Journal of the Senate

Number 23 **Wednesday, June 1, 1988**

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—38:

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

Excused: Periodically, conferees on HB 1700 and CS for CS for SB 1192

PRAYER

The following prayer was offered by Dr. Len Turner, Pastor, East Hill Baptist Church, Tallahassee:

Almighty God, we pause at the beginning of this day, another segment of eternity, to express to you our gratitude for the life you have given to each of us. I thank you for the uniqueness that makes us individuals. The "only-one-of-a-kind" that we truly are. I thank you that we are not all alike, clones, because truly this would be a dull world.

Father, I want to lift before you each of our State Senators. Each is an individual, each is unique. Each has had to struggle with many problems, decisions, and directions over the past two months. No doubt there is weariness of mind, heart, and spirit on this day. So, Lord, I ask for just today's portion: today's portion of wisdom; today's portion of strength; today's portion of courage. I am reminded of the words of Jesus Christ who said, "Do not grow weary in well-doing."

Father, I also pray today for those of us who are citizens of this state. Help us to realize that the really important thing about today is not the decisions made in this place, but those who make the decisions. It is not the laws that are important, but the lawmakers.

Father, I would also like to pray for the families of the Senators. Only you know what sacrifices they have had to make so these individuals could serve this state. So now make up to those family members the loss of not having a mate, a parent, a friend for these past two months. Today may bring into any number of these families real crisis. Lord, grant wisdom, patience, insight, and a sense of peace for the crisis.

So now, Father, help each of us to anticipate the rest of this day with a sense of joy and excitement because we have taken these few moments to talk with you and know that you will be involved with us throughout the day. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, June 1, 1988: CS for HJR 290, CS for CS for SB 161, HB 242, CS for SB 1343, SB 1203, CS for SB 879, CS for SB 460, SB 1016, SB 1031, CS for SB 1168, SB 147, CS for SB 91, CS for SB 361, CS for CS for CS for SB 560, CS for SB 820, CS for SB 1236, CS for SB 1247, HB 1471, SB 643, HB 1473, HB 34, SB 225, CS for CS for SB 998, HB 1444, CS for SB 770, CS for SB 1215, CS for SB 431, HB 1432, CS for SB 481, CS for CS for SB 526, CS for CS for SB 527, CS for SB 628, CS for SB 685, CS for SB 749, SB 753, CS for SB 767, SB 768, CS for SB 786, CS for SB 844, CS for SB 335, SB 978, SB 1039, CS for CS for SB's 1149 and 156, HB 56

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following Local Bill Calendar for Wednesday, June 1, 1988: HB 527, HB 531, HB 691, HB 813, HB 976, HB 1226, HB 1421, HB 809

Respectfully submitted,
Dempsey J. Barron, Chairman

Senator Peterson presiding

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 28, 32, 121, CS for CS for HB 299, CS for CS for HB's 306 and 436, CS for HB 309, HB 338, CS for HB 380, CS for HB 513, House Bills 561, 593, 679, CS for HB 685, HB 731, CS for HB 816, HB 818, CS for HB 827, CS for HB 836, CS for HB 884, CS for HB 893, CS for HB 929, HB 944, CS for HB 1003, CS for HB 1133, CS for HB 1295, HB 1355, CS for HB 1389, House Bills 1404, 1447, 1513, 1558, 1604, 1711, 1718; has passed as amended CS for HB 35, HB 69, CS for HB's 162 and 107, CS for HB 243, HB 263, CS for HB 286, House Bills 330, 363, CS for HB 367, House Bills 375, 390, CS for HB 421, CS for HB 439, House Bills 506, 698, 713, CS for HB 790, HB 843, CS for HB 844, House Bills 915, 918, CS for HB 949, HB 964, CS for HB 986, CS for HB 1031, House Bills 1044, 1046, 1064, 1144, 1182, CS for HB 1202, House Bills 1204, 1205, 1214, CS for HB 1227, HB 1241, 1244, 1252, CS for CS for HB 1263, CS for HB 1265, CS for HB 1289, HB 1329, CS for CS for HB 1420, House Bills 1449, 1484, CS for HB 1497, HB 1501, CS for HB 1502, House Bills 1507, 1532, 1544, 1549, 1559, 1573, 1587, 1620, 1623, 1625, 1628, 1640, CS for HB 1674; has passed as amended by the required Constitutional three-fifths vote of the membership of the House HJR 1616; has adopted as amended HCR 1679 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Bainter—

HB 28—A bill to be entitled An act relating to fire prevention and control; amending s. 633.382, F.S., to provide eligibility for supplemental compensation for firefighters employed by the Division of Forestry of the Department of Agriculture and Consumer Services; providing an effective date.

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

By Representative Lombard and others—

HB 32—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.0652, F.S.; reducing the age required of an insured in order to receive a reduction in motor vehicle insurance premiums after passing a motor vehicle accident prevention course; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Sample—

HB 121—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 referred to the Committees on Corrections, Probation and Parole; and Judiciary-Criminal.

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

CS for CS for HB 299—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.

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

By the Committees on Appropriations and Commerce and Representative Crotty and others—

CS for CS for HB's 306 and 436—A bill to be entitled An act relating to consumer protection; amending s. 501.012, F.S., revising language with respect to a provision for cancellation of a contract for future health studio services; providing criteria which every health studio which sells contracts for health studio services must comply with during any period before opening for business and continuously thereafter; providing an exception for health studios which have operated for more than 3 years; requiring registration and annual revision of registration information; requiring notification to the Division of Consumer Services of the Department of Agriculture and Consumer Services when ownership of the studio changes or the studio is moved or closed; authorizing the division to take certain action when a violation of the law may have occurred; providing an appropriation; providing an effective date.

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

By the Committee on Judiciary and Representative Lewis and others—

CS for HB 309—A bill to be entitled An act relating to dissolution of marriage; providing that specified sources of income shall be considered marital assets subject to equitable distribution; requiring certain information to be included in final judgments for dissolution of marriage if the division of marital property includes a division of retirement or retainer pay from the federal uniformed services; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representative Frishe—

HB 338—A bill to be entitled An act relating to ad valorem taxation; amending s. 197.222, F.S., which allows prepayment of estimated tax by the installment method; revising application requirements and specifying that reapplication is not required under certain circumstances; providing an effective date.

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

By the Committee on Governmental Operations and Representative Frishe—

CS for HB 380—A bill to be entitled An act relating to disbursement of state moneys; amending s. 216.331, F.S.; providing that State Treasury moneys may be payable to lawful assigns of ultimate beneficiaries; amending ss. 717.124, 732.107, and 733.816, F.S.; providing that the Department of Banking and Finance shall distribute funds to an attorney or private investigative agency which has been assigned funds in accordance with a written agreement; providing that funds assigned to an attorney or private investigative agency shall be deposited into a trust or escrow account of such attorney or private investigative agency; providing that such funds shall be distributed to the claimant within 10 days; providing intent with respect to sovereign immunity; providing an effective date.

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

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

CS for HB 513—A bill to be entitled An act relating to elderly homeowners; directing the Florida Advisory Council on Intergovernmental Relations to conduct a study of the impact of escalating tax assessments on homestead residences of elderly homeowners; directing the Department of Community Affairs to prepare a brochure explaining the Homestead Property Tax Deferral Act; providing an effective date.

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

By Representatives Locke and Jamerson—

HB 561—A bill to be entitled An act relating to the State Athletic Commission; amending s. 548.077, F.S.; creating the State Athletic Commission Trust Fund in the Department of Business Regulation; providing for the collection and disposition of moneys in the fund; providing an effective date.

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

By the Committee on Natural Resources and Representative Martin—

HB 593—A bill to be entitled An act relating to vessel registration fees; providing legislative intent; amending s. 327.11, F.S.; increasing fees for transfer of registration of a vessel; providing for decals to replace lost or misplaced vessel decals; providing a fee; increasing fees for duplicate registration certificates; increasing fees for reclassification of a vessel; amending s. 327.25, F.S.; increasing vessel registration fees; providing for optional registration dates; providing a penalty; providing effective dates.

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

By Representatives Bronson and Harris—

HB 679—A bill to be entitled An act relating to water management districts; amending ss. 373.0693 and 373.073, F.S.; providing dates for commencement of terms of office of members of district governing boards and basin boards; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Judiciary-Civil.

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

CS for HB 685—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S.; providing that perpetrators may, in addition to any criminal penalty, be required to pay for the damages caused thereby; providing penalties; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representative Holland and others—

HB 731—A bill to be entitled An act relating to homicide; amending s. 782.04, F.S.; providing that the unlawful killing of certain law enforcement officers or personnel is a capital felony under certain circumstances; amending s. 921.141, F.S.; providing an additional aggravating circumstance to be considered by a jury in sentencing proceedings for certain capital felonies; providing an effective date.

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

By the Committee on Judiciary and Representative Gordon and others—

CS for HB 816—A bill to be entitled An act relating to damages; providing that certain dependents are entitled to recover damages for injuries to their parents under certain circumstances; providing an effective date.

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

By Representative Lippman and others—

HB 818—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S., relating to funds for comprehensive educational plant needs; providing for a portion of the Board of Regents'

annual allocation to be spent to correct outstanding firesafety deficiencies in facilities of the State University System; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Criminal Justice and Representative Canady—

CS for HB 827—A bill to be entitled An act relating to the Legal Affairs Revolving Trust Fund; amending s. 16.53, F.S.; revising provisions relating to disposition of excess funds; providing an effective date.

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

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

CS for HB 836—A bill to be entitled An act relating to the State Group Insurance Program; amending s. 110.123, F.S., providing definitions; providing legislative intent; eliminating authorization for competitive bidding to contract with health maintenance organizations; authorizing the Department of Administration to request competitive bids from and negotiate contracts with health maintenance organizations to service members of the state group insurance program; establishing a minimum benefit package and criteria to be used in negotiating health maintenance organization contracts; requiring submission of certain data elements by health maintenance organizations contracting with the state; deleting a requirement that additional costs of membership in a health maintenance organization be borne by the officer or employee who is a member; providing for confidentiality; providing an effective date.

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

By the Committee on Education, K-12 and Representative Sansom and others—

CS for HB 884—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; revising the definition of vocational education; amending ss. 232.246 and 236.081, F.S.; correcting cross references; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Education, K-12 and Representative B. L. Johnson—

CS for HB 893—A bill to be entitled An act relating to school facilities; amending s. 235.212, F.S.; requiring justification developed with a value analysis for low-energy use design of certain student-occupied facilities; amending s. 235.435, F.S.; authorizing the use of state school construction funds to renovate and remodel schools designated as historic educational facilities; providing criteria for such designation; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Governmental Operations and Representative Trammell—

CS for HB 929—A bill to be entitled An act relating to financial matters; creating ss. 27.38 and 27.60, F.S.; authorizing state attorneys and public defenders to transfer certain appropriations between certain budget entities and within a budget entity; providing requirements with respect thereto; providing an effective date.

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

By Representative Arnold—

HB 944—A bill to be entitled An act relating to the Community Redevelopment Act of 1969; amending ss. 163.340 and 163.356, F.S.; authorizing the creation of multiple community redevelopment agencies by a county or municipality; providing an effective date.

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

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

CS for HB 1003—A bill to be entitled An act relating to beach and shore preservation; amending s. 161.053, F.S.; providing conditions for delegation of certain permitting activities to coastal counties and municipalities; providing an exemption from specified requirements for construction landward of certain existing seawalls; providing restrictions; providing an effective date.

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

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

CS for HB 1133—A bill to be entitled An act relating to state employment; amending s. 110.205, F.S.; revising an exemption from career service for the Florida School for the Deaf and the Blind; specifying that salaries for certain personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees of the school; providing an effective date.

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

By the Committee on Criminal Justice and Representative Dunbar—

CS for HB 1295—A bill to be entitled An act relating to credit card fraud; amending s. 817.58, F.S.; defining the term "acquirer" for purposes of pt. II, ch. 817, F.S., relating to credit card crimes; amending s. 817.62, F.S.; prohibiting a person who is paid by credit card for furnishing money, goods, or services or anything else of value to defraud an acquirer, as defined, through counterfeit or false credit card transactions; prohibiting such a person from selling counterfeit or false credit card transaction records to certain financial institutions or businesses; specifying a violation of either prohibition as a felony of the third degree; amending s. 817.646, F.S.; providing that it is unlawful for certain persons to make credit card account lists or portions thereof available to third parties; providing exceptions; providing a penalty; providing an effective date.

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

By Representative Mitchell—

HB 1355—A bill to be entitled An act relating to personnel of the district school systems; amending s. 231.40, F.S.; authorizing use of time from a sick leave pool for the illness, accident or injury of a member of an employee's immediate family; providing an effective date.

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

By the Committee on Appropriations and Representatives Burnsed and Rudd—

CS for HB 1389—A bill to be entitled An act relating to financing transportation projects; amending ss. 20.23, and 339.135, F.S.; transferring language relating to the allocation of funds for new construction from the provision creating the Department of Transportation to the provision in the Transportation Code relating to budgets; revising language with respect to the adoption of the final program budget and 5-year transportation plan of the department; providing for the allocation of unappropriated funds to the districts; prohibiting the department from establishing any additional district or urban offices under certain circumstances; amending s. 332.007, F.S.; authorizing the funding of projects when provided in the General Appropriations Act; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By the Committee on Community Affairs and Representative Jones—

HB 1404—A bill to be entitled An act relating to county officers' financial reports; amending s. 218.36, F.S.; extending the time period following the close of the fiscal year within which certain county officers must file their annual financial reports and remit excess moneys to the county general fund; providing an effective date.

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

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

HB 1447—A bill to be entitled An act relating to the Division of Economic Development in the Department of Commerce; creating s. 288.032, F.S.; establishing goals and objectives for the Motion Picture and Television Bureau of the division; requiring the bureau to annually develop a comprehensive action plan to meet those goals; requiring an annual report to the Legislature; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Agriculture and Representatives Mitchell and Starks—

HB 1513—A bill to be entitled An act relating to freshwater fish dealers; amending s. 372.65, F.S.; providing a license for certain nonresident wholesale fish buyers; providing a fee; providing an effective date.

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

By the Committee on Regulatory Reform and Representatives Harris and Brown—

HB 1558—A bill to be entitled An act relating to water well contractors and drillers; creating s. 373.302, F.S.; providing legislative findings; amending s. 373.303, F.S.; revising the definition of "water well contractor"; amending s. 373.308, F.S., to delete a cross-reference; amending s. 373.323, F.S.; providing for application for licensure, examination of applicants, preparation of examination, and issuance of license with respect to water well contractors; providing for action to be taken by a water management district when unlicensed activity occurs; providing for adoption of rules; deleting provisions relating to renewal of a license, suspension, or revocation of a license, delegation of authority, and registration of drillers and drilling equipment; requiring display of contractor's license number on drilling equipment; creating s. 373.324, F.S.; providing for license renewal, adoption of rules, reversion to inactive status, and notice thereof; creating s. 373.325, F.S.; providing for renewal or reactivation of inactive license; amending s. 373.326, F.S.; providing an exemption from licensing requirements under certain circumstances; amending s. 373.329, F.S.; providing licensure fee caps as established by rule; increasing maximum fees for application for licensure and penalty fees for license renewal; amending s. 373.333, F.S.; providing for disciplinary guidelines by adoption of rules; providing grounds for disciplinary action; providing disciplinary actions, including license suspension or revocation; providing for notice; providing for reissuance of a suspended or revoked license; creating s. 373.335, F.S.; creating a statewide clearinghouse allowing water management districts to access certain information; amending s. 373.336, F.S.; providing unlawful acts and penalties; creating s. 373.337, F.S.; providing rulemaking authority of the Department of Environmental Regulation and adoption of rules by the water management districts; amending s. 373.342, F.S., to make technical changes; repealing s. 373.339, F.S., relating to preservation of existing regulations; saving ss. 373.323, 373.326, 373.329, 373.333, 373.336, and 373.342, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

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

By the Committee on Education, K-12 and Representative Clark and others—

HB 1604—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; deleting the cumulative grade point average requirement for high school graduation; repealing s. 232.245(3), F.S., relating to the cumulative grade point average; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Natural Resources and Representative Martin—

HB 1711—A bill to be entitled An act relating to land acquisition; authorizing the Department of Natural Resources to acquire certain parcels of land through the power of eminent domain; providing legal descriptions; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations and Representative Bell and others—

HB 1718—A bill to be entitled An act relating to Alzheimer's disease; amending s. 410.402, F.S.; requiring the Department of Health and Rehabilitative Services to develop an allocation formula for distribution of funds for respite care programs; specifying criteria for developing the formula; providing an effective date.

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

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

CS for HB 35—A bill to be entitled An act relating to postsecondary education; 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; amending s. 240.2097, F.S.; providing for information relating to controlled substances and alcoholic beverages and AIDS education to be included in university student handbooks; amending s. 240.402, F.S.; revising student eligibility criteria for the Florida Undergraduate Scholars' Fund; providing an effective date.

—was referred to the Committee on Education.

By Representative Dunbar—

HB 69—A bill to be entitled An act relating to hospitals; creating s. 395.0116, F.S., providing that it is unlawful for certain persons to threaten, coerce, intimidate, or discipline any licensed physician or any licensed nurse under certain circumstances; providing a penalty; providing for civil actions; providing an effective date.

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

By the Committee on Education, K-12 and Representatives Drage and Tobiassen—

CS for HB's 162 and 107—A bill to be entitled An act relating to education; creating s. 232.435, F.S.; providing legislative intent; encouraging school districts to establish and implement an athletic injuries prevention and treatment program; providing program standards; providing an employment scheme; establishing Department of Education responsibilities; amending s. 768.135, F.S.; revising language with respect to immunity for volunteer team physicians; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Natural Resources and Representatives Long and Renke—

CS for HB 243—A bill to be entitled An act relating to water resources; providing for the creation of the Oklawaha River Basin Advisory Council; amending s. 373.073, F.S., relating to appointment of members of the governing board of the Southwest Florida Water Management District; amending s. 373.0693, F.S., abolishing the Oklawaha River Basin and the Greater St. Johns River Basin in the St. Johns River Water Management District; transferring assets and liabilities to the district; amending s. 373.103, authorizing the water management districts to delegate certain permitting authorities to counties and to establish criteria for such delegations; amending s. 373.4595, F.S.; directing the district to design and implement a program to protect the water quality of the Everglades-Lake Okeechobee system and specifying requirements with respect thereto; revising membership of the Lake Okeechobee Technical Advisory Council; providing for replacement of members upon resignation; revising report requirements; authorizing the district to acquire certain lands by eminent domain and declaring public necessity for such acquisition; creating s. 253.024, F.S.; directing the Board of Trustees of the Internal Improvement Trust Fund to develop and implement a plan for public acquisition of private lands in the East Everglades; providing for negotiation with the United States Government; authorizing contribution of funds and lands; providing for acquisition of lands by the board of trustees; creating the East Everglades Trust Fund; providing effective dates.

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

By Representative Souto—

HB 263—A bill to be entitled An act relating to public health; requiring the Department of Health and Rehabilitative Services to develop a comprehensive program to disseminate information regarding the health risks associated with, and the prevention, control, and treatment of, high blood cholesterol levels; providing for distribution of literature; providing contents; creating a Study Committee on Cholesterol Screening; providing for the purpose of the committee; providing for committee membership and administration; providing for reimbursement; providing for meetings; requiring and prescribing the contents of a study and a report; providing an effective date.

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

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

CS for HB 286—A bill to be entitled An act relating to dangerous dogs; amending s. 828.12, F.S., providing for increased fine; providing definitions; authorizing animal control authorities to classify dogs dangerous under certain conditions; requiring registration of dogs classified as dangerous; providing for fees; imposing certain duties on the owners of such dogs; specifying application of the act; providing a penalty; specifying criminal penalties applicable to the owner of a dangerous dog that attacks or bites a person or another domestic animal, and to the owner of any dog that causes severe injury to or death of a person; providing for confiscation and disposal of such dogs; providing a grandfather clause; providing an interpretation clause; providing an effective date.

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

By the Committee on Agriculture and Representatives Mitchell and Starks—

HB 330—A bill to be entitled An act relating to forestry; amending s. 589.011, F.S., authorizing the Division of Forestry to charge fees for the use of certain facilities; authorizing adoption and enforcement of certain rules; amending s. 589.11, F.S., authorizing the division to operate a seedling tree nursery; amending s. 590.02, F.S., authorizing the division to charge fees for providing forest protection services to the public; providing for disposition of moneys collected from fees and sales; repealing chapter 379, F.S., relating to creation and operation of the Everglades Fire Control District; providing an effective date.

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

By Representatives Kelly and Davis—

HB 363—A bill to be entitled An act relating to child support; amending ss. 409.2554 and 743.07, F.S., providing that state law defining the rights and obligations of persons 18 years or older shall not prohibit any court from requiring support for certain dependent persons beyond 18 years of age; amending ss. 88.151 and 409.2567, F.S.; eliminating the cost recovery from custodial parents in cases certified under Title IV-D of the Social Security Act; providing an effective date.

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

By the Committee on Community Affairs and Representative Renke—

CS for HB 367—A bill to be entitled An act relating to building construction; amending s. 553.79, F.S., relating to building permits for demolition or renovation of structures containing asbestos; requiring such permits to contain an asbestos notification statement; providing exemptions; providing an effective date.

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

By Representative Metcalf and others—

HB 375—A bill to be entitled An act relating to public schools; amending s. 233.0681, F.S.; revising provisions relating to the qualifications and duties of occupational specialists; creating s. 233.0575, F.S.; providing legislative intent; authorizing school district mathematics/science resource specialists; providing qualifications; providing duties; providing for the allocation of appropriated funds; providing for rules, evaluations, and reporting; providing for state funded pilot projects; providing requirements for approval and for a library of information; providing for review and repeal; providing effective dates.

—was referred to the Committee on Education.

By Representative Simon—

HB 390—A bill to be entitled An act relating to the Taxation and Budget Reform Commission; amending s. 101.161, F.S.; including proposals submitted by the commission in provisions relating to constitutional amendment ballot language; creating s. 286.036, F.S.; providing for powers of the commission, assignment of the Commission to the Joint Legislative Management Committee, compensation of members, and assistance by governmental agencies; providing a contingent effective date.

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

By the Committee on Insurance and Representative Bloom and others—

CS for HB 421—A bill to be entitled An act relating to health insurance; amending ss. 627.6415, 627.6578, 641.31, F.S.; requiring individual health insurance policies, group, blanket, and franchise health insurance policies, and health maintenance organization contracts which provide coverage for family members to provide coverage for adopted children from the moment of placement in the residence, or from the moment of birth if an agreement to adopt the children has been entered into; providing limitations; amending ss. 627.6417 and 627.6612, F.S., requiring individual and group, blanket, or franchise accident or health insurance policies providing coverage for mastectomies to provide coverage for mammograms for screening and diagnostic purposes; providing conditions; amending s. 627.6406, F.S., requiring individual health insurance policies providing coverage for maternity care to provide coverage for services provided by birth centers; amending s. 627.6515, F.S., requiring out-of-state group health insurance policies providing coverage for maternity care to provide coverage for the services of nurse-midwives, midwives, and birth centers; amending s. 627.6574, F.S., requiring group, blanket or franchise policies of health insurance providing coverage for maternity care to provide coverage for services provided by birth centers; amending s. 641.31, F.S., requiring health maintenance organizations providing benefits for maternity care to offer to subscribers, as an option, the services of nurse-midwives, midwives, and birth centers; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Judiciary and Representatives Cosgrove and Simon—

CS for HB 439—A bill to be entitled An act relating to guardianship; amending s. 710.114, F.S.; providing that a provision of the Florida Uniform Transfers to Minors Act which allows a custodian to use custodial property to invest in or pay premiums on certain life insurance or endowment policies naming the minor, the minor's estate, or the custodian in the capacity of custodian as beneficiary may not be interpreted as precluding a transfer of a policy to the custodian which names any other person as beneficiary if the premium for the policy has been paid for out of funds that are not custodial property; amending s. 744.301, F.S.; requiring the appointment of a guardian ad litem to represent minors with respect to certain settlements; providing for the award of reasonable fees and costs to the guardian under certain circumstances; amending s. 744.444, F.S.; providing that a guardian may invest estate assets in securities guaranteed by the full faith and credit of the Federal Government; creating ss. 61.40-61.46, F.S., relating to guardians ad litem; providing for appointment of guardians ad litem in actions for dissolution of marriage, modification, parental responsibility, custody and visitation when certain allegations are made or when the court finds it in the child's best interest; providing a definition; providing for powers and authority of guardians ad litem; providing for clarification of authority by guardians ad litem; providing for confidentiality of communications; providing for recovery of costs and fees for guardians ad litem and attorneys; providing for immunity from civil liability for guardians ad litem; providing an effective date.

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

By Representative Sample and others—

HB 506—A bill to be entitled An act relating to utility services; amending s. 180.135, F.S.; prohibiting a municipality from taking legal action to recover utility charges under certain circumstances; prohibiting the waiver of rights under the section by contract; providing an effective date.

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

By Representative Martin—

HB 698—A bill to be entitled An act relating to the University of Florida; authorizing and directing the university to name a designated sports facility the "Alfred A. McKethan Baseball Stadium"; providing funds; naming the theater located within the fine arts center on the University of Florida campus as the "Santa Fe Community College Performing Arts Theater;" directing the Board of Regents to erect suitable signs; providing an effective date.

—was referred to the Committee on Education.

By Representative Brown and others—

HB 713—A bill to be entitled An act relating to Duval County; amending section 17.05 of chapter 67-1320, Laws of Florida, being the Charter of the City of Jacksonville; as amended by chapter 81-402, Laws of Florida; exempting Duval County School Board employees from the performance evaluation developed by the City of Jacksonville's Personnel Department; 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 Regulatory Reform and Representative Kelly—

CS for HB 790—A bill to be entitled An act relating to chiropractic; amending s. 460.406, F.S., providing additional requirements for licensure by examination; amending s. 460.4065, F.S., conforming requirements for licensure by endorsement; amending s. 460.4104, F.S., increasing the fee for peer review; providing effective dates.

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

By Representative Morse—

HB 843—A bill to be entitled An act relating to fire prevention and control; amending s. 509.215, F.S.; providing additional requirements with respect to smoke detectors; amending s. 633.021, F.S., redefining the term "firesafety inspector"; creating s. 633.052, F.S., providing definitions; authorizing local units of government to enact ordinances relating to firesafety; providing criteria; providing for certified firesafety inspectors; providing a penalty; providing for rules; amending s. 633.34, F.S.; providing additional criteria for qualification as firefighter; amending s. 633.175, F.S.; providing that law enforcement officers shall have the authority to obtain fire loss information without prior approval of the Division of State Fire Marshal; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Health and Rehabilitative Services and Representative Gonzalez-Quevedo and others—

CS for HB 844—A bill to be entitled An act relating to health care; amending s. 381.703, F.S., expanding duties and responsibilities of local health councils and the Statewide Health Council; requiring preparation of a report on long-term health care by each local health council, to be submitted to the Statewide Health Council; requiring preparation of a statewide report with certain recommendations on long-term health care by the Statewide Health Council, to be submitted to the Department of Health and Rehabilitative Services and the Legislature; requiring development of a mechanism for public input; requiring annual review and report of implementation of the statewide report; providing for an appropriation; 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; 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; 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 should be developed for mentally ill persons; identifying licensure requirements; determining the impact of specialized facilities on the remaining adult congregate living facility population and providers; requiring a report; providing an appropriation; 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 owing fines; providing penalties; providing an effective date.

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

By Representative Hill—

HB 915—A bill to be entitled An act relating to Northern Palm Beach County Water Control District in Palm Beach County; amending section 1 of chapter 59-994, Laws of Florida, as amended, to include specified parcels of land in the territorial limits of the district; amending chapter 87-518, Laws of Florida, by adding a section 6 to include powers within and without the territorial boundaries of the district and to authorize certain charges; amending subsection (2) of section 2 of chapter 87-518, Laws of Florida, to include waste treatment within the additional powers of the 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 Frankel—

HB 918—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; relating to the West Palm Beach Police Pension and Relief Fund; amending section 16, chapter 24981, Laws of Florida, 1947, as amended, amending subsections (1), (2), (3), (4), (5), (6), (16), (17), and (20) regarding the name of the fund; amending subsection (1) regarding the creation of the pension fund; amending subsection (2) regarding definitions; amending subsection (3) relating to the board of trustees and the payment of expenses and per diem for trustees; amending subsection (4) relating to the deposit of moneys and securities; relating to disbursements; relating to professional and clerical services; amending subsection (5) regarding reports to the city and other experience tables; amending subsection (6) relating to membership in the fund; amending subsection (7) regarding service credit; amending subsection (8) regarding requirements for retirement; amending the vesting provisions for deferred retirement; providing for early retirement benefits; amending subsection (9) regarding limitations on maximum pension benefits; relating to the payment of benefits; relating to forms of benefits and optional benefits; providing for designation of the beneficiary or beneficiaries; providing for payment of benefits in the event no beneficiary is named; providing for share accounts; amending subsections (10), (11), and (12) regarding eligibility for disability benefits; regarding the final decision to award disability benefits; regarding minimum disability benefits; relating to the use of a medical committee; regarding the payment for medical examinations; regarding limitations on maximum disability benefits; providing for exclusions from disability pensions; providing for payment of disability benefits; providing the normal form of disability retirement income; relating to the examination of a disability retirant; revising provisions for return to work after disability ends; amending subsection (13) regarding death benefits to beneficiaries; amending subsection (14) regarding workers' compensation offset; amending subsection (15) regarding members' contributions and refund of members' contributions; amending subsection (16)(b) regarding sources of revenue; amending subsection (16)(d) regarding actuarial valuations; amending subsection (17) revising investment provisions; providing for the payment of administrative expenses; amending subsection (18) regarding existing benefits; amending subsection (19) regarding the nonassignability of benefits; amending subsection (20) regarding subrogation rights; adding subsection (21) regarding applicability of ordinances and approval of changes to the Special Act; repealing all laws in conflict herewith; 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 Ethics and Elections and Representatives Press and Crady—

CS for HB 949—A bill to be entitled An act relating to public officers and employees; amending s. 112.313, F.S.; authorizing counties and municipalities to adopt ordinances prohibiting the appearance of former officers or employees before certain county or municipal bodies after cessation of employment or termination of office for a specified period; amending s. 111.011, F. S.; revising the limit on the value of contributions which must be reported in the annual gift disclosure statement elected public officers file; exempting certain gifts; amending s. 112.3144, F.S.; directing the Commission on Ethics to prepare forms for compliance and a list of persons requiring to file full and public disclosure of financial interests; providing for notice to such persons by the Secretary of State and notice to the commission of persons who fail to file; providing certain exemptions; providing an effective date.

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

By Representative Healey—

HB 964—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending section 17 of chapter 24981, Laws of Florida, 1947, as amended, relating to the West Palm Beach Firemen's Relief and Pension Fund; amending provisions regarding the creation of pension funds; revising definitions and revising provisions relative to the Board of Trustees, membership in the Fund, and the payment of expenses and per diem for trustees; amending provisions regarding the name of the Fund; amending provisions regarding sources of revenue and refund of member contributions; amending provisions regarding the custodian of the Fund; amending provisions relating to the deposit of moneys and securities and to disbursements; revising investment provisions; providing for the payment of administrative expenses; amending provisions regarding limitations on maximum pension benefits; amending the vesting provisions for deferred retirement; providing for early retirement benefits; amending provisions relating to the payment of benefits and to forms of benefits and optional benefits; providing for designation of the beneficiary or beneficiaries; providing for payment of benefits in the event no beneficiary is named; providing for refund of contributions; providing for share accounts; amending provisions regarding eligibility for disability benefits, the final decision to award disability benefits, and minimum disability benefits; amending provisions relating to the use of a medical committee; providing for exclusions from disability pensions; providing for payment of disability pensions; amending provisions regarding limitations on maximum disability benefits; providing the normal form of disability retirement income; amending provisions relating to the examination of a disability retirant; revising provisions for return to work after disability ends; amending provisions regarding benefits to beneficiaries; amending provisions regarding the nonassignability of benefits; repealing provisions regarding judgments against the City; amending provisions regarding the transfer of funds; amending provisions regarding applicable City ordinances and approval of changes to the act; amending provisions regarding existing benefits; amending provisions regarding workers' compensation offset; amending provisions regarding actuarial valuations and reports to the City; declaring all laws in conflict repealed; 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 Representative Hanson—

CS for HB 986—A bill to be entitled An act relating to public rail systems; creating s. 341.3025, F.S.; providing authority of entities operating multicounty public rail systems to adopt rules and regulations relating to operation thereof and to fares, fees, and charges for use thereof; providing that it is unlawful to use the system without paying the proper fee; providing for enforcement through citations and fines; providing that a person cited may pay a fine or appear in court; providing duties of the court; providing for penalties; providing for enforcement officers; providing for disposition of fines; specifying venue; providing an effective date.

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

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

CS for HB 1031—A bill to be entitled An act relating to regulation of sellers of travel; creating s. 559.927, F.S.; providing definitions; providing for registration of sellers of travel; providing registration fees; providing for submission of documents by sellers of travel and by promoters; providing for recordkeeping; providing for suspension or revocation of registration; prescribing acts or omissions which constitute violations; prescribing criminal and civil penalties; providing for bonds by registrants; providing exemptions; providing for disposition of moneys recovered; providing for state preemption of the subject matter; providing for future review and repeal; providing an effective date.

(Substituted for CS for CS for SB 560 on the special order calendar this day.)

By Representatives Hawkins and Harris—

HB 1044—A bill to be entitled An act relating to the Immokalee Fire Control District, Collier County; amending section 1 of chapter 30666, Laws of Florida, 1955, expanding the boundaries of the district; providing for a referendum.

—was referred to the Committee on Rules and Calendar.

By Representative Hill—

HB 1046—A bill to be entitled An act relating to the Hobe-St. Lucie Conservancy District, Martin County; providing designation of district as a water control district in accordance with s. 298.001, F.S.; providing that in addition to its powers under general law, said District shall have the power to construct, improve, pave, and maintain roadways and roads necessary and convenient for the exercise of the powers or duties or any of the powers or duties of said District; and in furtherance of the purposes and intent of general law, to construct, improve, pave and maintain streets, roadways, and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, urban and suburban, and other beneficial use and development as a result of the drainage, irrigation and reclamation operations of the District; authorizing powers of the District for water supply, sewer, and wastewater management, waste collection and disposal, and the supply and level of water; authorizing the Board of Supervisors of the District to distribute water for consumption from its water plants and to provide sewer collection and disposal of waste within and without the District boundaries; providing for obligations of the District to pay interest at a rate not exceeding the maximum allowable by law; authorizing the issuance of revenue bonds and bond anticipation notes; authorizing the drainage, reclamation and irrigation of the lands in said District by units; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Dunbar—

HB 1064—A bill to be entitled An act relating to pugilistic exhibitions; amending ss. 548.002, 548.006, 548.007, 548.017, 548.043, 548.045, 548.046, 548.047, 548.049, 548.05, 548.053, 548.054, 548.056, 548.057, and 548.07, F.S., and creating s. 548.008, F.S.; revising the Joe Lang Kershaw Act to include pugilistic events such as kickboxing and martial arts contests and exhibitions; providing for certain protective devices; prohibiting toughman and badman competition; providing a penalty; providing for required insurance; authorizing the State Athletic Commission to require each contract regulated by the commission to include language authorizing the commission to withhold all or any part of a manager's share of a purse or implead interested parties over disputed funds into an appropriate court action, in the event of a contractual dispute as to entitlement to any portion of the purse; authorizing the commission to establish standards for referees for matches other than boxing; providing for penalties; repealing s. 548.023, F.S., relating to fingerprinting; providing for review and repeal; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By Representatives Martin and Mills—

HB 1144—A bill to be entitled An act relating to museums; amending ss. 240.515, 240.516, 240.5161 and 240.5162, F.S.; changing the name of the Florida State Museum to the Florida Museum of Natural History; changing the name of the State Medical Museum to the Museum of Med-

ical History; changing the name of the Florida State Medical Museum Council to the Florida Medical Museum Council; providing an effective date.

—was referred to the Committee on Education.

By Representative Jamerson and others—

HB 1182—A bill to be entitled An act relating to education; amending s. 228.195, F.S.; requiring district school boards to establish school breakfast programs; providing an exemption under certain circumstances; providing requirements; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Transportation and Representative Crotty and others—

CS for HB 1202—A bill to be entitled An act relating to public transportation; creating the Magnetic Levitation Demonstration Project Act; providing a centrally coordinated permitting and planning process for the location, construction, operation, and maintenance of a magnetic levitation demonstration project within this state; providing legislative intent and findings; providing definitions; limiting the act to the certification of a single demonstration project; prohibiting the use of public funds except as provided; providing an application process; providing fees; authorizing the Department of Transportation to select one application for further review; providing procedures for protesting the selection, including the posting of a bond; requiring the Department of Transportation, in consultation with other agencies, to determine the completeness of an application; providing for amendments to an application; requiring specified state agencies and certain local governments, water management districts, and regional planning councils to prepare reports on the impact of a proposed project; authorizing the Division of Administrative Hearings of the Department of Administration to designate a hearing officer to conduct a certification hearing; providing notice requirements for such hearing; designating the parties to such hearing; authorizing the Governor and Cabinet to approve, approve with modifications or conditions, or disapprove an application for certification; providing for the effect of certification; providing eminent domain authority to the Department of Transportation; requiring notice to affected landowners; providing for modifications to the certification order; providing for revocation or suspension of certification; providing for the alteration of time limitations; authorizing the owner or operator of a transit station to establish rules governing the use of the station; providing for public access; authorizing the Department of Transportation to delegate its powers and responsibilities under the act to the Florida High Speed Rail Transportation Commission; providing that the act supersedes conflicting laws; exempting confidential business information from public records requirements; providing for future review of the public records exemption in accordance with s. 119.14, F.S.; authorizing local governments to assess reasonable fees with respect to the rail line; providing an effective date.

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

By Representative Crotty and others—

HB 1204—A bill to be entitled An act relating to the City of Orlando, Orange County; relating to the pension fund of the police department of said city; amending section 12 of chapter 22414, Laws of Florida, 1943, as amended, to provide an option for voluntary retirement after 20 years of active service regardless of age with the additional actuarial cost thereof being borne by the members, subject to an election by the membership to accept or reject this additional benefit; adding a new section 24 to chapter 22414, Laws of Florida, 1943, as amended, to permit members who elected to remain in the pre-1975 pension plan to convert to the current pension plan by paying the appropriate sum of money plus interest at a rate to be determined by the Orlando Police Pension Board; 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 Crotty and others—

HB 1205—A bill to be entitled An act relating to the City of Orlando, Orange County; relating to the pension fund of the fire department of said city; adding a new section 16 to chapter 23444, Laws of Florida, 1945, as amended, providing for a voluntary retraining or rehabilitation program for disability pensioners; amending section 12 of chapter 23444, Laws of Florida, 1945, as amended, to provide an option for voluntary retirement after 20 years of active service regardless of age with the additional actuarial cost thereof being borne by the members, subject to an election by the membership to accept or reject this additional benefit; adding a new section 19 to chapter 23444, Laws of Florida, 1945, as amended, providing for a cost-of-living increase for members retiring prior to age 61 with 25 years of service with the additional actuarial cost thereof being borne by the members, subject to an election by the membership to accept or reject this additional benefit; 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 Hawkins—

HB 1214—A bill to be entitled An act relating to the North Naples Fire Control and Rescue District, Collier County, and the Golden Gate Fire Control and Rescue District, Collier County; amending section 1 of article III of chapter 84-416, Laws of Florida; amending section 1 of article III of chapter 87-498, Laws of Florida; excluding "Seagate" from the district; transferring sections 5 and 8 of Township 49 South, Range 26 East from the jurisdiction of the Golden Gate Fire and Rescue District to the jurisdiction of the North Naples Fire Control and Rescue District, subject to referendum; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Appropriations and Representative Morse and others—

CS for HB 1227—A bill to be entitled An act relating to probation and community control; amending s. 945.30, F.S.; permitting the department to require certain offenders to submit to and pay for urinalysis drug testing; amending s. 948.03, F.S.; providing for the court to require submission to random drug testing as a condition of probation or community control; providing an effective date.

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

By Representative Mackenzie—

HB 1241—A bill to be entitled An act relating to Old Plantation Water Control District, Broward County; providing for a quorum at any annual or special landowners' meeting of Old Plantation Water Control District to be determined by the number of landowners present or represented by proxy in attendance at said meeting or meetings; providing that all actions taken at any such annual or special meeting of the landowners shall require the affirmative vote of the landowners of a majority of the acreage present or represented by proxy at said meeting; providing that this act take precedence over any conflicting law to the extent of the conflict; 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 Mackenzie—

HB 1244—A bill to be entitled An act relating to the City of Oakland Park, Broward County; extending and enlarging the corporate limits of the City of Oakland Park to include specified unincorporated lands within said corporate limits; providing for the assumption of duties, powers, and responsibilities over the annexed land; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mackenzie—

HB 1252—A bill to be entitled An act relating to the City of Parkland, Broward County; extending and enlarging the corporate limits of the City of Parkland to include specified unincorporated lands within said corporate limits upon certain contingencies; providing for the applicability of City ordinances upon said lands; providing that contracts in force prior to annexation shall not be affected; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committees on Finance and Taxation and Tourism and Cultural Affairs and Representative Arnold and others—

CS for CS for HB 1263—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 and providing for designation of such institutions; providing for award of grants to such institutions 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 designation of such programs; providing for award of grants to such programs 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; requiring the Department of State and the Department of Revenue to conduct a study; providing an effective date.

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

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

CS for HB 1265—A bill to be entitled An act relating to conservation; creating part III of chapter 369, F.S., creating the Wekiva River Protection Act; providing definitions; providing for review of local comprehensive plans, land development regulations, and certain development permits, and amendments thereto, applicable to the Wekiva River Protection Area; providing criteria; providing procedures; providing duties of Orange, Lake, and Seminole Counties, the Department of Community Affairs, and the Land and Water Adjudicatory Commission; requiring a report; authorizing adoption of rules; providing procedure for development permits and development-of-regional-impact review within the Wekiva River Protection Area; creating s. 373.415, F.S., directing the St. Johns River Water Management District to establish protection zones to prevent certain harm to the Wekiva River System; requiring certain consistency with local comprehensive plans and land development regulations prior to issuance of certain permits; directing the district to develop a groundwater basin resource availability inventory; reserving certain authority to the water management districts, counties, and municipalities; providing applicability of certain provisions for judicial review; providing an effective date.

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

By the Committee on Transportation and Representative Silver—

CS for HB 1289—A bill to be entitled An act relating to transportation planning; amending s. 339.175, F.S.; revising requirements for membership of metropolitan planning organizations; providing an effective date.

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

By Representative Clements—

HB 1329—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S.; providing criteria for calculating the value of nonprofessional attendant or custodial care provided to an injured employee by a family member; providing an effective date.

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

By the Committees on Finance and Taxation, Natural Resources and Community Affairs and Representative Jones and others—

CS for CS for HB 1420—A bill to be entitled An act relating to radiation; amending s. 404.056, F.S.; revising provisions relating to land radiation emission standards to provide for environmental radiation standards and programs; providing for coordination of activities related to detection, control, and abatement of radon conducted by state universities by the Board of Regents; requiring the Board of Regents to develop and submit a report, recommendations, and a draft building code on radon construction measures and mitigation techniques; establishing the Florida Coordinating Council on Radon Protection; providing council membership, organization, and responsibilities; providing for reimbursement of traveling expenses; creating the Radon Trust Fund to be administered by the Department of Health and Rehabilitative Services; providing for collection of a surcharge on local building permits to fund the trust fund; providing for review and repeal; requiring department certification of certain persons who perform measurements or mitigation of buildings for radon gas or radon progeny; providing fees; requiring reports; providing an exemption from public records law; providing for review and repeal; authorizing inspection of records; providing for denial, suspension, or revocation of certification; providing an administrative fine; directing the department to initiate a public information program; requiring testing of school buildings and certain 24-hour care facilities and day care centers for radon; requiring specified notice on real estate documents; providing rulemaking authority; creating s. 553.98, F.S.; providing for development of building codes for radon-resistant buildings; providing powers and duties of the Department of Community Affairs; authorizing use of funds from the Radon Trust Fund; precluding certain local ordinances; requiring the Department of Community Affairs to prepare a report and recommendations on implementation of the radon program and the need to preclude certain local ordinances; providing for future repeal of s. 404.056(2), F.S., relating to radon research; providing for review and repeal; providing appropriations; providing an effective date.

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

By the Committee on International Trade and Economic Development—

HB 1449—A bill to be entitled An act relating to bond financing and investment; changing references to "industrial development," "industrial revenue," "industrial development revenue," and "revenue" bonds in the Florida Statutes; updating obsolete references to the Internal Revenue Code in ss. 218.31 and 290.014, F.S.; amending s. 125.01, F.S., relating to the powers and duties of county governments; amending s. 154.241, F.S., relating to the issuance of bonds; providing that bonds issued under part III of chapter 154, F.S., may be validated in the manner prescribed by chapter 75, F.S.; amending s. 154.245, F.S.; providing that bond proceeds may not be disbursed until required certificates of need are issued; amending s. 159.27, F.S.; providing definitions; amending s. 159.34, F.S., relating to the issuance of bonds by local agencies; amending s. 159.47, F.S., relating to the powers of industrial development authorities; amending s. 159.705, F.S., relating to the powers of research and development authorities; amending s. 218.31, F.S., containing definitions for use in the "Uniform Local Government Financing Management and Reporting Act"; deleting a definition for "industrial development" bond and creating a definition for "private activity" bond; amending s. 218.32, F.S., relating to local government financial reporting; amending s. 288.075, F.S., relating to confidentiality of records; amending s. 290.0065, F.S., relating to state approval of areas authorized to be enterprise zones; amending s. 290.007, F.S., relating to enterprise zone incentives; amending s. 290.014, F.S., relating to enterprise zone annual reports; amending s. 658.67, F.S., relating to investment powers and limitations of banks and trust companies; providing an effective date.

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

By the Committee on Judiciary and Representative Simon and others—

HB 1484—A bill to be entitled An act relating to child support enforcement; 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. 61.181, F.S.; relating to central depositories for child support payments; providing for the form of payment where the payor or obligor has previously remitted a check which was returned due to lack of sufficient funds; establishing a child support depository trust fund; appropriating funds to the child support depository trust fund; 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. 319.27, F.S.; providing that certain liens shall be enforceable against subsequent creditors and purchasers for value only upon reduction to a possessory status or upon recording same upon the certificate of title for the related motor vehicle or mobile home and providing for perfection of purchase money security interests simultaneously with execution of related security agreement; 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 continuation 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 for posting a bond; 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.

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

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

CS for HB 1497—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. 112.363, F.S.; revising the effective date of contribution rate increases with respect to the retiree health insurance subsidy; amending s. 112.65, F.S., providing a new limitation of benefits for certain retirees; 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.; repealing language requiring benefit increases to be amortized over a 15-year period; requiring actuarial reviews of the Florida Retirement System to be presented to the Legislature by a certain date; amending s. 121.051, F.S., providing existing system members must have a 12 month break in service to transfer to the Florida Retirement System; amending s. 121.0515, F.S.; permitting former members of the Highway Patrol Pension System to receive special risk credit for prior service; 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.; permitting optional participation in the Senior Management Class for certain employees; providing for alternative participation; 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. 121.081, 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; revising the contribution rate applicable to Institute of Food and Agricultural Science Supplemental Retirement Act; specifying intent with respect to the contribution rates specified in this act; providing retroactivity of certain benefits; providing effective dates.

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

By the Committee on Governmental Operations and Representatives Mackenzie and Hodges—

HB 1501—A bill to be entitled An act relating to information resources management; amending s. 240.225, F.S.; providing for the Department of General Services to delegate certain procurement functions to the State University System; providing for the State Board of Education to review specified procurements; amending ss. 282.308, 282.311, 282.3115, F.S.; designating information resource managers to serve the Justice Administrative Commission and the state attorney office and public defender office of each judicial circuit; requiring information resource managers to approve certain procurements; amending s. 282.314, F.S.; providing for additional representation on the Information Resources Management Advisory Council; amending s. 287.062, F.S.; requiring the Division of Purchasing of the department to negotiate and execute certain volume purchasing agreements; amending s. 287.073, F.S.; providing definitions; providing requirements for information technology resources bid solicitations; exempting certain procurements from bid requirements; providing additional duties of the Information Technology Resource Procurement Advisory Council; providing an effective date.

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

By the Committees on Appropriations and Regulatory Reform and Representatives Lippman and Kelly—

CS for HB 1502—A bill to be entitled An act relating to architecture and interior design; amending s. 20.30, F.S., renaming the Board of Architecture; amending s. 481.201, F.S., providing legislative intent; amending s. 481.203, F.S., modifying and adding definitions; amending s. 481.205, F.S., providing for additional members of the board; providing for an interior design advisory body; amending s. 481.2055, F.S., revising rulemaking authority; amending s. 481.207, F.S., expanding rulemaking authority relating to fees; providing a schedule of fees; amending s. 481.209, F.S., revising and clarifying certain examination requirements; providing for acceptance of degrees from accredited or unaccredited schools or colleges; revising rulemaking authority relating to acceptance of certain degrees; providing a pre-examination internship requirement for architects; providing education and experience requirements for interior designers; amending s. 481.211, F.S., revising and clarifying certain internship requirements for architects; amending s. 481.213, F.S., revising

and clarifying certain requirements for licensure and licensure by endorsement; creating s. 481.2131, F.S., providing practice requirements and for disclosure relative to interior designers; amending s. 481.215, F.S., providing a continuing education requirement for license renewal for interior designers; amending s. 481.217, F.S., revising requirements for license reactivation; amending s. 481.219, F.S., providing certain requirements relating to practice of architecture or use of the title "interior design" by a corporation or partnership; amending s. 481.221, F.S., providing for the use of a seal by licensees; requiring the use of certificate numbers in advertising; amending s. 481.223, F.S., providing a prohibition on the use of certain terms; amending s. 481.225, F.S., modifying grounds for disciplinary action against architects; creating s. 481.2251, F.S., providing disciplinary violations and penalties for interior designers; amending s. 481.227, F.S., conforming language; amending s. 481.229, F.S., providing exceptions and exemptions from licensure; amending s. 481.231, F.S., clarifying local effect; providing for waiver of examination requirements for interior designer license under certain circumstances; repealing s. 481.233, F.S., relating to the registration of certain architects; saving part I of chapter 481, F.S., from Sunset repeal; providing for future review and repeal; repealing s. 481.205(3), F.S., relating to the interior design advisory body; providing an appropriation; providing an effective date.

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

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

HB 1507—A bill to be entitled An act relating to compensation of county officials; amending s. 145.051, F.S.; increasing salaries of clerks of the circuit courts and county comptrollers; amending s. 145.11, F.S.; increasing salaries of tax collectors; amending s. 145.10, F.S.; increasing salaries of property appraisers; amending s. 145.09, F.S.; increasing the salary of supervisor of elections; providing an effective date.

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

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

HB 1532—A bill to be entitled An act relating to motor vehicles; amending ss. 316.1955, 316.1956, 316.1964, 320.0842, 320.0843, 320.0845, and 320.0848, F.S.; providing that certain handicapped persons with permanent mobility problems impairing the ability to ambulate, whose motor vehicles display a license plate designating that disability, may park such vehicles in parking spaces specially designated for disabled persons and shall not be required to apply for, display, or pay any fee for exemption entitlement parking permits; providing for biennial renewal of the exemption entitlement parking permit for handicapped persons; providing for identification cards; providing enforcement officers authority to request identification cards; continuing certain existing permits; reducing certain fees; amending s. 316.1958, F.S., to clarify that special parking permits issued to out-of-state handicapped persons shall be usable upon vehicles in this state; amending s. 320.58, F.S.; providing license inspectors enforcement authority; amending s. 320.0848, F.S., authorizing chiropractors to certify disabilities for parking permits; providing a penalty; providing an effective date.

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

By the Committee on Transportation and Representative Burnsed—

HB 1544—A bill to be entitled An act relating to the Department of Transportation; amending s. 316.500, F.S.; providing that it is unlawful to load certain vehicles so as to exceed lawful weight limitations; amending s. 316.545, F.S.; providing penalties; providing certain rights to the vehicle owner; requiring the issuance of certain receipts for penalties collected; amending s. 20.04, F.S.; providing that the principal policy and program development unit of the department is the "office"; amending s. 20.23, F.S.; revising the organization of the department; amending s. 110.205, F.S.; providing that described employees of the department are exempt from the Career Service System; amending ss. 288.15 and 316.515, F.S., to conform terminology to the reorganization of the department; amending s. 332.001, F.S.; conforming language with respect to the reorganization of the department concerning aviation; amending s. 334.14, F.S.; revising language with respect to employees of the department who are required to be engineers to reflect changes in organization; amending ss. 348.52, 348.753, 348.967, and 349.03, F.S.; conforming language to the act with respect to the Tampa-Hillsborough County Expressway Authority, the Orlando-Orange County Expressway Authority, the Santa Rosa Bay Bridge Authority, and the Jacksonville Transportation Authority; prohibiting the department from establishing any additional district or urban offices under certain circumstances; repealing s. 334.18, F.S., relating to the employment of legal counsel by the department; repealing s. 334.19, F.S., relating to the employment of a comptroller and internal auditor; providing an effective date.

