasible without jeopardizing the public health. The Department of Health and Rehabilitative Services may impose administrative penalties for violation of this statute or rules adopted hereunder, provided they do not exceed \$1,000 for each offense.

(6) In addition to being subject to any administrative penalty the Department of Health and Rehabilitative Services may impose, any person who violates the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 14. Section 945.701, Florida Statutes, is created to read:

945.701 Testing for human immunodeficiency virus; segregation of inmates.—

(1) The department shall test each inmate for exposure to the human immunodeficiency virus (HIV) at the following times:

- (a) Upon admission to the state corrections system.

(b) At least every 6 months while the inmate is in the custody of the department.

(c) When there is evidence that an inmate, while in the custody of the department, has engaged in behavior which places the inmate at a high risk of transmitting or contracting the virus. For purposes of this act, "high-risk behavior" shall include:

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

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

(3) In recognition of the fact that an inmate's institutional behavior is unpredictable, and in order to minimize the potential for the spread of the virus through high-risk behavior, the department shall:

- (a) Not house any HIV-positive inmate in any cell, room, dormitory, or other living area with any HIV-negative inmate.
- (b) Not permit any HIV-positive inmate to make physical contact with any HIV-negative inmate.
- (c) Designate different dining, recreation, and exercise hours or locations for HIV-positive and HIV-negative inmates.

Section 15. Section 951.27, Florida Statutes, is created to read:

951.27 Blood tests of inmates.—

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

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

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

Section 16. Section 381.614, Florida Statutes, is created to read:

381.614 Epidemiological research.—

(1) The Department of Health and Rehabilitative Services shall conduct studies concerning the epidemiology of Acquired Immune Deficiency Syndrome and other diseases in Florida. These studies shall not duplicate national studies, but shall be designed to provide special insight and understanding into Florida-specific problems, given this state's unique climate and geography, demographic mix, and high rate of immigration.

(2) Epidemiological studies designed by the Department of Health and Rehabilitative Services shall emphasize practical applications and utility in the control of communicable disease. These studies shall, to the maximum extent possible, use state and local public health workers as field teams, study design team members, reviewers, and co-authors. Epidemiological studies conducted pursuant to this section shall be directed by the State Health Officer or his designee; shall, as a first priority, investigate the rates and incidence of Human Immunodeficiency Virus infection in Florida; and shall provide geographic and other displays of the data as appropriate.

(3) The Department of Health and Rehabilitative Services shall work with the various universities and colleges in this state, including, but not limited to, the College of Public Health at the University of South Florida, when it deems it appropriate and necessary in carrying out such studies.

Section 17. Subsection (12) is added to section 499.005, Florida Statutes, to read:

499.005 Prohibited acts.—The following acts, and the causing thereof, within this state are prohibited:

(12) *The sale, delivery, holding, or offering for sale of any self-testing kits designed to tell persons their status concerning Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome or related disorders or conditions.*

Section 18. Paragraph (dd) is added to subsection (6) of section 499.0054, Florida Statutes, to read:

499.0054 Advertising and labeling of drugs, devices, and cosmetics.—The following acts and the causing thereof are violations of the Florida Drug and Cosmetic Act:

(6) The advertising of any drug or device represented to have any effect in any of the following conditions, disorders, diseases, or processes:

(dd) *Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome or related disorders or conditions.*

Section 19. Subsection (3) of section 384.23, Florida Statutes, is amended to read:

384.23 Definitions.—

(3) "Sexually transmissible disease" means a bacterial, viral, fungal, or parasitic disease, determined by rule of the department to be sexually transmissible, to be a threat to the public health and welfare, and to be a disease for which a legitimate public interest will be served by providing for regulation and treatment. In considering which diseases are to be designated as sexually transmissible diseases, the department shall consider such diseases as chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/Acute Salpingitis, syphilis, and Human Immunodeficiency T-lymphotropic Virus type III (HTLV-III) infection for designation, and shall consider the recommendations and classifications of the centers for disease control and other nationally recognized medical authorities. Not all diseases that are sexually transmissible need be designated for the purposes of this act.

Section 20. Section 384.24, Florida Statutes, is amended to read:

384.24 Unlawful acts.—It is unlawful for any person who has chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/Acute Salpingitis, syphilis, or Human Immunodeficiency T-lymphotropic Virus type III (HTLV-III) infection, when such person knows he is infected with one or more of these diseases and when such person has been informed that he may communicate this disease to another person through sexual intercourse, to have sexual intercourse with any other person, unless such other person has been informed of the presence of the sexually transmissible disease and has consented to the sexual intercourse.

Section 21. Subsection (2) of section 384.25, Florida Statutes, is amended to read:

384.25 Reporting required.—

(2) The department shall adopt rules specifying the information required in and a minimum time period for reporting a sexually transmissible disease. In adopting such rules, the department shall consider the need for information, protections for the privacy and confidentiality of the patient, and the practical ability of persons and laboratories to report in a reasonable fashion. ~~The department Rules pursuant to reporting of HTLV-III infection shall be limited to physician reporting and shall require reporting of include only~~ physician diagnosed cases of Acquired Immune Deficiency Syndrome (AIDS) and AIDS Related Complex based upon diagnostic criteria from the Centers for Disease Control of the United States Public Health Service. *The department shall require reporting of cases of Human Immunodeficiency Virus infection by July 1, 1989.*

Section 22. Section 384.27, Florida Statutes, is amended to read:

384.27 Physical examination and treatment.—

(1) Subject to the provisions of ~~subsections subsection~~ (3) and (4), the department and its authorized representatives may examine or cause

to be examined persons suspected of being infected with or exposed to a sexually transmissible disease.

(2) Subject to the provisions of ~~subsections subsection~~ (3) and (4), persons with a sexually transmissible disease or reasonably suspected of being infected with or exposed to a sexually transmissible disease shall report for complete examination or treatment, as appropriate, to a physician licensed under the provisions of chapter 458 or chapter 459, or shall submit to treatment at a county public health unit or other public facility, until the disease is noncommunicable.

(3) No person shall be apprehended, examined, or treated for a sexually transmissible disease against his will, except upon the presentation of a warrant duly authorized by a court of competent jurisdiction. In requesting the issuance of such a warrant, the department shall show by *clear and convincing a preponderance of* evidence that a threat to the public's health and welfare exists unless such warrant is issued and shall show that all other reasonable means of obtaining compliance have been exhausted and that no other less restrictive alternative is available.

(4) *No order requiring a person to be examined or treated for a sexually transmissible disease shall be issued unless:*

(a) *A hearing has been held of which the person has received at least 72 hours prior written notification and unless the person has received a list of the proposed actions to be taken and the reasons for each one.*

(b) *The person has the right to attend the hearing, to cross-examine witnesses, and to present evidence.*

(c) *The person has a right to an attorney to represent him, and to have an attorney appointed on his behalf if he cannot afford one.*

(5) *In issuing an order requiring a person to be examined or treated, the court may, at the request of the department and upon a showing of good cause, also order the person to participate in a designated education or counseling program, or appear before the department at regular intervals for periodic retesting, or both, as the court determines appropriate based on the person's actions, statements, and risk to the public.*

(6) *When a sexually transmissible disease is not capable of being treated on an outpatient basis in order to render it noncommunicable, or when a sexually transmissible disease can be treated only by requiring hospitalization, placement in a residential facility, or other similar methods, the provisions of s. 384.28 rather than this section shall be applied. However, a person may be examined for this type of sexually transmissible disease under the provisions of this section.*

Section 23. Section 384.28, Florida Statutes, is amended to read:

384.28 Hospitalization, placement and residential ~~Quarantine and~~ isolation.—

(1) Subject to the provisions of ~~subsections subsection~~ (2) and (3), the department may *petition the circuit court to order* a person to be isolated, hospitalized, placed in another health care or residential facility, or isolated from the general public in his own or another's residence, or a place to be ~~quarantined and~~ made off limits to the public as a result of the probable spread of a sexually transmissible disease, until such time as the condition can be corrected or the threat to the public's health eliminated or reduced in such a manner that a substantial threat to the public's health no longer exists.

(2) No person may be ordered to be isolated, hospitalized, placed in another health care or residential facility, or isolated from the public in his own or another's residence, and no place may be ordered to be ~~made off limits quarantined~~, except upon the order of a court of competent jurisdiction and upon proof:

(a) By the department by clear and convincing evidence that the public's health and welfare are significantly endangered by a person with a sexually transmissible disease or by a place where there is a significant amount of sexual activity likely to spread a sexually transmissible disease; ~~and~~

(b) *That the person with the sexually transmissible disease has been counseled about the disease, about the significant threat the disease poses to other members of the public, and about methods to minimize the risk to the public and despite such counseling indicates an intent by words or action to expose the public to infection from the sexually transmissible disease; and*

(c)(b) That all other reasonable means of correcting the problem have been exhausted and no less restrictive alternative exists.

(3) No person may be ordered to be hospitalized, placed in another health care or residential facility, or isolated in his own or another's residence by a county or circuit court unless:

(a) A hearing has been held of which the person has received at least 72 hours prior written notification and unless the person has received a list of the proposed actions to be taken and the reasons for each one.

(b) The person has the right to attend the hearing, to cross-examine witnesses, and to present evidence.

(c) The person has a right to an attorney to represent him, and to have an attorney appointed on his behalf if he cannot afford one.

(4) An order for hospitalization, placement in another health or residential facility, or isolation from the general public in his own or another's residence, if issued, will be valid for no more than 180 days, or for a shorter period of time if the department, or the court upon petition, determines that the person no longer poses a substantial threat to the community. Orders for hospitalization, placement, or isolation in a residence may contain additional requirements for adherence to a treatment plan or participation in counseling or education programs as appropriate. Such orders may not be renewed without affording the person all rights conferred in subsections (2) and (3).

(5) No order for hospitalization or placement in another health care or residential facility may require the placement of a person under the age of 18 years in a unit of a facility designed to accommodate only adults.

(6) No order for hospitalization or placement in another health care or residential facility shall require the placement of a person in a facility designated for the treatment of Acquired Immune Deficiency Syndrome, Acquired Immune Deficiency Syndrome Related Complex, or Human Immunodeficiency Virus infection when that facility contains the maximum number of persons for which the Legislature has appropriated funds in the annual appropriations act.

(7) The department is authorized to establish, directly or by contract, facilities to serve persons ordered to be hospitalized or placed in another health care or residential facility pursuant to a court order under this section.

(8) The court, counsel, and local law enforcement officials, as appropriate, shall consult with the department to determine advisable infection control procedures to be taken during any court hearing or detention concerning a person infected with a sexually transmissible disease.

~~(3) This section shall be considered supplemental to the existing authorities and powers of the department and shall not be construed to restrain or restrict the department in protecting the public health under other sections of law.~~

Section 24. Section 384.281, Florida Statutes, is created to read:

384.281 Emergency hold.—

(1) The department may file a petition before a circuit court requesting that an emergency hold be placed on a person when the department has evidence that:

(a) The person is infected with a sexually transmitted disease, or there is a reasonable basis for believing the person is infected with a sexually transmissible disease;

(b) The person poses an immediate and substantial threat to the public;

(c) The person evidences a reckless disregard for the health of the public or demonstrates an inability or unwillingness to conduct himself in such a manner as to not place others at risk; and

(d)1. The person is not likely to appear at a hearing scheduled under s. 384.27 or s. 384.28;

2. The person provides evidence by words or action that he is likely to leave the jurisdiction of the court prior to his hearing date; or

3. The person is likely to continue to expose the public to the risk of a sexually transmissible disease until his hearing date.

(2) No emergency hold order may be issued unless the court finds that:

(a) The department has requested a hearing under s. 384.27 or s. 384.28 to consider the examination, treatment, or placement of the person infected with or reasonably suspected of being infected with a sexually transmissible disease;

(b) The department presents competent evidence that a substantial danger to the public health will exist unless the emergency hold order is issued;

(c) The department has no other reasonable alternative means of reducing the threat to the public health; and

(d) The department is likely to prevail on the merits in a hearing under s. 384.27 or s. 384.28.

(3) When issuing an order for an emergency hold, the court shall direct the sheriff to immediately confine the person infected with or reasonably suspected of being infected with a sexually transmissible disease. The sheriff shall confine and isolate the person in such a manner as required by the court. The sheriff, counsel, and the court shall consult with the department concerning advisable methods of infection control to be undertaken in order to reduce the opportunity for the disease to spread to other persons.

(4) In order to speed the time for a full hearing, the person confined under an emergency hold order may waive the notice periods for hearings required under s. 384.27 or s. 384.28. In no case may an order for an emergency hold exceed 5 days.

Section 25. Section 384.282, Florida Statutes, is created to read:

384.282 Naming of parties.—

(1) When requesting an order from a circuit court under the provisions of s. 384.27, s. 384.28, or s. 384.281, the department shall substitute a pseudonym for the true name of the person to whom the order pertains.

(2) All court decisions, orders, petitions, and other formal documents shall be styled in a manner to protect the name of the party from public revelation.

(3) The department and its authorized representatives, the court, and other parties to the lawsuit shall not reveal the name of any person subject to these proceedings except as permitted in s. 384.29.

Section 26. Section 384.283, Florida Statutes, is created to read:

384.283 Service of notice and processes; sheriff to deliver person to state program.—

(1) All notices required to be given, all petitions and warrants, and all processes issued and all orders entered pursuant to ss. 384.27, 384.28, and 384.281 shall be served by the sheriff of the county in which the person alleged to be infected with a sexually transmissible disease resides or is found.

(2) The judge, in his order for hospitalization or placement in another health care or residential facility under s. 384.28, shall direct the sheriff of the county in which such person resides or is found to take the person into his custody and immediately deliver him to the director of the facility named in the order.

Section 27. Section 384.284, Florida Statutes, is created to read:

384.284 Forms to be developed.—The department shall develop and furnish to the circuit court all forms necessary under ss. 384.27, 384.28, and 384.281, and the court may use such forms as it determines appropriate.

Section 28. Section 384.285, Florida Statutes, is created to read:

384.285 Right of appeal; immediate release.—

(1) Any person who is aggrieved by the entry of an order under s. 384.27, s. 384.28, or s. 384.281 shall have the period of time provided by the Rules of Appellate Procedures within which to appeal said order. Every order entered under the terms of ss. 384.27, 384.28, and 384.281 shall be executed immediately unless the court entering such order or the

appellate court, in its discretion, enters a supersedeas order and fixes the terms and conditions thereof.

(2) Any person who is examined, treated, hospitalized, placed in another health care or residential facility, isolated in his residence, or placed in emergency hold as a result of an order entered under s. 384.27, s. 384.28, or s. 384.281 may at any time petition the circuit court for immediate release and termination of the order.

(3) Any person petitioning a court for immediate release and termination of the order entered under authority of s. 384.27, s. 384.28, or s. 384.281 must show that the original order was issued by mistake or fraud, or:

(a) That there has been a substantial change in the original facts and circumstances upon which the order was issued; or

(b) That he no longer poses an immediate and substantial threat to the health and welfare of the public.

(4) When considering a petition for immediate release, and prior to making any release, the court shall consult the department and the patient's physician, if any, concerning the patient's medical condition and any other related factors that may affect the present and future danger to the public that may be caused by the patient's release.

(5) When granting a petition for immediate release, the court may impose those conditions it believes reasonably necessary to protect the public from infection with a sexually transmissible disease.

Section 29. Section 384.286, Florida Statutes, is created to read:

384.286 Temporary leave.—Persons who have been hospitalized, placed in another health care or residential facility, or isolated in their residence may be granted a short term temporary leave at the discretion of the department or its authorized representatives provided the department determines that the emergency leave will be closely monitored and will not endanger the public health. Temporary leave may be granted for therapeutic purposes, in the event of death or critical illness in the person's family, or for another emergency.

Section 30. Section 384.287, Florida Statutes, is created to read:

384.287 Adherence to treatment; penalties.—

(1) The department or its authorized representatives or a physician licensed under chapter 458 or chapter 459 shall prescribe a treatment plan for each person known to be infected with a sexually transmissible disease. The prescribed plan shall contain target dates for rendering the infection noncommunicable, or changing behavior so that a substantial risk to the public no longer exists, as appropriate, and required period for reexamination or retesting, as appropriate, and reporting to the department the results of these examinations and tests.

(2) The department may petition a circuit court, under the provisions of s. 384.27, s. 284.28, or s. 384.281, as it deems appropriate, to require adherence to treatment plans prescribed under subsection (1).

(3) Any person infected with a sexually transmissible disease who fails to comply with a treatment plan or any other requirement that may be imposed by the court pursuant to s. 384.27, s. 384.28, or s. 384.281, or any parent, guardian, or custodian of a person under the age of 18 who fails to comply with a treatment plan or any other requirement of the court, or any person who aids or abets failure to comply with treatment plans and other requirements of the court may be punished by contempt, in addition to any other penalty that may be applied under s. 384.34.

(4) Contempt proceedings may be initiated by the department or its authorized representatives.

Section 31. Section 384.288, Florida Statutes, is created to read:

384.288 Fees and other compensation; payment by board of county commissioners.—

(1) For the services required to be performed under the provisions of ss. 384.27, 384.28, and 384.281, compensation shall be paid as follows:

(a) The sheriff shall receive the same fees and mileage as are prescribed for like services in criminal cases.

(b) The counsel appointed by the court to represent an indigent person shall receive such reasonable compensation as is fixed by the court appointing him.

(2) All fees, mileage, and charges shall be taxed by the court as costs in each proceeding and shall be paid by the board of county commissioners out of the general fund or fine and forfeiture fund of the county.

Section 32. Section 384.34, Florida Statutes, is amended to read:

384.34 Penalties.—

(1) Any person who violates the provisions of s. 384.24, ~~s. 384.26, or s. 384.29~~ is guilty of a misdemeanor of the ~~first~~ second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who violates the provisions of s. 384.26 or s. 384.29 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)~~(2)~~ Any person who maliciously disseminates any false information or report concerning the existence of any sexually transmissible disease is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)~~(3)~~ Any person who violates the provisions of the department's rules pertaining to sexually transmissible diseases may be punished by a fine not to exceed \$500 for each violation. Any penalties enforced under this subsection shall be in addition to other penalties provided by this act.

Section 33. Section 381.612, Florida Statutes, is created to read:

381.612 Patient care for persons with Human Immunodeficiency Virus infection.—The department may establish Acquired Immune Deficiency Syndrome Patient Care Networks in each region of the state where the numbers of cases of Acquired Immune Deficiency Syndrome and other Human Immunodeficiency Virus infections justifies the establishment of cost-effective regional patient care networks. Such networks shall be delineated by rule of the department, which shall take into account natural trade areas and centers of medical excellence that specialize in the treatment of Acquired Immune Deficiency Syndrome, as well as available federal, state, and other funds. Each patient care network shall include representation of persons with Human Immunodeficiency Virus infection; health care providers; business interests; the department, including, but not limited to, public health units; and local units of government. Each network shall plan for the care and treatment of persons with Acquired Immune Deficiency Syndrome and Acquired Immune Deficiency Syndrome Related Complex in a cost-effective, dignified manner which emphasizes outpatient and home care. Once each year, beginning April 1989, each network shall make its recommendations concerning the needs for patient care to the department.

Section 34. Subsection (1) of section 381.703, Florida Statutes, is amended to read:

381.703 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(a) Local health councils are hereby established as public or private nonprofit agencies serving the counties of a district of the department. The members of each council shall be appointed in an equitable manner by the county commissions having jurisdiction in the respective district. Each council shall be composed of a number of persons equal to 1½ times the number of counties which compose the district or 12 members, whichever is greater. Each county in a district shall be entitled to at least one member on the council. The balance of the membership of the council shall be allocated among the counties of the district on the basis of population, rounded to the nearest whole number; except that in a district composed of only two counties, no county shall have fewer than four members. The department shall adopt a rule allocating membership of the various counties pursuant to this paragraph which designates the number of initial appointments from each county, the appointees who shall be representatives of health care providers, health care purchasers, and nongovernmental health care consumers, but not excluding elected government officials, and which provides for an orderly rotation of the appointment of the various classifications of members among the counties in each district. The members of the consumer group shall include a

representative number of persons over 60 years of age. A majority of council members shall consist of health care purchasers and health care consumers. The members of the local health council shall elect a chairman. Members shall serve for terms of 2 years and may be eligible for reappointment.

(b) Each local health council shall:

1. Develop a district plan, using uniform methodology as set forth by the department, which shall permit each local health council to develop goals and criteria based on its unique local health needs. The district plan shall be submitted to the department and updated periodically and shall be in a form prescribed by the department. The elements of a district plan which are necessary to the review of certificate-of-need applications for proposed projects within the district shall be adopted by the department as a part of its rules. The district plan shall include, but need not be limited to:

a. The availability, quality of care, efficiency, appropriateness, accessibility, extent of utilization, and adequacy of existing health care facilities and services and hospices in the district.

b. The need, availability, and adequacy of other health care facilities and services and hospices in the district, including outpatient care and ambulatory or home care services, which may serve as less costly alternatives to proposed or available health care facilities and services.

c. The probable economies and improvements in services that may be derived from operation of joint, cooperative, or shared health care and health planning resources.

d. The need in the district for special equipment and services which are not reasonably and economically accessible in adjoining areas.

e. The need for research and educational facilities, including, but not limited to, institutional and community training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels, and for other health care practitioners.

f. *A description of: the existing care and treatment network for persons with Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome, and Acquired Immune Deficiency Syndrome Related Complex, as delineated in s. 381.612; an analysis of service and facility needs for the identified patient population; and recommendations on an annual basis to the department and the Legislature regarding additional service needs for such patients residing in the district.*

2. Stimulate the development of cooperative arrangements relating to the health manpower training efforts of educational institutions and service institutions and the health manpower recruitment and retention efforts of medically underserved communities.

3. Identify and encourage community resources and mechanisms to facilitate consumer choice and market competition in health care by providing data, information, and analysis on charges, resource availability, and certification.

4. Advise the district administrator of the department on health care resource allocations, including federal block grant funds, and work with the district administrator, the district alcohol, drug abuse, and mental health planning councils, and the areawide agency on aging in developing and carrying out a health resources allocation plan.

5. Implement activities to increase public awareness of community health needs and emphasize advantages of preventive health activities and cost-effective health service selection.

6. Assist the department in carrying out data collection activities that relate to the functions set forth in this subsection.

7. Monitor the onsite construction progress, if any, of projects and report their findings to the department on forms provided by the department.

8. Advise and assist regional planning councils and local governments within each respective district on the development of optional plan elements to address the health goals and policies in the State Comprehensive Plan.

9. Monitor and evaluate the adequacy, appropriateness, and effectiveness, within the district, of state funds distributed to meet the needs of the medically indigent. A report on indigent care shall be prepared by

each local health council and submitted to the Statewide Health Council no later than January 1 of each year. At a minimum, the report shall include the following elements:

a. An inventory of services within the district providing health care to Medicaid and medically indigent clients.

b. An assessment of the use of those services by Medicaid and medically indigent clients.

c. An evaluation of the population need within the district for indigent health care services and a determination of whether or not that need is being met.

d. A summary presentation of public opinion in communities throughout the district on the needs of the medically indigent and the services provided to meet these needs.

e. Recommendations for improving health care services for the medically indigent.

10. *Have the responsibility in conjunction with the Department of Health and Rehabilitative Services and Statewide Health Council of planning and coordinating services at the local level for persons with Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Acquired Immune Deficiency Syndrome Related Complex.*

(c) Local health councils may conduct public hearings pursuant to s. 381.709(3)(b).

(d) Local health councils may employ personnel to carry out the councils' purposes. Such personnel shall possess qualifications and be paid salaries commensurate with comparable positions in the Career Service System. However, such personnel shall not be deemed to be state employees.

(e) Each local health council is authorized to accept and receive, in furtherance of its health planning functions, funds, grants, and services from governmental agencies and from private or civic sources, and to perform studies related to local health planning in exchange for such funds, grants, or services. Each local health council shall, no later than January 30 of each year, render an accounting of the receipt and disbursement of such funds received by it to the department. The department shall consolidate all such reports and submit such consolidated report to the Legislature no later than March 1 of each year. Funds received by a local health council pursuant to this paragraph shall not be deemed to be a substitute for, or an offset against, any funding provided pursuant to subsection (3).

Section 35. Paragraphs (g) and (h) are added to subsection (6) of section 409.266, Florida Statutes, to read:

409.266 Medical assistance.—

(6) The following services may also be provided to eligible Medicaid recipients in addition to the federally required Medicaid services, provided that the department promulgates and enforces rules requiring appropriate program monitoring or prior authorization and review of services, coinsurance, bulk purchasing when fiscally beneficial, written certification from providers that services were rendered, and other procedures necessary to prevent fraud and abuse in the utilization of these services:

(g) *Azidothymidine, also known as zidovudine and retrovir, and any other drug approved by the United States Food and Drug Administration for the treatment of Acquired Immune Deficiency Syndrome, Acquired Immune Deficiency Syndrome Related Complex, or Human Immunodeficiency Virus infection, but only for those classes of patients whom the department determines would significantly benefit from such drugs on the basis of clinical trials and other competent medical evidence the State Health Officer determines to be scientifically valid.*

(h) *Comprehensive community-based care for Medicaid eligible recipients with Human Immunodeficiency Virus infection, which shall be developed through a home and community-based waiver of federal regulations.*

The department shall periodically review expenditures for these services, and if expenditure trends indicate a higher rate of utilization than can be funded by the current appropriation for these services, the secretary is authorized, after providing 2 weeks' notice to participating providers and eligible recipients, to either temporarily or permanently terminate reimbursement for these services. All providers and recipients of these ser-

vices shall be subject to the penalty provisions of s. 409.325 regarding Medicaid fraud. Except as provided in this subsection, the department shall not require copayment or coinsurance on Medicaid services without legislative authorization. The department shall protect, to the extent possible under state and federal laws, the use of patient medical records.

Section 36. Section 455.2416, Florida Statutes, is created to read:

455.2416 Practitioner disclosure of confidential information; immunity from civil or criminal liability.—If a patient who has tested positive for Human Immunodeficiency Virus discloses to a practitioner regulated through the division of medical quality assurance of the department the identity of a spouse or other sexual partner, and if, after recommendation from such practitioner to do so, the patient refuses to notify the spouse or sexual partner of the positive test and refuses to refrain from further sexual activity during which the virus may be transmitted, and if, pursuant to a perceived civil duty or the ethical guidelines of the profession, the practitioner advises the spouse or sexual partner of the patient of the positive test and facts concerning the transmission of the virus, then no civil action or criminal prosecution shall be instituted against and there shall be no liability of such practitioner on account of such disclosure of otherwise confidential information.

Section 37. Subsections (1) and (4) of section 796.08, Florida Statutes, are amended to read:

796.08 Screening for sexually transmissible diseases; providing penalties.—

(1)(a) For the purposes of this section, “sexually transmissible disease” means a bacterial, viral, fungal, or parasitic disease, determined by rule of the department to be sexually transmissible, a threat to the public health and welfare, and a disease for which a legitimate public interest will be served by providing for regulation and treatment.

(b) In considering which diseases are to be designated as sexually transmissible diseases, the department shall consider such diseases as chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/Acute Salpingitis, syphilis, and Human Immunodeficiency T-lymphotropic Virus type III (HTLV-III) infection for designation and shall consider the recommendations and classifications of the Centers for Disease Control and other nationally recognized authorities. Not all diseases that are sexually transmissible need be designated for purposes of this statute.

(4) Any person who commits prostitution and who, prior to the commission of such crime, had tested positive for a sexually transmissible disease and knew or had been informed that he had tested positive for a sexually transmissible disease and that he could possibly communicate such disease to another person through sexual activity is guilty of a misdemeanor of the first second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person may be convicted and sentenced separately for a violation of this subsection and for the underlying crime of prostitution.

Section 38. Subsection (1) of section 624.155, Florida Statutes, is amended to read:

624.155 Civil remedy.—

(1) Any person may bring a civil action against an insurer when such person is damaged:

(a) By a violation of any of the following provisions by the insurer:

1. Section 626.9541(1)(i), (o), or (x);
2. Section 626.9551;
3. Section 626.9705;
4. Section 626.9706;
5. Section 626.9707; or
6. Section 627.429; or
7. Section 627.7282; or

(b) By the commission of any of the following acts by the insurer:

1. Not attempting in good faith to settle claims when, under all the circumstances, it could and should have done so, had it acted fairly and honestly toward its insured and with due regard for his interests;

2. Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made; or

3. Except as to liability coverages, failing to promptly settle claims, when the obligation to settle a claim has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage.

Notwithstanding the provisions of the above to the contrary, a person pursuing a remedy under this section need not prove that such act was committed or performed with such frequency as to indicate a general business practice.

Section 39. Section 627.429, Florida Statutes, is created to read:

627.429 Medical tests for Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome for insurance purposes.—

(1) PURPOSE.—The purpose of this section is to prohibit unfair practices in the indemnity of life and health insurance with respect to exposure to the Human Immunodeficiency Virus infection and related matters, and thereby reduce the possibility that a person may suffer unfair discrimination when purchasing life and health insurance.

(2) SCOPE.—

(a) This section applies to all life and health insurance policies, and the underwriting thereof, which are issued in this state or are issued outside this state pursuant to s. 627.5515 or s. 627.6515 covering residents of this state and to multiple employer welfare arrangements defined in s. 624.437. For purposes of this section, insurer shall include authorized multiple employer welfare arrangements.

(b) This section shall not prohibit an insurer from contesting a policy or claim to the extent allowed by law.

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

(a) “AIDS” means Acquired Immune Deficiency Syndrome.

(b) “ARC” means AIDS-Related Complex.

(c) “HIV” means the Human Immunodeficiency Virus identified as the causative agent of AIDS.

(4) UTILIZATION OF MEDICAL TESTS FOR UNDERWRITING.—

(a) With respect to the issuance of or the underwriting of a policy regarding exposure to the HIV infection and sickness or medical conditions derived from such infection, the insurer shall only utilize medical tests which are reliable predictors of risk. A test which is recommended by the Centers for Disease Control or by the federal Food and Drug Administration is deemed to be reliable for the purposes of this section. A test which is rejected or not recommended by the Centers for Disease Control or the federal Food and Drug Administration is a test which is deemed to be not reliable for the purposes of this section. If a specific Centers for Disease Control or the federal Food and Drug Administration recommended test indicates the existence or potential existence of exposure to the HIV infection or a sickness or medical condition related to the HIV infection, before relying on a single test result to deny or limit coverage or to rate the coverage, the insurer shall follow the applicable Centers for Disease Control or federal Food and Drug Administration recommended test protocol and shall utilize any applicable Centers for Disease Control or federal Food and Drug Administration recommended follow-up tests or series of tests to confirm the indication.

(b) Prior to testing, the insurer shall disclose its intent to test the person for the HIV infection or for a specific sickness or medical condition derived therefrom and shall obtain the person's written informed consent to administer the test. Written informed consent must include the provision of pretest counseling on the meaning of a test for Human Immunodeficiency Virus, including medical indications for the test; the possibility of false positive or false negative results; the potential need for confirmatory testing; the potential social, medical, and economic consequences of a positive test result; and the need to eliminate high-risk behavior.

(c) A person shall be notified of a positive test result by a physician designated by the applicant. Such notification must include:

1. Face-to-face post-test counseling on the meaning of the test results; the possible need for additional testing; the social, medical, and economic

consequences of a positive test result; and the need to eliminate behavior which might spread the disease to others.

2. The availability in the geographic area of any appropriate health care services, including mental health care, and appropriate social and support services;

3. The benefits of locating and counseling any individual by whom the infected individual may have been exposed to Human Immunodeficiency Virus and any individual whom the infected individual may have exposed to the virus; and

4. The availability, if any, of the services of public health authorities with respect to locating and counseling any individual described in subparagraph 3.

(d) A medical test for exposure to the HIV infection, or for a sickness or medical condition derived from such infection, shall only be required of or given to a person if the test is based on the person's current medical condition or medical history or triggered by threshold coverage amounts which apply to all persons within the risk class. Sexual orientation shall not be used in the underwriting process or in the determination of which applicants shall be tested for exposure to the HIV infection. Neither the marital status, the living arrangements, the occupation, the gender, the beneficiary designation, nor the zip code or other territorial classification of an applicant shall be used to establish the applicant's sexual orientation.

(e) An insurer may inquire whether a person has been tested positive for exposure to the HIV infection or been diagnosed as having ARC or AIDS caused by the HIV infection or other sickness or condition derived from such infection. An insurer shall not inquire whether the person has been tested for or has received a negative result from a specific test for exposure to the HIV infection or for a sickness or a medical condition derived from such infection.

(f) Insurers shall maintain strict confidentiality regarding medical test results with respect to exposure to the HIV infection or a specific sickness or medical condition derived from such exposure. Information regarding specific test results shall not be disclosed outside the insurance company or its employees, insurance affiliates, agents, or reinsurers, except to the person tested and to persons designated in writing by the person tested. Specific test results for exposure to the HIV infection shall not be furnished to an insurer industry data bank if a review of the information would identify the individual and the specific test results.

(g) No laboratory may be used by an insurer or insurance support organization for the processing of HIV-related tests unless it is certified by the United States Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, permitting testing of specimens obtained in interstate commerce, and subjects itself to ongoing proficiency testing by the College of American Pathologists, the American Association of Bio Analysts, or an equivalent program approved by the Centers for Disease Control of the United States Department of Health and Human Services.

(5) RESTRICTIONS ON COVERAGE EXCLUSIONS AND LIMITATIONS.—

(a) An insurer of a group policy shall not exclude coverage of an eligible individual because of a positive test result for exposure to the HIV infection or a specific sickness or medical condition derived from such exposure, either as a condition for or subsequent to the issuance of the policy, provided that this prohibition shall not apply to individuals applying for coverage where individual underwriting is otherwise allowed by law.

(b) Subject to the total benefits limits in a health insurance policy, no health insurance policy shall contain an exclusion or limitation with respect to coverage for exposure to the HIV infection or a specific sickness or medical condition derived from such infection, except as provided in a preexisting condition clause, provided that nothing contained in this paragraph shall be construed to prohibit the issuance of accident only or specified disease health policies.

(c) Except for preexisting conditions specifically applying to a sickness or medical condition of the insured, benefits under a life insurance policy shall not be denied or limited based on the fact that the insured's death was caused, directly or indirectly, by exposure to the HIV infection or a specific sickness or medical condition derived from such infection, provided that nothing contained in this paragraph shall be construed to prohibit the issuance of accidental death only or specified disease policies.

Section 40. Subsection (1) of section 627.411, Florida Statutes, is amended to read:

627.411 Grounds for disapproval.—

(1) The department shall disapprove any form filed under s. 627.410, or withdraw any previous approval thereof, only if the form:

(a) Is in any respect in violation of, or does not comply with, this code.

(b) Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

(c) Has any title, heading, or other indication of its provisions which is misleading.

(d) Is printed or otherwise reproduced in such manner as to render any material provision of the form substantially illegible.

(e) If for health insurance, provides benefits which are unreasonable in relation to the premium charged or contains provisions which are unfair or inequitable or contrary to the public policy of this state or which encourage misrepresentation.

(f) *Excludes coverage for Human Immunodeficiency Virus infection or Acquired Immune Deficiency Syndrome or contains limitations in the benefits payable, or in the terms or conditions of such contract, for Human Immunodeficiency Virus infection or Acquired Immune Deficiency Syndrome which are different than those which apply to any other sickness or medical condition.*

Section 41. Section 627.6265, Florida Statutes, is created to read:

627.6265 Cancellation or nonrenewal prohibited.—Notwithstanding any other provision of law to the contrary, no insurer shall cancel or non-renew the health insurance policy of any insured because of diagnosis or treatment of Human Immunodeficiency Virus infection or Acquired Immune Deficiency Syndrome.