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

By the Committee on Agriculture and Representative Mitchell—

HB 1549—A bill to be entitled An act relating to viticulture; creating s. 599.012, F.S.; establishing, for a limited period, the Viticulture Trust Fund within the Department of Agriculture and Consumer Services; specifying the uses of the moneys in the trust fund; providing a continuing appropriation of the moneys in the trust fund to the department for the specified uses; amending ss. 561.12 and 564.06, F.S.; providing for deposit, into the Viticulture Trust Fund during a limited period, of a specified percentage of the revenues collected from the excise taxes imposed under s. 564.06, F.S., on wine produced by Florida manufacturers; providing an effective date.

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

By the Committee on Natural Resources and Representative Martin—

HB 1559—A bill to be entitled An act relating to state lands; amending s. 253.023, F.S.; providing that projects may be removed from certain acquisition lists under certain conditions; amending ss. 253.025, 253.115, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund or any state agency to contract for appropriate real estate services in the acquisition and sale of state lands; amending s. 259.035, F.S.; changing the date for the yearly establishment of the Conservation and Recreation Lands acquisition list; revising provisions which limit the amount a state agency may offer for the purchase of land; specifying conditions under which such limits may be exceeded; providing limitations with respect to joint acquisitions by state agencies and local governments or other entities; providing an effective date.

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

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

HB 1573—A bill to be entitled An act relating to drivers' licenses; creating s. 322.2615, F.S.; providing for law enforcement officers to immediately suspend the driving privilege of a person arrested for a violation of s. 316.193, F.S., or refusal to submit to certain tests; providing for a temporary driving permit; providing for the period of the suspension; providing for review of the suspension by the department; providing procedures for conducting the review and notice of the department's decision; authorizing the department to issue notice of suspension and temporary driving permits in certain circumstances; providing for 30 day ineligibility for any license; providing for appellate review; providing exemption from ch. 120, F.S.; prohibiting the consideration of a suspension at a trial for a violation of s. 316.193, F.S.; amending s. 322.271, F.S.; expanding circumstances under which certain persons may not receive a driving permit for business or employment use; amending s. 322.12, F.S.; providing for a reinstatement fee; repealing s. 322.261, F.S., relating to driver's license suspension; providing effective dates.

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

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

HB 1587—A bill to be entitled An act relating to developmental disabilities; amending s. 27.51, F.S., relating to duties of public defenders with respect to involuntary placement of persons with developmental disabilities; amending ss. 381.702, 381.715, 393.062, 393.0675, 393.0678, 393.21, 402.22, 948.031, F.S.; modifying language with respect to retardation and developmental disabilities; creating ss. 385.207, 385.208, F.S.; recognizing epilepsy as a developmental disability and a handicapping condition; providing for a comprehensive program of services for persons

with epilepsy; establishing the Epilepsy Services Task Force and providing duties; amending s. 393.001, F.S.; providing for independence and administrative operation of the Florida Developmental Disabilities Council; modifying membership; amending s. 393.061, F.S.; changing title of the "Retardation Prevention and Community Services Act"; amending s. 393.063, F.S.; modifying definitions and providing new definitions; amending ss. 393.064, 393.20, F.S.; providing for planning and implementation of programs for prevention, amelioration, correction, or cure of developmental disabilities; requiring certain prevention services; creating s. 393.0641, F.S.; establishing a program for the prevention and treatment of severe self-injurious behavior; amending s. 393.065, F.S., and creating s. 393.0651, F.S., modifying procedures with respect to application for services and habilitation plans; providing for emergency services; providing for case management and client advocates; revising placement preferences; amending s. 393.066, F.S.; requiring consistent availability and eligibility for community-based services; revising content of such services; deleting language relating to certain Department of Health and Rehabilitative Services responsibility for services; amending s. 393.067, F.S.; providing for standards, inspection, and review of licensed residential facilities; prohibiting unlicensed facilities from receiving state funds; creating s. 393.0671, F.S., excluding certain private educational centers from mandatory licensure; requiring registration of such facilities; providing conditions for enforcement of violations; providing penalties; amending s. 393.068, F.S.; establishing a family care program; providing program contents; deleting provisions relating to a demonstration project; creating s. 393.075, F.S.; requiring the Division of Risk Management of the Department of Insurance to provide liability insurance to owners and operators of certain foster care or group home facilities; amending s. 393.11, F.S.; revising procedures for involuntary admission to residential services; amending s. 393.115, F.S.; modifying procedures with respect to continuing residential services beyond age 18; amending s. 393.12, F.S.; revising provisions relating to competency and procedures for appointment of a guardian advocate or guardian; prohibiting charges against the department; amending s. 393.122, F.S.; deleting obsolete language; deleting language relating to certain department responsibility for services; creating s. 393.125, F.S.; providing rights to appeal certain decisions; amending s. 393.13, F.S.; providing rights of persons with developmental disabilities; modifying client rights; providing for a system for the oversight of behavioral programs; providing liability for violations; requiring quarterly district reports; amending s. 393.14, F.S.; providing for biennial reports to the Legislature regarding the department's multiyear implementation plan; modifying plan contents; amending s. 393.15, F.S.; providing for community-based foster home, group home, and developmental training facilities; changing name of the "Group-Living Home Trust Fund"; authorizing inclusion of certain staff training in costs of development; authorizing certain department grants for firesafety renovation; providing for rules for certain allocation of funds; amending s. 393.16, F.S.; modifying capacity of residential intermediate care facilities; creating s. 393.17, F.S.; providing for certification with respect to oversight of behavioral programs for developmentally disabled persons; providing for fees; creating s. 393.22, F.S.; restricting certain transfer of appropriations; providing for elimination of certain barriers to services; requiring a report to the Legislature; providing for the ongoing financial commitment to certain programs; amending and renumbering s. 413.50, F.S.; providing for an extended employment program; creating s. 393.501, F.S.; providing for rules; amending s. 916.13, F.S.; correcting a cross-reference; repealing ss. 413.501, 413.502, 413.503, 413.504, F.S., relating to rehabilitation workshop facilities for developmentally disabled persons; providing effective dates.

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

By the Committee on Natural Resources and Representative Martin—

HB 1620—A bill to be entitled An act relating to water resources; amending s. 373.073, F.S., relating to appointment of members of the governing board of the Southwest Florida Water Management District; amending s. 373.103, authorizing the water management districts to delegate certain permitting authorities to counties and to establish criteria for such delegations; amending s. 373.4595, F.S.; directing the district to design and implement a program to protect the water quality of the Everglades-Lake Okeechobee system and specifying requirements with respect thereto; revising membership of the Lake Okeechobee Technical Advisory Council; providing for replacement of members upon resignation; revising report requirements; authorizing the district to acquire certain lands by eminent domain and declaring public necessity for such acquisition; creating s. 253.024, F.S.; directing the Board of Trustees of the Internal Improvement Trust Fund to develop and implement a plan for public acquisition of private lands in the East Everglades; providing for negotiation with the United States Government; authorizing contribution of funds and lands; providing for acquisition of lands by the board of trustees; creating the East Everglades Trust Fund; amending ss. 373.0693 and 373.073, F.S.; providing dates for commencement of terms of office of members of district governing boards and basin boards; amending s. 373.0693, F.S., abolishing the Oklawaha River Basin and the Greater St. Johns River Basin in the St. Johns River Water Management District; transferring assets and liabilities to the district; reviving, readopting, and exempting from future Sundown review and repeal specified provisions of chapter 373, F.S., relating to the governing boards and basin boards of water management districts; creating the Oklawaha River Basin Advisory Council; repealing s. 2 of chapter 85-211, Laws of Florida, relating to the scheduled repeal of a millage assessment within the St. Johns River Water Management District; requiring the Legislature to review part IV of chapter 373 prior to October 1, 1989, based on certain factors and directing the water management districts to cooperate and participate in this legislative review; requiring the Legislature to review parts II and IV of chapter 373 prior to October 1, 1989, and directing the water management districts and state agencies to cooperate and participate in this legislative review; creating s. 373.302, F.S.; providing legislative findings; amending s. 373.303, F.S.; revising the definition of "water well contractor"; amending s. 373.308, F.S., to delete a cross-reference; amending s. 373.323, F.S.; providing for application for licensure, examination of applicants, preparation of examination, and issuance of license with respect to water well contractors; providing for action to be taken by a water management district when unlicensed activity occurs; providing for adoption of rules; deleting provisions relating to renewal of a license, suspension, or revocation of a license, delegation of authority, and registration of drillers and drilling equipment; requiring display of contractor's license number on drilling equipment; creating s. 373.324, F.S.; providing for license renewal, adoption of rules, reversion to inactive status, and notice thereof; creating s. 373.325, F.S.; providing for renewal or reactivation of inactive license; amending s. 373.326, F.S.; providing an exemption from licensing requirements under certain circumstances; amending s. 373.329, F.S.; providing licensure fee caps as established by rule; increasing maximum fees for application for licensure and penalty fees for license renewal; amending s. 373.333, F.S.; providing for disciplinary guidelines by adoption of rules; providing grounds for disciplinary action; providing disciplinary actions, including license suspension or revocation; providing for notice; providing for reissuance of a suspended or revoked license; creating s. 373.335, F.S.; creating a statewide clearinghouse allowing water management districts to access certain information; amending s. 373.336, F.S.; providing unlawful acts and penalties; creating s. 373.337, F.S.; providing rulemaking authority of the Department of Environmental Regulation and adoption of rules by the water management districts; amending s. 373.342, F.S., to make technical changes; repealing s. 373.339, F.S., relating to preservation of existing regulations; saving ss. 373.323, 373.326, 373.329, 373.333, 373.336, and 373.342, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

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

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

HB 1623—A bill to be entitled An act relating to child care; amending s. 402.30, F.S.; revising membership of the advisory council on child care; deleting obsolete language; amending s. 402.302, F.S.; providing definitions; creating s. 402.3025, F.S.; providing for standards applicable to certain programs in public and nonpublic schools; providing duties of the State Board of Education, Department of Education, Department of Health and Rehabilitative Services, and local licensing agencies; providing for enforcement; providing penalties; providing for an inspection fee; creating s. 402.3198, F.S.; providing for establishment of intergenerational child care programs through the Department of Health and Rehabilitative Services; providing definitions; establishing duties of the department; providing criteria for funding; providing for annual reports; providing for repeal; providing effective dates.

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

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

HB 1625—A bill to be entitled An act relating to community alcohol, drug abuse, and mental health services; amending s. 20.19, F.S.; transferring children's mental health programs and services to the Alcohol, Drug Abuse, and Mental Health Program Office and providing requirements with respect thereto; modifying the composition of the program office advisory council; amending s. 394.75, F.S.; requiring the district alcohol, drug abuse, and mental health planning councils to include a summary budget request in the biennial plan they file with the district administrator; requiring the district administrators to report to the planning councils regarding funding for the plan; amending s. 394.76, F.S.; authorizing the Department of Health and Rehabilitative Services to develop alternative financing systems for district alcohol, drug abuse, and mental health services; providing that local matching funds are not required under certain circumstances; amending s. 394.79, F.S.; requiring the department to prepare biennially the state alcohol, drug abuse, and mental health plan and providing requirements with respect thereto; providing for submission of such plans and certain other information to the Legislature and the district planning councils; amending s. 394.459, F.S., relating to rights of patients; requiring certain notice of an admission to a mental health treatment facility involving involuntary examination or treatment; providing for notice of a voluntary admission in case of emergency only; creating ss. 394.907, 396.181, and 397.0961, F.S.; requiring quality assurance programs in certain alcohol, drug abuse, and mental health facilities; providing for a written plan which establishes minimum guidelines; providing access to records by the department; exempting certain records from civil or administrative action; providing rulemaking authority; exempting hospitals licensed under chapter 395, F.S.; amending s. 768.40, F.S.; including certain alcohol, drug abuse, and mental health treatment facilities in the definition of a medical review committee; providing for review and repeal; creating ss. 385.207 and 385.208, F.S.; providing legislative intent; recognizing epilepsy as a developmental disability and a handicapping condition; providing for a comprehensive program of services for persons with epilepsy; establishing the Epilepsy Services Task Force and providing duties; providing an effective date.

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

By the Committee on Regulatory Reform and Representatives Gordon and Grindle—

HB 1628—A bill to be entitled An act relating to mobile homes and recreational vehicles; amending s. 320.01, F.S.; redefining the term "park trailer" with respect to the definition of "motor vehicle"; providing a definition for "van conversion"; amending s. 320.71, F.S.; providing for the registration of nonresident motor vehicle, mobile home, and recreational vehicle dealers with the Department of Revenue for the purpose of obtaining a sales tax dealer registration number; providing for service of process; amending s. 320.77, F.S.; redefining the terms "dealer" and "mobile home or recreational vehicle broker" with respect to licensing such persons; clarifying the ability of mobile home dealers to sell mobile homes in mobile home parks; requiring garage liability insurance of recreational vehicle dealers; requiring a statement of applicants for licensure as recreational vehicle dealers relative to unfair or deceptive trade practices; providing for fingerprinting of applicants for licensure and for costs to be borne by such applicants; providing for the issuance of licenses in the form of computerized cards and for costs to be borne by licensees; providing for training of applicants for licensure; authorizing off-premise sales by recreational vehicle dealers; authorizing the department to seek injunctive relief against recreational vehicle dealers; amending s. 320.822, F.S.; redefining the term "code" to conform to a name change of a model code and redefining the term "mobile home dealer" to include persons who buy, sell, or deal in one or more mobile homes or recreational vehicles in a 12-month period; amending s. 320.8255, F.S.; providing for special inspections of mobile homes and fees; amending s. 320.8256, F.S.; providing for the inspection of used recreational vehicles within 72 hours of a sale; providing for special inspections and fees; amending s. 320.834, F.S.; redefining legislative intent with respect to mobile home code requirements, mobile home warranties, and resolution of consumer complaints; saving ss. 320.01, 320.71, and 320.77-320.866, F.S., from Sunset repeal; providing for future review and repeal of said sections; amending s. 723.006, F.S., requiring the Division of Florida Land Sales, Condominiums, and Mobile Homes to notify certain persons as to the disposition of complaints investigated by the division; amending s. 723.011, F.S., requiring a mobile home park owner to deliver a prospectus prior to occupancy by a mobile home owner and providing a voidability period for failure to do so; amending s. 723.012, F.S., providing for conforming language to appear in the prospectus; amending s. 723.014, F.S., providing that failure to provide a prospectus to a prospective mobile home owner prior to occupancy results in a period of voidability of the mobile home lot rental agreement; amending s. 723.031, F.S., deleting the prohibition on charging mobile home owners for amenities which were previously provided in the lot rental amount without a corresponding reduction in lot rental amount; amending s. 723.037, F.S., requiring that notice of pass-through charges to mobile home owners shall state the amount of the change, the governmental entity mandating the capital improvement for which the charge is made and the nature of the charges; providing that the meeting of the homeowners and park owner upon notice of change in lot rental amount, reduction in services or utilities provided, or change in rules and regulations shall be at a mutually convenient place and shall occur within a certain time after receipt of the notice by the homeowner; amending s. 723.061, F.S., reenacting a portion of the formula for determining the purchase price that a mobile home park owner must pay the mobile home owner in certain circumstances and requiring that notices required pursuant to this section be in writing; amending s. 723.076, F.S., requiring a mobile home owners' association to notify the park owner of changes in names and addresses of its president or registered agent; requiring the park owner, upon request, to notify the homeowners' association of the name and address of the park owner, its agent for service of process, and the legal description of the park; requiring the park owner to notify the homeowners' association of any changes thereto; creating a Study Commission on Mobile Homes; directing the study commission to study certain issues; directing the study commission to submit a final report; providing for repeal of the study commission; providing an effective date.

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

By the Committee on Health and Rehabilitative Services and Representatives Tobin and Metcalf—

HB 1640—A bill to be entitled An act relating to alcohol, drug abuse, and mental health; amending s. 20.19, F.S.; transferring children's mental health programs and services to the Alcohol, Drug Abuse, and Mental Health Program Office and providing requirements with respect thereto; modifying the composition of the program office advisory council; amending s. 394.459, F.S., relating to rights of patients; requiring certain notice of an admission to a mental health treatment facility involving involuntary placement; providing for notice of a voluntary admission in case of emergency only; amending s. 394.75, F.S.; requiring the district alcohol, drug abuse, and mental health planning councils to include a summary budget request in the biennial plan they file with the district administrator; requiring the district administrators to report to the planning councils regarding funding for the plan; amending s. 394.76, F.S.; authorizing the Department of Health and Rehabilitative Services to develop alternative financing systems for district alcohol, drug abuse, and mental health services; providing that local matching funds are not required under certain circumstances; amending s. 394.79, F.S.; requiring the department to prepare biennially the state alcohol, drug abuse, and mental health plan and providing requirements with respect thereto; providing for submission of such plans and certain other information to the Legislature and the district planning councils; creating ss. 394.907, 396.181, and 397.0961, F.S.; requiring quality assurance programs in certain alcohol, drug abuse, and mental health facilities; providing for a written plan which establishes minimum guidelines; providing access to records by the department; exempting certain records from civil or administrative action; providing rulemaking authority; exempting hospitals licensed under chapter 395, F.S.; amending s. 768.40, F.S.; including certain alcohol, drug abuse, and mental health treatment facilities in the definition of a medical review committee; providing for review and repeal; providing an effective date.

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

By the Committees on Appropriations and Higher Education and Representatives Liberti and Cosgrove—

CS for HB 1674—A bill to be entitled An act relating to education; amending s. 112.24, F.S.; providing for biennial extensions of interchange agreements relating to faculty members of the State University System; providing that certain restrictions on state employees relating to filling positions and receiving compensation do not apply to the interchange program; creating s. 110.141, F.S.; providing for state agency solicitation

of personnel educational services; amending s. 159.445, F.S.; providing an exemption from public records requirements for certain materials that relate to activities connected with the Florida High Technology Innovation Research and Development Fund and providing for review and repeal of such exemption; amending s. 222.21, F.S.; exempting prepaid postsecondary education expense plans from claims of creditors; amending s. 228.074, F.S.; providing technical revisions; revising provisions relating to the composition of regional coordinating councils; providing priority consideration for certain nominees to such councils; providing for notification to the Commissioner of Education for certain absences from council meetings; amending s. 228.075, F.S.; providing technical revisions; requiring the identification of available funding sources to meet critical opportunities and problems; requiring the inclusion of equal access and equal opportunity provisions in program and course evaluations; revising a reporting requirement; amending s. 229.551, F.S.; deleting the maintenance and approval of certain skills associated with student performance from the educational accountability system; amending s. 229.814, F.S.; providing for certain rules for the Secondary Level Examination Program; amending ss. 231.261 and 231.545, F.S.; requiring the Education Practices Commission and the Education Standards Commission to fix compensation of the executive director and support personnel; amending s. 231.621, F.S.; renaming the Student Loan Forgiveness Program; expanding recipient eligibility; deleting certain funding requirements; providing technical revisions; amending s. 232.2463, F.S.; providing for a uniform weighted value for certain high school courses; amending s. 233.015, F.S.; revising provisions relating to purge of certain courses; amending s. 233.051, F.S.; excluding certain forms of instruction from primary school board responsibility; amending s. 235.014, F.S.; requiring the Office of Educational Facilities of the Department of Education to provide technical assistance to boards, including the Board of Regents, relating to commodities and products; amending s. 235.31, F.S.; providing for negotiation or modification of construction contracts with the lowest bidder under certain conditions; amending s. 235.34, F.S.; providing that permits and development orders for educational plants and facilities shall not be made conditional upon the provision of certain improvements; amending s. 236.081, F.S.; revising funding formulas for certain secondary programs; amending s. 240.116, F.S.; providing for the transfer of dual enrollment instruction; amending s. 240.125, F.S.; expanding institutional inclusion in cooperative efforts; requiring matching support for certain projects; amending s. 240.145, F.S.; requiring the Postsecondary Education Planning Commission to fix compensation of its executive director and support personnel; amending s. 240.147, F.S.; requiring commission review of certain new programs, grants, and contracts; providing for review completion; amending s. 240.209, F.S.; providing for conditions of employment and compensation relating to the Board of Regents; revising provisions relating to the appointment of university presidents; providing technical revisions; revising provisions relating to certain student fees; providing for the rent or lease of parking facilities; authorizing fees; amending s. 240.2111, F.S.; revising provisions relating to meritorious service awards; revising reporting requirements; amending s. 240.227, F.S.; providing technical revisions relating to university presidents' duties; amending s. 240.233, F.S.; revising certain university admission requirements; amending s. 240.257, F.S.; providing for moneys to remain in the Florida Endowment Trust Fund for Eminent Scholars; providing a limitation on matching funds; amending s. 240.259, F.S.; providing for moneys to remain in the Trust Fund for New Donors; amending s. 240.2605, F.S.; providing for moneys to remain in the Trust Fund for Major Gifts; revising the allocation formula of the trust fund for matching private contributions; providing a limitation on matching funds; providing technical revisions; providing for prior contributions; authorizing combined contributions under certain conditions; amending s. 240.311, F.S.; deleting specific community college reporting requirements; revising report format requirements; amending s. 240.331, F.S., to conform; amending s. 240.334, F.S.; expanding responsibilities of technology transfer centers; deleting primary contact linkages; amending s. 240.35, F.S.; including certain programs within community college noncredit instruction for which fees are established; revising the allocation of financial aid fees; authorizing community college district boards of trustees to establish a capital improvements fee; providing for rules for student advance fee payment; amending s. 240.107, F.S.; providing for subsequent administrations of the college-level communication and computation skills examination; creating the Florida Sunrise Forum Council; providing legislative findings and definitions; creating the forum; providing for membership and terms; providing for a director and specifying duties; providing powers and duties of the officers of the forum; creating a trust fund; providing for review and repeal; providing an appropriation; amending s. 240.355, F.S.; requiring certain reporting of postsecondary vocational education programs; amending s. 240.359, F.S.; providing funding for students enrolled in dual enrollment instruction; revising qualifications for lifelong learning; amending s. 240.36, F.S.; providing for moneys to remain in the Florida Academic Improvement Trust Fund for Community Colleges; amending s. 240.363, F.S.; providing for rules of the State Board of Community Colleges relating to expenditures; authorizing the transfer of contributions to direct-support organizations; amending s. 240.402, F.S.; revising student eligibility for scholarships from the Florida Undergraduate Scholars' Fund; revising departmental administration and institutional responsibility; increasing the annual award; creating a trust fund and providing for moneys to remain therein; amending s. 240.4025, F.S.; revising student eligibility for scholarships from the Florida Graduate Scholars' Fund; revising departmental administration; amending s. 240.403, F.S.; revising student eligibility for scholarships from the Ex-Confederate Soldiers' and Sailors' Home Endowment Trust Fund; deleting provisions relating to certain use of trust fund moneys; creating s. 240.4035, F.S., the Florida Regents Scholarship Program; providing criteria for student eligibility; providing the amount of each scholarship and procedures for the award thereof; creating the Florida Regents Scholarship Trust Fund and providing for moneys to remain therein; providing for rules; amending s. 240.404, F.S.; revising student eligibility for state financial aid; providing a penalty; amending s. 240.4062, F.S.; revising student eligibility for loans from the Critical Teacher Shortage Scholarship Loan Program; revising repayment provisions; deleting certain funding requirements; providing technical revisions; amending s. 240.4064, F.S.; deleting certain funding requirements relating to critical teacher shortage tuition reimbursements; providing technical revisions; amending s. 240.4066, F.S.; revising student eligibility for loans from the Masters' Fellowship Loan Program for Teachers; deleting the mandatory provision of certification; amending s. 240.4068, F.S.; revising student eligibility for loans from the "Chappie" James Most Promising Teacher Scholarship Loan Program; deleting certain funding requirements; revising fund allocation; providing for reduction of loan repayment; providing for deposit of repayments; amending s. 240.408, F.S.; renaming the Challenger Astronauts Memorial Scholarship Program; revising student eligibility for scholarships; amending s. 240.409, F.S.; revising student eligibility for grants from the State Student Assistance Grant Fund; increasing the maximum grant award; deleting certain funding requirements; revising departmental administration and institutional responsibility; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4095, F.S.; establishing the Florida Student Assistance Grant Fund; providing eligibility for grants; providing amount of grants; providing for priority in the awarding of grants; providing for transfers; providing for payment and refund; requiring an audit and report; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4097, F.S.; establishing the Florida Postsecondary Student Assistance Grant Fund; providing eligibility for grants; providing amount of grants; providing for priority in the awarding of grants; providing for transfers; providing for payment and refund; requiring an audit and report; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4098, F.S.; establishing the Vocational Student Assistance Grant Fund; providing eligibility for grants; providing amount of grants; providing for priority in the awarding of grants; providing for transfers; providing for payment and refund; requiring an audit and report; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4099, F.S.; providing for specific appropriations categories in accordance with ss. 240.409, 240.4095, 240.4097, and 240.4098, F.S.; amending s. 240.412, F.S.; revising student eligibility for scholarships from the Jose Marti Scholarship Challenge Grant Fund; amending s. 240.413, F.S.; revising student eligibility for Seminole and Miccosukee Indian Scholarships; amending ss. 240.414 and 240.437, F.S.; correcting cross-references; amending s. 240.421, F.S.; authorizing a designee of the commissioner to meet with the Florida Council of Student Financial Aid Advisors; amending s. 240.539, F.S.; deleting the designation of specific research priorities by the Florida High Technology and Industry Council; amending s. 240.551, F.S.; revising provisions relating to the Florida Prepaid Postsecondary Education Expense Program; exempting prepaid postsecondary education expense plans from certain provisions related to unclaimed property; providing that expenditures shall be deemed to be appropriations; creating s. 240.555, F.S.; establishing the Center for Library Automation for the University System; amending s. 240.60, F.S.; revising institutional expenditure authority relating to the college career work experience program; expanding required program analysis; amending s. 240.601, F.S.; revising student eligibility for certain work study funding; amending s. 240.604, F.S.; revising institutional expenditure authority relating to the public school work experience program; revising student

eligibility for certain work study funding; amending and renumbering s. 240.401, F.S., relating to state tuition vouchers; revising conditions for eligibility; revising the amount of vouchers; creating s. 240.609, F.S.; establishing the Florida Postsecondary Endowment Grants Trust Fund; providing for moneys to remain in the trust fund; providing eligibility for matching endowment grants; specifying matching provisions and providing restrictions; providing for certification of contributions; providing for use of funds; providing for rules; amending s. 246.013, F.S.; providing for participation in the common course designation and numbering system by certain postsecondary institutions; providing penalties for violations; providing for rules; amending ss. 246.041 and 246.207, F.S.; requiring the State Board of Independent Colleges and Universities and the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools to fix compensation of certain personnel; amending s. 246.220, F.S.; requiring surety bonds, insurance, or escrow accounts of certain nonpublic postsecondary institutions to ensure certain train-out or refund; amending ss. 295.01, 295.015, 295.016, 295.017, and 295.018, F.S.; revising student eligibility for benefits relating to children of certain deceased or disabled veterans, prisoners of war, or servicemen who died or became disabled; creating s. 817.566, F.S.; providing penalties for certain forms of academic misrepresentation; amending section 1 of chapter 86-216, Laws of Florida, as amended; delaying the expiration of provisions relating to the Florida Council on Asian Affairs; requiring the annual assessment and reporting of campus safety information; requiring the Postsecondary Education Planning Commission to study and report on campus safety, not including firesafety; requiring the commission to study proprietary education; authorizing the State Board of Education to adopt rules related to vocational student placement and follow-up; requiring the State Board of Education to study and report on statewide student assessment; authorizing the repayment of certain university loans from capital improvement fees; repealing s. 240.1163, F.S., relating to joint dual enrollment and advanced placement instruction; repealing s. 240.321(2), F.S., relating to certain admission requirements for high school graduates and nonresident applicants; amending s. 228.041, F.S.; including developmental research schools within the definition of public schools; creating s. 228.053, F.S.; establishing developmental research schools; providing mission; providing admission criteria; providing for fees; providing for supplemental support organizations; providing for personnel; creating an advisory board; providing duties; providing for funding; creating a Developmental Research School Educational Facility Trust Fund and a Developmental Research School Trust Fund, and providing purposes thereof; providing a formula for capital outlay and operating funding; authorizing additional funds for upgrading, renovating, and remodeling science laboratories; providing for developmental research schools to be designated as teacher education centers for inservice training; providing for the use of funds from the Developmental Research School Trust Fund for inservice activities; providing for implementation; providing for audits; creating s. 230.015, F.S.; designating developmental research schools as special school districts; providing accountability to the Department of Education; amending s. 236.0817, F.S., relating to funding for developmental research schools; providing assent to the Morrill Land-Grant Act; creating the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; providing for review and repeal; authorizing county constitutional officers to reimburse employees for educational expenses under specified conditions; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Finance and Taxation and Representatives Simon and Guber—

HJR 1616—A joint resolution proposing amendments to Section 5 of Article II and Sections 2 and 5 of Article XI and the creation of Section 6 of Article XI of the State Constitution relating to establishment of a Taxation and Budget Reform Commission.

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

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

HCR 1679—A concurrent resolution requesting the Supreme Court to address the issue of discovery depositions in criminal proceedings.

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

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 24 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

Amendment 1—On page 1, line 20, strike everything after the enacting clause and insert:

Section 1. Paragraph (e) of subsection (3) of section 194.011, Florida Statutes, is amended and a new paragraph (f) is added to said section to read:

194.011 Assessment notice; objections to assessments.—

(3) A petition to the property appraisal adjustment board shall describe the property by parcel number and shall be filed as follows:

(e) A condominium *association,* ~~or~~ cooperative association, *or homeowners' association as defined in s. 723.075,* with approval of its board of administration *or directors,* may file with the property appraisal adjustment board a single joint petition on behalf of any association members ~~who give written consent to such a joint petition and~~ who own parcels of property which the property appraiser determines are substantially similar with respect to location, proximity to amenities, number of rooms, living area, and condition. *The condominium association, cooperative association, or homeowners' association as defined in s. 723.075 shall provide the unit owners with notice of its intent to petition the property appraisal adjustment board and shall provide at least 20 days for a unit owner to elect, in writing, that his unit not be included in the petition.*

(f) An owner of contiguous, undeveloped parcels may file with the property appraisal adjustment board, a single joint petition if the property appraiser determines such parcels are substantially similar in nature.

Section 2. Subsection (1) of section 194.013, Florida Statutes, is amended to read:

194.013 Filing fees for petitions; disposition; waiver.—

(1) If so required by resolution of the property appraisal adjustment board, a petition filed pursuant to s. 194.011 shall be accompanied by a filing fee to be paid to the clerk of the property appraisal adjustment board in an amount determined by the board not to exceed $15 for each separate parcel of property, real or personal, covered by the petition and subject to appeal. However, no such filing fee may be required with respect to an appeal from the disapproval of homestead exemption under s. 196.151 or from the denial of tax deferral under s. 197.253. Only a single filing fee shall be charged under this section as to any particular parcel of property, despite the existence of multiple issues and hearings pertaining to such parcel. For joint petitions filed pursuant to s. 194.011(3)(e) *or (f),* a single filing fee shall be charged. Such fee shall be calculated as the cost of the special master for the time involved in hearing the joint petition and shall not exceed $5 per parcel. Said fee is to be proportionately paid by affected parcel owners.

Section 3. Subsections (3) and (4) of section 194.171, Florida Statutes, are amended to read:

194.171 Circuit court to have original jurisdiction in tax cases.—

(3) Before ~~a taxpayer may bring~~ an action to contest a tax assessment *may be brought, the taxpayer,* ~~he~~ shall pay to the collector not less than the amount of the tax which he admits in good faith to be owing. The collector shall issue a receipt for the payment, and the *receipt shall be filed with the complaint* ~~taxpayer shall file the receipt with his complaint~~.

(4) Payment of a tax shall not be deemed an admission that the tax was due and shall not prejudice the right ~~of a taxpayer~~ to bring a timely action as provided in subsection (2) to challenge such tax and seek a refund.

Section 4. Subsections (1) and (2) of section 194.181, Florida Statutes, are amended to read:

194.181 Parties to a tax suit.—

(1) The plaintiff in any tax suit shall be:

(a) The taxpayer contesting the assessment of any tax, the payment of which he is responsible for under the law *or the condominium association, cooperative association, or homeowners' association as defined in s. 723.075 which operates the units subject to the assessment*; or

(b) The property appraiser pursuant to s. 194.036.

(2) In any case brought by the taxpayer *or association* contesting the assessment of any property, the county property appraiser shall be party defendant. In any case brought by the property appraiser pursuant to s. 194.036(1)(a) or (b), the taxpayer shall be party defendant. In any case brought by the property appraiser pursuant to s. 194.036(1)(c), the property appraisal adjustment board shall be party defendant.

Section 5. Subsections (2) and (3) of section 197.343, Florida Statutes, are renumbered as subsections (3) and (4), respectively, and a new subsection (2) is added to said section to read:

197.343 Tax notices; additional notice required.—

(2) A duplicate of the additional tax notice required by subsection (1) shall be mailed to a condominium unit owner's condominium association or to a mobile home owner's homeowners' association as defined in s. 723.075 if the association has filed with the tax collector a written request and included a description of the land. The tax collector is authorized to charge a reasonable fee for the cost of this service.

Section 6. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Amendment 2—On page 1, in the title, lines 2-17, strike all of said lines and insert:

An act relating to ad valorem taxation; amending s. 194.011, F.S.; deleting the requirement that condominium or cooperative associations obtain the written consent of certain association members before filing a joint petition with the property appraisal adjustment board; authorizing mobile homeowners' associations to file such joint petitions; providing a procedure for unit owners to elect not to be included in the petition; authorizing owners of contiguous, undeveloped parcels to file such joint petitions; amending s. 194.013, F.S.; authorizing a single filing fee for joint petitions filed by an owner of contiguous, undeveloped parcels; amending s. 194.171, F.S., relating to actions to contest a tax assessment; amending s. 194.181, F.S.; providing that a condominium or cooperative association or mobile homeowners' association may be the plaintiff in lieu of the taxpayer in suits contesting ad valorem taxes; amending s. 197.343, F.S.; providing that a duplicate of the additional tax notice mailed when payment has not been received by a specified date be mailed to a condominium association or mobile homeowners' association under certain circumstances; providing for a fee; providing an effective date.

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

CS for SB 24 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—32

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

Nays—None

Vote after roll call:

Yea—Crawford, Crenshaw, Kirkpatrick, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 414 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 414—A bill to be entitled An act relating to state building designation; designating the old Leon County Jail in the City of Tallahassee as the George Firestone Building; directing the Department of State to erect appropriate markers; providing an effective date.

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

Section 1. The new State Services Building, to be built in Largo, Florida, identified as line item 1951N of Section 5 of Chapter 86-167, Laws of Florida, will be hereby named the "Mary R. Grizzle State Office Building."

(Renumber subsequent sections.)

Amendment 2—On page 1 in title, line 2, after the semi-colon insert: naming the new State Services Building in Largo, Florida as the "Mary R. Grizzle State Office Building";

On motions by Senator Margolis, the Senate concurred in the House amendments. SB 414 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crenshaw, Kirkpatrick, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 774 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 774—A bill to be entitled An act relating to antifouling paints; providing definitions; providing restrictions on the use of paints containing organotin compounds; specifying duties of the Department of Agriculture and Consumer Services with respect to such paints; providing exceptions; restricting sale or purchase of organotin compounds; establishing an education program; providing penalties; providing an effective date.

Amendment 1—On page 1, line 21, strike "25" and insert: 20

Amendment 2—On page 3, line 13, strike "25 meters" and insert: 20 meters

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

SB 774 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—32

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

Nays—None

Vote after roll call:

Yea—Crenshaw, Kirkpatrick, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 114 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 114—A bill to be entitled An act relating to community college direct-support organizations; amending s. 240.331, F.S.; specifying which records of such organizations are not considered public records subject to ch. 119, F.S.; providing for future legislative review of this exemption pursuant to the Open Government Sunset Review Act; providing an effective date.

Amendment 1—On page 1, line 31, and on page 2, lines 1-9, strike all of said lines and insert: *119.14*, all records of the organization, other than the information necessary for the annual report required by s. 240.311 (3)(h)6. and the auditor's report and supplemental data requested by the board of trustees and the Auditor General, shall not be considered public records for the purposes of chapter 119. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

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

SB 114 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—27

Beard	Grant	Johnson	Plummer
Childers, D.	Grizzle	Lehtinen	Ros-Lehtinen
Childers, W. D.	Hair	Malchon	Stuart
Deratany	Hill	Margolis	Thomas
Dudley	Hollingsworth	Meek	Thurman
Frank	Jenne	Myers	Weinstein
Girardeau	Jennings	Peterson	

Nays—1

Weinstock

Vote after roll call:

Yea—Crawford, Crenshaw, Kirkpatrick

Nay—Woodson

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 585 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 585—A bill to be entitled An act relating to interception of wire, oral, and electronic communications; amending s. 934.02, F.S.; providing definitions relating to interception of wire, oral, and electronic communications; amending s. 934.03, F.S.; providing when interception and disclosure of such communications is allowed or prohibited and providing civil remedies and criminal penalties; amending s. 934.04, F.S.; providing when manufacture, distribution, or possession of such communications is allowed or prohibited and providing criminal penalties; amending s. 934.05, F.S.; providing for seizure and forfeiture of intercepting devices; amending s. 934.07, F.S.; providing for authorization of interception of communications; amending s. 934.08, F.S.; providing for authorization for disclosure of intercepted communications to the Department of Legal Affairs for use in certain investigations and legal proceedings; amending s. 934.09, F.S.; providing procedure for interception of communications; amending s. 934.10, F.S.; providing civil remedies; creating s. 934.21, F.S.; providing when access to stored communications is allowed or prohibited and providing criminal penalties; creating s. 934.22, F.S.; providing when disclosure of contents of communications is allowed or prohibited; creating s. 934.23, F.S.; providing requirements for governmental access to communications; creating s. 934.24, F.S.; providing for backup preservation of communications and for customer notification and customer challenges, including procedure therefor; providing definitions; providing immunity under certain circumstances; creating s. 934.25, F.S.; authorizing delayed notification in specified instances and providing criteria; providing definitions; creating s. 934.26, F.S.; providing for reimbursement of costs of interception; creating s. 934.27, F.S.; providing for civil actions and remedies; providing a defense to civil or criminal action; creating s. 934.28, F.S.; providing for exclusivity of remedies and sanctions; creating s. 934.31, F.S.; providing a general prohibition on pen register and trap and trace device use and providing an exception thereto; providing penalties; creating s. 934.32, F.S.; providing for application for an order for such device; creating s. 934.33, F.S.; providing for issuance of such an order; creating s. 934.34, F.S.; requiring assistance in installation and use of such device and providing for compensation; providing immunity from civil or criminal liability; providing a defense; providing an effective date.

Amendment 1—On page 44, lines 27 and 28, strike all of said language

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

CS for SB 585 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford, Crenshaw, Kirkpatrick, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 138 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 138—A bill to be entitled An act relating to state-owned parking; amending s. 272.161, F.S.; providing for the issuance of loading zone and scramble parking permits for a fee; providing an effective date.

Amendment 1—On page 1, line 8, insert:

Section 1. Section 272.161, Florida Statutes, is amended to read:

272.161 Rental of reserved parking spaces.—

(1)(a) The Department of General Services may assign a reserved parking space to any state employee, qualified state employee car pool, provider of essential services to the state, or state agency for reassignment to its employees. Any state agency assigned a reserved parking space shall charge the user of such space, except a qualified state employee car pool, a fee in accordance with guidelines established by the department *pursuant to subsection (8)*.

(b) Any state agency assigned a reserved parking space which is not rented for a period of 7 consecutive days shall return such space to the department for reassignment. All state agencies assigned reserved parking spaces shall assure the timely payment of assessed rent to the department.

(c) Assignments of reserved parking spaces shall be limited to the amount of available parking under the supervision of the department. Preference in the assignment of reserved parking spaces shall be given qualified state employee car pools. A state agency, employee, state employee car pool, or provider of essential services may request a reserved parking space in a manner prescribed by the department.

~~(d) The Auditor General shall conduct an audit of state employee parking in nonstate-owned parking lots and shall make a recommendation to the Legislature before the 1986 session, for an equitable rate-setting mechanism to ensure that state employees, who, by job description, are required to own an automobile as a condition of employment, are not subjected to higher parking rates than the average rate for employees in state-owned parking facilities.~~

(2) All employee parking fees shall be payable by the payroll deduction plan, periodically according to the employee's pay schedule, to the Department of General Services or to the contracting agency.

(3) All fees collected by the Department of General Services under the provisions of this section shall be deposited in the Paid Parking Trust Fund, which is hereby created. The department shall account for the revenues and expenditures related to the paid parking program in compliance with the provisions of s. 215.32(2)(b). The revenues collected from parking fees shall be used for the maintenance, minor construction, enforcement, security, and administration of parking facilities and programs *and for excess costs incurred pursuant to this section.*

(4) The Department of General Services shall adopt such rules as are necessary to carry out the purposes of this section. The department shall establish guidelines for qualifying as a state employee car pool and for the preferential assignment of reserved spaces to car pools. *The department shall also adopt guidelines for leases of office space for state agencies which require that additional costs of providing parking be included in the total cost of the lease rather than allowing the lessor to impose any direct cost for parking upon the users thereof. The department shall develop standards for state agencies to use in evaluating the number of parking spaces needed at leased office space locations.*

(5) Prior to the construction of any new state office facility, provision shall be made for adequate state-owned parking.

(6) Any contract entered into by the Department of General Services with any local government which provides for state employee parking shall specify the fee to be charged for such parking, which fee shall not exceed the applicable fee set by the department pursuant to subsection (8). Any additional cost incurred in providing such parking shall be paid out of the Paid Parking Trust Fund.

(7) The Department of General Services may lease space for the purpose of leasing such space to state employees at state-owned facilities under the jurisdiction of the department. The fee imposed by the department shall not exceed the applicable fee set by the department pursuant to subsection (8). Any additional cost incurred in providing such parking shall be paid out of the Paid Parking Trust Fund.

(8)~~(5)~~ The Department of General Services shall establish fees on all state-owned reserved parking spaces, except those assigned to qualified state employee car pools, under the jurisdiction of the department. *The minimum fee applicable to state employees shall be $10 per month for covered reserved parking, $8 per month for uncovered reserved parking, and $12 per year for scramble parking. Providers of essential services to the state shall be charged the local market rate for parking rather than the state employee fee. The department shall also issue loading zone permits to commercial vendors and shall charge an annual fee for such permits sufficient to cover the cost of administration of the permits and maintenance of the loading zone areas.*

(9)~~(6)~~ The Department of General Services shall have the authority to remove or tow away, or cause to be removed or towed away, any wrongfully parked vehicle in any assigned or reserved parking space or area under the control of the Department of General Services throughout the state at the expense of the owner of the wrongfully parked vehicle.

Section 2. A new subsection (6) is added to section 240.209, Florida Statutes, to read:

240.209 Board of Regents; Powers and Duties.—

(6) Notwithstanding the provisions of s. 216.262(1), the Board of Regents may authorize the rent or lease of parking facilities provided that such facilities are funded through parking fees or parking fines imposed by a university. The board may authorize a university to charge fees for parking at such rented or leased parking facilities.

(Renumber subsequent sections.)

Amendment 2—On page 1 in title, line 2, after the semicolon insert: amending s. 272.161, F.S.; requiring the department to adopt certain guidelines for the lease of parking space; providing for provision of adequate parking for new state facilities; requiring certain contracts to provide parking fees; providing for loading zone permits; authorizing the department to lease parking space to lease to state employees; providing minimum fees for parking space rental by the Department of General Services; authorizing use of the Paid Parking Trust Fund for additional costs; amending s. 240.209, F.S., providing for the authority to rent or lease parking facilities;

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

Section 1. Subsection (5) of section 272.161, Florida Statutes, is amended to read:

272.161 Rental of reserved parking spaces.—

(5) The Department of General Services shall establish fees on all state-owned reserved parking spaces, except those assigned to qualified state employee car pools, under the jurisdiction of the department. *The department shall also issue loading zone permits and scramble parking permits for a fee sufficient to cover the cost of administering the permits and maintaining the parking areas.*

Section 2. A new subsection (6) is added to section 240.209, Florida Statutes, to read:

240.209 Board of Regents; Powers and Duties.—

(6) Notwithstanding the provisions of s. 216.262(1), the Board of Regents may authorize the rent or lease of parking facilities provided that such facilities are funded through parking fees or parking fines imposed by a university. The board may authorize a university to charge fees for parking at such rented or leased parking facilities.

Section 3. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Amendment 4—On page 1 in title, lines 1-5, strike the entire title and insert: A bill to be entitled An act relating to state-owned parking; amending s. 272.161, F.S.; providing for the issuance of loading zone and scramble parking permits for a fee; amending s. 240.209, F.S., providing additional powers for the Board of Regents; providing an effective date.

On motions by Senator Beard, the Senate concurred in House Amendments 3 and 4 and refused to concur in House Amendments 1 and 2 and the House was requested to recede.

SB 138 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—22

Beard	Gordon	Johnson	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Grizzle	Malchon	Thomas
Deratany	Hill	Meek	Weinstock
Dudley	Jenne	Peterson	
Frank	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Crawford, Crenshaw, Hollingsworth, Kirkpatrick, Langley

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 7, 25, 68, CS for SB 73, CS for SB 90, Senate Bills 105, 180, 181, 336, CS for SB 341, Senate Bills 367, 387, CS for CS for SB 399, SB 424, CS for SB 425, CS for CS for SB 446, CS for SB 484, Senate Bills 488, 490, 494, 495, CS for SB 502, CS for CS for SB 579, CS for SB 598, Senate Bills 647, 677, 679, 704, 718, CS for CS for SB 792, CS for SB 830, CS for SB 831, CS for SB 874, CS for SB 924, CS for SB 931, SB 994, CS for SB 1091, Senate Bills 1105, 1153, 1234, 1289 and CS for SB 1375.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments to CS for SB 419 and passed as amended.

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 to House Amendments 8 and 9; has receded from House Amendments 5 and 6 and passed as amended CS for CS for SB 368.

John B. Phelps, Clerk

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

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 CS for CS for HB 118, House Bills 108 and 321.

John B. Phelps, Clerk

SPECIAL ORDER

CS for HJR 290—A joint resolution proposing the creation of Section 11 of Article IV of the State Constitution relating to a Department of Veterans Affairs.

—was read the second time.

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

Amendment 1—On page 1, between lines 28 and 29, insert:

SECTION 12. Department of Elderly Affairs.—The Legislature may create a Department of Elderly Affairs and prescribe its duties. The provisions governing the administration of the department must comply with Section 6 of Article IV of the State Constitution.

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

DEPARTMENTS OF VETERANS AFFAIRS AND ELDERLY AFFAIRS

Proposes an amendment to the State Constitution to authorize the creation of a Department of Veterans Affairs and a Department of Elderly Affairs.

Amendment 3—In title, on page 1, line 22, strike "Section 11" and insert: Sections 11 and 12

On motion by Senator Grant, by two-thirds vote CS for HJR 290 as amended was read the third time in full as follows:

CS for HJR 290—A joint resolution proposing the creation of Section 11 of Article IV of the State Constitution relating to a Department of Veterans Affairs.

WHEREAS, the Legislative Reorganization Act of 1969 reduced the Department of Veterans Affairs to the status of a division within the Department of Administration, and

WHEREAS, services to veterans in Florida are now scattered among three different state agencies and the sixty-seven virtually autonomous boards of county commissioners, and

WHEREAS, none of these agencies has the responsibility for setting an overall policy concerning veterans and their dependents, and

WHEREAS, the need exists to consolidate services and operations for veterans in Florida under one statewide agency, NOW, THEREFORE,

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

That the creation of Sections 11 and 12 of Article IV of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1988:

SECTION 11. Department of Veterans Affairs.—The Legislature, by general law, may provide for the establishment of the Department of Veterans Affairs.

SECTION 12. Department of Elderly Affairs.—The Legislature may create a Department of Elderly Affairs and prescribe its duties. The provisions governing the administration of the department must comply with Section 6 of Article IV of the State Constitution.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

DEPARTMENT OF VETERANS AFFAIRS AND ELDERLY AFFAIRS

Proposes an amendment to the State Constitution to authorize the creation of a Department of Veterans Affairs and a Department of Elderly Affairs.

—and as amended passed by the required constitutional three-fifths vote of the membership, and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Johnson	Plummer
Barron	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
Deratany	Jenne	Myers	
Dudley	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

Motion

On motions by Senator Crawford, by two-thirds vote HB 996 was withdrawn from the Committees on Natural Resources and Conservation; and Rules and Calendar and placed at the end of the local bill calendar.

LOCAL CALENDAR

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 read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 527 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 531 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 691 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote HB 813 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

HB 976—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry Counties; providing for the giving of notice of the filing of a petition to amend the district's water management plans; providing for the giving of notice of the filing of the report of the commissioners for the district's water management plans; providing an effective date.

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote HB 976 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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

—was read the second time by title.

Senator Barron moved the following amendments which were adopted:

Amendment 1—On page 1, line 12, through page 3, line 2, strike all of said lines and insert:

Section 1. Section 5 of chapter 61-2655, Laws of Florida, as amended by chapters 78-589, 79-553, 83-500, 84-429, and 87-532, Laws of Florida, is amended to read:

Section 5.(a) Any employee, subject to the jurisdiction of the Civil Service Board of the City of Pensacola, and any employee or appointee not subject to the jurisdiction of the Civil Service Board, now or hereafter employed who upon the effective date of this Act or thereafter, shall have attained the age of 55 years, and shall have served as a duly appointed and enrolled employee or appointee for a period of at least 20 years, in

any capacity or rank whatsoever, preceding the date of his application for retirement, may apply for and be entitled to benefits under the provisions of this Act. Provided that any period of military or naval service, voluntary or compulsory or other compulsory national service in time of war or within one year after cessation of hostilities by armistice or otherwise, shall as to any person who left service of the City engage therein, be deemed equivalent to a like period of actual service in the employment of the City for the purpose of securing such benefits, provided further that no person not at the effective date of this Act employed, shall become entitled to such benefits because of previous employment either alone or in conjunction with subsequent employment. Provided, further, that any employee who shall be laid off because of reduction of force or other cause not of his own doing and who shall elect not to withdraw his contribution to the said fund or to return it if theretofore withdrawn, shall be entitled to have the period of his service prior to such layoff added to his subsequent service for the purpose of computing the period of service required by this Act, but he shall not be entitled in such computation to the benefits of such period of layoff. Provided further that in the event such layoff period shall extend for more than ten years, then such laid off employee shall be entitled only to a refund of his own contributions, and not to any pension or benefits hereunder. And provided further, if any employee shall after serving for a period of 10 years, cease to be such employee for any cause, except discharge for cause by the Civil Service Board, and shall not make withdrawal of funds from the General Pension and Retirement Fund, he shall be eligible to receive a pension after attaining the age of 60 years, or shall become disabled, in the amount set forth in this Act, based upon his years of actual service. It is the intention herein that said employee or appointee shall have a vested interest and vested right to said pension except upon discharge for cause by the Civil Service Board of said City. It is the further intention herein that an employee voluntarily leaving the service of the City as hereinabove provided must have served a period of not less than 10 calendar years in order to obtain a vested interest and vested right to pension benefits. A major fraction of a year shall not be computed as a whole year for the purpose of vesting rights.

(b) "Disability" shall be defined herein as a physical or mental impairment or impairments which render any employee totally and permanently unable to perform any substantial gainful employment. "Partial Disability" shall be defined herein as a physical or mental impairment or impairments which render an employee totally and permanently unable to perform the duties of his employment with the City of Pensacola or the Escambia County Utilities Authority, but which do not render the employee totally and permanently unable to perform any substantial gainful employment. A pension for injury, illness or disability, whether incurred in the line of duty or not in the line of duty, as provided for in the General Pension and Retirement Fund of the City of Pensacola, shall only be awarded upon determination of disability or partial disability in accordance with the above definitions. Disability or partial disability resulting from the following causes are excluded from coverage: intentional self-inflicted injury; use of narcotics, drugs, alcohol; pregnancy; criminal activity; and war or any act of war. Applications, determinations, awards and re-evaluation of disability pensions shall be governed by the following:

(1) Either an employee, or the employer on behalf of an employee, must make application for a disability or partial disability pension, complete with medical and other evidentiary material as prescribed by the Board.

(2) Upon receipt of an application for a disability or partial disability, the Board shall make a determination of disability or partial disability, which determination shall be final. The Board shall employ the services of one or more independent, third party agents, such as, but not limited to, a health and disability claims adjusting firm, to evaluate the case and to make a report containing recommended findings and conclusions, which may be approved, disapproved, or modified in the determination of the Board.

(3) In the case of a determination of partial disability, the Board shall award a partial disability pension in an amount computed as a percentage equal to the percentage of the employee's disability times the full disability pension award as provided in Section 4 and Section 5 of this Act. At any time after an employee is awarded a partial disability pension, the City of Pensacola or the Escambia County Utilities Authority may offer its respective employee or former employee employment for which his partial disability does not prevent performance. At such times as the employee or former employee returns to active service, or at such times as the employee or former employee fails to accept said offer of employment, all partial disability payments shall cease henceforth.

(4) The Board, through its third party agents, shall periodically re-evaluate disability pensioners to determine if the condition of total and permanent disability or partial disability persists. If the pensioner has recovered sufficiently, as determined by the Board, so that he is no longer totally and permanently disabled or no longer partially disabled, and such determination is made within 1 year of the effective date of the award of the pension, said pensioner shall be reinstated to active service in the same rank he occupied prior to the award of his pension. If such determination is made more than 1 year after the effective date of the award of the pension, the pensioner shall be placed on an eligible list to be reinstated to his position upon the first vacancy in that position. Provided, however, that a totally and permanently disabled pensioner may be reclassified as a partially disabled pensioner upon re-evaluation by the Board. At such time as a pensioner resumes active service, or at such time as the pensioner fails to accept reinstatement to active service, the payment of pension benefits shall cease.

(5) Provided, however, disability determinations concerning Escambia County Utilities Authority employees shall be made by the Board, but shall not be effective unless and until the Personnel Appeals Board of the Escambia County Utilities Authority, utilizing the criteria set forth in this act, shall concur in such determinations.

Amendment 2—On page 3, lines 3 and 5, strike "Section 21" and insert: Section 5A

Amendment 3—On page 4, lines 6 and 8, strike "Section 22" and insert: Section 5B

Amendment 4—In title, on page 1, line 5, strike "sections 21 and 22" and insert: sections 5A and 5B

On motion by Senator Barron, by two-thirds vote HB 1226 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 1421 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title.

Senator Grant moved the following amendments which were adopted:

Amendment 1—On page 7, between lines 17 and 18, insert:

(a) No permit shall be issued for any vehicle which has been previously used except vehicles that have first been inspected as specified by the commission for safety and mechanical condition of the vehicle. Periodic reexamination and inspection shall be as specified by the commission.

Amendment 2—In title, on page 1, line 7, strike "3(12)" and insert: 3

On motion by Senator Grant, by two-thirds vote HB 809 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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 read the second time by title. On motion by Senator Hair, by two-thirds vote HB 996 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 659 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 659—A bill to be entitled An act relating to child protective investigations of reports of institutional child abuse or neglect; amending s. 415.505, F.S.; allowing the Department of Health and Rehabilitative Services to restrict the access to certain children by a subject of a report of child abuse or neglect pending the outcome of an investigation; providing for judicial review; providing for continued restrictive access with judicial consent; requiring the department to provide personnel to act in a receivership manner to prevent the closure of a facility; providing an effective date.

Amendment 1—On page 1, line 18, through page 4, line 13, strike everything after the enacting clause and insert:

Section 1. Subsection (2) of section 415.505, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

415.505 Child protective investigations; institutional child abuse or neglect investigations.—

(2)(a) The department shall conduct a child protective investigation of each report of institutional child abuse or neglect. Upon receipt of a report which alleges that an employee or agent of the department, the Department of Education, any district school board, or any other entity or person covered by s. 415.503(10) or (12), acting in an official capacity, has committed an act of child abuse or neglect, the department shall immediately initiate a child protective investigation and orally notify the appropriate state attorney and law enforcement agency, which shall immediately conduct a joint criminal investigation, unless independent investigations are more feasible. In all cases, the department shall make a full written report to the state attorney within 3 days of making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. If the department, as a result of its investigation, determines that there is cause to classify the report of abuse or neglect as "confirmed," rather than "indicated" or "unfounded," the department may recommend that criminal charges be filed against the perpetrator. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of his investigation, the state attorney shall report his findings to the department and shall include in such report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

(b) 1. If in the course of the child protective investigation, the department finds that a subject of a report, by continued contact with children in care, constitutes a threatened harm to the physical health, mental health, or welfare of the children, the department may restrict a subject's access to the children pending the outcome of the investigation and the classification of the report. The department shall employ the least restrictive means necessary to safeguard the physical health, mental health, and welfare of the children in care. This authority shall apply only to child protective investigations in which there is some evidence that child abuse or neglect has occurred, but in which the level of evidence necessary to classify the report as "confirmed" has not yet been established. A subject of a report whose access to children in care has been restricted is entitled to petition the circuit court for judicial review. The court shall enter written findings of fact based upon the

preponderance of evidence that child abuse or neglect did occur and that the department's restrictive action against a subject of the report was justified in order to safeguard the physical health, mental health, and welfare of the children in care. The restrictive action of the department shall be effective for no more than 90 days without a judicial finding supporting the actions of the department.

2. Upon completion of the department's child protective investigation and classification of the report as "confirmed," and pending the confirmed report being uncontested or being upheld pursuant to the procedures provided in s. 415.504, the department may make application to the circuit court for the following if necessary to safeguard the physical health, mental health, and welfare of the children in care:

a. Continued restrictive action of a subject of the report under subparagraph 1. who is named as a perpetrator; and

b. Restrictive action against any other perpetrator named in the confirmed report.

(c) Pursuant to the restrictive actions described in paragraph (b), in cases of institutional abuse or neglect in which the removal of the subject of a report or the perpetrator in a confirmed report will result in the closure of the facility and when requested by the owner of the facility, the department may provide appropriate personnel to assist in maintaining the operation of the facility. The department may provide assistance when it can be demonstrated by the owner that there are no reasonable alternatives to such action. The length of the assistance shall be agreed upon by the owner and the department; however, the assistance shall not be for longer than the course of the restrictive action imposed pursuant to paragraph (b). The owner shall reimburse the department for the assistance of personnel provided.

(d)~~(b)~~ The department shall notify the human rights advocacy committee in the appropriate district of the department as to every report of institutional child abuse or neglect in the district in which a client of the department is alleged or shown to have been abused or neglected, which notification shall be made within 24 hours of the time the department commences its investigation.

(4) In cases of institutional abuse in which the multiplicity of the numbers of reports of child abuse or neglect or the severity of the allegations of child abuse or neglect indicates the need for specialized investigation by the department in order to afford greater safeguards for the physical health, mental health, and welfare of the children in care, the department shall provide a team of persons specially trained in the areas of child abuse and neglect investigations, diagnosis, and treatment to assist the local office of the department in expediting its investigation, recommendations for restrictive actions, and classification of the report and to assist in other ways deemed necessary by the department in order to carry out the provisions of this section. The specially trained team shall provide assistance to any investigation efforts of the allegation or allegations by local law enforcement and the Florida Department of Law Enforcement.

Section 2. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Amendment 2—On page 1, lines 11-14, strike "requiring the department to provide personnel to act in a receivership manner to prevent the closure of a facility;" and insert: providing for assistance to facilities under certain circumstances; providing for specialized teams to assist in investigations;

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

CS for SB 659 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—32

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1422 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

Amendment 1—On page 4, line 29, strike everything after the encacting clause and insert:

Section 1. Paragraph (a) of subsection (6) and subsections (8), (9), and (10) of section 718.401, Florida Statutes, are amended to read:

718.401 Leaseholds.—A condominium may be created on lands held under lease or may include recreational facilities or other common elements or commonly used facilities on a leasehold if, on the date the first unit is conveyed by the developer to a bona fide purchaser, the lease has an unexpired term of at least 50 years. If rent under the lease is payable by the association or by the unit owners, the lease shall include the following requirements:

(6)(a) A lease of recreational or other commonly used facilities entered into by the association or unit owners prior to the time when the control of the association is turned over to unit owners other than the developer shall grant to the lessee an option to purchase the leased property, payable in cash, on any anniversary date of the beginning of the lease term after the 10th anniversary, at a price then determined by agreement. If there is no agreement as to the price, then the price shall be determined by arbitration. *This paragraph shall be applied to contracts entered into on, before, or after January 1, 1977.*

718.401 Leaseholds.—A condominium may be created on lands held under lease or may include recreational facilities or other common elements or commonly used facilities on a leasehold if, on the date the first unit is conveyed by the developer to a bona fide purchaser, the lease has an unexpired term of at least 50 years. If rent under the lease is payable by the association or by the unit owners, the lease shall include the following requirements:

~~(8)(a) It is declared that the public policy of this state prohibits the inclusion or enforcement of escalation clauses in land leases or other leases or agreements for recreational facilities, land, or other commonly used facilities serving residential condominiums, and such clauses are hereby declared void for public policy. For the purposes of this section, an escalation clause is any clause in a condominium lease or agreement which provides that the rental under the lease or agreement shall increase at the same percentage rate as any nationally recognized and conveniently available commodity or consumer price index.~~

~~(b) The provisions of this subsection do not apply if the lessor is the Government of the United States or this state or any political subdivision thereof or any agency of any political subdivision thereof.~~

(8)~~(9)~~ Subsections (1) through (7) do not apply to residential cooperatives created prior to January 1, 1977, which are converted to condominium ownership by the cooperative unit owners or their association after control of the association has been transferred to the unit owners if, following the conversion, the unit owners will be the same persons who were unit owners of the cooperative and no units are offered for sale or lease to the public as part of the plan of conversion.

(9)~~(10)~~ If rent under the lease is a fixed amount for the full duration of the lease, and the rent thereunder is payable by a person or persons

other than the association or the unit owners, the division director has the discretion to accept alternative assurances which are sufficient to secure the payment of rent, including, but not limited to, annuities with an insurance company authorized to do business in this state, the beneficiary of which shall be the association, or cash deposits in trust, the beneficiary of which shall be the association, which deposit shall be in an amount sufficient to generate interest sufficient to meet lease payments as they occur. If alternative assurances are accepted by the division director, the following provisions are applicable:

(a) Disclosures contemplated by subsection (2), if not contained within the lease, may be made by the developer.

(b) Disclosures as to the minimum number of unit owners that will be required, directly or indirectly, to pay the rent under the lease and the maximum number of units that will be served by the leased property, if not contained in the lease, may be stated by the developer.

(c) The provisions of subsections (4) and (5) apply but are not required to be stated in the lease.

(d) The provisions of subsection (7) do not apply.

Section 2. Section 718.4015, Florida Statutes, is created to read:

718.4015 Escalation clauses.—

(a) It is declared that the public policy of this state prohibits the inclusion or enforcement of escalation clauses in land leases or other leases or agreements for recreational facilities, land, or other commonly used facilities serving residential condominiums, and such clauses are hereby declared void for public policy. For the purposes of this section, an escalation clause is any clause in a condominium lease or agreement which provides that the rental under the lease or agreement shall increase at the same percentage rate as any nationally recognized and conveniently available commodity or consumer price index.

(b) The provisions of this section do not apply if the lessor is the Government of the United States or this state or any political subdivision thereof or any agency of any political subdivision thereof. However, the provisions of this section apply to contracts entered into prior to, on, and after June 4, 1975, if the lessor is not the Government of the United States or this state or any political subdivision thereof or any agency of any political subdivision thereof. The application of this section to contracts entered into prior to June 4, 1975, may not divest the parties of any benefits or obligations arising from the escalation of fees prior to October 1, 1988, but only prohibits further escalation of fees pursuant to the escalation clauses, on or after October 1, 1988.

Section 3. Paragraph (a) of subsection (6) and subsections (8) and (9) of section 719.401, Florida Statutes, are amended to read:

719.401 Leaseholds.—A cooperative may be created on lands held under lease or may include recreational facilities or other common elements or commonly used facilities on a leasehold, if, on the date the first unit is conveyed by the developer to a bona fide purchaser, the lease has an unexpired term of at least 50 years. If rent under the lease is payable by the association or by the unit owners, the lease shall include the following requirements:

(6)(a) A lease of recreational or other commonly used facilities entered into by the association or unit owners prior to the time the control of the association is turned over to unit owners other than the developer shall grant to the lessee an option to purchase the leased property, payable in cash on any anniversary date of the beginning of the lease term after the 10th anniversary, at a price then determined by agreement. If there is no agreement as to the price, then the price shall be determined by arbitration. *This paragraph shall be applied to contracts entered into on, before, or after January 1, 1977.*

~~(8)(a) It is declared that the public policy of this state prohibits the inclusion or enforcement of escalation clauses in land leases or other leases or agreements for recreational facilities, land, or other commonly used facilities serving residential cooperatives, and such clauses are hereby declared void for public policy. For the purposes of this section, an escalation clause is any clause in a cooperative lease or agreement which provides that the rental under the lease or agreement shall increase at the same percentage rate as any nationally recognized and conveniently available commodity or consumer price index.~~

~~(b) This subsection does not apply if the lessor is the Government of the United States or the State of Florida or any political subdivision thereof or any agency or political subdivision thereof.~~

(8)~~(9)~~ If rent under the lease is a fixed amount for the full duration of the lease and the rent thereunder is payable by the association or the unit owners, the division director shall have the discretion to accept alternative assurances sufficient to secure the payment of rent, including, but not limited to, annuities with an insurance company authorized to do business in this state, the beneficiary of which shall be the association, or, cash deposits in trust, the beneficiary of which shall be the association, which deposit shall be at an amount sufficient to generate interest sufficient to meet lease payments as they occur. If alternative assurances are accepted by the division director, the following apply:

(a) Disclosures contemplated by subsection (2), if not contained within the lease, may be made by the developer.

(b) Disclosures as to the minimum number of unit owners that will be required, directly or indirectly, to pay the rent under the lease, and the maximum number of units that will be served by the leased property, if not contained in the lease, may be stated by the developer.

(c) The provisions of subsections (4) and (5) apply, but need not be stated in the lease.

(d) The provisions of subsection (7) do not apply.

Section 4. Section 719.4015, Florida Statutes, is created to read:

719.4015 Escalation clauses.—

(a) It is declared that the public policy of this state prohibits the inclusion or enforcement of escalation clauses in land leases or other leases or agreements for recreational facilities, land, or other commonly used facilities serving residential cooperatives, and such clauses are hereby declared void for public policy. For the purposes of this section, an escalation clause is any clause in a cooperative lease or agreement which provides that the rental under the lease or agreement shall increase at the same percentage rate as any nationally recognized and conveniently available commodity or consumer price index.

(b) This section does not apply if the lessor is the Government of the United States or the State of Florida or any political subdivision thereof or any agency of any political subdivision thereof. However, the provisions of this section apply to contracts entered into prior to, on, and after June 4, 1975, if the lessor is not the Government of the United States or this state or any political subdivision thereof or any agency of any political subdivision thereof. The application of this section to contracts entered into prior to June 4, 1975, may not divest the parties of any benefits or obligations arising from the escalation of fees prior to October 1, 1988, but only prohibits further escalation of fees pursuant to the escalation clauses, on or after October 1, 1988.

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

Amendment 2—On page 1, between lines 7 and 8, insert: creating ss. 718.4015 and 719.4015, F.S.;

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

Amendment 1—On page 2, lines 2 and 3, and on page 5, lines 14-16, strike "*This paragraph shall be applied to contracts entered into on, before, or after January 1, 1977.*" and insert: *This paragraph applies to any contract entered into on, before, or after January 1, 1977, regardless of the duration of the lease.*

Amendment 2—On page 2, strike all of lines 4-11

Amendment 3—On page 4, line 1, and on page 6, line 27, strike "(a)" and insert: (1)

Amendment 4—On page 4, line 12, and on page 7, line 7, strike "(b)" and insert: (2)

On motions by Senator Weinstein, the Senate concurred in House Amendment 1 as amended and the House was requested to concur in the Senate amendments to the House amendment; and concurred in House Amendment 2.

SB 1422 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—1

Langley

Vote after roll call:

Yea—Grizzle

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 148 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 148—A bill to be entitled An act relating to Department of Education direct-support organization; amending s. 229.8021, F.S.; continuing the exemptions of specified records of such organization from the public records requirements of ch. 119, F.S.; providing for future legislative review of these exemptions; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) and subsection (4) of section 229.8021, Florida Statutes, are amended to read:

229.8021 Direct-support organization; use of property; board of directors; audit.—

(2) USE OF PROPERTY.—The State Board of Education:

(b) *Shall* ~~Is authorized to~~ prescribe by rule *conditions* ~~any condition~~ with which the direct-support organization must comply in order to use property, facilities, or personal services of the Department of Education. *Such rules shall provide for budget and audit review and oversight by the department.*

(4) ANNUAL AUDIT.—The direct-support organization shall make provision for an annual postaudit of its financial accounts to be conducted by an independent, certified public accountant in accordance with rules to be promulgated by the State Board of Education. The annual audit report shall *include a management letter and shall* be submitted to the Auditor General and the State Board of Education for review. The State Board of Education and the Auditor General have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. *Notwithstanding the provisions of s. 119.14,* the identity of donors and all information identifying donors and prospective donors is exempt from the provisions of *s. 119.07(1)* ~~chapter 119~~, and that anonymity shall be maintained in the auditor's report. All other records and information shall be considered public records for the purposes of chapter 119. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

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

Amendment 2—On page 1, lines 1-8, strike the title and insert:

A bill to be entitled An act relating to the Department of Education direct-support organization; amending s. 229.8021, F.S., which provides an exemption from public records requirements for certain information contained in the annual audit reports of the organization; saving such exemption from repeal; providing for future review and repeal; including additional information in the audit reports; requiring the State Board of Education to prescribe by rule certain conditions for compliance by the organization; providing an effective date.

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

SB 148 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—32

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

Nays—None

Vote after roll call:

Yea—Girardeau, Grant, Hair, Kirkpatrick, Woodson

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 591 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Judiciary and Representative Bass and others—

CS for HB 591—A bill to be entitled An act relating to Sunset review of Florida Statutes; repealing s. 65(1) of ch. 86-160, Laws of Florida, as amended, to delete the prospective repeal of ss. 768.73, 768.78, 768.80, and 768.81, F.S., relating to damages; providing an effective date.

On motions by Senator Jennings, by unanimous consent CS for HB 591 was taken up and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

SPECIAL ORDER, continued

CS for CS for SB 161—A bill to be entitled An act relating to governmental reorganization; creating s. 20.318, F.S.; creating the Department of Veterans' Affairs and providing for its organization; amending s. 292.04, F.S.; prescribing the composition and duties of the Florida Commission on Veterans' Affairs; assigning the commission to the Department of Veterans' Affairs; amending s. 292.05, F.S.; prescribing the duties of the Department of Veterans' Affairs; amending ss. 292.11, 292.12, 292.13, F.S.; providing for county and municipal veteran service officers; amending ss. 295.01, 295.016, 295.11, 295.16, 295.17, 320.084, 322.21, F.S.; providing for issuance and uses of identification cards by the Department of Veterans' Affairs and providing for investigations by the department; amending s. 295.124, F.S.; designating the Department of Veterans' Affairs as the approving agency for veterans' education and training; amending s. 626.833, F.S.; prohibiting employees of the Department of Veterans' Affairs from being licensed as health agents; amending s. 744.421, F.S.; requiring notice of certain matters in guardianship proceedings to be provided to the Department of Veterans' Affairs; transferring specified powers, duties, records, personnel, property, and appropriations, allocations, and funds from the Department of Education to the Department of Veterans' Affairs; transferring the Florida Commission on Veterans' Affairs from the Executive Office of the Governor to the Department of Veterans' Affairs; abolishing the Department of Administration and providing for the transfer of its powers, duties, property, per-

sonnel, and funds to other agencies; amending various provisions of the Florida Statutes to conform provisions to reorganization made by the act and to remove obsolete provisions; repealing s. 20.31, F.S., which creates the Department of Administration; repealing s. 110.151, F.S., which creates a state officers' and employees' pilot child care program; repealing s. 112.192, F.S., which creates a State Officers' Compensation Commission; repealing ch. 291, F.S., which provides pensions for confederate veterans and their widows; repealing s. 292.07, F.S., which provides for a director of the Division of Veterans' Affairs of the Department of Administration; providing for continuation of rules of agencies involved in reorganization under the act; providing for substitution of agencies in pending proceedings; providing for assumption of powers and duties under conflicting laws enacted in the same session; providing an effective date.

—was read the second time by title.

Senators Vogt, Grant, Thurman and Stuart offered the following amendment which was moved by Senator Vogt:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Subsection (6) of section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(6)(a) Unless specifically authorized herein, the head of the department shall not reallocate duties and functions specifically assigned herein to a specific unit of the department. Those functions or agencies assigned generally to the department without specific designation to a unit of the department may be allocated and reallocated to a unit of the department at the discretion of the head of the department.

(b) Within the limitations of this subsection, the head of the department may establish additional divisions, bureaus, sections, and subsections of the department to promote efficient and effective operation of the department. However, no department of state government shall have the authority to establish additional divisions of department after July 1, 1970, and no new bureaus, sections, and subsections of departments may be established until *recommended by the Department of Administration and* approved by the Executive Office of the Governor or by law.

(c) *For the purposes of such recommendations and approvals,* the *Department of Administration and the* Executive Office of the Governor, *respectively,* shall adopt and apply specific criteria for assessing the appropriateness of all reorganization requests from agencies. Such criteria shall not only be applied to future agency requests for reorganization, but shall also be utilized to review the appropriateness of bureaus currently in existence. Any current bureau which does not meet the criteria for a bureau shall be reorganized into a section or other appropriate unit.

Section 2. Section 20.31, Florida Statutes, is amended to read:

20.31 Department of Administration.—There is created a Department of Administration.

(1) The head of the Department of Administration is the Secretary of Administration. The secretary shall be appointed by the Governor subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(2) The following divisions of the Department of Administration are established:

(a) Division of Administrative Hearings.

(b) Division of Personnel Management Services.

(c) Division of Retirement.

(d) Division of Veterans' Affairs.

(e) Division of State Employees' Insurance.

(3) There is created within the office of Secretary of Administration an Office of Labor Relations. The duties of the office shall be determined by the secretary and shall include, but not be limited to, the representation of the Governor as a public employer in collective bargaining negotiations pursuant to the provisions of chapter 447.

~~(4) There is created within the office of Secretary of Administration an Office of State Employees' Insurance. The duties of the office shall be determined by the secretary and shall include, but not be limited to, the administration of state employee health, life, and disability insurance programs and any other insurance programs applicable to state employees.~~

Section 3. Pay plan and state group insurance program studies.—

(1) The Department of Administration, in consultation with the Executive Office of the Governor and in accordance with chapter 447, Florida Statutes, shall submit to the Legislature by February 1, 1989, a study of the pay plan for state employees in the career service, Selected Exempt Service, and Senior Management Service. The study shall include recommendations for:

(a) A pay plan that is competitive with other governmental agencies and sufficient to attract qualified applicants into state government. At the request of the department, each agency of local government shall report to the department by November 1, 1988, salary and pay levels of employees with jobs equivalent to state positions.

(b) Allowing managers to reward employees for outstanding performance that exceeds standards with a lump sum bonus payment which is outside the employee's regular base rate of pay and would not carry over into subsequent years.

(c) Allowing critical class adjustments for employees needed to protect the public health, safety, and welfare and in education when low pay prevents the state from filling key jobs.

(d) Including competitive area differentials when surveys by the department demonstrate a need.

(2) The Department of Administration shall conduct a study and submit a report to the Legislature by February 1, 1989, making recommendations with respect to abolishing the requirement under s. 110.123(5)(c), Florida Statutes, that the department contract on a competitive proposal basis with an insurance carrier or carriers or professional administrator to implement the state group insurance program.

Section 4. Section 110.109, Florida Statutes, is amended to read:

110.109 Productivity improvement*; personnel audits; enforcement.*—

(1) In order to provide for the improvement of productivity and human resources management, the department shall have the authority to conduct agency personnel administration and management reviews to assist agencies in identifying areas of recommended improvement. *Such reviews shall be conducted so as to ascertain the operational necessity and effectiveness of agency personnel programs and human resource management.* A copy of any such reviews made by the department shall be submitted to the Legislature and the Auditor General.

(2) It shall be the duty of the department to *audit the personnel programs of the state agencies on a continuing and regular basis to ensure the agencies' compliance with state laws and regulations* ~~assist the Governor and state agencies in making a detailed study of each of the several state agencies, with a view toward ascertaining and determining the effectiveness and efficiency of agency personnel programs and human resources management~~. A copy of ~~any~~ such study made by the department shall be submitted to the *Governor, the President of the Senate, the Speaker of the House of Representatives,* ~~Legislature~~ and the Auditor General.

(3) It shall be the responsibility of each agency to ensure that corrective action is taken based on recommendations of the department in audits conducted pursuant to s. 110.109(2).

(4)~~(3)~~ The department shall represent the public interest in the improvement of administration by providing training programs aimed at improving managerial, administrative, and technical skills.

Section 5. Section 110.1095, Florida Statutes, is created to read:

110.1095 Supervisory and management training; continuing education.—

(1) The department shall establish a basic supervisory skills training program to ensure that all persons filling supervisory or managerial posi-

tions in state government are instructed in basic supervisory functions. The program shall be designed so that a person who is hired or promoted into a supervisory position attends the training within 6 months after the date that he is hired or promoted into such position; when there are extenuating circumstances, this period may be extended up to 6 months.

(2) The department shall establish a continuing education program for supervisors and managers to ensure that persons filling such positions update their skills on a regular and continuing basis.

Section 6. Paragraph (c) of subsection (5) of section 110.123, Florida Statutes, is amended and paragraphs (d) and (e) are added to said subsection to read:

110.123 State group insurance program.—

(5) DEPARTMENT OF ADMINISTRATION; POWERS AND DUTIES.—The Secretary of Administration shall be responsible for the administration of the state group insurance program. The Department of Administration shall initiate and supervise the program as established by this section and shall promulgate such rules as are necessary to perform its responsibilities. To implement this program, the department shall, subject to legislative approval:

(c) Contract on a competitive proposal basis with an insurance carrier or carriers, or professional administrator, determined by the Department of Insurance to be fully qualified, financially sound, and capable of meeting all servicing requirements. Alternatively, the Department of Administration may self-insure any plan or plans contained in the state group insurance program subject to approval based on actuarial soundness by the Department of Insurance. The department may contract with an insurance company or professional administrator qualified and approved by the Department of Insurance to administer such plan. Before entering into any contract, the Department of Administration shall advertise for competitive proposals, and such contract shall be let upon the consideration of the benefits provided in relationship to the cost of such benefits. *The department may establish or contract for medical services which will improve the health or reduce medical costs for employees who participate in the state group insurance plan.*

(d) With respect to the state group health insurance plan, be authorized to require copayments with respect to all providers under the plan.

(e) Have authority to establish a voluntary program for comprehensive health maintenance, which may include health educational components and health appraisals.

Section 7. Section 110.213, Florida Statutes, is amended to read:

110.213 ~~Examination and~~ Selection.—

(1) The department shall have the responsibility ~~for designating classes as competitive or noncompetitive and~~ for determining *guidelines for* ~~the type of examination or~~ selection *procedures* ~~procedure~~ to be utilized *by the employing agencies* ~~for each class~~. The department shall adopt rules providing *such guidelines* ~~for delegation of the administration of examination activities to those employing agencies which request to be delegated such functions~~.

(2) Any ~~competitive or noncompetitive~~ selection ~~or examination~~ procedure utilized in state employment ~~or examination programs~~ shall be designed to *provide maximum* ~~maximize~~ validity, reliability, and objectivity, shall be based on adequate job analysis ~~conducted~~ to ensure job relatedness, and shall measure the relative ability, knowledge, and skill needed for entry to a job.

(3) Selection for appointment from among the most qualified available eligibles shall be the responsibility of the employing agency in accordance with the rules adopted by the department. ~~Such rules shall also provide procedures for selection for noncompetitive classes where job-related ranking measures are not practical or are not appropriate.~~

(4) ~~Appointments to positions in competitive classes shall be made from listings of certified eligibles from registers in accordance with rules adopted by the department.~~ The employing agency shall assure that *eligibility and selection* ~~examination and certification~~ requirements are met prior to the commitment of appointment to any applicant.

~~(5) The department shall conduct examinations and other recruitment activities for certain common classes of positions, as determined by the department, when centralized screening and placement activities are found to be more economical and effective than if carried out on a decentralized basis.~~

(5)~~(6)~~ The department shall adopt any rules necessary to implement the provisions of this section; however, such rules shall be approved by the Administration Commission prior to their adoption by the department.

Section 8. Section 110.217, Florida Statutes, is amended to read:

110.217 ~~Certification,~~ Registers, appointments, and promotion.—

(1) The department shall have the responsibility for the establishment and maintenance of *rules and guidelines for determining eligibility of applicants* ~~eligible registers and for the certification of persons who have qualified~~ for appointment to ~~competitive~~ positions in the career service. *Eligibility determination is the responsibility of* ~~However, certification may be delegated to~~ the employing agency ~~in accordance with rules adopted by the department~~.

(2) Eligibility ~~for placement on registers~~ shall be based on ~~successful completion of any required examination and~~ possession of established minimum requirements for entrance to a class, unless the applicant's qualifications are determined to be equivalent to the required minimum training and experience established for the class.

(3) ~~Certification~~ Rules shall be established by the department to ensure that employing agencies review and give equitable consideration to ~~an appropriate number of~~ eligibles based on the *selection* ~~ranking~~ system that is *approved* ~~adopted~~ by the department ~~for selection for initial entry into the career service~~.

(4) The employing agency shall forward to the department on a timely basis a report of all *eligibility and selection* ~~certification~~ actions taken or shall report such actions through computer processing. Such reporting shall be in accordance with rules adopted by the department. *Eligibility and selection decisions made by the employing agencies are subject to postaudit by the department.*

(5) The employing agency shall be responsible for developing an employee career advancement program which shall assure consideration of qualified permanent employees in the agency or career service who apply. However, such program shall also include provisions to bring persons into the career service through open competition. Promotion appointments shall be subject to postaudit by the department.

(6) The department shall have the responsibility for the adoption of rules regarding demotion, reassignment, separation, promotion, original and reinstatement appointments, and status.

(7) The department shall adopt any rules necessary to implement the provisions of this section; however, such rules shall be approved by the Administration Commission prior to their adoption by the department.

Section 9. Paragraph (a) of subsection (1) and paragraph (c) of subsection (3) of section 110.403, Florida Statutes, are amended to read:

110.403 Powers and duties of the Department of Administration.—

(1) In order to implement the purposes of this part, the Department of Administration, after approval by the Administration Commission, shall adopt and amend rules providing for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of *positions* ~~employees~~ included in the Senior Management Service exceed *.5 percent of the total full-time equivalent positions in the career service* ~~500~~. *The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.* Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

(3) The department shall have the following additional responsibilities:

(c) *To approve contracts of employing agencies* ~~At the completion of an unsuccessful in-house search and upon the request of the head of an employing agency or the executive director of an executive department, as defined in chapter 20, which is headed by a collegial body, to contract~~

with persons engaged in the business of conducting multistate executive searches to identify qualified and available applicants for Senior Management Service positions for which the Department of Administration sets salaries in accordance with the classification and pay plan. *Such contracts may be entered by the agency head only after completion of an unsuccessful in-house search.* ~~The department shall be reimbursed by the agency or department requesting the search in the amount of the contract price for the search. The department shall accept applications from any person desiring to contract with the department to conduct executive searches pursuant to this paragraph.~~ The department shall establish by rule the minimum qualifications for persons desiring to conduct executive searches, including a requirement for the use of contingency contracts. Such rules shall ensure that such persons possess the requisite capacities to perform effectively at competitive industry prices. ~~The department shall establish a list of names of persons approved to make executive searches. Departmental approval shall be based upon an evaluation of the person's ability to comply satisfactorily with any contract entered into for executive searches and upon past performance on similar contracts. The name of any person who has not complied fully with the terms of a contract for an executive search shall be removed from the approved list. The action of the department in placing the name of a person upon the approved list or in removing the name of a person from the list is not subject to the requirements of s. 120.57.~~ The department shall make the rules required pursuant to this paragraph in such a manner as to comply with state and federal laws and regulations governing equal opportunity employment.

Section 10. Section 110.602, Florida Statutes, is amended to read:

110.602 Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. 110.205(2) and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. In no event shall the number of employees included in the Selected Exempt Service exceed *2.5 percent of the total full-time equivalent positions in the career service* ~~$2,000~~. *The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.*

Section 11. Section 447.401, Florida Statutes, is amended to read:

447.401 Grievance procedures.—Each public employer and bargaining agent shall negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement. Such grievance procedure shall have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties; however, when the issue under appeal is an allegation of abuse or neglect by an employee under s. 415.103 or s. 415.504, the grievance may not be decided until the confirmed report of abuse or neglect has been upheld pursuant to the procedures for appeal in ss. 415.103 and 415.504. However, an arbiter or other neutral shall not have the power to add to, subtract from, modify, or alter the terms of a collective bargaining agreement. If an employee organization is certified as the bargaining agent of a unit, the grievance procedure then in existence may be the subject of collective bargaining, and any agreement which is reached shall supersede the previously existing procedure. All public employees shall have the right to a fair and equitable grievance procedure, administered without regard to membership or nonmembership in any organization, except that certified employee organizations shall not be required to process grievances for employees who are not members of the organization. A career service employee shall have the option of utilizing the civil service appeal procedure, *an unfair labor practice procedure,* or a grievance procedure established under this section, but such employee *is precluded from availing himself to more than one of these procedures* ~~cannot use both a civil service appeal and a grievance procedure~~.

Section 12. (1) There is established a health benefits task force to review and make recommendations pertaining to the state employee health plans. The Department of Administration shall provide clerical support to the task force at the request of the chairman of the task force.

(2) The task force shall be composed of two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives, two members appointed by the Secretary of Administration, the chief collective bargaining negotiator for the state, the chief collective bargaining negotiator for the State University System, and two members of each employee organization certified as provided in section 447.307, Florida Statutes. The task force shall elect a chairman from among its membership, and the task force shall meet at the call of the chairman.

(3) The task force shall review and analyze the current state employee health benefits program, including, but not limited to, administration, design, costs, provider practices, and levels of employee participation, and shall recommend improvements thereto. The recommendations for improvement shall be calculated to ensure that quality, cost-effective, and affordable health care benefits are available to all state employees. The recommendations may pertain to any aspect of the state employee health benefits program, including, but not limited to, premiums, deductibles, and copayments.

(4) The task force shall submit its recommendations to the Department of Administration on or before February 15, 1989, and shall provide copies to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(5) The health benefits task force is abolished, and this section is repealed, March 1, 1989.

Section 13. Section 20.37, Florida Statutes, is created to read:

20.37 Department of Veterans' Affairs.—There is created a Department of Veterans' Affairs.

(1) The head of the department is the Governor. The executive director of the department shall be appointed by the Governor and subject to confirmation by the Senate. The executive director shall serve at the pleasure of the Governor.

(2) The following divisions, and bureaus within these divisions, of the Department of Veterans' Affairs are established:

(a) Division of Administration and Public Information.

1. Bureau of Information and Research.

(b) Division of Veterans' Benefits and Assistance.

1. Bureau of Veteran Claims Services.

2. Bureau of Veteran Field Services.

3. Bureau of State Approving for Veterans' Training.

(3) The headquarters for the department shall be located where the Florida Regional Office of the Veterans Administration was located immediately prior to the effective date of this act.

Section 14. (1) The powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Department of Education which relate to the administration of section 295.124, Florida Statutes, are hereby transferred by a type four transfer as defined in section 20.06(4), Florida Statutes, to the Department of Veterans' Affairs.

(2) The Florida Commission on Veterans' Affairs, which is assigned to the Executive Office of the Governor, is hereby transferred by a type one transfer as defined in section 20.06(1), Florida Statutes, to the Department of Veterans' Affairs, except that the commission in the performance of its duties shall not be subject to control, supervision, or direction by the department.

(3) The Division of Veterans' Affairs of the Department of Administration is hereby transferred by a type three transfer as defined in section 20.06(3), Florida Statutes, to the Department of Veterans' Affairs.

Section 15. Personnel of the Department of Veterans' Affairs shall not be required to move their households solely as a result of the reorganization made by this act.

Section 16. Subsection (2) of section 20.31, Florida Statutes, is amended to read:

20.31 Department of Administration.—There is created a Department of Administration.

(2) The following divisions of the Department of Administration are established:

(a) Division of Administrative Hearings.

(b) Division of Personnel Management Services.

(c) Division of Retirement.

~~(d) Division of Veterans' Affairs.~~

Section 17. Section 292.04, Florida Statutes, is amended to read:

292.04 Florida Commission on Veterans' Affairs.—

(1)(a) There is created a Florida Commission on Veterans' Affairs~~, hereinafter referred to as the "commission,"~~ to be composed of nine commissioners who shall be appointed by the Governor, subject to confirmation by the Senate. Eight commissioners shall be appointed from various regions of the state, with consideration given to proportional representation of the veterans in the state based on population. One commissioner shall be appointed from the state at large. The Governor may suspend a member of the commission only for cause, subject to removal or reinstatement of the member by the Senate.

(b) Commissioners must be veterans of a war in which the United States was or is a participant, and they must have been separated from the Armed Forces of the United States under honorable conditions. Each member of the commission must be a *resident* ~~citizen~~ of the state~~, and at least one member of the commission must be 60 years of age or older~~. Commissioners shall be appointed to serve for terms of 4 years. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment. A member of the commission is eligible for reappointment.

(2)(a) The commission is assigned to the *Department of Veterans' Affairs and shall serve as an advisory body to that department* ~~Executive Office of the Governor~~. The *department shall provide administrative staff support for the commission and* ~~office~~ shall cooperate fully with the commission in matters related to the ~~specified authority, powers,~~ duties~~, and responsibilities~~ of the commission and shall endeavor to implement the recommendations of the commission ~~concerning the Division of Veterans' Affairs~~. However, the commission, in the performance of its ~~powers and~~ duties under this section, shall not be subject to control, supervision, or direction by the *department* ~~Executive Office of the Governor~~. ~~The commission may appear before the Veterans Administration and congressional committees to provide testimony on matters pertaining to veterans' affairs.~~

(b)1. The commission shall *biennially elect* ~~select~~ a chairman, vice chairman, and secretary to serve for terms of 2 years. The commission *shall* ~~may~~ meet *four times annually* ~~and exercise its powers~~ at any place within the state~~. Meetings of the commission shall be held~~ upon the call of the chairman~~, and such meetings shall be held no less frequently than semiannually~~. Members of the commission shall serve without compensation, but they shall be reimbursed for per diem and travel expenses in accordance with s. 112.061.

2. *The department shall provide administrative staff support for the commission.* ~~The commission shall have the authority to employ an executive director and such other personnel as may be necessary to carry out the provisions of this section. The executive director of the commission shall be a veteran as defined in s. 1.01(15).~~

~~(c) The commission may apply for and accept funds, grants, gifts, and services from the state, the United States Government or any of its agencies, or any other public or private source and is authorized to use funds derived from these sources to defray clerical and administrative costs as may be necessary for carrying out the duties of the commission.~~

~~(d) The commission shall, in accordance with chapter 120, adopt, promulgate, amend, or rescind such rules as it deems necessary to carry out the provisions of this section.~~

(3)(a) It is the duty of the commission to conduct ~~an ongoing study on the problems and needs of those citizens of this state who are veterans of the Armed Forces of the United States and the problems and needs of their dependents. The study shall include, but shall not be limited to:~~

~~1. A survey of existing state and federal programs available for such persons that specifies the extent to which such programs presently are being implemented, with recommendations for the improved implementation or the extension and improvement of such programs.~~

~~2. A survey of the needs of such persons in the areas of social services, health care, education, and employment, and any other areas of determined need, with recommendations regarding state and community services that would meet those needs.~~

~~3. A survey of public funds and private funds available that could be used to defray the costs of state and community services needed for such persons.~~

~~4.~~ a *biennial* survey of *possible* ~~the~~ contributions that veterans, or state organizations of veterans and their auxiliaries, could make to ~~the people of~~ the state *and to report the results of the survey to the department together*~~,~~ with recommendations for encouraging such contributions.

(b) The commission shall work with the various veterans' organizations and their auxiliaries within the state and shall function as a liaison between such organizations and the *department* ~~state~~ on matters pertaining to veterans ~~and their organizations~~. ~~Each state agency shall cooperate fully with the commission in matters related to the specified authority, powers, duties, and responsibilities of the commission.~~

~~(c) If the commission determines that a proposed state or federal project would benefit all veterans within the state, it is the responsibility of the commission to recommend legislation and initiate a statewide effort by veterans to obtain such benefit.~~

~~(d) The commission shall prepare an annual report based on the duties carried out under the provisions of paragraphs (a), (b), and (c), which report is to be presented to the Governor no later than January 1, with copies to the Speaker of the House of Representatives, President of the Senate, Secretary of Administration, and such other persons as the commission may desire. The report shall include specific suggestions for necessary legislation and specific recommendations for any necessary administrative or regulatory reform.~~

Section 18. Section 292.05, Florida Statutes, is amended to read:

292.05 Duties of *Department* ~~Division~~ of Veterans' Affairs.—

(1) The *Department* ~~Division~~ of Veterans' Affairs shall provide assistance to all former, present, and future members of the Armed Forces of the United States and their dependents in preparing claims for and securing such compensation, hospitalization, vocational training, and other benefits or privileges to which such persons or any of them are or may become entitled under any federal or state law or regulation by reason of their service in the Armed Forces of the United States. All services rendered under *this subsection* ~~the provisions of the law~~ shall be without charge to the claimant.

(2) The executive director of the department may employ such personnel and incur such expenses as he may deem necessary to administer this chapter and may also prescribe the salary standards, rights, powers, duties, and qualifications of all persons employed by the department. The director and his staff shall be reimbursed for traveling expenses as provided in s. 112.061.

(3) The department may adopt, amend, or rescind such rules as it deems necessary to carry out this chapter.

(4) The department may apply for and accept funds, grants, gifts, and services from the state, the United States Government or any of its agencies, or any other public or private source and may use funds derived from these sources to defray clerical and administrative costs as may be necessary for carrying out its duties.

(5) The department shall conduct an ongoing study on the problems and needs of those residents of this state who are veterans of the Armed Forces of the United States and the problems and needs of their dependents. The study shall include, but not be limited to:

(a) A survey of existing state and federal programs available for such persons that specifies the extent to which such programs presently are being implemented, with recommendations for the improved implementation, extension, or improvement of such programs.

(b) A survey of the needs of such persons in the areas of social services, health care, education, and employment, and any other areas of determined need, with recommendations regarding federal, state, and community services that would meet those needs.

(c) A survey of federal, state, public, and private moneys available that could be used to defray the costs of state or community services needed for such persons.

~~(2) The Secretary of Administration shall employ a Director of the Division of Veterans' Affairs to serve under the direction, supervision,~~

~~and control of the secretary in carrying out the provisions of this chapter. The director may be selected by the secretary from a list of three persons nominated by the Commission on Veterans' Affairs. The director shall be a resident of the state; must have served as a member of the Armed Forces of the United States; and must have been separated from such service under honorable conditions. In addition, the director must have at least a 4-year degree from an accredited university or college and 3 years of administrative experience in veterans' affairs, or any equivalent combination of experience, training, and education totaling at least 7 years in work related to veterans' affairs.~~

~~(3) Except as may otherwise be provided in this law, the director may employ such personnel and incur such expenses as he may deem necessary to carry out the objects and purposes of this law and may also prescribe the salary standards, rights, powers, duties, and qualifications of all persons employed hereunder.~~

~~(4) The Division of Veterans' Affairs shall have authority to promulgate rules pertaining to all veteran service work and the duties of all veteran service officers in the state.~~

(6)~~(5)~~ The *department* ~~division~~ shall, on January 1 of each year, make an annual written report to the Governor of the state, the Speaker of the House of Representatives, and the President of the Senate, which report shall show the expenses incurred in veteran service work in the state; the number, nature, and kind of cases handled by the *department* ~~division~~ and by county and city veteran service officers of the state; the amounts of benefits obtained for veterans; the names and addresses of all certified veteran service officers, including county and city veteran service officers.~~;~~ *The report shall also describe the actions taken by the department in implementing subsections (4), (5), and (7)* and *shall contain* such other information and recommendations as may appear to the *department* ~~division~~ to be right and proper.

(7)~~(6)~~ The *department* ~~division~~ shall administer ~~the provisions of~~ this chapter and shall have the authority and responsibility to apply for and administer any federal programs and develop and coordinate such state programs as may be beneficial to the particular interests of the veterans of this state. Such programs shall be subject to ~~the provisions of~~ chapter 215 and ~~the provisions of~~ chapter 216.

Section 19. Section 292.07, Florida Statutes, is hereby repealed.

Section 20. Subsections (2), (3), and (4) of section 292.11, Florida Statutes, are amended to read:

292.11 County and city veteran service officer.—

(2) Any county or city desiring to employ a county or city veteran service officer under the provisions of this section may notify the *Department of Veterans' Affairs* ~~division~~ of its intention to do so and may furnish the *department* ~~division~~ with the name or names of any person or persons applying to fill such position, along with documentation supporting the qualifications thereof. The *department* ~~division~~ shall thereupon certify to such county or city the name or names of candidates for such position who meet the requirements and qualifications prescribed by the *department* ~~division~~. The county or city may thereupon employ any person or persons so certified by the *department* ~~division~~. Duties, compensation, and terms of employment shall be prescribed by the board of county commissioners or, where applicable, by the governing body of the city.

(3) Any person employed by any county or city under the provisions of this section shall, from the time of his employment, be subject to such rules as the *Department of Veterans'* ~~Division of Veterans'~~ Affairs may from time to time prescribe. Appropriations made by any county or city, or both, for the purposes set forth in this section are hereby declared to be appropriations for a county or municipal purpose, as the case may be.

(4) The *Department of Veterans' Affairs* ~~Division of Veterans' Affairs of the Department of Administration~~ is directed to establish a training program for county and city veteran service officers. Every county or city veteran service officer employed under ~~the provisions of~~ this chapter *must* ~~shall~~ attend the training program established by the *department* ~~division~~ and successfully complete a test administered by the *department* ~~Division of Veterans' Affairs~~ prior to assuming any responsibilities as a county or city veteran service officer. The *department* ~~division~~ shall further establish periodic training refresher courses which each county or city veteran service officer *must* ~~shall~~ attend and complete as a condition of remaining in employment as a county or city veteran service officer. County and city veteran service officers shall be reimbursed for traveling expenses, as provided in s. 112.061, in fulfilling the requirements of this section.

Section 21. Section 295.01, Florida Statutes, is amended to read:

295.01 Children of deceased or disabled veterans; education.—

(1) It is hereby declared to be the policy of the state to provide educational opportunity at state expense for dependent children either of whose parents was a resident of the state at the time such parent entered the Armed Forces and:

(a) Died in that service or from injuries sustained or disease contracted during a period of wartime service as defined in s. 1.01(15) or has died since or may hereafter die from diseases or disability resulting from such war service, or

(b) Has been:

1. Determined by the Veterans Administration to have a service-connected 100-percent total and permanent disability rating for compensation,

2. Determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services, or

3. Issued a valid identification card by the *Department* ~~Division~~ of Veterans' Affairs ~~of the Department of Administration~~ in accordance with ~~the provisions of~~ s. 295.17,

when the parents of such children have been bona fide residents of the state for 5 years next preceding their application for the benefits hereof, and subject to the rules, restrictions, and limitations hereof.

(2) The provisions of ss. 295.03, 295.04, and 295.05 shall apply.

Section 22. Section 295.016, Florida Statutes, is amended to read:

295.016 Children of servicemen who died or became disabled in Operation Eagle Claw.—

(1) It is hereby declared to be a policy of the state to provide educational opportunity at state expense for the dependent children of any serviceman who died or suffered a service-connected 100-percent total and permanent disability rating for compensation as determined by the Veterans Administration, or who has been determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services, in the Iranian rescue mission known as Operation Eagle Claw, which serviceman was residing in the state on April 25, 1980. A certified copy of a death certificate, a valid identification card issued by the *Department* ~~Division~~ of Veterans' Affairs ~~of the Department of Administration~~ in accordance with ~~the provisions of~~ s. 295.17, a letter certifying the service-connected 100-percent total and permanent disability rating for compensation from the Veterans Administration, or a letter certifying the service-connected total and permanent disability rating of 100 percent for retirement pay from any branch of the United States Armed Services shall be prima facie evidence of the fact that the dependent children of the serviceman are eligible for such benefits.

(2) The provisions of ss. 295.03, 295.04, and 295.05 shall apply.

Section 23. Section 295.11, Florida Statutes, is amended to read:

295.11 Investigation; administrative hearing for not employing preferred applicant.—

(1) The *Department* ~~director of the Division~~ of Veterans' Affairs or *its designee* ~~his designated staff employee, hereinafter called "designee,"~~ shall, upon the written request of any person specified in s. 295.07, investigate any complaint filed with the *department* ~~division~~ by such person when the person has made application with any state agency or any agency of a political subdivision of the state for a position of employment which was awarded to a nonveteran and the person feels himself aggrieved under ~~the provisions of~~ this *chapter* ~~law~~. Such investigation

shall be accomplished within existing amounts appropriated to the *department* ~~division~~.

(2) Upon completion of the investigation, the *department* ~~division director~~ shall furnish a copy of the investigative findings to the complainant and to the agency involved.

(3) When a satisfactory resolution to the complaint is not forthcoming, the *department* ~~division director~~ or *its* ~~his~~ designee shall, upon written request of the complainant and with advisory assistance from the Department of Administration, testify at the Public Employee Relations Commission hearing as to the investigative findings. The complainant, however, may be represented at the hearing by counsel of his choice at his expense.

(4) Jurisdiction to effectuate the purposes of ss. 295.07-295.09 shall vest with the Public Employees Relations Commission for appropriate administrative determination.

Section 24. Section 295.124, Florida Statutes, is amended to read:

295.124 State approving agency for veterans' education and training.—The *Department of Veterans' Affairs* ~~designated administrative unit of the Department of Education, under the authority of the department,~~ shall act as the state approving agency for purposes of veterans' education and training, in accordance with 38 U.S.C. s. 1771 and the applicable annual contract between the state and the Federal Government.

Section 25. Section 295.16, Florida Statutes, is amended to read:

295.16 Disabled veterans exempt from certain license or permit fee.—No totally and permanently disabled veteran who is a resident of Florida and honorably discharged from the Armed Forces, who has been issued a valid identification card by the *Department of Veterans' Affairs* ~~Division of Veterans' Affairs of the Department of Administration~~ in accordance with ~~the provisions of~~ s. 295.17 or has been determined by the Veterans Administration to have a service-connected 100-percent disability rating for compensation, or who has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the uniformed armed services, shall be required to pay any license or permit fee, by whatever name known, to any county or municipality in order to make improvements upon a mobile home owned by the veteran which is used as the veteran's residence; provided such improvements are limited to ramps, widening of doors, and similar improvements for the purpose of making the mobile home habitable for veterans confined to wheelchairs.

Section 26. Section 295.17, Florida Statutes, is amended to read:

295.17 Identification cards.—

(1)(a) The *Department* ~~Division~~ of Veterans' Affairs *may* ~~of the Department of Administration is empowered to~~ issue an identification card to any veteran who is a permanent resident of the state and who has been adjudged by the Veterans Administration to have a 100-percent, service-connected permanent and total disability rating for compensation, or who has been determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services, upon the written request of such veteran. Such card may be used by the veteran as proof of eligibility for any benefit provided by state law for 100-percent, service-connected permanently and totally disabled veterans, except those benefits provided by ss. 196.081, 196.091, and 196.24. The identification card shall bear a statement that it is unlawful for any person other than the veteran to whom it was issued to use the card.

(b) The *department is* ~~division shall be~~ responsible for design and content of the identification card and shall *adopt* ~~develop and promulgate~~ rules and procedures relating to the eligibility and application for, and issuance and control of, identification cards. There shall be a service charge of $1 for each identification card issued by the *department* ~~division~~.

(2) Such identification card shall be valid for 4 years after the date of issuance; however, the *department* ~~division~~ may, if necessary, issue an identification card which is valid for less than 4 years. Each veteran who holds an identification card issued by the *department* ~~division~~ may apply to the *department* ~~division~~ to renew such card.