Section 42. Section 627.6646, Florida Statutes, is created to read:

627.6646 Cancellation or nonrenewal prohibited.—Notwithstanding any other provision of law to the contrary, no insurer shall cancel or non-renew the health insurance policy of any insured because of diagnosis or treatment of Human Immunodeficiency Virus infection or Acquired Immune Deficiency Syndrome.

Section 43. Section 641.28, Florida Statutes, is amended to read:

641.28 Civil remedy.—In any civil action brought to enforce the terms and conditions of a health maintenance organization contract or because a person is aggrieved by a violation of s. 641.3109 by a health maintenance organization, the prevailing party is entitled to recover reasonable attorney's fees and court costs. This section shall not be construed to authorize a civil action against the department, its employees, or the Insurance Commissioner or against the Department of Health and Rehabilitative Services, its employees, or the secretary of that department.

Section 44. Section 641.3109, Florida Statutes, is created to read:

641.3109 Human Immunodeficiency Virus infection and Acquired Immunodeficiency Syndrome for contract purposes.—

(1) PURPOSE.—The purpose of this section is to prohibit unfair practices in a health maintenance organization contract with respect to exposure to the Human Immunodeficiency Virus infection and related matters, and thereby reduce the possibility that a health maintenance organization subscriber or applicant may suffer unfair discrimination when subscribing to or applying for the contractual services of a health maintenance organization.

(2) SCOPE.—This section applies to all health maintenance contracts which are issued in this state or which are issued outside this state but cover residents of this state. This section shall not prohibit a health maintenance organization from contesting a contract or claim to the extent allowed by law.

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

- (a) "AIDS" means Acquired Immune Deficiency Syndrome.
- (b) "ARC" means AIDS-Related Complex.
- (c) "HIV" means Human Immunodeficiency Virus identified as the causative agent of AIDS.

(4) UTILIZATION OF MEDICAL TESTS.—

(a) With respect to the issuance of or the underwriting of a health maintenance organization contract regarding exposure to the HIV infection and sickness or medical conditions derived from such infection, no health maintenance organization shall only utilize medical tests which are reliable predictors of risk. A test which is recommended by the Centers for Disease Control or by the federal Food and Drug Administration is deemed to be reliable for the purposes of this section. A test which is rejected or not recommended by the Centers for Disease Control or the federal Food and Drug Administration is a test which is deemed to be not reliable for the purposes of this section. If a specific Centers for Disease Control or the federal Food and Drug Administration recommended test indicates the existence or potential existence of exposure by the HIV infection or a sickness or medical condition related to the HIV infection, before relying on a single test result to deny or limit coverage or to rate the coverage, the health maintenance organization shall follow the applicable Centers for Disease Control or federal Food and Drug Administration recommended test protocol and shall utilize any applicable Centers for Disease Control or federal Food and Drug Administration recommended follow-up tests or series of tests to confirm the indication.

(b) Prior to testing, the health maintenance organization must disclose its intent to test the person for the HIV infection or for a specific sickness or medical condition derived therefrom and must obtain the person's written informed consent to administer the test. Written informed consent must include the provision of pretest counseling on the meaning of a test for Human Immunodeficiency Virus, including medical indications for the test; the possibility of false positive or false negative results; the potential need for confirmatory testing; the potential social, medical, and economic consequences of a positive test result; and the need to eliminate high-risk behavior.

(c) A person shall be notified of a positive test result by a physician designated by the applicant. Such notification must include:

1. Face-to-face post-test counseling on the meaning of the test results; the possible need for additional testing; the social, medical, and economic consequences of a positive test result; and the need to eliminate behavior which might spread the disease to others;
2. The availability in the geographic area of any appropriate health care services, including mental health care, and appropriate social and support services;
3. The benefits of locating and counseling any individual by whom the infected individual may have been exposed to Human Immunodeficiency Virus and any individual whom the infected individual may have exposed to the virus; and
4. The availability, if any, of the services of public health authorities with respect to locating and counseling any individual described in subparagraph 3.

(d) A medical test for exposure to the HIV infection or for a sickness or medical condition derived from such infection shall only be required of or given to a person if the test is required or given to all subscribers or applicants or if the decision to require the test is based on the person's medical history. Sexual orientation shall not be used in the underwriting process or in the determination of which subscribers or applicants for enrollment shall be tested for exposure to the HIV infection. Neither the marital status, the living arrangements, the occupation, the gender, the beneficiary designation, nor the zip code or other territorial classification of an applicant shall be used to establish the applicant's sexual orientation.

(e) A health maintenance organization may inquire whether a person has been tested positive for exposure to the HIV infection or been diagnosed as having AIDS or ARC caused by the HIV infection or other sickness or medical condition derived from such infection. A health maintenance organization shall not inquire whether a person has been tested for or has received a negative result from a specific test for exposure to the

HIV infection or for a sickness or medical condition derived from such infection.

(f) A health maintenance organization shall maintain strict confidentiality regarding medical test results with respect to the HIV infection or a specific sickness or medical condition derived from such infection. Information regarding specific test results shall not be disclosed outside the health maintenance organization, its employees, its marketing representatives, or its insurance affiliates, except to the person tested and to persons designated in writing by the person tested. Specific test results shall not be furnished to an insurance industry or health maintenance organization data bank if a review of the information would identify the individual and the specific test results.

(g) No laboratory may be used by an insurer or insurance support organization for the processing of HIV-related tests unless it is certified by the United States Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, permitting testing of specimens obtained in interstate commerce, and subjects itself to ongoing proficiency testing by the College of American Pathologists, the American Association of Bio Analysts, or an equivalent program approved by the Centers for Disease Control of the United States Department of Health and Human Services.

(5) RESTRICTIONS ON CONTRACT EXCLUSIONS AND LIMITATIONS.—

(a) A health maintenance organization contract shall not exclude coverage of a member of a subscriber group because of a positive test result for exposure to the HIV infection or a specific sickness or medical condition derived from such infection, either as a condition for or subsequent to the issuance of the contract, provided that this prohibition shall not apply to persons applying for enrollment where individual underwriting is otherwise allowed by law.

(b) No health maintenance organization contract shall exclude or limit coverage for exposure to the HIV infection or a specific sickness or medical condition derived from such infection, except as provided in a preexisting condition clause.

Section 45. Paragraph (b) of subsection (3) of section 641.31, Florida Statutes, is amended to read:

641.31 Health maintenance contracts.—

(3)

(b) The department shall disapprove any form filed under this subsection, or withdraw any previous approval thereof, only if the form:

1. Is in any respect in violation of, or does not comply with, any provision of this part or rule adopted thereunder.
2. Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.
3. Has any title, heading, or other indication of its provisions which is misleading.
4. Is printed or otherwise reproduced in such a manner as to render any material provision of the form substantially illegible.
5. Contains provisions which are unfair, inequitable, or contrary to the public policy of this state or which encourage misrepresentation.
6. *Excludes coverage for Human Immunodeficiency Virus infection or Acquired Immune Deficiency Syndrome or contains limitations in the benefits payable, or in the terms or conditions of such contract, for Human Immunodeficiency Virus infection or Acquired Immune Deficiency Syndrome which are different than those which apply to any other sickness or medical condition.*

Section 46. Severability.—If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 47. The sum of \$100,000 is appropriated from the General Revenue Fund to the Department of Health and Rehabilitative Services for the conduct of epidemiological studies pursuant to section 381.614, Florida Statutes.

Section 48. Section 381.606, Florida Statutes, is hereby repealed.

Section 49. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

The Committee on Appropriations recommended the following amendments to Amendment 1 which were moved by Senator Myers and adopted:

**Amendment 1A**—On page 20, line 13, through page 21, line 17, strike all of said language and renumber subsequent sections.

**Amendment 1B**—On page 21, line 24, strike “each inmate must” and insert: an inmate will

**Amendment 1C**—On page 22, line 12, strike “shall” and insert: may

**Amendment 1D**—On page 42, line 29, through page 43, line 7, strike all of said language and renumber subsequent sections.

**Amendment 1E**—On page 45, line 16, through page 46, line 17, strike all of said language and renumber subsequent sections.

The Committee on Appropriations recommended the following amendment which was moved by Senator Myers:

**Amendment 1F**—On page 48, lines 14 and 15, and on page 55, lines 6 and 7, strike “the potential social, medical, and economic consequences of a positive test result;”

Senator Myers moved the following substitute amendment which was adopted:

**Amendment 1G**—On page 48, lines 9-16, and on page 55, lines 1-8, strike all of said language after “administer the test.” and insert: Written informed consent shall include a fair explanation of the test, including its purpose, potential uses, and limitations, and the meaning of its results and the right to confidential treatment of information. Use of a form approved by the department shall raise a conclusive presumption of informed consent.

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

**Amendment 1H**—On page 48, line 18, and on page 55, line 10, after “applicant” insert: or, in the absence of such designation, by the Department of Health and Rehabilitative Services

**Amendment 1I**—On page 48, lines 22 and 23, and on page 55, lines 14 and 15, strike “the social, medical, and economic consequences of a positive test result;”

**Amendment 1J**—On page 52, line 29, through page 53, line 10, strike all of said language and renumber subsequent sections.

**Amendment 1K**—On page 58, between lines 26 and 27, insert:

Section 46. Each section which is added to chapter 627, Florida Statutes, by this act is repealed on October 1, 1992, and shall be reviewed by the Legislature prior to that date pursuant to s. 11.61, Florida Statutes.

Section 47. Section 641.3109, Florida Statutes, is repealed on October 1, 1991, and shall be reviewed by the Legislature prior to that date.

(Renumber subsequent sections.)

**Amendment 1L**—On page 59, strike all of lines 3-6 and renumber subsequent sections.

Senator Myers moved the following amendment which was adopted:

**Amendment 1M**—On page 51, between lines 13 and 14, insert:

(d) It shall be permissible for any major medical or comprehensive accident and health policy for which individual underwriting is authorized by law to contain a provision excluding coverage for expenses related to AIDS or ARC if, in the opinion of a legally qualified physician, the insured, prior to the first anniversary of the insured’s coverage under the policy, first exhibited objective manifestations of AIDS or ARC which are attributable to no other cause or was diagnosed as having AIDS or ARC, provided that:

1. The applicant for the policy is not required to submit to any medical tests for HIV infection;
2. The policy provision must:

a. Be set forth separately from the policy’s other exclusion and limitation provisions;

b. Have an appropriate caption or heading;

c. Be disclosed and referenced in a conspicuous manner on the policy data page; and

d. Contain a statement that the exclusion will not apply to any person if the insurer does not assert the defense before the person has been insured under the policy for 2 years;

3. When the insurer first determines that an insured would be subject to the effect of the exclusion, the insurer must notify the insured in writing of this determination within 90 days, even if there are no claims for AIDS or ARC, and failure to provide timely written notice will bar the insurer from using the exclusion; and

4. Objective manifestations of AIDS or ARC first exhibited after the 12-month manifestation period must be covered the same as any other illness.

**Amendment 1** as amended was adopted.

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

**Amendment 2**—In title, on pages 1-7, strike everything before the enacting clause and insert: A bill to be entitled An act relating to Acquired Immune Deficiency Syndrome; creating s. 381.607, F.S.; providing legislative findings and intent; creating s. 381.608, F.S.; requiring the Department of Health and Rehabilitative Services to establish an AIDS education program; amending s. 232.246, F.S.; including AIDS and other sexually transmitted disease education in the life management skills high school course; amending s. 233.0672, F.S., relating to health education in the public schools; providing content of instruction in Acquired Immune Deficiency Syndrome, sexually transmitted diseases, and human sexuality; amending s. 233.067, F.S.; including certain sexually transmissible diseases in the term “comprehensive health education”; adding required elements to be included in inservice education programs; amending s. 240.2097, F.S.; requiring certain materials related to AIDS to be included in university student handbooks; creating s. 240.3191, F.S.; requiring that community colleges compile and annually update student handbooks; providing for information relating to controlled substances and alcoholic beverages and AIDS education to be included in student handbooks; requiring retail establishments selling or renting adult merchandise to post certain information about Acquired Immune Deficiency Syndrome upon the premises; requiring a written warning of the danger of developing acquired immune deficiency syndrome as a result of certain procedures; creating s. 381.609, F.S.; prescribing guidelines for testing for Human Immunodeficiency Virus; creating s. 230.336, F.S.; providing that the Department of Health and Rehabilitative Services shall notify the appropriate superintendent of schools of the names and addresses of school students or employees who have tested positive for, or been diagnosed as having, certain communicable diseases; creating s. 381.6105, F.S.; providing safeguards for organ, blood, and other tissue transfers and transplants; creating s. 945.701, F.S., requiring the Department of Corrections to test inmates for exposure to the human immunodeficiency virus; providing certain access to test results; requiring certain segregation of inmates; creating s. 951.27, F.S.; requiring testing of inmates; providing for confidentiality of test results; creating s. 381.614, F.S.; providing for research by the Department of Health and Rehabilitative Services; amending s. 499.005, F.S.; prohibiting the sale or delivery of self test kits for AIDS or HIV; amending s. 499.0054, F.S.; prohibiting the advertising of any drug or device represented to affect AIDS or HIV or a related disease; amending s. 384.23, F.S.; redefining the term “sexually transmissible disease”; amending s. 384.24, F.S.; conforming the prohibition against certain sexual intercourse to the redefinition of the term “sexually transmissible disease”; amending s. 384.25, F.S.; removing a limitation on reporting of AIDS cases; amending s. 384.27, F.S.; prescribing procedures for requiring persons to undergo AIDS examination and treatment; amending s. 384.28, F.S.; providing for hospitalization and isolation of persons; creating s. 384.281, F.S.; providing procedures for emergency hold of persons suspected of having sexually transmissible diseases; creating s. 384.282, F.S.; requiring the use of pseudonyms in judicial proceedings; creating s. 384.283, F.S.; providing for service of notice and process; creating s. 384.284, F.S.; providing for forms; creating s. 384.285, F.S.; providing for appeals; creating s. 384.286, F.S.; providing for temporary leave for hospitalized or isolated persons; creating s. 455.2416, F.S.; providing immunity from civil and criminal liability for certain practitioners

for disclosure of confidential information; creating s. 384.287, F.S.; providing for adherence to required treatment; creating s. 384.288, F.S.; prescribing fees to be paid for certain services; amending s. 384.34, F.S.; increasing the penalty for engaging in sexual intercourse when infected with a sexually transmissible disease; creating s. 381.612, F.S.; providing for patient care for persons with HIV; amending s. 381.703, F.S.; providing for local health council and statewide health council involvement in AIDS health care planning; amending s. 409.266, F.S.; providing for certain drugs and care for Medicaid recipients; amending s. 796.08, F.S.; increasing the penalty for engaging in prostitution when infected with a sexually transmissible disease; amending s. 624.155, F.S.; providing civil remedies to those aggrieved by certain insurance practices relating to AIDS and HIV; creating s. 627.429, F.S.; prohibiting certain discriminatory practices with respect to AIDS and HIV in life and health insurance; amending s. 627.411, F.S.; providing for disapproval of certain insurance forms which exclude AIDS or HIV coverage; creating ss. 627.6265, 627.6646, F.S.; prohibiting cancellation of health or group health insurance due to diagnosis of AIDS or HIV; amending s. 641.28, F.S.; providing civil remedies to those aggrieved by certain health maintenance organization practices relating to AIDS and HIV; creating s. 641.3109, F.S.; prohibiting certain discriminatory practices with respect to AIDS and HIV in health maintenance organizations; creating s. 641.31, F.S.; providing for disapproval of certain health maintenance organization forms which exclude AIDS or HIV coverage; providing severability; providing an appropriation; repealing s. 381.606, F.S., relating to testing for infectious disease; providing an effective date.

The Committee on Appropriations recommended the following amendments to Amendment 2 which were moved by Senator Myers and adopted:

**Amendment 2A**—In title, on page 2, line 26, through page 3, line 1, strike all of said language and insert: transfers and transplants; creating s. 951.27, F.S.; authorizing testing of inmates; providing

**Amendment 2B**—In title, on page 4, line 17, strike "certain drugs and"

**Amendment 2C**—In title, on page 4, strike all of lines 21-24 and insert: transmissible disease; creating s. 627.429,

**Amendment 2D**—In title, on page 5, strike all of lines 2-5 and insert: or HIV; creating s. 641.3109,

**Amendment 2E**—In title, on page 5, line 11, after the semicolon (;) insert: providing for the review and repeal of s. 627.429, 627.6265, 627.6646, and 641.3109, F.S.;

**Amendment 2F**—In title, on page 5, line 12, strike "providing an appropriation;"

**Amendment 2** as amended was adopted.

On motion by Senator Myers, by two-thirds vote CS for HB 1519 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Barron, Kirkpatrick, Peterson, Stuart

**HB 1683**—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.131, F.S.; providing for the issuance of more than two "temporary tags" by the Department of Highway Safety and Motor Vehicles under certain circumstances; disallowing the purchase of such tags under certain circumstances; amending s. 320.27, F.S.; providing definitions with respect to motor vehicle dealers; providing an exemption from licensure as a wholesale motor vehicle dealer; defining "salvage

motor vehicle dealer"; providing that specified persons must file a set of fingerprints with the department; revising language with respect to license certificates; providing additional penalties; revising language with respect to denial, suspension or revocation of license; providing for deposit of specified fees; amending s. 320.60, F.S.; revising the definition of "agreement" or "franchise agreement"; defining "line-make vehicles"; creating s. 320.605, F.S.; providing legislative intent with respect to regulation of the licensing of motor vehicles dealers and manufacturers; amending s. 320.61, F.S.; requiring certain motor vehicle manufacturers, importers, and distributors to be licensed; providing for jurisdiction with respect to such licensees; amending s. 320.62, F.S.; conforming language; amending s. 320.63, F.S.; revising language with respect to application for license and contents thereof; amending s. 320.64, F.S.; revising language with respect to denial, suspension or revocation of license; creating s. 320.6403, F.S.; providing for distribution agreements and for obligations of manufacturers and importers; amending s. 320.6405, F.S.; revising language with respect to franchise agreements and obligations of the manufacturer and its agent; amending s. 320.641, F.S.; providing criteria for determination of whether or not a discontinuation, cancellation or non-renewal of a franchise agreement is unfair; providing criteria with respect to abandoned franchise agreements; prohibiting replacement dealers for a certain time period; amending s. 320.642, F.S.; providing procedure with respect to dealer licenses in areas previously served; amending s. 320.643, F.S.; expanding provisions with respect to procedure for transfer of a franchise agreement; amending s. 320.644, F.S.; providing clarifying language with respect to a change in executive management or a transfer of the franchise; amending s. 320.645, F.S.; deleting language making it unnecessary for a proposed motor vehicle dealer to provide exclusive facilities and personnel under certain circumstances; amending s. 320.696, F.S.; providing clarifying language with respect to reasonable compensation for work by a motor vehicle dealer for warranty repairs or service on behalf of a licensee; creating s. 320.699, F.S.; providing a procedure for administrative hearings and adjudications; creating s. 320.6991, F.S.; providing for the dismissal of certain proceedings; providing an appropriation; providing for application of the act; saving ss. 320.27-320.31, F.S., and ss. 320.60-320.71, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendments which were adopted:

**Amendment 1**—On page 43, strike all of lines 1-5 and renumber subsequent sections.

**Amendment 2**—In title, on page 3, lines 5 and 6, strike "providing an appropriation;"

On motion by Senator Margolis, by two-thirds vote HB 1683 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**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.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Kiser:

**Amendment 1**—On page 28, strike all of Section 22 and insert:

Section 22. This act shall take effect January 1, 1989, except section 17 shall take effect January 1, 1990.

Senator Kiser moved the following substitute amendment which was adopted:

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

Section 23. This act shall take effect January 1, 1989, except this section and section 22 shall take effect July 1, 1988, or upon becoming a law, whichever occurs later, and section 18 shall take effect January 1, 1990.

Senator Kiser moved the following amendments which were adopted:

**Amendment 3**—On page 17, between lines 15 and 16, insert:

Section 11. Reinspections; reinspection facilities; rules; minority business participation.—

(1) All inspection stations shall be authorized to reinspect any motor vehicle which fails to pass an inspection required by this act. However, no fee shall be charged for such reinspection.

(2) Any motor vehicle repair shop, as defined in section 559.903(2), Florida Statutes, may apply to the department, on a form approved by the department, to be certified as a reinspection facility to reinspect motor vehicles which fail to pass inspections required by this act.

(3) Reinspection facilities certified pursuant to this section may reinspect motor vehicles which fail to pass inspections required by this act. Upon reinspection of a motor vehicle and a determination that such motor vehicle passes the inspection required by this act, the reinspection facility shall certify such passage on a reinspection certificate and shall furnish such certificate to the motor vehicle owner. The reinspection certificate shall be in the same form and content as the original inspection certificate.

(4) The Department of Environmental Regulation shall adopt, by rule, standards for certification of equipment used for reinspections, shall obtain and approve the most advanced technology available on the open market, and shall periodically update and evaluate currently certified equipment.

(5) To ensure uniform and consistent repairs and reinspections by qualified mechanics, reinspection facilities shall only utilize equipment which has been certified by the Department of Environmental Regulation.

(6) The department shall compile and maintain records using the sampling methodology necessary to ensure the scientific validity and reliability of all repairs and reinspections performed by reinspection facilities

certified pursuant to this section, shall establish requirements for reinspection facilities certified to conduct reinspections, and shall monitor their performance.

(7) Record and data collection systems for the reinspection facilities must provide the same capability of being directly integrated into the original or first inspection data collection system. To assure a minimum of expense to the department and a minimum level of monitoring of the reinspection facilities, the department may contract for the data collection, exhaust analyzers, and supervisory assistance necessary to integrate the reinspection data management network into the original inspection data management network. It is the intent of the Legislature that reinspection facilities be supervised, monitored, and audited in the most efficient and effective manner possible.

(8) The licensure procedures for reinspection facilities, including application fees and any other prescribed fees, shall be at least equal to the licensure procedures established for self-inspectors in this act, except that the surety bond required shall be \$25,000 for motor vehicle repair shops licensed as reinspection facilities.

(9) Reinspection facilities certified by the department are expressly prohibited from issuing waivers and from assessing a reinspection fee.

(10) To the extent possible, no less than 10 percent of the reinspection facilities certified by the department shall be owned and controlled by small business concerns defined as minority business enterprises in section 288.703(2), Florida Statutes.

(Renumber subsequent sections.)

**Amendment 4**—On page 7, lines 26-31, and on page 8, lines 1-13, strike all of said lines and insert: fee provided in section 13.

(3) The department shall, by rule, develop uniform safety standards applicable to:

- (a) Brakes;
- (b) Tires;
- (c) Undercarriage, steering linkage and suspension; and
- (d) Any other item the department deems necessary to be inspected.

(4) Each vehicle presented for safety inspection shall receive a written report of the defects found, if any, and a written description of repairs likely to bring the vehicle into compliance with safety standards adopted by the department. All safety inspection reports shall be considered advisory in nature and subject to the provisions of section 14.

(5) In addition to the reporting requirements set forth in section 16, the contractor shall collect and maintain

Senator Margolis moved the following amendment which failed:

**Amendment 5**—On page 28, before line 1, insert:

Section 22. Optional safety inspections; rules, enforcement.—

(1) By majority vote of its governing body, each county in the program area may establish a safety inspection program by requesting the department to require the contractor to provide a safety inspection program in the county for a period of not less than 5 years. Counties designated by the Department of Environmental Regulation as air quality nonattainment areas as of the effective date of this act or counties in the emissions inspection program under the provisions of section 4, must exercise the option to require safety inspection prior to December 1, 1988. Any county which thereafter becomes a nonattainment area must exercise the option within 6 months of such designation.

(2) In any county which adopts a safety inspection program, each motor vehicle with a gross vehicle weight of 10,000 pounds or less, except vehicles exempted by subsection (3), shall have the following inspected:

- (a) Brakes;
- (b) Tires;
- (c) Front end alignment;
- (d) Underbody, steering linkages, and suspension;
- (e) Operability of lights;
- (f) Operability of wipers; and

(g) Any other item which the department determines by rule to be inspected.

(3) The following vehicles are not subject to safety inspection:

(a) Golf carts as defined in section 320.01, Florida Statutes;

(b) Farm vehicles as defined in section 320.51, Florida Statutes;

(c) Ancient motor vehicles as defined in section 320.086, Florida Statutes;

(d) Motorcycles and mopeds as defined in section 320.01, Florida Statutes;

(e) "Street rods" as defined in section 320.0863, Florida Statutes; and

(f) Any vehicle which is exempted by rule of the department.

(4) The department shall by rule establish uniform standards for safety inspections.

(5) Any vehicle failing safety inspection may not be registered pursuant to chapter 320, Florida Statutes, until the motor vehicle complies with the safety standards adopted by the department.

(6) Upon request, the department shall provide the governing board of any county considering inclusion in the safety inspection program with information describing a proposed program structure and operation of the program in the county.

(Renumber subsequent section.)

Senator Kiser moved the following amendment which was adopted:

**Amendment 6**—In title, on page 1, line 28, after the semicolon(;) insert: providing for reinspections by motor vehicle repair facilities;

On motion by Senator Kiser, by two-thirds vote CS for CS for SB 1056 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Deratany

**HB 1454**—A bill to be entitled An act relating to 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; creating part I of chapter 420, F.S.; the "State Housing Incentive Partnership Act of 1988"; providing legislative findings; providing policy and purpose; providing definitions; creating the State Housing Trust Fund; amending s. 380.0666, F.S.; correcting a reference; 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 Loan 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 loan preference to community development corporations and communi-

ty-based organizations; establishing a pilot program for housing cooperatives; creating ss. 420.303-420.33, F.S., the Housing Predevelopment Assistance Act; providing legislative findings and purpose; providing definitions; establishing the Housing Predevelopment Trust Fund; authorizing loans and grants 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 applicability; 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; providing duties of the Department of Community Affairs; amending s. 420.609, F.S.; revising membership of the Affordable Housing Study Commission; extending the commission and revising its duties; creating s. 420.4255, F.S.; creating a Neighborhood Housing Services Grant Fund; creating s. 410.504, F.S.; providing for responsibilities of the Board of Regents regarding establishment of multidisciplinary centers on elderly living environments; requiring annual reports; creating part IX of chapter 420, F.S.; creating the "Maintenance of Housing for the Elderly Act of 1988"; providing legislative findings; providing intent; providing definitions; 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; amending s. 420.606, F.S.; providing a Training and Technical Assistance Program; establishing the Multidisciplinary Center for Affordable Housing; transferring s. 420.011, F.S., to part II of chapter 420, F.S., and renumbering as s. 420.102, F.S.; providing legislative findings; providing purpose; providing definitions; creating the Pocket of Poverty Trust Fund; providing for the pocket of poverty program in the community of Immokalee; providing legislative findings and intent, program creation and administration, pilot community description, local comprehensive farmworker housing plan, review of plans, application procedure, and accountability; 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 s. 34 of Chapter 86-192, Laws of Florida, to delete reference to the multi-disciplinary center on elderly living environments; repealing s. 20.18(5), F.S., relating to the Florida Housing Advisory Council; repealing ss. 420.001 and 420.005, F.S., relating to the Florida Housing Act of 1972; repealing ss. 420.40-420.417, F.S., relating to the "Farmworker Housing Assistance Act"; repealing s. 420.607, F.S., relating to the community-based organization loan program; repealing ss. 420.701-420.713, F.S., relating to the "Florida Mobile Home Relocation Site Acquisition and Development Act of 1986"; providing an effective date.

—having been amended May 30, was taken up with pending **Amendment 3**, which was adopted.

On motion by Senator Meek, the Senate reconsidered the vote by which Amendment 2 was adopted May 30.

**Amendment 2** failed.

Senator Meek moved the following amendments which were adopted:

**Amendment 4**—On page 66, between lines 7 and 8 insert:

Section 27. Paragraphs (j) and (k) of subsection (2) and subsection (3) of section 420.623, Florida Statutes, are amended, and subsection (4) is added to said section, to read:

420.623 Local coalitions for the homeless.—

(2) FUNCTIONS OF LOCAL COALITIONS.—Major functions of the local coalitions shall be to:

(j) Collect and compile information relating to the homeless population served and regularly report on a regular basis, but at least annually, such information to the department, as directed by the department.

(k) Develop an annual local plan of action which shall include:

1. The description, documentation, and priority ranking of local needs related to the problems of homelessness.

2. A plan outlining steps to be taken in meeting identified needs.

3. Spending plans pursuant to the grant-in-aid program created under s. 420.625. Spending plans shall include a competitive ranking of applications from local agencies eligible for funding pursuant to the provisions of s. 420.625.

(3) **DEPARTMENT GUIDELINES.**—The department shall develop guidelines for coalition activities, coalition reports, and for development of local plans of action.

(4) **ANNUAL REPORTS.**—The department shall submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate, by June 30, beginning in 1989, an annual report consisting of a compilation of data collected by local coalitions in each district, local spending plans, programs and resources available at the local level, and recommendations for programs and funding.

Section 28. Section 420.625, Florida Statutes, is created to read:

420.625 *Grant-in-aid program.*—

(1) **LEGISLATIVE FINDINGS.**—The Legislature hereby finds and declares that most services for the homeless have been provided by local communities through voluntary private agencies and religious organizations and that the growing numbers and increasing needs of the homeless have generally outstripped the capabilities of such local agencies to adequately respond to the problems of the homeless in Florida. The Legislature further recognizes that the level of need and types of problems associated with homelessness may vary widely from community to community, due to the diversity and geographic distribution of the homeless population and the resulting differing needs of particular communities. While the need of all homeless and displaced persons for services is recognized, it is the legislative intent that, in awarding financial assistance to local agencies under this section, preference be given to those agencies offering services targeted for the new and temporary homeless.

(2) **PURPOSE.**—The principal objective of this program is to provide needed assistance to local agencies to enable them to:

(a) Assist persons in their communities who have become, or are about to become, homeless.

(b) Where possible, restore the homeless living in their communities to suitable living conditions and self-sufficiency as quickly as possible.

(3) **ESTABLISHMENT.**—There is hereby established a grant-in-aid program to help local communities in serving the needs of the homeless through a variety of supportive services, which may include, but are not limited to:

(a) Public education and outreach programs.

(b) Information and referral services, including state and local telephone hotlines and local emergency shelter location and housing location services.

(c) Case management services.

(d) Emergency financial assistance for persons who are totally without shelter or facing loss of shelter, but who are not eligible for such assistance under s. 420.627.

(e) Emergency and temporary shelter programs.

(f) Temporary rent and income supplements.

(g) Job counseling and assistance programs, including temporary day care services, for persons seeking employment.

(h) Meals programs.

(i) Services coordination.

(4) **APPLICATION PROCEDURE.**—Local agencies shall submit an application for grant-in-aid funds to the district administrator for review. During the first year of implementation, district administrators shall begin to accept applications for district funds no later than October 1, 1988, and by August 1 of each year thereafter for which funding for this section is provided. District funds shall be made available to local agencies no more than 30 days after the deadline date for applications for each funding cycle.

(5) **SPENDING PLANS.**—The department shall develop guidelines for the development of spending plans and for the evaluation and approval by district administrators of spending plans, based upon such factors as:

(a) The demonstrated level of need for the program.

(b) The demonstrated ability of the local agency or agencies seeking assistance to deliver the services and to assure that identified needs will be met.

(c) The ability of the local agency or agencies seeking assistance to deliver a wide range of services as enumerated in subsection (3).

(d) The adequacy and reasonableness of proposed budgets and planned expenditures, and the demonstrated capacity of the local agency or agencies to administer the funds sought.

(e) A statement from the local coalition for the homeless as to the steps to be taken to assure coordination and integration of services in the district to avoid unnecessary duplication and costs.

(f) Assurances by the local coalition for the homeless that alternative funding strategies for meeting needs through the reallocation of existing resources, utilization of volunteers, and local government or private agency funding have been explored.

(g) The existence of an evaluation component designed to measure program outcomes and determine the overall effectiveness of the local programs for the homeless for which funding is sought.

(6) **ALLOCATION OF GRANT FUNDS TO DISTRICTS.**—State grant-in-aid funds for local initiatives for the homeless shall be allocated by the department to, and administered by, department districts. Allocations shall be based upon sufficient documentation of:

(a) The magnitude of the problem of homelessness in the district, and the demonstrated level of unmet need for services in the district for those who are homeless or are about to become homeless.

(b) A strong local commitment to seriously address the problem of homelessness as evidenced by coordinated programs involving preventative, emergency, and transitional services and by the existence of active local organizations committed to serving those who have become, or are about to become, homeless.

(c) Agreement by local government and private agencies currently serving the homeless not to reduce current expenditures for services presently provided to those who are homeless or are about to become homeless if grant assistance is provided pursuant to this section.

(d) Geographic distribution of district programs to ensure that such programs serve both rural and urban areas, as needed.

(7) **DISTRIBUTION TO LOCAL AGENCIES.**—District funds so allocated shall be available for distribution by the district administrator to local agencies to fund programs such as those set forth in subsection (3), based upon the recommendations of the local coalitions in accordance with spending plans developed by the coalitions and approved by the district administrator. Not more than 10 percent of the total state funds awarded under a spending plan may be used by the local coalition for staffing and administration.

(8) **LOCAL MATCHING FUNDS.**—Entities contracting to provide services through financial assistance obtained under this section shall provide a minimum of 25 percent of the funding necessary for the support of project operations. In-kind contributions, whether materials, commodities, transportation, office space, other types of facilities, or personal services, and contributions of money or services from homeless persons may be evaluated and counted as part or all of this required local funding, in the discretion of the district administrator.

Section 29. Section 13 of chapter 87-106, Laws of Florida, is hereby repealed.

**Amendment 5**—On page 66, between lines 7 and 8, insert:

Section 27. Subsection (3) of section 290.036, Florida Statutes, is amended to read:

290.036 Community development corporation support program.—

(3) After July 1, 1984, in no case shall a community development corporation be awarded more than one administrative grant per year for up to a total of 6 5 years; however, if an administrative grant is received by a community development corporation in a year for which the Legislature does not appropriate funds for loans under this act, that year shall not be counted for purposes of this 6-year 5-year limitation. The amount of any administrative grant to a community development corporation in any one year shall be any amount up to \$100,000. The department may fund up to 18 community development corporations each year, as provided for in the General Appropriations Act.

(Renumber subsequent sections.)

**Amendment 6**—In title, on page 4, line 6, after “elderly;” insert: amending section 3 of chapter 83-220, Laws of Florida, as amended, to reschedule the expiration date of certain provisions relating to the surtax on documents;

**Amendment 7**—In title, on page 4, line 19, after “1986;” insert: amending s. 420.623, F.S.; revising functions of the local coalitions for the homeless; requiring an annual report from the Department of Health and Rehabilitative Services; creating s. 420.625, F.S.; establishing a grant-in-aid program to assist local communities in serving the homeless; providing for administration through the districts of the Department of Health and Rehabilitative Services; requiring local matching funds; repealing section 13 of chapter 87-106, Laws of Florida, which provides an expiration date for provisions relating to local coalitions for the homeless;

On motion by Senator Meek, by two-thirds vote HB 1454 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crawford

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

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote HB 1473, Senate Bills 12, 184, 322, CS for SB 478, Senate Bills 608, 801, CS for SB 844, CS for SB 1030, SB 1262, CS for SB 1317 and CS for SB 1376 were withdrawn from the Committee on Appropriations.

#### SPECIAL ORDER, continued

The Senate resumed consideration of—

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

—which, having been considered May 30, was taken up with pending **Amendment 1**. The amendment was adopted.

On motion by Senator Malchon, by two-thirds vote CS for CS for SB's 42 and 49 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

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

Nays—3

Langley Peterson Weinstein

**CS for SB 484**—A bill to be entitled An act relating to service of process; amending s. 48.021, F.S.; providing an alternative procedure for serving nonenforceable civil process; creating s. 48.25, F.S.; providing a

short title; creating s. 48.27, F.S.; authorizing the chief judge in each judicial circuit to establish a list of certified process servers; providing for selection of a person from the list to serve process; creating s. 48.29, F.S.; providing for an application process and fee for certification as a process server; providing requirements for a certified process server applicant; providing additional rules and requirements may be ordered by the chief judge of the circuit; providing for entry of a person's name on the list of certified process servers; providing a penalty for resisting a certified process server in the execution of process; providing that certain identifying information appear on the face of the process served; providing the judicial circuit in which a certified process server may serve process; providing a procedure for certification in other circuits; providing for service of foreign process; authorizing the charging of fees by a certified process server; creating s. 48.31, F.S.; providing a procedure for removal and reinstatement of a certified process server's name from a list of certified process servers; providing a penalty; providing an exemption from application requirements for certification for specified process servers; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendments which were adopted:

**Amendment 1**—On pages 2-7, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 48.021, Florida Statutes, is amended to read:

48.021 Process; by whom served.—

(1) All process shall be served by the sheriff of the county where the person to be served is found, *except initial nonenforceable civil process may be served or by a special process server as provided for in this section or by a certified process server as provided for in ss. 48.25-48.31;* ~~but~~ Witness subpoenas may also be served by any person authorized by rules of procedure.

Section 2. Section 48.25, Florida Statutes, is created to read:

48.25 Short title.—Sections 48.25-48.31, may be cited as the “Florida Certified Process Server Act.”

Section 3. Section 48.27, Florida Statutes, is created to read:

48.27 Certified process servers.—

(1) The chief judge of each judicial circuit may establish an approved list of natural persons designated as certified process servers. The chief judge may periodically add to such list the names of those natural persons who have met the requirements for certification provided for in s. 48.29. Each person whose name has been added to the approved list is subject to annual recertification and reappointment by the chief judge of a judicial circuit.

(2) The addition of a person's name to the list authorizes him to serve initial nonenforceable civil process on a person found within the circuit when a civil action has been filed against such person in the circuit or county courts in the circuit. Upon filing an action in circuit or county court, a person may select from the list one or more certified process servers to serve initial nonenforceable civil process.

(3) Nothing herein shall be interpreted to exclude a sheriff or deputy or other person appointed by the sheriff pursuant to s. 48.021 from serving process or to exclude a person from appointment by individual motion and order to serve process in any civil action in accordance with Rule 1.070(b) of the Florida Rules of Civil Procedure.

Section 4. Section 48.29, Florida Statutes, is created to read:

48.29 Certification of process servers.—

(1) The circuit court administrator and the clerk of the court in each county in the circuit shall maintain the list of process servers approved by the chief judge of the circuit. Such list may, from time to time, be amended or modified to add or delete a person's name in accordance with the provisions of this section or s. 48.31.

(2) A person seeking the addition of his name to the approved list in any circuit shall submit an application to the chief judge of the circuit or his designee on a form prescribed by the court. A reasonable fee for processing the application may be charged.

- (3) A person applying to become a certified process server shall:
- (a) Be at least 18 years of age;
  - (b) Have no mental or legal disability;
  - (c) Be a permanent resident of the state;
  - (d) Submit to a background investigation, which shall include the right to obtain and review the criminal record of the applicant;
  - (e) Obtain and file with his application a certificate of good conduct, specifying that there is no pending criminal case against the applicant and that there is no record of any felony conviction, nor a record of a conviction of a misdemeanor involving moral turpitude or dishonesty, with respect to the applicant within the past 5 years;
  - (f) If prescribed by the chief judge of the circuit, submit to an examination testing his knowledge of the laws and rules regarding the service of process. The content of the examination and the passing grade thereon and the frequency and location at which such examination shall be offered shall be prescribed by the chief judge of the circuit. The examination, if any, shall be offered at least once annually;
  - (g) Execute a bond in the amount of \$5,000 with a surety company authorized to do business in this state for the benefit of any person wrongfully injured by any malfeasance, misfeasance, neglect of duty, or incompetence of the applicant in connection with his duties as a process server. Such bond shall be renewable annually; and
  - (h) Take an oath of office that he will honestly, diligently, and faithfully exercise the duties of a certified process server.
- (4) The chief judge of the circuit may, from time to time by administrative order, prescribe additional rules and requirements regarding the eligibility of a person to become a certified process server or to have his name maintained on the list of certified process servers.
- (5)(a) An applicant who completes the requirements set forth in this section and whose name the chief judge by order enters on the list of certified process servers shall be designated as a certified process server.
- (b) Each certified process server shall be issued an identification card bearing his identification number, printed name, signature, and photograph, the seal of the circuit court, and an expiration date. Each identification card shall be renewable annually upon proof of good standing and current bond.
- (6)(a) A certified process server shall place on the face of any process served by him, his printed name, signature, and identification number, and words stating that he is a certified process server in the circuit wherein he is serving the process. In addition, he shall endorse on the original process, and on all copies served, the date and hour of service.
- (b) Return of service shall be made by a certified process server on a form which has been reviewed and approved by the court.
- (7)(a) A person may qualify as a certified process server and have his name entered on the list in more than one circuit.
- (b) A process server whose name is on a list of certified process servers in more than one circuit may serve process on a person found in any such circuits.
- (c) A certified process server may serve foreign process in any circuit in which his name has been entered on the list of certified process servers for that circuit.
- (8) A certified process server may charge a fee for his services.

Section 5. Section 48.31, Florida Statutes, is created to read:

48.31 Removal of certified process servers; false return of service.—

(1) A certified process server may be removed from the list of certified process servers for any malfeasance, misfeasance, neglect of duty, or incompetence as provided by court rule.

(2) A certified process server must be disinterested in any process he serves, and if he willfully and knowingly executes a false return of service, he is guilty of a felony of the third degree, punishable as provided for in s. 775.082, s. 775.083, or s. 775.084, and shall be permanently barred from serving process in this state.

Section 6. A certified process server who, on the effective date of this act, is certified and in good standing under the provisions of an administrative order of the court or a local court rule shall be certified and in good standing under the provisions of this act without the necessity of filing a new application to become a certified process server, obtaining a new certificate of good conduct, posting a new bond, or taking a new examination.

Section 7. This act shall take effect October 1, 1988.

**Amendment 2**—In title, on pages 1 and 2, strike everything before the enacting clause and insert: A bill to be entitled An act relating to service of process; amending s. 48.021, F.S.; providing an alternative procedure for serving nonenforceable civil process; creating s. 48.25, F.S.; providing a short title; creating s. 48.27, F.S.; authorizing the chief judge in each judicial circuit to establish a list of certified process servers; providing for selection of a person from the list to serve process; creating s. 48.29, F.S.; providing for an application process and fee for certification as a process server; providing requirements for a certified process server applicant; providing additional rules and requirements may be ordered by the chief judge of the circuit; providing for entry of a person's name on the list of certified process servers; providing that certain identifying information appear on the face of the process served; providing the judicial circuit in which a certified process server may serve process; providing for certification in other circuits; providing for service of foreign process; authorizing the charging of fees by a certified process server; creating s. 48.31, F.S.; providing for removal of a certified process server's name from a list of certified process servers; providing a penalty; providing an exemption from application requirements for certification for specified process servers; providing an effective date.

On motion by Senator Langley, by two-thirds vote CS for SB 484 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Johnson, McPherson

**SB 765**—A bill to be entitled An act relating to trust accounting; amending s. 738.06, F.S.; deleting constructive dividends of ordinary income from Subchapter S corporations from inclusion in those corporate distributions that are to be treated as income by a trustee in the administration of a trust; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 765 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford

**CS for SB 782**—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.023, F.S.; defining the term "real property" for specified purposes under the Intangible Personal Property Tax Act; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote CS for SB 782 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Crawford

**SB 1377**—A bill to be entitled An act relating to trusts; providing that the interest of a spouse in a revocable trust executed by the other spouse terminates upon the dissolution of their marriage or upon their divorce; requiring administration of the trust after entry of such judgment as if the settlor's spouse had died; providing exceptions; amending s. 737.402, F.S.; providing that any type of trustee may terminate a trust having a market value of less than \$50,000 under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 1377 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Crawford

#### Senator Hair presiding

**SB 607**—A bill to be entitled An act relating to transportation; amending s. 341.369, F.S.; providing a high-speed rail line franchise fee; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, line 17, strike "high-speed-" and insert: *high-speed*

Senator Beard moved the following amendments which were adopted:

**Amendment 2**—On page 1, line 15, after "Transportation" insert: *in accordance with the annual appropriations act*

**Amendment 3**—On page 1, strike all of lines 21 and 22 and insert: *Department of Transportation. The payment schedule for this fee shall commence no later than two years, and be completed no later than five years, after the date of the award of the franchise; provided, however, that final payment shall be made prior to the commencement of operations of the high-speed rail line.*

Senator Meek moved the following amendment:

**Amendment 4**—On page 1, between lines 22 and 23, insert:

Section 2. Section 341.3025, Florida Statutes, is created to read:

341.3025 Multi-County public rail system fares and enforcement.—

(1) Any entity created pursuant to s. 163.01(7) which owns or operates a public rail system in two or more counties of the state, shall have the authority to adopt rules and regulations relating to the operation and management of its rail system, including regulations relating to fares, fees, and charges, for the use of the facilities and services of the system.

(2) It is unlawful for any person to ride the rail system without payment of the appropriate fare or causing goods or other items for which a fee is charged to be carried on the rail system without payment of the fee.

(3) Any person riding the rail system without paying the appropriate fare or causing goods or other items for which a fee is charged to be carried without paying such fee, shall be subject to citation by enforcement officers of the system and shall be subject to payment of a fine of \$50 excluding costs and fees. Such person shall also be subject to criminal charges as may be appropriate.

(a) The citation issued to a person in violation of this section shall state the reason for the citation, the amount of the fine and the court having jurisdiction of the offense.

(b) Each enforcement officer issuing a citation for an alleged violation of this section shall deposit the original and one copy of the citation with a court having jurisdiction over the alleged offense within 5 days after issuance to the violator.

(c) The entity operating the system shall maintain a copy of the citation.

(d) Upon the deposit of the original and one copy of such citation with a court having jurisdiction over the alleged offense, the original or copy of such citation may be disposed of only by trial in the court or other official action by a judge of the court, including forfeiture of the bail, or by the deposit of sufficient bail with, or payment of a fine to, the entity by the person to whom such citation has been issued.

(e) The entity shall maintain or cause to be maintained a record of the disposition of each citation issued.

(4) Any person cited for an offense under this section shall sign and accept a citation indicating a promise to appear.

(a) Any person who does not elect to appear shall pay the fine either by mail or in person within 30 days of the date of receiving the citation. If the person cited follows the above procedure, he shall be deemed to have admitted the infraction and to have waived his right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings.

(b) Any person electing to appear before the designated official shall be deemed to have waived his right to pay the penalty. The official, after a hearing, shall make a determination as to whether an infraction has been proven, the official may impose a civil penalty not to exceed \$500. If the official determines that no infraction has been committed, no cost or penalties shall be imposed and any cost or penalty which has been paid shall be returned.

(c) The commission of an offense must be proved beyond a reasonable doubt at any hearing.

(5) For the purpose of enforcing the payment of such fares, fees, and charges for use of the facilities and services of the system such entity shall have the authority:

(a) To employ enforcement officers or contract with a private firm or company to verify payment of appropriate fares or fees and to issue citations to persons traveling on the system without paying the appropriate fare or to persons who cause goods or other items for which a fee is charged to be carried without paying such fee. Such enforcement officer shall not carry firearms or other weapons or have arrest authority.

(b) To maintain records of citations issued and to accept payment of fines and costs.

(6) All fines and forfeitures received by any county court from violations of this section shall be paid monthly, less any administrative costs, to the entity operating the facility.

(7) Venue for prosecution or recovery for violations of rules or regulations adopted pursuant to this section, shall be in any county in which the person traveled or caused goods or other items subject to the provisions of this section to be carried.

(Renumber subsequent section.)

Further consideration of SB 607 as amended was deferred.

On motion by Senator Jennings, by two-thirds vote HB 365 was withdrawn from the Committee on Transportation.

On motion by Senator Jennings—

**HB 365**—A bill to be entitled An act relating to drivers' licenses; amending s. 322.17, F.S.; providing that where an instruction permit or driver's license is stolen the person may, at no charge, obtain a duplicate or substitute therefor; providing an effective date.

—a companion measure, was substituted for SB 881 and read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 365 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kiser	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	Jennings	Meek	Weinstein
Frank	Johnson	Myers	Woodson
Girardeau	Kirkpatrick	Peterson	

Nays—None

Vote after roll call:

Yea—Crawford, Jenne

On motion by Senator Woodson, by two-thirds vote HB 79 was withdrawn from the Committee on Transportation.

On motion by Senator Woodson—

**HB 79**—A bill to be entitled An act relating to state uniform traffic control; authorizing the operation of golf carts within any self-contained retirement community; authorizing the Department of Transportation, a county, or a municipality to prohibit such operation in certain circumstances; amending s. 316.212, F.S., authorizing the operation of a golf cart to cross roads or highways in the state under certain circumstances; authorizing the Department of Transportation or local governments to review and approve crossing locations; providing for the installation of required traffic controls; providing for the operation of golf carts and electrical vehicles in mobile home parks under certain circumstances; amending s. 320.58, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to delegate the authority to issue certain uniform traffic citations to personnel employed by the district school boards under certain circumstances; providing an effective date.

—a companion measure, was substituted for CS for SB 1051 and read the second time by title.

Senator Kiser moved the following amendments which were adopted:

**Amendment 1**—On page 3, line 22, insert a new Section 4 to read:

Section 4. Subsection (2) of section 320.02, Florida Statutes, is amended to read:

320.02 Registration required; application for registration; forms.—

(2)(a) The application for registration shall include the street address of the owner's permanent residence or the address of his permanent place of business. If the owner does not have a permanent residence or permanent place of business or if the owner's permanent residence or permanent place of business cannot be identified by a street address, the application shall include:

1. If the vehicle is registered to a business, the name and street address of the permanent residence of an owner of the business, an officer of the corporation, or an employee who is in a supervisory position.

2. If the vehicle is registered to an individual, the name and street address of the permanent residence of a close relative or friend who is a resident of this state.

(b) The department shall prescribe a form upon which motor vehicle owners shall *may* record odometer readings when registering their motor vehicles. ~~except that odometer readings are not required to be recorded for apportionable vehicles.~~

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 23, after the semicolon (;) insert: amending subsection (2) of s. 320.02, F.S.; regarding odometer readings on motor vehicle registrations.

On motion by Senator Woodson, by two-thirds vote HB 79 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford

Consideration of SB 1139 was deferred.

**CS for SB 1156**—A bill to be entitled An act relating to acquisition of real property by governmental entities; prohibiting a person from soliciting representation of, or other services to, the owner of real property the acquisition of which is being sought by a governmental entity, under certain circumstances; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote CS for SB 1156 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

**CS for SB 1193**—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.302, F.S.; increasing the hours of service a commercial motor vehicle driver may operate; providing exemptions from certain safety regulations; adopting certain safety regulations; revising safety regulations applicable with respect to transporting hazardous materials by commercial motor vehicle; providing exemptions from certain regulations; providing penalties for violating certain regulations; authorizing enforcement officers of the Department of Transportation and state highway patrolmen to inspect shipping documents and cargo of certain commercial motor vehicles; requiring that inspection notices be returned to the issuing agency along with evidence that the required repairs have been completed; amending s. 316.3025, F.S.; providing pen-

alties; repealing s. 2, ch. 87-536 and ss. 2, 3, ch. 88-2, Laws of Florida, relating to the expiration of certain prior amendments to s. 316.302, F.S., and the reversion to the text of that section as it existed on July 4, 1987, under certain circumstances; amending s. 320.0801, F.S.; providing for an additional surcharge on certain commercial motor vehicles; providing for disposition; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote CS for SB 1193 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Consideration of CS for SB 1229 was deferred.

**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.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for CS for SB 45 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Barron

**SB 1139**—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.1967, F.S.; providing that when an affidavit is submitted with respect to parking ticket violations indicating that the owner of the vehicle was not the violator, the affidavit shall be admissible under certain circumstances; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 2, between lines 5 and 6, insert:

Section 2. Paragraph (c) is added to subsection (3) of section 320.07, Florida Statutes, to read:

320.07 Expiration of registration; annual renewal required; penalties.—

(3) The operation of any motor vehicle without having attached thereto a registration license plate and validation stickers, or the use of any mobile home without having attached thereto a mobile home sticker, for the current registration period shall subject the owner thereof, if he is present, or, if the owner is not present, the operator thereof to the following penalty provisions:

(a) Any person whose motor vehicle or mobile home registration has been expired for a period of 4 months or less shall be subject to the penalty provided in s. 318.14.

(b) Any person whose motor vehicle or mobile home registration has been expired for more than 4 months is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) *However, no operator shall be charged with a violation of this subsection if the operator can show, pursuant to a valid lease agreement, that the vehicle had been leased for a period of 30 days or less at the time of the offense.*

(Renumber subsequent section.)

Senator Weinstein moved the following amendment which was adopted:

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

Section 2. Subsection (3) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(3) **LENGTH LIMITATION.**—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this section, a combination of motor vehicles not qualifying as commercial motor vehicles may consist of no more than two units coupled together; such nonqualifying combination of motor vehicles may not exceed a total length of 60 feet, inclusive of the load carried thereon, but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Notwithstanding any other provision of this section, a truck tractor-semitrailer combination engaged in the transportation of automobiles may transport motor vehicles on part of the power unit; and, except as may otherwise be mandated under federal law, an automobile carrier semitrailer may not exceed 50 feet in length, exclusive of the load; however, the load may extend up to an additional 3½ feet beyond the rear of the trailer.

(a) **Straight trucks.**—No straight truck may exceed a length of 40 feet in extreme overall dimension, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Any straight truck in excess of 35 feet in length may have no fewer than three load-bearing axles. A straight truck may tow no more than one trailer, and such trailer may not exceed the length limit prescribed for trailer cargo units in subparagraph (c)1.

(b) **Semitrailers.**—No semitrailer operating in a truck tractor-semitrailer combination may exceed 48 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. A semitrailer which exceeds 48 feet in length and is used to transport divisible loads and which was registered in this state in accordance with s. 320.08(5) and was in operation on the highways of this state on December 1, 1982, by virtue of a permit issued in accordance with s. 316.550 may continue to operate by virtue of such permit for the remaining life of the vehicle or until January 1, 1990, whichever is sooner, provided such trailer meets the requirements of this chapter relating to vehicle equipment and safety. Except for highways on the interstate highway system and those segments of the federal-aid primary system and other systems designated by the Department of Transportation, public roads

deemed unsafe for longer semitrailer vehicles or those roads on which such longer vehicles are determined not to be in the interest of public convenience shall, in conformance with s. 316.006, be restricted by the Department of Transportation or by the local authority to use by truck tractor-semitrailer combinations not exceeding a total length of 55 feet, inclusive of the load carried thereon but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Except as otherwise provided in this section, truck tractor-semitrailer combinations shall be afforded reasonable access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading.

(c) Tandem trailer trucks.—

1. No semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination may exceed a length of 28 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Except as otherwise provided in this section, tandem trailer trucks may operate only on routes on the tandem trailer truck highway network. Such network shall consist of all highways on the interstate highway system; those sections of the federal-aid primary system which are divided highways with four or more lanes and full control of access except sections on which truck traffic was specifically prohibited by law on January 6, 1983; and other designated routes consisting principally of four or more lanes and full control of access. Such other routes may be designated by the Department of Transportation if such routes are a part of the State Highway System, and may be nominated by the appropriate county, municipality, or expressway authority if such routes are part of the county road system, city street system, or expressway authority system, and shall meet the safety, roadway facility capability, and public convenience standards adopted by the Department of Transportation. Each county shall compile a listing of proposed tandem trailer truck network routes, if any, within its boundaries, including those city streets which may be nominated by local municipalities or any routes which may be nominated by expressway authorities located within the boundaries of such county. Each county shall, before September 1, 1983, furnish a copy of such listings, along with a map or maps showing the location of such nominated routes, to the district engineer of the Department of Transportation district in which the county is located. All such nominated routes must be approved by the Department of Transportation before being designated as a part of the tandem trailer truck highway network. The Department of Transportation shall compile, publish, and periodically update a statewide listing of routes on the tandem trailer truck highway network. Semitrailers and trailers of up to 28½ feet in length which existed on December 1, 1982, and which were actually and lawfully operating on that date within a 65-foot overall length limit in any state may operate on such designated roads. The Department of Transportation may restrict the days and hours of operation of any segment of the tandem trailer truck highway network based on considerations of safety, roadway facility capability, and public convenience.

2. Except as otherwise provided in this section, tandem trailer trucks shall be afforded access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading along highways on the State Highway System, but only in accordance with the standards established in this subsection. Access routes described in this subsection shall be approved, individually, by the Department of Transportation.

a. In a rural area, access may be afforded to such activities located within 1 mile of an interchange of a tandem trailer truck route, as designated by the Department of Transportation, along a 2-lane highway on the State Highway System and within 3 miles of such an interchange along a 4-lane highway on the State Highway System. In an urban area, access may be afforded to such activities located within 1 mile of an interchange of a tandem trailer truck route, as designated by the Department of Transportation, along a highway on the State Highway System which has lane widths of 12 feet or more. The Department of Transportation may restrict the use of interchanges for reasons of safety, roadway facility capabilities, or public convenience of the minor roadway.

b. An operator of a terminal facility located along the State Highway System outside the limits prescribed in sub-subparagraph a. may seek to obtain access for tandem trailer trucks by submitting a petition for such access to the Department of Transportation. Such petition shall include a recommendation as to the shortest reasonable route or routes of ingress and egress to serve the terminal facility. A separate petition must be submitted for each facility requesting access for tandem trailer trucks, and

each petition shall be prepared in accordance with rules of the Department of Transportation. The Department of Transportation shall, in accordance with its governing rules, and after consideration of safety, roadway facility capability, and public convenience, approve or disapprove such petition. The approval of a petition by the Department of Transportation shall also include issuance of an approved tandem trailer truck access map for each such approved facility, which map shall be made available by the facility operator, at his expense, to every driver of a tandem trailer truck using such facility. Approved access maps shall also be used by enforcement officials as the basis for enforcement action relating to the use of unapproved access routes.

3. Except as otherwise provided in this section, tandem trailer trucks shall be afforded access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading along county roads and city streets but only in accordance with the standards established in this subsection. Access routes described in this subsection shall be nominated by the responsible jurisdiction and approved, individually, by the Department of Transportation.

a. In a rural area, access may be afforded to such activities located within 1 mile of an interchange of a tandem trailer truck route, as designated by the Department of Transportation, along a 2-lane county road and within 3 miles of such an interchange along a 4-lane county road. In an urban area, access may be afforded to such activities located within 1 mile of an interchange of a tandem trailer truck route, as designated by the Department of Transportation, along a county road or city street having lane widths of 12 or more feet.

b. An operator of a terminal facility located along a county road or city street outside the limits prescribed in sub-subparagraph a. may seek to obtain access for tandem trailer trucks by submitting a petition for such access. Each petition for tandem trailer truck access routes involving roads on a county road system or streets on a city street system must be submitted by the petitioner to the applicable local authority or authorities for review. The authority or authorities must in turn submit the petition to the Department of Transportation for its approval. The Department of Transportation shall adopt uniform minimum standards and criteria for the receipt, consideration, and approval or disapproval of petitions for access to a local system by tandem trailer trucks. The minimum standards adopted by the Department of Transportation shall include petition application procedures which are consistent with those established for the State Highway System and shall include schedules for fines, fees, and forfeitures.

4. The Department of Transportation shall adopt rules and regulations which include schedules for fines, fees, and forfeitures. No fine, fee, or forfeiture may exceed \$250. Notwithstanding the provisions of any general or special law to the contrary, all local system tandem trailer truck access petition provisions shall be consistent with those adopted by the Department of Transportation, and no such local provision shall exceed the schedule for fines, fees, and forfeitures adopted by the Department of Transportation.

5. The owner or operator of a tandem trailer truck employed as a household goods carrier may petition the Department of Transportation for reasonable access to points of loading and unloading. The Department of Transportation shall, in accordance with its governing rules, and after consideration of safety, roadway facility capability, and public convenience, approve or disapprove such petition.

(Renumber subsequent section.)

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

**Amendment 3**—In title, on page 1, strike all of lines 2-8 and insert: An act relating to motor vehicles; amending s. 316.1967, F.S.; providing that when an affidavit is submitted with respect to parking ticket violations indicating that the owner of the vehicle was not the violator, the affidavit shall be admissible under certain circumstances; amending s. 320.07, F.S.; providing exemption for operators of leased vehicles; providing an

Senator Weinstein moved the following amendment which was adopted:

**Amendment 4**—In title, on page 1, line 8, after the semicolon (;) insert: amending s. 316.515, F.S.; substituting the term "vehicle" for the term "motor vehicle" in certain cases;

On motion by Senator Weinstein, by two-thirds vote SB 1139 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	Kiser	Scott
Beard	Grant	Langley	Stuart
Brown	Grizzle	Lehtinen	Thomas
Childers, D.	Hair	Malchon	Thurman
Childers, W. D.	Hill	Margolis	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

**CS for SB 286**—A bill to be entitled An act relating to child care; creating the Child Care Partnership Act; providing legislative intent; authorizing a grant program for private employers that contribute to the cost of child care for their employees' dependents; limiting the grant that may be received; requiring maintenance of records; providing that certain support services are part of the cost of care for purposes of the grant; providing that salaries and wages used to compute grants may not be used in computing certain other tax credits; providing for rules; providing for a report to the Office of the Governor and the Legislature; amending s. 402.3195, F.S.; extending the time period for the loan program under the Child Care Facility Trust Fund; providing an effective date.

—was read the second time by title.

Senator Weinstein moved the following amendment:

**Amendment 1**—On page 4, strike all of lines 21-24 and insert:

Section 3. Paragraph (d) of subsection (4) is republished and paragraph (a) of subsection (5) and subsection (9) of section 402.3195, Florida Statutes, are amended to read:

402.3195 Legislative intent; definition; Child Care Facility Trust Fund; loan program.—

(4) The department shall issue requests for proposals to establish or expand child care facilities in areas of the state with the greatest need for child care facilities. To be eligible to receive a loan, an applicant shall:

(d) Agree to make available up to 25 percent of the facility's child care slots for child care which is purchased by the department through central agencies, if a need and funding for such care exist.

No loan shall exceed \$100,000.

(5) In addition to any terms or conditions which the department may require, each loan agreement shall include:

(a) Provision for interest, which shall be set at 5 percent per annum, unless the applicant agrees to make available 75 percent or more of the facility's child care slots for child care as described in paragraph (4)(d), in which case, interest shall be set at 1 percent per annum.

Further consideration of **CS for SB 286** was deferred.

**RECESS**

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

**AFTERNOON SESSION**

The Senate was called to order by the President at 2:00 p.m. A quorum present—38:

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

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

**Consideration of Resolution**

On motion by Senator Ros-Lehtinen, by two-thirds vote SR 1425 was withdrawn from the Committee on Rules and Calendar.

On motion by Sen. Ros-Lehtinen—

**SR 1425**—A resolution commending Ambassador David M. Walters and the Children's Hospital Foundation for their contribution to the community of Miami.

WHEREAS, Ambassador David M. Walters is the President of the Miami Children's Hospital Foundation, and

WHEREAS, the Miami Children's Hospital-Mary Ann Knight International Institute of Pediatrics was established in 1950 and is a voluntary independent nonprofit pediatric teaching hospital which now includes a research center providing a broad range of health care services to children, and

WHEREAS, the hospital served a special purpose during the era of poliomyelitis and has evolved into a provider of highly specialized acute health care services, and

WHEREAS, the foundation was organized in 1976 as a fiduciary and fundraising arm of the Miami Children's Hospital, and

WHEREAS, the activities and successes of the foundation in raising funds have resulted in the issuance and sale of tax-exempt bonds to fund the capital improvement project now underway, and

WHEREAS, Ambassador David M. Walters has provided the decisive, bold leadership as president of the Miami Children's Hospital Foundation which resulted in successful fundraising efforts, and

WHEREAS, the City of Miami and the State of Florida have greatly benefited by the efforts of Ambassador David M. Walters and the Miami Children's Hospital Foundation, NOW, THEREFORE,

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

That the Senate hereby commends Ambassador David M. Walters and the Miami Children's Hospital Foundation for their efforts on behalf of the children of Miami.

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

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

Upon request of the President, Senators Ros-Lehtinen, Hill, Lehtinen, Margolis, Meek and Plummer escorted Mr. Walters and Mr. Jones to the rostrum where they were presented a copy of the resolution.

**Special Guest**

The President introduced the Honorable Claude Pepper, United States Congressman from Florida, who addressed the Senate.

**Senator Hair presiding**

**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 CS for CS for SB 1054 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**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.

**Amendment 1**—On page 4, line 8, strike everything after the enactment clause and insert:

Section 1. Paragraph (a) of subsection (1) and subsections (4), (5), (6), and (7) of section 624.509, Florida Statutes, as amended by chapter 87-99, Laws of Florida, are amended, subsection (8) of said section, as renumbered by section 26 of said chapter, is renumbered as subsection (9), and new subsections (7), (10), (11), and (12) are added to said section to read:

624.509 Premium tax; rate and computation.—

(1) In addition to the license taxes provided for in this chapter, each insurer shall also annually, and on or before March 1 in each year, except as to wet marine and transportation insurance taxed under s. 624.510, pay to the Department of Revenue a tax on insurance premiums, risk premiums for title insurance, or assessments, including membership fees and policy fees and gross deposits received from subscribers to reciprocal or interinsurance agreements, and on annuity premiums or considerations, received during the preceding calendar year, the amounts thereof to be determined as set forth in this section, to wit:

(a) An amount equal to 2 ~~2.25~~ percent of the gross amount of such receipts on account of life and health insurance policies covering persons resident in this state and on account of all other types of policies and contracts (except annuity policies or contracts taxable under paragraph (b)) covering property, subjects, or risks located, resident, or to be performed in this state, omitting premiums on reinsurance accepted, and less return premiums or assessments, but without deductions:

1. For reinsurance ceded to other insurers;
2. For moneys paid upon surrender of policies or certificates for cash surrender value;
3. For discounts or refunds for direct or prompt payment of premiums or assessments; and

4. On account of dividends of any nature or amount paid and credited or allowed to holders of insurance policies; certificates; or surety, indemnity, reciprocal, or interinsurance contracts or agreements; and

(4) The *intangible tax imposed under chapter 199, the income tax imposed under chapter 220, and the emergency excise tax imposed under chapter 221* which are paid by any insurer shall be credited against, and to the extent thereof shall discharge, the liability for tax imposed by this section for the annual period in which such tax payments are made. As to any insurer issuing policies insuring against loss or damage from the risks of fire, tornado, and certain casualty lines, the tax imposed by this section, as intended and contemplated by this subsection, shall be construed to mean the net amount of such tax remaining after there has been credited thereon such gross premium receipts tax as may be payable by such insurer in pursuance of the imposition of such tax by any incorporated cities or towns in the state for firemen's relief and pension funds and policemen's retirement funds maintained in such cities or towns, as provided in and by relevant provisions of Florida Statutes. For purposes of this subsection, payments of estimated income tax under chapter 220 and of estimated emergency excise tax under chapter 221 shall be deemed paid either at the time the insurer actually files its annual returns under chapter 220 or at the time such returns are required to be filed, whichever first occurs, and not at such earlier time as such payments of estimated tax are actually made.

(5) There shall be allowed a credit against the net tax imposed by this section equal to 15 ~~10~~ percent of the amount paid by the insurer in salaries to employees located or based within this state and who are covered by the provisions of chapter 443. For purposes of this subsection:

(a) The term "salaries" does not include amounts paid as commissions.

(b) The term "employees" does not include independent contractors or any person whose duties require that the person hold a valid license under the Florida Insurance Code, except persons defined in ss. 626.081, 626.091, and 626.101.

(c) The term "net tax" means the tax imposed by this section after applying the calculations and credits set forth in subsection (4).

(6) *The total of the credit granted for the taxes paid by the insurer under chapters 220 and 221 and the credit credits granted by subsection subsections (4) and (5) shall not exceed 75 ~~50~~ percent of the tax due under subsection (1) after deducting therefrom the taxes paid by the insurer under ss. 175.101 and 185.88 and any assessments pursuant to s. 440.51.*

(7) *Credits and deductions against the tax imposed by this section shall be taken in the following order: deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.88; credits for income taxes paid under chapter 220, the emergency excise tax paid under chapter 221 and the credit allowed under subsection (5), as these credits are limited by subsection (6); credits for intangible taxes paid under chapter 199; all other available credits and deductions.*

(8)(7) Any group of insurers which is "an affiliated group of corporations" as defined in s. 220.03, may file a consolidated premium tax return for the purpose of claiming the credits set forth in subsections (4), (5), and (6). For the purposes of this subsection the term "group of insurers" includes any company whose primary business is providing services to an insurance company. *In addition, any group of insurers eligible to be included as part of an insurance holding company system under s. 628.801 may file a consolidated premium tax return for the purpose of claiming the credits set forth in subsections (4), (5), and (6).*

(10) *As used in this section "insurer" includes any entity subject to the tax imposed by this section.*

(11) *In order to determine premium tax liabilities, the Department of Insurance is responsible for the auditing of entities which are subject to the insurance premium tax imposed under this section. Such audits may be conducted by the Department of Insurance as a part of its financial or other audits, examinations, or investigations of entities which are certified or licensed under the Florida Insurance Code. With respect to any self-insurer regulated under chapter 440, the Department of Insurance audit shall be limited to the tax liability arising under this section and any credits which may apply thereto under this section. The Department of Insurance is authorized to and shall conduct such special audits as are necessary with respect to the verification of premium*

tax liabilities arising under this section and credits which may apply thereto under this code. The Department of Insurance shall notify the Department of Revenue of any discrepancies determined as the result of any such audit. Department of Insurance audit reports and related materials such as returns, accounts, investigative reports, letters of technical advice, information, or declarations received by the Department of Insurance shall be confidential except for official purposes and with respect to such confidentiality the provisions of s. 213.053 shall apply. The Department of Insurance is authorized to promulgate rules, including emergency rules, to establish informal conference procedures for informal dispute resolution of audit and related disputes in a manner similar to that provided in s. 213.21. In the event the provisions of this subsection become effective within 60 days after the close of the 1988 regular legislative session, the Department of Insurance may adopt such emergency rules as are necessary to implement its provisions and to that end the legislature finds that these circumstances qualify as an exception to the prerequisite of a finding of immediate danger to the public health, safety, or welfare as set forth in s. 120.54(9)(a) and qualify as circumstances requiring an emergency rule. The Insurance Commissioner of his designee is authorized to enter into a written closing agreement with any taxpayer settling or compromising the taxpayer's liability with respect to any dispute regarding an audit or related matter pursuant to s. 213.21 and the provisions of said section shall govern with respect thereto except that the \$100,000 restriction on any such settlement or compromise shall not apply. The Department of Revenue and other state agencies including political subdivisions and municipalities are authorized to share information having a bearing on a tax audit or related matter with the Department of Insurance. Formal proceedings in circuit court or under chapter 120 regarding disputes of Department of Insurance tax audits and related matters shall be handled by the Department of Legal Affairs pursuant to chapter 16, and fees or expenses of the Department of Legal Affairs and attorney fees or court costs arising under such proceedings shall be billed to or payable by the Department of Revenue in the same manner as other taxes administered by the Department of Revenue under chapters 213 and 214. Regarding such formal proceedings, the limitation, proceedings, and restrictions, including restrictions on venue, set forth in chapter 72 shall apply. With respect to such audits, in addition to such powers as are vested with the Department of Insurance under the Florida Insurance Code, the Department of Insurance shall have the same rights, powers, and protections as are granted to the Department of Revenue under ss. 199.202, 199.212, 199.218, 199.222, 199.232, 199.272, 199.282, and 213.21. For the purposes of administering its duties under this section or enforcing its provisions the Insurance Commissioner or any of his assistants or employees as designated in writing by him shall be authorized to issue or serve subpoena or subpoena *decues tecum*. The Department of Revenue shall administer and enforce the assessment and collection of the tax imposed by this section and may exercise, where applicable, the powers and duties provided the department in ss. 199.202, 199.212, 199.218, 199.232, 199.262, and 199.272. The department, under the applicable rules, of the Career Service Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature.