(3) It is unlawful for any person to:

(a) Display, cause or permit to be displayed, or have in his possession any fictitious, fraudulently altered, or fraudulently obtained identification card.

(b) Lend his identification card to any person or knowingly permit the use thereof by another.

(c) Display or represent any identification card which has not been issued to him as being his card.

(d) Permit any unlawful use of an identification card issued to him.

(e) Photograph, photostat, duplicate, or in any way reproduce any identification card or facsimile thereof in such a manner that the photograph, photostat, duplicate, reproduction, or facsimile could be mistaken for a valid identification card or display or have in his possession any such photograph, photostat, duplicate, reproduction, or facsimile.

(f) Display, or cause or permit to be displayed, his identification card after such card has expired.

(4) Any person *who violates* ~~found in violation of~~ any provision of *subsection (3) is* ~~this section shall be~~ guilty of a noncriminal violation and shall be punished by a fine of $200.

Section 27. Subsection (2) of section 320.084, Florida Statutes, is amended to read:

320.084 Free motor vehicle license plate to certain disabled veterans.—

(2) The production by a veteran of a valid identification card issued by the *Department* ~~Division~~ of Veterans' Affairs ~~of the Department of Administration~~ in accordance with ~~the provisions of~~ s. 295.17 or a letter from the Veterans Administration or any branch of the uniformed Armed Services certifying a service-connected disability rating of 100 percent for the veteran is prima facie evidence of the veteran's eligibility for the benefits contained in subsection (1).

Section 28. Subsection (7) of section 322.21, Florida Statutes, is amended to read:

322.21 License fees; procedure for handling and collecting fees.—

(7) Any veteran honorably discharged from the Armed Forces who has been issued a valid identification card by the *Department* ~~Division~~ of Veterans' Affairs ~~of the Department of Administration,~~ in accordance with ~~the provisions of~~ s. 295.17, or has been determined by the Veterans Administration to have a 100-percent total and permanent service-connected disability rating for compensation, or has been determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services, and who is qualified to obtain an operator's or chauffeur's license under this chapter is exempt from all fees required by this section.

Section 29. Section 626.833, Florida Statutes, is amended to read:

626.833 Veterans Administration employees disqualified.—*A* ~~No~~ person *who is* employed by the Veterans Administration or the *Department* ~~Division~~ of Veterans' Affairs *may not* ~~of the Department of Administration shall~~ be licensed as a health agent. The license of any person who accepts such employment will automatically terminate when the employment commences.

Section 30. Section 744.421, Florida Statutes, is amended to read:

744.421 Petition for support of ward's dependents.—Any person dependent on the ward for support may petition for an order directing the guardian of the property to contribute to the support of the dependent person from the property of the ward. The court may enter an order for suitable support and education of the dependent person out of the ward's property. The grant or denial of an order for support shall not preclude a further petition for increase, decrease, modification, or termination of allowance for support by either the petitioner or the guardian. The order for support shall be valid for payments made pursuant to it, but no valid payments can be made after the termination of the guardianship. The receipt of the petitioner shall be a sufficient release of the guardian

for payments made pursuant to the order. If the property of the ward is derived in whole or in part from payments of compensation, adjusted compensation, pension, insurance, or other benefits made directly to the guardian by the Veterans Administration, notice of the application for support shall be given by the applicant to the office of the Veterans Administration having jurisdiction over the area in which the court is located and the chief attorney for the *Department* ~~Division~~ of Veterans' Affairs ~~of the Department of Administration~~ in this state at least 15 days before the hearing on the application.

Section 31. The administrative rules of the Division of Veterans' Affairs of the Department of Administration that are in effect immediately prior to the effective date of this section shall remain in effect until specifically changed in the manner provided by law.

Section 32. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later, except that sections 13 through 31 shall take effect on the effective date of an amendment to the State Constitution approved by the electors at the general election to be held in November 1988 which requires the creation of a Department of Veterans' Affairs.

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

Amendment 1A—On page 3, strike all of lines 26-29 and renumber subsequent paragraphs.

Amendment 1B—On page 4, between lines 11 and 12, insert:

(3) The Department of Administration may by rule authorize an agency head to approve a lump sum bonus payment to reward outstanding employees whose performance exceeds standards. Such bonus payment shall be outside of the employee's regular base rate of pay and shall not carry over into subsequent years.

Amendment 1 as amended was adopted.

Senators Vogt and Grant offered the following amendment which was moved by Senator Vogt:

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to state government; amending s. 20.04, F.S.; authorizing the Department of Administration to recommend establishment of new bureaus, sections, and subsections of departments; requiring the department to adopt and apply criteria for recommending agency reorganization; amending s. 20.31, F.S.; creating a Division of State Employees' Insurance in the department; deleting the Office of State Employees' Insurance; requiring a study and recommendations to be submitted to the Legislature regarding the pay plan for state employees and the state group insurance program; amending s. 110.109, F.S.; providing for personnel audits by the department; providing for agencies to initiate corrective action; creating s. 110.1095, F.S.; providing for the department to establish supervisory skills training for hired or promoted agency supervisors; providing for the department to establish a continuing education program for agency supervisors and managers; amending s. 110.123, F.S.; authorizing the department to establish or contract for medical services to improve health or reduce medical costs for state group insurance plan participants; authorizing the department to require copayments; authorizing the department to establish voluntary health maintenance program; amending s. 110.213, F.S.; providing for the department to determine guidelines for selection procedures by employing agencies; deleting provisions pertaining to competitive and noncompetitive employee classes; deleting provisions pertaining to examinations and recruitment; amending s. 110.217, F.S.; providing for the department to establish rules and guidelines for eligibility of applicants and selection by employing agencies; amending s. 110.403, F.S.; limiting positions in Senior Management Service to percentage of career service positions; providing for report when limitation is reached; authorizing department to approve contracts of employing agencies for executive searches; providing for in-house searches prior to contracting; deleting provisions for list of names approved to make executive searches; amending s. 110.602, F.S.; limiting positions in Selected Exempt Service to percentage of career service positions; providing for report when limitation is reached; amending s. 447.401, F.S.; precluding availability of more than one of civil service appeal procedure, unfair labor practice procedure, or grievance procedure; creating a task force on health benefits for state employees and prescribing its membership and duties; creating s. 20.37, F.S.; creating a Department of Veterans' Affairs and providing for its organization; transferring specified powers, duties, records, personnel, property, and appropriations, allocations, and funds from the Department of Education to the Department of Veterans' Affairs; transferring the Florida Commission on Veterans' Affairs from the Executive Office of the Governor to the Department of Veterans' Affairs; transferring the Division of Veterans' Affairs from the Department of Administration to the Department of Veterans' Affairs; providing that department personnel may not be required to move their households solely because of the reorganization effected by this act; amending s. 20.31, F.S.; eliminating the Division of Veterans' Affairs from the Department of Administration; amending s. 292.04, F.S.; assigning the Florida Commission on Veterans' Affairs to the department; amending s. 292.05, F.S.; providing for the duties of the department; amending s. 295.124, F.S.; providing that the department is the state approving agency for purposes of certain veterans' education and training; repealing s. 292.07, F.S., relating to the appointment of veterans' affairs officers; amending ss. 292.11, 295.01, 295.016, 295.11, 295.16, 295.17, 320.084, 322.21, 626.833, and 744.421, F.S.; amending provisions to conform to the reorganization made by this act; providing that administrative rules of the Division of Veterans' Affairs of the Department of Administration shall remain in effect; providing effective dates.

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

Amendment 2A—In title, on page 1, line 26, after the first semicolon (;) insert: providing for lump sum bonus rewards;

Amendment 2 as amended was adopted.

On motion by Senator Vogt, by two-thirds vote CS for CS for SB 161 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	Frank	Langley	Scott
Barron	Gordon	Lehtinen	Stuart
Beard	Grant	Malchon	Thomas
Brown	Grizzle	Margolis	Thurman
Childers, D.	Hill	McPherson	Weinstein
Childers, W. D.	Hollingsworth	Meek	Weinstock
Crawford	Jenne	Myers	Woodson
Crenshaw	Jennings	Peterson	
Deratany	Johnson	Plummer	
Dudley	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Hair, Kirkpatrick

HB 242—A bill to be entitled An act relating to public officers and employees; amending s. 112.3145, F.S.; providing that certain gifts representing an expression of sympathy need not be listed in the required statement of financial interests; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 242 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hair, Kirkpatrick

Consideration of **CS for SB 1343** and **SB 1203** was deferred.

CS for SB 879—A bill to be entitled An act relating to medical incidents; amending s. 20.30, F.S.; creating the Division of Medical Quality Assurance within the Department of Professional Regulation; providing duties of the division; placing the licensing boards for various health care professions within the division; providing for a division director; amending s. 395.0115, F.S.; providing for disciplinary proceedings against hospitals; providing for proceedings for restriction of the license of a health care practitioner; providing civil immunity and prohibition from discharge to persons reporting with respect to incompetence, impairment, or unprofessional conduct of specified health care providers; providing penalties; amending s. 395.041, F.S.; providing for quarterly medical incident reports by licensed health care facilities under the internal risk management program; providing for confidentiality thereof; providing that the report to the Legislature by the Department of Professional Regulation on classifications of adverse incidents include incidents in health maintenance organizations; amending s. 395.509, F.S., relating to review of hospital budgets, to provide for approval of assessments to fund the Birth-Related Neurological Injury Compensation Plan; reenacting and amending s. 455.225, F.S., relating to professional disciplinary proceedings; providing for proceedings for the summary suspension or the restriction of a license of a health care practitioner; providing civil immunity and prohibition from discharge to persons reporting with respect to incompetence, impairment, or unprofessional conduct of specified health care providers; providing penalties; reenacting and amending s. 455.241, F.S.; providing for reports in lieu of certain psychiatric patient records; providing for transfer of records; providing for assertion of psychiatrist-patient privilege; authorizing the Department of Professional Regulation to obtain certain patient records pursuant to subpoena under certain circumstances; limiting public access to records; providing maximum copying charges; reenacting s. 458.313, F.S.; providing for an investigative process for licensure by endorsement under the medical practice act; requiring certain active practice for such licensure; providing for supervised practice as a condition of licensure under the medical practice act; providing for restricted licenses under the medical practice act; amending s. 458.315, F.S.; prohibiting issuance of temporary certificates for the practice of medicine in areas of critical need to certain persons; amending ss. 458.3295, 459.0145, F.S.; as created by ch. 88-1, Laws of Florida; prohibiting a concerted effort by physicians or osteopathic physicians to refuse emergency room treatment to patients; authorizing injunctions against such conduct; providing penalties; amending s. 458.3315, F.S.; providing for disciplinary proceedings against persons licensed under the medical practice act; providing that a physician who is believed to be impaired must execute a release of his medical records to a consultant retained by the Department of Professional Regulation; limiting the use to which the consultant may make of such records; amending s. 459.0085, F.S.; specifying additional entities that the department must notify when an osteopathic physician's license has been suspended for failure to comply with certain financial responsibility requirements; amending s. 459.015, F.S.; requiring health care practitioners to submit closed claim reports to the Department of Professional Regulation; reenacting s. 459.0155, F.S.; providing that an osteopathic physician who is believed to be impaired must execute a release of his medical records to a consultant retained by the Department of Professional Regulation and limiting the use which the consultant may make of such records; reenacting s. 458.347, F.S.; allowing extended temporary certification of physician assistants; amending s. 459.022, F.S.; allowing extended temporary certification of osteopathic physician assistants; reenacting and amending ss. 460.413, 461.013, 464.018, 465.016, and 466.028, F.S.; specifying grounds for disciplinary action against chiropractic physicians, podiatrists, nurses, pharmacists, and dentists; providing for certain department review and investigation with respect to such practitioners; amending s. 627.912, F.S.; requiring certain insurers to report closed claims to the Department of Insurance and the Department of Professional Regulation; providing for confidentiality of such reports; providing authority for the Department of Insurance to provide information relating to specified health care providers to the Department of Professional Regulation; amending s. 641.55, F.S.; revising requirements pertaining to internal risk management programs maintained by health maintenance organizations; revising prescribed contents of annual reports by such organizations respecting medical incidents; providing for quarterly incident reports to the Department of Professional Regulation; providing for confidentiality of certain reports under internal risk management programs required of health maintenance organizations; authorizing the Department of Insurance to impose administrative fines for violation of certain reporting requirements; authorizing the Department of Insurance and the Department of Professional Regulation to have certain access to health maintenance organization records and deleting such authority with respect to the Department of Health and Rehabilitative Services; providing for confidentiality of records so obtained; providing exceptions; requiring the Department of Insurance to review the risk management program of each health maintenance organization at least annually and to make certain determinations with respect thereto; providing for immunity from liability of risk managers of health maintenance organizations with respect to certain matters; requiring the Department of Insurance to report certain conduct by a provider, staff member, or employee of a health maintenance organization to the appropriate regulatory board for disciplinary action; transferring certain other duties under the program from the Department of Health and Rehabilitative Services to the Department of Insurance; reenacting s. 45 of ch. 88-1, Laws of Florida; providing legislative findings and intent as to emergency medical care; amending s. 768.78, F.S.; prescribing the methods by which payments for future economic losses arising out of medical malpractice must be made; amending s. 50 of ch. 88-1, Laws of Florida; providing for mailing of notice of intent to initiate litigation rather than filing; amending s. 51 of ch. 88-1, Laws of Florida; requiring availability of medical records for presuit investigation of claims and defenses and providing penalties; amending s. 52 of ch. 88-1, Laws of Florida; providing for mailing of notice of intent to initiate litigation rather than filing; providing immunity with respect to presuit investigation; amending s. 53 of ch. 88-1, Laws of Florida; providing for mailing of notice of intent to initiate litigation and response thereto rather than filing; amending s. 54 of ch. 88-1, Laws of Florida; providing for voluntary binding arbitration of claims for medical negligence; providing for selection of arbitration panels; providing arbitration procedures; providing procedures for hearings; deleting provisions relating to using procedures prescribed in s. 44.304, F.S., and to certain authority of the chief arbitrator; reenacting and amending s. 55 of ch. 88-1, Laws of Florida; providing for binding arbitration to allocate responsibility among multiple defendants to medical negligence claims; deleting provision granting certain authority to the chief arbitrator; providing for joint and several liability of all defendants in an arbitration proceeding; amending s. 56 of ch. 88-1, Laws of Florida; providing disincentives to a party failing to offer or accept voluntary binding arbitration, including prejudgment interest, payment of attorney's fees, and limitations on noneconomic damages; reenacting and amending s. 57 of ch. 88-1, Laws of Florida; providing procedures when agreement cannot be reached by arbitrators; revising provision relating to nomination and appointment of new arbitrators; amending s. 58 of ch. 88-1, Laws of Florida; prescribing time when arbitration awards accrue interest; amending s. 59 of ch. 88-1, Laws of Florida; providing for appeal of arbitration awards and allocations of financial responsibility; providing for enforceability of court orders by contempt and for issuance of execution on court judgments; amending s. 61 of ch. 88-1, Laws of Florida; revising and providing definitions with respect to the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 62 of ch. 88-1, Laws of Florida; correcting a title; amending s. 72 of ch. 88-1, Laws of Florida; specifying the time within which claims for birth-related neurological injuries must be filed; amending s. 73 of ch. 88-1, Laws of Florida; providing for administration of the Florida Birth-Related Neurological Injury Compensation Plan by the Florida Birth-Related Neurological Injury Compensation Association pursuant to a plan of operation approved by the Department of Insurance; providing for assessments for participation in the plan; providing an appropriation; providing for actuarial valuation of the plan by the department; amending s. 74 of ch. 88-1, Laws of Florida; providing that the association is not a state agency; providing for membership and a board of directors for the association; providing powers and duties of the board; providing for inspection of books, records, and audits of the plan; providing for fidelity bonds of certain employees of the plan; requiring the association to file certain annual reports; providing for investment of plan funds; amending s. 76 of ch. 88-1, Laws of Florida; providing for appropriations from the Insurance Commissioner's Regulatory Trust Fund to the Florida Birth-Related Neurological Injury Compensation Association; amending s. 768.13, F.S.; redefining the term "reckless disregard" for purposes of the Good Samaritan Act, which provides immunity from civil liability to certain health care providers rendering emergency medical services; requiring acceptance of emergency and transfer emergency patients in order to obtain such immunity; providing for disciplinary action against an emergency care facility that does not accept and treat all emergency care patients within the operational capacity of the facility without regard to their ability to pay; amending s. 768.81, F.S.; providing for damages attributed to a medical teaching hospital in a medical malpractice case; providing for damages attributed to the Board of Regents in a medical malpractice case; reenacting s. 83 of ch. 88-1, Laws of Florida; requesting the Supreme Court to adopt a standard jury instruction for use in certain medical negligence cases; repealing s. 768.66,

F.S., which requires a medical malpractice study; amending s. 768.40, F.S.; providing for review of complaints against physicians and osteopathic physicians by professional society medical or peer review committees; providing for advisory reports to the department; providing confidentiality; providing for review and repeal of exemption under the Open Government Sunset Review Act; providing for per diem and travel expenses; providing specified immunity; prohibiting causes of actions against health care providers for furnishing certain information; amending s. 768.57, F.S.; requiring notice to the Department of Professional Regulation prior to filing certain malpractice claims; specifying contents of notice; protecting claimants' legal rights; providing for department review and investigation; providing for informal discovery; creating s. 768.67, F.S.; prohibiting settlement agreements from denying parties thereto the right to discuss with or report to the Division of Medical Quality Assurance the events giving rise to the claim; providing that payments made under certain vocational rehabilitation programs are not collateral source payments under the meaning of ch. 88-1, Laws of Florida; providing inapplicability of act to existing causes of action; providing an effective date.

—was read the second time by title.

One amendment was adopted to CS for SB 879 to conform the bill to CS for CS for HB 819.

Pending further consideration of CS for SB 879 as amended, on motions by Senator Jennings, by two-thirds vote CS for CS for HB 819 was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Jennings—

CS for CS for HB 819—A bill to be entitled An act relating to medical incidents; reenacting and amending chapter 88-1, Laws of Florida; providing legislative findings and intent regarding regulatory reform; amending s. 20.30, F.S.; creating the Division of Medical Quality Assurance within the Department of Professional Regulation; providing duties of the division; placing the licensing boards for various health care professions within the division; amending s. 395.0115, F.S.; providing antitrust immunity through establishment of a state-mandated peer review process; requiring licensed facilities to provide for peer review of physicians who provide health care services at such facilities and providing procedures therefor; requiring report of final disciplinary actions to the Division of Medical Quality Assurance for further investigation; providing for peer review panel immunity and for confidentiality of records; creating s. 395.0146, F.S.; requiring a certificate of need from the Department of Health and Rehabilitative Services for termination or reduction of emergency or trauma services; amending s. 395.017, F.S.; providing maximum charge for copying records; providing access to confidential patient records for certain proceedings of the Department of Professional Regulation; limiting public access thereto; amending s. 395.041, F.S.; expanding internal risk management education and training requirements; requiring report of certain incidents to the Department of Professional Regulation; limiting public access; requiring certain incident reports relating to surgical procedures; providing for department review and investigation of incidents which may involve conduct subject to discipline; providing administrative fines for violation of reporting requirements; providing for annual review of risk management programs; protecting risk managers from liability for implementation of risk management programs; requiring a report to the Legislature; amending s. 395.504, F.S., to correct a cross-reference; amending s. 455.225, F.S.; providing for proceedings for restriction of a license; providing civil immunity and prohibition from discharge to persons reporting with respect to incompetence, impairment, or unprofessional conduct of specified health care providers; providing penalties; amending s. 455.241, F.S.; providing for reports in lieu of certain psychiatric patient records; providing for transfer of records; providing for assertion of psychiatrist-patient privilege; limiting public access to records; providing maximum copying charges; creating s. 455.2415, F.S.; providing for disclosure of patient communications under certain circumstances; amending s. 455.242, F.S.; providing for disposition of records of physicians who terminate practice or relocate; amending s. 455.245, F.S.; providing conditions for considering emergency suspension or restriction of a license; creating s. 455.247, F.S.; requiring physicians, osteopathic physicians, podiatrists, and dentists to report professional liability claims and actions to the department; specifying contents; creating s. 455.28, F.S.; requiring reporting of certain physicians for violation of grounds for disciplinary action; providing a penalty; requiring investigation of probable disciplinary violations; amending s. 458.303, F.S.; revising exemption of certain commissioned medical officers from specified medical practice provisions; amending s. 458.307, F.S.; modifying membership of the Board of Medicine; specifying composition of probable cause panels; providing for a training program; providing for completion of a panel's work; amending s. 458.311, F.S., relating to requirements for licensure of physicians by examination; providing for an investigative process; providing for restricted licenses; amending s. 458.313, F.S.; providing for an investigative process for licensure by endorsement; requiring certain active practice; providing for supervised practice; providing for restricted licenses; amending s. 458.315, F.S.; prohibiting issuance of temporary certificates for practice in areas of critical need to certain persons by endorsement; amending s. 458.3165, F.S.; providing for biennial renewal of public psychiatry certificates; amending s. 458.319, F.S.; increasing the maximum fee for renewal of a license to practice medicine; requiring evidence of active practice for license renewal; providing for supervised practice; amending ss. 458.320 and 459.0085, F.S.; authorizing physicians and osteopathic physicians to use risk retention groups to meet financial responsibility requirements; amending s. 458.327, F.S.; providing a penalty for leading the public to believe that one is licensed as a medical doctor, or is engaged in the licensed practice of medicine, without a license; creating ss. 458.3295 and 459.0145, F.S.; prohibiting a concerted effort by physicians or osteopathic physicians to refuse emergency room treatment to patients; authorizing a circuit court to enjoin such conduct; providing penalties; amending ss. 458.331 and 459.015, F.S.; providing additional grounds for disciplinary action against physicians and osteopathic physicians; providing penalties and providing priorities for application thereof; establishing the burden of proof for administrative actions against such physicians; providing for injunctive relief; providing for department review and investigation of claims; amending ss. 458.3315 and 459.0155, F.S.; providing that a physician or osteopathic physician who is believed to be impaired must execute a release of his medical records to a consultant retained by the Department of Professional Regulation and limiting the use which the consultant may make of such records; amending s. 458.337, F.S.; specifying requirements for reports by medical organizations and hospitals when the physician has resigned; amending s. 458.345, F.S.; establishing requirements for registration of resident physicians and interns; providing a fee; restricting renewal or extension; prohibiting registration of certain persons; increasing a penalty; amending ss. 458.347 and 459.022, F.S.; allowing extended temporary certification of physician assistants and osteopathic physician assistants; amending s. 459.0055, F.S.; providing for an investigative process for licensure of osteopathic physicians; amending s. 459.008, F.S.; requiring evidence of active practice for license renewal; providing for supervised practice; amending s. 459.0092, F.S.; increasing the maximum fee for renewal of a license to practice osteopathic medicine; amending ss. 460.413, 461.013, 464.018, 465.016, and 466.028, F.S.; providing additional grounds for disciplinary action against chiropractic physicians, podiatrists, nurses, pharmacists, and dentists; providing for certain department review and investigation; amending s. 627.912, F.S.; requiring insurers to report certain claims against dentists; providing for department review and investigation; providing for an annual report; amending s. 641.55, F.S.; providing internal risk management program components and providing for program review; providing for department review and investigation of certain incidents reported by health maintenance organization internal risk management programs; providing specified access to records and limiting public access; providing for administrative fines; requiring report of certain incidents relating to surgical procedures; providing legislative findings and intent as to emergency medical care; amending s. 768.13, F.S.; providing immunity from civil liability to physicians, hospitals, crisis stabilization units, and certain hospital employees rendering medical or mental health care or treatment in response to an emergency within a hospital, trauma center, or crisis stabilization unit; providing exceptions to such immunity; requiring acceptance of emergency and transfer emergency patients; amending s. 768.78, F.S.; providing additional methods of payment of damage awards; providing legislative findings and intent as to presuit investigation and voluntary binding arbitration; providing definitions; providing applicability of and procedure for mandatory presuit investigation and medical expert corroboration of medical negligence claims and defenses by prospective parties; requiring availability of medical records for presuit investigation of claims and defenses and providing penalties; providing for presuit discovery of medical negligence claims and defenses and providing immunity with respect thereto; providing for presuit investigation of medical negligence claims and defenses by the court, and providing penalties for lack of reasonable investigation in filing or in corroborating medical negligence claims or defenses; providing for voluntary binding arbitration of claims for medical negligence; providing for selection of arbitration panels; providing arbitration procedures; providing procedures for hearings; providing for binding arbitration to allocate responsibility among multiple defendants to medical

negligence claims; providing disincentives to a party failing to offer or accept voluntary binding arbitration, including prejudgment interest, payment of attorney's fees, and caps on noneconomic damages; providing misarbitration procedure; providing for payment of arbitration award and interest; providing for appeal of award; creating the Florida Birth-Related Neurological Injury Compensation Plan; providing legislative findings and intent; providing definitions; providing exclusiveness of remedy; providing for the hearing of claims by deputy commissioners of the Division of Workers' Compensation of the Department of Labor and Employment Security; providing procedure for the filing of claims and responses; providing for medical disciplinary review; providing for tolling of the statute of limitations; providing for hearings, parties, and discovery; providing for review by a medical advisory panel; providing for determination of claims; providing a presumption as to injury; providing for binding nature of findings; providing for awards for birth-related neurological injuries, and for notice of such awards; providing for conclusiveness of determination or award; providing for appeal; providing for enforcement of awards; providing a limitation on the bringing of claims; providing for administration of the birth-related neurological injury compensation plan by the Florida Birth-Related Neurological Injury Compensation Association pursuant to a plan of operation approved by the Department of Insurance; providing for assessments for participation in the plan; providing an appropriation; providing for actuarial valuation of the plan by the department; providing for membership and a board of directors for the association; providing powers and duties of the association; providing for notice to obstetrical patients of participation in the plan; providing for certain appropriations; providing for assessment by certain boards; amending s. 768.45, F.S.; prescribing matters to be considered by the trier of fact in a claim of negligence for services provided in a hospital emergency room; limiting who may give expert medical testimony; amending s. 768.81, F.S.; providing for damages attributed to a medical teaching hospital; providing for damages attributed to the Board of Regents; requiring medical malpractice insurers to reflect certain savings in rate filings and schedules; providing severability; requesting the Supreme Court to adopt a standard jury instruction; repealing s. 768.66, F.S., relating to a medical malpractice study; providing for legislative review if premiums savings are not realized; providing applicability; providing for certain members of the Board of Medicine to serve the remainders of their terms; amending s. 95.11, F.S., relating to the statute of limitations; creating s. 395.0116, F.S.; providing that it is unlawful for certain persons to threaten, coerce, intimidate, or discipline any licensed physician or nurse under certain circumstances; providing a penalty; providing for civil actions; amending s. 395.509, F.S., relating to review of hospital budgets, to provide for approval of assessments to fund the birth-related neurological injury compensation plan; amending s. 768.40, F.S.; providing for professional society review of certain physicians; providing for advisory reports to the department; providing confidentiality; providing for review and repeal; providing specified immunity; prohibiting causes of action against health care providers for furnishing certain information; amending s. 768.57, F.S.; requiring notice to the department prior to filing certain malpractice claims; specifying contents; protecting claimants' legal rights; providing for department review and investigation; providing for informal discovery; creating s. 768.67, F.S.; prohibiting settlement agreements from denying parties thereto the right to discuss with or report to the Division of Medical Quality Assurance the events giving rise to the claim; providing effective dates.

—a companion measure, was substituted for CS for SB 879 and read the second time by title.

Senator Jennings moved the following amendments which were adopted:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Subsections (2) and (3) of section 20.30, Florida Statutes, as amended by section 2 of chapter 88-1, Laws of Florida, are amended to read:

20.30 Department of Professional Regulation.—There is created a Department of Professional Regulation.

(2) The following divisions of the Department of Professional Regulation are established:

(a) Division of Examination and Licensure.

(b) Division of Professions.

(c) Division of Medical Quality Assurance.

1. The director of the division shall be ~~a deputy assistant secretary of professional regulation and shall be~~ appointed by the Secretary of ~~the Department of~~ Professional Regulation.

2. The division shall concentrate sufficient resources and efforts on the investigation and discipline of physicians in violation of the unprofessional conduct provisions of the applicable practice acts as are necessary to meet the challenge of identifying those physicians who are not providing adequate medical care in order to take forceful corrective measures to assure quality medical care throughout the state.

3. The division shall coordinate closely with the Office of Health Planning and Regulation in the Department of Health and Rehabilitative Services to ensure that the state's regulation of health care facilities and the physicians who practice therein is consistent and offers adequate protection to the public.

4. The division shall establish and maintain a disciplinary training program for division staff and board members designed to ensure the proper and appropriate administration of medical quality assurance. The program shall provide for initial and periodic training in the grounds for disciplinary action, the actions which may be taken, changes in any relevant law, sanctions which are most appropriate for specified types of unprofessional conduct, guidelines for the conduct of hearings, and any other matters which the division shall determine may be necessary or useful.

(d) Division of Real Estate.

1. The director of the division shall be appointed by the Secretary of Professional Regulation, subject to approval by a majority of the Florida Real Estate Commission.

2. The offices of the Division of Real Estate shall be located in Orlando.

(e) Division of Regulation.

(3) There shall be a director of the Division of Examination and Licensure, a director of the Division of Professions, a *director* ~~deputy assistant secretary~~ of the Division of Medical Quality Assurance, a director of the Division of Regulation, and a director of the Division of Real Estate. Each division director shall directly administer his division and shall be responsible to the secretary of the department.

Section 2. Subsection (4) of section 395.0115, Florida Statutes, as amended by section 3 of chapter 88-1, Laws of Florida, is amended to read:

395.0115 Licensed facilities; peer review; disciplinary powers.—

(4) All final disciplinary actions taken under subsection (3) shall be reported within 10 working days to the Division of Medical Quality Assurance in writing and shall specify the disciplinary action taken and the specific grounds therefor. The division shall treat each report and determine whether it potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of *s. 455.225* ~~s. 455.255~~ shall apply. However, the report shall not be subject to inspection under the provisions of chapter 119 even if the division's investigation results in a finding of probable cause.

Section 3. Subsections (5) and (11) of section 395.041, Florida Statutes, as amended by section 6 of chapter 88-1, Laws of Florida, are amended to read:

395.041 Internal risk management program.—

(5)(a) Each licensed facility subject to this section shall submit an annual report to the department summarizing the incident reports that have been filed in the facility for that year. The report shall be on a form prescribed by rule of the department and shall include:

1. The total number of adverse incidents causing injury to patients.

2. A listing, by category, of the types of operations, diagnostic or treatment procedures, or other actions causing the injuries, and the number of incidents occurring within each category.

3. A listing, by category, of the types of injuries caused and the number of incidents occurring within each category.

4. A code number utilizing the health care professionals licensure number and a separate code number identifying all other individuals

directly involved in adverse incidents causing injury to patients, the relationship of the individual to the facility, and the number of incidents in which each individual has been directly involved. Each facility shall maintain names of the health care professionals and individuals identified by code numbers for purposes of this section.

5. A description of all malpractice claims filed against the facility, including the total number of pending and closed claims and the nature of the incident which led to, the persons involved in, and the status and disposition of each claim. Each report shall update status and disposition for all prior reports.

6. A report of all disciplinary actions pertaining to patient care taken against any medical staff member, including the nature and cause of the action.

(b) The information reported to the department pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall also be reported to the Department of Professional Regulation on a quarterly basis, *beginning with the quarter ending September 30, 1988.* The Department of Professional Regulation shall review the information and determine whether any of the incidents potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply.

(c) The annual report shall also contain the name of the risk manager of the facility, a copy of its policy and procedures which govern the measures taken by the facility and its risk manager to reduce the risk of injuries and adverse or untoward incidents, and the results of such measures. This report *and the quarterly reports under paragraph (b)* shall be held confidential and shall not be available to the public pursuant to s. 119.07 or any other law providing access to public records, nor be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the department, the Department of Professional Regulation, and the appropriate regulatory board. This report *and the quarterly reports under paragraph (b)* shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department, the Department of Professional Regulation, or the appropriate regulatory board. However, the Department of Professional Regulation shall make available, upon written request by a practitioner against whom probable cause has been found, any such records which form the basis of the determination of probable cause.

(11) By December 1, 1988, the Department of Professional Regulation, in coordination with representatives of the Florida Society of Health Care Risk Managers, shall report to the Legislature on classifications of adverse or untoward incidents, which involve results similar in nature to those in subsection (6) *and s. 641.55(6)* and potentially involve conduct by licensees that is subject to disciplinary action, and on time frames for reporting such incidents. Such additional incidents shall be related directly to the department's duties to investigate and reduce incidents of medical malpractice. The department shall propose a level of incident reporting with benefits from reduced malpractice that outweigh the costs of its implementation. The report to the Legislature shall include proposals for the content of the incident reports, the uses of the incident reports, the availability of the reports to the Department of Health and Rehabilitative Services, and the appropriate level of confidentiality of the reports.

Section 4. Section 395.509, Florida Statutes, is amended to read:

395.509 Review of hospital budgets.—

(1) Each hospital shall file its budget with the board for approval. A hospital shall not exceed the projected expenditures or revenues in the budget as approved by the board. The projected budget filed under s. 395.507 shall be deemed approved unless it is disapproved by the board within 120 days after filing. Upon agreement by the board and the hospital, the 120-day period may be waived or extended. During the review by the board, the board may amend the projected budget and approve the budget as amended. Until the projected budget is approved, the level of expenditures and revenues set forth in the budget of the hospital for the previous fiscal year will remain in effect.

(2) The projected budget filed by the hospital under s. 395.507(6) shall be approved by the board unless the board determines that:

(a) The gross revenue of the hospital per adjusted admission equals or exceeds the upper 20th-percentile value for gross revenue per adjusted admission as established 150 days prior to the next fiscal year of the hospital for its group as established under s. 395.507(2); or

(b) The rate of increase of the hospital in gross revenue per adjusted admission between the budget projection, as required in s. 395.507(6), and the most recent board-approved budget, which, for the first year, shall be the base year inflated for 1985 by the maximum allowable rate of increase as set forth in subsection *(12)*~~(11)~~, exceeds the maximum allowable rate of increase; and the gross revenue of the hospital per adjusted admission equals or exceeds the 50th-percentile value for gross revenue per adjusted admission as established 150 days prior to the next fiscal year of the hospital for its group as established under s. 395.507(2).

If the budget cannot be approved without further action by the board, the board may approve, or approve as amended, a budget with a rate of increase greater or lesser than the maximum allowable rate of increase pursuant to subsection (5). However, for any hospital with a budget which is not approved without further action by the board due to the application of paragraph (a) and which does not exceed the maximum allowable rate of increase in paragraph (b), the board shall not reduce the budget for gross revenues per adjusted admission below either of the following, whichever is greater: the market basket index, plus 2 percent; or the median absolute dollar value increase in gross revenues per adjusted admission for all other hospitals in its group, as established under s. 395.507(2). Percentile values for gross operating revenue per adjusted admission shall be determined monthly by the board for each group established pursuant to s. 395.507(2) by ranking projected gross operating revenues per adjusted admission contained in the most recently approved or submitted budgets for the hospitals in each group, including any hospital that is contesting its grouping assignment. In determining the applicability of paragraph (a) or paragraph (b), the board shall consider the basis of the projections by the hospital, including consideration of the following factors: any increase in patient admissions caused by the creation of preferred provider organizations or health maintenance organizations, population increases, changes in the hospital case mix or in services offered, changes in technology, or other similar factors. If the provisions of paragraph (a) or paragraph (b) cannot apply to a hospital because of a pending administrative hearing or judicial review of the grouping assignment of a hospital, then the budget of that hospital will be subject to review under subsections (5) and *(7)*~~(6)~~. In the event that this subsection or any paragraph hereof is held to be unconstitutional, then it is the intent of the Legislature that all budgets be reviewed pursuant to the provisions of subsections (5) and *(7)*~~(6)~~.

(3) After a hospital budget is approved, approved as amended, or disapproved for a given fiscal year, no amendment to such budget shall be made, except in accordance with the following procedures:

(a) A request by a hospital to amend its budget must be filed in writing with supporting documents. The budget amendment will be deemed approved unless it is disapproved or approved as amended by the board within 120 days after such filing. Upon agreement by the board and the hospital, the 120-day period may be waived or extended.

(b) After a hospital requests a budget amendment, but before the final decision by the board on the amendment, the board may extend provisional approval to any part of the amendment. This provisional approval will be superseded by the final decision of the board.

(4) For purposes of budget review and comparison and to assist in making determinations pursuant to subsection (5), the board shall:

(a) Establish groupings of hospitals according to characteristics including, but not limited to, a measure of the nature and range of services provided, teaching hospital status, number of medical specialties represented on the hospital staff, percentage of Medicare inpatient days, average daily census, geographical differences, and, when available, case mix. The rule shall provide for the establishment of 10 general groups and for the establishment of additional specialty groups as needed; however, no group shall contain fewer than five hospitals.

(b) Establish statistical indicators per adjusted admission to serve as measures of comparison. The statistical indicators shall include, but not be limited to, gross operating revenue, net operating revenue, nonoperating revenue, total revenue, and operating expenditures.

(c) Identify hospitals that have statistical indicators in the upper 20 percent of those indicators for all hospitals in their group.

(5) If the budget of a hospital is not subject to automatic approval because of the provisions of paragraph (2)(a) or paragraph (2)(b), the board shall review the budget to determine whether the rate of increase contained in the budget is just, reasonable, and not excessive. The board

shall disapprove any budget, or part thereof, as excessive that contains a rate of increase which is not necessary to maintain the existing level of services of the hospital or, if the hospital increases its existing level of services, any amount not necessary to accomplish that increase. In making such determination and in considering any budget amendment filed by a hospital pursuant to subsection (3), the board shall consider the following criteria:

(a) The efficiency, sufficiency, and adequacy of the services and facilities provided by the hospital.

(b) The cost of providing services and the value of the services to the public.

(c) The ability of the hospital to improve services and facilities.

(d) The ability of the hospital to reduce the cost of services.

(e) The ability of the hospital to earn a reasonable rate of return.

(f) The accuracy of previous budget submissions by the hospital compared to the actual experience of the hospital.

(g) The number of patient days reimbursed by Medicare or Medicaid.

(h) The number of patient days attributable to the medically indigent.

(i) The research and educational services provided by the hospital if it is a teaching hospital.

(j) The projected expenditures or revenues for or from construction of facilities or new services which are subject to regulation under ss. 381.701-381.715 may not be included in the budget of a hospital until the construction or services are approved or authorized by the state health planning agency.

(k) The cost of opening a new hospital, for the first 3 years.

The involvement of the hospital in price-competitive activities, such as preferred provider organizations, health maintenance organizations, and other price-negotiated arrangements, shall not be construed or considered, in any way, as a factor or indication that the budget of the hospital, or amendments thereto, is unjust, unreasonable, or excessive.

(6) In addition to any gross or net revenues for a budget or any budget amendment approved by the board pursuant to subsection (5), the board shall also approve gross and net revenues necessary to fund any increase in costs arising from the implementation of section 73(4)(a), (5)(c), and (7) of chapter 88-1, Laws of Florida, using the same ratio of gross or net revenue to expense as approved by the board for the budget or any budget amendment. It shall be the responsibility of the hospital to document any such increases in costs.

(7)~~(6)~~ The board shall disapprove in its entirety, or disapprove in part, any budget, or any budget as amended by a hospital pursuant to subsection (3), that contains a rate of increase which the board finds, pursuant to subsection (5), to be unjust, unreasonable, or excessive. In disapproving or amending any portion of a budget, the board shall amend the budget and establish a rate of increase which is just, reasonable, and not excessive.

(8)~~(7)~~ It is the intent of the Legislature that the board, in carrying out its duties and responsibilities of review and approval of hospital budgets pursuant to this part, adjust a hospital budget for changes in the case mix of the hospital. However, the Legislature realizes that comprehensive case-mix data will not be available to the board by the effective date of this act. Further, the Legislature intends that the implementation of this act not be delayed by the absence of case-mix data, but that case-mix data be utilized by the board as soon as it becomes available.

(9)~~(8)~~(a) Upon receipt of a budget or an amendment to a budget, the staff of the board shall review the budget, and executive staff members designated by the board shall make preliminary findings and recommendations in writing as to whether the budget should be approved, disapproved, disapproved in part, or amended. The staff shall send the preliminary findings by certified mail to the hospital. The hospital shall have 14 days from the receipt of the preliminary findings and recommendations to file written objections and a request for a hearing with the board, if a hearing is desired, or to file written objections if a hearing is not requested by the hospital.

(b) If a hearing is requested, it shall be conducted by the board or, at the election of the board, by a Division of Administrative Hearings hearing officer, pursuant to the provisions of s. 120.57. The Division of Administrative Hearings of the Department of Administration shall assign at least two full-time hearing officers exclusively to hear matters pertaining to this part. Hearings shall be held within 30 days of filing the request, unless waived by the board and the hospital. All hearings shall be held in Tallahassee, unless the board determines otherwise.

(c) Recommended orders shall be issued within 30 days from the close of the hearing, unless waived by the board and the hospital. The board shall enter a final order within 120 days from the date of filing of the budget.

(d) Any waiver of the time limits within which to conduct a hearing or to issue a recommended order also constitutes a waiver of the time limit to issue the final order and tolls the 120-day automatic approval provision of subsection (1). The provision will be tolled beginning from the date the waiver is entered and will resume 10 days after the recommended order is submitted to the board. The failure to request a hearing within 14 days of the receipt of the preliminary findings of the staff constitutes a waiver of the right of the hospital to contest the final decision of the board, and the board is authorized to enter a final order consistent with the staff's preliminary findings without further proceedings.

(e) During the pendency of any hearing or an appeal of a final order of the board, the levels of expenditures and revenues set forth in the budget for the previous year of the hospital shall remain in effect.

(10)~~(9)~~ The board may publish its findings in connection with any review conducted under this section in the newspaper of the largest circulation in the county in which the hospital is located.

(11)~~(10)~~ Notwithstanding any other provisions of this part, any hospital operated by the Department of Health and Rehabilitative Services or the Department of Corrections, or any comprehensive rehabilitative hospital, is exempt from budget review and approval, but is required to submit to the board a projected budget, as required by s. 395.507(6)(a), and an audited actual experience, as required by s. 395.507(7).

(12)~~(11)~~ The review and approval of hospital budgets pursuant to this act shall begin for hospitals with fiscal years which begin on or after February 1, 1985. The base-year projected budget and actual experience for each hospital shall be the 1984 audited actual experience for that hospital, as required by s. 395.507(7), and shall be inflated for 1985 by the maximum allowable rate of increase. However, if the 1984 audited actual experience of a hospital for net revenues per adjusted admission exceeds its 1984 projected budget for such revenues filed with the board by greater than 10 percent, then the projected budget of that hospital for such revenues for fiscal year 1986 shall be reduced by the amount of such excess which is over 10 percent, except that the base-year reduction shall not apply to hospitals opened since May 18, 1982.

(13)~~(12)~~ A physician who provides services within a hospital is exempt from the provisions of this part if he bills his services independently of the hospital.

Section 5. Section 455.225, Florida Statutes, as amended by section 8 of chapter 88-1, Laws of Florida, is reenacted and amended to read:

455.225 Disciplinary proceedings.—

(1) The department shall cause to be investigated any complaint which is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts which show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department, or of any rule promulgated by the department or a regulatory board in the department has occurred. The department may investigate or continue to investigate, and the department and the appropriate regulatory board may take appropriate final action on, a complaint even though the original complainant withdraws his complaint or otherwise indicates his desire not to cause it to be investigated or prosecuted to completion. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient; if the alleged violation of law or rule is substantial; and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. Unless a complaint has been filed with the department, or the department has been specifically authorized by statute, the department may not initiate an investigation unless it has reasonable cause to believe that

a licensee or a group of licensees has violated a Florida statute, a rule of the department, or a rule of a board. When an investigation of any person is undertaken, the department shall notify him of the investigation and inform him of the substance of any complaint filed against him. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any person if the act under investigation is a criminal offense. The department may delegate, by rule, its investigative function regarding a given practice act to the regulatory board having regulatory power over the practice.

(2) The department shall expeditiously investigate complaints. When its investigation is complete, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause.

(3) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide, by rule, that the determination of probable cause shall be made by a panel of its members or by the department. The panel, if any, shall be composed of board members, but not more than one of the panel members may be a lay member. All proceedings of the panel are exempt from the provisions of s. 286.011 until probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. In aid of its duty to determine the existence of probable cause, the probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The secretary may grant extensions of the 15-day and the 30-day time limits. If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists. If the probable cause panel finds that probable cause exists, it shall direct the department to send the licensee a letter of guidance or to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint; and, if directed to do so, the department shall file a formal complaint against the regulated professional or subject of the investigation and prosecute that complaint pursuant to the provisions of chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to the provisions of chapter 120. The department shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year of the filing of a complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; and all costs thereof shall be paid from the Professional Regulation Trust Fund. All proceedings of the probable cause panel shall be exempt from the provisions of s. 120.53(1)(d).

(4) A formal hearing before a hearing officer from the Division of Administrative Hearings of the Department of Administration shall be held pursuant to chapter 120 unless all parties, including the Department of Professional Regulation, agree in writing that there is no disputed issue of material fact. The hearing officer shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(5) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (3) being excused, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department.

(6) The department shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(7) Any proceeding for the purpose of summary suspension *of a license,* or *for the* restriction of *the* a license, *of a health care practitioner* pursuant to s. 120.60(8) shall be conducted by the secretary or his designee, who shall issue the final summary order.

(8) The department shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(9) The complaint and all information obtained pursuant to the investigation by the department shall be exempt from s. 119.07 until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Nothing in this subsection shall be construed to prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

(10) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this act, unless the complainant or witness acted in bad faith or with malice in providing such information.

(11)(a) No person who reports in any capacity, whether or not required by law, information to the Division of Medical Quality Assurance with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.

(b) No facility licensed under chapter 395, health maintenance organization certificated under part II of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the division about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.

(c) In any civil suit brought outside the protections of paragraphs (a) and (b), where intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.

Section 6. Section 455.241, Florida Statutes, as amended by section 9 of chapter 88-1, Laws of Florida, is reenacted and amended to read:

455.241 Patient records; report or copies of records to be furnished.—

(1) Any health care practitioner licensed pursuant to chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466, or chapter 474 who makes a physical or mental examination of, or administers treatment to, any person shall, upon request of such person or his legal representative, furnish copies of all reports or records made of such examination or treatment, including X rays; except that when a patient's psychiatric records are requested by him or his legal representative, the practitioner may provide a report of examination and treatment in lieu of copies of records. However, upon a patient's written request, complete copies of the patient's psychiatric records shall be provided directly to a subsequent treating psychiatrist. The furnishing of such report or copies shall not be conditioned upon payment of a disputed fee for services rendered.

(2) Such records shall not be furnished to any person other than the patient or his legal representative, except upon written authorization of the patient. However, such records may be furnished without written authorization to any person, firm, or corporation which has procured or furnished such examination or treatment with the patient's consent or when compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical record shall be furnished to both the defendant and the plaintiff. Such records may be furnished in any civil or criminal action, unless otherwise

prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or his legal representative by the party seeking such records. The Department of Professional Regulation may obtain patient records pursuant to a subpoena without written authorization from the patient if the department and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a practitioner has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of s. 458.331(1)(q), s. 459.015(1)*(u)*~~(q)~~, s. 461.013(1)(p), s. 462.14(1)*(q)*, s. 466.028(1)(q), or s. 474.214(1)(x) or (y) or that a practitioner has practiced his profession below that level of care, skill, and treatment required as defined by s. 458.331(1)(t), s. 459.015(1)*(y)*~~(t)~~, s. 460.413(1)(s), s. 461.013(1)(t), s. 462.14(1)(t), s. 463.016(1)*(n)*~~(g)~~, s. 464.018(1)(f), s. 466.028(1)(y), or s. 474.214(1)*(o)*~~(g)~~; but the patient record obtained by the department pursuant to this subsection shall be used solely for the purpose of the department and board in disciplinary proceedings. The record shall otherwise be sealed and shall not be available to the public pursuant to the provisions of s. 119.07 or any other statute providing access to public records. Nothing in this section shall be construed to limit the assertion of the psychotherapist-patient privilege under s. 90.503 in regard to records of treatment for mental or nervous disorders by a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated mental and nervous disorders for a period of not less than 3 years, inclusive of psychiatric residency. However, the practitioner shall release records of treatment for medical conditions even if the practitioner has also treated the patient for mental or nervous disorders. If the department has found reasonable cause under this section and the psychotherapist-patient privilege is asserted, the department may petition the circuit court for an in camera review of the records by expert medical practitioners appointed by the court to determine if the records or any part thereof are protected under the psychotherapist-patient privilege.

(3) All patient records obtained by the Department of Professional Regulation and any other documents identifying the patient by name shall be used solely for the purpose of the Department of Professional Regulation and the appropriate regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The records shall be sealed and shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the Department of Professional Regulation or the appropriate regulatory board.

(4) A health care practitioner furnishing copies of reports or records pursuant to this section shall charge no more than the actual cost of copying, including reasonable staff time, or the amount specified in administrative rule by the appropriate regulatory board.

Section 7. Section 458.313, Florida Statutes, as amended by section 18 of chapter 88-1, Laws of Florida, is reenacted to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee not to exceed $400 set by the board, demonstrates to the board that he has met the qualifications for licensure in s. 458.311(1)(b)-(f) and:

(a) Has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX) or on the examination of the National Board of Medical Examiners, provided that said examination required shall have been so taken within the 10 years immediately preceding the filing of his application for licensure under this section, and shows evidence of the active practice of medicine within the previous 4 years; or

(b) Was licensed through written examination in at least one state in the United States the examination requirements of which have been approved by the board as substantially equivalent to or more stringent than those of this state; has received a score on said examination which was equal to or greater than the score required by this state for licensure by examination; is a holder of a license in good standing in a state; has continuously and actively engaged in the practice of medicine in a state for any 4 of the preceding 5 years immediately prior to application; has been examined and certified and is currently certified as a specialist by one of the appropriate American specialty boards accredited by the Council on Medical Education of the American Medical Association; holds a faculty appointment in a medical school accredited by the Liaison Committee on Medical Education or a faculty appointment in a postgraduate medical education foundation with residency medical programs accredited by the Accreditation Council for Graduate Medical Education; and is employed full time and exclusively by a not-for-profit corporation organized under s. 617.01(3) or a not-for-profit corporation which meets the requirements set forth in s. 617.01(3)(a). Licensure under this subparagraph is valid only while the physician holds said faculty appointment and is employed by the not-for-profit corporation and is not valid for any other kind of medical practice. The license of such physician shall be void upon his termination of such employment. The corporation shall notify the board of the termination immediately after the termination. No more than 35 current employees of a corporation organized under s. 617.01(3) shall hold a license issued pursuant to this subparagraph. Or

(c) In lieu of the requirements of paragraph (b), the applicant demonstrates that he was licensed through written examination in at least one state in the United States, the examination requirements of which have been approved by the board as substantially equivalent to or more stringent than those of this state; has received a score on said examination which was equal to or greater than the score required by this state for licensure by examination; is a holder of a license in good standing in a state; has continuously and actively engaged in the practice of medicine in a state for any 4 of the preceding 5 years immediately prior to application; has been examined and certified and is currently certified as a specialist by one of the appropriate American specialty boards accredited by the Council on Medical Education of the American Medical Association; holds a faculty appointment in a medical school accredited by the Liaison Committee on Medical Education or a faculty appointment in a postgraduate medical education foundation with residency medical programs accredited by the Accreditation Council for Graduate Medical Education; and is employed full time and exclusively by a not-for-profit corporation organized under s. 617.01(4) or a not-for-profit corporation which meets the requirements set forth in s. 617.01(4)(a). No more than 25 current employees of a corporation organized under s. 617.01 shall hold a license issued pursuant to this paragraph.

Licensure under paragraphs (b) and (c) is valid only while the physician holds said faculty appointment and is employed by the not-for-profit corporation and is not valid for any other kind of medical practice. The license of such physician shall be void upon his termination of such employment. The corporation shall notify the board of the termination immediately after the termination.

(2)(a) The board may require oral examinations of any applicant under the provisions of this section, except that an oral examination shall be required of an applicant under the provisions of subsection (1)(b) or (1)(c). However, the applicant must be given adequate notice of the examination, both as to the time, place, nature, and scope thereof, as well as a statement of the reasons requiring such examination.

(b) Any oral examination of an applicant under the provisions of subsection (1)(b) or (1)(c) shall be limited to the specialty field of the applicant, provided that this examination shall not be a condition precedent to issuance of a license to an applicant and that such examination may be administered no sooner than 90 days and no later than 365 days after the initial issuance of a license. Failure to successfully complete an oral examination, if required by the board, shall result in revocation of the license.