(12) Notwithstanding provisions to the contrary, the credit for taxes paid under chapter 199 shall not become effective until January 1, 1989.

Section 2. Section 35 of chapter 87-99, Laws of Florida, is hereby repealed.

Section 3. Effective July 1, 1989, section 624.4425, Florida Statutes, is created to read:

624.4425 Tax on premiums, contributions, and assessments.—Premiums, contributions, and assessments received by an arrangement are subject to s. 624.509(1), (2), and (3), except that the tax rate shall be 1.6 percent of the gross amount of such premiums, contributions, and assessments.

Section 4. Section 624.475, Florida Statutes, is created to read:

624.475 Tax on premiums, contributions, and assessments.—Premiums, contributions, and assessments received by a commercial self-insurance fund are subject to s. 624.509(1), (2), and (3), except that the tax rate shall be 1.6 percent of the gross amount of such premiums, contributions, and assessments.

Section 5. Subsection (6) is added to section 627.356, Florida Statutes, to read:

627.356 Professional liability self-insurance.—

(6) Premiums, contributions, and assessments received by professional liability risk management trust funds are subject to s. 624.509(1), (2), and (3), except that the tax rate shall be 1.6 percent of the gross amount of such premiums, contributions, and assessments.

Section 6. Effective July 1, 1989, subsection (9) is added to section 627.357, Florida Statutes, to read:

627.357 Medical malpractice self-insurance.—

(9) Premiums, contributions, and assessments received by a fund are subject to s. 624.509(1), (2), and (3), except that the tax rate shall be 1.6 percent of the gross amount of the such premiums, contributions, or assessments.

Section 7. Section 629.5011, Florida Statutes, is created to read:

629.5011 Tax on premiums.—Premiums and assessments received by reciprocal insurers are subject to any premium tax provided for in s. 624.509.

Section 8. Subsection (1) of section 631.705, Florida Statutes, is amended to read:

631.705 Premium or income tax credits for assessments paid.—

(1) A member insurer may offset against its premium or income tax liability or liabilities to this state any assessment described in s. 631.321 or s. 631.57(3)(a), except those assessments relating to workers' compensation and employer's liability insurance to the extent of 10 20 percent of the amount of such assessment for each of the 10 5 calendar years following the year in which such assessment was paid. In the event a member insurer should cease doing business, all uncredited assessments may be credited against its premium or corporate income tax liability or liabilities for the year it ceases doing business.

Section 9. Subsection (1) of section 631.719, Florida Statutes, is amended to read:

631.719 Premium or income tax credits for assessments paid.—

(1) A member insurer may offset against its premium or income tax liability or liabilities to this state any assessment described in s. 631.718(9) to the extent of 10 20 percent of the amount of such assessment for each of the 10 5 calendar years following the year in which such assessment was paid. In the event a member insurer should cease doing business, all uncredited assessments may be credited against its premium or corporate income tax liability or liabilities for the year it ceases doing business.

Section 10. Subsections (1) and (3) of section 634.131, Florida Statutes, as amended by chapter 87-99, Laws of Florida, are amended to read:

634.131 Tax on premiums and assessments.—

(1) In addition to the license taxes provided for in this part ~~act~~ for motor vehicle service agreement companies, and the license taxes as provided in the Florida Insurance Code as to insurers, each such company and each such insurer shall annually on or before March 1 file with the department its annual statement, in a form as prescribed and furnished by the department, showing all service agreement premiums or assessments received by it from agreement holders in this state during the preceding calendar year, and the gross amount of such premiums and assessments are subject to the sales tax imposed by chapter 212 ~~shall pay to the Treasurer a tax in an amount equal to 2 percent of the gross amount of such premiums or assessments.~~

~~(3) Premiums charged for service agreements shall not be subject to state sales taxes.~~

Section 11. Subsection (1) of section 634.415, Florida Statutes, as amended to chapter 87-99, Laws of Florida, and subsection (2) of said section, are amended to read:

634.415 Tax on premiums; annual statement; reports; quarterly statements.—

(1) In addition to the license fees provided in this part for service warranty associations and license taxes as provided in the insurance code as to insurers, each such association and insurer shall, annually on or before March 1, file with the department its annual statement, in the form prescribed by the department, showing all premiums or assessments received by it in connection with the issuance of service warranties in this

state during the preceding calendar year and using accounting principles which will enable the department to ascertain whether the financial requirements set forth in s. 634.406 have been satisfied. ~~Further, each association and each insurer shall pay to the Treasurer a tax on such premiums and assessments in an amount equal to 2 percent of the gross amount of such premiums and assessments. There shall be allowed a deduction against the tax imposed by this section in the amount of any sales tax imposed by chapter 212 on the premiums or assessments received by an association.~~

(2) Premiums and assessments received by insurers are not subject to any premium tax provided for in the insurance code. However, the gross amount of such premiums and assessments are subject to the sales tax imposed by chapter 212.

Section 12. Section 637.406, Florida Statutes, is created to read:

*637.406 Tax on premiums, contributions, and assessments.—Premiums, contributions, and assessments received by a dental service plan corporation are subject to the tax imposed by s. 624.509.*

Section 13. Section 651.027, Florida Statutes, is created to read:

*651.027 Tax on entrance fees.—Entrance fees received by a provider in payment for a continuing care contract are subject to the tax imposed by s. 624.509.*

Section 14. Section 175.101, Florida Statutes, as amended by chapter 87-99, Laws of Florida, is amended to read:

~~Two percent~~ 175.101 State excise tax on property insurance premiums authorized; procedure.—Each municipality in this state described and classified in s. 175.041, having a lawfully established municipal firefighters' pension trust fund or municipal fund providing pension benefits to firefighters by whatever name known, may assess and impose on every insurance company, corporation, or other insurer now engaged in or carrying on, or who shall hereinafter engage in or carry on, the business of property insurance as shown by the records of the Department of Insurance an excise tax in addition to any lawful license or excise tax now levied by each of the municipalities, respectively, amounting to ~~1.85~~ 2 percent of the gross amount of receipts of premiums from policyholders on all premiums collected on property insurance policies covering property within the corporate limits of such municipalities, respectively. In the case of multiple peril policies with a single premium for both the property and casualty coverages in such policies, 70 percent of such premium shall be used as the basis for the ~~1.85-percent~~ 2-percent tax. This excise tax shall be payable annually on March 1 of each year after the passage of an ordinance assessing and imposing the tax herein authorized.

Section 15. Subsections (1) and (2) of section 185.08, Florida Statutes, are amended to read:

~~One percent~~ 185.08 State excise tax on casualty insurance premiums authorized; procedure.—

(1) Each incorporated municipality in this state described and classified in s. 185.03, as well as each other city or town of this state which on July 31, 1953, has a lawfully established municipal police officers' retirement trust fund or city fund providing pension or relief benefits to policemen by whatever name known, may assess and impose on every insurance company, corporation, or other insurer now engaged in or carrying on, or who shall hereinafter engage in or carry on, the business of casualty insurance as shown by the records of Department of Insurance an excise tax in addition to any lawful license or excise tax now levied by each of the said municipalities, respectively, amounting to ~~.85~~ 1 percent of the gross amount of receipts of premiums from policyholders on all premiums collected on casualty insurance policies covering property within the corporate limits of such municipalities, respectively.

(2) In the case of multiple peril policies with a single premium for both property and casualty coverages in such policies, 30 percent of such premium shall be used as the basis for the ~~.85-percent~~ 1-percent tax above.

Section 16. Subsection (5) of section 440.51, Florida Statutes, is amended to read:

440.51 Expenses of administration.—

(5) Any amount so assessed against and paid by an insurance carrier, self-insurer authorized pursuant to s. 440.57, or commercial self-

insurance fund authorized under ss. 624.460-624.488 shall be allowed as a deduction against the amount of any other tax levied by the state upon the premiums, assessments, or deposits for workers' compensation insurance on contracts or policies of said insurance carrier, self-insurer, or commercial self-insurance fund.

Section 17. Subsection (5) is added to section 440.57, Florida Statutes, to read:

440.57 Pooling liabilities.—

(5) Premiums, contributions, and assessments received by a group self-insurer's fund are subject to s. 624.509(1), (2), and (3), except that the tax rate shall be 1.6 percent of the gross amount of such premiums, contributions, and assessments.

Section 18. Section 634.023, Florida Statutes, is amended to read:

634.023 Part exclusive; applicability of other laws.—

(1) Except as provided in this part, motor vehicle service agreement companies shall be governed by the provisions of this part and shall be exempt from all other provisions of the Florida Insurance Code.

(2) The provisions of chapter 85-321, Laws of Florida, which amended provisions of this part shall be construed as clarifying legislative intent as to the status of persons regulated by the part as insurers.

Section 19. Section 634.3025, Florida Statutes, is amended to read:

634.3025 Part exclusive; applicability of other laws.—

(1) Except as provided in this part, home warranty associations shall be governed by the provisions of this part and shall be exempt from all other provisions of the Florida Insurance Code.

(2) The provisions of chapter 85-321, Laws of Florida, which amended provisions of this part shall be construed as clarifying legislative intent as to the status of persons regulated by the part as insurers.

Section 20. Section 634.4025, Florida Statutes, is amended to read:

634.4025 Part exclusive; applicability of other laws.—

(1) Except as provided in this part, service warranty associations shall be governed by this part and shall be exempt from all other provisions of the Florida Insurance Code.

(2) The provisions of chapter 85-321, Laws of Florida, which amended provisions of this part shall be construed as clarifying legislative intent as to the status of persons regulated by the part as insurers.

Section 21. (1) Before February 1, 1989, the Department of Insurance is directed to collect the information described in this section and report such information to the Legislature in a manner consistent with subsection (2). The department shall collect the following information from managing general agents, as defined in s. 626.091, Florida Statutes, and administrators, as defined in s. 626.88, Florida Statutes:

(a) Number of employees in Florida identified as to whether or not they are paid on a commission basis and whether or not they are required to hold a valid license under the Florida Insurance Code;

(b) Annual payroll associated with each category of employee described in paragraph (a);

(c) Total assets in Florida identified as to real property, tangible personal property, and intangible personal property;

(d) Dollar value of business done in Florida;

(e) Taxes paid to Florida governmental entities by type of tax; and

(f) The amount of wages paid. For purposes of this paragraph, the term "wages" means wages as defined in s. 443.036(31), Florida Statutes.

(2) Data collected pursuant to this section shall be confidential and shall be reported only in a form that makes it impossible to identify individual entities.

(3) The department shall collect information from insurers in a manner consistent with subsection (2) as may be necessary to enable the department to include within its report an analysis of the municipal taxes collected pursuant to ss. 175.101 and 185.08, Florida Statutes. The analysis shall assess the impact of such municipal taxes upon the insurance premium tax paid under s. 624.509, Florida Statutes, both by insurers who are and are not subject to such municipal taxes.

(4) *The department shall collect information as may be necessary to enable it to include within its report an analysis of the effects of altering the order of calculations specified in subsection (7) of section 624.509.*

(5) *For the purpose of determining the impact of the insurance premium tax upon the continued viability of multiple-employer welfare arrangements under ss. 624.436-624.44, Florida Statutes, and medical malpractice self-insurance trusts under s. 627.357, Florida Statutes, the department shall collect from such entities for inclusion in its report the information specified in subsection (1) in a manner consistent with subsection (2).*

Section 22. *There is hereby appropriated to the Department of Insurance from the Insurance Commissioner's Regulatory Trust Fund for the 1988-89 fiscal year \$395,254 and 6 positions as follows: for the Division of Insurance Company Regulation, 4 positions and \$262,632; for the Division of Administration, Office of General Counsel, 2 positions and \$82,622. There is hereby appropriated for the 1988-89 fiscal year to the Department of Insurance from the Treasurer's Management Information Center Working Capital Trust Fund the amount of \$50,000 for the Treasurer's Management Information Center.*

Section 23. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 24. *Except as otherwise provided herein, this act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.*

**Amendment 2**—On page 1, in the title, line 2, through page 4, line 5, strike all of said lines and insert: An act relating to taxation; amending s. 624.509, F.S.; reducing the percentage rate of the insurance premium tax; providing for a credit for intangible taxes; increasing the salary credit allowed against the premium tax; increasing the maximum total for corporate income tax and salary credits; providing for credits and deductions; providing for consolidated premium tax returns for groups of insurers in an insurance holding company system; providing for determination of premium tax liability and auditing; providing for promulgation of rules and authority to issue a subpoena; repealing section 35 of chapter 87-99, Laws of Florida, relating to the retaliatory credit against the insurance premium tax for domestic insurers; creating s. 624.4425, F.S.; providing that multiple-employer welfare arrangements are subject to the insurance premium tax; specifying the rate; creating s. 624.475, F.S.; providing that commercial self-insurance funds are subject to the insurance premium tax; specifying the rate; amending s. 627.356, F.S.; providing that professional liability risk management trust funds are subject to the insurance premium tax; specifying the rate; amending s. 627.357, F.S.; providing that medical malpractice self-insurance funds are subject to the insurance premium tax; specifying the rate; creating s. 629.5011, F.S.; providing that premiums and assessments received by reciprocal insurers are subject to the insurance premium tax; amending s. 631.705, F.S.; changing the offset schedule for assessments of the Florida Insurance Guaranty Association against the premium tax; amending s. 631.719, F.S.; changing such offset schedule with respect to assessments of the Florida Life and Health Guaranty Association; amending s. 634.131, F.S.; providing that premiums and assessments of motor vehicle service agreement companies are subject to the sales tax rather than a premium tax; amending s. 634.415, F.S.; providing that premiums and assessments of service warranty associations are subject to the sales tax rather than a premium tax; creating s. 637.406, F.S.; providing that dental service plans are subject to the insurance premium tax; creating s. 651.027, F.S.; providing that fees of continuing care contracts are subject to the insurance premium tax; amending s. 175.101, F.S.; reducing the municipal excise tax on property insurance premiums; amending s. 185.08, F.S.; reducing the municipal excise tax on casualty insurance premiums; amending s. 440.51, F.S.; authorizing workers' compensation administration expense assessment deductions against the premium tax of group self-insurer's funds and commercial self-insurance funds; amending s. 440.57, F.S.; providing that workers' compensation group self-insurer's funds are subject to the insurance premium tax; specifying the rate; amending ss. 634.023, 634.3025, and 634.4025, F.S.; clarifying legislative intent; directing the Department of Insurance to collect and report to the Legislature certain information relating to insurance agents and administrators; providing an appropriation; providing effective dates.

WHEREAS, the Legislature finds that the business of insurance conducted within this State is of great importance to the welfare of the citizens and residents of this State, and

WHEREAS, the Legislature finds that it is in the public interest to encourage in every degree possible the effectiveness of the State's regulatory supervision over persons conducting the business of insurance within this State, and

WHEREAS, the Legislature finds that the degree of regulatory control over insurers doing business in this State, as a practical matter, is enhanced when such insurers are organized under the laws of this State, and

WHEREAS, the Legislature finds that the degree of regulatory control over insurers doing business in this State is also enhanced, as a practical matter, when insurers not organized under the laws of this State maintain a substantial presence in this State by locating employees in this State, and by maintaining records in this State, and

WHEREAS, the Legislature therefore finds that it is in the public interest of the citizens and residents of this State to encourage insurers doing business in this State to organize under the laws of this State or to maintain a substantial presence in this State or both, and

WHEREAS, the Legislature finds that it is necessary to clarify its intent as to the status of persons licensed and operating under chapter 634, Florida Statutes, NOW, THEREFORE,

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

**Amendment 1**—On page 7, strike line 8 and insert:

(12) *The tax imposed by this section does not apply to premiums paid, to insurers which collect 25 percent of their total premiums from Florida insureds, for any classes of risk qualifying for any of the following Insurance Services Office Rating Classification Codes in effect on January 1, 1988:*

(a) *Primary classification code 4189, 4199, 4109, 4159, 4169, 4179, 4289, 4299, 4209, 4259, 4269, 4279, 5482, 5483, 5492, 5493, 5409, 5452, 5453, 5462, 5463, or 5479; or*

(b) *Any truck, tractor, or trailer primary classification code to which any of the following secondary class codes apply: 21, 22, 23, 24, 25, 26, 02, 29, 51, 52, 53, 54, 59, 71, 72, 73, 74, or 79.*

*This subsection is repealed on July 1, 1989, and shall be reviewed by the Legislature prior to that date.*

(13) *Notwithstanding provisions to the contrary, the*

**Amendment 2**—On page 5, line 30, strike "of" and insert: *or*

**Amendment 3**—On page 8, line 12, strike "the"

**Amendment 4**—On page 10, line 6, strike "to" and insert: *by*

**Amendment 5**—On page 15, line 13, strike "443.036(31)" and insert: *443.036*

**Amendment 6**—On page 15, line 30, strike "determing" and insert: *determining*

**Amendment 7**—On page 6, line 30, strike "decues" and insert: *duces*

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

**Amendment 1**—In title, on page 1, line 23, after the semicolon (;) insert: *providing exemptions from the premium tax;*

On motions by Senator Deratany, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

CS for CS for CS for SB 1054 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Brown	Deratany	Girardeau	Hair
Childers, D.	Dudley	Grant	Hollingsworth
Childers, W. D.	Frank	Grizzle	Jenne

Jennings	Malchon	Plummer	Weinstein
Johnson	McPherson	Ros-Lehtinen	Weinstock
Kirkpatrick	Meek	Scott	Woodson
Langley	Myers	Stuart	
Lehtinen	Peterson	Thurman	

Nays—None

Vote after roll call:

Yea—Crawford

**SPECIAL ORDER, continued**

**CS for SB 1229**—A bill to be entitled An act relating to transportation contracts; amending s. 337.141, F.S.; reducing the time within which the Department of Transportation must pay construction or maintenance contracts; requiring the department to notify a contractor within a certain time if contract documents are incomplete and to list the documents that have not been submitted; amending s. 337.18, F.S.; providing for recovery from the contractor for amounts paid for damages suffered by third parties; providing an effective date.

—was read the second time by title.

One amendment was adopted to CS for SB 1229 to conform the bill to CS for HB 1112.

Pending further consideration of CS for SB 1229 as amended, on motions by Senator Jennings, by two-thirds vote—

**CS for HB 1112**—A bill to be entitled An act relating to transportation construction or maintenance contracts; amending s. 337.141, F.S.; reducing time frames with respect to the payment of construction or maintenance contracts; providing that the Department of Transportation notify a contractor within a certain time period of receipt of required documents for payment that such documents are incomplete; amending s. 337.18, F.S.; providing additional grounds for recovery by the department against a contractor for failure to complete the project within the time stipulated in the contract or within such additional time as may have been granted by the department; providing an effective date.

—a companion measure, was substituted for CS for SB 1229 and by two-thirds vote read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for HB 1112 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Beard	Girardeau	Kirkpatrick	Plummer
Brown	Gordon	Langley	Ros-Lehtinen
Childers, D.	Grant	Lehtinen	Scott
Childers, W. D.	Hair	Malchon	Stuart
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 Gordon, 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 559 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 559**—A bill to be entitled An act relating to enforcement of contracts of financial institutions; providing that contracts of financial institutions located in this state are governed by the law of this state; providing that the courts of this state have jurisdiction over disputes under such contracts; providing that the act does not affect the law governing other contracts or the jurisdiction of the courts of this state over disputes under other contracts; providing for applicability of the act; amending s.

48.193, F.S.; providing that contractual choice of law or choice of forum provisions subject persons to jurisdiction of state courts; providing an effective date.

**Amendment 1**—On pages 1-4, strike everything after the enacting clause and insert:

Section 1. *Law applicable to deposits in and contracts relating to extensions of credit by financial institutions located in Florida.*—

(1) *The law of this state, excluding its law regarding comity and conflict of laws, shall govern all aspects, including without limitation the validity and effect, of any deposit account in a branch or office in this state of a financial institution, including a deposit account otherwise covered by s. 671.105(1), Florida Statutes, regardless of the citizenship, residence, location or domicile of any other party to the contract or agreement governing such deposit account, and regardless of any provision of any law of the jurisdiction of the residence, location or domicile of such other party, whether or not such deposit account bears any other relation to this state, except that this section does not apply to any such deposit account.*

(a) *To the extent provided to the contrary in s. 671.105(2), Florida Statutes; or*

(b) *To the extent that all parties to the contract or agreement governing such deposit account have agreed in writing that the law of another jurisdiction will govern it.*

(2) *The law of this state, excluding its law regarding comity and conflict of laws, shall govern all aspects, including without limitation the validity and effect, of any contract relating to an extension of credit made by a branch or office in this state of a financial institution, including a contract otherwise covered by s. 671.105(1), Florida Statutes, if the contract expressly provides that it shall be governed by the law of this state, regardless of the citizenship, residence, location or domicile of any other party to such contract and regardless of any provision of any law of the jurisdiction of the residence, location or domicile of such other party, whether or not such contract bears any other relation to this state, except that this section does not apply to any such contract to the extent provided to the contrary in s. 671.105(2), Florida Statutes.*

(3) *As used in this section:*

(a) *"Financial institution" means any of the following:*

1. *A bank, trust company, industrial savings bank, credit union, savings association, savings and loan association, savings bank or building and loan association organized and existing under the laws of this state.*

2. *An international bank agency, representative office or international administrative office operating pursuant to the laws of this state or any branch or other office of an international banking corporation operating pursuant to the laws of this state.*

3. *A trust company, savings association, savings and loan association, savings bank or building and loan association organized and existing under the laws of any other state.*

4. *A national banking association organized and existing pursuant to the provisions of the National Bank Act, 12 U.S.C. ss. 21 et seq.*

5. *A federal association organized and existing pursuant to the provisions of the Home Owners' Loan Act of 1933, 12 U.S.C. ss. 1461 et seq.*

6. *A federal credit union organized and existing pursuant to the provisions of the Federal Credit Union Act, 12 U.S.C. ss. 1751 et seq.*

7. *A federal agency operating pursuant to the provisions of the International Banking Act of 1978, 12 U.S.C. ss. 3101 et seq.*

8. *An Agreement corporation operating pursuant to s. 25 of the Federal Reserve Act, 12 U.S.C. ss. 601 et seq.*

9. *An Edge Act corporation organized pursuant to the provisions of s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq.*

(b) *"Deposit account" means any deposit or account in one or more names including, without limitation, any certificate of deposit, time deposit, credit balance, checking account, interest-bearing account, non-interest-bearing account, individual retirement account (IRA), money market account, NOW account, transaction account, savings account, passbook account, joint account, convenience account, escrow account, trust account, custodial account, fiduciary account, deposit in trust or Totten trust account.*

(c) "Contract relating to extension of credit" means any contract or agreement relating to any extension of credit, including, without limitation, any loan agreement, letter of credit, promissory note, letter of intent, loan commitment, letter of credit, credit facility agreement, confirmation or advice of letter of credit, letter of credit application or reimbursement agreement, overdraft agreement, revolving credit agreement, construction loan agreement, floor plan agreement, acceptance, pledge agreement, hypothecation agreement, assignment, mortgage, security agreement, power of attorney, subordination agreement, assumption agreement, loan modification agreement, guaranty, surety agreement, indemnity agreement or workout agreement.

(4) Notwithstanding any law that limits or affects the right of a person to maintain an action or proceeding, any person may, to the extent permitted under the United States Constitution, maintain an action or proceeding in this state against any person or other entity residing or located outside this state if the action or proceeding arises out of a deposit account or contract relating to an extension of credit which, pursuant to subsection (1) or subsection (2), is governed in whole or in part by the law of this state.

(5) This section does not affect the law governing any transactions other than deposit accounts or contracts relating to extensions of credit specified herein, nor does this section affect the jurisdiction of the courts of this state over any dispute arising under any transactions other than deposit accounts or contracts relating to extensions of credit specified herein.

(6) This section applies to deposit accounts and contracts relating to extensions of credit entered into before, on or after the date on which this section takes effect. However, this section shall not apply to any deposit accounts existing on the effective date of this section if either party to the contract or agreement governing the deposit account provides the other party with a written objection to the application of this section within 6 months of the effective date of this section.

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

**Amendment 2**—On page 1, in the title, strike the entire title and insert:

A bill to be entitled An act relating to financial institutions; providing that deposits in any branch or office in this state of a financial institution are governed by the law of this state; providing that contracts relating to an extension of credit by a branch or office in this state of a financial institution are governed by the law of this state if the contract so provides; providing exceptions; providing definitions; specifying jurisdiction of the courts of this state with respect thereto; providing applicability; providing an effective date.

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

CS for SB 559 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

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Crawford, Hollingsworth

#### SPECIAL ORDER, continued

**SB 607**—A bill to be entitled An act relating to transportation; amending s. 341.369, F.S.; providing a high-speed rail line franchise fee; providing an effective date.

—was taken up with pending Amendment 4 which was withdrawn.

On motion by Senator D. Childers, by two-thirds vote SB 607 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

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

Nays—None

Vote after roll call:

Yea—Crawford

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

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 411 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford

**CS for SB 810**—A bill to be entitled An act relating to health care for the elderly; establishing the Florida Task Force on Elderly Access to Health Care; providing for policy recommendations; providing for resource groups for the task force; providing for membership; providing for per diem and travel expenses; providing for appropriations; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 3, line 18, after "Services" insert: or his designee

On motion by Senator D. Childers, by two-thirds vote CS for SB 810 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

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

Nays—None

Vote after roll call:

Yea—Barron, Crawford

On motions by Senator Malchon, by two-thirds vote HB 855 was withdrawn from the Committees on Health and Rehabilitative Services; and Appropriations.

On motion by Senator Malchon—

**HB 855**—A bill to be entitled An act relating to nursing homes; amending s. 400.051, F.S.; providing an exemption from provisions regulating nursing homes for facilities operated by and for persons who rely upon treatment by spiritual means through prayer; amending s. 468.1645, F.S.; exempting administrators of such facilities from nursing home administrator licensure requirements; providing an effective date.

—a companion measure, was substituted for SB 892 and read the second time by title. On motion by Senator Malchon, by two-thirds vote HB 855 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Langley

**SB 1296**—A bill to be entitled An act relating to home health services; amending s. 400.462, F.S., exempting home dialysis services, supplies, and equipment from the definition of “home health services”; providing an effective date.

—was read the second time by title.

One amendment was adopted to SB 1296 to conform the bill to HB 394.

Pending further consideration of SB 1296 as amended, on motions by Senator Hollingsworth, by two-thirds vote—

**HB 394**—A bill to be entitled An act relating to home health services; amending s. 400.462, F.S., exempting home dialysis services, supplies, and equipment from the definition of “home health services”; providing an effective date.

—a companion measure, was substituted for SB 1296 and by two-thirds vote read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote HB 394 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Thomas, 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 CS for SB 368 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for CS for SB 368**—A bill to be entitled An act relating to insurance; amending s. 624.34, F.S.; providing for the authority of the Department of Law Enforcement to accept fingerprints of any entity which is examined or investigated under the Florida Insurance Code; amending s. 624.404, F.S.; relating to the general eligibility of insurers for a certificate of authority; providing criteria; amending s. 624.501, F.S.; providing fees for registration certificates with respect to certain military installations; amending s. 626.221, F.S.; increasing the time period for an exemption from examination for certain applicants; amending s. 626.231, F.S.; providing for eligibility to take an examination for license; amending s. 626.251, F.S.; deleting a time period with respect to notice of examination date; amending s. 626.281, F.S.; providing for reexaminations; amending s. 626.511, F.S.; eliminating an exemption to a requirement that described persons file a statement with the Department of Insurance describing the reason for the termination of an agent’s appointment and license; amending s. 626.521, F.S.; providing for required character and credit reports; creating s. 626.552, F.S.; providing for reporting by insurers and supervising or managing general agents; amending ss. 626.611, 626.621, 634.181, 634.191, 634.320, 634.321, 634.422, 634.423, 642.041, and 642.043, F.S.; providing uniform language with respect to discipline or license refusal, suspension, or revocation for persons having been found guilty of, or having pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more; amending s. 626.731, F.S.; revising criteria for qualifications for a general lines agent’s license; amending s. 626.732, F.S.; revising language with respect to required knowledge, experience, or instruction for license as a general lines agent; amending s. 626.735, F.S.; revising language with respect to qualifications for a solicitor’s license; amending s. 626.739, F.S.; revising language with respect to a temporary license; amending s. 626.740, F.S.; revising language with respect to temporary limited licenses for industrial fire agents; amending s. 626.785, F.S.; relating to license qualifications; amending s. 626.790, F.S.; revising language with respect to temporary licenses; amending s. 626.792, F.S.; prohibiting the Department of Insurance from issuing a life insurance agent’s license to certain nonresidents; amending s. 626.831, F.S.; revising language with respect to license qualifications; amending s. 626.835, F.S.; prohibiting the department from issuing a health insurance agent’s license to certain nonresidents; amending s. 626.854, F.S.; redefining the term “public adjuster”; amending s. 626.869, F.S.; revising criteria for the issuance of a limited license as an independent or public adjuster; amending s. 626.88, F.S.; revising the definition of the terms “administrator” and “insurer”; amending s. 626.8805, F.S.; providing criteria for certificates of authority; creating s. 626.8809, F.S.; providing for a fidelity bond; amending s. 626.891, F.S.; relating to grounds for suspension or revocation of certificate of authority; amending s. 626.943, F.S.; relating to powers and duties of the department; amending s. 626.944, F.S.; relating to qualifications for health care risk managers; creating s. 627.4085, F.S.; requiring the name of the insurer on certain applications; amending s. 627.679, F.S.; providing for required disclosure with respect to credit life insurance; repealing s. 627.9175(2), F.S., relating to the publication of health insurance loss ratios; amending s. 628.071, F.S.; relating to the grant or denial of a permit, to include certain criteria; amending s. 631.031, F.S.; providing for discretionary commencement of delinquency proceedings; allowing the department to also commence a delinquency proceeding by application to the court by petition for a consent order; amending s. 631.041, F.S.; providing for an automatic stay; prohibiting certain actions upon commencement of a delinquency proceeding; allowing relief from the stay under certain circumstances; providing authority to issue injunctions or orders without notice; amending s. 631.271, F.S.; revising priority with respect to distribution of claims from the insurer’s estate; amending s. 631.281, F.S.; providing that a claim of offset must be fully mature as of the filing of liquidation orders; creating s. 631.392, F.S.; providing for immunity for the department and its agents and employees, including the Insurance Commissioner, in carrying out responsibilities and duties under ch. 631, F.S.; amending s. 632.629, F.S.; relating to annual licenses for certain societies authorized to transact business; amending s. 632.638, F.S.; relating to the applicability of the Insurance Code; amending s. 637.415, F.S.; relating to the regulation of employees or representatives of dental service plan corporations; creating s. 648.315, F.S.; providing for the number of applications required for licensure as bail bondsmen; amending s. 648.34, F.S.; revising criteria for qualifications of bail bondsmen; amending s. 648.37, F.S.; revising criteria for qualifications of runners; amending s. 648.38, F.S.; revising language with respect to examination as a bail bondsman; amending s. 648.39, F.S.; relating to notice of appointment of agents; repealing s. 626.881, F.S., relating to the deposit of securities and surety bonds; repealing s. 626.8811, F.S., relating to a prohibition upon a levy upon deposit of certain assets or securities; providing for review and repeal; providing an effective date.

**Amendment 1**—On page 36, between lines 4 and 5, insert:

Section 42. Paragraph (f) of subsection (2) of section 634.308, Florida Statutes, is amended to read:

634.308 Grounds for suspension or revocation of license.—

(2) The license of any home warranty association shall be suspended, revoked, or not renewed if it is determined that such association:

(f) Has issued warranty contracts which allow for more than *nine four* annual renewals or which renewal contracts provide that the cost of renewal exceeds the then-current cost for new warranty contracts or impose a fee for inspection of the premises.

634.312 Filing, approval of forms.—

Section 43. Subsection (3) of section 634.312, Florida Statutes, is amended to read:

(3) The department shall not approve any such form which allows for more than *nine four* annual renewals or which renewal contracts provide that the cost of renewal exceeds the then-current cost for new warranty contracts or impose a fee for inspection of the premises.

Section 44. Subsection (5) of section 634.3123, Florida Statutes, is amended to read:

634.3123 Grounds for disapproval of forms.—The department shall disapprove any form filed under s. 634.312 or withdraw any previous approval if the form:

(5) Allows for more than *nine four* annual renewals or which renewal contracts provide that the cost of renewal exceeds the then-current cost for new warranty contracts or impose a fee for inspection of the premises.

(Renumber subsequent sections.)

**Amendment 2**—On page 4 in the title, line 18, after "code", insert: amending ss. 634.308, 634.312, and 634.3123, F.S., relating to the number of permissible annual renewals of certain warranty contracts;

**Amendment 3**—On page 25, line 30, insert:

Section 29. Paragraph (6) of subsection (2) of section 626.918, Florida Statutes, is amended to read:

626.918 Eligible surplus lines insurers.—

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

(b) The insurer must be currently an authorized insurer in the state or country of its domicile as to the kind or kinds of insurance proposed to be so placed and must have been such an insurer for not less than the 3 years next preceding; *or must be the wholly owned subsidiary of an authorized insurer, or must be the wholly owned subsidiary of an already eligible surplus lines insurer or authorized insurer* that has been so eligible for a period of not less than the 3 years next preceding;

(Renumber subsequent sections.)

**Amendment 4**—On page 3 in the title, line 12, after the semicolon insert: amending s. 626.918, F.S.; changing eligibility requirements for surplus lines insurers;

**Amendment 5**—On page 46, line 23, insert:

Section 56. (1) Paragraph (c) of subsection (2) of section 626.944, Florida Statutes, is amended to read:

626.944 Qualifications for health care risk managers.—

(2) The department shall not grant or issue a certificate as a health care risk manager to any individual unless from the application it affirmatively appears that the applicant:

(c)1. Has fulfilled the requirements of a 1-year program or its equivalent in health care risk management training which may be developed or approved by the department; or

2. Has completed 2 years of college level studies which would prepare the applicant for health care risk management, to be further defined by rule; ~~or~~

~~3. Has obtained 1 year of practical experience in health care risk management.~~

(2) This section shall apply to new certificates issued on or after October 1, 1989.

(Renumber subsequent sections)

**Amendment 6**—On page 4 in the title, line 31, insert: amending s. 626.944, F.S.; changing eligibility requirements for risk managers; health care

**Amendment 8**—On page 5, line 9, insert:

Section 1. Subsection (6) is added to section 624.155, Florida Statutes, to read:

624.155 Civil remedy.—

(6) *In the absence of expressed language to the contrary, this section shall not be construed to authorize a civil action or create a cause of action against an insurer or its employees who, in good faith, release information about an insured or an insurance policy to a law enforcement agency in furtherance of an investigation of a criminal or fraudulent act relating to a motor vehicle theft or a motor vehicle insurance claim.*

(Renumber subsequent sections)

**Amendment 9**—On page 1 in the title, line 2, after the semicolon insert: amending s. 624.155, F.S., providing that release of certain information to a law enforcement agency shall not create a cause of action;

Senator Hair offered the following amendment to House Amendment 8 which was moved by Senator Thomas and adopted:

**Amendment 1**—On page 1, line 23, insert:

Section 2. Subsection (2) of section 627.021, Florida Statutes, is amended to read:

627.021 Scope of this part.—

(2) This chapter does not apply to:

(a) Reinsurance, except joint reinsurance as provided in s. 627.311.

(b) Insurance against loss of or damage to aircraft, their hulls, accessories, or equipment, or against liability, other than workers' compensation and employer's liability, arising out of the ownership, maintenance, or use of aircraft.

(c) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance policies.

(d) *Surplus lines insurance placed under the provisions of ss. 626.913-626.937.*

(Renumber subsequent sections.)

Senator Hair offered the following amendment to House Amendment 9 which was moved by Senator Thomas and adopted:

**Amendment 1**—In title, on page 1, line 15, after the semicolon (;) insert: amending s. 627.021, F.S.; clarifying rating regulation for surplus lines insurers;

On motions by Senator Thomas, the Senate concurred in House Amendments 1, 2, 3 and 4; refused to concur in House Amendments 5 and 6 and the House was requested to recede; and concurred in House Amendments 8 and 9 as amended and the House was requested to concur in the Senate amendments to the House amendments.

CS for CS for SB 368 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Beard	Childers, W. D.	Dudley	Gordon
Brown	Crenshaw	Frank	Grant
Childers, D.	Deratany	Girardeau	Grizzle

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

Nays—None

Vote after roll call:

Yea—Crawford, Peterson

**SPECIAL ORDER, continued**

On motion by Senator Hollingsworth, by two-thirds vote CS for HB 557 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Hollingsworth—

**CS for HB 557**—A bill to be entitled An act relating to nursing; amending s. 464.022, F.S.; exempting technicians who assist in the furnishing of hemodialysis in a patient's home from the Nursing Practices Act; providing an effective date.

—a companion measure, was substituted for CS for SB 1302 and read the second time by title.

Senator Margolis moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 16, after "trained" insert: , as defined by the board by rule,

On motion by Senator Hollingsworth, by two-thirds vote CS for HB 557 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Peterson, Stuart

Consideration of **CS for HB 600** was deferred.

**CS for SB 711**—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.0805, F.S.; deleting a time limit on the issuance of prestige license plates; amending s. 320.0808, F.S.; authorizing an additional use for Challenger license plate fees; removing the termination date for availability of such plates; 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 Deratany:

**Amendment 1**—On page 2, strike all of lines 1-9 and insert:

(3) *Fifty percent of the Challenger license plate annual use fee shall be distributed to The Astronauts Memorial Foundation, Inc., for the purpose of designing, constructing, and the perpetual care of a memorial to the astronauts who have lost their lives while flying, training, or awaiting assignment to fly for the space agency. The site for the memorial is the Kennedy Space Center located in Cape Canaveral, Florida. Such portion of the fee shall also be used for a space education scholarship program to be designed and administered by the Astronauts Memorial Foundation, Inc. The remaining fifty percent shall be distributed annually to the Technological Research and Development Authority for the purpose of establishing, maintaining and operating a Space Research Institute in Brevard County. All such funds may be used only for this purpose.*

Senator Deratany moved the following substitute amendment which was adopted:

**Amendment 2**—On page 2, strike all of lines 1-9 and insert:

(3) *Twenty-five percent of the Challenger license plate annual use fee shall be distributed to The Astronauts Memorial Foundation, Inc., for the purpose of designing, constructing, and the perpetual care of a memorial to the astronauts who have lost their lives while flying, training, or awaiting assignment to fly for the space agency. The site for the memorial is the Kennedy Space Center located in Cape Canaveral, Florida. Twenty-five percent of the fee shall be distributed to the Challenger Astronauts Memorial Scholarship Trust Fund for use as provided by s. 240.408, Florida Statutes. The remaining fifty percent shall be distributed to the Technological Research and Development Authority created by chapter 87-455 for the purpose of developing, maintaining and operating the Space Research Institute. All such funds may be used only for this purpose. The Technological Research and Development Authority shall coordinate and distribute available resources among state universities and independent colleges and universities based on the research strengths of such postsecondary institutions in space science technology. The Space Research Institute shall serve as a repository for post-secondary research that relates to the development of extraterrestrial scientific, commercial, and other activities in space. The operations of the Space Research Institute shall be located in close proximity to the Kennedy Space Center to foster collaboration between state government, the Federal Government, and the private sector. Funding for the Space Research Institute, in whole or in part, shall be derived from the Challenger license plate annual use fee pursuant to s. 320.0808.*

Senator Meek moved the following amendment which was adopted:

**Amendment 3**—On page 2, between lines 28 and 29, insert:

Section 3. Subsections (1), (3), (5), and (7) of section 320.0809, Florida Statutes, are amended to read:

320.0809 Collegiate license plates.—

(1) The department shall develop a collegiate license plate as provided in this section for state and independent universities and community colleges, domiciled in this state, and shall issue a collegiate license plate to the owner of any motor vehicle upon application and payment of the appropriate license tax and fees.

(3) A collegiate plate annual use fee shall be distributed to the state or independent university or community college foundation designated by the purchaser for deposit in an unrestricted account. The Board of Regents shall require each state university and community college to submit a plan for approval of the expenditure of all funds so designated. All such funds may be used only for academic enhancement, including scholarships and private fund-raising activities.

(5) Collegiate license plates shall be the color and design approved by the department as appropriate for each state and independent university and community college. In addition to letters identifying the university, the plate may be imprinted with numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The maximum number of characters, including both numerals and letters, shall be determined by the department. Collegiate license plates shall otherwise be of the same material and size as standard license plates issued by the state for any registration period and the word "Florida" shall be stamped across the bottom of the plate in small letters.

(7) The department must receive 1,000 10,000 or more applications for each collegiate license plate for each independent university or community college before a specialized collegiate license plate may be developed for that independent university or community college. The university and community college shall keep a file of all applications until 1,000 10,000 applications for the license plate are received.

(Renumber subsequent section.)

Senator Deratany moved the following amendment which was adopted:

**Amendment 4**—In title, on page 1, strike line 6 and insert: additional uses for Challenger license plate

Senator Meek moved the following amendment which was adopted:

**Amendment 5**—In title, on page 1, line 8, following the semicolon (;) insert: amending s. 320.0809, F.S.; including community colleges within the collegiate license plate statute; reducing the number of applications which must be received before creation of independent university license plates;

On motion by Senator Woodson, by two-thirds vote CS for SB 711 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Peterson, Stuart

**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.

—was read the second time by title.

Senator Johnson moved the following amendments which were adopted:

**Amendment 1**—On page 10, between lines 7 and 8, insert:

Section 9. (1) The Department of State and the Department of Revenue shall conduct a cultural event admission fee study which shall:

- (a) Identify sponsoring organizations that produce or present cultural events in the state.
- (b) Identify sponsoring organizations that collect an admission fee for cultural events.
- (c) List the admission fees charged by sponsoring organizations for cultural events.
- (d) List the total annual revenues collected from admission fees for cultural events by category or discipline in the state.
- (e) Identify the methods of assessing and administering admission fees for cultural events.
- (f) List the total annual revenues projected from admission fees by category or discipline.
- (g) Identify potential exemptions from admission fees.
- (h) Assess the impact of sales tax exemptions on nonprofit cultural organizations.
- (i) Include any other issues deemed necessary by the Department of State or the Department of Revenue to accomplish this study.

(2) For purposes of this study, the term:

(a) "Cultural event" means any live performance of ballet or dance, any choral performance or instrumental or vocal concert, any play, with or without music, any opera or reading, and any exhibition of paintings, sculpture, photography, or graphic and craft arts.

(b) "Admission fees" means the net sum of money, after deduction of any federal taxes or state and local sales tax, received by a sponsoring organization for admitting a single person or vehicle to a cultural event when a charge is made by way of sale of tickets, gate charges, seat charges, box charges, season pass charges, cover charges, entrance fees, or other fees, donations, or receipts of anything of value based on an admission, entrance, length of stay, or seat box accommodation.

(c) "Sponsoring organization" means an organization or person that is directly responsible for conducting, creating, producing, presenting, staging, or sponsoring a cultural event.

(3) The study shall be submitted to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives no later than February 15, 1989.

(Renumber subsequent section.)

**Amendment 2**—On page 3, lines 4-31; on page 4, lines 1-31; on page 5, lines 1-31; and on page 6, lines 1-22, strike all of said lines and insert:

(c)1. The following major cultural institutions designated pursuant to this chapter shall be recognized initially as State Major Cultural Institutions:

- a. Jacksonville Symphony Association, Jacksonville.
- b. Jacksonville Art Museum, Jacksonville.
- c. Cummer Art Gallery, Jacksonville.
- d. Florida Symphony Orchestra, Orlando.
- e. Orlando Museum of Art, Orlando.
- f. Florida Orchestra, Tampa.
- g. Museum of Fine Art, St. Petersburg.
- h. Norton Gallery, Palm Beach.
- i. The Sarasota Opera, Sarasota.
- j. Greater Miami Opera, Miami.
- k. Lowe Art Museum, Miami.
- l. Bass Museum of Art, Miami.
- m. Museum of Art, Ft. Lauderdale.
- n. Philharmonic Orchestra, Ft. Lauderdale.

2. A review of State Major Cultural Institutions shall be conducted periodically by the Florida Arts Council. The council may recommend the deletion of certain State Major Cultural Institutions if they fail to meet criteria established by the council pursuant to paragraph (b). The council may also recommend the addition of institutions to the State Major Cultural Institution Program if the institutions meet the criteria established pursuant to paragraph (b). These recommendations are subject to approval by the Secretary of State. Any institution recommended for deletion from the program by the Secretary of State shall be placed on a 1-year probation period, during which it may correct its deficiencies. If it does not correct its deficiencies within the probation period, the Secretary of State may delete the institution from the State Major Cultural Institution Program.

(d) State Major Cultural Institutions shall receive funding by the Division of Cultural Affairs from the State Major Cultural Institution Trust Fund.

(e) Organizations designated as State Major Cultural Institutions shall be precluded from receiving funds from other art grants programs administered pursuant to s. 265.286 by the Division of Cultural Affairs unless such grant application is determined by the department to be of statewide cultural significance.

(f)1. Upon appropriation by the Legislature of funds for the State Major Cultural Institution Program, the Department of State shall execute a contract with each institution, which shall contain information relative to the program, the projected operating income and expenses, a statement of facility assurance, and such other provisions as are deemed necessary by the department for the administration of the program.

2. Each recipient institution shall submit an annual report to the Division of Cultural Affairs detailing the expenditure of funds, and shall be subject to the auditing provisions and rules of the division.

(g) Each institution shall cause an annual postaudit of its financial accounts to be conducted by an independent certified public accountant. The annual audit report shall be submitted to the Department of State for review. The department is authorized to require and receive from the recipient institution, or from its independent auditor, any detail or supplemental data relative to the operation of such institution.

(h) The Department of State shall adopt rules necessary to implement the provisions of this section.

Section 2. The amount of \$1,100,000 is appropriated from the State Major Cultural Institution Trust Fund to the Vital Local Cultural Program administered by the Florida Arts Council and the Division of Cultural Affairs pursuant to section 265.286(7), Florida Statutes.

Section 3. The amount of \$150,000 is appropriated from the State Major Cultural Institution Trust Fund to the art grants program administered by the Division of Cultural Affairs pursuant to section 265.286, Florida Statutes.

Section 4. Subsection (8) of section 607.361, Florida Statutes, is amended to read:

607.361 Fees for filing documents and issuing certificates.—The Department of State shall charge and collect for:

(8) Filing an annual report, \$35, \$10 of which shall not be subject to the provisions of s. 607.372(2)(b) \$25.

Section 5. Subsection (7) is added to section 265.286, Florida Statutes, to read:

265.286 Art grants award by Division of Cultural Affairs.—

(7) There is hereby created a Vital Local Cultural Program to be administered by the Division of Cultural Affairs and the Florida Arts Council for the purposes set forth in this subsection.

(a) The Florida Arts Council shall establish, by rule, criteria for the award of grants to Vital Local Cultural Programs. These criteria shall recognize emerging cultural programs which provide to their local communities a sustained commitment to high artistic excellence. Administrative criteria must include the requirements that Vital Local Cultural Programs receiving grants have an established corporate charter and an established governing board. Program criteria must include the requirements that Vital Local Cultural Programs demonstrate fiscal stability, major local impact, audience and community support, and that these programs recognize the efforts, works, and performances of Florida's artists or arts organizations.

(b) The following programs shall be recognized initially as Vital Local Cultural Programs and shall be awarded grants by the division pursuant to this section:

1. Atlantic Center for the Arts.
2. Graphic Studio, University of South Florida.
3. Florida Arts Celebration.
4. William R. Frizzell Cultural Center.
5. Miami Film Festival.
6. French Film Festival.
7. Ft. Lauderdale Film Festival.

(c) A review of Vital Local Cultural Programs shall be conducted periodically by the Florida Arts Council. The council may recommend the deletion of certain Vital Local Cultural Programs if they fail to meet the criteria established by the council pursuant to this subsection. The council may also recommend the addition of programs to the Vital Local Cultural Program if the programs meet the criteria established pursuant to this subsection. These recommendations are subject to approval by the Secretary of State. Any program recommended for deletion by the Secretary of State shall be placed on a 1-year probation period during which it may correct its deficiencies. If it does not correct its deficiencies within the probation period the Secretary of State may delete it from the program.

(d) Programs designated as Vital Local Cultural Programs shall be precluded from receiving funds from other art grants programs administered pursuant to this section by the Division of Cultural Affairs unless such grant application is determined by the department to be of state-wide cultural significance.

(e) Grants awarded to Vital Local Cultural Programs are not subject to the provision of subsection (2). The state grant to a Vital Local Cultural Program must be matched by a contribution from the recipient of the grant, in an amount to be determined by the Department of State.

(f) The Department of State shall adopt rules necessary to implement the provisions of this subsection.

**Amendment 3**—In title, on page 2, line 2, after the semicolon (;) insert: requiring the Department of State and the Department of Revenue to conduct a cultural event admission fee study; providing for a report;

On motion by Senator Johnson, by two-thirds vote CS for CS for SB 792 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford, Peterson, Stuart

**SB 955**—A bill to be entitled An act relating to enterprise zones; amending s. 290.0055, F.S.; authorizing application for the approval of a change in the boundary of an approved enterprise zone; amending s. 290.0065, F.S.; authorizing approval by the Department of Community Affairs of such boundary changes; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 955 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
Crenshaw	Hill	Margolis	Thurman
Deratany	Hollingsworth	McPherson	Weinstein
Dudley	Jennings	Meek	Weinstock
Frank	Johnson	Myers	Woodson
Gordon	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

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

On motions by Senator Crenshaw, by two-thirds vote HB 218 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Crenshaw—

**HB 218**—A bill to be entitled An act relating to retirement; amending s. 112.1904, F.S.; providing clarifying language to provide that death benefits are provided to state attorney investigators; amending s. 112.362, F.S.; revising the formula for cost-of-living adjustments to the minimum benefit adjustment; amending s. 121.021, F.S.; clarifying the definition of "past service," changing the definition of "prior service," and defining "termination"; amending s. 121.031, F.S.; requiring actuarial reviews of the Florida Retirement System to be presented to the Legislature by a certain date; amending s. 121.0515, F.S.; permitting former members of the Highway Patrol Pension System to receive special risk credit for prior

service; amending s. 121.081, F.S.; requiring the purchase of past service credit at the contribution rate in effect at the time the service was earned; deleting the 12 continuous month reemployment provision for prior service; revising the contribution rate for the purchase of certain prior service; amending s. 121.091, F.S.; providing that no benefits shall be paid under the Florida Retirement System until a member has terminated employment; revising the criteria for eligibility to qualify for disability benefits; revising the contribution rate for purchase by a spouse of a deceased member's refunded service; amending s. 121.121, F.S.; providing new limitations for authorized leaves of absence; amending s. 121.35, F.S.; permitting employees of the State University System Executive Service to participate in the Optional Retirement Program; amending s. 121.40, F.S.; revising the formula for cost-of-living adjustments for Institute of Food and Agricultural Sciences supplemental benefits; providing retroactivity of certain benefits; providing effective dates.

—a companion measure, was substituted for SB 1195 and read the second time by title. On motion by Senator Crenshaw, by two-thirds vote HB 218 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Vote after roll call:

Yea—Crawford, Peterson, Stuart

**CS for HB 559**—A bill to be entitled An act relating to the code of ethics; amending s. 112.313, F.S., relating to standards of conduct for public officers and employees; creating an additional exception from requirements relating to conflicting employment or contractual relationships for elected public officers under certain conditions; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Margolis and adopted:

**Amendment 1**—On page 1, line 20, strike "s. 501(c)(3)" and insert: s. 501(c)

On motion by Senator Margolis, by two-thirds vote CS for HB 559 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—4

Jennings	Johnson	Langley	Lehtinen
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Vote after roll call:

Yea to Nay—W. D. Childers

Consideration of **House Bills 1159** and **242** was deferred.

**CS for SB 425**—A bill to be entitled An act relating to the Florida High Technology and Industry Council; amending ss. 229.8053, 240.539, F.S.; prescribing the powers and duties of the council; providing for certain members to be appointed for staggered terms; providing for longer terms of appointment for council members; deleting references to the

Advanced Technology Fund; providing for funding certain research programs from funds allocated in the General Appropriations Act; reviving and readopting provisions relating to the council; providing for future legislative review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote CS for SB 425 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford, Peterson, Stuart

**Senator Thomas presiding**

**HB 1159**—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.52, F.S.; redefining the term "rule"; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 1159 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford, Peterson, Stuart

**Motions**

On motions by Senator Scott, by two-thirds vote House Bills 1701 and 1702 were withdrawn from the Committee on Appropriations, and by two-thirds vote placed next on the special order calendar.

**HB 1701**—A bill to be entitled An act relating to implementing the fiscal year 1988-1989 General Appropriations Act; providing legislative intent; authorizing the Administration Commission to approve certain transfers related to reorganization; providing restrictions concerning advances for programs start-up or contracted services; prescribing powers of the Guardian Ad Litem Program; requiring state attorneys and public defenders to submit a report of certain expenditures; directing the Capital Collateral Representative to seek reimbursement when representing indigent persons; abolishing the trust funds of certain agencies and providing for transfer of moneys therein; reviving certain trust funds scheduled for repeal; authorizing the Board of Regents to construct certain facilities from non-PECO sources; authorizing the Board of Regents to construct a facility at the University of West Florida from grant overhead funds; providing for funding of operation; authorizing the Board of Regents to expend certain settlement funds to construct a facility for the Solar Energy Center; authorizing the Board of Regents to construct a single student apartment facility at the University of Florida; providing for funding; authorizing certain utilization of funds by the Union County School Board; authorizing certain utilization of funds by the Hendry County School Board; providing a retroactive effective date and an expiration date.

—was read the second time by title.

Senator Scott moved the following amendments which were adopted:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 1988-1989.

Section 2. Where any reorganization has been authorized by the Legislature and the necessary adjustments of appropriations and positions have not been provided in the General Appropriations Act, the Administration Commission may approve the necessary transfers to accomplish the purposes of such reorganization.

Section 3. All automobiles purchased or leased by the state with funds provided in the General Appropriations Act shall be of the subcompact class, except vehicles used for law enforcement purposes, used as tow vehicles, routinely used to transport bulk materials or more than three adults, or vehicles operated frequently on unpaved roads. All vehicles purchased shall be the smallest class that can safely and adequately meet the transportation requirements. The exception from the subcompact vehicle requirement for law enforcement purposes shall not apply to state attorneys and public defenders.

Section 4. Notwithstanding the provisions of s. 112.24, Florida Statutes, any individual filling a position authorized in section 1 of the General Appropriations Act for any state agency may not be transferred to or have his services utilized by any other state agency, unless the using agency pays for such services which are in excess of 1 week.

Section 5. No funds in the General Appropriations Act shall be used to purchase any vehicle at prices in excess of the standard prices negotiated by the Department of General Services, Division of Purchasing.

Section 6. (1) Specific appropriations are provided in the General Appropriations Act from funds available to the State of Florida due to settlements of litigation brought by the United States Department of Energy against oil companies and refiners and distributors. Other statutory provisions to the contrary notwithstanding, it is the intent of the Legislature that funds received, and interest earned on such funds, as a result of federal statute or administrative, judicial, or regulatory actions requiring the disbursement to states of refund moneys for alleged overcharges for petroleum products sold during the period of time in which federal price controls on such petroleum products were in effect, whether by themselves or in conjunction with other moneys appropriated by the Legislature, shall not be expended unless specifically appropriated by the Legislature in the General Appropriations Act.

(2) The Governor's Energy Office shall submit to the Legislative Appropriations Committees on or before March 1, 1989, a list of projects recommended for funding with oil overcharge moneys in Fiscal Year 1989-1990. This list shall conform to the categories contained in Specific Appropriations 2052G through 2052N of the Fiscal Year 1988-1989 General Appropriations Act.

Section 7. Any agency that has been expressly authorized by other law to make advances for program start-up or advances for contracted services, in total or periodically, shall limit such disbursements to other governmental entities and not-for-profit corporations. The amount which may be advanced shall not exceed the expected cash needs of the contractor or recipient within the initial 3 months. Thereafter, disbursements shall only be made on a reimbursement basis. Any agreement that provides for advancements may contain a clause that permits the contractor or recipient to temporarily invest the proceeds, provided that any interest income shall either be returned to the agency or be applied against the agency's obligation to pay the contract amount. This provision shall not be construed as lawful authority to make any advance payment not otherwise authorized by laws relating to a particular agency or general laws relating to the expenditure or disbursement of public funds. The Comptroller may, after consultation with the Legislative Appropriations Committees, waive the requirements of this section if it is determined to be consistent with the intent of the General Appropriations Act or the Letter of Intent.

Section 8. The provisions of s. 216.011, Florida Statutes, to the contrary notwithstanding, funds provided in any Specific Appropriation in the General Appropriations Act for Fiscal Year 1988-1989 may be advanced if the General Appropriations Act specifically so provides.

Section 9. The provisions of s. 27.34 or s. 27.54, Florida Statutes, to the contrary notwithstanding:

(1) State attorneys and public defenders may expend state funds appropriated for the 1988-1989 fiscal year for items enumerated in s. 27.34 or s. 27.54, Florida Statutes, respectively, which would otherwise be payable by the respective counties, provided that the total state expenditures for such items for each office do not exceed the total amount spent by each office during the 1987-1988 fiscal year for such items.

(2) Each state attorney and public defender shall, not later than October 1, 1988, submit a report to the Legislative Appropriations Committees showing the amount of state funds expended during Fiscal Year 1987-1988 for the items enumerated in s. 27.34 or s. 27.54, Florida Statutes. The Comptroller shall prescribe the report format.

Section 10. The Department of Transportation shall allocate resources to the districts prior to July 31 of each year. The allocation and all subsequent amendments shall be reported promptly to the Executive Office of the Governor and the Legislative Appropriations and Transportation Committees. The Secretary shall require each district Deputy Assistant Secretary to submit a monthly report on the status of his budgets which shall indicate, by major budget category within each budget entity, the monthly expenditure, the cumulative expenditures to date and the remaining balance of the regional allocations. A copy of such reports shall be submitted monthly to the President of the Senate and the Speaker of the House of Representatives.

Section 11. Notwithstanding the provisions of s. 339.08, Florida Statutes, the Department of Transportation is authorized to provide moneys to the Department of Commerce to fund economic development transportation projects under the provisions of s. 288.063, Florida Statutes.

Section 12. The provisions of s. 332.007, Florida Statutes, to the contrary notwithstanding, the Department of Transportation is authorized to advance grant funds as specifically appropriated in the General Appropriations Act to Orlando International Airport in Orange County and the Valkaria Airport in Brevard County.

Section 13. Funds provided in section 7 of the General Appropriations Act are specifically provided to fund the tentative Five-Year Work Program of the Department of Transportation as submitted to the Legislature on March 1, 1988, and any additional projects contained in the General Appropriations Act and defined in the Letter of Intent. Notwithstanding the provisions of s. 339.135(9), Florida Statutes, changes in, or amendments to, the specific projects in the tentative Five-Year Work Program and the projects added in the legislative process may be made only in accordance with the provisions of s. 216.292(3)(a), Florida Statutes.

Section 14. Notwithstanding the provisions of s. 338.251, Florida Statutes, \$8 million provided in the General Appropriations Act shall be used to assist the Mid Bay Bridge Authority in selling bonds at the most favorable rate. These funds may be used to offset the costs of construction or to guarantee the coverage of tolls.

Section 15. Notwithstanding the provisions of s. 339.08, Florida Statutes, funds provided in the Department of Transportation for projects not on the State Highway System are provided for state purposes and shall be spent for the projects contained in the General Appropriations Act and defined in the Letter of Intent.

Section 16. Notwithstanding the provisions of s. 255.25, Florida Statutes, the Department of Transportation's Seventh District is authorized to negotiate additional leased space in buildings where they are currently located and in which leases were previously competitively obtained. The negotiated lease must be within all other current Department of General Services guidelines and rental rates. Negotiations must be conducted with both existing landlords and the lower rate must be accepted.

Section 17. Any building renovations, repairs, or similar activities funded in the Legislative Branch in the General Appropriations Act shall be exempt from review and approval by the Department of General Services.

Section 18. The Ina May Thompson Day Care Center, located at the Neil Kirkman Building, Tallahassee, Florida, and established pursuant to s. 110.151, Florida Statutes, shall be continued through June 30, 1989. No state funds may be expended to support this operation during Fiscal Year 1988-1989.

Section 19. (1) Annually, the Commissioner of Education shall obtain the cost of all residential nonpublic school contracts and calculate the cost to be reimbursed. The commissioner shall calculate by district and by student the total cost of the contracts and deduct the amount of the weighted FTE generated plus the amount of federal handicapped entitlement funds per student and any amount paid by the Department of Health and Rehabilitative Services, or other federal, state, or local agency. Sixty percent of the difference between the actual cost of contract and the funds deducted shall be eligible for reimbursement.

(2) The commissioner shall request from the Legislature annually the amount of funds needed to reimburse the districts as calculated in subsection (1). If the Legislature does not appropriate the full amount requested, the amount appropriated shall be prorated among all eligible students.

Section 20. All moneys appropriated in the General Appropriations Act to the Department of Education are conditional upon each district school board, each community college board of trustees, and the Board of Regents securing prior approval from the Commissioner of Education before purchasing or leasing any electronic data processing equipment or software costing in excess of \$25,000 in any 12-month period. In granting approval, the commissioner must ensure that the software or equipment is compatible with the Florida Information Resources Network, and that the costs of educational computing are reduced by making the best use of existing hardware and software. The commissioner shall give priority to improving information systems, with specific emphasis on common data definitions and data handling procedures which will provide analyses and reports utilizing data from school districts, community colleges, or state universities. Such development shall be carried out through a centrally coordinated and supervised effort.

Section 21. Notwithstanding any other provisions of law to the contrary, the amendments to ss. 228.041, 236.013, and 236.02, Florida Statutes, relating to extension of the school day for grades 9-12, which were enacted by ss. 14, 15, and 16 of chapter 83-327, Laws of Florida; ss. 228.085, 236.091, and 236.092, Florida Statutes, relating to mathematics, science, and computer education; and ss. 230.2319 and 232.301, Florida Statutes, relating to Florida Progress in Middle Childhood Education Program and to model programs for the prevention of student failures and dropouts, enacted by sections 83 and 87 of chapter 84-336, Laws of Florida, respectively, may be implemented only to the extent specifically provided for and funded in the General Appropriations Act.

Section 22. Notwithstanding s. 236.25(1), Florida Statutes, district school boards for 1988-1989 may levy a nonvoted discretionary millage up to 0.819 mills.

Section 23. The provisions of s. 236.081, Florida Statutes, to the contrary notwithstanding, the following procedures shall be followed by the Department of Education in determining the annual allocations through the Florida Education Finance Program:

(1) The base student allocation as prescribed in s. 236.081(6)(a), Florida Statutes, shall not be increased.

(2) The guaranteed minimum level of funding as prescribed in s. 236.081(6)(c), Florida Statutes, shall not be calculated.

(3) The profoundly handicapped program adjustment as prescribed in the General Appropriations Act shall be included in the calculation under s. 236.081(6)(a), Florida Statutes.

(4) The Sparsity Supplement shall be calculated as specified in the General Appropriations Act.

Section 24. The provisions of s. 216.181, Florida Statutes, to the contrary notwithstanding:

(1) The calculation for the annual salary rate for vacant and newly authorized positions shall be 10 percent above the minimum of the pay grade for the position or as provided in the Letter of Intent.

(2) No agency may exceed its maximum approved annual salary rate for the fiscal year. However, at any time during the fiscal year, an agency may exceed its approved rate for all budget entities by no more than 5 percent, provided that, by June 30 of every fiscal year, the agency has reduced its salary rate so that the salary rate for each budget entity is within the approved rate limit for that budget entity.

Section 25. The Department of Health and Rehabilitative Services is prohibited from expending funds from any specific appropriation or from any other source for the purchase or production of "fuel, wood refined and densified" (wood pellets).

Section 26. Those funds appropriated in Specific Appropriations 1995A through 1995H, chapter 87-98, Laws of Florida, that are contracted or committed for fixed capital outlay energy conservation projects shall be certified forward in accordance with s. 216.301(2)(a), Florida Statutes, and shall revert on April 1, 1989, if the requirements of s. 216.301(3)(a), Florida Statutes, are not met.

Section 27. Pursuant to s. 240.355, Florida Statutes, school districts and community colleges shall report, beginning July 1, 1988, all vocational postsecondary education programs according to program titles, numbers, and levels as specified in the Vocational Education Program Courses Standards document. Institutions may continue to offer existing programs which are assigned to a lower level, provided that such programs are reported and funded at the assigned level.

Section 28. Notwithstanding the provisions of s. 236.081(3)(d), Florida Statutes, summer inservice institute participants may elect to receive college credit for components completed, provided the credit-earning components are identified in the summer institute plan submitted to the Department of Education by the district. Those individuals who choose to receive college credit shall pay the regular tuition and registration fees assessed by the credit-granting institutions and shall be entitled to all participant benefits provided in the district plan.

Section 29. If elementary and secondary education programs conducted by local school systems on state mental hospital grounds pursuant to provisions of s. 230.23(4)(n), Florida Statutes, are discontinued, either because children and youth programs are transferred to other hospitals or because patients are served in district school facilities, relocatable classroom facilities at South Florida State Hospital and North Florida State Hospital shall become the property of the Broward County and Baker County school districts, respectively, and may be moved at district expense for use by exceptional students within those districts.

Section 30. The provisions of s. 236.081(1)(c), Florida Statutes, to the contrary notwithstanding, the program identified as "Alternative Education" shall be replaced by a program entitled "Dropout Prevention." The following new programs shall be added as Basic Education programs: "Intensive English/ESOL K-3," "Intensive English/ESOL 4-8," "Intensive English/ESOL 9-12." Program weights used in the calculation of the Florida Education Finance Program shall be defined in the General Appropriations Act.

Section 31. In determining the effective date for the application of s. 216.301(3)(a), Florida Statutes, the date of July 1, 1987, shall be used for the appropriation for Palm Beach Junior College contained in section 1(1)(o) of chapter 84-542, Laws of Florida.

Section 32. Item (iii) of section 27 of chapter 85-120, Laws of Florida, to the contrary notwithstanding, the balance of local match requirements from bonds or private donations in the minimum amount of \$6.5 million does not have to be paid by January 15, 1988, but instead shall be paid by January 15, 1989.

Section 33. The provisions of sections 1(1)(c), chapter 83-333; 1(1)(e), chapter 84-542; 35(1)(h), chapter 85-116, as reenacted by chapter 86-2; and specific appropriation 1945C, chapter 86-167, Laws of Florida, to the contrary notwithstanding, funds appropriated for the community education facility may be interchanged between phases to implement the intent of the project; and the provisions of s. 235.196(1)(f), Florida Statutes, to the contrary notwithstanding, the Broward County School Board is authorized to construct a media center on the site of the Pembroke Pines Resource Center.

Section 34. Notwithstanding provisions of s. 394.76, Florida Statutes, local match per s. 394.76, Florida Statutes, shall not be required on any funds transferred into Specific Appropriations 809A, 809B, or 809C of the 1988-1989 General Appropriations Act to match federal funds earned from Medicaid services provided for mental health clients in excess of the amounts initially appropriated.

Section 35. The provisions of s. 320.06, Florida Statutes, to the contrary notwithstanding, the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles is authorized to pay salaries and benefits and expenses from the Motor Vehicle License Replacement Trust Fund as appropriated in the General Appropriations Act for these purposes.

Section 36. The Department of Transportation shall not establish any additional district or urban offices unless specific funding is provided in the General Appropriations Act.

Section 37. Notwithstanding s. 287.012(4)(c), Florida Statutes, 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.

Section 38. In determining the effective date for the application of s. 216.301(3)(a), Florida Statutes, the date of July 1, 1987, shall be used for the appropriation to the Board of Regents of the State University System to construct academic faculty and clinic space adjacent to University Hospital of Jacksonville, contained in s. 35(4)(g) of s. 1 of chapter 86-2, Laws of Florida.

Section 39. Notwithstanding the provision of paragraph (c) of subsection (1) of section 7 of chapter 80-414, Laws of Florida, each university receiving a loan may elect, as an alternative repayment plan, to repay the loan from capital improvement fees. Under this repayment plan, the loan amount may be considered as a first lien on the university's share of capital improvement fees from the date of loan approval. Interest, at the rate provided, would apply to the loan amount outstanding upon project completion. Any entitlement balance previously withheld in connection with loans authorized by such law may be applied to the satisfaction of the loan obligation.

Section 40. Pursuant to s. 240.327, Florida Statutes, Miami-Dade Community College is hereby authorized to acquire property through the expenditure of non-PECO funds available to the college.

Section 41. Pursuant to s. 240.327, Florida Statutes, authorization is given to the District Board of Trustees of St. Petersburg Junior College, St. Petersburg, Florida, to purchase approximately 1 acre of land as an addition to the Health Education Center site in Pinellas Park, Florida, on 66th Street North at Park Boulevard.

Section 42. The provisions of Rules 16D-5.0503 and 16D-5.0512 of the Florida Administrative Code to the contrary notwithstanding, the Department of Natural Resources shall not require matching funds from the project sponsor for funds contained in Specific Appropriation 1462 of chapter 85-119, Laws of Florida, which were earmarked for renovation of the Monroe Center in Brevard County.

Section 43. The State Board of Community Colleges shall develop and adopt a long-range plan for the potential geographic expansion of public community colleges in Florida. The plan shall identify all instructional sites and special purpose centers with the potential to become centers or campuses by the year 2000. The plan must project the date by which each college will meet the criteria described in SBE Rule 6H-1.040(5)(c) and (d), F.A.C., and must project a possible date and possible locations for expansion of each college to a new center or campus. The board shall develop and adopt a definition of the term "substantial completion" and uniformly apply the definition when identifying needs for future centers and campuses and in considering requests for such designations. Because of the emphasis on life-long learning and the high percentage of part-time and older students, the board should address in its definition whether facilities such as gymnasiums are appropriate and required facilities on each campus or whether it is more appropriate to have other types of physical education facilities constructed. The board shall also uniformly apply the 3,000 FTE criteria and substantial completion concept in developing the 3-year Legislative Budget Capital Outlay Request. No project may be included on the 1989-1990 through 1991-1992 request from the board which does not comply with these requirements. The plan shall be developed in cooperation with the Postsecondary Education Planning Commission. A copy of the plan and related recommendations shall be submitted to the Governor and the Legislature by February 1, 1989.