(3) The department and the board shall assure that applicants for licensure by endorsement meet applicable criteria in this chapter through an investigative process. When the investigative process is not completed within the time set out in s. 120.60(2), and the department or board has reason to believe that the applicant does not meet the criteria, the secretary or his designee may issue a 90-day licensure delay which shall be in writing and sufficient to notify the applicant of the reason for the delay. The provisions of this subsection shall control over any conflicting provisions of s. 120.60(2).

(4) If the applicant has not actively practiced medicine within the previous 4 years, the board shall certify the applicant to the department for licensure by endorsement subject to the condition that the applicant work under the supervision of another physician for a period, not to exceed 1 year, as determined by the board based on its determination of the licensee's ability to practice medicine. The supervising physician shall have had no probable cause findings against him within the previous 3 years.

(5) A license so issued by endorsement shall become void and of no force and effect unless the recipient utilizes the same by actively engaging

in the practice of medicine in this state within 3 years after issuance of the license and continues his practice in this state for a minimum period of 1 year. Use and residence may be postponed until the holder has been discharged from military service of the United States.

(6) The board may promulgate rules and regulations, to be applied on a uniform and consistent basis, which may be necessary to carry out the provisions of this section.

(7) Upon certification by the board, the department shall impose conditions, limitations, or restrictions on a license by endorsement if the applicant is on probation in another jurisdiction for an act which would constitute a violation of this chapter.

(8) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for an act which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 458.331 shall apply.

Section 8. Section 458.315, Florida Statutes, as amended by section 19 of chapter 88-1, Laws of Florida, is amended to read:

458.315 Temporary certificate for practice in areas of critical need.— Any physician who is licensed to practice in any other state, whose license is currently valid, and who pays a fee of $100 may be issued a temporary certificate to practice in communities of Florida where there is a critical need for physicians and the population is less than 7,500. The Board of Medicine may issue this temporary certificate with the following restrictions:

(1) The board shall determine the areas of critical need, and the physician so certified may practice only in that specific area for a time to be determined by the board. Such areas shall include, but not be limited to, health manpower shortage areas designated by the United States Department of Health and Human Services.

(2) The board may administer an abbreviated oral examination to determine the physician's competency, but no written regular examination is necessary.

(3) Any certificate issued under this section shall be valid only so long as the area for which it is issued remains an area of critical need. The Board of Medical Examiners shall review the service within said area not less than annually to ascertain that the minimum requirements of the Medical Practice Act and the rules and regulations promulgated thereunder are being complied with. If it is determined that such minimum requirements are not being met, the board shall forthwith revoke such certificate.

(4) The board shall not *issue a temporary certificate for practice in an area of critical need to* ~~certify to the department for licensure by endorsement~~ any physician who is under investigation in another state for an act which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 458.331 shall apply.

Section 9. Subsection (1) of section 458.3295, Florida Statutes, as created by section 24 of chapter 88-1, Laws of Florida, is amended to read:

458.3295 Concerted effort to refuse emergency room treatment to patients; penalties.—

(1) A physician licensed pursuant to this chapter may not instigate or engage in a concerted effort to *refuse or get physicians to* refuse to render services to *a patient or patients* ~~a patient~~ in a hospital emergency room *by* ~~either through such physicians'~~ failing to report for duty, ~~such physicians'~~ absenting themselves from their positions, ~~such physicians'~~ submitting their resignations, ~~such physicians'~~ abstaining from the full and faithful performance of their medical duties, or ~~such physicians'~~ otherwise causing conduct that adversely affects the services of the hospital. For the purposes of this subsection, the term "concerted" means contrived or arranged by agreement, planned or devised together, or done or performed together in cooperation.

Section 10. Paragraph (a) of subsection (4) of section 458.3315, Florida Statutes, as amended by section 26 of chapter 88-1, Laws of Florida, is amended to read:

458.3315 Treatment programs for impaired practitioners.—

(4)(a) Whenever the consultant is notified that there is reason to believe that a practitioner licensed under this chapter is impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental condition, which could affect the practitioner's ability to practice his profession, and no complaint against the practitioner other than impairment exists, the reporting of such information shall not constitute a complaint within the meaning of *s. 455.225* ~~s. 455.255~~ if the probable cause panel of the board under which the practitioner is licensed finds that:

1. The practitioner has acknowledged his impairment problem;

2. The practitioner has voluntarily enrolled in an appropriate, approved treatment program;

3. The practitioner has voluntarily withdrawn from his practice or limited the scope of his practice as determined by the panel in each case, until such time as the panel is satisfied that he has successfully completed an approved treatment program; and

4. The practitioner has executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the practitioner, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall make no copies or reports of records that do not regard the issue of the practitioner's impairment and his participation in a treatment program.

Section 11. Subsection (4) of section 459.0085, Florida Statutes, as amended by section 32 of chapter 88-1, Laws of Florida, is amended to read:

459.0085 Financial responsibility.—

(4)(a) Each insurer, self-insurer, risk retention group, or Joint Underwriting Association shall promptly notify the Department of Professional Regulation of cancellation or nonrenewal of insurance required by this section. Unless the osteopathic physician demonstrates that he is otherwise in compliance with the requirements of this section, the Department of Professional Regulation shall suspend the license of the osteopathic physician pursuant to s. 120.57 and notify all health-care facilities licensed under chapter 395, *part IV of chapter 394, or part II of chapter 641* of such action. Any suspension under this subsection shall remain in effect until the osteopathic physician demonstrates compliance with the requirements of this section, except that a license suspended under paragraph (5)(g) shall not be reinstated until the osteopathic physician demonstrates compliance with the requirements of that provision.

(b) If financial responsibility requirements are met by maintaining an escrow account or letter of credit as provided in this section, upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the entire amount of the judgment together with all accrued interest, or the amount maintained in the escrow account or provided in the letter of credit as required by this section, whichever is less, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. If timely payment is not made by the osteopathic physician, the department shall suspend the license of the osteopathic physician pursuant to procedures set forth in subparagraphs (5)(g)2., 3., and 4. Nothing in this paragraph shall abrogate a judgment debtor's obligation to satisfy the entire amount of any judgment.

Section 12. Subsection (1) of section 459.0145, Florida Statutes, as created by section 34 of chapter 88-1, Laws of Florida, is amended to read:

459.0145 Concerted effort to refuse emergency room treatment to patients; penalties.—

(1) A physician licensed pursuant to this chapter may not instigate or engage in a concerted effort to *refuse or get physicians to* refuse to render services to *a patient or patients* ~~a patient~~ in a hospital emergency room *by* ~~either through such physicians'~~ failing to report for duty, ~~such physicians'~~ absenting themselves from their positions, ~~such physicians'~~ submitting their resignations, ~~such physicians'~~ abstaining from the full and faithful performance of their medical duties, or ~~such physicians'~~ otherwise causing conduct that adversely affects the services of the hospital. For the purposes of this subsection, the term "concerted" means contrived or arranged by agreement, planned or devised together, or done or performed together in cooperation.

Section 13. Subsection (6) of section 459.015, Florida Statutes, as amended by section 35 of chapter 88-1, Laws of Florida, is amended to read:

459.015 Grounds for disciplinary action by the board.—

(6) Upon the department's receipt from an insurer or self-insurer of a report of a closed claim against an osteopathic physician pursuant to s. 627.912 *or from a health care practitioner of a report pursuant to s. 455.247*, or upon the receipt from a claimant of a presuit notice against an osteopathic physician pursuant to s. 768.57, the department shall review each report and determine whether it potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. However, if it is reported that an osteopathic physician has had three or more claims with indemnities exceeding $10,000 each within the previous 5-year period, the department shall investigate the occurrences upon which the claims were based and determine if action by the department against the osteopathic physician is warranted.

Section 14. Section 459.0155, Florida Statutes, as amended by section 36 of chapter 88-1, Laws of Florida, is reenacted to read:

459.0155 Treatment programs for impaired practitioners.—

(1) The board shall appoint a licensee who shall serve on the Impaired Practitioners Committee.

(2) The department shall by rule designate approved treatment programs under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers based on the policies and guidelines established by the committee.

(3) The department shall retain one or more impaired practitioner consultants as recommended by the committee. A consultant shall be a practitioner or recovered practitioner licensed under this chapter, chapter 457, chapter 458, chapter 460, chapter 461, chapter 463, chapter 464, chapter 465, chapter 466, chapter 467, chapter 474, chapter 484, or chapter 486. The consultant shall assist the probable cause panel and the department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a practitioner is, in fact, impaired.

(4)(a) Whenever the consultant is notified and there is reason to believe that a practitioner licensed by the state under this chapter is impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental condition, which could affect the practitioner's ability to practice his profession, and no complaint against the practitioner other than impairment exists, the reporting of such information shall not constitute a complaint within the meaning of s. 455.225 if the probable cause panel of the board under which the practitioner is licensed finds that:

1. The practitioner has acknowledged his impairment problem;

2. The practitioner has voluntarily enrolled in an appropriate, approved treatment program;

3. The practitioner has voluntarily withdrawn from his practice or limited the scope of his practice, as determined by the panel in each case, until such time as the panel is satisfied that he has successfully completed an approved treatment program; and

4. The practitioner has executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the practitioner, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall make no copies or reports of records that do not regard the issue of the practitioner's impairment and his participation in a treatment program.

(b) If, however, the practitioner agrees to withdraw from practice until such time as the consultant determines that he has satisfactorily completed an approved treatment program or evaluation, the probable cause panel shall not become involved in the practitioner's case.

(c) Inquiries related to impairment treatment programs which are designed to provide information to the licensee and others and which do not indicate that the licensee presents a danger to the public shall not constitute a complaint within the meaning of s. 455.225 and shall be exempt from the provisions of this subsection.

(d) Whenever the department is notified, and there is reason to believe, that a practitioner is impaired as described in paragraph (a) and no complaint against the practitioner other than impairment exists, the department shall forward all information regarding the impaired practitioner in its possession to the consultant. For the purposes of this section, a suspension from hospital staff privileges due to the impairment does not constitute a complaint.

(e) The probable cause panel shall work directly with the consultant, and all information concerning a practitioner obtained from the consultant by the panel shall remain confidential, subject to the provisions of subsections (6) and (7).

(f) A finding of probable cause shall not be made as long as the panel is satisfied, based upon information it receives from the consultant and the department, that the impaired practitioner is progressing satisfactorily in an approved treatment program.

(5) In any disciplinary action for a violation other than impairment in which a licensee establishes that the violation for which he is being prosecuted was due to or connected with impairment, and further establishes that he is satisfactorily progressing through or has successfully completed an approved treatment program pursuant to this section, such information may be considered by the board as a mitigating factor in determining the appropriate penalty. This subsection does not limit the mitigating factors the board may consider.

(6)(a) An approved treatment provider shall, upon request, disclose to the consultant all information in its possession regarding the issue of a practitioner's impairment and his participation in the treatment program. Notwithstanding s. 119.14, all information obtained by the consultant and the department pursuant to this section is exempt from disclosure under s. 119.07 and shall be held confidential, subject to the provisions of this subsection and subsection (7). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Failure to provide such information to the consultant is grounds for withdrawal of approval of such program or provider.

(b) If in the opinion of the consultant, after consultation with a treatment provider, an impaired practitioner has not progressed satisfactorily in a treatment program, the consultant shall disclose to the department all information in his possession regarding the issue of a practitioner's impairment and his participation in a treatment program. Such disclosure shall constitute a complaint pursuant to the general provisions of s. 455.225. Whenever the consultant concludes that impairment affects a practitioner's practice and constitutes an immediate, serious danger to the public health, safety, or welfare, that conclusion shall be communicated to the secretary of the department.

(7)(a) If a consultant or probable cause panel has any reason to believe that there is collaboration between an impaired practitioner and a treatment provider, or if the probable cause panel has any reason to believe that there is collaboration between an impaired practitioner and a consultant, for the purpose of representing that the practitioner is rehabilitated when he is not, the consultant or panel shall report this to the department. The department shall investigate the allegation of collaboration, and the treatment provider or consultant shall, upon request, turn over all information in his possession regarding the issue of a practitioner's impairment and his participation in the treatment program.

(b) Any collaboration between an impaired practitioner and a treatment provider or consultant, for the purpose of representing that the impaired practitioner is rehabilitated when he is not, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) A consultant, licensee, or approved treatment provider who makes a disclosure pursuant to this section is not subject to civil liability for such disclosure or its consequences. The provisions of s. 768.40 apply to any officer, employee, or agent of the department or the board and to any officer, employee, or agent of any entity with which the department has contracted pursuant to this section.

Section 15. Section 458.347, Florida Statutes, as amended by section 29 of chapter 88-1, Laws of Florida, is reenacted to read:

458.347 Physician's assistants.—

(1) LEGISLATIVE INTENT.—

(a) The purpose of this section is to encourage more effective utilization of the skills of physicians or groups of physicians by enabling them to delegate health care tasks to qualified assistants when such delegation is consistent with the patient's health and welfare.

(b) In order that maximum skills may be obtained within a minimum time period of education, a physician's assistant shall be specialized to the extent that he can operate efficiently and effectively in the specialty areas in which he has been trained or is experienced.

(c) The purpose of this section is to encourage the utilization of physician's assistants by physicians and to allow for innovative development of programs for the education of physician's assistants.

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

(a) "Board" means the Board of Medicine.

(b) "Department" means the Department of Professional Regulation.

(c) "Approved program" means a program, formally approved by the board, for the education of physician's assistants.

(d) "Trainee" means a person who is currently enrolled in an approved program.

(e) "Physician's assistant" means a person who is a graduate of an approved program or its equivalent or meets standards approved by the board and is certified to perform medical services delegated by the supervising physician.

(f) "Supervision" means responsible supervision and control. Except in cases of emergency, supervision requires the easy availability or physical presence of the licensed physician for consultation and direction of the actions of the physician's assistant. For the purposes of this definition, the term "easy availability" includes the ability to communicate by way of telecommunication. The board shall establish rules as to what constitutes responsible supervision of the physician's assistant.

(g) "Proficiency examination" means an entry-level examination administered by the National Commission on Certification of Physician's Assistants.

(3) PERFORMANCE OF SUPERVISING PHYSICIAN.—Each physician or group of physicians who supervises a certified physician's assistant must be qualified in the medical areas in which the physician's assistant is to perform and shall be individually or collectively responsible and liable for the performance and the acts and omissions of the physician's assistant. A physician may not have under his supervision more than two currently certified physician's assistants.

(4) PERFORMANCE OF PHYSICIAN'S ASSISTANTS.—The board shall adopt by rule the general principles that supervising physicians must use in developing the scope of practice of a physician's assistant under direct supervision and under indirect supervision. These principles shall recognize the diversity of both specialty and practice setting in which physician's assistants are used.

(5) PERFORMANCE BY TRAINEES.—Notwithstanding any other provision of law, a trainee may perform medical services when such services are rendered within the scope of an approved program.

(6) PROGRAM APPROVAL.—

(a) The board shall approve programs for the education and training of physician's assistants which meet standards established by board rule.

(b) The board shall adopt and publish standards to ensure that such programs operate in a manner which does not endanger the health or welfare of the patients who receive services within the scope of the programs. The board shall review the quality of the curricula, faculties, and facilities of such programs and take whatever other action is necessary to determine that the purposes of this section are being met.

(7) PHYSICIAN'S ASSISTANT CERTIFICATION.—

(a) Any person desiring to be certified as a physician's assistant must apply to the department. The department shall issue a certificate to any person who the board certifies has met the following requirements:

1. Is at least 18 years of age.

2. Has satisfactorily passed a proficiency examination by an acceptable score established by the National Commission on Certification of Physician's Assistants.

3. Has completed the application form and remitted an application fee not to exceed $100 as set by the board. An application for certification made by a physician's assistant shall include all of the following:

a. A certificate of completion of an approved physician's assistant training program.

b. A sworn statement of any prior felony convictions.

c. A sworn statement of any previous revocation or denial of licensure or certification in any state.

d. Two letters of recommendation.

e. The full name, Florida medical license number, and address of the supervising physician.

f. The specialty of the supervising physician.

(b) The certification must be renewed on a biennial basis. Each renewal shall include:

1. A renewal fee not to exceed $100 as set by the board.

2. A sworn statement of no felony conviction in the previous 2 years.

(c) Each certified physician's assistant shall biennially complete 100 hours of continuing medical education.

(d) Upon employment as a physician's assistant, a certified physician's assistant must notify the board within 30 days after such employment or after any subsequent changes in the supervising physician or alternate supervising physician.

(e) Notwithstanding the provisions of paragraph (a)2., the board may grant temporary certification to a recent graduate of an approved program to expire upon receipt of scores of the proficiency examination administered by the National Commission on Certification of Physician's Assistants. An applicant who has passed the proficiency examination may be granted permanent certification. An applicant failing the proficiency examination is no longer temporarily certified, but may reapply for a 1-year extension of temporary certification. If an applicant fails the examination two times, he is no longer eligible for certification.

(f) The board may deny, suspend, or place restrictions upon the certification of a physician's assistant if he or the supervising physician has been found guilty of or is being investigated for any act which constitutes a violation of this chapter.

(8) PHYSICIAN'S ASSISTANT COMMITTEE.—There is hereby created the Physician's Assistant Committee which shall review and make recommendations to the board regarding all matters relating to physician's assistants that come before the board and shall be directly responsible to the board. The committee shall be composed of three physician's assistants, one supervising physician and one physician member of the board, all appointed by the chairman of the board. One physician's assistant shall represent the physician's assistants training program in this state. The two remaining physician's assistants shall be appointed from recommendations of the Florida Academy of Physician's Assistants. The chairman of the committee shall be appointed by the chairman of the board or, at the chairman's discretion, be allowed to be elected by a majority vote of the committee members. All appointments shall be for 2-year terms, and members shall serve a maximum of two consecutive terms. Reappointments shall be made by the board. The committee shall meet on a regular basis, and committee members shall receive reimbursement for time and travel expenditures.

(9) PENALTY.—Any person who has not been certified by the board and approved by the department and who holds himself out as a physician's assistant or who uses any other term in indicating or implying that he is a physician's assistant is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084 or by a fine not exceeding $5,000.

(10) DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATION.—The board may deny, suspend, or revoke a physician's assistant certification if the board determines that a physician's assistant has violated any provision of this chapter.

(11) RULES.—The board shall adopt rules to implement this section, including rules detailing the contents of the application for certification and notification pursuant to subsection (7) and rules necessary to ensure both the continued competency of physician's assistants and the proper utilization of them by physicians or group of physicians.

(12) EXISTING PROGRAMS.—This section shall not be construed to eliminate or supersede existing laws relating to other paramedical professions or services and is supplemental to all such existing laws relating to the certification and practice of paramedical professions.

(13) LIABILITY.—Each supervising physician using a physician's assistant is liable for any acts or omissions of the physician's assistant acting under his supervision and control.

Section 16. Paragraph (a) of subsection (7) of section 459.022, Florida Statutes, as amended by section 37 of chapter 88-1, Laws of Florida, is amended to read:

459.022 Osteopathic physician assistants.—

(7) OSTEOPATHIC PHYSICIAN ASSISTANT CERTIFICATION.—

(a) Any person desiring to be certified in this state as an osteopathic physician assistant shall apply to the department. The department shall issue a certificate to any person who the board certifies has met the following requirements:

1. Is at least 18 years of age.

2. Has satisfactorily passed a proficiency examination by an acceptable score established by the National Commission on Certification of *Physician's* ~~Physician~~ Assistants.

3. Has completed the application form and remitted an application fee not to exceed $100 as set by the board. An application for certification made by an osteopathic physician assistant shall include all of the following:

a. A certificate of completion of an approved physician assistant training program.

b. A sworn statement of any prior felony convictions.

c. A sworn statement of any previous revocation or denial of licensure or certification in any state.

d. Two letters of recommendation.

e. The full name, Florida osteopathic medical license number, and address of the supervising physician.

f. The specialty of the supervising osteopathic physician.

Section 17. Section 460.413, Florida Statutes, as amended by section 38 of chapter 88-1, Laws of Florida, is amended to read:

460.413 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license to practice chiropractic by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice chiropractic revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of chiropractic or to the ability to practice chiropractic. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Causing to be advertised, by any means whatsoever, any advertisement which does not contain an assertion or statement which would identify himself as a chiropractic physician or identify such chiropractic clinic or related institution in which he practices or in which he is owner, in whole or in part, as a chiropractic institution.

(f) Advertising, practicing, or attempting to practice under a name other than one's own.

(g) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board.

(h) Aiding, assisting, procuring, or advising any unlicensed person to practice chiropractic contrary to this chapter or to a rule of the department or the board.

(i) Failing to perform any statutory or legal obligation placed upon a licensed chiropractic physician.

(j) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity of a licensed chiropractic physician.

(k) Paying or receiving any unearned commission, bonus, kickback, or rebate or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, or ambulatory surgical centers. This provision does not prohibit chiropractic physicians or health care providers licensed under different chapters from engaging in business relationships in which they practice as partners, employees, employers, professional association shareholders, or corporate shareholders.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of chiropractic or employing a trick or scheme in the practice of chiropractic when such trick or scheme fails to conform to the generally prevailing standards of treatment in the chiropractic community.

(m) Soliciting patients either personally or through an agent, unless such solicitation falls into a category of solicitations approved by rule of the board.

(n) Failing to keep written chiropractic records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, and X rays. X rays need not be retained for more than 4 years.

(o) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods or appliances, or drugs.

(p) Performing professional services which have not been duly authorized by the patient or client or his legal representative except as provided in ss. *743.064* ~~458.21~~, 768.13, and 768.46.

(q) Prescribing, dispensing, or administering any medicinal drug, performing any surgery, or practicing obstetrics.

(r) Being unable to practice chiropractic with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. A chiropractic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of chiropractic with reasonable skill and safety to patients.

(s) Gross or repeated malpractice or the failure to practice chiropractic at a level of care, skill, and treatment which is recognized by a reasonably prudent chiropractic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 768.45 in interpreting this provision.

(t) Performing any procedure or prescribing any therapy which, by the prevailing standards of chiropractic practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(u) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform.

(v) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(w) Violating any provision of this chapter, any rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(x) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his services.

(y) Submitting to any third-party payor a claim for a service or treatment which was not actually provided to a patient.

(z) Failing to preserve identity of funds and property of a patient. As provided by rule of the board, money or other property entrusted to a chiropractic physician for a specific purpose, including advances for costs and expenses of examination or treatment, is to be held in trust and must be applied only to that purpose. Money and other property of patients coming into the hands of a chiropractic physician are not subject to counterclaim or setoff for chiropractic physician's fees, and a refusal to account for and deliver over such money and property upon demand shall be deemed a conversion. This is not to preclude the retention of money or other property upon which the chiropractic physician has a valid lien for services or to preclude the payment of agreed fees from the proceeds of transactions for examinations or treatments. Controversies as to the amount of the fees are not grounds for disciplinary proceedings unless the amount demanded is clearly excessive or extortionate or the demand is fraudulent. All funds of patients paid to a chiropractic physician, other than advances for costs and expenses, shall be deposited in one or more identifiable bank accounts maintained in the state in which the chiropractic physician's office is situated, and no funds belonging to the chiropractic physician shall be deposited therein except as follows:

1. Funds reasonably sufficient to pay bank charges may be deposited therein.

2. Funds belonging in part to a patient and in part presently or potentially to the physician must be deposited therein, but the portion belonging to the physician may be withdrawn when due unless the right of the physician to receive it is disputed by the patient, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

Every chiropractic physician shall maintain complete records of all funds, securities, and other properties of a patient coming into the possession of the physician and render appropriate accounts to the patient regarding them. In addition, every chiropractic physician shall promptly pay or deliver to the patient, as requested by the patient, the funds, securities, or other properties in the possession of the physician which the patient is entitled to receive.

(aa) Offering to accept or accepting payment for services rendered by assignment from any third-party payor after offering to accept or accepting whatever the third-party payor covers as payment in full, if the effect of the offering or acceptance is to eliminate or give the impression of eliminating the need for payment by an insured of any required deductions applicable in the policy of the insured.

(bb) Submitting to any third-party payor a claim for a service or treatment without at the same time also providing a copy of the claim to the insured.

(cc) Reducing or offering to reduce, rebating or offering to rebate, or discounting or offering to discount to an insured any payment to the licensee by the third-party payor of the insured for services or treatments rendered under the insured's policy.

(dd) Submitting to any third-party payor a claim for a service or treatment at a greater or an inflated fee or charge than the usual fee the licensee charges for that service or treatment when rendered without third-party reimbursement.

(ee) Advertising a fee or charge for a service or treatment which is different from the fee or charge the licensee submits to third-party payors for that service or treatment.

(ff) Advertising any reduced or discounted fees for services or treatments or advertising any free services or treatments without prominently stating in the advertisement the usual fee of the licensee for the service or treatment which is the subject of the discount, rebate, or free offering.

(gg) Phlebotomizing or using physiotherapy or acupuncture or administering proprietary drugs without being certified or exempted from certification pursuant to s. 460.403(3)(f).

(hh) Failing to report to the Division of Medical Quality Assurance, as required by s. 455.28, any physician licensed under chapter 458 or osteopathic physician licensed under chapter 459 who the chiropractic physician knows has violated the grounds for disciplinary action set out in the law under which that physician or osteopathic physician is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part II of chapter 641, in which the chiropractic physician also provides services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the chiropractic physician on probation for a period of time and subject to such conditions as the board may specify, including requiring the chiropractic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another chiropractic physician.

(3) The department shall not reinstate the license of a chiropractic physician, or cause a license to be issued to a person the board has deemed unqualified, until such time as the board is satisfied that he has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of chiropractic.

(4) The board shall by rule establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision or probation, or conditions of probation or reissuance of a license.

Section 18. Section 461.013, Florida Statutes, as amended by section 39 of chapter 88-1, Laws of Florida, is reenacted and amended to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license to practice podiatric medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice podiatric medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of podiatric medicine or to the ability to practice podiatric medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board.

(g) Aiding, assisting, procuring, permitting, or advising any unlicensed person to practice podiatric medicine contrary to this chapter or to rule of the department or the board.

(h) Failing to perform any statutory or legal obligation placed upon a licensed podiatrist.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such report or records shall include only those which are signed in the capacity of a licensed podiatrist.

(j) Paying or receiving any commission, bonus, kickback, or rebate or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. This provision shall not be construed to prohibit a podiatrist from receiving consultation fees for professional services rendered.

(k) Making misleading, deceptive, untrue, or fraudulent representations in the practice of podiatric medicine or employing a trick or scheme in the practice of podiatric medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the podiatric community.

(l) Soliciting patients either personally or through an agent, unless such solicitation falls into a category of solicitations approved by rule of the board.

(m) Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(o) Performing professional services which have not been duly authorized by the patient or client or his legal representative except as provided in ss. *743.064* ~~458.21~~, 768.13, and 768.46.

(p) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including all controlled substances, other than in the course of the podiatrist's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the podiatrist's professional practice, without regard to his intent.

(q) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the podiatrist to himself except those prescribed, dispensed, or administered to the podiatrist by another practitioner authorized to prescribe, dispense, or administer them.

(r) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any amphetamine or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to chapter 893.

(s) Being unable to practice podiatric medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph the department shall, upon probable cause, have authority to compel a podiatrist to submit to a mental or physical examination by physicians designated by the department. Failure of a podiatrist to submit to such examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A podiatrist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of podiatric medicine with reasonable skill and safety to patients.

(t) Gross or repeated malpractice or the failure to practice podiatric medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent podiatrist as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 768.45 in interpreting this section. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of $10,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the podiatrists. As used in this paragraph, "gross malpractice" or "the failure to practice podiatry with the level of care, skill, and treatment which is recognized by a reasonably prudent similar podiatrist as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act.

(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of podiatric medical practice in the community, would constitute experimentation on human subjects without first obtaining full, informed, and written consent.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform.

(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(x) Violating any provision of this chapter or chapter 455, any rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his services.

(z) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for any of the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(aa) Fraud, deceit, or misconduct in the practice of podiatric medicine.

(bb) Failing to report to the Division of Medical Quality Assurance, as required by s. 455.28, any physician licensed under chapter 458 or osteopathic physician licensed under chapter 459 who the podiatrist knows has violated the grounds for disciplinary action set out in the law under which that physician or osteopathic physician is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part II of chapter 641, in which the podiatrist also provides services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placing the podiatrist on probation for a period of time and subject to such conditions as the board may specify, including requiring the podiatrist to submit to treatment, to attend continuing education courses, to submit to reexamination, and to work under the supervision of another podiatrist.

(3) The department shall not reinstate the license of a podiatrist, or cause a license to be issued to a person the board has deemed unqualified, until such time as the board is satisfied that he has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of podiatric medicine.

(4) The board shall by rule establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision or probation, or conditions of probation or reissuance of a license.

(5)(a) Upon the department's receipt from an insurer or self-insurer of a report of a closed claim against a podiatrist pursuant to s. 627.912, or upon the receipt from a claimant of a presuit notice against a podiatrist pursuant to s. 768.57, the department shall review each report and determine whether it potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. However, if it is reported that a podiatrist has had three or more claims with indemnities exceeding $10,000 each within the previous 5-year period, the department shall investigate the occurrences upon which the claims were based and determine if action by the department against the podiatrist is warranted.

(b) Upon the department's receipt from the Department of Health and Rehabilitative Services pursuant to s. 395.041 of the name of the podiatrist whose conduct may constitute grounds for disciplinary action by the department, the department shall investigate the occurrences upon which the report was based and determine if action by the department against the podiatrist is warranted.

Section 19. Section 464.018, Florida Statutes, as amended by section 40 of chapter 88-1, Laws of Florida, is reenacted to read:

464.018 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(a) Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the department or the board.

(b) Having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing. A plea of nolo contendere shall be considered a conviction for purposes of this provision.

(d) Making or filing a false report or record, which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the nurse's capacity as a licensed nurse.

(e) False, misleading, or deceptive advertising.

(f) Unprofessional conduct, which shall include, but not be limited to, any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing nursing practice, in which case actual injury need not be established.

(g) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in chapter 893, for any other than legitimate purposes.

(h) Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or his designee that probable cause exists to believe that the licensee is unable to practice nursing because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A nurse affected by the provisions of this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of nursing with reasonable skill and safety to patients.

(i) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board; however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant.

(j) Knowingly violating any provision of this chapter, a rule of the board or the department, or a lawful order of the board or department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.

(k) Failing to report to the Division of Medical Quality Assurance, as required by s. 455.28, any physician licensed under chapter 458 or osteopathic physician licensed under chapter 459 who the nurse knows has violated the grounds for disciplinary action set out in the law under which that physician or osteopathic physician is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part II of chapter 641, in which the nurse also provides services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the nurse on probation for a period of time and subject to such conditions as the board may specify, including requiring the nurse to submit to treatment, to attend continuing education courses, to take an examination, or to work under the supervision of another nurse.

(3) The board shall not reinstate the license of a nurse, or cause a license to be issued to a person it has deemed unqualified, until such time as it is satisfied that such person has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of nursing.

(4) The board shall not reinstate the license of a nurse who has been found guilty by the board on three separate occasions of violations of this chapter relating to the use of drugs or narcotics, which offenses involved the diversion of drugs or narcotics from patients to personal use or sale.

(5) The board shall by rule establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision or probation, or conditions of probation or reissuance of a license.

Section 20. Section 465.016, Florida Statutes, as amended by section 41 of chapter 88-1, Laws of Florida, is amended to read:

465.016 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(a) Obtaining a license by misrepresentation or fraud or through an error of the department or the board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Permitting any person not licensed as a pharmacist in this state or not registered as an intern in this state, or permitting a registered intern who is not acting under the direct and immediate personal supervision of a licensed pharmacist, to fill, compound, or dispense any prescriptions in a pharmacy owned and operated by such pharmacist or in a pharmacy where such pharmacist is employed or on duty.

(d) Being unfit or incompetent to practice pharmacy by reason of:

1. Habitual intoxication.

2. The misuse or abuse of any medicinal drug appearing in any schedule set forth in chapter 893.

3. Any abnormal physical or mental condition which threatens the safety of persons to whom he might sell or dispense prescriptions, drugs, or medical supplies or for whom he might manufacture, prepare, or package, or supervise the manufacturing, preparation, or packaging of, prescriptions, drugs, or medical supplies.

(e) Violating any of the requirements of this chapter; chapter 499, ~~known as the Florida Drug and Cosmetic Act~~; 21 U.S.C. ss. 301-392, known as the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., known as the Federal Drug Abuse Act; or chapter 893.

(f) Having been convicted or found guilty, regardless of adjudication, in a court of this state or other jurisdiction, of a crime which directly relates to the ability to practice pharmacy or to the practice of pharmacy. A plea of nolo contendere constitutes a conviction for purposes of this provision.

(g) Using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed, except as authorized in s. 465.025 or s. 465.019(6).

(h) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of this chapter.

(i) Compounding, dispensing, or distributing a legend drug, including any controlled substance, other than in the course of the professional practice of pharmacy. For purposes of this paragraph, it shall be legally presumed that the compounding, dispensing, or distributing of legend drugs in excessive or inappropriate quantities is not in the best interests of the patient and is not in the course of the professional practice of pharmacy.

(j) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by federal or state law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records include only those which the licensee is required to make or file in his capacity as a licensed pharmacist.

(k) Failing to make prescription fee or price information readily available by failing to provide such information upon request and upon the presentation of a prescription for pricing or dispensing. Nothing in this section shall be construed to prohibit the quotation of price information on a prescription drug to a potential consumer by telephone.

(l) Placing in the stock of any pharmacy any part of any prescription compounded or dispensed which is returned by a patient; however, in a hospital, nursing home, or extended care facility in which unit-dose medication is dispensed to inpatients, each dose being individually sealed and the individual unit dose or unit-dose system labeled with the name of the drug, dosage strength, manufacturer's control number, and expiration date, if any, the unused unit dose of medication may be returned to the pharmacy for redispensing. Each pharmacist shall maintain appropriate records for any unused or returned medicinal drugs.

(m) Being unable to practice pharmacy with reasonable skill and safety by reason of illness, use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. A pharmacist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of pharmacy with reasonable skill and safety to his customers.

(n) Violating a rule of the board or department or violating an order of the board or department previously entered in a disciplinary hearing.

(o) Failing to report to the Division of Medical Quality Assurance, as required by s. 455.28, any physician licensed under chapter 458 or osteopathic physician licensed under chapter 459 who the pharmacist knows has violated the grounds for disciplinary action set out in the law under which that physician or osteopathic physician is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part II of chapter 641, in which the pharmacist also provides services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the pharmacist on probation for a period of time and subject to such conditions as the board may specify, including requiring the pharmacist to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another pharmacist.

(3) The board shall not reinstate the license of a pharmacist, or cause a license to be issued to a person it has deemed unqualified, until such time as it is satisfied that he has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of pharmacy.

(4) The board shall by rule establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision or probation, or conditions of probation or reissuance of a license.

Section 21. Section 466.028, Florida Statutes, as amended by section 42 of chapter 88-1, Laws of Florida, is reenacted to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery, fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice dentistry or dental hygiene revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which relates to the practice of dentistry or dental hygiene. Any plea of nolo contendere shall be considered a finding of guilt for purposes of this chapter.

(d) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content contrary to s. 466.019 or rules of the board adopted pursuant thereto.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows, or has reason to believe, is clearly in violation of this chapter or of the rules of the department or the board.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice dentistry or dental hygiene contrary to this chapter or to a rule of the department or the board.

(h) Being employed by any corporation, organization, group, or person other than a dentist or professional association composed of dentists; however, a dentist may be employed by a corporation or group for purposes of providing services to the employees and members of such corporation or group and to members of their immediate families, and a corporation may employ a hygienist if it has employed a dentist to provide supervision pursuant to this chapter.

(i) Failing to perform any statutory or legal obligation placed upon a licensee.

(j) Making or filing a report which the licensee knows to be false, failing to file a report or record required by state or federal law, knowingly impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensee.

(k) Committing any act which would constitute sexual battery, as defined in chapter 794, upon a patient or intentionally touching the sexual organ of a patient.

(l) Making deceptive, untrue, or fraudulent representations in the practice of dentistry.

(m) Failing to keep written dental records and medical history records justifying the course of treatment of the patient including, but not limited to, patient histories, examination results, test results, and X rays, if taken.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for the financial gain of the licensee or of a third party, which includes, but is not limited to, the promotion or sale of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form also states "This prescription may be filled at any pharmacy of your choice."; paying or receiving any commission, bonus, kickback, or rebate; or engaging in any split-fee arrangement in any form whatsoever with a dentist, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, dentists, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a dentist from receiving a fee for professional consultation services.

(o) Failing to make available to a patient or client, or to his legal representative or to the department if authorized in writing by the patient, copies of documents in the possession or under control of the licensee which relate to the patient or client.

(p) Performing professional services which have not been duly authorized by the patient or client, or his legal representative, except as provided in ss. 768.13 and 768.46.

(q) Prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the professional practice of the dentist. For the purposes of this paragraph, it shall be legally presumed that prescribing, procuring, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the professional practice of the dentist, without regard to his intent.

(r) Prescribing, procuring, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893, by a dentist to himself, except those prescribed, dispensed, or administered to the dentist by another practitioner authorized to prescribe them.

(s) Prescribing, procuring, ordering, dispensing, administering, supplying, selling, or giving any drug which is an amphetamine or sympathomimetic amine drug or a compound designated as a Schedule II controlled substance, pursuant to chapter 893, to or for any person except for the clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, and reviewed and approved by, the board before such investigation is begun.

(t) Being unable to practice his profession with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or his designee that probable cause exists to believe that the licensee is unable to practice dentistry or dental hygiene because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of his profession with reasonable skill and safety to patients.

(u) Fraud, deceit, or misconduct in the practice of dentistry or dental hygiene.

(v) Failure to provide and maintain reasonable sanitary facilities and conditions.

(w) Failure to provide adequate radiation safeguards.

(x) Performing any procedure or prescribing any therapy which, by the prevailing standards of dental practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(y) Being guilty of incompetence or negligence by failing to meet the minimum standards of performance in diagnosis and treatment when measured against generally prevailing peer performance, including, but not limited to, the undertaking of diagnosis and treatment for which the dentist is not qualified by training or experience or being guilty of dental malpractice. As used in this paragraph, "dental malpractice" includes, but is not limited to, three or more claims within the previous 5-year period which resulted in indemnity being paid, or any single indemnity paid in excess of $5,000 in a judgment or settlement, as a result of negligent conduct on the part of the dentist.

(z) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform.

(aa) Delegating professional responsibilities to a person who is not qualified by training, experience, or licensure to perform them.

(bb) The violation or the repeated violation of this chapter, chapter 455, or any rule promulgated pursuant to chapter 455 or this chapter; the violation of a lawful order of the board or department previously entered in a disciplinary hearing; or failure to comply with a lawfully issued subpoena of the board or department.

(cc) Conspiring with another licensee or with any person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his services.

(dd) Being adjudged mentally incompetent in this or any other state, the discipline for which shall last only so long as the adjudication.

(ee) Presigning blank prescription or laboratory work order forms.

(ff) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(gg) Operating or causing to be operated a dental office in such a manner as to result in dental treatment that is below minimum acceptable standards of performance for the community. This includes, but is not limited to, the use of substandard materials or equipment, the imposition of time limitations within which dental procedures are to be performed, or the failure to maintain patient records as required by this chapter.

(hh) Administering anesthesia in a manner which violates rules of the board adopted pursuant to s. 466.017.

(ii) Failing to report to the Division of Medical Quality Assurance, as required by s. 455.28, any physician licensed under chapter 458 or osteopathic physician licensed under chapter 459 who the dentist knows has violated the grounds for disciplinary action set out in the law under which that physician or osteopathic physician is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part II of chapter 641, in which the dentist also provides services.

(2) When the board finds any applicant or licensee guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $3,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or demonstrate his competency through a written or practical examination or to work under the supervision of another licensee.

(f) Restricting the authorized scope of practice.

(3) There shall be a minimum 6-month suspension of the license of a dentist who is convicted of a violation of paragraph (1)(aa).

(4) The department shall reissue the license of a disciplined licensee upon certification by the board that the disciplined licensee has complied with all of the terms and conditions set forth in the final order.

(5) In addition, if the department finds that an applicant has a complaint filed against him in another jurisdiction, the board may deny the application pending final disposition of the complaint.

(6) Upon the department's receipt from an insurer or self-insurer of a report of a closed claim against a dentist pursuant to s. 627.912, or upon the receipt from a claimant of a presuit notice against a dentist pursuant to s. 768.57, the department shall review each report and determine whether it potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. However, if it is reported that a dentist has had any indemnity paid in excess of $5,000 in a judgment or settlement or has had three or more claims for dental malpractice within the previous 5-year period which resulted in indemnity being paid, the department shall investigate the occurrence upon which the claims were based and determine if action by the department against the dentist is warranted.

Section 22. Section 627.912, Florida Statutes, as amended by section 43 of chapter 88-1, Laws of Florida, is amended to read:

627.912 Professional liability claims and actions; reports by insurers.—

(1) Each self-insurer authorized under s. 627.356 or s. 627.357 and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed pursuant to the provisions of chapter 458, to a practitioner of osteopathic medicine licensed pursuant to the provisions of chapter 459, to a podiatrist licensed pursuant to the provisions of chapter 461, to a dentist licensed pursuant to the provisions of chapter 466, to a hospital licensed pursuant to the provisions of chapter 395, *to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part II of chapter 641,* to clinics included in chapter 390, to an ambulatory surgical center as defined in s. 395.002(2), or to a member of The Florida Bar shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in:

(a) A final judgment in any amount.

(b) A settlement in any amount.

(c) A final disposition not resulting in payment on behalf of the insured.

Reports shall be filed with the department and, if the insured party is licensed pursuant to chapter 458, chapter 459, chapter 461, or chapter 466, with the Department of Professional Regulation, no later than 60 days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c). The Department of Professional Regulation shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. The Department of Professional Regulation, as part of the annual report required by s. 455.2285, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the Department of Professional Regulation or the appropriate regulatory board.

(2) The reports required by subsection (1) shall contain:

(a) The name, address, and specialty coverage of the insured.

(b) The insured's policy number.

(c) The date of the occurrence which created the claim.

(d) The date the claim was reported to the insurer or self-insurer.

(e) The name and address of the injured person. This information shall be privileged and confidential and shall not be disclosed by the department without the injured person's consent, *except for disclosure by the department to the Department of Professional Regulation.* This information may be used by the department for purposes of identifying multiple or duplicate claims arising out of the same occurrence.

(f) The date of suit, if filed.

(g) The injured person's age and sex.

(h) The total number and names of all defendants involved in the claim.

(i) The date and amount of judgment or settlement, if any, including the itemization of the verdict as required under s. 768.48, together with a copy of the settlement or judgment.

(j) In the case of a settlement, such information as the department may require with regard to the injured person's incurred and anticipated medical expense, wage loss, and other expenses.

(k) The loss adjustment expense paid to defense counsel, and all other allocated loss adjustment expense paid.

(l) The date and reason for final disposition, if no judgment or settlement.

(m) A summary of the occurrence which created the claim, which shall include:

1. The name of the institution, if any, and the location within the institution at which the injury occurred.

2. The final diagnosis for which treatment was sought or rendered, including the patient's actual condition.

3. A description of the misdiagnosis made, if any, of the patient's actual condition.

4. The operation, diagnostic, or treatment procedure causing the injury.

5. A description of the principal injury giving rise to the claim.

6. The safety management steps that have been taken by the insured to make similar occurrences or injuries less likely in the future.

(n) Any other information required by the department to analyze and evaluate the nature, causes, location, cost, and damages involved in professional liability cases.

(3) *Upon request by the Department of Professional Regulation, the department shall provide that department with any information received pursuant to this section related to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466.* ~~With respect to any such report, the Department of Professional Regulation shall be authorized to obtain the name of the patient to whom the report applies directly from the insurer or self-insurer filing the report, and the insurer or self-insurer shall promptly furnish the name of the patient to the department when requested.~~ For purposes of safety management, the department shall annually provide the Department of Health and Rehabilitative Services with copies of the reports in cases resulting in an indemnity being paid to the claimants.

(4) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any insurer reporting hereunder or its agents or employees or the department or its employees for any action taken by them pursuant to this section.

Section 23. Section 641.55, Florida Statutes, as amended by section 44 of chapter 88-1, Laws of Florida, is amended to read:

641.55 Internal risk management program.—

(1) Every health maintenance organization certified under this part shall, as a part of its administrative functions, establish an internal risk management program which shall include the following components:

(a) The investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents causing injury to patients;

(b) The development of appropriate measures to minimize the risk of injuries and adverse incidents to patients, including ~~at least annual~~ risk management and risk prevention education and training of all *nonphysician* personnel *as follows:*~~;~~

1. Such education and training of all nonphysician personnel as part of their initial orientation; and

2. *At least 1 hour of such education and training annually for all nonphysician personnel of the health maintenance organization who work in clinical areas and provide patient care.*

(c) The analysis of patient grievances which relate to patient care and the quality of medical services; and

(d) The development and implementation of an incident reporting system based upon the affirmative duty of all providers and all agents and employees of the health maintenance organization to report injuries and adverse incidents to the risk manager.

(2) The risk management program shall be the responsibility of the governing authority or board of the health maintenance organization. Every health maintenance organization which has an annual premium volume of $10 million or more and which directly provides health care in a building owned or leased by the health maintenance organization shall hire a risk manager, certified under ss. 626.941-626.945, who shall be responsible for implementation of the organization's risk management program required by this section. A part-time risk manager shall not be responsible for risk management programs in more than four organizations or facilities. Every health maintenance organization which does not directly provide health care in a building owned or leased by the health maintenance organization and every health maintenance organization with an annual premium volume of less than $10 million shall designate an officer or employee of the health maintenance organization to serve as the risk manager.

(3) In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of medical malpractice and patient injury claims shall be encouraged and their implementation and operation facilitated. Additional approaches may include extending risk management programs to provider offices or facilities.

(4) The Department of Health and Rehabilitative Services shall, after consulting with the Department of Insurance, promulgate rules necessary to carry out the provisions of this section, including rules governing the establishment of required internal risk management programs to meet the needs of individual establishments. The Department of Insurance shall assist the Department of Health and Rehabilitative Services in preparing these rules. Each internal risk management program shall include the use of incident reports to be filed with the risk manager. The risk manager shall have free access to all health maintenance organization or provider medical records. The incident reports shall be considered to be a part of the work papers of the attorney defending the establishment in litigation relating thereto and shall be subject to discovery, but not be admissible as evidence in court, nor shall any person filing an incident report be subject to civil suit by virtue of the incident report and the matters it contains. As a part of each internal risk management program, the incident reports shall be utilized to develop categories of incidents which identify problem areas. Once identified, procedures shall be adjusted to correct these problem areas.

(5)(a) Each health maintenance organization subject to this section shall submit an annual report to the Department of Health and Rehabilitative Services summarizing the incident reports that have been filed in the health maintenance organization for that year pertaining to services rendered on the premises of the health maintenance organization. The report shall be on a form prescribed by rule of the Department of Health and Rehabilitative Services and shall include with respect to medical services rendered on the premises of the health maintenance organization:

1. The total number of adverse incidents causing injury to patients.

2. A listing, by category, of the types of operations, diagnostic or treatment procedures, or other actions causing the injuries and the number of incidents occurring within each category.

3. A listing, by category, of the types of injuries caused and the number of incidents occurring within each category.

4. The name of each ~~individual or~~ provider *or a code number utilizing the health care professional's license number and a separate code number identifying all other individuals directly involved in* ~~responsible for~~ adverse incidents causing injury to patients, the relationship of the individual or provider to the health maintenance organization, and the number of incidents in which each individual or provider has been directly involved. *Each health maintenance organization shall maintain names of the health care professionals and individuals identified by code numbers for purposes of this section.*

5. A description of all medical malpractice claims filed against the health maintenance organization or its providers, including the total number *of* pending and closed *claims and*~~,~~ the nature of the incident which led to ~~the claims~~, the persons involved in ~~the claim~~, and the status and disposition of each claim. Each report shall update status and disposition for all prior reports.

6. A report of all disciplinary actions taken against any provider or any medical staff member of the health maintenance organization, including the nature and cause of the action.

(b) The information reported to the department pursuant to *paragraph* ~~subparagraphs~~ (a)~~4., 5., and 6.~~ which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall also be reported to the Department of Professional Regulation *quarterly*. The Department of Professional Regulation shall review the information and determine whether any of the incidents potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply.

(c) The annual report shall also contain the name of the risk manager of the health maintenance organization, a copy of its policy and procedures which govern the measures taken by the organization and its risk manager to reduce the risk of injuries and adverse or untoward incidents, and the results of these measures. This report *and the quarterly reports under paragraph (b)* shall be held confidential and shall not be available to the public pursuant to s. 119.07 or any other law providing access to public records, nor shall the report be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by *the department,* the Department of Professional Regulation, and the appropriate regulatory board. This report shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by *the department,* the Department of Professional Regulation, or the appropriate regulatory board. However, the Department of Professional Regulation shall make available, upon written request by a practitioner against whom probable cause has been found, any such records which form the basis of the determination of probable cause.

(6) If an adverse or untoward incident, whether occurring in the facilities of the health maintenance organization or arising from health care prior to admission to the facilities of the organization or in the facility of one of its providers, results in:

(a) The death of a patient;

(b) Severe brain or spinal damage to a patient;

(c) A surgical procedure being performed on the wrong patient; or

(d) A surgical procedure unrelated to the patient's diagnosis or medical needs being performed on any patient,

the organization shall report this incident to the Department of Health and Rehabilitative Services within 3 working days of its occurrence. A more detailed follow-up report shall be submitted to the Department of Health and Rehabilitative Services within 10 days after the first report. The department may require an additional, final report. Reports under this subsection shall be sent immediately by the department to the Department of Professional Regulation whenever they involve a health care provider licensed under chapter 458, chapter 459, chapter 461, or chapter 466. These reports shall not be available to the public pursuant to s. 119.07 or any other law providing access to public records, nor be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by *the department,* the Department of Professional Regulation, and the appropriate regulatory board, nor shall they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by *the department,* the Department of Professional Regulation, or the appropriate regulatory board. However, the Department of Professional Regulation shall make available, upon written request by a practitioner against whom probable cause has been found, any such records which form the basis of the determination of probable cause. The Department of Health and Rehabilitative Services may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken by the health maintenance organization in response to the incident. The Department of Professional Regulation shall review each incident and determine whether it potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. The gross data compiled pursuant to this section or s. 395.041 shall be

furnished by the Department of Health and Rehabilitative Services upon request to health maintenance organizations to be utilized for risk management purposes. The department may promulgate rules necessary to carry out the provisions of this section.

(7) In addition to any penalty imposed pursuant to s. 641.52, the department may, beginning July 1, 1989, impose an administrative fine, not to exceed $5,000, for any violation of the reporting requirements of subsection (5) or subsection (6).

(8)~~(7)~~ The department *and, upon subpoena issued pursuant to s. 455.223, the Department of Professional Regulation* ~~of Health and Rehabilitative Services~~ shall have access to all health maintenance organization records *necessary to carry out the provisions of this section* ~~pertaining to services rendered on the premises of the health maintenance organization~~. The records obtained are not available to public access, *nor are they discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the department, the Department of Professional Regulation, and the appropriate regulatory board; nor may records obtained pursuant to s. 455.223 be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the Department of Professional Regulation or the appropriate regulatory board. However, the Department of Professional Regulation shall make available, upon written request by a practitioner against whom probable cause has been found, any such records that form the basis of the determination of probable cause, except that, with respect to medical review committee records, the provisions of s. 768.40 control* ~~pursuant to s. 119.07 or any other law providing access to public records~~.

(9) The department shall review, no less frequently than annually, the risk management program of each health maintenance organization regulated by this section to determine whether the program meets standards established in statutes and rules, whether the program is being conducted in a manner designed to reduce adverse incidents, and whether the program is appropriately reporting incidents under subsections (5) and (6).

(10) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any risk manager certified under part IX of chapter 626 for the implementation and oversight of the risk management program in a health maintenance organization authorized under this chapter for any act or proceeding undertaken or performed within the scope of the function of such risk management program if the risk manager acts without intentional fraud.

(11)~~(8)~~ If the department ~~of Health and Rehabilitative Services~~, through its receipt of the annual reports prescribed in subsection (5) or through any investigation, has a reasonable belief that conduct by a provider, staff member, or employee of a health maintenance organization may constitute grounds for disciplinary action by the appropriate regulatory board, the department ~~of Health and Rehabilitative Services~~ shall report this fact to the regulatory board.