Section 44. (1) The following trust funds of the departments specified in this subsection that are scheduled to be abolished on October 1, 1988, pursuant to the provisions of s. 215.3205(1)(c), Florida Statutes, and that are not abolished by any other act of the Legislature are hereby abolished:

(a) Within the Department of Corrections:

1. The Correctional Programs Trust Fund, fund number 7000-70-20-2-126001.

2. The Correctional Work Program Revolving Trust Fund, fund number 7000-70-60-2-129001.

3. The Federal Aid Trust Fund within the Division of Major Institutions, fund number 7000-70-30-2-231003.

4. The Replacement Trust Fund within Region 1, fund number 7000-70-20-2-580058.

5. The Sale of Goods Clearing Trust Fund within the Division of Probation and Parole Services, fund number 7000-70-74-2-613001.

(b) Within the Department of Health and Rehabilitative Services:

1. The Administrative Trust Fund within Health Services, fund number 6000-60-10-2-021028.

2. The Alcohol, Drug Abuse and Mental Health Trust Fund within District Administration, fund number 6000-60-20-2-027003.

3. The Block Grant Matching Trust Fund within Alcohol, Drug Abuse and Mental Health Services, fund number 6000-60-10-2-060005.

4. The Drugs, Devices and Cosmetics Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-173001.

5. The Inland Protection Trust Fund within the Assistant Secretary for Programs, fund number 6000-60-20-2-212001.

6. The Federal Aid Trust Fund Title XX within District Administration, fund number 6000-60-10-2-234003.

7. The Federal Grants and Aids Trust Fund within Health Services, fund number 6000-60-20-2-252001.

8. The Federal Rehabilitation Trust Fund within the former Vocational Rehabilitation Services, fund number 6000-60-20-2-270002.

9. The Grants and Donations Trust Fund within the Assistant Secretary for Administration, fund number 6000-60-20-2-339061.

10. The Low-Level Radioactive Waste Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-454001.

11. The Licensure Fees Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-456002.

12. The Medical Care Trust Fund within Economic Services, fund number 6000-60-20-2-474003.

13. The Maternal and Child Health Block Grant Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-475003.

14. The Nursing Homes and Related Facilities Licensure Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-500001.

15. The Operations and Maintenance Trust Fund within Children's Medical Services, fund number 6000-60-10-2-513003.

16. The Resident Protection Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-522001.

17. The Pest Control Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-528001.

18. The Radiation Reclamation Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-568002.

19. The Replacement Trust Fund within the Assistant Secretary for Administration, fund number 6000-60-30-2-580027.

20. The Replacement Trust Fund within the Alcohol, Drug Abuse and Mental Health Services, fund number 6000-60-30-2-580008.

21. The Replacement Trust Fund within the Mental Health Institutions, fund number 6000-60-30-2-580085.

22. The Replacement Trust Fund within the Children, Youth and Family Services, fund number 6000-60-30-2-580078.

23. The Replacement Trust Fund within the Children and Youth Institutions, fund number 6000-60-30-2-580075.

24. The Replacement Trust Fund within the Developmental Services Institutions, fund number 6000-60-30-2-580009.

25. The Services Trust Fund within Economic Services, fund number 6000-60-20-2-633002.

26. The Social Services Block Grant Trust Fund within the Office of the Secretary, fund number 6000-60-10-2-639009.

27. The Social Services Block Grant Trust Fund within the Assistant Secretary for Administration, fund number 6000-60-10-2-639001.

28. The Social Services Block Grant Trust Fund within Developmental Services Institutions, fund number 6000-60-10-2-639010.

29. The Social Services Block Grant Trust Fund within District Administration, fund number 6000-60-10-2-639013.

30. The Social Services Block Grant Trust Fund within Health Services, fund number 6000-60-10-2-639007.

31. The U.S. Grants Trust Fund within the Assistant Secretary for Programs, fund number 6000-60-74-2-735001.

32. The United States Trust Fund within Children's Medical Services, fund number 6000-60-20-2-738001.

33. The Workshop and Facilities Trust Fund within the former Vocational Rehabilitation Services, fund number 6000-60-71-2-801002.

34. The Administrative Trust Fund within the Alcohol, Drug Abuse and Mental Health Services, fund number 6000-60-10-2-021029. Assets and liabilities of the fund shall be transferred to the Alcohol, Drug Abuse and Mental Health Trust Fund within the Alcohol, Drug Abuse and Mental Health Services, fund number 6000-60-20-2-027001.

35. The Federal Rehabilitation Trust Fund within the Assistant Secretary for Programs, fund number 6000-60-20-2-270003. Assets and liabilities of the fund shall be transferred to the Department of Labor and Employment Security, the Federal Rehabilitation Trust Fund in Vocational Rehabilitation Services.

36. The Hearing Aids and Devices Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-357001. Assets and liabilities of the fund shall be transferred to the Planning and Evaluation Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-531001.

37. The Licensure Fees Trust Fund within Aging and Adult Services, fund number 6000-60-20-2-456001. Assets and liabilities of the fund shall be transferred to the Licensure Trust Fund within the Aging and Adult Services, fund number 6000-60-20-2-456003.

38. The Radiation Protection Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-569001. The assets and liabilities of the fund shall be transferred to the Radiation Protection Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-569002.

(c) Within the Department of Labor and Employment Security:

1. The Administrative Trust Fund within the former Division of Administration, fund number 5400-54-20-2-021009.

2. The Crew Chief Registration Trust Fund within the former Division of Employment Security, fund number 5400-54-20-2-147001.

3. The Judicial Supreme Court Grant Trust Fund, fund number 5400-54-20-2-339001.

4. The Grants Trust Fund within the former Division of Labor, fund number 5400-54-20-2-339050.

5. The Grants Trust Fund within the former Division of Employment Security, fund number 5400-54-71-2-339051.

6. The Grants Trust Fund within the Division of Workers' Compensation, fund number 5400-54-20-2-339052.

7. The Labor, Employment, and Training Trust Fund within the Division of Labor, Employment, and Training, fund number 5400-54-20-2-420002.

8. The Fixed Capital Outlay/Roof and Air Conditioning Repairs/Caldwell Building Trust Fund, fund number 5400-54-30-2-648004.

9. The Work Incentive Benefits Trust Fund, fund number 5400-54-71-2-786001.

10. The Workers' Compensation Administration Trust Fund within the former Division of Labor, fund number 5400-54-20-2-795002.

(d) Within the Department of Law Enforcement:

1. The Correctional Officer Training Trust Fund within the Division of Criminal Justice Standards and Training, fund number 7100-71-20-2-128002.

2. The Grants Trust Fund within the Division of Criminal Justice Standards and Training, fund number 7100-71-20-2-339067.

3. The Jose Marti Scholarship Challenge Grant Trust Fund, fund number 7100-71-20-2-666002.

(e) Within the Parole and Probation Commission:

1. The Grants Trust Fund, fund number 7800-78-20-2-339082.

2. The Security Deposit Trust Fund, fund number 7800-78-10-2-625003.

All funds, including investment balances, shall be transferred in accordance with this section or, if the disposition provided by this section is in conflict with any other disposition provided by other general law, in accordance with such other general law.

(2) In any case in which the title of a trust fund designated to be abolished pursuant to this section may be presently inaccurate, the Comptroller shall be guided by the fund number of the trust fund.

(3) All trust funds of the Department of Corrections, the Department of Health and Rehabilitative Services, the Department of Labor and Employment Security, the Department of Law Enforcement, the Department of Professional Regulation, the Game and Fresh Water Fish Commission, and the Parole and Probation Commission which are scheduled to be abolished on October 1, 1988, pursuant to the provisions of s. 215.3205(1)(d), Florida Statutes, and which are not abolished by this act or by any other act of the Legislature shall not be abolished on the scheduled date but are hereby continued.

Section 45. The Secretary of State, in consultation with the Historic Preservation Council and the Florida Arts Council, shall undertake a study, from funds provided to the Department of State in the Fiscal Year 1988-1989 General Appropriations Act, to determine the appropriate level of local match required with regard to projects funded in part by the State of Florida in the areas of Arts and Historic Preservation. The results of this study shall be submitted to the Legislature no later than January 1, 1989.

Section 46. Those funds appropriated in Specific Appropriation 1621A in chapter 87-98, Laws of Florida, to the City of Sanford for Veterans Park Band Shell Reconstruction may be used by the City of Sanford for renovation and restoration of the Sanford Civic Center.

Section 47. The funding of \$300,000 provided in Specific Appropriation 795A in chapter 87-98, Laws of Florida, shall be advanced to Gadsden County for site acquisition and construction of a senior citizen center and shall not revert to the General Revenue Fund.

Section 48. The Department of Professional Regulation is prohibited from expending funds from any specific appropriation, from any trust fund, or from any other source for the lease or acquisition of any space for office or any other use in Innovation Park in Tallahassee, notwithstanding any leasehold provision to the contrary.

Section 49. The School Board of Sumter County and the Board of Trustees of Lake-Sumter Community College may jointly request a formal assessment by the Commissioner of Education and the State Board of Community Colleges of the academic program need and the need to build new joint-use facilities to house approved programs pursuant to the provisions of s. 235.195(1), Florida Statutes. Upon such joint request, the Division of Community Colleges shall assist the college in a programmatic needs assessment of the college's offerings in Sumter County and determine whether those identified needs can best be met by joint programs or facilities with the Sumter County School District. Upon such joint request, the Division of Public Schools shall assist the Sumter County School District in a programmatic needs assessment of the school district and determine whether those needs can best be met by joint pro-

grams or facilities with Lake-Sumter Community College. Once the needs assessment has been completed, the results shall be reported to the Commissioner of Education or State Board of Community Colleges, as appropriate, for approval. If either or both approve the needs assessment and find that there is a need for new facilities, a request for a plant survey should be made to the Office of Educational Facilities. If it is determined that the need for a "center" or "campus" designation exists in order for the community college to properly serve Sumter County, the State Board of Community Colleges shall also assist the community college to begin the necessary procedure to seek approval for such designation.

Section 50. The Board of Regents of the State University System is hereby authorized to make improvements or renovations to dormitories at Florida State University. The renovations and improvements may be partially financed from bonds issued pursuant to s. 11(e), Art. VII of the State Constitution in an amount not to exceed \$3.5 million.

Section 51. Pursuant to s. 240.295, Florida Statutes, the Board of Regents is hereby authorized to construct the following facilities from non-PECO sources which will require General Revenue Funds for operation:

- (1) UF - Ambulatory Clinic Facility and Oncology Treatment Center.
- (2) UF - Microfabritech Equipment Building.
- (3) USF - Stavros Economic Center for Education.
- (4) UF - IFAS Fisheries & Aquaculture Lab.
- (5) UF - IFAS Basic Plant Biology Lab.
- (6) UF - IFAS Vegetable Crops Plant Imp. Lab.
- (7) UF - Infectious Disease Cattle Facility.
- (8) UF - Citrus REC, Lake Alfred Greenhouse Complex.
- (9) USF - Hazardous Waste Facility.
- (10) FIU - Labor Research & Studies Building.

Section 52. Pursuant to Section 11(e) of Article VII of the State Constitution, the Board of Regents of the State University System is authorized to refinance bonds issued for the Florida International University Bay Vista Housing Apartments.

Section 53. The provisions of item 1951AA of section 7 of chapter 86-167, Laws of Florida, notwithstanding, the University of South Florida and the University of West Florida project appropriations are revised and reallocated to the following project appropriation amounts:

- (1) USF:
  - (a) Sun Dome Contract Settlement (repayment to General Revenue), \$706,728.
  - (b) Dormitory Bond Prepayment, \$260,783.
  - (c) Recreational/Student Center Facilities, \$2,154,091.
  - (d) Student Center/Health Center/Bookstore, \$9,212,398.
  - (e) Student Services Support Facility, \$800,000.
- (2) UWF:
  - (a) Outdoor Recreation and Related Sport Facilities, \$267,915.
  - (b) Student Activity Lodge "Design", \$30,925.
  - (c) Outdoor Recreation Facility Expansion and Other Campus Enhancement Structures, \$799,160.
  - (d) Residence Hall Fire Code Corrections, Renovation and Improvements, \$500,000.
  - (e) Commons Renovation and Outdoor Improvements, \$400,000.
  - (f) Campuswide "Blue Light" System, \$25,000.
  - (g) Natatorium Emergency Repairs and Renovation, \$250,000.

Section 54. The provisions of item 1968A of section 4 of chapter 87-98, Laws of Florida, notwithstanding, the University of South Florida project appropriations are revised and reallocated to the following project appropriation amounts:

- (1) Recreational Facility/Student Center Improvement, \$1,735,225.
- (2) Student Center/Health Center/Bookstore, Phase I, \$2,760,200.

Section 55. Funds for the project appropriated in section 4(4) of chapter 83-333, Laws of Florida, and reappropriated in section 35(4)(k) of chapter 86-2, Laws of Florida, as the reenactment of chapter 85-116, Laws of Florida, the provisions of s. 216.301(3)(a), Florida Statutes, shall be calculated using the date of July 1, 1988.

Section 56. In determining the effective date for the application of s. 216.301(3)(a), Florida Statutes, the date of July 1, 1988, shall be used for the appropriation, to the Board of Regents of the State University System to construct academic faculty and clinic space adjacent to the University Hospital of Jacksonville, contained in section 35(4)(g) of chapter 86-2, Laws of Florida.

Section 57. Notwithstanding the provisions of section 68 of chapter 86-168, Laws of Florida, and section 45 of chapter 87-247, Laws of Florida, the expiration date for subsection (1) of section 59 of chapter 86-168, Laws of Florida, is extended to July 1, 1989.

Section 58. Except as otherwise provided herein, this act shall take effect July 1, 1988, or in the event this act fails to become a law until after said date, it shall operate retroactively thereto. This act shall expire and be void and inoperative on July 1, 1989.

**Amendment 2**—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to state government; providing legislative intent; authorizing the Administration Commission to approve certain transfers related to reorganization; providing requirements for the purchasing or leasing of automobiles; restricting the transfer or utilization of services of certain employees; restricting price at which vehicles may be purchased; providing legislative intent regarding the expenditure of certain funds available as a result of litigation against oil companies and refiners and distributors; directing the Governor's Energy Office to recommend projects to be funded with oil overcharge money; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of such restrictions; providing for the advance of funds in any specific appropriation under certain conditions; authorizing the expenditure of certain funds by state attorneys and public defenders and requiring a report with respect thereto; requiring the Department of Transportation to allocate resources to districts prior to a specified date; authorizing the Department of Transportation to provide moneys to the Department of Commerce to fund economic development transportation projects; authorizing the Department of Transportation to advance funds for certain airports; providing for funding the Five-Year Work Program of the Department of Transportation; providing for use of appropriated funds to assist the Mid Bay Bridge Authority; providing for expenditure of funds provided the Department of Transportation for projects not in the State Highway System; authorizing the Department of Transportation to negotiate for certain leased space; exempting certain building renovations or repairs from review by the Department of General Services; providing for continuation of a specified day care center; providing for reimbursement to school districts for costs of residential nonpublic school contracts and providing conditions, eligibility, and funding with respect thereto; providing that appropriations to the Department of Education for certain purchases of electronic data processing equipment by school districts, community colleges, and the Board of Regents are subject to approval by the Commissioner of Education; providing that certain provisions relating to education shall be implemented only to the extent specifically provided for in the General Appropriations Act; providing that district school boards may levy a nonvoted discretionary millage; providing procedures to be used in determining annual allocations through the Florida Education Finance Program; requiring budget entities to meet certain approved annual salary rate restrictions; prohibiting the Department of Health and Rehabilitative Services from expending funds for the purchase or production of wood pellets; providing for reversion of certain appropriated funds for energy conservation projects if statutory requirements are not met; prescribing powers and duties of school districts and community colleges with respect to vocational education programs; providing for college credit for summer inservice institute participants; transferring relocatable facilities at the South Florida State Hospital and North Florida State Hospital to the Broward County and Baker County school districts, respectively; renaming programs under the Florida Education Finance Program; specifying the date for application of reversion provisions with respect to an appropriation for Palm Beach Junior College; postponing the date by which matching funds for an appropriation

for Broward County Performing Arts Center must be paid; providing for interchange of funds appropriated for the Pembroke Pines Resource Center and authorizing construction of a media center; exempting certain appropriations from local match requirements; authorizing payment of salaries and benefits in the Division of Motor Vehicles from the Motor Vehicle License Replacement Trust Fund; prohibiting the Department of Transportation from establishing additional offices; exempting certain services from certain contractual document requirements; prescribing the date for certain funds appropriated under chapter 86-2, Laws of Florida; authorizing changes in loan repayment schedules; authorizing Miami-Dade Community College to acquire property with non-PECO funds; authorizing St. Petersburg Junior College to acquire certain property; providing that matching funds may not be required by the Department of Natural Resources for a specified project; requiring the State Board of Community Colleges to adopt a long-range expansion plan and providing for elements to be contained in the plan; abolishing the trust funds of certain agencies and providing for transfer of moneys therein; reviving certain trust funds scheduled for repeal; requiring the Secretary of State to study local match requirements for Arts and Historic Preservation projects; providing that specified funds previously appropriated for a park may be used for the renovation and restoration of a civic center; providing that specified funds previously appropriated shall be used for the construction of a senior citizens center and shall not revert; prohibiting the Department of Professional Regulation from expending funds for the lease or acquisition of specified office space or other specified uses; providing for joint-use facilities for certain approved programs for specified community colleges and school districts; providing for improvements or renovations to dormitories at Florida State University, to be financed partially from bonds; authorizing the construction of specified facilities at state universities from non-PECO courses; providing for the refinancing of bonds issued for specified facilities at Florida International University; revising and reallocating previous appropriations made to specified universities for specified facilities; revising dates that funds for specific appropriations in prior years will revert for projects at University of Florida, University Hospital-Jacksonville, and University of South Florida/Sarasota fine arts facility; providing a retroactive effective date and an expiration date.

On motion by Senator Scott, by two-thirds vote HB 1701 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—D. Childers, Crawford, Peterson, Stuart

**HB 1702**—A bill to be entitled An act relating to conforming statutes to the fiscal year 1988-1989 General Appropriations Act; providing legislative intent; providing for the advance of funds in any specific appropriation under certain conditions; authorizing the Department of Transportation to advance funds for certain airports; authorizing district deputy assistant secretaries in the Department of Transportation to transfer resources between budget entities; authorizing payment of salaries and benefits in the Division of Motor Vehicles from the Motor Vehicle License Plate Replacement Trust Fund; providing duties with respect to the 5-Year Transportation Plan for certain counties; authorizing funding for renovation of the Monroe Center Recreational Center without project sponsor matching funds; extending the transfer of certain funds within the Department of State; requiring budget entities to meet certain approved annual salary rate restrictions; providing procedures for state agencies with respect to solicitation for contractual training needs; providing for transfer to the General Revenue Fund of certain first proceeds deposited into the State Infrastructure Fund; modifying procedures for determining annual allocations to school districts; providing for the establishment of enrollment ceilings by program groups; providing proce-

dures to be used in determining annual allocations through the Florida Education Finance Program; authorizing a transfer of funds to purchase telecommunications devices for the hearing impaired; authorizing the Florida Public Service Commission to temporarily utilize funds from the Florida Energy Trust Fund for certain purposes; providing for repayment; appropriating certain unencumbered funds to the Florida Council on Asian Affairs; extending expiration date of provisions authorizing the Board of Regents to make certain improvements or renovations at Florida State University; revising and reallocating certain project appropriations for the University of South Florida; providing that certain unexpended funds carried forward from university budgets shall be used primarily for correction of fire code violations; authorizing use of certain funds for certain conversion of the Trade Center Building at Florida International University; authorizing universities to match funds in the Trust Fund for Major Gifts; increasing application fees for notaries public; providing a retroactive effective date and an expiration date.

—was read the second time by title.

Senator Scott moved the following amendments which were adopted:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 1988-1989.

Section 2. Where any reorganization has been authorized by the Legislature and the necessary adjustments of appropriations and positions have not been provided in the General Appropriations Act, the Administration Commission may approve the necessary transfers to accomplish the purposes of such reorganization.

Section 3. All automobiles purchased or leased by the state with funds provided in the General Appropriations Act shall be of the subcompact class, except vehicles used for law enforcement purposes, used as tow vehicles, routinely used to transport bulk materials or more than three adults, or vehicles operated frequently on unpaved roads. All vehicles purchased shall be the smallest class that can safely and adequately meet the transportation requirements. The exception from the subcompact vehicle requirement for law enforcement purposes shall not apply to state attorneys and public defenders.

Section 4. Notwithstanding the provisions of s. 112.24, Florida Statutes, any individual filling a position authorized in section 1 of the General Appropriations Act for any state agency may not be transferred to or have his services utilized by any other state agency, unless the using agency pays for such services which are in excess of 1 week.

Section 5. No funds in the General Appropriations Act shall be used to purchase any vehicle at prices in excess of the standard prices negotiated by the Department of General Services, Division of Purchasing.

Section 6. (1) Specific appropriations are provided in the General Appropriations Act from funds available to the State of Florida due to settlements of litigation brought by the United States Department of Energy against oil companies and refiners and distributors. Other statutory provisions to the contrary notwithstanding, it is the intent of the Legislature that funds received, and interest earned on such funds, as a result of federal statute or administrative, judicial, or regulatory actions requiring the disbursement to states of refund moneys for alleged overcharges for petroleum products sold during the period of time in which federal price controls on such petroleum products were in effect, whether by themselves or in conjunction with other moneys appropriated by the Legislature, shall not be expended unless specifically appropriated by the Legislature in the General Appropriations Act.

(2) The Governor's Energy Office shall submit to the Legislative Appropriations Committees on or before March 1, 1989, a list of projects recommended for funding with oil overcharge moneys in Fiscal Year 1989-1990. This list shall conform to the categories contained in Specific Appropriations 2052G through 2052N of the Fiscal Year 1988-1989 General Appropriations Act.

Section 7. Any agency that has been expressly authorized by other law to make advances for program start-up or advances for contracted services, in total or periodically, shall limit such disbursements to other governmental entities and not-for-profit corporations. The amount which may be advanced shall not exceed the expected cash needs of the contractor or recipient within the initial 3 months. Thereafter, disbursements

shall only be made on a reimbursement basis. Any agreement that provides for advancements may contain a clause that permits the contractor or recipient to temporarily invest the proceeds, provided that any interest income shall either be returned to the agency or be applied against the agency's obligation to pay the contract amount. This provision shall not be construed as lawful authority to make any advance payment not otherwise authorized by laws relating to a particular agency or general laws relating to the expenditure or disbursement of public funds. The Comptroller may, after consultation with the Legislative Appropriations Committees, waive the requirements of this section if it is determined to be consistent with the intent of the General Appropriations Act or the Letter of Intent.

Section 8. The provisions of s. 216.011, Florida Statutes, to the contrary notwithstanding, funds provided in any Specific Appropriation in the General Appropriations Act for Fiscal Year 1988-1989 may be advanced if the General Appropriations Act specifically so provides.

Section 9. The provisions of s. 27.34 or s. 27.54, Florida Statutes, to the contrary notwithstanding:

(1) State attorneys and public defenders may expend state funds appropriated for the 1988-1989 fiscal year for items enumerated in s. 27.34 or s. 27.54, Florida Statutes, respectively, which would otherwise be payable by the respective counties, provided that the total state expenditures for such items for each office do not exceed the total amount spent by each office during the 1987-1988 fiscal year for such items.

(2) Each state attorney and public defender shall, not later than October 1, 1988, submit a report to the Legislative Appropriations Committees showing the amount of state funds expended during Fiscal Year 1987-1988 for the items enumerated in s. 27.34 or s. 27.54, Florida Statutes. The Comptroller shall prescribe the report format.

Section 10. The Department of Transportation shall allocate resources to the districts prior to July 31 of each year. The allocation and all subsequent amendments shall be reported promptly to the Executive Office of the Governor and the Legislative Appropriations and Transportation Committees. The Secretary shall require each district Deputy Assistant Secretary to submit a monthly report on the status of his budgets which shall indicate, by major budget category within each budget entity, the monthly expenditure, the cumulative expenditures to date and the remaining balance of the regional allocations. A copy of such reports shall be submitted monthly to the President of the Senate and the Speaker of the House of Representatives.

Section 11. Notwithstanding the provisions of s. 339.08, Florida Statutes, the Department of Transportation is authorized to provide moneys to the Department of Commerce to fund economic development transportation projects under the provisions of s. 288.063, Florida Statutes.

Section 12. The provisions of s. 332.007, Florida Statutes, to the contrary notwithstanding, the Department of Transportation is authorized to advance grant funds as specifically appropriated in the General Appropriations Act to Orlando International Airport in Orange County and the Valkaria Airport in Brevard County.

Section 13. Funds provided in section 7 of the General Appropriations Act are specifically provided to fund the tentative Five-Year Work Program of the Department of Transportation as submitted to the Legislature on March 1, 1988, and any additional projects contained in the General Appropriations Act and defined in the Letter of Intent. Notwithstanding the provisions of s. 339.135(9), Florida Statutes, changes in, or amendments to, the specific projects in the tentative Five-Year Work Program and the projects added in the legislative process may be made only in accordance with the provisions of s. 216.292(3)(a), Florida Statutes.

Section 14. Notwithstanding the provisions of s. 338.251, Florida Statutes, \$8 million provided in the General Appropriations Act shall be used to assist the Mid Bay Bridge Authority in selling bonds at the most favorable rate. These funds may be used to offset the costs of construction or to guarantee the coverage of tolls.

Section 15. Notwithstanding the provisions of s. 339.08, Florida Statutes, funds provided in the Department of Transportation for projects not on the State Highway System are provided for state purposes and shall be spent for the projects contained in the General Appropriations Act and defined in the Letter of Intent.

Section 16. Notwithstanding the provisions of s. 255.25, Florida Statutes, the Department of Transportation's Seventh District is authorized to negotiate additional leased space in buildings where they are currently located and in which leases were previously competitively obtained. The negotiated lease must be within all other current Department of General Services guidelines and rental rates. Negotiations must be conducted with both existing landlords and the lower rate must be accepted.

Section 17. Any building renovations, repairs, or similar activities funded in the Legislative Branch in the General Appropriations Act shall be exempt from review and approval by the Department of General Services.

Section 18. The Ina May Thompson Day Care Center, located at the Neil Kirkman Building, Tallahassee, Florida, and established pursuant to s. 110.151, Florida Statutes, shall be continued through June 30, 1989. No state funds may be expended to support this operation during Fiscal Year 1988-1989.

Section 19. (1) Annually, the Commissioner of Education shall obtain the cost of all residential nonpublic school contracts and calculate the cost to be reimbursed. The commissioner shall calculate by district and by student the total cost of the contracts and deduct the amount of the weighted FTE generated plus the amount of federal handicapped entitlement funds per student and any amount paid by the Department of Health and Rehabilitative Services, or other federal, state, or local agency. Sixty percent of the difference between the actual cost of contract and the funds deducted shall be eligible for reimbursement.

(2) The commissioner shall request from the Legislature annually the amount of funds needed to reimburse the districts as calculated in subsection (1). If the Legislature does not appropriate the full amount requested, the amount appropriated shall be prorated among all eligible students.

Section 20. All moneys appropriated in the General Appropriations Act to the Department of Education are conditional upon each district school board, each community college board of trustees, and the Board of Regents securing prior approval from the Commissioner of Education before purchasing or leasing any electronic data processing equipment or software costing in excess of \$25,000 in any 12-month period. In granting approval, the commissioner must ensure that the software or equipment is compatible with the Florida Information Resources Network, and that the costs of educational computing are reduced by making the best use of existing hardware and software. The commissioner shall give priority to improving information systems, with specific emphasis on common data definitions and data handling procedures which will provide analyses and reports utilizing data from school districts, community colleges, or state universities. Such development shall be carried out through a centrally coordinated and supervised effort.

Section 21. Notwithstanding any other provisions of law to the contrary, the amendments to ss. 228.041, 236.013, and 236.02, Florida Statutes, relating to extension of the school day for grades 9-12, which were enacted by ss. 14, 15, and 16 of chapter 83-327, Laws of Florida; ss. 228.085, 236.091, and 236.092, Florida Statutes, relating to mathematics, science, and computer education; and ss. 230.2319 and 232.301, Florida Statutes, relating to Florida Progress in Middle Childhood Education Program and to model programs for the prevention of student failures and dropouts, enacted by sections 83 and 87 of chapter 84-336, Laws of Florida, respectively, may be implemented only to the extent specifically provided for and funded in the General Appropriations Act.

Section 22. Notwithstanding s. 236.25(1), Florida Statutes, district school boards for 1988-1989 may levy a nonvoted discretionary millage up to 0.819 mills.

Section 23. The provisions of s. 236.081, Florida Statutes, to the contrary notwithstanding, the following procedures shall be followed by the Department of Education in determining the annual allocations through the Florida Education Finance Program:

(1) The base student allocation as prescribed in s. 236.081(6)(a), Florida Statutes, shall not be increased.

(2) The guaranteed minimum level of funding as prescribed in s. 236.081(6)(c), Florida Statutes, shall not be calculated.

(3) The profoundly handicapped program adjustment as prescribed in the General Appropriations Act shall be included in the calculation under s. 236.081(6)(a), Florida Statutes.

(4) The Sparsity Supplement shall be calculated as specified in the General Appropriations Act.

Section 24. The provisions of s. 216.181, Florida Statutes, to the contrary notwithstanding:

(1) The calculation for the annual salary rate for vacant and newly authorized positions shall be 10 percent above the minimum of the pay grade for the position or as provided in the Letter of Intent.

(2) No agency may exceed its maximum approved annual salary rate for the fiscal year. However, at any time during the fiscal year, an agency may exceed its approved rate for all budget entities by no more than 5 percent, provided that, by June 30 of every fiscal year, the agency has reduced its salary rate so that the salary rate for each budget entity is within the approved rate limit for that budget entity.

Section 25. The Department of Health and Rehabilitative Services is prohibited from expending funds from any specific appropriation or from any other source for the purchase or production of "fuel, wood refined and densified" (wood pellets).

Section 26. Those funds appropriated in Specific Appropriations 1995A through 1995H, chapter 87-98, Laws of Florida, that are contracted or committed for fixed capital outlay energy conservation projects shall be certified forward in accordance with s. 216.301(2)(a), Florida Statutes, and shall revert on April 1, 1989, if the requirements of s. 216.301(3)(a), Florida Statutes, are not met.

Section 27. Pursuant to s. 240.355, Florida Statutes, school districts and community colleges shall report, beginning July 1, 1988, all vocational postsecondary education programs according to program titles, numbers, and levels as specified in the Vocational Education Program Courses Standards document. Institutions may continue to offer existing programs which are assigned to a lower level, provided that such programs are reported and funded at the assigned level.

Section 28. Notwithstanding the provisions of s. 236.081(3)(d), Florida Statutes, summer inservice institute participants may elect to receive college credit for components completed, provided the credit-earning components are identified in the summer institute plan submitted to the Department of Education by the district. Those individuals who choose to receive college credit shall pay the regular tuition and registration fees assessed by the credit-granting institutions and shall be entitled to all participant benefits provided in the district plan.

Section 29. If elementary and secondary education programs conducted by local school systems on state mental hospital grounds pursuant to provisions of s. 230.23(4)(n), Florida Statutes, are discontinued, either because children and youth programs are transferred to other hospitals or because patients are served in district school facilities, relocatable classroom facilities at South Florida State Hospital and North Florida State Hospital shall become the property of the Broward County and Baker County school districts, respectively, and may be moved at district expense for use by exceptional students within those districts.

Section 30. The provisions of s. 236.081(1)(c), Florida Statutes, to the contrary notwithstanding, the program identified as "Alternative Education" shall be replaced by a program entitled "Dropout Prevention." The following new programs shall be added as Basic Education programs: "Intensive English/ESOL K-3," "Intensive English/ESOL 4-8," "Intensive English/ESOL 9-12." Program weights used in the calculation of the Florida Education Finance Program shall be defined in the General Appropriations Act.

Section 31. In determining the effective date for the application of s. 216.301(3)(a), Florida Statutes, the date of July 1, 1987, shall be used for the appropriation for Palm Beach Junior College contained in section 1(1)(o) of chapter 84-542, Laws of Florida.

Section 32. Item (iii) of section 27 of chapter 85-120, Laws of Florida, to the contrary notwithstanding, the balance of local match requirements from bonds or private donations in the minimum amount of \$6.5 million does not have to be paid by January 15, 1988, but instead shall be paid by January 15, 1989.

Section 33. The provisions of sections 1(1)(c), chapter 83-333; 1(1)(e), chapter 84-542; 35(1)(h), chapter 85-116, as reenacted by chapter 86-2; and specific appropriation 1945C, chapter 86-167, Laws of Florida, to the contrary notwithstanding, funds appropriated for the community education facility may be interchanged between phases to implement the

intent of the project; and the provisions of s. 235.196(1)(f), Florida Statutes, to the contrary notwithstanding, the Broward County School Board is authorized to construct a media center on the site of the Pembroke Pines Resource Center.

Section 34. Notwithstanding provisions of s. 394.76, Florida Statutes, local match per s. 394.76, Florida Statutes, shall not be required on any funds transferred into Specific Appropriations 809A, 809B, or 809C of the 1988-1989 General Appropriations Act to match federal funds earned from Medicaid services provided for mental health clients in excess of the amounts initially appropriated.

Section 35. The provisions of s. 320.06, Florida Statutes, to the contrary notwithstanding, the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles is authorized to pay salaries and benefits and expenses from the Motor Vehicle License Replacement Trust Fund as appropriated in the General Appropriations Act for these purposes.

Section 36. The Department of Transportation shall not establish any additional district or urban offices unless specific funding is provided in the General Appropriations Act.

Section 37. Notwithstanding s. 287.012(4)(c), Florida Statutes, 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.

Section 38. In determining the effective date for the application of s. 216.301(3)(a), Florida Statutes, the date of July 1, 1987, shall be used for the appropriation to the Board of Regents of the State University System to construct academic faculty and clinic space adjacent to University Hospital of Jacksonville, contained in s. 35(4)(g) of s. 1 of chapter 86-2, Laws of Florida.

Section 39. Notwithstanding the provision of paragraph (c) of subsection (1) of section 7 of chapter 80-414, Laws of Florida, each university receiving a loan may elect, as an alternative repayment plan, to repay the loan from capital improvement fees. Under this repayment plan, the loan amount may be considered as a first lien on the university's share of capital improvement fees from the date of loan approval. Interest, at the rate provided, would apply to the loan amount outstanding upon project completion. Any entitlement balance previously withheld in connection with loans authorized by such law may be applied to the satisfaction of the loan obligation.

Section 40. Pursuant to s. 240.327, Florida Statutes, Miami-Dade Community College is hereby authorized to acquire property through the expenditure of non-PECO funds available to the college.

Section 41. Pursuant to s. 240.327, Florida Statutes, authorization is given to the District Board of Trustees of St. Petersburg Junior College, St. Petersburg, Florida, to purchase approximately 1 acre of land as an addition to the Health Education Center site in Pinellas Park, Florida, on 66th Street North at Park Boulevard.