(12)~~(9)~~ The department ~~of Health and Rehabilitative Services~~ shall send information bulletins to all health maintenance organizations as necessary to disseminate trends and preventive data derived from its actions under this section or under s. 395.041.

The gross data compiled pursuant to this section or s. 395.041 shall be furnished by the department ~~of Health and Rehabilitative Services~~ upon request to health maintenance organizations to be utilized for risk management purposes. The department may promulgate rules necessary to carry out the provisions of this section.

Section 24. Section 45 of chapter 88-1, Laws of Florida, is reenacted to read:

Section 45. Legislative findings and intent.—

(1) The Legislature makes the following findings:

(a) The adequate delivery of medical emergency care services is a priority health care need and can have a dramatic impact in reducing civil lawsuits which ultimately result in high medical malpractice insurance premiums. Therefore, the delivery of emergency medical care represents an essential public service.

(b) Medical emergency care providers are often faced with civil lawsuits brought on behalf of medical emergency care patients, many of which may not be the direct result of substandard care, but rather may be prompted by recovery of such patient to less than full mental and physical health due to the severe nature of the medical emergency.

(c) Civil lawsuits brought on behalf of medical emergency care patients are often the result of factors beyond the control of the medical emergency care facility or the provider rendering such care, including, but not limited to:

1. The severe nature of many such emergencies; and

2. The fact that the emergency patient may not have had a previously established medical relationship with the defendant, may have been unknown to the defendant, and may have been unconscious or unable to provide essential information, such as medical history, allergies to drugs, and other relevant facts.

(2) It is the intent of the Legislature to promote the availability of emergency medical care by providing immunity from civil liability to hospitals and trauma centers and the medical emergency care providers rendering care therein to medical emergency patients, unless such care is rendered with reckless disregard for the life or health of the patient.

Section 25. Paragraph (a) of subsection (2) of section 768.78, Florida Statutes, as amended by section 47 of chapter 88-1, Laws of Florida, is amended to read:

768.78 Alternative methods of payment of damage awards.—

(2)(a) In any action for damages based on personal injury or wrongful death arising out of medical malpractice, whether in tort or contract, in which the trier of fact makes an award to compensate the claimant for future economic losses, payment of amounts intended to compensate the claimant for these losses shall be made by one of the following means:

1. The defendant may make a lump-sum payment for all damages so assessed, with future economic losses and expenses reduced to present value; or

2. The court shall, at the request of either party, enter a judgment ordering future economic damages, as itemized pursuant to *s. 768.77* ~~s. 768.68~~, to be paid by periodic payments rather than lump sum.

Section 26. Section 50 of chapter 88-1, Laws of Florida, is amended to read:

Section 50. Presuit investigation of medical negligence claims and defenses by prospective parties.—

(1) Presuit investigation of medical negligence claims and defenses pursuant to sections 50-53 shall apply to all medical negligence, including dental negligence, claims and defenses. This shall include:

(a) Rights of action under s. 768.19, Florida Statutes, and defenses thereto.

(b) Rights of action involving the state or its agencies or subdivisions, or the officers, employees, or agents thereof, pursuant to s. 768.28, Florida Statutes, and defenses thereto.

(2) Prior to issuing notification of intent to initiate medical malpractice litigation pursuant to s. 768.57, Florida Statutes, the claimant shall conduct an investigation to ascertain that there are reasonable grounds to believe that:

(a) Any named defendant in the litigation was negligent in the care or treatment of the claimant; and

(b) Such negligence resulted in injury to the claimant.

Corroboration of reasonable grounds to initiate medical negligence litigation shall be provided by the claimant's submission of a verified written medical expert opinion from a medical expert as defined in section 49(5), at the time the notice of intent to initiate litigation is *mailed* ~~filed~~, which statement shall corroborate reasonable grounds to support the claim of medical negligence.

(3) Prior to issuing its response to the claimant's notice of intent to initiate litigation, during the time period for response authorized pursuant to s. 768.57, Florida Statutes, the defendant or the defendant's insurer or self-insurer shall conduct an investigation to ascertain whether there are reasonable grounds to believe that:

(a) The defendant was negligent in the care or treatment of the claimant; and

(b) Such negligence resulted in injury to the claimant.

Corroboration of lack of reasonable grounds for medical negligence litigation shall be provided with any response rejecting the claim by the defendant's submission of a verified written medical expert opinion from a medical expert as defined in section 49(5), at the time the response rejecting the claim is *mailed* ~~filed~~, which statement shall corroborate reasonable grounds for lack of negligent injury sufficient to support the response denying negligent injury.

(4) The medical expert opinions required by this section shall specify whether any previous opinion by the same medical expert has been disqualified and if so the name of the court and the case number in which the ruling was issued.

Section 27. Section 51 of chapter 88-1, Laws of Florida, is amended to read:

Section 51. Availability of medical records for presuit *investigation* ~~screening~~ of medical negligence claims and defenses; penalty.—

(1) Copies of any medical record relevant to any litigation of a medical negligence claim or defense shall be provided to a claimant or a defendant, or to the attorney thereof, at a reasonable charge within 10 business days of a request for copies. It shall not be grounds to refuse copies of such medical records that they are not yet completed or that a medical bill is still owing.

(2) Failure to provide copies of such medical records, or failure to make the charge for copies a reasonable charge, shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall waive the requirement of written medical corroboration by the requesting party.

(3) A hospital shall not be held liable for any civil damages as a result of complying with this section.

Section 28. Section 52 of chapter 88-1, Laws of Florida, is amended to read:

Section 52. Presuit discovery of medical negligence claims and defenses.—

(1) Upon the completion of presuit investigation pursuant to section 50, which investigation has resulted in the *mailing* ~~filing~~ of a notice of intent to initiate litigation in accordance with s. 768.57, Florida Statutes, corroborated by medical expert opinion that there exist reasonable grounds for a claim of negligent injury, each party shall provide to the other party reasonable access to information within its possession or control, in order to facilitate evaluation of the claim.

(2) Such access shall be provided without formal discovery, pursuant to s. 768.57, Florida Statutes, and failure to so provide shall be grounds for dismissal of any applicable claim or defense ultimately asserted.

(3) Failure of any party to comply with this section shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall waive the requirement of written medical corroboration by the party seeking production.

(4) No statement, discussion, written document, report, or other work product generated solely by the presuit *investigation* ~~screening~~ process is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, hospitals and other medical facilities, and the officers, directors, trustees, employees, and agents thereof, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit *investigation* ~~screening~~ process. Such immunity from civil liability includes immunity for any acts by a medical facility in connection with providing medical records pursuant to section 51(1) regardless of whether the medical facility is or is not a defendant.

Section 29. Section 53 of chapter 88-1, Laws of Florida, is amended to read:

Section 53. Presuit investigation of medical negligence claims and defenses by court.—

(1) After the completion of presuit investigation by the parties pursuant to section 50 and any informal discovery pursuant to s. 768.57, Florida Statutes, any party may file a motion in the circuit court requesting the court to determine whether the opposing party's claim or denial rests on a reasonable basis.

(2) If the court finds that the notice of intent to initiate litigation *mailed* ~~filed~~ by the claimant is not in compliance with the reasonable investigation requirements of sections 48-59, the court shall dismiss the claim, and the person who *mailed* ~~filed~~ such notice of intent, whether the claimant or the claimant's attorney, shall be personally liable for all attorney's fees and costs incurred during the investigation and evaluation of the claim, including the reasonable attorney's fees and costs of the defendant or the defendant's insurer.

(3) If the court finds that the response *mailed* ~~filed~~ by a defendant rejecting the claim is not in compliance with the reasonable investigation requirements, the court shall strike the defendant's response, and the person who *mailed* ~~filed~~ such response, whether the defendant, the defendant's insurer, or the defendant's attorney, shall be personally liable for all attorney's fees and costs incurred during the investigation and evaluation of the claim, including the reasonable attorney's fees and costs of the claimant.

(4) If the court finds that an attorney for the claimant *mailed* ~~filed~~ notice of intent to initiate litigation without reasonable investigation, or filed a medical negligence claim without first *mailing* ~~filing~~ such notice of intent which complies with the reasonable investigation requirements, or if the court finds that an attorney for a defendant *mailed* ~~filed~~ a response rejecting the claim without reasonable investigation, the court shall submit its finding in the matter to The Florida Bar for disciplinary review of the attorney. Any attorney so reported three or more times within a 5-year period shall be reported to a circuit grievance committee acting under the jurisdiction of the Supreme Court. If such committee finds probable cause to believe that an attorney has violated this section, such committee shall forward to the Supreme Court a copy of its finding.

(5)(a) If the court finds that the corroborating written medical expert opinion attached to any notice of claim or intent or to any response rejecting a claim lacked reasonable investigation, the court shall report the medical expert issuing such corroborating opinion to the Division of Medical Quality Assurance or its designee. If such medical expert is not a resident of the state, the division shall forward such report to the disciplining authority of that medical expert.

(b) The court may refuse to consider the testimony of such an expert who has been disqualified three times pursuant to this section.

Section 30. Section 54 of chapter 88-1, Laws of Florida, is amended to read:

Section 54. Voluntary binding arbitration of medical negligence claims.—

(1) Voluntary binding arbitration pursuant to sections 54-59 shall not apply to rights of action involving the state or its agencies or subdivisions, or the officers, employees, or agents thereof, pursuant to s. 768.28, Florida Statutes.

(2) Upon the completion of presuit investigation with preliminary reasonable grounds for a medical negligence claim intact, the parties may elect to have damages determined by an arbitration panel. Such election may be initiated by either party by serving a request for voluntary binding arbitration of damages within 90 days *after* ~~of~~ service of the claimant's notice of intent to initiate litigation upon the defendant. The evidentiary standards for voluntary binding arbitration of medical negligence claims shall be as provided in s. 120.58(1)(a), Florida Statutes. ~~To the extent not inconsistent with sections 48-59, voluntary binding arbitration of medical negligence claims shall utilize the procedures in s. 44.304, Florida Statutes.~~

(3) Upon receipt of a party's request for such arbitration, the opposing party may accept the offer of voluntary binding arbitration within 30 days. However, in no event shall the defendant be required to respond to the request for arbitration sooner than 90 days after service of the notice of intent to initiate litigation under s. 768.57, Florida Statutes. Such acceptance within the time period provided by this subsection shall be a binding commitment to comply with the decision of the arbitration panel. The liability of any insurer shall be subject to any applicable insurance policy limits.

(4) The arbitration panel shall be composed of three arbitrators, one selected by the claimant, one selected by the defendant, and one an administrative hearing officer furnished by the Division of Administrative Hearings who shall serve as the chief arbitrator ~~with the authority granted a chief arbitrator under s. 44.304, Florida Statutes~~. In the event

of multiple plaintiffs or multiple defendants, the arbitrator selected by the side with multiple parties shall be the choice of those parties. If the multiple parties cannot reach agreement as to their arbitrator, each of the multiple parties shall submit a nominee, and the director of the Division of Administrative Hearings shall appoint the arbitrator from among such nominees.

(5) The arbitrators shall be independent of all parties, witnesses, and legal counsel, and no officer, director, affiliate, subsidiary, or employee of a party, witness, or legal counsel may serve as an arbitrator in the proceeding.

(6) The rate of compensation for medical negligence claims arbitrators other than the administrative hearing officer shall be set by the chief judge of the appropriate circuit court by schedule providing for compensation of not less than $250 per day nor more than $750 per day or as agreed by the parties. In setting the schedule, the chief judge shall consider the prevailing rates charged for the delivery of professional services in the community.

(7) Arbitration pursuant to this section shall preclude recourse to any other remedy by the claimant against any participating defendant, and shall be undertaken with the understanding that:

(a) Net economic damages shall be awardable, including, but not limited to, past and future medical expenses and 80 percent of wage loss and loss of earning capacity, offset by any collateral source payments.

(b) Noneconomic damages shall be limited to a maximum of $250,000 per incident, and shall be calculated on a percentage basis with respect to capacity to enjoy life, so that a finding that the claimant's injuries resulted in a 50-percent reduction in his capacity to enjoy life would warrant an award of not more than $125,000 noneconomic damages.

(c) Damages for future economic losses shall be awarded to be paid by periodic payments pursuant to section 49(8), and shall be offset by future collateral source payments.

(d) Punitive damages shall not be awarded.

(e) The defendant shall be responsible for the payment of interest on all accrued damages with respect to which interest would be awarded at trial.

(f) The defendant shall pay the claimant's reasonable attorney's fees and costs, as determined by the arbitration panel, but in no event more than 15 percent of the award, reduced to present value.

(g) The defendant shall pay all the costs of the arbitration proceeding and the fees of all the arbitrators other than the administrative hearing officer.

(h) Each defendant who submits to arbitration under this section shall be jointly and severally liable for all damages assessed pursuant to this section.

(i) The defendant's obligation to pay the claimant's damages shall be for the purpose of arbitration under this section only. A defendant's or claimant's offer to arbitrate shall not be used in evidence or in argument during any subsequent litigation of the claim following the rejection thereof.

(j) The fact of making or accepting an offer to arbitrate shall not be admissible as evidence of liability in any collateral or subsequent proceeding on the claim.

(k) Any offer by a claimant to arbitrate must be made to each defendant against whom the claimant has made a claim. Any offer by a defendant to arbitrate must be made to each claimant who has joined in the notice of intent to initiate litigation, as provided in s. 768.57, Florida Statutes. A defendant who rejects a claimant's offer to arbitrate shall be subject to the provisions of section 56(3). A claimant who rejects a defendant's offer to arbitrate shall be subject to the provisions of section 56(4).

(l) The hearing shall be conducted by all of the arbitrators, but a majority may determine any ~~fact~~ question *of fact* and render a final decision. The chief arbitrator shall decide all evidentiary matters.

The provisions of this subsection shall not preclude settlement at any time by mutual agreement of the parties.

(8) Any issue between the defendant and the defendant's insurer or self-insurer as to who shall control the defense of the claim and any responsibility for payment of an arbitration award, shall be determined under existing principles of law; provided that the insurer or self-insurer shall not offer to arbitrate or accept a claimant's offer to arbitrate without the written consent of the defendant.

(9) The Division of Administrative Hearings is authorized to promulgate rules to effect the orderly and efficient processing of the arbitration procedures of sections 48-59.

(10) Rules promulgated by the Division of Administrative Hearings pursuant to this section, s. 120.53, or s. 120.65, *Florida Statutes*, may authorize any reasonable sanctions except contempt for violation of the rules of the Division or failure to comply with a reasonable order issued by a Hearing Officer, which is not under judicial review.

Section 31. Section 55 of chapter 88-1, Laws of Florida, is reenacted and amended to read:

Section 55. Arbitration to allocate responsibility among multiple defendants.—

(1) The provisions of this section shall apply when more than one defendant has participated in voluntary binding arbitration pursuant to section 54.

(2) Within 20 days after the determination of damages by the arbitration panel in the first arbitration proceeding, those defendants who have agreed to voluntary binding arbitration shall submit any dispute among them regarding the apportionment of financial responsibility to a separate binding arbitration proceeding. Such proceeding shall be with a panel of three arbitrators, which panel shall consist of the administrative hearing officer who presided in the first arbitration proceeding, who shall serve as the chief arbitrator ~~with the authority granted a chief arbitrator under s. 44.304, Florida Statutes~~, and two medical practitioners appointed by the defendants, except that if a hospital licensed pursuant to chapter 395, Florida Statutes, is involved in the arbitration proceeding, one arbitrator appointed by the defendants shall be a certified hospital risk manager. In the event the defendants cannot agree on their selection of arbitrators within 20 days after the determination of damages by the arbitration panel in the first arbitration proceeding, a list of not more than five nominees shall be submitted by each defendant to the director of the Division of Administrative Hearings, who shall select the other arbitrators but shall not select more than one from the list of nominees of any defendant.

(3) The administrative hearing officer appointed to serve as the chief arbitrator shall convene the arbitrators for the purpose of determining allocation of responsibility among multiple defendants within 65 days after the determination of damages by the arbitration panel in the first arbitration proceeding.

(4) The arbitration panel shall allocate financial responsibility among all defendants named in the notice of intent to initiate litigation, regardless of whether the defendant has submitted to arbitration. The defendants in the arbitration proceeding shall pay their proportionate share of the economic and noneconomic damages awarded by the arbitration panel. All defendants in the arbitration proceeding shall be jointly and severally liable for ~~their proportionate share of~~ any damages assessed in arbitration. The determination of the percentage of fault of any defendant not in the arbitration case shall not be binding against that defendant, nor shall it be admissible in any subsequent legal proceeding.

(5) Payment by the defendants of the damages awarded by the arbitration panel in the first arbitration proceeding shall extinguish those defendants' liability to the claimant and shall also extinguish those defendants' liability for contribution to any defendants who did not participate in arbitration.

(6) Any defendant paying damages assessed pursuant to this section or section 54 shall have an action for contribution against any nonarbitrating person whose negligence contributed to the injury.

Section 32. Section 56 of chapter 88-1, Laws of Florida, is reenacted and amended to read:

Section 56. Effects of failure to offer or accept voluntary binding arbitration.—

(1) A proceeding for voluntary binding arbitration is an alternative to jury trial and shall not supersede the right of any party to a jury trial.

(2) If neither party requests or agrees to voluntary binding arbitration, the claim shall proceed to trial or to any available legal alternative such as offer of and demand for judgment under s. 768.79, Florida Statutes, or offer of settlement under s. 45.061, Florida Statutes.

(3) If the defendant refuses a claimant's offer of voluntary binding arbitration:

(a) The claim shall proceed to trial without limitation on damages, and the claimant, upon proving medical negligence, shall be entitled to recover prejudgment interest, and reasonable attorney's fees up to 25 percent of the award reduced to present value.

(b) The claimant's award at trial shall be reduced by any damages recovered by the claimant from arbitrating codefendants following arbitration.

(4) If the claimant rejects a defendant's offer to enter voluntary binding arbitration:

(a) The damages awardable at trial shall be limited to net economic damages, plus noneconomic damages not to exceed $350,000 per incident. The Legislature expressly finds that such conditional limit on noneconomic damages is warranted by the claimant's refusal to accept arbitration, and represents an appropriate balance between the interests of all patients who ultimately pay for medical negligence losses and the interests of those patients who are injured as a result of medical negligence.

(b) Net economic damages reduced to present value shall be awardable, including, but not limited to, past and future medical expenses and 80 percent of wage loss and loss of earning capacity, offset by any collateral source payments.

(c) Damages for future economic losses shall be awarded to be paid by periodic payments pursuant to section 49*(8)*~~(9)~~, and shall be offset by future collateral source payments.

(5) Jury trial shall proceed in accordance with existing principles of law.

Section 33. Section 57 of chapter 88-1, Laws of Florida, is reenacted and amended to read:

Section 57. Misarbitration.—

(1) At any time during the course of voluntary binding arbitration of a medical negligence claim pursuant to section 54 ~~or section 55~~, the administrative hearing officer serving as chief arbitrator on the arbitration panel, if he determines that agreement cannot be reached, shall be authorized to dissolve the arbitration panel and request the director of the Division of Administrative Hearings to appoint two new arbitrators from ~~new~~ lists of *three to* five names *timely* provided by each party to the arbitration. Not more than one arbitrator shall be appointed from the list provided by any party, *unless only one list is timely filed.*

(2) Upon appointment of the new arbitrators, arbitration shall proceed at the direction of the chief arbitrator in accordance with the provisions of sections 48-59.

(3) At any time after the allocation arbitration hearing under section 55 has concluded, the administrative hearing officer serving as chief arbitrator on the arbitration panel is authorized to dissolve the arbitration panel and declare the proceedings concluded if he determines that agreement cannot be reached.

Section 34. Section 58 of chapter 88-1, Laws of Florida, is amended to read:

Section 58. Payment of arbitration award; interest.—

(1) Within 20 days after the determination of damages by the arbitration panel pursuant to section 54, the defendant shall:

(a) Pay the arbitration award, including interest at the legal rate, to the claimant; or

(b) Submit any dispute among multiple defendants to arbitration pursuant to section 55.

(2) Commencing 90 days after the award rendered in the arbitration procedure pursuant to section *54* ~~10~~, such award shall begin to accrue interest at the rate of 18 percent per year.

Section 35. Section 59 of chapter 88-1, Laws of Florida, is amended to read:

Section 59. Appeal of arbitration *awards and allocations of financial responsibility* ~~award~~.—

(1) An arbitration award *and an allocation of financial responsibility are* ~~is a~~ final agency action for purposes of *s.* ~~ss.~~ 120.68 ~~and 120.69~~, Florida Statutes. Any appeal ~~of an award~~ shall be taken to the district court of appeal *for the district in which the arbitration took place,* ~~and~~ shall be limited to review *of* ~~on~~ the record, and *shall otherwise proceed in accordance with s. 120.68, Florida Statutes* ~~not de novo~~. *The amount of an arbitraion award or an order allocating financial responsibility, the evidence in support of either, and the procedure by which either is determined are subject to judicial scrutiny only in a proceeding instituted pursuant to this subsection.*

(2) No appeal shall operate to stay an arbitration award; nor shall any arbitration panel, arbitration panel member, or circuit court stay an arbitration award. The district court of appeal may order a stay to prevent manifest injustice, but no court shall abrogate the provisions of section 58(2).

(3) Any party to an arbitration proceeding may enforce an arbitration award or an allocation of financial responsibility by filing a petition in the circuit court for the circuit in which the arbitration took place. A petition may not be granted unless the time for appeal has expired. If an appeal has been taken, a petition may not be granted with respect to an arbitration award or an allocation of financial responsibility that has been stayed.

(4) If the petitioner establishes the authenticity of the arbitration award or of the allocation of financial responsibility, shows that the time for appeal has expired, and demonstrates that no stay is in place, the court shall enter such orders and judgments as are required to carry out the terms of the arbitration award or allocation of financial responsibility. Such orders are enforceable by the contempt powers of the court; and execution will issue, upon the request of a party, for such judgments.

Section 36. Section 61 of chapter 88-1, Laws of Florida, is amended to read:

Section 61. Definitions.—As used in sections 60-75, the term:

(1) "Association" means the Florida Birth-Related Neurological Injury Compensation Association established in section 74 to administer the Florida Birth-Related Neurological Injury Compensation Plan and the *plan of operation* ~~Birth-Related Neurological Injury Compensation Trust Fund~~ established in section 73.

(2) "Birth-related neurological injury" means injury to the brain or spinal cord of *a live* ~~an~~ infant *weighing at least 2,500 grams at birth* ~~of term gestation~~ caused by oxygen deprivation or mechanical injury occurring in the course of labor, delivery, or resuscitation in the immediate post-delivery period in a hospital, which renders the infant permanently and substantially mentally and physically impaired. This definition shall apply to live births only and shall not include disability or death caused by genetic or congenital abnormality.

(3) "Claimant" means any person who files a claim pursuant to section 64 for compensation for a birth-related neurological injury to an infant. Such a claim may be filed by any legal representative on behalf of an injured infant; and, in the case of a deceased infant, the claim may be filed by an administrator, personal representative, or other legal representative thereof.

(4) "Deputy commissioner" means a deputy commissioner of the Division of Workers' Compensation of the Department of Labor and Employment Security.

(5) "Division" means the Division of Workers' Compensation of the Department of Labor and Employment Security.

(6) "Hospital" means any hospital licensed in Florida.

(7) "Participating physician" means a physician licensed in Florida to practice medicine who practices obstetrics or performs obstetrical services either full time or part time and who had paid *or was exempted from payment* at the time of the injury the assessment required for participation in the birth-related neurological injury compensation plan for the year in which the injury occurred. Such term shall not apply to:

~~(a)~~ any physician who practices medicine as an officer, employee, or agent of the Federal Government ~~or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies or subdivisions is a person who is eligible for coverage under any self insurance or insurance program authorized by the provisions of s. 768.28(13)~~.

~~(b) Any physician who practices obstetrics in conjunction with his teaching duties at an accredited medical school or in its main teaching hospitals.~~

(8) "Plan" means the Florida Birth-Related Neurological Injury Compensation Plan established under section 62.

Section 37. Section 62 of chapter 88-1, Laws of Florida, is amended to read:

Section 62. Florida Birth-Related Neurological Injury Compensation Plan; exclusiveness of remedy.—

(1) There is established the Florida Birth-Related Neurological Injury Compensation Plan for the purpose of providing compensation, irrespective of fault, for birth-related neurological injury claims. Such plan shall apply to births occurring on or after January 1, 1989, and shall be administered by the Florida Birth-Related Neurological Injury Compensation Association.

(2) The rights and remedies granted by this plan on account of a birth-related neurological injury shall exclude all other rights and remedies of such infant, his personal representative, parents, dependents, and next of kin, at common law or otherwise, arising out of or related to a medical malpractice claim with respect to such injury; except that a civil action shall not be foreclosed where there is clear and convincing evidence of bad faith or malicious purpose or willful and wanton disregard of human rights, safety, or property, provided that such suit is filed prior to and in lieu of payment of an award under sections 60-75. Such suit shall be filed before the award of the division becomes conclusive and binding as provided for in section 70.

(3) Sovereign immunity is hereby waived on behalf of the *Florida* Birth-Related Neurological Injury Compensation Association solely to the extent necessary to assure payment of compensation as provided in section 69.

Section 38. Section 72 of chapter 88-1, Laws of Florida, is amended to read:

Section 72. Limitation on claim.—Any claim for compensation under sections *60-75* ~~55-70~~ that is filed more than 7 years after the birth of an infant alleged to have a birth-related neurological injury shall be barred.

Section 39. Section 73 of chapter 88-1, Laws of Florida, is amended to read:

Section 73. *Assessments; plan of operation* ~~Birth-Related Neurological Injury Compensation Trust Fund.~~—

(1) *The assessments established pursuant to this section shall be used* ~~There is hereby created within the Department of Insurance the Birth-Related Neurological Injury Compensation Trust Fund~~ to finance the Florida Birth-Related Neurological Injury Compensation Plan.

(2) *The assessments and appropriations dedicated to the plan* ~~Such fund~~ shall be administered by the Florida Birth-Related Neurological Injury Compensation Association established in section 74, in accordance with the following requirements:

(a) On or before July 1, 1988, the directors of the association shall submit to the Department of Insurance for review a plan of operation which shall provide for the efficient administration of the *plan* ~~fund~~ and for prompt processing of claims against and awards made *on behalf of the plan* ~~from the fund~~. The plan of operation shall include provision for:

1. Establishment of necessary facilities;

2. Management of the *funds collected on behalf of the plan* ~~fund~~;

3. Processing of claims against the *plan* ~~fund~~;

4. ~~Initial and annual~~ Assessment of the persons and entities listed in *subsections* ~~subsection~~ (4) *and (5)* to pay awards and expenses, which assessments shall be on an actuarially sound basis subject to the limits set forth in *subsections* ~~subsection~~ (4) *and (5)*; and

5. Any other matters necessary for the efficient operation of the birth-related neurological injury compensation plan.

(b) The plan of operation shall be subject to approval by the Department of Insurance after consultation with representatives of *state agencies which collect revenue pursuant to this section and* interested individuals and organizations. If the Department of Insurance disapproves all or any part of the plan of operation, the directors shall within 30 days submit for review an appropriate revised plan of operation. If the directors fail to do so, the Department of Insurance shall promulgate a plan of operation. The plan of operation approved or promulgated by the Department of Insurance shall become effective and operational upon order of the Department of Insurance.

(c) Amendments to the plan of operation may be made by the directors of the plan, subject to the approval of the Department of Insurance.

(3) All assessments ~~paid pursuant to the plan of operation~~ shall be deposited *with* ~~in~~ the *Florida* Birth-Related Neurological Injury Compensation *Association* ~~Trust Fund~~. The *funds collected by the association* ~~fund~~ and any income therefrom shall be disbursed only for the payment of awards under sections 60-75 and for the payment of the reasonable expenses of administering the *plan* ~~fund~~.

(4) ~~On or before March 1, 1988,~~ The following persons and entities shall pay into the *association* ~~fund~~ an initial assessment in accordance with the plan of operation:

~~(a) Each physician who wishes to participate in the Florida Birth-Related Neurological Injury Compensation Plan and who otherwise qualifies as a participating physician under sections 60-75 shall pay an initial assessment of $5,000.~~

(a)~~(b)~~ *On or before October 1, 1988,* each hospital licensed under chapter 395, Florida Statutes, shall pay an initial assessment of $50 per infant delivered during the prior calendar year, as reported *to the Office of Vital Statistics; provided, however, that a* ~~in the most recent annual licensure survey of hospitals. Each~~ hospital owned or operated by the state or a county, special taxing district, or other political subdivision of the state shall not be required to pay the initial assessment or any assessment required by subsection (5). The term "infant delivered" *includes live births and not stillbirths, but the term does not include infants delivered by employees or agents of the Board of Regents* ~~during the prior calendar year" shall not include infants delivered by a physician employed by the State or any political subdivision thereof~~. *The initial assessment and any assessment imposed pursuant to subsection (5) may not include any infant born to a charity patient (as defined by rule of the Hospital Cost Containment Board) or born to a patient for whom the hospital receives Medicaid reimbursement, if the sum of the annual charges for charity patients plus the annual Medicaid contractuals of the hospital exceeds 10 percent of the total annual gross operating revenues of the hospital. The hospital is responsible for documenting, to the satisfaction of the association, the exclusion of any birth from the computation of the assessment.*

(b)1.~~(c)~~ *On or before October 15, 1988,* all physicians licensed *pursuant to chapter 458 or chapter 459, Florida Statutes,* ~~by the state~~ as of *October* ~~March~~ 1, 1988, other than participating physicians, shall *be assessed* ~~pay into the fund~~ an initial assessment of $250, *which must be paid no later than December 1, 1988.*

2. Any such physician who becomes licensed after September 30, 1988, and before January 1, 1989, shall pay into the association an initial assessment of $250 upon licensure.

3. Any such physician who becomes licensed on or after January 1, 1989, shall pay an initial assessment equal to the most recent assessment made pursuant to this paragraph, paragraph (5)(a), or paragraph (7)(b).

However, if the physician is either a resident physician, assistant resident physician, or intern in an approved postgraduate training program, as defined by the Board of Medicine by rule, the assessment is not applicable ~~in the manner required by the plan of operation~~.

(c) On or before December 1, 1988, each physician licensed pursuant to chapter 458 or chapter 459, Florida Statutes, who wishes to participate in the Florida Birth-Related Neurological Injury Compensation Plan and who otherwise qualifies as a participating physician under sections 60-75 shall pay an initial assessment of $5,000. However, if the physician is either a resident physician, assistant resident physician, or

intern in an approved postgraduate training program, as defined by the Board of Medicine by rule, and is supervised by a physician who is participating in the plan, such resident physician, assistant resident physician, or intern is deemed to be a participating physician without the payment of the assessment. Any physician who elects to participate in such plan on or after January 1, 1989, who was not a participating physician at the time of such election to participate and who otherwise qualifies as a participating physician under sections 60-75 shall pay an additional initial assessment equal to the most recent assessment made pursuant to this paragraph, paragraph (5)(a), or paragraph (7)(b).

(5)(a) Beginning January 1, 1990, the persons and entities listed in *paragraphs* ~~subsection~~ (4)*(b) and (c)*, as of the date determined in accordance with the plan of operation, *taking into account persons licensed subsequent to the payment of the initial assessment*, shall pay an annual assessment in the amount equal to *the* ~~their~~ initial assessments *provided in paragraphs (4)(b) and (c) together with additional assessments made pursuant to subsection (7)*, in the manner required by the plan of operation, *subject to any increase determined to be necessary by the Department of Insurance pursuant to paragraph 7(b). Beginning January 1, 1990, the entities listed in paragraph (4)(a), including those licensed on or after October 1, 1988, shall pay an annual assessment of $50 per infant delivered during the prior calendar year as adjusted pursuant to the provisions of subsection (7).*

(b) If the assessments collected pursuant to subsection (4) and the appropriation of funds provided by section 76 of this act to the *plan* ~~fund~~ from the Insurance Commissioner's Regulatory Trust Fund are insufficient to maintain the *plan* ~~fund~~ on an actuarially sound basis, there is hereby appropriated for transfer to the *association* ~~fund~~ from the Insurance Commissioner's Regulatory Trust Fund an additional amount of up to $20 million.

(c)1. Taking into account the assessments collected pursuant to subsection (4) and appropriations from the Insurance Commissioner's Regulatory Trust Fund, if required to maintain the *plan* ~~fund~~ on an actuarially sound basis, the Department of Insurance shall require each entity licensed to issue casualty insurance as defined in s. 624.605(1)(b), (k), and (q), Florida Statutes, to pay into the *association* ~~fund~~ an annual assessment in an amount determined by the department pursuant to paragraph (7)(a), in the manner required by the plan of operation.

2. All annual assessments shall be made on the basis of net direct premiums written for the business activity which forms the basis for each such entity's inclusion as a funding source for the plan in the state during the prior year ending December 31, as reported to the Department of Insurance, and shall be in the proportion that the net direct premiums written by each carrier on account of the business activity forming the basis for its inclusion in the plan bears to the aggregate net direct premiums for all such business activity written in this state by all such entities.

3. No entity listed in this paragraph shall be individually liable for an annual assessment in excess of 0.25 percent of that entity's net direct premiums written.

4. Casualty insurance carriers shall be entitled to recover their initial and annual assessments through a surcharge on future policies, a rate increase applicable prospectively, or a combination of the two.

(6)*(a) The association shall make all assessments required by this section, except initial assessments of physicians licensed on or after October 1, 1988, which assessments will be made by the Department of Professional Regulation, and except assessments of casualty insurers pursuant to subparagraph (5)(c)1., which assessments will be made by the Department of Insurance. Beginning October 1, 1989, for any physician licensed between October 1 and December 31 of any year, the Department of Professional Regulation shall make the initial assessment plus the assessment for the following calendar year. The Department of Professional Regulation shall provide the association with such frequency as determined to be necessary a listing, in a computer-readable form, of the names and addresses of all physicians licensed under chapter 458 or chapter 459, Florida Statutes.*

(b)~~(a)~~ The Department of Professional Regulation shall, *upon notification by the association that an assessment has not been timely paid,* ~~collect and~~ enforce collection of *such* ~~all~~ assessments required to be paid by participating and nonparticipating physicians pursuant to sections 60-75. Failure of a physician to pay such assessment is grounds for disciplinary action pursuant to chapter 458 or chapter 459, Florida Statutes.

(c)~~(b)~~ The Department of Health and Rehabilitative Services shall, *upon notification by the association that an assessment has not been timely paid,* ~~collect and~~ enforce collection of *such* ~~all~~ assessments required to be paid by hospitals pursuant to sections 60-75. Failure of a hospital to pay such assessment is grounds for disciplinary action pursuant to s. 395.018, Florida Statutes, *notwithstanding any provision of law to the contrary.*

~~(c) Assessments collected pursuant to this subsection shall be transferred to the Department of Insurance for deposit in the fund.~~

(7)(a) The Department of Insurance shall undertake an actuarial investigation of the requirements of the *plan* ~~fund~~ based on the *plan's* ~~fund's~~ experience in the first year of operation *and any additional relevant information*, including without limitation the assets and liabilities of the *plan* ~~fund~~. Pursuant to such investigation, the Department of Insurance shall establish the rate of contribution of the entities listed in paragraph (5)(c) for the tax year beginning January 1, 1990. Following the initial valuation, the Department of Insurance shall cause an actuarial valuation to be made of the assets and liabilities of the *plan* ~~fund~~ no less frequently than biennially. Pursuant to the results of such valuations, the Department of Insurance shall prepare a statement as to the contribution rate applicable to the entities listed in paragraph (5)(c). However, at no time shall the rate be greater than 0.25 percent of net direct premiums written.

(b) If the Department of Insurance finds that the *plan* ~~fund~~ cannot be maintained on an actuarially sound basis based on the assessments and appropriations listed in subsections (4) and (5), the department shall increase the assessments specified in subsection (4) on a proportional basis as needed.

Section 40. Section 74 of chapter 88-1, Laws of Florida, is amended to read:

Section 74. Florida Birth-Related Neurological Injury Compensation Association; board of directors.—

(1)(a) The Florida Birth-Related Neurological Injury Compensation Plan shall be governed by a board of five directors which shall be known as the Florida Birth-Related Neurological Injury Compensation Association. *The association is not a state agency, board, or commission.*

(b) The directors shall be appointed for staggered terms of 3 years or until their successors are appointed and have qualified.

(c) The directors shall be appointed by the Insurance Commissioner as follows:

1. One citizen representative.

2. One representative of participating physicians.

3. One representative of hospitals.

4. One representative of casualty insurers.

5. One representative of physicians other than participating physicians.

(2)(a) The Insurance Commissioner may select the representative of the participating physicians from a list of at least three names to be recommended by the Florida Obstetric and Gynecologic Society; the representative of hospitals from a list of at least three names to be recommended by the Florida Hospital Association; the representative of casualty insurers from a list of at least three names, one of which is recommended by the American Insurance Association, one by the Alliance of American Insurers, and one by the National Association of Independent Insurers; and the representative of physicians other than participating physicians from a list of three names to be recommended by the Florida Medical Association and a list of three names to be recommended by the Florida Osteopathic Medical Association. In no case shall the Insurance Commissioner be bound to make any appointment from among the nominees of such respective associations.

(b) The Insurance Commissioner shall promptly notify the appropriate medical association upon the occurrence of any vacancy, and like nominations may be made for the filling of the vacancy.

(3) The directors shall *not transact* ~~act by majority vote with five directors constituting a quorum for the transaction of~~ any business or ~~the~~ exercise ~~of~~ any power of the plan *except upon the affirmative vote of*

three directors. The directors shall serve without salary, but each director shall be reimbursed for actual and necessary expenses incurred in the performance of his official duties as a director of the plan, in accordance with s. 112.061, Florida Statutes. The directors shall not be subject to any liability with respect to the administration of the plan.

(4) The board of directors shall have the power to:

(a) Administer the plan.

(b) Administer the *funds collected on behalf of the plan* ~~Birth-Related Neurological Injury Compensation Trust Fund~~.

(c) Administer the payment of claims on behalf of the plan.

(d) Direct the investment and reinvestment of any surplus *funds* ~~in the fund~~ over losses and expenses, provided that any investment income generated thereby remains *credited to the plan* ~~in the fund~~.

(e) Reinsure the risks of the *plan* ~~fund~~ in whole or in part.

(f) Sue and be sued, and appear and defend, in all actions and proceedings in its name to the same extent as a natural person.

(g) Have and exercise all powers necessary or convenient to effect any or all of the purposes for which the plan is created.

(h) Enter into such contracts as are necessary or proper to administer the plan.

(i) Employ or retain such persons as are necessary to perform the administrative and financial transactions and responsibilities of the plan and to perform other necessary and proper functions not prohibited by law.

(j) Take such legal action as may be necessary to avoid payment of improper claims.

(k) Indemnify any employee, agent, member of the board of directors or alternate thereof, or person acting on behalf of the plan in an official capacity, for expenses, including attorney's fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred in connection with any action, suit, or proceeding, including any appeal thereof, arising out of such person's capacity acting on behalf of the plan; provided that such person acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interests of the plan and provided that, with respect to any criminal action or proceeding, he had reasonable cause to believe his conduct was lawful.

(5)(a) Money may be withdrawn on account of the plan only upon a voucher as authorized by the association.

(b) All books, records, and audits of the plan must be open for reasonable inspection to the general public, except that a claim file in the possession of the association or its representative must not be available for review during processing of that claim. Any book, record, document, audit, or asset acquired by, prepared for, or paid for by the association is subject to the authority of the board of directors, which is responsible therefor.

(c) Each person authorized to receive deposits, issue vouchers, or withdraw or otherwise disburse any funds shall post a blanket fidelity bond in an amount reasonably sufficient to protect plan assets, as determined by the plan of operation. The cost of such bond will be paid from the assets of the plan.

(d) Annually, the association shall furnish audited financial reports to any plan participant upon request, to the Department of Insurance, and to the Joint Legislative Auditing Committee. The reports must be prepared in accordance with accepted accounting procedures and must include such information as may be required by the Department of Insurance or the Joint Legislative Auditing Committee. At any time determined to be necessary, the Department of Insurance or the Joint Legislative Auditing Committee may conduct an audit of the plan.

(e) Any funds held on behalf of the plan must be invested in interest-bearing investments by the association. All income derived from such investments will be credited to the plan.

Section 41. Section 76 of chapter 88-1, Laws of Florida, is amended to read:

Section 76. Appropriations.—

(1) There is hereby appropriated to the Department of Professional Regulation 89 positions and $1.4 million from the Professional Regulation Trust Fund for fiscal year 1987-1988 to carry out the purposes of this act.

(2) There is hereby appropriated to the Department of Administration, Division of Administrative Hearings, 5 positions and $207,168 from the General Revenue Fund and 5 positions and $66,000 from the Administrative Trust Fund for the 1987-1988 fiscal year to implement the provisions of this act. Additional salary rate of $380,425 is provided to the division.

(3) There is hereby appropriated to the Department of Insurance 9 positions and $149,616 from the Insurance Commissioner's Regulatory Trust Fund for the 1987-1988 fiscal year to implement the provisions of this act.

(4) Effective July 1, 1988, there is hereby appropriated for transfer the sum of $2 million from the Insurance Commissioner's Regulatory Trust Fund to the Florida Birth-Related Neurological Injury Compensation Association.

(5)~~(4)~~ Effective January 1, *1989* ~~1990~~, there is hereby appropriated for transfer the sum of *$18* ~~$20~~ million from the Insurance Commissioner's Regulatory Trust Fund to the *Florida* Birth-Related Neurological Injury *Compensation Association* ~~Trust Fund~~.

Section 42. Section 768.13, Florida Statutes, as amended by section 46 of chapter 88-1, Laws of Florida, is amended to read:

768.13 Good Samaritan Act; immunity from civil liability.—

(1) This act shall be known and cited as the "Good Samaritan Act."

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

(b)1. Any hospital licensed under chapter 395, any employee of such hospital working in a clinical area within the facility and providing patient care, and any person licensed to practice medicine who in good faith renders medical care or treatment necessitated by a sudden, unexpected situation or occurrence resulting in a serious medical condition demanding immediate medical attention, for which the patient enters the hospital through its emergency room or trauma center, shall not be held liable for any civil damages as a result of such medical care or treatment, unless such damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of another.

2. The immunity provided by this paragraph does not apply to damages as a result of any act or omission of providing medical care or treatment:

a. Which occurs after the patient is stabilized and is capable of receiving medical treatment as a nonemergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the immunity provided by this paragraph applies to any act or omission of providing medical care or treatment which occurs prior to the stabilization of the patient following the surgery; *or*

b. Unrelated to the original medical emergency.~~; or~~

3. For purposes of this paragraph, "reckless disregard" as it applies to a given health care provider rendering emergency medical services shall be such conduct which a health care provider *knew or should have known, at the time such services were rendered,* ~~knows or should know~~ would be likely to result in injury so as to affect the life or health of another, taking into account the following to the extent they may be present;

a. The extent or serious nature of the circumstances prevailing.

b. The lack of time or ability to obtain appropriate consultation.

c. The lack of a prior patient-physician relationship.

d. The inability to obtain an appropriate medical history of the patient.

e. The time constraints imposed by coexisting emergencies.

4. Every emergency care facility granted immunity under this paragraph shall accept and treat all emergency care patients within the operational capacity of such facility without regard to ability to pay, including patients transferred from another emergency care facility or other health care provider pursuant to Pub. L. No. 99-272, s. 91-21. The failure of an emergency care facility to comply with this subparagraph constitutes grounds for the department to initiate disciplinary action against the facility pursuant to chapter 395.

(3) Any person, including those licensed to practice veterinary medicine, who gratuitously and in good faith renders emergency care or treatment to an injured animal at the scene of an emergency on or adjacent to a roadway shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent man would have acted under the same or similar circumstances.

Section 43. Subsection (6) of section 768.81, Florida Statutes, as added by section 79 of chapter 88-1, Laws of Florida, is amended to read:

768.81 Comparative fault.—

(6) Notwithstanding anything in law to the contrary, in an action for damages for personal injury or wrongful death arising out of medical malpractice, whether in contract or tort, when an apportionment of damages pursuant to this section is attributed to a teaching hospital as defined in s. 395.502(22), the court shall enter judgment against *the teaching hospital* ~~each party liable~~ on the basis of such party's percentage of fault and not on the basis of the doctrine of joint and several liability.

Section 44. Section 80 of chapter 88-1, Laws of Florida, is amended to read:

Section 80. In an action for damages for personal injury or wrongful death arising out of medical malpractice, whether in contract or tort, when an apportionment of damages pursuant to s. 768.81, Florida Statutes, is attributed to the Board of Regents, the court shall enter judgment against *the Board of Regents* ~~each party liable~~ on the basis of such party's percentage of fault and not on the basis of the doctrine of joint and several liability. The sole remedy available to a claimant to collect damages, subject to the provisions of this section, against the Board of Regents shall be pursuant to s. 768.28, Florida Statutes.

Section 45. Section 83 of chapter 88-1, Laws of Florida, is reenacted to read:

Section 83. The Supreme Court of the State of Florida is requested to adopt a standard jury instruction for use in medical negligence cases involving alleged negligence occurring in hospital emergency rooms. It is requested that such jury instruction carry out the legislative intent as provided in section 45 with respect to the standard of care and the exigencies of medical treatment in hospital emergency rooms.

Section 46. Section 768.66, Florida Statutes, is hereby repealed.

Section 47. Subsections (7) and (8) are added to section 768.40, Florida Statutes, to read:

768.40 Medical review committee, immunity from liability.—

(7)(a) It is the intent of the Legislature to encourage medical review committees to contribute further to the quality of health care in this state by reviewing complaints against physicians in the manner described in this paragraph. Accordingly, the Department of Professional Regulation may enter into a letter of agreement with a state professional society of physicians licensed under chapter 458 or chapter 459, under which agreement the medical or peer review committees of the professional society will conduct a review of any complaint or case referred to the society by the department which involves a question as to whether a physician's actions represented a breach of the prevailing professional standard of care. The prevailing professional standard of care is that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers. The letter of agreement must specify that the professional society will submit an advisory report to the department within a reasonable time following the department's written and appropriately supported request to the professional society. The advisory report, which is not binding upon the department, constitutes the professional opinion of the medical review committee and must include:

1. A statement of relevant factual findings.

2. The judgment of the committee as to whether the physician's actions represented a breach of the prevailing professional standard of care.

(b) Cases involving possible criminal acts may not be referred to medical review committees, and emergency action by the department needed to protect the public against immediate and substantial threats must not be delayed by any referral of the case to a medical review committee. The department shall refer cases pursuant to this subsection prior to making determinations of probable cause.

(c) So as not to inhibit the willing and voluntary service of professional society members on medical review committees, the department shall use advisory reports from medical committees as background information only and shall prepare its own case using independently prepared evidence and supporting expert opinion for submission to the probable cause panel of a regulatory board formed under chapter 458 or chapter 459. Medical review committee advisory reports provided to the department must remain confidential and are not subject to the provisions of ss. 286.011 and 119.07, regardless of whether probable cause is found. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The medical review committee advisory reports and any records created by the medical review committee are not subject to discovery or introduction into evidence in any disciplinary proceeding against a licensee. Further, no person who voluntarily serves on a medical review committee or who investigates a complaint for the committee may be permitted or required to testify in any such disciplinary proceeding as to any evidence or other matters produced or presented during the proceedings of such committee or as to any findings, recommendations, evaluations, opinions, or other actions of such committee or any members thereof. However, nothing in this section shall be construed to mean that information, documents, or records otherwise available and obtained from original sources are immune from discovery or use in any such disciplinary proceeding merely because they were presented during proceedings of a peer review organization or committee. Members of medical review committees shall assist the department in identifying such original sources when possible.

(d) Professional society representatives who participate in medical reviews and preparation of advisory reports pursuant to this subsection will be reimbursed for per diem and travel expenses consistent with the provisions of s. 112.061 and as provided in the written agreement described in paragraph (a).

(e) There shall be no monetary liability on the part of, and no cause of action shall arise against, any state or local professional society of physicians licensed under chapter 458 or chapter 459, or any member thereof, acting pursuant to the provisions of this subsection without intentional fraud or malice. Further, this subsection does not supersede the provisions of paragraph (3)(a) relating to immunity from liability for medical review committees.

(8) No cause of action of any nature by a person licensed pursuant to chapter 458, chapter 459, chapter 461, chapter 464, chapter 465, or chapter 466 shall arise against another person licensed pursuant to chapter 458, chapter 459, chapter 461, chapter 464, chapter 465, or chapter 466 for furnishing information to a duly appointed medical review committee, to an internal risk management program established under s. 395.041, to the Department of Professional Regulation, or to the appropriate regulatory board if the information furnished concerns patient care at a facility licensed pursuant to part I of chapter 395 where both persons provide health care services, if the information is not intentionally fraudulent, and if the information is within the scope of the functions of the committee, department, or board. However, if such information is otherwise available from original sources, it is not immune from discovery or use in a civil action merely because it was presented during a proceeding of the committee, department, or board.

Section 48. Subsections (7), (8), (9), and (10) of section 768.57, Florida Statutes, are renumbered as subsections (10), (11), (12), and (13), respectively, subsection (2) of said section is amended, and new subsections (7), (8), and (9) are added to said section, to read:

768.57 Notice before filing action for medical malpractice; presuit screening period; offers for admission of liability and for arbitration; *informal discovery;* review.—

(2) *After completion of presuit investigation pursuant to section 50 of chapter 88-1, Laws of Florida, and* prior to filing a claim for medical malpractice, a claimant shall notify each prospective defendant *and, if any prospective defendant is a health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466, the Department of Professional Regulation* by certified mail, return receipt requested, of intent to initiate litigation for medical malpractice. *Notice to the Department of Professional Regulation must include the full name and address of the claimant; the full names and any known addresses of any health care providers licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who are prospective defendants identified at the time; the date and a summary of the occurrence giving rise to the claim; and a description of the injury to the claimant. The requirement for notice to the Department of Professional Regulation does not impair the claimant's legal rights or ability to seek relief for his claim, and the notice provided to the department is not discoverable or admissible in any civil or administrative action. The Department of Professional Regulation shall review each incident and determine whether it involved conduct by a licensee which is potentially subject to disciplinary action, in which case the provisions of s. 455.225 apply.*

(7) Informal discovery may be used by a party to obtain unsworn statements, the production of documents or things, and physical and mental examinations, as follows:

(a) Unsworn statements.—Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of presuit screening and are not discoverable or admissible in any civil action for any purpose by any party. A party desiring to take the unsworn statement of any party must give reasonable notice in writing to all parties. The notice must state the time and place for taking the statement and the name and address of the party to be examined. Unless otherwise impractical, the examination of any party must be done at the same time by all other parties. Any party may be represented by counsel at the taking of an unsworn statement. An unsworn statement may be recorded electronically, stenographically, or on videotape. The taking of unsworn statements is subject to the provisions of the Rules of Civil Procedure and may be terminated for abuses.

(b) Documents or things.—Any party may request discovery of documents or things. The documents or things must be produced, at the expense of the requesting party, within 20 days after the date of receipt of the request. A party is required to produce discoverable documents or things within that party's possession or control.

(c) Physical and mental examinations.—A prospective defendant may require an injured prospective claimant to appear for examination by an appropriate health care provider. The defendant shall give reasonable notice in writing to all parties as to the time and place for examination. Unless otherwise impractical, a prospective claimant is required to submit to only one examination on behalf of all potential defendants. The practicality of a single examination must be determined by the nature of the potential claimant's condition, as it relates to the liability of each potential defendant. The report of the examiner must be made available to all parties upon payment of the reasonable cost of reproduction. Such report may be provided only to parties and their attorneys and may be used only for the purpose of presuit screening.

(8) Each request for and notice concerning informal presuit discovery pursuant to this section must be in writing, and a copy thereof must be sent to all parties. Such a request or notice must bear a certificate of service identifying the name and address of the person to whom the request or notice is served, the date of the request or notice, and the manner of service thereof.

(9) Copies of any documents produced in response to the request of any party must be served upon all other parties. The party serving the documents or his attorney shall identify, in a notice accompanying the documents, the name and address of the parties to whom the documents were served, the date of service, the manner of service, and the identity of the document served.

Section 49. Section 768.67, Florida Statutes, is created to read:

768.67 Settlement agreements; prohibition on restricting disclosure to Division of Medical Quality Assurance.—A settlement agreement involving a claim for medical malpractice shall not prohibit any party to the agreement from discussing with or reporting to the Division of Medical Quality Assurance the events giving rise to the claim.

Section 50. Notwithstanding any other law to the contrary, payments made under programs covered by part II of chapter 413, Florida Statutes, are not collateral payments within the meaning of chapter 88-1, Laws of Florida.

Section 51. This act does not apply to causes of action arising prior to the effective date of this act.

Section 52. This act shall take effect upon becoming a law.

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to medical incidents; amending s. 20.30, F.S.; creating the Division of Medical Quality Assurance within the Department of Professional Regulation; providing duties of the division; placing the licensing boards for various health care professions within the division; providing for a division director; amending s. 395.0115, F.S.; providing for disciplinary proceedings against hospitals; providing for proceedings for restriction of the license of a health care practitioner; providing civil immunity and prohibition from discharge to persons reporting with respect to incompetence, impairment, or unprofessional conduct of specified health care providers; providing penalties; amending s. 395.041, F.S.; providing for quarterly medical incident reports by licensed health care facilities under the internal risk management program; providing for confidentiality thereof; providing that the report to the Legislature by the Department of Professional Regulation on classifications of adverse incidents include incidents in health maintenance organizations; amending s. 395.509, F.S., relating to review of hospital budgets, to provide for approval of assessments to fund the Birth-Related Neurological Injury Compensation Plan; reenacting and amending s. 455.225, F.S., relating to professional disciplinary proceedings; providing for proceedings for the summary suspension or the restriction of a license of a health care practitioner; providing civil immunity and prohibition from discharge to persons reporting with respect to incompetence, impairment, or unprofessional conduct of specified health care providers; providing penalties; reenacting and amending s. 455.241, F.S.; providing for reports in lieu of certain psychiatric patient records; providing for transfer of records; providing for assertion of psychiatrist-patient privilege; authorizing the Department of Professional Regulation to obtain certain patient records pursuant to subpoena under certain circumstances; limiting public access to records; providing maximum copying charges; reenacting s. 458.313, F.S.; providing for an investigative process for licensure by endorsement under the medical practice act; requiring certain active practice for such licensure; providing for supervised practice as a condition of licensure under the medical practice act; providing for restricted licenses under the medical practice act; amending s. 458.315, F.S.; prohibiting issuance of temporary certificates for the practice of medicine in areas of critical need to certain persons; amending ss. 458.3295, 459.0145, F.S.; as created by ch. 88-1, Laws of Florida; prohibiting a concerted effort by physicians or osteopathic physicians to refuse emergency room treatment to patients; authorizing injunctions against such conduct; providing penalties; amending s. 458.3315, F.S.; providing for disciplinary proceedings against persons licensed under the medical practice act; providing that a physician who is believed to be impaired must execute a release of his medical records to a consultant retained by the Department of Professional Regulation; limiting the use to which the consultant may make of such records; amending s. 459.0085, F.S.; specifying additional entities that the department must notify when an osteopathic physician's license has been suspended for failure to comply with certain financial responsibility requirements; amending s. 459.015, F.S.; requiring health care practitioners to submit closed claim reports to the Department of Professional Regulation; reenacting s. 459.0155, F.S.; providing that an osteopathic physician who is believed to be impaired must execute a release of his medical records to a consultant retained by the Department of Professional Regulation and limiting the use which the consultant may make of such records; reenacting s. 458.347, F.S.; allowing extended temporary certification of physician assistants; amending s. 459.022, F.S.; allowing extended temporary certification of osteopathic physician assistants; reenacting and amending ss. 460.413, 461.013, 464.018, 465.016, and 466.028, F.S.; specifying grounds for disciplinary action against chiropractic physicians, podiatrists, nurses, pharmacists, and dentists; providing for certain department review and investigation with respect to such practitioners; amending s. 627.912, F.S.;

requiring certain insurers to report closed claims to the Department of Insurance and the Department of Professional Regulation; providing for confidentiality of such reports; providing authority for the Department of Insurance to provide information relating to specified health care providers to the Department of Professional Regulation; amending s. 641.55, F.S.; revising requirements pertaining to internal risk management programs maintained by health maintenance organizations; revising prescribed contents of annual reports by such organizations respecting medical incidents; providing for quarterly incident reports to the Department of Professional Regulation; providing for confidentiality of certain reports under internal risk management programs required of health maintenance organizations; authorizing the Department of Insurance to impose administrative fines for violation of certain reporting requirements; authorizing the Department of Insurance and the Department of Professional Regulation to have certain access to health maintenance organization records and deleting such authority with respect to the Department of Health and Rehabilitative Services; providing for confidentiality of records so obtained; providing exceptions; requiring the Department of Insurance to review the risk management program of each health maintenance organization at least annually and to make certain determinations with respect thereto; providing for immunity from liability of risk managers of health maintenance organizations with respect to certain matters; requiring the Department of Insurance to report certain conduct by a provider, staff member, or employee of a health maintenance organization to the appropriate regulatory board for disciplinary action; transferring certain other duties under the program from the Department of Health and Rehabilitative Services to the Department of Insurance; reenacting s. 45 of ch. 88-1, Laws of Florida; providing legislative findings and intent as to emergency medical care; amending s. 768.78, F.S.; prescribing the methods by which payments for future economic losses arising out of medical malpractice must be made; amending s. 50 of ch. 88-1, Laws of Florida; providing for mailing of notice of intent to initiate litigation rather than filing; amending s. 51 of ch. 88-1, Laws of Florida; requiring availability of medical records for presuit investigation of claims and defenses and providing penalties; amending s. 52 of ch. 88-1, Laws of Florida; providing for mailing of notice of intent to initiate litigation rather than filing; providing immunity with respect to presuit investigation; amending s. 53 of ch. 88-1, Laws of Florida; providing for mailing of notice of intent to initiate litigation and response thereto rather than filing; amending s. 54 of ch. 88-1, Laws of Florida; providing for voluntary binding arbitration of claims for medical negligence; providing for selection of arbitration panels; providing arbitration procedures; providing procedures for hearings; deleting provisions relating to using procedures prescribed in s. 44.304, F.S., and to certain authority of the chief arbitrator; reenacting and amending s. 55 of ch. 88-1, Laws of Florida; providing for binding arbitration to allocate responsibility among multiple defendants to medical negligence claims; deleting provision granting certain authority to the chief arbitrator; providing for joint and several liability of all defendants in an arbitration proceeding; amending s. 56 of ch. 88-1, Laws of Florida; providing disincentives to a party failing to offer or accept voluntary binding arbitration, including prejudgment interest, payment of attorney's fees, and limitations on noneconomic damages; reenacting and amending s. 57 of ch. 88-1, Laws of Florida; providing procedures when agreement cannot be reached by arbitrators; revising provision relating to nomination and appointment of new arbitrators; amending s. 58 of ch. 88-1, Laws of Florida; prescribing time when arbitration awards accrue interest; amending s. 59 of ch. 88-1, Laws of Florida; providing for appeal of arbitration awards and allocations of financial responsibility; providing for enforceability of court orders by contempt and for issuance of execution on court judgments; amending s. 61 of ch. 88-1, Laws of Florida; revising and providing definitions with respect to the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 62 of ch. 88-1, Laws of Florida; correcting a title; amending s. 72 of ch. 88-1, Laws of Florida; specifying the time within which claims for birth-related neurological injuries must be filed; amending s. 73 of ch. 88-1, Laws of Florida; providing for administration of the Florida Birth-Related Neurological Injury Compensation Plan by the Florida Birth-Related Neurological Injury Compensation Association pursuant to a plan of operation approved by the Department of Insurance; providing for assessments for participation in the plan; providing an appropriation; providing for actuarial valuation of the plan by the department; amending s. 74 of ch. 88-1, Laws of Florida; providing that the association is not a state agency; providing for membership and a board of directors for the association; providing powers and duties of the board; providing for inspection of books, records, and audits of the plan; providing for fidelity bonds of certain employees of the plan; requiring the association to file certain annual reports; providing for investment of plan funds; amending s. 76 of ch. 88-1, Laws of Florida; providing for appropriations from the Insurance Commissioner's Regulatory Trust Fund to the Florida Birth-Related Neurological Injury Compensation Association; amending s. 768.13, F.S.; redefining the term "reckless disregard" for purposes of the Good Samaritan Act, which provides immunity from civil liability to certain health care providers rendering emergency medical services; requiring acceptance of emergency and transfer emergency patients in order to obtain such immunity; providing for disciplinary action against an emergency care facility that does not accept and treat all emergency care patients within the operational capacity of the facility without regard to their ability to pay; amending s. 768.81, F.S.; providing for damages attributed to a medical teaching hospital in a medical malpractice case; providing for damages attributed to the Board of Regents in a medical malpractice case; reenacting s. 83 of ch. 88-1, Laws of Florida; requesting the Supreme Court to adopt a standard jury instruction for use in certain medical negligence cases; repealing s. 768.66, F.S., which requires a medical malpractice study; amending s. 768.40, F.S.; providing for review of complaints against physicians and osteopathic physicians by professional society medical or peer review committees; providing for advisory reports to the department; providing confidentiality; providing for review and repeal of exemption under the Open Government Sunset Review Act; providing for per diem and travel expenses; providing specified immunity; prohibiting causes of actions against health care providers for furnishing certain information; amending s. 768.57, F.S.; requiring notice to the Department of Professional Regulation prior to filing certain malpractice claims; specifying contents of notice; protecting claimants' legal rights; providing for department review and investigation; providing for informal discovery; creating s. 768.67, F.S.; prohibiting settlement agreements from denying parties thereto the right to discuss with or report to the Division of Medical Quality Assurance the events giving rise to the claim; providing that payments made under certain vocational rehabilitation programs are not collateral source payments under the meaning of ch. 88-1, Laws of Florida; providing inapplicability of act to existing causes of action; providing an effective date.

On motion by Senator Jennings, by two-thirds vote CS for CS for HB 819 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford, Kirkpatrick

CS for SB 460—A bill to be entitled An act relating to medical malpractice actions against the state; amending s. 768.28, F.S.; providing that failure of agency to act within specified time is deemed final denial of a claim; prescribing the statute of limitations for such actions; amending s. 768.57, F.S.; limiting the period for agency review of a claim of medical malpractice against the state or its agencies; providing an effective date.

—was read the second time by title.

Senator Malchon moved the following amendment which was adopted:

Amendment 1—On page 4, between lines 2 and 3, insert:

Section 3. Paragraph (c) is added to subsection (2) of section 768.13, Florida Statutes, as amended by section 46 of chapter 88-1, Laws of Florida, to read:

768.13 Good Samaritan Act; immunity from civil liability.—

(2)

(c) Any person who is licensed to practice medicine and who is performing screening services while acting as a staff member or with professional clinical privileges at a nonprofit medical facility, other than a hospital licensed under chapter 395, shall not be held liable for any civil

damages as a result of care or treatment provided gratuitously in such capacity as a result of any act or failure to act in such capacity in providing or arranging further medical treatment, if such person acts as a reasonably prudent person licensed to practice medicine would have acted under the same or similar circumstances.

(Renumber subsequent section.)

Senator Meek moved the following amendment:

Amendment 2—On page 1, line 13, insert:

Section 1. A person who, through negligence, causes significant permanent injury resulting in the loss of a bodily function to the natural or adoptive parent of an unmarried dependent is liable to the dependent for damages, including damages for permanent loss of services, comfort, companionship, and society. This section shall apply to acts of negligence occurring on or after the effective date of this act.

(Renumber subsequent sections.)

Further consideration of **CS for SB 460** as amended was deferred.

SB 1016—A bill to be entitled An act relating to professions regulated by the Department of Professional Regulation; amending s. 455.26; providing for the appointment of a veterinarian to the Impaired Practitioners Committee; amending s. 474.2141, F.S.; providing procedures for the treatment of impaired veterinarians; providing for the employment of consultants; providing for the confidentiality of certain information; providing for the disclosure of certain information; prohibiting certain collaboration; providing penalties; providing immunity; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 1016 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

SB 1203—A bill to be entitled An act relating to tax administration; amending s. 213.75, F.S.; providing for specifying application of tax payments; amending s. 108 of ch. 87-6, Laws of Florida, and s. 66 of ch. 87-101, Laws of Florida; providing for application of certain sections of such laws; providing an effective date.

—having passed as amended and been reconsidered on May 30, was taken up.

On motion by Senator Deratany, the Senate reconsidered the vote by which SB 1203 was read the third time.

On motions by Senator Grizzle, the Senate reconsidered the vote by which Amendments 6 and 8 were adopted. By permission, Amendments 6 and 8 were withdrawn.

Senator Deratany moved the following amendments which were adopted:

Amendment 13—On page 2, between lines 12 and 13, insert:

Section 4. Effective October 1, 1988, section 192.105, Florida Statutes, is amended to read:

192.105 Unlawful disclosure of federal tax information; penalty.—

(1) *Notwithstanding s. 119.14,* it is unlawful for any person to divulge or make known federal tax information obtained pursuant to 26 U.S.C. s. 6103, except in accordance with a proper judicial order or as otherwise provided by law for use in the administration of the tax laws of this state, *and such information is exempt from the requirements of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

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

Section 5. Effective October 1, 1988, section 193.074, Florida Statutes, is amended to read:

193.074 Confidentiality of returns.—*Notwithstanding s. 119.14,* all returns of property and returns required by s. 201.022 submitted by the taxpayer pursuant to law shall be deemed to be confidential in the hands of the property appraiser, the clerk of the circuit court, the department, the tax collector, and the Auditor General, except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters, *and such returns are exempt from the requirements of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 6. Effective October 1, 1988, subsections (3) and (6) of section 195.027, Florida Statutes, are amended to read:

195.027 Rules and regulations.—

(3) The rules and regulations shall provide procedures whereby the property appraiser, the Department of Revenue, and the Auditor General shall be able to obtain access, where necessary, to financial records relating to nonhomestead property, which records are required to make a determination of the proper assessment as to the particular property in question. Access to a taxpayer's records shall be provided only in those instances in which it is determined that such records are necessary to determine either the classification or the value of the taxable nonhomestead property. Access shall be provided only to those records which pertain to the property physically located in the taxing county as of January 1 of each year and to the income from such property generated in the taxing county for the year in which a proper assessment is made. *Notwithstanding s. 119.14,* all records produced by the taxpayer under this subsection shall be deemed to be confidential in the hands of the property appraiser, the department, the tax collector, and the Auditor General and shall not be divulged to any person, firm, or corporation, except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters, *and records are exempt from the requirements of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(6) The fees and costs of the sale or purchase and terms of financing shall be presumed to be usual unless the buyer or seller, or agent thereof, files a form which discloses the unusual fees, costs, and terms of financing. Such form shall be filed with the clerk of the circuit court at the time of recording. The rules and regulations shall prescribe an information form to be used for this purpose. Either the buyer or the seller, or the agent of either, shall complete the information form and certify that the form is accurate to the best of his knowledge and belief. *Notwithstanding s. 119.14,* the information form shall be confidential in the hands of all persons after delivery to the clerk, except that the Department of Revenue and the Auditor General shall have access to it in the execution of their official duties, *and such form is exempt from the requirements of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* The information form may be used in any judicial proceeding, upon a motion to produce duly made by any party to such proceedings. Failure of the clerk to obtain an information form with the recording shall not impair the validity of the recording or the conveyance. The form shall provide for a notation by the clerk indicating the book and page number of the conveyance in the official record books of the county. The clerk shall promptly deliver all information forms received by him to the property appraiser for his custody and use.

Section 7. Effective October 1, 1988, subsection (1) of section 195.084, Florida Statutes, is amended to read:

195.084 Information exchange.—

(1) The department shall promulgate rules and regulations for the exchange of information among the department, the property appraisers' offices, *the tax collector,* and the Auditor General. All records and returns of the department useful to the property appraiser *or the tax collector* shall be made available upon ~~his~~ request, but subject to the reasonable conditions imposed by the department. This section shall supersede statutes prohibiting disclosure only with respect to the property appraiser, *the tax collector,* and the Auditor General, but the department may establish regulations setting reasonable conditions upon the access

to and custody of such information. *Notwithstanding s. 119.14,* the Auditor General, *the tax collectors,* and the property appraisers shall be bound by the same requirements of confidentiality as the Department of Revenue. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* Breach of confidentiality shall be a misdemeanor of the first degree punishable as provided by ss. 775.082 and 775.083.

Section 8. Effective October 1, 1988, subsection (4) of section 196.101, Florida Statutes, is amended to read:

196.101 Exemption for totally and permanently disabled persons.—

(4)(a) A person entitled to the exemption in subsection (2) must be a permanent resident of this state. Submission of an affidavit that the applicant claiming the exemption under subsection (2) is a permanent resident of this state is prima facie proof of such residence. However, the gross income of all persons residing in or upon the homestead for the prior year shall not exceed $12,000. For the purposes of this section, the term "gross income" includes Veterans Administration benefits and any social security benefits paid to the persons.

(b) The department shall require by rule that the taxpayer annually submit a sworn statement of gross income, pursuant to paragraph (a). The department shall require that the filing of such statement be accompanied by copies of federal income tax returns for the prior year, wage and earnings statements (W-2 forms), and other documents it deems necessary, for each member of the household. The taxpayer's statement shall attest to the accuracy of such copies. The department shall prescribe and furnish a form to be used for this purpose, which form shall include spaces for a separate listing of Veterans Administration benefits and social security benefits. *Notwithstanding s. 119.14,* all records produced by the taxpayer under this paragraph are confidential in the hands of the property appraiser, the department, the tax collector, and the Auditor General and shall not be divulged to any person, firm, or corporation, except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters, *and such records are exempt from the requirements of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 9. Effective October 1, 1988, section 199.222, Florida Statutes, is amended to read:

199.222 Confidentiality of returns.—*Notwithstanding s. 119.14,* all annual personal property tax returns filed with the department shall be confidential, as provided in s. 213.053, *and shall be exempt from the requirements of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 10. Effective October 1, 1988, subsection (1) of section 201.022, Florida Statutes, is amended to read:

201.022 Consideration for realty; filing of return condition precedent to recordation; failure to file does not impair validity.—

(1) As a condition precedent to the recordation of any deed transferring an interest in real property, the grantor or the grantee or agent for grantee shall execute and file a return with the clerk of the circuit court. The return shall state the actual consideration paid for the interest in real property. *Notwithstanding s. 119.14,* the return shall not be recorded, or otherwise become a public record, and shall be confidential as provided by s. 193.074, *and shall be exempt from the requirements of s. 119.07(1).* The original return shall be forwarded to the department, and a copy shall be forwarded to the property appraiser. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 11. Effective October 1, 1988, subsection (2) of section 206.27, Florida Statutes, is amended to read:

206.27 Records and files as public records.—

(2) *Notwithstanding s. 119.14,* nothing herein shall be construed as requiring the department to provide as a public record any information concerning audits in progress or those records and files of the department described in this section which are currently the subject of pending investigation by the Department of Revenue or the Florida Department of Law Enforcement. It is specifically provided that the foregoing information shall be exempt from the provisions of *s. 119.07(1)* ~~chapter 119~~ and shall be considered confidential pursuant to s. 213.053. Any officer, employee, or former officer or employee of the department who divulges any such information in any manner except for such official purposes or under s. 213.053 is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 12. Effective October 1, 1988, subsection (10) of section 211.125, Florida Statutes, is amended to read:

211.125 Administration of law; books and records; powers of the department; refunds; enforcement provisions; confidentiality.—

(10) *Notwithstanding s. 119.14,* all returns and information filed with the department under this part are confidential *and exempt from the requirements of s. 119.07(1),* and such returns or information shall be protected from unauthorized disclosure as provided in s. 213.053 *and shall be exempt from the requirements of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 13. Effective October 1, 1988, subsection (5) of section 211.33, Florida Statutes, is amended to read:

211.33 Administration of the tax; returns; delinquency penalties and interest; departmental inspections of records.—

(5) *Notwithstanding s. 119.14,* the use of information contained in any return filed by a producer under this part or in any books, records, or documents of a producer shall be as provided in s. 213.053, *and shall be exempt from the requirements of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 14. Effective October 1, 1988, paragraph (d) of subsection (3) of section 212.0305, Florida Statutes, is amended to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(3) APPLICATION; ADMINISTRATION; PENALTIES.—

(d) The department shall keep records showing the amount of taxes collected, which records shall disclose the taxes collected from each county in which a local government resort tax is levied. *Notwithstanding s. 119.14,* these records shall be ~~open for inspection during the regular office hours of the department,~~ subject to the provisions of s. 213.053, *and are exempt from the requirements of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 15. Effective October 1, 1988, subsections (2), (6), (7), and (9) of section 213.053, Florida Statutes, are amended to read:

213.053 Confidentiality and information sharing.—

(2) *Notwithstanding s. 119.14,* except as provided in subsections (3), (4), (5), (6), (7), (8), and (9), all information contained in returns, reports, accounts, or declarations received by the department, including investigative reports and information and including letters of technical advice, is confidential except for official purposes, *and is exempt from the requirements of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* Any officer or employee, or former officer or employee, of the department who divulges any such information in any manner, except for such official purposes or in accordance with the provisions of subsection (3), subsection (4), subsection (5), subsection (6), subsection (7), subsection (8), or subsection (9), is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Any information received by the Department of Revenue in connection with the administration of taxes, including, but not limited to, information contained in returns, reports, accounts, or declarations filed by persons subject to tax, shall be made available by the department to the Auditor General or his authorized agent, the Comptroller or his authorized agent, ~~and~~ the Treasurer or his authorized agent, *or a property appraiser or tax collector or their authorized agents pursuant to s. 195.084(1),* in the performance of their official duties; however, no information shall be disclosed to the Auditor General or his authorized agent, the Comptroller or his authorized agent, ~~or~~ the Treasurer or his authorized agent, *or to a property appraiser or tax collector or their authorized agents* if such disclosure is prohibited by federal law. *Notwithstanding the provisions of s. 119.14,* the Auditor General or his authorized agent,

the Comptroller or his authorized agent, ~~and~~ the Treasurer or his authorized agent, *and the property appraiser or tax collector and their authorized agents,* shall be subject to the same requirements of confidentiality and the same penalties for violation of the requirements as the department. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(7) The provisions of this section apply to all sections of chapter 207, the Florida Special Fuel and Motor Fuel Use Tax Act of 1981, except for s. 207.025, exchange of information. However, nothing in this section shall prevent the department from providing information relative to chapter 211, chapter 376, or chapter 377 to the proper state agency in the conduct of its official duties or *from providing information relative to the commencement of business activities of a foreign corporation to the Division of Corporations of the Department of State in the conduct of its official duties or* from providing information relative to chapter 212 to the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation in the conduct of its official duties. *Notwithstanding s. 119.14,* such state agencies shall be bound by the same requirements of confidentiality as the Department of Revenue. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

(9)(a) Notwithstanding other provisions of this section, the department shall, subject to paragraph (c) and to the safeguards and limitations of paragraphs (b) and (d), disclose to the governing body of *a municipality, a* ~~the~~ county, or *a* subcounty district levying a local option tax, or any state tax which is distributed to units of local government based upon place of collection, which the department is responsible for administering, names and addresses only of the taxpayers *granted a certificate of registration pursuant to s. 212.18(3)* who reside within *or adjacent to* the taxing boundaries of such *municipality,* county, or subcounty district when sufficient information is supplied by the *municipality, the* county, or subcounty district as the department by rule may prescribe, *provided such governing bodies are following s. 212.18(3) relative to the denial of an occupational license after the department cancels a dealer's sales tax certificate of registration.*

(b) Such information shall be disclosed only if the department receives an authenticated copy of a resolution adopted by the governing body requesting it.

(c) *Notwithstanding s. 119.14,* after receipt of such information, the governing body and its officers and employees are subject to the same requirements of confidentiality and the same penalties for violating confidentiality as the department and its employees. The resolution requesting such information shall provide assurance that the governing body and its officers and employees are aware of those requirements and of the penalties for their violation of such requirements, and shall describe the measures that will be put into effect to ensure such confidentiality. The officer of the department who is authorized to receive, consider, and act upon such requests shall, if satisfied that the assurances in the resolution are adequate to assure confidentiality, grant the request. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(d) Nothing in this subsection authorizes disclosure of any information prohibited by federal law from being disclosed.

Section 16. Effective October 1, 1988, subsection (3) of section 213.21, Florida Statutes, is amended to read:

213.21 Informal conferences; compromises.—

(3) A taxpayer's liability for any tax or interest specified in s. 72.011(1), except taxes imposed under chapter 206, may be compromised by the department upon the grounds of doubt as to liability for or collectibility of such tax or interest. A taxpayer's liability for penalties under any of the chapters specified in s. 72.011(1) may be settled or compromised if it is determined by the department that the noncompliance is due to reasonable cause and not to willful negligence, willful neglect, or fraud. The department shall maintain records of all compromises, and the records shall state the basis for the compromise. *Notwithstanding s. 119.14,* the records of compromise shall not be subject to disclosure pursuant to *s. 119.07(1)* ~~chapter 119~~ and shall be considered confidential information governed by the provisions of s. 213.053. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 17. Effective October 1, 1988, subsection (2) of section 213.22, Florida Statutes, is amended to read:

213.22 Technical assistance advisements.—

(2) *Notwithstanding s. 119.14,* the department may not disclose pursuant to *s. 119.07(1)* ~~chapter 119~~, or otherwise, a technical assistance advisement or a request for a technical assistance advisement to any person other than the person who requested the advisement, or his authorized representative, or for official departmental purposes, without first deleting the name, address, and other identifying details of the person to whom the technical assistance advisement was issued. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 18. Effective October 1, 1988, subsections (1) and (6) of section 213.27, Florida Statutes, are amended to read:

213.27 Contracts with debt collection agencies.—

(1) The Department of Revenue may, for the purpose of collecting any delinquent taxes due from a taxpayer, contract with any debt collection agency or attorney doing business within or without this state for the collection of such delinquent taxes including penalties and interest thereon. *The department may also share confidential information pursuant to the contract necessary for the collection of delinquent taxes.* Contracts will be made pursuant to chapter 287. The taxpayer must be notified by certified mail by the department, its employees, or its authorized representative 30 days prior to commencing any litigation to recover any delinquent taxes. The taxpayer must be notified by certified mail by the department 30 days prior to the department assigning the collection of any delinquent taxes to the debt collection agency.

(6) *Notwithstanding s. 119.14, confidential information shared with debt collection or auditing agencies is exempt from the requirements of s. 119.07(1), and* debt collection or auditing agencies shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by ss. 775.082 and 775.083. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 19. Effective October 1, 1988, section 220.242, Florida Statutes, is amended to read:

220.242 Declaration as return.—*Notwithstanding s. 119.14,* all of the provisions of this part and of s. 213.053, relating to confidentiality, shall be applicable with respect to declarations of estimated tax unless manifestly inconsistent therewith, *and such declarations shall be exempt from the requirements of s. 119.07(1).* However, the declaration required of a preparer other than the taxpayer under s. 220.221(3) shall not be required with respect to declarations of estimated tax. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 20. Effective October 1, 1988, subsection (1) of section 201.05, Florida Statutes, is amended to read:

201.05 Tax on stock certificates.—

(1) On each original issue, whether organization or reorganization, of certificates of stock or shares however designated issued in the state, or of certificates of profits, or of interest in property or accumulations, by any corporation or by any joint stock company or other association as set forth in s. 201.04, on each $100 of face value, or fraction thereof, the tax shall be 15 cents; provided that when a certificate is issued without face value, the tax shall be 15 cents on each $100 of actual value or fraction thereof. The stamps representing the tax imposed by this section shall be attached to the stock books, and not to the certificates issued. The provisions of this section do not apply to any stock or share, *issued in this state, of an open-end or closed-end management company or a unit investment trust registered under* ~~of an open-end mutual fund issued in this state and registered under~~ the Investment Company Act of 1940, ~~15 U.S.C. s. 80a-1-52,~~ as amended.

Amendment 14—On page 2, between lines 13 and 14, insert:

Section 4. Effective July 1, 1988, paragraphs (i) and (j) of subsection (3) of section 212.054, Florida Statutes, as amended by sections 10 and 11 of chapter 87-548, Laws of Florida, are amended and paragraphs (k) and (l) are added to such subsection to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(3) For the purpose of this section, a transaction shall be deemed to have occurred in a county imposing the surtax when:

(i) The delivery of any aircraft or boat of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government is to a location in the county; however, the provisions of this paragraph shall not apply to the use or consumption of such items upon which a like tax of equal or greater amount has been lawfully imposed and paid outside the county; ~~or~~

(j) The dealer owing a use tax on purchases or leases is located in the county; ~~.~~

(k) The delivery of tangible personal property other than that described in paragraphs (d), (e), or (f) is made to a location outside the county, but the property is brought into the county within six months after delivery, in which event, the owner must pay the surtax as a use tax; or

(l) A Florida manufacturer or wholesaler sells tangible personal property to a dealer who is located outside the county, but delivers the property within the county to a customer of the dealer, in which event the dealer must collect and remit the surtax.

Senators Grizzle, Malchon and Kiser offered the following amendment which was moved by Senator Grizzle:

Amendment 15—On page 2, between lines 12 and 13, insert:

Section 4. Effective upon this act becoming a law and notwithstanding the provisions of s. 220.183, Florida Statutes, or s. 624.5105, Florida Statutes, a business firm or an insurer may receive for all approved community contributions that it makes after June 1, 1988, and before July 1, 1988, annual tax credits under s. 220.183, Florida Statutes, or under s. 624.5105, Florida Statutes, but not under both sections, in an amount not to exceed the amount remaining available in that state fiscal year for grants by the Department of Community Affairs under s. 220.183, Florida Statutes, or s. 624.5105, Florida Statutes. However, the maximum total credits that may be allowed for a single contribution may not exceed $1.2 million.

Further consideration of **SB 1203** as amended was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Kiser, by two-thirds vote HB 610 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Margolis, by two-thirds vote SB 476 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Beard, by two-thirds vote CS for HB 1433 was withdrawn from the Committee on Transportation.

On motion by Senator Beard, by two-thirds vote SB 736 was withdrawn from the committee of reference and indefinitely postponed.

RECESS

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:02 p.m. to reconvene at 3:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 3:00 p.m. A quorum present—33:

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

SPECIAL ORDER, continued

The Senate resumed consideration of—

SB 1203—A bill to be entitled An act relating to tax administration; amending s. 213.75, F.S.; providing for specifying application of tax payments; amending s. 108 of ch. 87-6, Laws of Florida, and s. 66 of ch. 87-101, Laws of Florida; providing for application of certain sections of such laws; providing an effective date.

—with pending **Amendment 15**.

Senators Grizzle, Malchon and Kiser offered the following substitute amendment which was moved by Senator Grizzle and adopted:

Amendment 16—On page 2, between lines 12 and 13, insert:

Section 4. Effective upon this act becoming a law and notwithstanding the provisions of s. 220.183, Florida Statutes, or s. 624.5105, Florida Statutes, a business firm or an insurer may receive for all approved community contributions that it makes after June 1, 1988, and before July 1, 1988, annual tax credits under s. 220.183, Florida Statutes, or under s. 624.5105, Florida Statutes, but not under both sections, in an amount not to exceed the amount remaining available in that state fiscal year for grants by the Department of Community Affairs under s. 220.183, Florida Statutes, or s. 624.5105, Florida Statutes. However, the maximum total credits that may be allowed pursuant to this section for a single contribution may not exceed $1.2 million, of which $600,000 may be taken against taxes due in fiscal year 1988-89 and the remainder in fiscal year 1989-90.

Senators Hollingsworth, Kirkpatrick and Thomas offered the following amendment which was moved by Senator Hollingsworth and adopted:

Amendment 17—On page 2, between lines 12 and 13, insert:

Section 4. Section 218.65, Florida Statutes, is amended to read:

218.65 Emergency distribution.—

(1) Each county government which meets the provisions of subsection (2) and which participates in the local government half-cent sales tax shall receive an emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund in addition to its regular monthly distribution as provided in this part.

(2) The Legislature hereby finds and declares that a fiscal emergency exists in any county which meets ~~all of~~ the ~~following~~ criteria *specified in paragraph (a), if applicable, and the criterion specified in paragraph (b):*

~~(a) Its population is less than 50,000.~~

(a) If the county has a population of 50,000 or above:

~~(b)~~1. In any year from 1977 to 1981, inclusive, the value of net new construction and additions placed on the tax roll for that year was less than 2 percent of the taxable value for school purposes on the roll for that year, exclusive of such net value; or

2. The percentage increase in county taxable value from 1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than 3 percent.

(b)~~(c)~~ The moneys estimated to be distributed to the county government pursuant to s. 218.62 for the year will be less than *the current* ~~$20~~ per capita *limitation*, based on the population of that county.

(3) Qualification under this section shall be determined annually prior to the start of the local government fiscal year. Emergency moneys shall be distributed monthly with other moneys provided pursuant to this part.

(4) For the local government fiscal year beginning October 1, 1988, the per capita limitation shall be $24.60. Thereafter, commencing with the local government fiscal year which begins October 1, 1989, this limitation shall be adjusted annually for inflation. The annual adjustment to the per capita limitation for each fiscal period shall be the percentage change in the state and local government price deflator for purchases of goods and services, all items, 1983 equals 100, or successor reports for the preceding calendar year as initially reported by the United States Department of Commerce, Bureau of Economic Analysis, as certified by the Florida Consensus Estimating Conference.

(5)~~(4)~~ The moneys appropriated for emergency distribution shall be divided equally per capita among qualified county governments; however, such moneys, when combined with other moneys distributed pursuant to this part, shall not exceed *the current* ~~$20~~ per capita *limitation, based on the population of each* ~~for any~~ county ~~government~~. Any excess shall be

redistributed in the same fashion to remaining qualified county governments; however, in no event shall the *current per capita limitation* ~~$20~~ limitation be exceeded.

(6)~~(5)~~ There is hereby annually appropriated from the General Revenue Fund to the Local Government Half-cent Sales Tax Clearing Trust Fund $2.5 million to be used for emergency distributions pursuant to this section and to be expended during the local government fiscal year. If any excess exists pursuant to subsection *(5)* ~~(4)~~ at the end of the local government fiscal year after all qualified county governments have reached the *current per capita limitation* ~~$20 limitation~~, it shall revert to the General Revenue Fund.

(7)~~(6)~~(a) Any county eligible for an emergency distribution pursuant to this section the inmate population of which in any year is greater than 7 percent of the total population of the county is eligible for a supplemental distribution for that year from funds expressly appropriated therefor. The sum of such supplemental distribution plus all other moneys distributed pursuant to this part may not exceed *the current* ~~$20~~ per capita *limitation*, based on the total population of the county. Any balance of moneys appropriated for such purposes remaining at the end of the local government fiscal year shall revert to the state General Revenue Fund. If moneys appropriated for such purposes are insufficient to meet the *current* ~~limit of $20~~ per capita *limitation for the* ~~of~~ total population *of eligible counties*, such moneys shall be prorated among eligible counties. The distributions authorized pursuant to this subsection shall be made monthly during the local government fiscal year in combination with other moneys distributed pursuant to this part.

(b) For the purposes of this subsection, the term:

1. "Inmate population" means inmates and patients residing in institutions operated by the Federal Government, the Department of Corrections, or the Department of Health and Rehabilitative Services.

2. "Total population" includes inmate population and noninmate population.

(Renumber subsequent sections.)

Senator W. D. Childers moved the following amendment which was adopted:

Amendment 18—On page 1, line 11, insert:

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

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

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

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

(Renumber subsequent sections.)

On motion by Senator Margolis, the Senate reconsidered the vote by which Amendment 5 was adopted.

Senator Margolis moved the following substitute amendment which was adopted:

Substitute Amendment 5—On page 1, strike all of lines 12-21 of Amendment 5 of the bill as amended and insert:

Section 1. Effective upon this act becoming a law and operating retroactively to January 1, 1988, section 201.24, Florida Statutes, is amended to read:

201.24 Obligations of municipalities, political subdivisions, and agencies of the state.—There shall be exempt from all taxes imposed by this chapter:

(1) Any obligation to pay money issued by a municipality, political subdivision, or agency of the state.

(2) Any assignment, transfer, or other disposition, or any document, which arises out of a lease or lease-purchase for real property agreement entered pursuant to s. 235.056(3).

Senator Deratany moved the following amendments which were adopted:

Amendment 19—In title, on page 1, line 7, after the semicolon (;) insert: amending ss. 192.105, 193.074, 195.027, 195.084, 196.101, 199.222, 201.022, 206.27, 211.125, 211.33, 212.0305, 213.053, 213.21, 213.22, 213.27, 220.242, F.S.; continuing the exemptions from public record disclosure requirements provided for state and federal tax information, returns, and records, records of the amount paid for real property, information concerning audits and investigations by the Department of Revenue or the Florida Department of Law Enforcement, books and records relating to the tax on the production of oil, gas, and solid minerals, records relating to local government resort taxes, records of settlements and compromises made by the Department of Revenue relating to a taxpayer's liability for taxes, interest, or penalties, technical assistance advisements issued by the department, information shared with debt collection or auditing agencies, and certain declarations of estimated taxes; requiring future legislative review of such exemptions pursuant to the Open Government Sunset Review Act; authorizing the department to provide information to property appraisers and tax collectors or their authorized agents; authorizing the department to provide information relative to the commencement of business activities of a foreign corporation to the Department of State; authorizing the department to provide information to a municipality which is in compliance with certain provisions of s. 212.18(3), F.S.; amending s. 201.05(1), F.S.; providing for clarification of language relating to mutual funds;

Amendment 20—In title, on page 1, line 7, after the semicolon (;) insert: amending s. 212.054, F.S.; providing additional criteria for imposing a local option surtax;

Senators Grizzle, Malchon and Kiser offered the following amendment which was moved by Senator Grizzle and adopted:

Amendment 21—In title, on page 1, line 7, after the semicolon (;) insert: authorizing certain business firms or insurers to receive certain annual tax credits; providing a limitation;

Senators Hollingsworth and Kirkpatrick offered the following amendment which was moved by Senator Hollingsworth and adopted:

Amendment 22—In title, on page 1, line 7, after the semicolon (;) insert: amending s. 218.65, F.S.; revising requirements for qualification of county governments for emergency distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund;

Senator W. D. Childers moved the following amendment which was adopted:

Amendment 23—In title, on page 1, strike line 2 and insert: An act relating to taxation; amending s. 125.0104, F.S.; authorizing certain counties to levy an additional 2-percent tourist development tax on transactions involving living quarters or accommodations; amending

On motion by Senator Deratany, by two-thirds vote SB 1203 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crawford

SB 1031—A bill to be entitled An act relating to opticians; amending s. 484.002, F.S.; defining the term "board-certified optician"; amending s. 484.007, F.S.; increasing the registration fee to take the examination to be licensed as an optician; amending s. 484.008, F.S.; providing for the Board of Opticianry to approve continuing education courses; amending s. 484.014, F.S.; providing penalties for specified acts relating to the practice of opticianry; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1—On page 4, between lines 2 and 3, insert:

Section 27. Paragraph (d) of subsection (2) of section 457.105, Florida Statutes, is amended to read:

457.105 Certification qualifications and fees.—

(2) A person may become certified to practice acupuncture if the applicant:

(d) Pays the required fees set by the board by rule not to exceed the following amounts:

1. Examination fee: *$200 plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from the National Commission for the Certification of Acupuncturists or a similar national organization* ~~$500~~.

2. Application fee: $300.

3. Reexamination fee: *$200 plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from the National Commission for the Certification of Acupuncturists or a similar national organization* ~~$500~~.

4. Initial biennial certification fee: $500.

Section 28. Subsection (1) of section 457.107, Florida Statutes, is amended to read:

457.107 Renewal of certificates; continuing education.—

(1) The department shall renew a certificate upon receipt of the renewal application and the fee set by the board by rule, not to exceed *$700* ~~$600~~.

Section 29. Paragraph (a) of subsection (1) of section 458.311, Florida Statutes, as amended by chapter 88-1, Laws of Florida, is amended to read:

458.311 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a physician shall apply to the department to take the licensure examination. The department shall examine each applicant whom the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee not to exceed $100 and an examination fee not to exceed *$150 plus the actual per applicant cost to the department for purchase of the examination from The Federation of State Medical Boards of the United States or a similar national organization* ~~$500~~, which is refundable if the applicant is found to be ineligible to take the examination.

Section 30. Section 459.0092, Florida Statutes, as amended by chapter 88-1, Laws of Florida, is amended to read:

459.0092 Fees.—The board shall set fees according to the following schedule:

(1) The fee for application or certification pursuant to ss. ~~459.006,~~ 459.007, 459.0075, and 459.0077 shall not exceed *$300* ~~$250~~.

(2) The fee for application and examination pursuant to s. 459.006 shall not exceed $175 plus the actual per applicant cost to the department for purchase of the examination from The National Board of Examiners for Osteopathic Physicians and Surgeons or a similar national organization.

(3)~~(2)~~ The fee for biennial renewal of licensure or certification shall not exceed $300.

Section 31. The introductory paragraph of subsection (1) of section 460.406, Florida Statutes, is amended to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician shall apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed $100 which shall be nonrefundable. There shall also be an examination fee not to exceed *$250 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization,* ~~$250~~ which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant who the board certifies has:

Section 32. Paragraph (g) of subsection (1) and subsections (3), (4), (5), and (6) of section 455.218, Florida Statutes, are amended to read:

455.218 Foreign-trained professionals; special examination and licensure provisions.—

(1) The Department of Professional Regulation shall, by rule, provide procedures under which exiled professionals may be examined for licensure within each practice act. A person shall be eligible for such examination if he:

(g) Presents a certificate demonstrating the successful completion of a continuing education program which provides the applicant with a course of study which will prepare him for the examination offered under subsection (2) ~~or subsections (2) and (3)~~. The department shall develop rules for the approval of such programs.

~~(3) The department shall issue a podiatric technician license to those applicants who meet the requirements of subsections (1) and (2); however, the applicant for such license may choose whether the examination is a written or a clinical practical examination. A licensed podiatric technician may perform the treatment of corns and calluses and the nonsurgical treatment of ingrown toenails. A licensed podiatric technician is subject to all of the requirements of this chapter and chapter 461.~~

(3)~~(4)~~ The fees charged for the examinations offered under *subsection* ~~subsections~~ (2) ~~and (3)~~ shall be established by the department by rule and shall be sufficient to develop or to contract for the development of the examination and its administration, grading, and grade reviews.

(4)~~(5)~~ The department shall license any applicant who meets the requirements of subsections (1) and (2) ~~or subsections (1), (2), and (3)~~. All licenses so issued are subject to the administrative requirements of chapter 455 and the respective practice act under which the license is issued. Each applicant so licensed is subject to all provisions of this chapter and the respective practice act under which his license was issued.

(5)~~(6)~~ Upon a request by an applicant otherwise qualified under this section, the examinations offered under *subsection* ~~subsections~~ (2) ~~and (3)~~ may be given in the applicant's native language, provided that any translation costs are borne by the applicant.

Section 33. Effective upon becoming a law, section 461.017, Florida Statutes, is created to read:

461.017 Practice under supervision; special certification provisions.—Any person whose application to the department as a candidate for certification pursuant to s. 455.218(3) was accepted prior to April 1, 1988, may sit for the certification examination no more than three times after July 1, 1988. The examination shall be a written test of the candidate's ability to nonsurgically treat corns, calluses, and ingrown toenails under the supervision of a podiatric physician and shall be administered in the candidate's native language. The examination shall be developed by a university in this state and administered for the first time under this section by that university during September 1988, or as soon as possible thereafter. Subsequent examinations may be administered by the department. The department shall charge each candidate a fee for the examination sufficient to cover the development, administration, grading, and grade review of the examination. Upon completion of the examination, a candidate shall be certified to practice under the general supervision of a podiatric physician unless the candidate obtains a score under 70 on the examination, in which case, the candidate shall be certified to practice under the direct supervision of a podiatric physician.

Section 34. *Section 461.017, Florida Statutes, is repealed on October 1, 1991. However, all certificates issued pursuant to said section and valid on October 1, 1991, shall remain in full force and effect.*

Section 35. Paragraph (a) of subsection (1) of section 463.006, Florida Statutes, is amended to read:

463.006 Licensure by examination.—

(1) Any person desiring to be a licensed practitioner pursuant to this chapter shall apply to the department to take the licensure examination. The department shall examine each applicant who the board determines has:

(a) Completed the application form and remitted an examination fee not to exceed *$325* ~~$250~~ as set by the board.

Section 36. Subsection (1) of section 463.007, Florida Statutes, is amended to read:

463.007 Renewal of license; continuing education.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed *$300* ~~$250~~.

Section 37. Paragraph (a) of subsection (1) of section 464.008, Florida Statutes, is amended to read:

464.008 Licensure by examination.—

(1) Any person desiring to be licensed as a registered nurse or licensed practical nurse shall apply to the department to take the licensure examination. The department shall examine each applicant who:

(a) Has completed the application form and remitted an examination fee set by the board not to exceed *$75 plus the actual per applicant cost to the department for purchase of the examination from the National Council of State Boards of Nursing or a similar national organization* ~~$100~~.

Section 38. Paragraph (a) of subsection (1) of section 465.007, Florida Statutes, is amended to read:

465.007 Licensure by examination.—

(1) Any person desiring to be licensed as a pharmacist shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies has:

(a) Completed the application form and remitted an examination fee set by the board not to exceed *$100 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Association of Boards of Pharmacy or a similar national organization* ~~$250~~. The fees authorized under this section shall be established in sufficient amounts to cover administrative costs.

Section 39. Subsection (8) of section 465.022, Florida Statutes, is amended to read:

465.022 Pharmacies; general requirements; fees.—

(8) The board shall set the fees for the following:

(a) Initial permit fee not to exceed *$250* ~~$100~~.

(b) Biennial permit renewal not to exceed *$250* ~~$100~~.

(c) Delinquent fee not to exceed *$100* ~~$25~~.

(d) Change of ~~ownership or~~ location fee not to exceed *$100* ~~$50~~.

Section 40. Subsection (1) of section 466.006, Florida Statutes, is amended to read:

466.006 Examination of dentists.—

(1) Any person desiring to be licensed as a dentist shall apply to the department to take the licensure examinations and shall verify the information required on the application by oath. The application shall include two recent photographs. There shall be an application fee, set by the board, not to exceed $100, which shall be nonrefundable. There shall also be an examination fee set by the board, which shall not exceed *$425 plus the actual per applicant cost to the department for purchase of portions of the examination from the Northeast Regional Board of Dental Examiners or a similar national organization* ~~$300~~, which may be refundable if the applicant is found ineligible to take the examinations.

Section 41. Subsection (1) of section 466.007, Florida Statutes, is amended to read:

466.007 Examination of dental hygienists.—

(1) Any person desiring to be licensed as a dental hygienist shall apply to the department to take the licensure examinations and shall verify the information required on the application by oath. The application shall include two recent photographs of the applicant. There shall be a nonrefundable application fee set by the board not to exceed $100 and an examination fee set by the board which shall not be more than *$225* ~~$150~~. The examination fee may be refunded if the applicant is found ineligible to take the examination.

Section 42. The introductory paragraph of subsection (3) of section 468.1695, Florida Statutes, is amended to read:

468.1695 Licensure by examination.—

(3) Beginning October 1, 1988, the department shall examine each applicant who the board certifies has completed the application form and remitted an examination fee set by the board not to exceed *$175 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Association of Boards of Nursing Home Administrators or a similar national organization* ~~$250~~ and who is 18 years of age or over and:

Section 43. Paragraph (b) of subsection (1) of section 468.364, Florida Statutes, as amended by chapter 87-553, Laws of Florida, is amended to read:

468.364 Fees; establishment; disposition.—

(1) The board shall establish by rule fees for the following purposes:

(b) Examination fee: a fee not to exceed *$125 plus the actual per applicant cost to the department for purchase of the examination from the National Board for Respiratory Care or a similar national organization* ~~$200~~.

Section 44. Paragraph (a) of subsection (1) of section 470.006, Florida Statutes, is amended to read:

470.006 Licensure as an embalmer by examination.—

(1) Any person desiring to be licensed as an embalmer shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies has:

(a) Completed the application form and remitted an examination fee set by the board not to exceed *$200 plus the actual per applicant cost to the department for purchase of portions of the examination from The Conference of Funeral Service Examining Boards or a similar national organization* ~~$250~~.

Section 45. Section 471.011, Florida Statutes, is amended to read:

471.011 Fees.—The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The fee for initial application and examination shall not exceed *$125 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Engineering Examiners or a similar national organization* ~~$150~~. The fee for application for registration by endorsement shall not exceed $50. The biennial renewal fee shall not exceed *$75* ~~$50~~. The board may also establish, by rule, a late renewal penalty. The fee for a temporary registration or certificate to practice engineering in this state shall not exceed $25 for an individual or $50 for a business firm. The board shall establish fees which are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement ss. 471.001-471.039 and the provisions of law with respect to the regulation of engineers.

Section 46. Section 472.011, Florida Statutes, is amended to read:

472.011 Fees.—The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The fee for initial application and examination shall not exceed *$125 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Engineering Examiners or a similar national organization* ~~$150~~. The fee for application for licensure by endorsement shall not exceed $100. The biennial renewal fee shall not exceed $150. The board may also establish, by rule, a late renewal penalty. The fee for a temporary registration or certificate to practice land surveying shall not exceed $25 for individuals or $50 for business firms. The board shall establish fees which are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement ss. 472.001-472.039 and the provisions of law with respect to the regulation of land surveyors.

Section 47. Section 473.305, Florida Statutes, is amended to read:

473.305 Fees.—The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The fee for the examination shall be established at an amount that covers the costs for the procurement or development, administration, grading, and review of the examination. The fee for the examination is refundable if the applicant is found to be ineligible to sit for the examination. The fee for initial application is nonrefundable, and the combined fees for application and examination may not exceed *$150 plus the actual per applicant cost to the department for purchase of the examination from the American Institute of Certified Public Accountants or a similar national organization* ~~$250~~. The biennial renewal fee may not exceed $150. The board may also establish, by rule, a reactivation fee and a late filing fee for the law and rules examination. The board shall establish fees which are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of public accountants. Fees shall be based on department estimates of the revenue required to implement this chapter and the provisions of law with respect to the regulation of certified public accountants.

Section 48. Section 474.2065, Florida Statutes, is amended to read:

474.2065 Fees.—The board, by rule, shall establish fees for application and examination, reexamination, license renewal, inactive status, renewal of inactive status, license reactivation, late application for permits, periodic inspection of veterinary establishments, and recordmaking and recordkeeping. The fee for the initial application and examination shall not exceed *$325 plus the actual per applicant cost to the department for purchase of portions of the examination from the Professional Examination Service for the American Veterinary Medical Association or a similar national organization* ~~$500~~. The fee for reactivation of an inactive license and the fee for renewal of an inactive license shall not exceed $50. The fee for licensure by endorsement shall not exceed $250. The fee for temporary licensure shall not exceed $200. The board shall establish fees which are adequate to ensure its continued operation and to fund the proportionate expenses incurred by the department which are allocated to the regulation of veterinarians. Fees shall be based on departmental estimates of the revenue required to administer this chapter and the provisions relating to the regulation of veterinarians.

Section 49. Paragraphs (a), (c), and (d) of subsection (1) of section 480.044, Florida Statutes, are amended, paragraphs (b) through (k) are redesignated as paragraphs (c) through (l), respectively, and a new paragraph (b) is added to said section, to read:

480.044 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(a) Masseur application *and*~~,~~ examination~~, and licensure~~ fee: not to exceed $75.

(b) Masseur initial licensure fee: not to exceed $100.

(d)~~(c)~~ Biennial establishment renewal fee: not to exceed *$100* ~~$50~~.

(e)~~(d)~~ Biennial masseur licensure renewal fee: not to exceed *$100* ~~$75~~.

Section 50. Section 481.207, Florida Statutes, is amended to read:

481.207 Fees.—The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount which covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee shall be nonrefundable. The fee for initial application and examination shall not exceed *$225 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Architectural Registration Boards or a similar national organization* ~~$400~~. The biennial renewal fee shall not exceed $200. The board may also establish, by rule, a late renewal penalty. The board shall establish fees which are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of architects. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of architects.

Section 51. Section 481.307, Florida Statutes, is amended to read:

481.307 Fees.—The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount which covers the costs of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee shall be nonrefundable. The combined fees for initial application and examination shall not exceed *$275 plus the actual per applicant cost to the department for purchase of portions of the examination from the Council of Landscape Architectural Registration Boards or a similar national organization* ~~$350~~. The biennial renewal fee shall not exceed $125. The board may also establish, by rule, a late renewal penalty. The board shall establish fees which are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of landscape architects. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of landscape architects.