Section 42. The provisions of Rules 16D-5.0503 and 16D-5.0512 of the Florida Administrative Code to the contrary notwithstanding, the Department of Natural Resources shall not require matching funds from the project sponsor for funds contained in Specific Appropriation 1462 of chapter 85-119, Laws of Florida, which were earmarked for renovation of the Monroe Center in Brevard County.

Section 43. The State Board of Community Colleges shall develop and adopt a long-range plan for the potential geographic expansion of public community colleges in Florida. The plan shall identify all instructional sites and special purpose centers with the potential to become centers or campuses by the year 2000. The plan must project the date by which each college will meet the criteria described in SBE Rule 6H-1.040(5)(c) and (d), F.A.C., and must project a possible date and possible locations for expansion of each college to a new center or campus. The board shall develop and adopt a definition of the term "substantial completion" and uniformly apply the definition when identifying needs for future centers and campuses and in considering requests for such designations. Because of the emphasis on life-long learning and the high percentage of part-time and older students, the board should address in its definition whether facilities such as gymnasiums are appropriate and required facilities on each campus or whether it is more appropriate to have other types of physical education facilities constructed. The board shall also uniformly apply the 3,000 FTE criteria and substantial comple-

tion concept in developing the 3-year Legislative Budget Capital Outlay Request. No project may be included on the 1989-1990 through 1991-1992 request from the board which does not comply with these requirements. The plan shall be developed in cooperation with the Postsecondary Education Planning Commission. A copy of the plan and related recommendations shall be submitted to the Governor and the Legislature by February 1, 1989.

Section 44. (1) The following trust funds of the departments specified in this subsection that are scheduled to be abolished on October 1, 1988, pursuant to the provisions of s. 215.3205(1)(c), Florida Statutes, and that are not abolished by any other act of the Legislature are hereby abolished:

(a) Within the Department of Corrections:

1. The Correctional Programs Trust Fund, fund number 7000-70-20-2-126001.
2. The Correctional Work Program Revolving Trust Fund, fund number 7000-70-60-2-129001.
3. The Federal Aid Trust Fund within the Division of Major Institutions, fund number 7000-70-30-2-231003.
4. The Replacement Trust Fund within Region 1, fund number 7000-70-20-2-580058.
5. The Sale of Goods Clearing Trust Fund within the Division of Probation and Parole Services, fund number 7000-70-74-2-613001.

(b) Within the Department of Health and Rehabilitative Services:

1. The Administrative Trust Fund within Health Services, fund number 6000-60-10-2-021028.
2. The Alcohol, Drug Abuse and Mental Health Trust Fund within District Administration, fund number 6000-60-20-2-027003.
3. The Block Grant Matching Trust Fund within Alcohol, Drug Abuse and Mental Health Services, fund number 6000-60-10-2-060005.
4. The Drugs, Devices and Cosmetics Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-173001.
5. The Inland Protection Trust Fund within the Assistant Secretary for Programs, fund number 6000-60-20-2-212001.
6. The Federal Aid Trust Fund Title XX within District Administration, fund number 6000-60-10-2-234003.
7. The Federal Grants and Aids Trust Fund within Health Services, fund number 6000-60-20-2-252001.
8. The Federal Rehabilitation Trust Fund within the former Vocational Rehabilitation Services, fund number 6000-60-20-2-270002.
9. The Grants and Donations Trust Fund within the Assistant Secretary for Administration, fund number 6000-60-20-2-339061.
10. The Low-Level Radioactive Waste Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-454001.
11. The Licensure Fees Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-456002.
12. The Medical Care Trust Fund within Economic Services, fund number 6000-60-20-2-474003.
13. The Maternal and Child Health Block Grant Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-475003.
14. The Nursing Homes and Related Facilities Licensure Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-500001.
15. The Operations and Maintenance Trust Fund within Children's Medical Services, fund number 6000-60-10-2-513003.
16. The Resident Protection Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-522001.
17. The Pest Control Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-528001.

18. The Radiation Reclamation Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-568002.

19. The Replacement Trust Fund within the Assistant Secretary for Administration, fund number 6000-60-30-2-580027.

20. The Replacement Trust Fund within the Alcohol, Drug Abuse and Mental Health Services, fund number 6000-60-30-2-580008.

21. The Replacement Trust Fund within the Mental Health Institutions, fund number 6000-60-30-2-580085.

22. The Replacement Trust Fund within the Children, Youth and Family Services, fund number 6000-60-30-2-580078.

23. The Replacement Trust Fund within the Children and Youth Institutions, fund number 6000-60-30-2-580075.

24. The Replacement Trust Fund within the Developmental Services Institutions, fund number 6000-60-30-2-580009.

25. The Services Trust Fund within Economic Services, fund number 6000-60-20-2-633002.

26. The Social Services Block Grant Trust Fund within the Office of the Secretary, fund number 6000-60-10-2-639009.

27. The Social Services Block Grant Trust Fund within the Assistant Secretary for Administration, fund number 6000-60-10-2-639001.

28. The Social Services Block Grant Trust Fund within Developmental Services Institutions, fund number 6000-60-10-2-639010.

29. The Social Services Block Grant Trust Fund within District Administration, fund number 6000-60-10-2-639013.

30. The Social Services Block Grant Trust Fund within Health Services, fund number 6000-60-10-2-639007.

31. The U.S. Grants Trust Fund within the Assistant Secretary for Programs, fund number 6000-60-74-2-735001.

32. The United States Trust Fund within Children's Medical Services, fund number 6000-60-20-2-738001.

33. The Workshop and Facilities Trust Fund within the former Vocational Rehabilitation Services, fund number 6000-60-71-2-801002.

34. The Administrative Trust Fund within the Alcohol, Drug Abuse and Mental Health Services, fund number 6000-60-10-2-021029. Assets and liabilities of the fund shall be transferred to the Alcohol, Drug Abuse and Mental Health Trust Fund within the Alcohol, Drug Abuse and Mental Health Services, fund number 6000-60-20-2-027001.

35. The Federal Rehabilitation Trust Fund within the Assistant Secretary for Programs, fund number 6000-60-20-2-270003. Assets and liabilities of the fund shall be transferred to the Department of Labor and Employment Security, the Federal Rehabilitation Trust Fund in Vocational Rehabilitation Services.

36. The Hearing Aids and Devices Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-357001. Assets and liabilities of the fund shall be transferred to the Planning and Evaluation Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-531001.

37. The Licensure Fees Trust Fund within Aging and Adult Services, fund number 6000-60-20-2-456001. Assets and liabilities of the fund shall be transferred to the Licensure Trust Fund within the Aging and Adult Services, fund number 6000-60-20-2-456003.

38. The Radiation Protection Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-569001. The assets and liabilities of the fund shall be transferred to the Radiation Protection Trust Fund within the Assistant Secretary for Operations, fund number 6000-60-20-2-569002.

(c) Within the Department of Labor and Employment Security:

1. The Administrative Trust Fund within the former Division of Administration, fund number 5400-54-20-2-021009.

2. The Crew Chief Registration Trust Fund within the former Division of Employment Security, fund number 5400-54-20-2-147001.

3. The Judicial Supreme Court Grant Trust Fund, fund number 5400-54-20-2-339001.

4. The Grants Trust Fund within the former Division of Labor, fund number 5400-54-20-2-339050.

5. The Grants Trust Fund within the former Division of Employment Security, fund number 5400-54-71-2-339051.

6. The Grants Trust Fund within the Division of Workers' Compensation, fund number 5400-54-20-2-339052.

7. The Labor, Employment, and Training Trust Fund within the Division of Labor, Employment, and Training, fund number 5400-54-20-2-420002.

8. The Fixed Capital Outlay/Roof and Air Conditioning Repairs/Caldwell Building Trust Fund, fund number 5400-54-30-2-648004.

9. The Work Incentive Benefits Trust Fund, fund number 5400-54-71-2-786001.

10. The Workers' Compensation Administration Trust Fund within the former Division of Labor, fund number 5400-54-20-2-795002.

(d) Within the Department of Law Enforcement:

1. The Correctional Officer Training Trust Fund within the Division of Criminal Justice Standards and Training, fund number 7100-71-20-2-128002.

2. The Grants Trust Fund within the Division of Criminal Justice Standards and Training, fund number 7100-71-20-2-339067.

3. The Jose Marti Scholarship Challenge Grant Trust Fund, fund number 7100-71-20-2-666002.

(e) Within the Parole and Probation Commission:

1. The Grants Trust Fund, fund number 7800-78-20-2-339082.

2. The Security Deposit Trust Fund, fund number 7800-78-10-2-625003.

All funds, including investment balances, shall be transferred in accordance with this section or, if the disposition provided by this section is in conflict with any other disposition provided by other general law, in accordance with such other general law.

(2) In any case in which the title of a trust fund designated to be abolished pursuant to this section may be presently inaccurate, the Comptroller shall be guided by the fund number of the trust fund.

(3) All trust funds of the Department of Corrections, the Department of Health and Rehabilitative Services, the Department of Labor and Employment Security, the Department of Law Enforcement, the Department of Professional Regulation, the Game and Fresh Water Fish Commission, and the Parole and Probation Commission which are scheduled to be abolished on October 1, 1988, pursuant to the provisions of s. 215.3205(1)(d), Florida Statutes, and which are not abolished by this act or by any other act of the Legislature shall not be abolished on the scheduled date but are hereby continued.

Section 45. The Secretary of State, in consultation with the Historic Preservation Council and the Florida Arts Council, shall undertake a study, from funds provided to the Department of State in the Fiscal Year 1988-1989 General Appropriations Act, to determine the appropriate level of local match required with regard to projects funded in part by the State of Florida in the areas of Arts and Historic Preservation. The results of this study shall be submitted to the Legislature no later than January 1, 1989.

Section 46. Those funds appropriated in Specific Appropriation 1621A of chapter 87-98, Laws of Florida, to the City of Sanford for Veterans Park Band Shell Reconstruction may be used by the City of Sanford for renovation and restoration of the Sanford Civic Center.

Section 47. The funding of \$300,000 provided in Specific Appropriation 795A in chapter 87-98, Laws of Florida, shall be advanced to Gadsden County for site acquisition and construction of a senior citizen center and shall not revert to the General Revenue Fund.

Section 48. The Department of Professional Regulation is prohibited from expending funds from any specific appropriation, from any trust fund, or from any other source for the lease or acquisition of any space for office or any other use in Innovation Park in Tallahassee, notwithstanding any leasehold provision to the contrary.

Section 49. The School Board of Sumter County and the Board of Trustees of Lake-Sumter Community College may jointly request a formal assessment by the Commissioner of Education and the State Board of Community Colleges of the academic program need and the need to build new joint-use facilities to house approved programs pursuant to the provisions of s. 235.195(1), Florida Statutes. Upon such joint request, the Division of Community Colleges shall assist the college in a programmatic needs assessment of the college's offerings in Sumter County and determine whether those identified needs can best be met by joint programs or facilities with the Sumter County School District. Upon such joint request, the Division of Public Schools shall assist the Sumter County School District in a programmatic needs assessment of the school district and determine whether those needs can best be met by joint programs or facilities with Lake-Sumter Community College. Once the needs assessment has been completed, the results shall be reported to the Commissioner of Education or State Board of Community Colleges, as appropriate, for approval. If either or both approve the needs assessment and find that there is a need for new facilities, a request for a plant survey should be made to the Office of Educational Facilities. If it is determined that the need for a "center" or "campus" designation exists in order for the community college to properly serve Sumter County, the State Board of Community Colleges shall also assist the community college to begin the necessary procedure to seek approval for such designation.

Section 50. The Board of Regents of the State University System is hereby authorized to make improvements or renovations to dormitories at Florida State University. The renovations and improvements may be partially financed from bonds issued pursuant to s. 11(e), Art. VII of the State Constitution in an amount not to exceed \$3.5 million.

Section 51. Pursuant to s. 240.295, Florida Statutes, the Board of Regents is hereby authorized to construct the following facilities from non-PECO sources which will require General Revenue Funds for operation:

- (1) UF - Ambulatory Clinic Facility and Oncology Treatment Center.
- (2) UF - Microfabritech Equipment Building.
- (3) USF - Stavros Economic Center for Education.
- (4) UF - IFAS Fisheries & Aquaculture Lab.
- (5) UF - IFAS Basic Plant Biology Lab.
- (6) UF - IFAS Vegetable Crops Plant Imp. Lab.
- (7) UF - Infectious Disease Cattle Facility.
- (8) UF - Citrus REC, Lake Alfred Greenhouse Complex.
- (9) USF - Hazardous Waste Facility.
- (10) FIU - Labor Research & Studies Building.

Section 52. Pursuant to Section 11(e) of Article VII of the State Constitution, the Board of Regents of the State University System is authorized to refinance bonds issued for the Florida International University Bay Vista Housing Apartments.

Section 53. The provisions of item 1951AA of section 7 of chapter 86-167, Laws of Florida, notwithstanding, the University of South Florida and the University of West Florida project appropriations are revised and reallocated to the following project appropriation amounts:

- (1) USF:
  - (a) Sun Dome Contract Settlement (repayment to General Revenue), \$706,728.
  - (b) Dormitory Bond Prepayment, \$260,783.
  - (c) Recreational/Student Center Facilities, \$2,154,091.
  - (d) Student Center/Health Center/Bookstore, \$9,212,398.
  - (e) Student Services Support Facility, \$800,000.
- (2) UWF:

- (a) Outdoor Recreation and Related Sport Facilities, \$267,915.
- (b) Student Activity Lodge "Design", \$30,925.
- (c) Outdoor Recreation Facility Expansion and Other Campus Enhancement Structures, \$799,160.
- (d) Residence Hall Fire Code Corrections, Renovation and Improvements, \$500,000.
- (e) Commons Renovation and Outdoor Improvements, \$400,000.
- (f) Campuswide "Blue Light" System, \$25,000.
- (g) Natatorium Emergency Repairs and Renovation, \$250,000.

Section 54. The provisions of item 1968A of section 4 of chapter 87-98, Laws of Florida, notwithstanding, the University of South Florida project appropriations are revised and reallocated to the following project appropriation amounts:

- (1) Recreational Facility/Student Center Improvement, \$1,735,225.
- (2) Student Center/Health Center/Bookstore, Phase I, \$2,760,200.

Section 55. Funds for the project appropriated in section 4(4) of chapter 83-333, Laws of Florida, and reappropriated in section 35(4)(k) of chapter 86-2, Laws of Florida, as the reenactment of chapter 85-116, Laws of Florida, the provisions of s. 216.301(3)(a), Florida Statutes, shall be calculated using the date of July 1, 1988.

Section 56. In determining the effective date for the application of s. 216.301(3)(a), Florida Statutes, the date of July 1, 1988, shall be used for the appropriation, to the Board of Regents of the State University System to construct academic faculty and clinic space adjacent to the University Hospital of Jacksonville, contained in section 35(4)(g) of chapter 86-2, Laws of Florida.

Section 57. Notwithstanding the provisions of section 68 of chapter 86-168, Laws of Florida, and section 45 of chapter 87-247, Laws of Florida, the expiration date for subsection (1) of section 59 of chapter 86-168, Laws of Florida, is extended to July 1, 1989.

Section 58. Except as otherwise provided herein, this act shall take effect July 1, 1988, or in the event this act fails to become a law until after said date, it shall operate retroactively thereto. This act shall expire and be void and inoperative on July 1, 1989.

**Amendment 2**—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to state government; providing legislative intent; authorizing the Administration Commission to approve certain transfers related to reorganization; providing requirements for the purchasing or leasing of automobiles; restricting the transfer or utilization of services of certain employees; restricting price at which vehicles may be purchased; providing legislative intent regarding the expenditure of certain funds available as a result of litigation against oil companies and refiners and distributors; directing the Governor's Energy Office to recommend projects to be funded with oil overcharge money; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of such restrictions; providing for the advance of funds in any specific appropriation under certain conditions; authorizing the expenditure of certain funds by state attorneys and public defenders and requiring a report with respect thereto; requiring the Department of Transportation to allocate resources to districts prior to a specified date; authorizing the Department of Transportation to provide moneys to the Department of Commerce to fund economic development transportation projects; authorizing the Department of Transportation to advance funds for certain airports; providing for funding the Five-Year Work Program of the Department of Transportation; providing for use of appropriated funds to assist the Mid Bay Bridge Authority; providing for expenditure of funds provided the Department of Transportation for projects not in the State Highway System; authorizing the Department of Transportation to negotiate for certain leased space; exempting certain building renovations or repairs from review by the Department of General Services; providing for continuation of a specified day care center; providing for reimbursement to school districts for costs of residential nonpublic school contracts and providing conditions, eligibility, and funding with respect thereto; providing that appropriations to the Department of Education for certain purchases of electronic data processing equipment by school districts, community colleges, and the Board of Regents are subject to approval by the Commissioner of Education; providing that certain provisions relat-

ing to education shall be implemented only to the extent specifically provided for in the General Appropriations Act; providing that district school boards may levy a nonvoted discretionary millage; providing procedures to be used in determining annual allocations through the Florida Education Finance Program; requiring budget entities to meet certain approved annual salary rate restrictions; prohibiting the Department of Health and Rehabilitative Services from expending funds for the purchase or production of wood pellets; providing for reversion of certain appropriated funds for energy conservation projects if statutory requirements are not met; prescribing powers and duties of school districts and community colleges with respect to vocational education programs; providing for college credit for summer inservice institute participants; transferring relocatable facilities at the South Florida State Hospital and North Florida State Hospital to the Broward County and Baker County school districts, respectively; renaming programs under the Florida Education Finance Program; specifying the date for application of reversion provisions with respect to an appropriation for Palm Beach Junior College; postponing the date by which matching funds for an appropriation for Broward County Performing Arts Center must be paid; providing for interchange of funds appropriated for the Pembroke Pines Resource Center and authorizing construction of a media center; exempting certain appropriations from local match requirements; authorizing payment of salaries and benefits in the Division of Motor Vehicles from the Motor Vehicle License Replacement Trust Fund; prohibiting the Department of Transportation from establishing additional offices; exempting certain services from certain contractual document requirements; prescribing the date for certain funds appropriated under chapter 86-2, Laws of Florida; authorizing changes in loan repayment schedules; authorizing Miami-Dade Community College to acquire property with non-PECO funds; authorizing St. Petersburg Junior College to acquire certain property; providing that matching funds may not be required by the Department of Natural Resources for a specified project; requiring the State Board of Community Colleges to adopt a long-range expansion plan and providing for elements to be contained in the plan; abolishing the trust funds of certain agencies and providing for transfer of moneys therein; reviving certain trust funds scheduled for repeal; requiring the Secretary of State to study local match requirements for Arts and Historic Preservation projects; providing that specified funds previously appropriated for a park may be used for the renovation and restoration of a civic center; providing that specified funds previously appropriated shall be used for the construction of a senior citizens center and shall not revert; prohibiting the Department of Professional Regulation from expending funds for the lease or acquisition of specified office space or other specified uses; providing for joint-use facilities for certain approved programs for specified community colleges and school districts; providing for improvements or renovations to dormitories at Florida State University, to be financed partially from bonds; authorizing the construction of specified facilities at state universities from non-PECO courses; providing for the refinancing of bonds issued for specified facilities at Florida International University; revising and reallocating previous appropriations made to specified universities for specified facilities; revising dates that funds for specific appropriations in prior years will revert for projects at University of Florida, University Hospital-Jacksonville, and University of South Florida/Sarasota fine arts facility; providing a retroactive effective date and an expiration date.

On motion by Senator Scott, by two-thirds vote HB 1702 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford, Peterson, Stuart

On motion by Senator Hair, by two-thirds vote HB 704 was withdrawn from the Committee on Commerce.

On motion by Senator Hair—

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

—a companion measure, was substituted for CS for SB 244 and read the second time by title.

Senator Hair moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 21, after “proof.” insert: *Provided, that nothing in this section shall apply to funds voluntarily left on deposit by a beneficiary at an interest rate agreed to by the beneficiary.*

**Amendment 2**—On page 1, between lines 23 and 24, insert:

Section 2. Present subsection (2) of section 55.03, Florida Statutes, is renumbered as subsection (3), and a new subsection (2) is added to said section to read:

55.03 Judgments; rate of interest, generally.—

(2) *A judgment or decree which has been entered between a person and insurer on or after October 1, 1988, shall bear interest at a rate of 12 percent for the first six months after the final judgment is entered; if after six months the judgment is not paid, the interest shall be from that date forward, the average of the interest rate index specified in s. 625.121(5)(e), averaged over the 12-month period ending June 30 of the calendar year preceding the date such judgment or decree is entered. If the judgment or decree is rendered on a written contract or obligation providing for interest at a different rate, the judgment or decree will bear interest at the rate specified in the written contract or obligation.*

(Renumber subsequent sections.)

On motion by Senator Hair, by two-thirds vote HB 704 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

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

Nays—None

Vote after roll call:

Yea—Crawford, Kirkpatrick, Peterson, Stuart

**Senator Hair presiding**

The Senate resumed consideration of—

**CS for SB 286**—A bill to be entitled An act relating to child care; creating the Child Care Partnership Act; providing legislative intent; authorizing a grant program for private employers that contribute to the cost of child care for their employees’ dependents; limiting the grant that may be received; requiring maintenance of records; providing that certain support services are part of the cost of care for purposes of the grant; providing that salaries and wages used to compute grants may not be used in computing certain other tax credits; providing for rules; providing for a report to the Office of the Governor and the Legislature; amending s. 402.3195, F.S.; extending the time period for the loan program under the Child Care Facility Trust Fund; providing an effective date.

—with pending **Amendment 1** which was adopted.

Senator Weinstein moved the following amendment which was adopted:

**Amendment 2**—In title, on page 1, line 16, after the semicolon (;) insert: *revising interest requirements for certain loans;*

On motion by Senator Weinstein, by two-thirds vote CS for SB 286 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford, Kirkpatrick, Peterson, Stuart

**CS for HB 600**—A bill to be entitled An act relating to the Adult Congregate Living Facilities Act; amending s. 400.407, F.S.; providing that it is unlawful for certain persons to knowingly refer a person for residency to an unlicensed facility; providing a fine; requiring the department to provide a list of licensed facilities to certain persons; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services recommended the following amendment which was moved by Senator Ros-Lehtinen:

**Amendment 1**—On page 1, line 11, strike everything after the enacting clause and insert:

Section 1. Section 400.408, Florida Statutes, is created to read:

400.408 Referral of person for residency to unlicensed facility; penalty; verification of licensure status.—

(1) It is unlawful to knowingly refer a person for residency to an unlicensed adult congregate living facility. Any person who violates this subsection is guilty of a noncriminal violation, punishable by a fine not exceeding \$500 as provided in s. 775.083.

(2) In at least one office in each district of the department, the department shall maintain a list of licensed facilities within that district and shall update the list at least monthly.

(3) At least annually, the department shall notify, in writing, every physician licensed pursuant to chapter 458, every osteopathic physician licensed pursuant to chapter 459, every hospital licensed pursuant to part I of chapter 395, every nursing home facility licensed pursuant to part I of this chapter, and every employee of the department having a responsibility for referring persons for residency that it is unlawful to knowingly refer a person for residency to an unlicensed adult congregate living facility and shall notify them of the penalty for violating such prohibition. Further, the notice must direct each noticed facility and individual to contact the appropriate departmental office in order to verify the licensure status of any facility prior to referring any person for residency. Each notice must include the name, telephone number, and mailing address of the appropriate office to contact.

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

Senator Ros-Lehtinen moved the following amendment to Amendment 1 which was adopted:

**Amendment 1A**—On page 2, between lines 10 and 11, insert:

Section 2. Section 400.434, Florida Statutes, is amended to read:

400.434 Right of entry and inspection.— Any duly designated officer or employee of the department, the state or local fire marshal, or a member of the state or district nursing home and long-term care facility ombudsman council shall have the right to enter unannounced upon and into the premises of any facility licensed pursuant to this part in order to determine the state of compliance with the provisions of this part and of rules or standards in force pursuant thereto. The right of entry and inspection shall also extend to any premises which the department has reason to believe is being operated or maintained as a facility without a license; but no such entry or inspection of any premises may be made without the permission of the owner or person in charge thereof, unless a warrant is first obtained from the circuit court authorizing such entry. *The warrant requirement shall extend only to a facility which the*

department has reason to believe is being operated or maintained as a facility without a license. Any application for a license or renewal thereof made pursuant to this part shall constitute permission for, and complete acquiescence in, any entry or inspection of the premises for which the license is sought, in order to facilitate verification of the information submitted on or in connection with the application; to discover, investigate, and determine the existence of abuse or neglect; or to elicit, receive, respond to, and resolve complaints. *Any current valid license shall constitute unconditional permission for, and complete acquiescence in, any entry or inspection of the premises by authorized personnel.*

Section 3. Subsection (1) of section 400.417, Florida Statutes, is amended to read:

400.417 Expiration of license; renewal; conditional license.—

(1) Annual licenses issued for the operation of a facility, unless sooner suspended or revoked, shall expire automatically 1 year from the date of issuance. The department shall notify the facility by certified mail 120 days prior to the expiration of the license that relicensure is necessary to continue operation. Ninety days prior to the expiration date, an application for renewal shall be submitted to the department. A license shall be renewed upon the filing of an application on forms furnished by the department if the applicant has first met the requirements established under this part and all rules promulgated hereunder. The failure to file a timely application shall result in a late fee charged to the facility in an amount equal to 50 percent of the fee in effect on the last preceding regular renewal date or \$100, whichever is greater. Late fees shall be deposited into the trust fund established by s. 400.418. The facility shall file with the application satisfactory proof of ability to operate and conduct the facility in accordance with the requirements of this part. An applicant for renewal of a license who has complied on the initial license application with the provisions of s. 400.411 with respect to proof of financial ability to operate shall not be required to provide proof of financial ability on renewal applications unless the facility has demonstrated financial instability as evidenced by bad checks, delinquent accounts, or nonpayment of withholding taxes, utility expenses, or other essential services. However, the department shall have access to books, records, and any other financial documents maintained by the facility to the extent necessary to carry out the purpose of this section. *A license for the operation of a facility shall not be renewed if the licensee has any outstanding fines assessed pursuant to this part which are in final order status.*

Section 4. The Department of Health and Rehabilitative Services shall conduct a study of mentally ill persons, as defined in section 394.455, Florida Statutes, residing in adult congregate living facilities. The purposes of the study shall be to identify the mentally ill population residing in adult congregate living facilities; describe the mental health needs of this population; describe the effect of caring for the mentally ill and the nonmentally ill in the same facility; describe the continuum of mental health services that is necessary to meet those needs; describe the mental health services currently being provided to meet those needs; determine whether this population has assets to purchase necessary mental health services; determine the numbers and types of adult congregate living facilities and the qualifications of facility staff currently serving the mentally ill; recommend whether a specialized adult congregate living facility should be developed for mentally ill persons; and, if so, describe the type or level of care to be provided in this specialized adult congregate living facility; specify the qualifications and educational requirements for facility staff in the specialized adult congregate living facility; identify specialized licensure requirements for this adult congregate living facility; determine the funding level required for the specialized adult congregate living facility; and determine the impact of this specialized facility on the remaining adult congregate living facility population and providers. If the study findings suggest an alternative other than the development of a specialized facility, such alternative recommendations should be made along with any recommendations for modifications of existing rules or policies as they affect the mentally ill population in adult congregate living facilities.

Section 5. The Alcohol, Drug Abuse, and Mental Health Program Office, in conjunction with the Aging and Adult Services Program Office, shall conduct the study and shall draw on the expertise of persons in the private sector who are knowledgeable in the fields of mental health and aging. The department shall submit the study to the Legislature and the Governor no later than March 1, 1989.

Section 6. Section 381.4935, Florida Statutes, is created to read:

381.4935 Duties and responsibilities of the Statewide Health Council.—In addition to other powers and duties as provided by law, the Statewide Health Council shall:

(1) Prepare and submit to the Department of Health and Rehabilitative Services a state master report for long-term health care. The report shall include consideration of the promotion of quality, fundamental goals, programmatic access, regional and state economic development, demographic patterns, the demand for programs, and the needs of particular subgroups of the population. The capacity of existing programs for long-term health care, in both public and independent institutions, to respond to identified needs, including long-term health care for catastrophic illness or accident, shall be evaluated, and a plan shall be developed to respond efficiently to unmet needs.

(2) Recommend guidelines for the development of institutional roles, review specific plans and programs of the department, and review the State Comprehensive Plan with respect to long-term health care, and submit recommendations to the department and the Legislature.

(3) Recommend to the department rules concerning the planning and coordination of long-term health care programs. These rules shall assure that:

- (a) Program reviews are conducted statewide.
- (b) Every major program in long-term health care is reviewed every 5 years.
- (c) Budget requests reflect program review results.
- (d) Program decisions lead to the distinctive roles established for long-term health care institutions.

(4) Develop a mechanism, to be implemented by the local health councils, to provide for public input into long-term health care planning.

(5) Advise the department regarding the need for and location of new programs and institutions for long-term health care.

(6) Review implementation of the state master report for long-term health care and annually report to the department and the Legislature the progress towards implementation.

Section 7. Subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; minimum standards; evaluation and rating system; fee for review of plans.—

(3) The department shall, at least annually, evaluate all nursing home facilities and make a determination as to the degree of compliance by each licensee with minimum standards under this part and the rules promulgated thereunder as a basis for assigning a rating to that facility. The department shall base its evaluation on the most recent annual inspection report, taking into consideration findings from other official reports, surveys, interviews, investigations, and inspections. *All facilities which held a "superior" rating as of October 1, 1987 will maintain said rating, notwithstanding any other part of this statute or rule until June 1, 1989 or until six months after the effective date of statutory changes to the rating system. Notwithstanding this provision, any nursing home with federal conditions of participation from medicaid or medicare not in compliance with this part shall not enjoy the exemptions and protections of this part. Said facilities shall be subject to reduction in rating and administrative process or appeals. All "standard" and "conditional" rated facilities shall have the right to improve their respective ratings.*

(a) A facility shall be assigned a superior rating if the department determines that the licensee is in compliance with the minimum standards under this part and the rules promulgated thereunder and the licensee exceeds minimum standards in the following areas as provided for in paragraph (b):

1. Nursing service;
2. Staffing ratio of aides and orderlies;
3. Preservice training of aides and orderlies;
4. Inservice training of aides and orderlies;
5. Dietary or nutritional services;
6. Physical environment;

7. Housekeeping and maintenance;
8. Physical and restorative therapy;
9. Recreational therapy;
10. Social services;
11. Self-help activities;
12. Professional consultant services;
13. Activities and volunteer services; and
14. Notification and monitoring of visitation by physicians.

(b) The department shall categorize areas listed in paragraph (a) into two levels. Areas designated by the department as "Level I" shall be those areas which are essential to maintaining the health, safety, or security of residents. Areas designated by the department as "Level II" shall be those areas which are less directly related to the health, safety, or security of residents but which are important to the overall quality of care and services provided by nursing home facilities. In promulgating any rules pursuant to the provisions of this section, the department may divide the areas listed in paragraph (a) into subareas for the purpose of appropriate categorization according to Levels I and II. In order to achieve a superior rating, a licensee shall exceed minimum standards established for all Level I areas and a majority of Level II areas and shall comply with minimum standards for the remaining Level II areas. Within a reasonable period specified by the department, deficient Level II areas shall be corrected by a licensee in order to qualify for a superior rating. The assessment by the department of the degree of compliance by a licensee with this paragraph shall take into consideration the needs and limitations of residents in the facility. The needs and limitations of residents shall be determined by the department after consultation with the licensee.

(c) In making its determination as to the degree of compliance with the areas specified in paragraph (a) and the overall quality of care and services, the department shall consider the results of interviews and surveys of a representative sampling of residents, families of residents, ombudsman council members in the district in which the facility is located, guardians of residents, and staff of the nursing home facility.

(d) A licensee receiving a superior rating for a facility shall have the words "superior facility" marked in block letters not less than 1 inch in height on its license. A licensee for a facility which meets, but does not exceed, minimum standards in all areas prescribed by the department shall receive a standard license. A licensee for a facility which is not in compliance with minimum standards shall receive a conditional rating and shall have the words "conditional rating" marked in block letters not less than 1 inch in height on its license. A list of the deficiencies of the facility in terms of not meeting minimum standards shall be posted in a prominent place that is in clear and unobstructed public view at or near the place where residents are being admitted to that facility. Licensees receiving a conditional rating for a facility shall prepare, within 10 working days of rating, a plan for correction of all deficiencies and shall submit the plan to the department for approval. Correction of all deficiencies, within the period approved by the department, shall result in termination of the conditional rating. Failure to correct the deficiencies, within a reasonable period approved by the department, shall be grounds for the imposition of sanctions pursuant to this part.

(e) Each licensee shall post its license in a prominent place that is in clear and unobstructed public view at or near the place where residents are being admitted to the facility. A licensee with a superior rating may advertise its rating in any nonpermanent medium and in accordance with rules adopted by the department. A list of the facilities receiving a superior rating shall be distributed to the state and district ombudsman councils.

(f) Not later than January 1, 1981, the department shall adopt rules which:

1. Establish uniform procedures for the evaluation of facilities;
2. Provide minimum standards in the areas referenced in paragraph (a);
3. Provide criteria for determining when a licensee has exceeded minimum standards for a facility; and

4. Address other areas necessary for carrying out the intent of this section.

(g) A license rated superior shall continue until it is replaced by a rating based on a later survey. A superior rating may be revoked at any time for failure to exceed minimum standards specified for any Level I area. Deficient Level II areas shall be corrected to the point of meeting or exceeding minimum standards as provided for in paragraph (b) within a reasonable period determined by the department, or the superior rating shall be revoked.

(h) A superior rating is not transferable to another license.

(Renumber subsequent section.)

**Amendment 1** as amended was adopted.

The Committee on Health and Rehabilitative Services recommended the following amendment which was moved by Senator Ros-Lehtinen:

**Amendment 2**—In title, on page 1, lines 1-7, strike everything before the enacting clause and insert: A bill to be entitled An act relating to adult congregate living facilities; creating s. 400.408, F.S.; providing that it is unlawful to knowingly refer a person for residency to an unlicensed facility; providing a fine; requiring the Department of Health and Rehabilitative Services to maintain a list of licensed facilities in each district of the department and to provide certain notice; providing for verification of licensure status; providing an effective date.

Senator Ros-Lehtinen moved the following amendment to Amendment 2 which was adopted:

**Amendment 2A**—In title, on page 1, line 24, after the semicolon (;) insert: amending s. 400.434, F.S.; providing for right of entry into and inspection of adult congregate living facilities; amending s. 400.417, F.S.; prohibiting license renewal for adult congregate living facilities with outstanding fines; requiring the Department of Health and Rehabilitative Services to conduct a study of mentally ill persons residing in adult congregate living facilities, describing needs, and determining services necessary to meet those needs; recommending whether a specialized adult congregate living facility or other alternative should be developed for mentally ill persons; identifying licensure requirements; determining the impact of specialized facilities on the remaining adult congregate living facility population and providers; requiring a report; creating s. 381.4935, F.S., expanding duties and responsibilities of the Statewide Health Council; requiring preparation of a state master report for long-term health care; requiring certain recommendations to the department and the Legislature; requiring development of a mechanism for public input; requiring annual review and report of implementation of the state master report; amending s. 400.23, F.S., relating to certain nursing home facilities which held a "superior" rating; requiring certain nursing home facilities to maintain such a rating;

**Amendment 2** as amended was adopted.

On motion by Senator Ros-Lehtinen, by two-thirds vote CS for HB 600 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford, Kirkpatrick, Peterson, Stuart

**Reconsideration**

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

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

—as amended passed this day.

Senator Jennings moved the following amendment which was adopted:

**Amendment 3**—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 55.03, F.S.; revising the interest rate used for settlements and judgments between insurers and other persons;

HB 704 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford, Peterson, Stuart

**Reconsideration**

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

**CS for HB 559**—A bill to be entitled An act relating to the code of ethics; amending s. 112.313, F.S., relating to standards of conduct for public officers and employees; creating an additional exception from requirements relating to conflicting employment or contractual relationships for elected public officers under certain conditions; providing an effective date.

—as amended passed this day.

On motion by Senator Margolis, CS for HB 559 as amended passed and was certified to the House. The vote on passage was:

Yeas—24

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

Nays—7

Childers, W. D.	Jennings	Langley	Woodson
Hollingsworth	Johnson	Lehtinen	

Vote after roll call:

Nay—Deratany

Yea to Nay—D. Childers, Hair, Plummer

**CONSENT CALENDAR**

**SB 718**—A bill to be entitled An act relating to executive clemency; amending s. 940.01, F.S.; providing that the Governor may grant clemency by executive order filed with the Secretary of State; repealing s. 940.01(3), F.S., relating to the Governor's duty to communicate to the Legislature every grant of clemency; repealing s. 940.02, F.S., relating to the giving of notice of intent to apply for clemency; amending s. 940.03, F.S.; providing procedures for clemency applications; amending s. 940.04, F.S.; requiring the clerk of court to furnish free of charge a copy of any court document which an applicant for clemency is required to submit; repealing ss. 940.05 and 940.06, F.S., relating to restoration of civil rights; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendments which were adopted:

**Amendment 1**—On page 3, line 4, strike “, 940.05,”

**Amendment 2**—In title, on page 1, lines 15 and 16, strike “ss. 940.05 and” and insert: s.

On motion by Senator Woodson, by two-thirds vote SB 718 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	Grant	Kiser	Scott
Brown	Grizzle	Lehtinen	Stuart
Childers, D.	Hair	Malchon	Thomas
Childers, W. D.	Hill	Margolis	Weinstein
Crenshaw	Hollingsworth	McPherson	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Plummer	
Frank	Johnson	Ros-Lehtinen	

Nays—2

Girardeau	Gordon
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**SB 762**—A bill to be entitled An act relating to education; amending ss. 228.072 and 240.301, F.S.; revising fee provisions for recreation and leisure time programs offered by school districts and community colleges; providing an effective date.

—was read the second time by title.

Senator Peterson moved the following amendment:

**Amendment 1**—Strike everything after the enacting clause, and insert:

Section 1. Subsections (2), (3), (4), (5), and (11) of section 228.071, Florida Statutes, are amended, and a new subsection (12) is added to said section, to read:

228.071 Community education.—

(2) **PURPOSE.**—Community education promotes a more efficient use of schools and other community facilities through an extension of personnel, buildings, and equipment. The purpose of this section is to provide state leadership and financial support to encourage and assist school boards, *community college boards of trustees*, the Board of Trustees of the Florida School for the Deaf and the Blind, and other governmental or nongovernmental agencies in the establishment and maintenance of community education.

(3) **DEFINITIONS.**—The following terms, wherever used or referred to in this section, have the following meanings:

(a) “Community education” means:

1. The process in which a school, *community college*, or other public or available facility is utilized as a community center operated in conjunction with educational, recreational, social, civic, cultural, health, and other public, private, and governmental organizations and agencies to provide educational, recreational, social, cultural, health, and community services for persons of all ages in the community in accordance with the needs, interests, and concerns of that community. Community education includes, but is not limited to, maximum utilization of human, physical, and financial resources of a community in providing learning experiences and services for community members of all ages, systematic involvement of representative community members in the identification of needs and community involvement in suggesting or implementing organizational structures to meet these identified needs, and interagency coordination and cooperation; and

2. The composite of those activities and services described in a grant application of a board pursuant to rules of the State Board of Education.

(b) “Community education coordinator” means that person who is employed by a board on a full-time basis to promote, organize, coordinate, and direct community education.

(c) “Board” means a district school board, a *community college board of trustees*, or the Board of Trustees of the Florida School for the Deaf and the Blind.

(d) “Community instructional services” means noncredit educational activity to solve community problems that relate to health, environment, safety, human relations, government, child rearing, or economic homemaking.

(e)(d) “Department” means the Department of Education.

(f)(e) "Operational funds" means funds appropriated to provide a coordinator or director with supplies, materials, and part-time clerical assistance as provided by rules of the State Board of Education.

(4) COMMUNITY EDUCATION GRANT.—Pursuant to rules adopted by the State Board of Education, each school board and the Board of Trustees for the Florida School for the Deaf and the Blind may submit to the department a request for a community education grant. A board applying for a grant shall include in its grant application a description of its community education process. The board shall give priority to centers serving the maximum number of persons within the limits of resources available and to programs which will allow for matching funds or for joint funding from the Federal Government or other public or private sources and which may be efficiently and effectively developed in conjunction with community education.

(5) FINANCING DISTRIBUTION OF FUNDS.—

(a) For those grant applications approved for funding, the department shall authorize distribution of a community education grant not to exceed one-half of the total compensation of each person employed as a community education coordinator on a full-time basis by a board during the fiscal year for which a community education grant is authorized.

(b) Pursuant to rules adopted by the State Board of Education, the department shall authorize distribution of operational funds.

(c) A board may charge student fees for a recreational and leisure-time program in order to pay the cost of providing the program. Such a board shall deposit the money derived from the fees in an account established for the program. The board shall maintain a record of expenditures from the account, the title of each recreational and leisure-time course or activity in the program, the amount of the fee, and the name and social security number of each student who is enrolled in such a course or activity. The board shall use the money in the account to pay the cost of providing community instructional services if there are funds in the account that exceed the cost of providing the recreational and leisure-time program. A board may not charge a fee for community instructional services. A district school board may not report student enrollment in recreational and leisure-time programs or community instructional services to the department for funding under the Florida Education Finance Program. A board of trustees of a community college may not use funds provided through the Community College Program Fund to pay the costs of a recreational and leisure-time program or a community instructional service; however, a board of trustees may use those funds to pay the part of a community education coordinator's salary that is not paid through a community education grant from the department.

(11) JOINT AGREEMENTS.—

(a) District school boards and community college boards of trustees are authorized to submit joint grant applications, if an agreement between the boards is established. Such application shall be considered as a single grant application. For those grant applications approved for funding, the district school board is authorized to transfer all or part of such funds to the community college as specified in the contractual agreement.

(b) A district school board and a community college board of trustees may develop a joint agreement to provide a recreational and leisure-time program and community instructional services.

(12) SERVICE AREA.—A board may provide community education only within its designated planning region.

Section 2. Subsection (5), paragraph (a) of subsection (6), subsection (7), and paragraphs (b) and (c) of subsection (8) of section 228.072, Florida Statutes, are amended to read:

228.072 Adult general education.—

(5) PRIORITY FOR ACADEMIC IMPROVEMENT SERVICES.—The adult general education program shall provide academic improvement services to students in the following priority:

(a) Students who demonstrate skills at less than a fourth grade educational level as measured by tests approved for this purpose by the State Board of Education, and who are studying to achieve basic literacy.

(b) Students who demonstrate skills at or above the fourth grade level but at or below the eighth grade level, as measured by tests approved for this purpose by the State Board of Education, and who are studying to achieve functional literacy.

(c) Students who are earning credit required for high school diplomas or preparing for the Test of General Educational Development (GED).

(d) Students who have high school diplomas and require specific improvement in academic or learning skills before pursuing postsecondary educational goals:

1. To obtain or maintain employment or to benefit from postsecondary adult vocational education programs; or
2. To pursue degree-credit collegiate academic education or postsecondary vocational degree programs.

(e) Students who enroll in lifelong learning courses or in courses designed for specific types of students but which may also provide any adult with the opportunity to improve his competencies in any curriculum framework. A student is a lifelong learning student if he enrolls in an adult basic or secondary education course or a vocational preparatory course, has received a high school diploma, and does not demonstrate skills at or below the eighth grade level.

~~(f) Students who enroll in noncredit courses and participate in activities principally concerned with community welfare in the areas of health, safety, human relations, government, child rearing, consumer economics, and environment.~~

(6) INTERAGENCY COOPERATION.—

(a) Each local educational agency shall test, at its own expense, persons assigned to case management under the employment and training program operated by the Department of Health and Rehabilitative Services pursuant to s. 409.029 s. 409.027 to determine whether such persons lack basic or functional literacy skills as defined in s. 228.0713. Such testing shall be conducted at a site mutually acceptable to the local educational agency and the Department of Health and Rehabilitative Services.

(7) PROVISION OF INSTRUCTION.—Both community colleges and school districts may offer adult basic secondary education courses and adult vocational preparatory and community instructional services courses and activities within the same service area upon approval of the regional coordinating council. College preparatory courses shall be offered exclusively by the community colleges; however, universities in which the percentage of incoming students who require college preparatory instruction equals or exceeds the average percentage of such students for the community college system may offer a college preparatory program until 1990. Nothing in this subsection prohibits area vocational-technical centers from contracting with community colleges for the provision of vocational preparatory instruction.

(8) FINANCING.—

(b) The following programs shall be evaluated and funded as separate and distinct categories: adult basic and secondary education, adult vocational preparatory, adult college preparatory, and lifelong learning, and community instructional services.

(c)1. No matriculation or tuition fees shall be charged for adult basic instruction for students who demonstrate literacy skills below the eighth-grade level or for adult basic or secondary education instruction for students who have not obtained high school diplomas. All other students with high school diplomas or the equivalent who are taking adult basic or secondary education instruction must pay matriculation and tuition fees in accordance with s. 230.645 and the rules adopted by the State Board of Education.

2. All students enrolled in vocational preparatory programs shall be charged fees equivalent to the fees charged for postsecondary adult vocational instruction; except that students enrolled in vocational preparatory programs who have not obtained high school diplomas or the equivalent or who have basic skills which have been determined to be at or below the eighth-grade level as provided by State Board of Education rule are exempt from this requirement. When college preparatory and vocational preparatory instruction are provided in the same class section, the community college may charge a single fee for both types of instruction.

3. All students enrolled in college preparatory programs shall be charged fees equivalent to the fees charged for credit courses at the community college.

4. ~~No fees shall be charged for citizenship instruction offered through community instructional services.~~

~~5.—Fees for recreation and leisure time courses shall be equivalent to the student's proportional share of the costs associated with the provision of such instruction.~~

Section 3. Subsections (1) and (2) of section 228.074, Florida Statutes, are amended to read:

228.074 Regional coordinating councils; establishment.—

(1) There shall be established in each vocational education planning region a regional coordinating council for vocational education *and*; adult general education, ~~and community instructional services.~~

(2) Each regional council shall consist of the superintendent of schools; the directors of vocational education and adult education of each school district within the planning region; the president of the community college; the deans or directors of vocational education ~~and community instructional services~~ of the community college; the vice president for academic programs, or his designee, of each state university servicing the region; a representative of an independent vocational, technical, trade, or business school located within the region, to be appointed by the Commissioner of Education; a representative of a branch of the Florida State Employment Service located within the region; a local district administrator of the Department of Health and Rehabilitative Services or his designee; and lay citizens of the planning region.

Section 4. Paragraph (a) of subsection (1) and subsection (2) of section 228.075, Florida Statutes, are amended to read:

228.075 Regional coordinating councils; responsibilities.—

(1) The primary goals of each regional coordinating council shall be to:

(a) Maximize effective student articulation in programs of vocational education *and*; adult general education, ~~and community instructional services.~~

(2) Each regional coordinating council shall assure that the vocational education *and*; adult *general* education, ~~and community instructional services~~ needs of the community are provided for with maximum efficiency, cost-effectiveness, and minimum unwarranted duplication. To do so, each council shall have the following powers, duties, and responsibilities:

(a) Review the vocational education *and*; adult *general* education, ~~and community instructional services~~ programs available in the planning region. As its initial activity, each council shall conduct an analysis of current vocational training, counseling, and placement programs available in the planning region. The council shall identify and list in order of priority the critical opportunities and problems of the planning region which can be addressed and improved through these programs and shall identify state, federal, and other funding sources to be used to address these priorities. Data used to conduct this analysis shall include labor supply and demand information from the Florida Occupational Information System. This list shall be reviewed at least every 2 years and may be revised at any time. A current list shall be filed with the Commissioner of Education, the secretaries of the Department of Commerce and the Department of Labor and Employment Security, the Florida Occupational Information Coordinating Committee, and the community college boards of trustees and school boards within the planning region.

(b) As a result of this review, develop agreements which provide for the assignment of fiscal and programmatic responsibility to either the local community college board of trustees, one or more of the school boards in the planning region, or a shared arrangement between the local community college and a school board or boards specifically agreed to by the council for the delivery of programs in the following areas: vocational education at the secondary level and below that level; vocational education at the postsecondary level; ~~community instructional services~~; and adult basic and high school education. This provision shall not prevent a board-assigned responsibility for one or more of these programs from developing joint programs or contracting for specific instructional services with another board or agency, subject to review by the regional coordinating council. However, in order to maintain accountability in each of these programs, all related enrollment projections, FTE reports, cost analyses, and other elements required for the allocation of funds shall be the sole responsibility of the assigned board or boards.

(c) Notwithstanding the provisions of ss. 230.03, 230.64, 233.068, 243.11, and 243.19, review and evaluate all proposals of the community college boards of trustees and the school boards of the planning region to address identified needs, including all proposals to create new programs, terminate existing programs, or significantly modify existing programs. The council shall review and evaluate program and course proposals on the basis of the need for the programs and courses, the populations to be served, existing or potential duplication, labor market supply and demand data, costs of programs and courses, recommendations and information provided by local and regional advisory councils and craft committees, student fees, and other criteria deemed appropriate by the council. Each council shall give priority to proposals which provide cooperative arrangements with public or independent institutions, agencies, or organizations for use of facilities or resources.

(d) Based upon the evaluation provided for in paragraph (c), make recommendations relating to the creation, modification, or termination of vocational programs *or*; adult general education programs, ~~or community instructional service programs~~ and submit the recommendations in writing to the affected community college board of trustees and the school boards of the planning region. The boards shall accept, reject, or modify such recommendations and submit their responses to the recommendations to the regional coordinating council in writing. Any recommendation not formally acted upon by a board within 60 days shall be deemed rejected. Should the regional coordinating council and the affected school board or boards or community college board of trustees fail to reach agreement on any proposal, the council or the affected board or boards may appeal to the State Board of Education, sitting as the State Board for Vocational Education, the decision of which shall constitute final agency action.

Section 5. Section 228.076, Florida Statutes, is amended to read:

228.076 Vocational education *and*; adult general education, ~~and community instructional services~~ programs; eligibility for funding.—

(1) In order to receive state funding for programs or activities in vocational education *or*; adult general education, ~~or community instructional services~~, each community college board of trustees and each school board shall submit its course offerings in these programs and its annual budget for these programs to the appropriate regional coordinating council for review.

(2) No new vocational education *or*; adult general education, ~~or community instructional services~~ program shall be eligible for the receipt of state funding unless the program is recommended for approval by the appropriate regional coordinating council.

(3) Should the recommendation of a regional coordinating council that a program be terminated be upheld by the State Board for Vocational Education, no further state funding shall be expended for the program.

Section 6. Subsections (4) and (5) of section 240.301, Florida Statutes, are amended to read:

240.301 Community colleges; definition, mission, and responsibilities.—

(4) ~~Funding for community colleges shall reflect their mission as follows:~~

(a) Postsecondary academic and postsecondary vocational education programs and, when assigned to community colleges, adult *general* pre-college education programs shall have first priority in community college funding.

(b) ~~Community education service or community instructional service programs shall be presented to the Legislature with rationale for state funding. The Legislature may identify priority areas for use of these funds.~~

(5) Student fees for the provision of instruction shall be charged as follows:

(a) No matriculation or tuition fees shall be charged for adult basic or vocational preparatory instruction for students who demonstrate literacy skills below the eighth-grade level or for adult basic, high school, or vocational preparatory instruction for students who have not obtained high school diplomas. All other students with high school diplomas or the

equivalent who take adult basic, high school, or vocational preparatory instruction shall pay matriculation and tuition fees.

(b) Required fees shall be set annually in the General Appropriations Act. When college preparatory and vocational preparatory instruction are provided in the same class section, the community college may charge a single fee for both types of instruction.

(c) All students enrolled in college preparatory instruction shall pay fees equivalent to the fees charged for credit courses.

(d) *A community college may charge student fees for a recreational and leisure-time program, in order to pay the cost of providing the program. A community college board of trustees shall deposit the money derived from the fees in an account established for the program. The board of trustees shall maintain a record of expenditures from the account, the title of each recreational and leisure-time course or activity in the program, the amount of the fee, and the name and social security number of each student who is enrolled in such a course or activity. The board shall use the money in the account to pay the cost of providing community instructional services if there are funds in the account that exceed the cost of providing the recreational and leisure-time program. A community college board of trustees may not charge a fee for community instructional services. A board of trustees of a community college may not use funds provided through the Community College Program Fund to pay the costs of a recreational and leisure-time program or a community instructional service; however, a board of trustees may use those funds to pay the part of a community education coordinator's salary that is not paid through a community education grant from the department. No fees shall be charged for citizenship instruction offered through community instructional services.*

(e) ~~Fees for recreation and leisure time courses shall be equivalent to the student's proportional share of the costs associated with the provision of such instruction.~~

Section 7. Paragraph (c) of subsection (2) of section 230.645, Florida Statutes, is amended to read:

230.645 Postsecondary student fees.—

(2) The following students are exempt from any requirement for the payment of fees for instruction:

(c) ~~Students who are enrolled in an employment and training program pursuant to s. 409.029~~ ~~Students who are enrolled in citizenship instruction offered through community instructional services.~~

Section 8. Subsection (2) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—

(2) Any student whose fees are waived in excess of the authorized number of waivers shall not be included in calculations of full-time equivalent enrollments for state funding purposes. Students enrolled in dual enrollment and early admission programs pursuant to s. 240.116, or employment and training programs pursuant to s. 409.029, shall be exempt from the payment of registration, matriculation, and laboratory fees; however, such students shall not be included within calculations of fee-waived enrollments.

Section 9. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Further consideration of **SB 762** was deferred.

Consideration of **CS for SB 938** and **CS for SB 502** was deferred.

**SB 290**—A bill to be entitled An act relating to uniform traffic control; amending s. 316.211, F.S.; exempting certain motorcycle riders from existing safety equipment requirements; amending s. 322.07, F.S.; clarifying language with respect to instruction permits and temporary licenses; amending s. 322.16, F.S.; providing clarifying language; exempting motorcycle and moped riders from certain restrictions; providing an effective date.

—was read the second time by title.

Three amendments were adopted to SB 290 to conform the bill to HB 429.

Pending further consideration of SB 290 as amended, on motion by Senator Plummer, by two-thirds vote HB 429 was withdrawn from the Committee on Transportation.

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

**HB 429**—A bill to be entitled An act relating to uniform traffic control; authorizing a comprehensive traffic education program in kindergarten through grade 6; providing duties of the Department of Transportation and the Department of Education; providing for use of funds; providing for rules; amending s. 316.211, F.S.; exempting certain motorcycle riders from existing safety equipment requirements; requiring persons under 16 years of age to comply with existing safety equipment requirements while riding upon certain motorcycles or upon mopeds; amending s. 316.304, F.S.; removing certain requirements for persons wearing headsets while operating motorcycles; amending s. 322.07, F.S.; clarifying language with respect to instruction permits and temporary licenses; amending s. 322.16, F.S.; providing clarifying language; exempting motorcycle and moped riders from certain restrictions; amending s. 322.025, F.S.; providing for the implementation of motorcycle driver improvement programs; deleting certain provisions relating to the use of the Accident Reports Trust Fund; creating s. 322.0255, F.S.; requiring the Department of Highway Safety and Motor Vehicles to establish a Florida Motorcycle Safety Education Program; providing for funding; providing for safety courses; providing for certification of instructors; providing for reimbursement to course providers; allowing fees to be charged; providing for rulemaking authority; amending s. 322.12, F.S.; repealing the requirement that every first-time applicant for a motorcycle license present proof of completion of an approved motorcycle safety education course prior to licensure; requiring every first time applicant for licensure to operate a motorcycle who is under 21 years of age to provide proof of completion of an approved motorcycle safety education course prior to licensure on or after January 1, 1989; repealing s. 322.026, F.S.; relating to the Florida Motorcycle Safety Education Program; providing an effective date.

—a companion measure, was substituted for SB 290 and by two-thirds vote read the second time by title. On motion by Senator Plummer, by two-thirds vote HB 429 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Peterson

**CS for SB 502**—A bill to be entitled An act relating to housing finance authorities; amending s. 159.608, F.S.; authorizing such authorities to own property subject to certain limitations, to provide security for lending institutions to make mortgage loans to eligible persons and developers for certain purposes, and to make loans to certain homebuyers; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendments which were adopted:

**Amendment 1**—On page 2, line 1, strike "25" and insert: 50

**Amendment 2**—On page 3, strike all of lines 26 and 27, and insert: *whose annual income does not exceed 80 percent of the median income based on a family of up to four persons for the county in which they seek to purchase a residence. The housing finance authority may adjust the annual income requirements for families of greater than 4 persons. Such loans*

On motion by Senator Stuart, by two-thirds vote CS for SB 502 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	Stuart
Beard	Girardeau	Kirkpatrick	Thomas
Brown	Grant	Langley	Thurman
Childers, D.	Grizzle	Lehtinen	Weinstein
Childers, W. D.	Hair	Malchon	Weinstock
Crawford	Hill	McPherson	Woodson
Crenshaw	Hollingsworth	Myers	
Deratany	Jenne	Ros-Lehtinen	
Dudley	Jennings	Scott	

Nays—None

Vote after roll call:

Yea—Peterson

**SPECIAL ORDER, continued**

The Senate resumed consideration of—

**CS for CS for SB 579**—A bill to be entitled An act relating to licenses to carry a concealed weapon or firearm; requiring the Department of State to review licensees' files for purposes of revocation; amending s. 790.001, F.S.; redefining the term "machine gun" and defining the term "sterile area" with respect to prohibiting the carrying of concealed weapons or firearms in certain areas; amending s. 790.052, F.S.; redefining the term "officer" for purposes of carrying firearms off-duty; amending s. 790.06, F.S.; providing that machine guns are not concealed weapons or firearms for purposes of licensure; changing eligibility criteria for licensing and revocation purposes; requiring the department to deny a license if the applicant has been found guilty of certain crimes; authorizing the department to revoke or suspend a license if the licensee is found guilty of certain crimes; requiring the department to suspend a license or processing of an application under certain circumstances; providing that a disqualification from licensure on account of certain offenses will expire after a term of years in specified circumstances; providing licensure procedures and qualifications for consular security officials of foreign governments; providing that a license does not authorize the licensee to carry a concealed weapon or firearm into certain premises; providing penalties; amending s. 790.33, F.S.; revising standards for adoption of waiting period ordinances by counties; providing for severability; providing an effective date.

Senator Weinstock moved the following amendment which failed:

**Amendment 1**—On page 11, between lines 9 and 10, insert:

Section 5. Paragraph (1) of subsection (3) and subsection (5) of section 790.25, Florida Statutes, are amended to read:

790.25 Lawful ownership, possession, and use of firearms and other weapons.—

(3) **LAWFUL USES.**—The provisions of ss. 790.053 and 790.06 do not apply in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:

(1) A person traveling by private conveyance when the weapon is securely encased in a container locked by key or combination, or is in the trunk of the car not accessible from the interior of the car. ~~or in a public conveyance when the weapon is securely encased and not in the person's manual possession;~~

(5) **POSSESSION IN PRIVATE CONVEYANCE.**—Notwithstanding subsection (2), it is lawful and is not a violation of s. 790.01 to possess a concealed firearm or other weapon for self-defense or other lawful purpose within the interior of a private conveyance, without a license, if the firearm or other weapon is securely encased in a container locked by key or combination, or is in the trunk of the car not accessible from the interior of the car. ~~or is otherwise not readily accessible for immediate use.~~ Nothing herein contained prohibits the carrying of a legal firearm other than a handgun anywhere in a private conveyance when such firearm is being carried for a lawful use. Nothing herein contained shall be construed to authorize the carrying of a concealed firearm or other weapon on the person. This subsection shall be liberally construed in favor of the lawful use, ownership, and possession of firearms and other weapons, including lawful self-defense as provided in s. 776.012.

(Renumber subsequent sections.)

Senator Malchon moved the following amendment which failed:

**Amendment 2**—On page 13, between lines 2 and 3, insert:

Section 6. Section 790.17, Florida Statutes, is amended to read:

790.17 Furnishing weapons to minors under 18 years of age, etc.—Whoever sells, hires, barter, lends, or gives any minor under 18 years of age any pistol, dirk, electric weapon or device, or other arm or weapon, other than an ordinary pocketknife, without permission of the parent of such minor, or the person having charge of such minor, or sells, hires, barter, lends, or gives to any person of unsound mind an electric weapon or device or any dangerous weapon, other than an ordinary pocketknife, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; *provided, however, that in the event of death, great bodily harm, permanent disability, or permanent disfigurement that results from willful and wanton misconduct amounting to culpable negligence on the part of the person committing such violation, such person is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(Renumber subsequent sections.)

The vote was:

Yeas—15

Childers, D.	Gordon	Malchon	Plummer
Deratany	Grizzle	Margolis	Stuart
Frank	Hill	McPherson	Weinstock
Girardeau	Jenne	Meek	

Nays—19

Barron	Dudley	Johnson	Scott
Beard	Grant	Langley	Thomas
Brown	Hair	Lehtinen	Thurman
Childers, W. D.	Hollingsworth	Myers	Woodson
Crawford	Jennings	Ros-Lehtinen	

Vote after roll call:

Yea to Nay—Hill

Senator Margolis moved the following amendment which failed:

**Amendment 3**—On page 11, strike all of lines 21 and 22 and insert: deposit or, payment in full, ~~or notification of intent to purchase.~~ Adoption of a ~~waiting-period cooling-off period~~

The vote was:

Yeas—12

Frank	Hill	Margolis	Stuart
Girardeau	Jenne	Meek	Weinstein
Gordon	Malchon	Plummer	Weinstock

Nays—23

Barron	Deratany	Jennings	Peterson
Beard	Dudley	Johnson	Ros-Lehtinen
Brown	Grant	Langley	Thomas
Childers, W. D.	Grizzle	Lehtinen	Thurman
Crawford	Hair	McPherson	Woodson
Crenshaw	Hollingsworth	Myers	

Vote after roll call:

Yea to Nay—Hill

Senator Plummer moved the following amendment which failed:

**Amendment 4**—On page 11, line 18, strike "3" and insert: 5

The vote was:

Yeas—11

Frank	Jenne	Meek	Weinstein
Gordon	Malchon	Plummer	Weinstock
Hill	Margolis	Stuart	

Nays—24

Barron	Dudley	Jennings	Myers
Beard	Girardeau	Johnson	Peterson
Brown	Grant	Kiser	Ros-Lehtinen
Childers, W. D.	Grizzle	Langley	Thomas
Crenshaw	Hair	Lehtinen	Thurman
Deratany	Hollingsworth	McPherson	Woodson

Vote after roll call:

Yea to Nay—Hill

Senator Stuart moved the following amendments which failed:

**Amendment 5**—On page 12, between lines 2 and 3, insert:

(3) **PREREQUISITE TO PURCHASE OF HANDGUN.**—A person who is not exempted by paragraph (2)(d) from the cooling-off period must present, at the time of the purchase, a valid Florida driver's license or, in the case of an individual who does not possess a Florida driver's license, a picture identification card issued by a local law enforcement agency or a state agency and showing the individual's name, date of birth, social security number, and current address. The dealer must furnish all information contained in a purchaser's driver's license or identification card to the appropriate local law enforcement agency. The local law enforcement agency shall use such information to run a criminal history check through the Florida Crime Information Center and the National Crime Information Center.

The vote was:

Yeas—15

Childers, D.	Gordon	Margolis	Thurman
Crenshaw	Hill	Meek	Weinstein
Frank	Jenne	Plummer	Weinstock
Girardeau	Malchon	Stuart	

Nays—21

Barron	Dudley	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Thomas
Brown	Grizzle	Lehtinen	Woodson
Childers, W. D.	Hair	McPherson	
Crawford	Hollingsworth	Myers	
Deratany	Johnson	Peterson	

Vote after roll call:

Yea to Nay—Hill

**Amendment 6**—On page 13, between lines 2 and 3, insert:

(3) A retail establishment may not deliver a handgun to a purchaser unless the purchaser has presented evidence to it that he has completed a firearms safety or training course described in s. 790.06(2)(h). The retail establishment shall keep a record of this evidence with respect to each purchaser of a handgun, which record must be available for inspection as provided in paragraph (a) of subsection (2).

**Amendment 7**—On page 11, line 14, through page 13, line 2, strike all said lines and insert:

(2) ~~LIMITED EXCEPTION; COUNTY COOLING-OFF-PERIOD ORDINANCES.~~—

(a) ~~There is established statewide Any county may have the option to adopt a cooling-off period ordinance requiring a mandatory cooling-off period of 5 weekdays up to, but not to exceed, 48 hours between the purchase and delivery of a handgun. For purposes of this subsection, the term "purchase" means payment of deposit, payment in full, or notification of intent to purchase. Adoption of a cooling-off period ordinance, by any county, shall require an extraordinary vote of the county commission on votes on cooling-off period ordinances. This exception is limited solely to individual counties and is limited to the provisions and restrictions contained in this subsection.~~

(b) ~~This section applies Ordinances authorized by this subsection shall apply to all sales of handguns to individuals by a retail establishment except those sales to individuals exempted in this subsection. For purposes of this subsection, the term "retail establishment" means a gun shop, sporting goods store, pawn shop, hardware store, department store,~~

discount store, bait or tackle shop, or any other store or shop that offers handguns for walk-in retail sale but does not include gun collectors shows or exhibits, or gun shows.

(c) ~~Ordinances authorized by~~ This subsection ~~does shall~~ not require any reporting or notification concerning any purchase of a handgun to any source outside the retail establishment, but records of handgun sales must be available for inspection, during normal business hours, by any law enforcement agency as defined in s. 934.02.

(d) The following ~~are shall be~~ exempt from the ~~any~~ cooling-off period:

1. Individuals who are licensed to carry concealed firearms under the provisions of s. 790.06 or who are licensed to carry concealed firearms under any other provision of state law and who show a valid license;

2. Individuals who already lawfully own another firearm and who show a sales receipt for another firearm; who are known to own another firearm through a prior purchase from the retail establishment; or who have another firearm for trade-in;

3. A law enforcement or correctional officer as defined in s. 943.10;

4. A law enforcement agency as defined in s. 934.02;

5. Sales or transactions between dealers or between distributors or between dealers and distributors who have current federal firearms licenses; or

6. Any individual who has been threatened or whose family has been threatened with death or bodily injury, if provided the individual may lawfully possess a firearm and if provided such threat has been duly reported to a local law enforcement agency.

The vote was:

Yeas—13

Childers, D.	Hill	Meek	Weinstock
Frank	Jenne	Plummer	
Girardeau	Malchon	Stuart	
Gordon	Margolis	Weinstein	

Nays—23

Barron	Dudley	Johnson	Peterson
Brown	Grant	Kiser	Ros-Lehtinen
Childers, W. D.	Grizzle	Langley	Thomas
Crawford	Hair	Lehtinen	Thurman
Crenshaw	Hollingsworth	McPherson	Woodson
Deratany	Jennings	Myers	

Vote after roll call:

Yea to Nay—Hill

Senator Gordon moved the following amendments which failed:

**Amendment 8**—On page 9, strike all of lines 1-10 and insert:

(b) The sheriff of the applicant's county of residence shall submit may, at his discretion, participate in the process by submitting a voluntary report to the Department of State containing any readily discoverable prior information that he feels may be pertinent to the licensing of any applicant. ~~Any~~ Such report ~~voluntary reporting~~ shall be made within 45 days after the date he receives the copy of the application. The report shall contain the sheriff's recommendation as to whether the license should be issued or denied, and if the sheriff's recommendation is that the license be denied, the report must contain information known to the sheriff which indicates that the applicant fails to qualify under the criteria listed in subsection (2) or subsection (3). ~~If the sheriff chooses, he may notify the department in writing that he does not wish to receive copies of the application and the fee described in paragraph (a) of subsection (6).~~

The vote was:

Yeas—12

Childers, D.	Hill	Margolis	Stuart
Girardeau	Jenne	Meek	Weinstein
Gordon	Malchon	Plummer	Weinstock

Nays—22

Barron	Deratany	Jennings	Ros-Lehtinen
Beard	Dudley	Johnson	Thomas
Brown	Grant	Kiser	Thurman
Childers, W. D.	Grizzle	Langley	Woodson
Crawford	Hair	Lehtinen	
Crenshaw	Hollingsworth	Myers	

Vote after roll call:

Yea to Nay—Hill

**Amendment 9**—On page 12, line 18, through page 13, line 2, strike all of said lines and insert:

~~2. Individuals who already lawfully own another firearm and who show a sales receipt for another firearm; who are known to own another firearm through a prior purchase from the retail establishment; or who have another firearm for trade in;~~

2.3. A law enforcement or correctional officer as defined in s. 943.10;

3.4. A law enforcement agency as defined in s. 934.02;

4.5. Sales or transactions between dealers or between distributors or between dealers and distributors who have current federal firearms licenses; or

5.6. Any individual who has been threatened or whose family has been threatened with death or bodily injury, provided the individual may lawfully possess a firearm and provided such threat has been duly reported to local law enforcement.

On motion by Senator Johnson, by two-thirds vote CS for CS for SB 579 was read the third time by title, passed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Scott, by two-thirds vote CS for SB 757 was withdrawn from the Committee on Appropriations.

On motion by Senator W. D. Childers, by two-thirds vote HB 900 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motion by Senator Kiser, by two-thirds vote SB 963 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Beard, by two-thirds vote HB 1302 and CS for HB 507 were withdrawn from the Committee on Transportation.

On motion by Senator Langley, by two-thirds vote SB 1160 was withdrawn from the Committee on Judiciary-Civil.

On motions by Senator Crawford, by two-thirds vote House Bills 963 and 976 were withdrawn from the Committee on Natural Resources and Conservation.

**Motions**

On motion by Senator Barron, by two-thirds vote the special order calendar for Wednesday, June 1, was set to include the bills remaining on today's special order and the following additional bills: CS for SB 91, Senate Bills 147, 225, CS for SB 335, CS for SB 361, CS for SB 431, CS for SB 460, CS for SB 481, CS for CS for SB 526, CS for CS for SB 527, CS for CS for CS for SB 560, CS for SB 628, SB 643, CS for SB 685, CS for SB 749, SB 753, CS for SB 767, SB 768, CS for SB 770, CS for SB 786, CS for SB 820, CS for SB 844, CS for SB 879, SB 978, CS for CS for SB 998, Senate Bills 1016, 1031, 1039, CS for CS for SB 1149, CS for SB 1168, SB 1203, CS for SB 1215, CS for SB 1236, CS for SB 1247, CS for SB 1343, House Bills 34, 56, 1432, 1444, 1471 and 1473.

On motion by Senator Barron, by two-thirds vote the bills remaining on today's consent calendar were placed on the consent calendar for June 1.

**ENROLLING REPORTS**

CS for SB 472 and CS for CS for SB 556 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 31, 1988.

CS for SM 302 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 31, 1988.

*Joe Brown, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of May 30 was corrected and approved.

**RECESS**

On motion by Senator Barron, the Senate recessed at 5:04 p.m. to reconvene at 10:00 a.m., Wednesday, June 1.