Section 52. Paragraph (c) of subsection (6) of section 484.002, Florida Statutes, is amended, paragraph (d) is redesignated as paragraph (e), and a new paragraph (d) is added to said section, to read:

484.002 Definitions.—As used in this part:

(6) "Board-certified optician" means an optician licensed in this state who:

(c) Has met any other requirements established by the board to assure competence in the fitting, adapting, and dispensing of contact lenses; ~~and~~

(d) Has completed the application form and remitted a nonrefundable application fee set by the board not to exceed $50; and

Section 53. Paragraph (a) of subsection (1) of section 484.007, Florida Statutes, is amended to read:

484.007 Licensure.—

(1) Any person desiring to practice opticianry shall apply to the department, upon forms prescribed by it, to take a licensure examination. The department shall examine each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee set by the board, in the amount of $100 or less, and an examination fee set by the board, in the amount of *$225 plus the actual per applicant cost to the department for purchase of portions of the examination from the American Board of Opticianry or a similar national organization,* ~~$300~~ or less and refundable if the board finds the applicant ineligible to take the examination;

Section 54. Subsection (5) of section 484.008, Florida Statutes, is amended to read:

484.008 Renewal of license.—

(5) The board may by rule prescribe continuing education, not to exceed 20 hours biennially, as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board ~~and the department~~. All education programs which contribute to the advancement, extension, or enhancement of professional skills and knowledge, whether conducted by a nonprofit or a profitmaking entity, are eligible for approval. *The board may establish by rule an application fee not to exceed $100 for anyone seeking approval to provide continuing education courses and may provide by rule for a fee not to exceed $50 for renewal of providership.*

Section 55. Section 484.0447, Florida Statutes, is amended to read:

484.0447 Fees.—The board shall by rule establish fees to be paid as follows:

(1) Examination application fee, not to exceed $150;

(2) Examination fee, not to exceed *$175, which is refundable if the applicant is found to be ineligible to take the examination;* ~~$150~~;

(3) Reexamination fee, not to exceed *$175* ~~$150~~;

(4) Inactive status fee, not to exceed $50;

(5) Initial licensure fee, not to exceed *$375* ~~$300~~;

(6) Endorsement fee, not to exceed *$375* ~~$150~~;

(7) Trainee registration fee, not to exceed $25; and

(8) Biennial renewal fee, not to exceed *$375* ~~$300~~.

Section 56. Subsection (1) of section 486.041, Florida Statutes, is amended to read:

486.041 Physical therapist; application for license; fee; temporary permit.—

(1) A person who desires to be licensed as a physical therapist shall apply to the board in writing on a form furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.031. He shall pay to the department at the time of filing his application a fee not to exceed *$100,* ~~$175~~ as fixed by the board, *plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Services for the American Physical Therapist's Association or a similar national organization.* If an applicant is deemed ineligible to take the examination, that part of his application fee which is to be used for examination expenses shall be returned.

Section 57. Subsection (1) of section 486.085, Florida Statutes, is amended to read:

486.085 Physical therapist; renewal of license; inactive status; reactivation of license; fees.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed *$200* ~~$150~~.

Section 58. Subsection (1) of section 486.103, Florida Statutes, is amended to read:

486.103 Physical therapist assistant; application for license; fee; temporary permit.—

(1) A person who desires to be licensed as a physical therapist assistant shall apply to the board in writing on a form furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.104. He shall pay to the department at the time of filing his application a fee not to exceed *$100,* ~~$175~~ as fixed by the board, *plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Services for the American Physical Therapist's Association or a similar national organization.* If an applicant is deemed ineligible to take the examination, that part of his application fee which is to be used for examination expenses shall be returned.

Section 59. Subsection (1) of section 486.108, Florida Statutes, is amended to read:

486.108 Physical therapist assistant; renewal of license; inactive status; reactivation of license; fees.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed *$150* ~~$100~~.

Section 60. Subsection (1) of section 489.109, Florida Statutes, is amended to read:

489.109 Fees.—

(1) The board, by rule, shall establish reasonable fees to be paid for applications, examination, certification and renewal, registration and renewal, and recordmaking and recordkeeping. ~~Effective October 1, 1979,~~ The fees shall be established as follows:

(a) With respect to an applicant for a certificate, the initial application and examination fee shall not exceed $250, and the biennial renewal fee shall not exceed *$150* ~~$100~~; and

(b) With respect to an applicant for registration, the initial application fee shall not exceed $50, and the biennial renewal fee shall not exceed *$100* ~~$50~~.

~~The fees required by the board on June 30, 1979, shall remain in effect through September 30, 1979.~~ The board, by rule, may also establish penalty fees for late renewal not to exceed *$40* ~~$20~~ for certification and *$20 for* ~~$10~~ registration. *The board, by rule, may establish a fee for transfer of a certificate or registration from one business organization to another, not to exceed $25.* The board shall establish fees which are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this *part* ~~act~~ and the provisions of law with respect to the regulation of the construction industry.

Section 61. Paragraph (a) of subsection (1) of section 490.005, Florida Statutes, is amended to read:

490.005 Licensure by examination.—

(1) Any person desiring to be licensed as a psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the board certifies has:

(a) Completed the application form and remitted an examination fee set by the board not to exceed *$150 plus the actual per applicant cost to the department for purchase of portions of the examination from the Professional Examination Services for the American Association of State Psychology Boards or a similar national organization* ~~$250~~.

Section 62. Section 491.005, Florida Statutes, is amended to read:

491.005 Licensure by examination.~~—Upon verification of documentation and payment of a fee not to exceed $250 as set by board rule, the department shall issue a license to an applicant as a:~~

(1) *Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual per applicant cost to the department for purchase of the examination from the American Association of State Social Worker's Boards or a similar national organization, the department shall issue a license to an applicant as a* clinical social worker who *the board certifies*:

(a) Has made application therefor and paid the appropriate fee.

(b) Has received a doctoral degree in social work from a graduate school of social work which at the time the applicant was enrolled and graduated was accredited by an accrediting agency recognized by the United States Department of Education or has received a master's degree in social work from a graduate school of social work which at the time the applicant was enrolled and graduated:

1. Was accredited by the Council on Social Work Education;

2. Was accredited by the Canadian Association of Schools of Social Work; or

3. Has been determined to have been a program equivalent to programs approved by the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education. An applicant who graduated from a program at a university or college outside of the United States or Canada must present documentation of the equivalency determination from the council in order to qualify.

The applicant's graduate program must have emphasized direct clinical patient or client health care services, including, but not limited to, coursework in clinical social work, psychiatric social work, medical social work, social casework, psychotherapy, or group therapy as required by rule of the board. An applicant from a master's or doctoral program in social work which did not emphasize direct patient or client services may complete the clinical curriculum content requirement by returning to a graduate program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a clinical social work graduate program with comparable standards in order to complete the education requirements for examination.

(c) Has had at least 3 years of clinical social work experience, 2 years of which must be at the post-master's level under the supervision of a licensed clinical social worker, or the equivalent as determined by the board. A doctoral internship may be applied toward the supervision requirement.

(d) Has passed an examination prepared by the department for this purpose.

(2) *Upon verification of documentation and payment of a fee not to exceed $250, as set by board rule, the department shall issue a license to an applicant as a* marriage and family therapist who *the board certifies*:

(a) Has made application therefor and paid the appropriate fee.

(b) Has a minimum of a master's degree with major emphasis in marriage and family therapy, or the equivalent as determined by the board, or has completed all of the following requirements:

1. A minimum of a master's degree.

2. Twenty-seven semester hours or 41 quarter hours of graduate coursework, which must cover content in each of the following seven areas: Dynamics of marriage and family systems; marriage therapy and counseling theory and techniques; family therapy and counseling theory and techniques; human development theories; personality theory; psychopathology or abnormal psychology; and human sexuality therapy and counseling theory and techniques. Coursework must also cover content in at least three of the following areas: Child and adolescent development; adult development; general counseling theory and techniques; vocational and career counseling theory and techniques; sociology of the family; pastoral counseling theory and techniques; psychosocial theory; psychoeducational theory; or any other marriage and family-related courses approved by the board for this requirement. Courses in research, evaluation, appraisal, assessment, or testing theories and procedures; thesis work; or practicums, internships, or fieldwork may not be applied toward this requirement.

3. A minimum of one course in legal, ethical, and professional standards issues in the practice of marriage and family therapy or a course determined by the board to be equivalent.

4. A minimum of one course in evaluation, research, appraisal, assessment, or testing procedures. Credit for thesis work may not be applied toward this requirement.

5. A minimum of one supervised practicum, internship, or field experience in a marriage and family counseling setting. This clinical experience must be equivalent to two semester or three quarter hours. This requirement may be met by a supervised practice experience which took place outside the academic arena, but which is certified as equivalent to a similar program within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education, or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. Certification shall be required from an official of such college or university.

Except as otherwise provided, education and training in marriage and family therapy must have been received in an institution of higher education which at the time the applicant was enrolled and graduated was fully accredited by a regional accrediting body recognized by the Council on Postsecondary Accreditation or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada.

(c) Has had not less than 3 years of clinical experience as a marriage and family therapist, 2 years of which must be at the post-master's level under the supervision of a licensed marriage and family therapist with at least 5 years' experience or the equivalent as determined by the board. Of the 3 years' required experience for licensure as a marriage and family therapist, the applicant must demonstrate 800 hours of direct individual, group, or family therapy and counseling, to include at least two of the following categories of cases: Unmarried dyads, married couples, separating and divorcing couples, or family groups including children. A doctoral internship may be applied toward the supervision requirement.

(d) Has passed an examination provided by the department for this purpose.

(3) *Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Service for the National Academy of Certified Clinical Mental Health Counselors or a similar national organization, the department shall issue a license to an applicant as a* mental health counselor who *the board certifies*:

(a) Has made application therefor and paid the appropriate fee.

(b) Has received a minimum of an earned master's degree with a major emphasis in mental health counseling, or the equivalent as determined by the board, or has completed all of the following requirements:

1. A minimum of a master's degree.

2. Twenty-one semester hours or 32 hours of graduate coursework, which must cover content in each of the following seven areas: Counseling theories and practice; human development theories; personality theory; psychopathology or abnormal psychology; human sexuality therapy and counseling theory and techniques; group theories and practice; and individual evaluation and assessment. Courses in research, thesis work, practicums, internships, or fieldwork may not be applied toward this requirement.

3. A minimum of one course from the following content areas: Research, or career or vocational counseling; and a minimum of one course in legal, ethical, and professional standards issues in the practice of mental health counseling or a course determined by the board to be equivalent. Credit for thesis work may not be applied toward these requirements.

4. A minimum of one supervised practicum, internship, or field experience in a counseling setting. This requirement may be met by a supervised practice experience which takes place outside the academic arena, but which is certified as equivalent to a similar program within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education. Such certification shall be required from an official of such college or university.

Except as otherwise provided, education and training in mental health counseling must have been received in an institution of higher education which at the time the applicant was enrolled and graduated was fully accredited by a regional accrediting body recognized by the Council on Postsecondary Accreditation or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada.

(c) Has had a minimum of 3 years' clinical experience in mental health counseling, 2 years of which must be at the post-master's level under the supervision of a licensed mental health counselor or the equivalent as determined by the board. A doctoral internship may be applied toward the supervision requirement.

(d) Has passed an examination provided by the department for this purpose.

Section 63. *Notwithstanding the provisions of s. 491.005, Florida Statutes, the Department of Professional Regulation shall license as a clinical social worker, a marriage and family therapist, or a mental health counselor any person who made application and paid the fee for such license on or before December 31, 1989, if the person met the qualifications for such license that were required by the laws of this state on September 30, 1987.*

(Renumber subsequent section.)

On motion by Senator Kirkpatrick, by two-thirds vote SB 1031 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crawford

CS for SB 1168—A bill to be entitled An act relating to dentistry; creating s. 466.0275, F.S.; providing that a dentist who accepts or renews a license to practice dentistry in this state has given his implied consent to submitting a handwriting sample to the Department of Professional Regulation under certain circumstances; providing that such a dentist has waived the confidentiality of certain medical reports relating to him, has consented to release them pursuant to an order to do so by the department, and has waived any objection to the admissibility of such

reports as evidence under certain circumstances; amending s. 466.028, F.S., relating to disciplinary violations; creating s. 466.0283, F.S.; establishing standards and procedures for handling impaired practitioners; amending s. 455.26, F.S.; adding a person licensed under ch. 466, F.S., to the Impaired Practitioners Committee; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 1168 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford

On motions by Senator Hair, by two-thirds vote CS for HB 1497 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

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

CS for HB 1497—A bill to be entitle 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. 112.363, F.S.; revising the effective date of contribution rate increases with respect to the retiree health insurance subsidy; amending s. 112.65, F.S., providing a new limitation of benefits for certain retirees; 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.; repealing language requiring benefit increases to be amortized over a 15-year period; requiring actuarial reviews of the Florida Retirement System to be presented to the Legislature by a certain date; amending s. 121.051, F.S., providing existing system members must have a 12 month break in service to transfer to the Florida Retirement System; amending s. 121.0515, F.S.; permitting former members of the Highway Patrol Pension System to receive special risk credit for prior service; 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.; permitting optional participation in the Senior Management Class for certain employees; providing for alternative participation; 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. 121.081, 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; revising the contribution rate applicable to Institute of Food and Agricultural Science Supplemental Retirement Act; specifying intent with respect to the contribution rates specified in this act; providing retroactivity of certain benefits; providing effective dates.

—a companion measure, was substituted for CS for SB 1343 and by two-thirds vote read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (8) of section 112.363, Florida Statutes, is amended to read:

112.363 Retiree health insurance subsidy.—

(8) CONTRIBUTIONS.—For purposes of funding the insurance subsidy provided by this section:

(b) Beginning *January 1, 1989* ~~October 1, 1988~~, the employer of each member of a state-administered retirement plan shall contribute 0.48 percent of gross compensation each pay period.

Such contributions shall be submitted to the Division of Retirement and deposited in the Retiree Health Insurance Subsidy Trust Fund.

Section 2. Subsection (4) of section 121.031, Florida Statutes, is amended to read:

121.031 Administration of system; appropriation; oaths; actuarial studies.—

(4) Notwithstanding the provisions of s. 112.64(4) to the contrary, the net increase, if any, in unfunded liability under the system arising from significant system amendments adopted or changes in assumptions shall be amortized within 30 plan years~~, and the net increase, if any, in unfunded liability arising from experience losses or gains, or supplemental retiree benefit increases, shall be amortized within 15 plan years~~.

Section 3. Subsection (4) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of certain elected state officers.—

(4)*(a) The following table states the required retirement contribution rates for members of the Elected State Officers' Class and their employers in terms of percentages of the members' gross compensation. Changes in the contribution rates are effective with the first salary paid on or after the beginning date of a change. Contributions shall be made or deducted as may be appropriate for each pay period and shall be in addition to the contributions required for social security and the Retiree Health Insurance Subsidy.*

Dates of Contribution Rate Changes	*Members*	*Employers*
July 1, 1972, through September 30, 1977		
Legislators	*8%*	*8%*
All other Members	*8%*	*8%*
October 1, 1977, through September 30, 1978		
Legislators	*8%*	*8%*
All other Members	*4%*	*12%*
October 1, 1978, through September 30, 1979		
Legislators	*8%*	*10.57%*
All other Members	*4%*	*16.78%*
October 1, 1979, through September 30, 1981		
Legislators	*8%*	*10.57%*
Governor, Lt. Governor, Cabinet Officers	*4%*	*16.78%*
All other Members	*0%*	*20.78%*
July 1, 1981, through June 30, 1984		
County Elected Officers	*0%*	*19.30%*
July 1, 1984, through September 30, 1984		
County Elected Officers	*0%*	*20.25%*
October 1, 1981, through September 30, 1984		
Legislators	*0%*	*19.30%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*21.03%*
State Attorney, Public Defender	*0%*	*20.95%*
Justice, Judge	*0%*	*22.55%*
October 1, 1984, through September 30, 1986		
Legislators	*0%*	*10.98%*

Governor, Lt. Governor, Cabinet Officers	*0%*	*10.98%*
State Attorney, Public Defender	*0%*	*10.98%*
Justice, Judge	*0%*	*21.79%*
County Elected Officers	*0%*	*16.97%*
October 1, 1986, through December 31, 1988		
Legislators	*0%*	*11.50%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*11.50%*
State Attorney, Public Defender	*0%*	*11.50%*
Justice, Judge	*0%*	*20.94%*
County Elected Officers	*0%*	*17.19%*
January 1, 1989, through December 31, 1989		
Legislators	*0%*	*13.70%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*13.70%*
State Attorney, Public Defender	*0%*	*13.70%*
Justice, Judge	*0%*	*22.58%*
County Elected Officers	*0%*	*18.44%*
January 1, 1990, through December 31, 1990		
Legislators	*0%*	*15.91%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*15.91%*
State Attorney, Public Defender	*0%*	*15.91%*
Justice, Judge	*0%*	*24.22%*
County Elected Officers	*0%*	*19.71%*
January 1, 1991, through December 31, 1991		
Legislators	*0%*	*18.12%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*18.12%*
State Attorney, Public Defender	*0%*	*18.12%*
Justice, Judge	*0%*	*25.87%*
County Elected Officers	*0%*	*20.97%*
January 1, 1992, through December 31, 1992		
Legislators	*0%*	*20.33%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*20.33%*
State Attorney, Public Defender	*0%*	*20.33%*
Justice, Judge	*0%*	*27.51%*
County Elected Officers	*0%*	*22.24%*
Effective January 1, 1993		
Legislators	*0%*	*22.53%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*22.53%*
State Attorney, Public Defender	*0%*	*22.53%*
Justice, Judge	*0%*	*29.15%*
County Elected Officers	*0%*	*23.49%*

~~(a)1. From and after October 1, 1978, and except as provided in this subsection, the employer paying the salary of a member of the Elected State Officers' Class shall withhold 8 percent of his gross salary, which shall constitute the contribution of that member with respect to retirement and other benefits payable to members of this class, and one-half of the entire contribution of the member required for social security coverage. The employer withholding such contributions shall set aside the funds necessary to pay the matching contributions required pursuant to s. 121.061 and shall contribute an amount equal to 10.57 percent of such member's gross compensation and one-half of the entire contribution with respect to the member's social security coverage.~~

~~2. From and after October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a legislator shall contribute an amount equal to 10.3 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. From and after October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a legislator shall contribute an amount equal to 10.98 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. From and after October 1, 1986, the employer paying the salary of any member of the Elected State Officers' Class who is a legislator shall contribute an amount equal to 11.50 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. Effective October 1, 1987, the employer paying the salary of any member of the Elected State Officers' Class who is a legislator shall contribute an amount equal to 11.74 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. Effective October 1, 1988, the employer paying the salary of any member of the Elected State Officers' Class who is a legislator shall contribute an amount equal to 11.98 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.~~

~~(b)1. From and after October 1, 1978, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, Cabinet officer, Supreme Court justice, district court of appeal judge, circuit judge, county court judge, state attorney, public service commissioner, or public defender shall contribute an amount equal to 16.78 percent of such member's gross compensation and shall withhold 4 percent of such member's gross compensation, the sum of which shall constitute the entire contribution with respect to such member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage. Effective July 1, 1979, any member of the Elected State Officers' Class who is a public service commissioner shall be removed from this class, shall become a regular member on that date, and shall be subject to the contribution provisions of s. 121.071 which pertain to regular members.~~

~~2. From and after October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, or Cabinet officer shall contribute an amount equal to 21.03 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. From and after October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, or Cabinet officer shall contribute an amount equal to 10.98 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. From and after October 1, 1986, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, or Cabinet officer shall contribute an amount equal to 11.50 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. Effective October 1, 1987, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, or Cabinet officer shall contribute an amount equal to 11.74 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. Effective October 1, 1988, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, or Cabinet officer shall contribute an amount equal to 11.98 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.~~

~~(c) From and after October 1, 1979, the employer paying the salary of any member of the Elected State Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, county court judge, state attorney, or public defender shall contribute an amount equal to 20.78 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.~~

~~(d) Effective October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, or county court judge shall contribute an amount equal to 22.55 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, or county court judge shall contribute an amount equal to 21.79 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1986, the employer paying the salary of any member of the Elected State Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, or county court judge shall contribute an amount equal to 20.94 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1987, the employer paying the salary of any member of the Elected State Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, or county court judge shall contribute an amount equal to 21.18 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1988, the employer paying the salary of any member of the Elected State Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, or county court judge shall contribute an amount equal to 21.42 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.~~

~~(e) Effective October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a state attorney or public defender shall contribute an amount equal to 20.95 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a state attorney or public defender shall contribute an amount equal to 10.98 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1986, the employer paying the salary of any member of the Elected State Officers' Class who is a state attorney or public defender shall contribute an amount equal to 11.50 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1987, the employer paying the salary of any member of the Elected State Officers' Class who is a state attorney or public defender shall contribute an amount equal to 11.74 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1988, the employer paying the salary of any member of the Elected State Officers' Class who is a state attorney or public defender shall contribute an amount equal to 11.98 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.~~

~~(f) From and after July 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal to 19.3 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.~~

~~(g) Effective July 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal to 20.25 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal to 16.97 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1986, the employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal to 17.19 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1987, the employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal to 17.43 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1988, the employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal to 17.67 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.~~

(b)~~(h)~~ *The employer paying the salary of a member of the Elected State Officers' Class shall contribute an amount as specified in this section which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage.* Elected State Officers' Class members' contributions and matching contributions received from state employers shall be deposited by the administrator in the system trust fund and Social Security Trust Fund of the Florida Retirement System.

(c) Effective October 1, 1987, each employer shall contribute on behalf of each member in the Elected State Officers' Class an amount equal to .24 percent of the member's gross salary, which shall constitute the entire health insurance subsidy contribution with respect to such member. Effective January 1, 1989, each employer shall contribute an amount equal to .48 percent of each members' gross salary, which shall constitute the entire health insurance subsidy contribution with respect to such member. Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 4. Subsection (3) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(3)*(a) The following table states the required retirement contribution rates for members of the Senior Management Service Class and their employers in terms of percentages of the members' gross compensation. Changes in the contribution rates are effective with the first salary paid on or after the beginning date of a change. Contributions shall be made for each pay period and shall be in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.*

Dates of Contribution Rate Changes	*Members*	*Employers*
February 1, 1987, through December 31, 1988	*0%*	*13.88%*
January 1, 1989, through December 31, 1989	*0%*	*14.95%*
January 1, 1990, through December 31, 1990	*0%*	*16.04%*
January 1, 1991, through December 31, 1991	*0%*	*17.12%*
January 1, 1992, through December 31, 1992	*0%*	*18.21%*
Effective January 1, 1993	*0%*	*19.28%*

(b) The employer paying the salary of a member of the Senior Management Service Class shall contribute an amount as specified in this section which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage.

(c) Effective October 1, 1987, each employer shall contribute on behalf of each member in the Senior Management Service Class an amount equal to .24 percent of the member's gross salary, which shall constitute the entire health insurance subsidy contribution with respect to such member. Effective January 1, 1989, each employer shall contribute an amount equal to .48 percent of each members' gross salary, which shall constitute the entire health insurance subsidy contribution with respect to such member. Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund. ~~Commencing February 1, 1987, the employing agency of a member of the Senior Management Service Class shall contribute each pay period an amount equal to 13.88 percent of the member's gross salary, which shall constitute the entire retirement contribution with respect to such member, plus the employer's share of the contribution required for social security coverage. Effective October 1, 1987, the employing agency shall contribute each pay period an amount equal to 14.12 percent of each member's gross salary, which shall constitute the entire retirement contribution with respect to such member. Effective October 1, 1988, the employing agency shall contribute each pay period an amount equal to 14.36 percent of each member's gross salary, which shall constitute the entire retirement contribution with respect to such member.~~

Section 5. Section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(1) *The following tables state the required retirement contribution rates for members of the Regular Class, Special Risk Class, and Special Risk Administrative Support Class and their employers in terms of percentages of the members' gross compensation. Changes in the contribution rates are effective with the first salary paid on or after the beginning date of a change. Contributions shall be made or deducted as may be appropriate for each pay period and shall be in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.*

(a) Retirement contributions for regular members are as follows:

Dates of Contribution Rate Changes	*Members*	*Employers*
December 1, 1970, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	*4%*	*4%*
December 1, 1970, through September 30, 1975,	*4%*	*4%*

for all other local government agencies		
January 1, 1975, through September 30, 1978, for state agencies and state universities	*0%*	*9%*
January 1, 1975, through July 31, 1978, for community colleges and district school boards	*0%*	*9%*
October 1, 1975, through September 30, 1978, for all other local government agencies	*0%*	*9%*
August 1, 1978, through September 30, 1981, for community colleges and district school boards	*0%*	*9.1%*
October 1, 1978, through September 30, 1981, for all other agencies	*0%*	*9.1%*
October 1, 1981, through September 30, 1984	*0%*	*10.93%*
October 1, 1984, through September 30, 1986	*0%*	*12.24%*
October 1, 1986, through December 31, 1988	*0%*	*13.14%*
January 1, 1989, through December 31, 1989	*0%*	*13.90%*
January 1, 1990, through December 31, 1990	*0%*	*14.66%*
January 1, 1991, through December 31, 1991	*0%*	*15.43%*
January 1, 1992, through December 31, 1992	*0%*	*16.19%*
Effective January 1, 1993	*0%*	*16.95%*

(b) Retirement contributions for special risk members are as follows:

Dates of Contribution Rate Changes	*Members*	*Employers*
December 1, 1970, through September 30, 1974	*6%*	*6%*
October 1, 1974, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	*8%*	*8%*
October 1, 1974, through September 30, 1975, for all other local government agencies	*8%*	*8%*
January 1, 1975, through September 30, 1978, for state agencies, state universities, community colleges, and district school boards	*0%*	*13%*
October 1, 1975, through September 30, 1978, for other local government agencies	*0%*	*13%*
October 1, 1978, through September 30, 1981	*0%*	*13.95%*
October 1, 1981, through September 30, 1984	*0%*	*13.91%*
October 1, 1984, through September 30, 1986	*0%*	*14.67%*
October 1, 1986, through December 31, 1988	*0%*	*15.11%*
January 1, 1989, through December 31, 1989	*0%*	*15.90%*
January 1, 1990, through December 31, 1990	*0%*	*16.70%*
January 1, 1991, through December 31, 1991	*0%*	*17.51%*
January 1, 1992, through December 31, 1992	*0%*	*18.31%*
Effective January 1, 1993	*0%*	*19.10%*

(c) Retirement contributions for special risk administrative support members are as follows:

Dates of Contribution Rate Changes	*Members*	*Employers*
July 1, 1982, through September 30, 1984	*0%*	*11.14%*
October 1, 1984, through September 30, 1986	*0%*	*13.09%*
October 1, 1986, through December 31, 1988	*0%*	*15.44%*
January 1, 1989, through December 31, 1989	*0%*	*14.76%*
January 1, 1990, through December 31, 1990	*0%*	*14.09%*
January 1, 1991, through December 31, 1991	*0%*	*13.41%*
January 1, 1992, through December 31, 1992	*0%*	*12.74%*
Effective January 1, 1993	*0%*	*12.06%*

~~Until January 1, 1975, regular members shall contribute each pay period at the rate of 4 percent of gross compensation and special risk members shall contribute each pay period at the rate of 8 percent of gross compensation. Effective January 1, 1975, regular members and special risk members shall make no contribution to the system.~~

~~(2)(a) Until January 1, 1975, each employer shall contribute an amount equal to the total of its member contributions, made under subsection (1), each pay period. Effective January 1, 1975, and until October 1, 1978, each employer shall contribute 9 percent of gross compensation each pay period for each of its regular members and 13 percent of gross compensation each pay period for each of its special risk members. Effective October 1, 1978, each employer shall contribute 9.1 percent of gross compensation each pay period for each of its regular members and 13.95 percent of gross compensation each pay period for each of its special risk members. Effective October 1, 1981, each employer shall contribute 10.93 percent of gross compensation each pay period for each of its regular members and 13.91 percent of gross compensation each pay period for each of its special risk members. Effective October 1, 1984, each employer shall contribute 12.24 percent of gross compensation each pay period for each of its regular members and 14.67 percent of gross compensation each pay period for each of its special risk members. Effective October 1, 1986, each employer shall contribute 13.14 percent of gross compensation each pay period for each of its regular members and 15.11 percent of gross compensation each pay period for each of its special risk members. Effective October 1, 1987, each employer shall contribute 13.38 percent of gross compensation each pay period for each of its regular members and 15.35 percent of gross compensation each pay period for each of its special risk members. Effective October 1, 1988, each employer shall contribute 13.62 percent of gross compensation each pay period for each of its regular members and 15.59 percent of gross compensation each pay period for each of its special risk members.~~

~~(b) Effective July 1, 1982, each employer shall contribute 11.14 percent of gross compensation each pay period for each of its members serving in an administrative support position in a law enforcement, firefighting, or correctional agency as provided in s. 121.0515(7). Effective October 1, 1984, each employer shall contribute 13.09 percent of gross compensation each pay period for each of its members serving in an administrative support position in a law enforcement, firefighting, or correctional agency as provided in s. 121.0515(7). Effective October 1, 1986, each employer shall contribute 15.44 percent of gross compensation each pay period for each of its members serving in an administrative support position in a law enforcement, firefighting, or correctional agency as provided in s. 121.0515(7). Effective October 1, 1987, each employer shall contribute 15.68 percent of gross compensation each pay period for each of its members serving in an administrative support position in a law enforcement, firefighting, or correctional agency as provided in s. 121.0515(7). Effective October 1, 1988, each employer shall contribute 15.92 percent of gross compensation each pay period for each of its members serving in an administrative support position in a law enforcement, firefighting, or correctional agency as provided in s. 121.0515(7).~~

(2)~~(3)~~(a) Effective January 1, 1975, *or October 1, 1975, as applicable,* each employer shall accomplish the increased contribution required by subsection *(1)*~~(2)~~ by a procedure in which no employee's gross salary shall be reduced.

(b) Upon termination of employment for any reason other than retirement, a member shall be entitled to a full refund of the contributions he has made prior or subsequent to his participation in the noncontributory plan, subject to the restrictions otherwise provided in this chapter.

(3)~~(4)~~ *The employer paying the salary of a member shall contribute an amount as specified in this section which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage.* Contributions for social security by each member and each employer, in the amount required for social security coverage as now or hereafter provided by the federal Social Security Act, shall be in addition to contributions specified in *subsection (1)* ~~subsections (2) and (3)~~.

(4) Effective October 1, 1987, each employer shall contribute on behalf of each member an amount equal to .24 percent of the member's

gross salary, which shall constitute the entire health insurance subsidy contribution with respect to such member. Effective January 1, 1989, each employer shall contribute an amount equal to .48 percent of each members' gross salary, which shall constitute the entire health insurance subsidy contribution with respect to such member. Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

(5) Contributions made in accordance with subsections *(1)*, (2), (3), and (4) shall be paid by the employer into the system trust funds in accordance with rules promulgated by the administrator pursuant to chapter 120. Such contributions are due and payable no later than the 25th day of the month immediately following the month during which the payroll period ended. The division may by rule establish a different due date, which shall supersede the date specified herein; however, such due date may not be established earlier than the 20th day of the month immediately following the month during which the payroll period ended. Effective January 1, 1984, contributions made in accordance with subsection *(3)*~~(4)~~ shall be paid by the employer into the system trust fund in accordance with rules promulgated by the administrator pursuant to chapter 120. For any payroll period ending any day of the month before the 16th day of the month, such contributions are due and payable no later than the 20th day of the month; and, for any payroll periods ending any day of the month after the 15th day of the month, such contributions are due and payable no later than the 5th day of the next month. Contributions received in the offices of the Division of Retirement of the Department of Administration after the prescribed date shall be considered delinquent unless, in the opinion of the division, exceptional circumstances beyond an employer's control prevented remittance by the prescribed due date notwithstanding such employer's good faith efforts to effect delivery; and, with respect to retirement contributions due under subsections *(1) and (4)* ~~(2) and (3)~~, each employer shall be assessed a delinquent fee of 1 percent of the contributions due for each calendar month or part thereof that the contributions are delinquent. Such a waiver of the delinquency fee by the division may be granted an employer only one time each fiscal year. Delinquent social security contributions shall be assessed a delinquent fee as authorized by s. 650.05(4). The delinquent fee assessable for an employer's first delinquency after July 1, 1984, shall be as specified in s. 650.05(4), and, beginning with the second delinquency in any fiscal year by the employer subsequent to July 1, 1984, all subsequent delinquency fees shall be assessed against the employer at twice the applicable percentage rate specified in s. 650.05(4).

Section 6. Paragraph (b) of subsection (12) of section 121.40, Florida Statutes, is amended to read:

121.40 Cooperative extension personnel at the Institute of Food and Agricultural Sciences; supplemental retirement benefits.—

(12) CONTRIBUTIONS.—

(b) The monthly contributions required to be paid pursuant to paragraph (a) *on* ~~shall be equal to 6.68 percent of~~ the gross monthly salaries, from all sources with respect to such employment, paid to those employees of the institute who hold both state and federal appointments and who participate in the federal Civil Service Retirement System *shall be as follows:*~~.~~

Dates of Contribution Percentage	*Rate Changes Due*
July 1, 1985, through December 31, 1988	*6.68%*
Effective January 1, 1989	*6.35%*

Section 7. Subsection (1) of section 112.1904, Florida Statutes, is amended to read:

112.1904 Law enforcement officers unlawfully and intentionally killed in performance of duties; death benefits.—

(1) As used in this section, the term "law enforcement officer" means a full-time officer or employee of the state or any political subdivision of the state, including any correctional officer, state attorney *investigator*, or public defender investigator, whose duties require such officer or employee to investigate, pursue, apprehend, arrest, transport, or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime; and the term includes any member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices.

Section 8. Paragraph (c) is added to subsection (5) of section 112.362, Florida Statutes, to read:

112.362 Recomputation of retirement benefits.—

(5)(a) Effective July 1, 1981, the dollar factors used in determining the minimum benefits provided by this section shall be adjusted by an amount derived by multiplying said dollar factors by the percentage change in the average cost-of-living index since the previous July 1, not to exceed 3 percent. Each July 1 thereafter, the adjusted dollar factors used in determining the minimum benefits provided by this section shall continue to be adjusted by an amount derived by multiplying the current adjusted dollar factors by the percentage change in the average cost-of-living index since the previous July 1, not to exceed 3 percent for any annual adjustment.

(b) "Average cost-of-living index" as of any July 1 date means the average of the monthly Consumer Price Index figures for the 12-month period from April 1 through March 31 immediately prior to the adjustment date, relative to the United States as a whole, issued by the Bureau of Labor Statistics of the United States Department of Labor.

(c) Effective July 1, 1987, the adjusted dollar factors used in determining the minimum benefits provided by this section shall be adjusted by a constant 3 percent.

Section 9. Subsection (18), and paragraphs (a) and (b) of subsection (19) of section 121.021, Florida Statutes, are amended, and subsection (39) is added to said section, to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(18) "Past service" of any member, *as provided in s. 121.081(1)*, means the number of years and complete months and any fractional part of a month, recognized and credited by an employer and approved by the administrator, during which he was in the active employ of an employer prior to his date of participation.

(19) "Prior service" under this chapter means:

(a) Service for which the member had credit under one of the existing systems and received a refund of his contributions upon termination of employment. Prior service shall also include that service between December 1, 1970, and the date the system becomes noncontributory for which the member had credit under the Florida Retirement System and received a refund of his contributions upon termination of employment. ~~After the date the Florida Retirement System becomes noncontributory, prior service shall also include that service for which the member had credit under the noncontributory provisions upon termination of employment.~~

(b) Service prior to an employee's membership in the Florida Retirement System with an employer, either before or during the employer's participation in an existing system. The word "service" as used in this paragraph and paragraph (c) means employment service *prior to December 1, 1970*, which, at the time it is claimed as prior service, satisfies the requirements for a regularly established position, as defined by rules of the Florida Retirement System.

(39) "Termination" occurs when a member ceases all employment relationships with employers under this system, as defined in subsection (10), but in the event a member should be employed by any such employer within the next calendar month, termination shall be deemed not to have occurred. A leave of absence shall constitute a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination for a member, if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The division may require other evidence of termination as it deems necessary.

Section 10. Subsection (3) of section 121.031, Florida Statutes, is amended to read:

121.031 Administration of system; appropriation; oaths; actuarial studies.—

(3) The administrator shall cause an actuarial study of the system to be made at least once every 2 years and shall report the results of such study to the ~~next session of the~~ Legislature *by February 1 prior to the next legislative session* ~~following completion of the study~~. Such study shall, at a minimum, conform to the requirements of s. 112.63, with the following exceptions and additions:

(a) The valuation of plan assets shall be based on a 5-year averaging methodology such as that specified in the United States Department of Treasury Regulations, 26 C.F.R. s. 1.412(c)(2), or a similar accepted approach designed to attenuate fluctuations in asset values.

(b) The study shall include a narrative explaining the changes in the covered group over the period between actuarial valuations and the impact of those changes on actuarial results.

(c) When substantial changes in actuarial assumptions have been made, the study shall reflect the results of an actuarial assumption as of the current date based on the assumptions utilized in the prior actuarial report.

(d) The study shall include an analysis of the changes in actuarial valuation results by the factors generating those changes. Such analysis shall reconcile the current actuarial valuation results with those results from the prior valuation.

(e) The study shall include measures of funding status and funding progress designed to facilitate the assessment of trends over several actuarial evaluations with respect to the overall solvency of the system. Such measures shall be adopted by the division and shall be used consistently in all actuarial evaluations performed on the system.

Section 11. Subsection (6) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership; criteria; designation and removal of classification; credits for past service and prior service; retention of special risk normal retirement date.—

(6) CREDIT FOR PRIOR SERVICE.—A special risk member who has creditable service with an employer under chapter 122 *or chapter 321, or was employed as a correctional counselor with the Department of Corrections between December 1, 1970, and September 30, 1979,* in a position which satisfies the criteria provided for in subsection (2) for special risk membership except the requirement for a certificate or waiver of certificate, shall have those years of service counted towards the attainment of the normal retirement date as a special risk member under this chapter. The percentage value of each such year of creditable service under chapter 122, *chapter 321, or as a correctional counselor* shall not change as a result of the application of this subsection. A special risk member who has taken a refund of contributions for such creditable service under chapter 122 *or chapter 321* and has reclaimed it as prior service credit under this chapter shall be permitted to have such creditable service counted towards the attainment of the normal retirement date for the Special Risk Class of membership under this chapter.

Section 12. Paragraph (b) of subsection (1) and subsection (2) of section 121.081, Florida Statutes, are amended to read:

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(1)

(b) Past service earned after January 1, 1975, may be claimed by officers or employees of a city or special district that *becomes* ~~become~~ a covered group under this system. The governing body of a covered group may elect to provide benefits with respect to past service earned after January 1, 1975, in accordance with this chapter, and the cost for such past service shall be established by applying the following formula: The employer shall *contribute an amount equal to the contribution rate in effect at the time the service was earned, multiplied by* ~~contribute 9 percent of~~ the employee's gross salary for each year of past service claimed, plus 6.5 percent interest thereon, compounded annually, figured on each year of past service, with interest compounded from date of annual salary earned until date of payment.

(2) Prior service, as defined in s. 121.021(19), may be claimed as creditable service under the Florida Retirement System after a member has been reemployed for 12 continuous months, *except as provided in paragraph (c).* Service performed as a participant of the optional retirement program for the State University System under s. 121.35 *or the Senior Management Service Optional Annuity Program under s. 121.055* may be used to satisfy the 12-continuous-month requirement. The member shall not be permitted to make any contributions for prior service until after the 12-month period. The required contributions for claiming the various types of prior service are:

(a) For prior service performed prior to the date the system becomes noncontributory for the member and for which the member had credit under one of the existing retirement systems and received a refund of contributions upon termination of employment, the member shall contribute 4 percent of all salary received during the period being claimed, plus 4 percent interest compounded annually from date of refund until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund.

(b) For prior service performed prior to the date the system becomes noncontributory for the member and for which the member had credit under the Florida Retirement System and received a refund of contributions upon termination of employment, the member shall contribute at the rate that was required of him during the period of service being claimed, on all salary received during such period, plus 4 percent interest compounded annually from date of refund until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until the full payment is made to the Retirement Trust Fund.

~~(c) For service performed after the Florida Retirement System becomes noncontributory for the member, and for which the member had credit under the Florida Retirement System at the date of termination of employment, the member shall not be required to make any contributions in order to receive prior service credit, but such credit shall not be granted until the member has been reemployed for 12 continuous months.~~

(c)~~(d)~~ For prior service as defined in s. 121.021(19)(b) and (c) during which no contributions were made because the member did not participate in a retirement system, the member shall contribute *14.38* ~~9~~ percent of all salary received during such period or *14.38* ~~9~~ percent of $100 per month during such period, whichever is greater, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund.

(d)~~(e)~~ In order to claim credit for prior service as defined in s. 121.021(19)(d) for which no retirement contributions were paid during the period of such service, the member shall contribute the total employee and employer contributions which were required to be made to the Highway Patrol Pension Trust Fund, as provided in chapter 321, during the period claimed, plus 4 percent interest compounded annually from the first year of service until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund. However, any governmental entity which employed such member may elect to pay up to 50 percent of the contributions and interest required to purchase this prior service credit.

Section 13. Section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—*Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39).*

(1) NORMAL RETIREMENT BENEFIT.—Upon attaining his normal retirement date, the member, upon application to the administrator, shall receive a monthly benefit which shall commence on the last day of the month of retirement and be payable on the last day of each month thereafter during his lifetime. The amount of monthly benefit shall be determined as the product of A and B, subject to the adjustment of C, if applicable, when:

(a) A is 1.60 percent of his average monthly compensation, up to his normal retirement age. The first year after his normal retirement age, A is 1.63 percent of his average monthly compensation. The second year after his normal retirement age, A is 1.65 percent of his average monthly compensation. The third year after his normal retirement age, A is 1.68 percent of his average monthly compensation. A shall not exceed 1.68 percent of his average monthly compensation, except that for all creditable years of special risk service, A is 2 percent of his average monthly compensation for all creditable years prior to October 1, 1974, for which additional retirement credit has not been purchased, and 3 percent of his average monthly compensation until October 1, 1978, when all years of creditable service thereafter as a special risk member shall be worth 2 percent of his average monthly compensation; however, the normal retirement benefit, including any past or additional retirement credit, may not exceed 100 percent of the average final compensation;

(b) B is the number of his years and any fractional part of a year of creditable service earned subsequent to November 30, 1970; and

(c) C is the normal retirement benefit credit brought forward as of November 30, 1970, by a former member of an existing system. Such normal retirement benefit credit shall be determined as the product of A and B when A is the percentage of average final compensation which the member would have been eligible to receive if he had attained his normal retirement date as of November 30, 1970, all in accordance with the existing system under which the member is covered on November 30, 1970, and B is average monthly compensation as defined in s. 121.021(25). However, any member of an existing retirement system who is eligible to retire and who does retire, become disabled, or die prior to April 15, 1971, may have his retirement benefits calculated on the basis of the best 5 of the last 10 years of service.

(2) BENEFITS PAYABLE FOR DUAL NORMAL RETIREMENT AGES.—In the event a member accumulates retirement benefits to commence at different normal retirement ages by virtue of his having performed duties for an employer which would entitle him to benefits as both a regular member and special risk member, the amount of benefits payable shall be computed separately with respect to each such age and the sum of such computed amounts shall be paid as provided in this section.

(3) EARLY RETIREMENT BENEFIT.—Upon retirement on his early retirement date, the member shall receive an immediate monthly benefit which shall commence the last day of the month of his retirement date and be payable on the last day of each month thereafter during his lifetime. The amount of each monthly payment shall be computed in the same manner as for a normal retirement benefit, in accordance with subsection (1), but based on average monthly compensation and creditable service as of the member's early retirement date. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which the early retirement precedes the normal retirement date of age 62 for a regular member or a member of the Elected State Officers' Class, and age 55 for a special risk member or age 52 if a special risk member has completed 25 years of creditable service in accordance with s. 121.021(29)(c)3. However, if the employment of a member is terminated by reason of death subsequent to the completion of 20 years of creditable service, the monthly benefit payable to the member's beneficiary shall be calculated in accordance with subsection (1), but based on average monthly compensation and creditable service as of the date of death. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which death precedes the normal retirement date specified above or the date on which the member would have attained 30 years of creditable service had he survived and continued his employment, whichever provides a higher benefit.

(4) DISABILITY RETIREMENT BENEFIT.—

(a) Disability retirement date.—A member who becomes totally and permanently disabled, as defined in paragraph (b), after completing 5 years of creditable service, or a member who becomes totally and permanently disabled in the line of duty regardless of service, shall be entitled to a monthly disability benefit; except that any member with less than 5 years of creditable service on July 1, 1980, or any person who becomes a member of the Florida Retirement System on or after such date must have completed 10 years of creditable service prior to becoming totally and permanently disabled in order to receive disability retirement benefits for any disability which occurs other than in the line of duty. But in the event that any member *employed on July 1, 1980,* with less than 5 years of creditable service *as of that date* ~~on July 1, 1980~~, becomes totally and permanently disabled after completing 5 years of creditable service and is found not to have attained fully insured status for ~~disability~~ benefits under the federal Social Security Act, such member shall be entitled to a monthly disability benefit. The disability retirement date shall be the first day of the month which coincides with or next follows the date the administrator approves payment of disability retirement benefits to the member.

(b) Total and permanent disability.—A member shall be considered totally and permanently disabled if, in the opinion of the administrator, he is prevented, by reason of a medically determinable physical or mental impairment, from rendering useful and efficient service as an officer or employee. The decision of the administrator on these questions shall be final and binding.

(c) Proof of disability.—The administrator, before approving payment of any disability retirement benefit, shall require proof that the member is totally and permanently disabled as provided herein, which proof shall include the certification of the member's total and permanent disability by two licensed physicians of the state and such other evidence of disability as the administrator may require.

(d) Disability retirement benefit.—Upon the retirement of a member on his disability retirement date, the member shall receive a monthly benefit which shall commence on the last day of the month of his disability retirement and shall be payable on the last day of each month thereafter during his lifetime and continued disability. The amount of each monthly payment shall be computed in the same manner as for a normal retirement benefit, in accordance with subsection (1), but based on disability option actuarial equivalency tables and the average monthly compensation and creditable service of the member as of his disability retirement date, subject to the following conditions:

1. If the member's disability occurred in the line of duty, his monthly benefit shall not be less than 42 percent of his average monthly compensation as of his disability retirement date; or

2. If the member's disability occurred other than in the line of duty, his monthly benefit shall not be less than 25 percent of his average monthly compensation as of his disability retirement date. The minimum monthly benefit allowed in this subparagraph does not apply to an officer or employee who has attained normal retirement age.

(e) Recovery from disability.—The administrator may require periodic reexaminations at the expense of the retirement fund, and:

1. If the administrator finds that a member who is receiving disability benefits is, at any time prior to his normal retirement date, no longer disabled, the administrator shall direct that the benefits be discontinued. The decision of the administrator on this question shall be final and binding.

2. If the member, described in subparagraph 1., who recovers from such disability prior to his normal retirement date does not reenter the employ of an employer and had not completed 10 years of creditable service as of his disability retirement date, he shall be entitled to the excess, if any, of his accumulated contributions over the total disability benefits received up to his date of recovery.

3. If the member, described in subparagraph 1., who recovers from such disability prior to his normal retirement date does not reenter the employ of an employer but had completed 10 or more years of creditable service as of his disability retirement date, he may elect to receive:

a. The excess, if any, of his accumulated contributions over the total disability benefits received up to his date of recovery, or

b. A deferred benefit commencing on the last day of the month of his normal retirement date which shall be payable on the last day of the month thereafter during his lifetime. The amount of such monthly benefit shall be computed in the same manner as for a normal retirement benefit, in accordance with subsection (1), but based on average monthly compensation and creditable service as of the member's disability retirement date.

4. If the member recovers from disability and reenters employment of an employer within 6 months after his recovery, his service will be deemed to have been continuous, but the period beginning with the first month for which he received a disability benefit payment and ending with the date he reentered employment will not be considered as creditable service for the purpose of computing benefits except as provided in subparagraph 5. The term "accumulated contributions" for such member wherever used in this section after such recovery means the excess of a member's accumulated contributions as of his disability retirement date over total disability benefits received under paragraph (d).

5. If the member recovers from disability, has his disability benefit terminated, reenters covered employment, and is continuously employed for a minimum of 1 year of creditable service, he may claim as creditable service the months during which he was receiving a disability benefit, upon payment of the required contributions. Contributions shall equal the total required employee and employer contribution rate during the period the retiree received retirement benefits, multiplied times his rate of monthly compensation prior to the commencement of disability retirement for each month of the period claimed, plus 4 percent interest until July 1, 1975, and 6.5 percent interest thereafter on such contributions, compounded annually each June 30 to the date of payment. If the member does not claim credit for all of the months he received disability benefits, the months claimed must be his most recent months of retirement.

6. If after recovery of disability and reentry into covered employment, the member again becomes disabled and is again approved for disability

retirement, his Option 1 monthly retirement benefit shall not be less than the Option 1 monthly benefit calculated at the time of his previous disability, plus any cost of living increases up to the time his disability benefit was terminated upon his reentry into covered employment.

(f) Nonadmissible causes of disability.—A member shall not be entitled to receive any disability retirement benefit if his disability is a result of any of the following:

1. Injury or disease sustained by the member while willfully participating in a riot, civil insurrection, or other act of violence or while committing a felony;

2. Injury or disease sustained by the member after his employment has terminated; or

3. Intentional, self-inflicted injury.

(g) Disability retirement of justice or judge by order of Supreme Court.—

1. If a member is a justice of the Supreme Court, judge of a district court of appeal, circuit judge, or judge of a county court who has served for 10 years or more as an elected constitutional judicial officer, including service as a judicial officer in any court abolished pursuant to Article V of the State Constitution, and who is retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to the provisions of Art. V of the State Constitution, his monthly benefit shall not be less than two-thirds of his monthly compensation as of his disability retirement date.

2. Should any justice or judge who is a member of the Florida Retirement System be retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to the provisions of Art. V of the State Constitution, then all contributions to his account and all contributions made on his behalf by his employer shall be transferred to and deposited in the General Revenue Fund of the state, and there is hereby appropriated annually out of the General Revenue Fund, to be paid into the Florida Retirement System Fund, an amount necessary to pay the benefits of all justices and judges retired from the Florida Retirement System pursuant to Art. V of the State Constitution.

(5) TERMINATION BENEFITS.—

(a) A member whose employment is terminated for any reason other than death or retirement prior to the completion of 10 years of creditable service shall be entitled to the return of his accumulated contributions as of his date of termination.

(b) A member whose employment is terminated for any reason other than death or retirement after the completion of 10 years of creditable service may elect to receive a deferred monthly benefit which shall commence on the last day of the month of his normal or early retirement and shall be payable on the last day of each month thereafter during his lifetime. The amount of monthly benefit shall be computed in the same manner as for a normal retirement benefit in accordance with subsection (1) or early retirement benefit in accordance with s. 121.021(30), but based on average monthly compensation and creditable service as of his date of termination.

(c) In lieu of the deferred monthly benefit provided in paragraph (b), the terminated member may elect to receive a lump-sum amount equal to his accumulated contributions as of his date of termination.

(d) If any retired member dies without having received in benefit payments an amount equal to his accumulated contributions, there shall be payable to his designated beneficiary an amount equal to the excess, if any, of the member's accumulated contributions over the total monthly payments made to the member prior to his date of death.

(e) A member shall be deemed a terminated member *when termination of employment has occurred as provided in s. 121.021(39)* ~~only at such time as he is no longer employed by an employer, except as provided in subparagraph (9)(b)7.~~

(f) Any member who has been found guilty by a verdict of a jury, or by the court trying the case without a jury, of committing, aiding, or abetting any embezzlement or theft from his employer, bribery in connection with the employment, or other felony specified in chapter 838, committed prior to retirement, or who has entered a plea of guilty or of nolo contendere to such crime, or any member whose employment is terminated by reason of his admitted commitment, aiding, or abetting of an embezzlement or theft from his employer, bribery, or other felony specified in chapter 838, shall forfeit all rights and benefits under this chapter, except the return of his accumulated contributions as of his date of termination.

(g) Any elected official who is convicted by the Senate of an impeachable offense shall forfeit all rights and benefits under this chapter, except the return of his accumulated contributions as of the date of his conviction.

(h) Any member who, prior to retirement, is adjudged by a court of competent jurisdiction to have violated any state law against strikes by public employees, or who has been found guilty by such court of violating any state law prohibiting strikes by public employees, shall forfeit all rights and benefits under this chapter, except the return of his accumulated contributions as of the date of his conviction.

(6) OPTIONAL FORMS OF RETIREMENT BENEFITS AND DISABILITY RETIREMENT BENEFITS.—

(a) Prior to the receipt of his first monthly retirement payment, a member shall elect to receive the retirement benefits to which he is entitled under subsection (1), subsection (2), subsection (3), or subsection (4) in accordance with one of the following options:

1. The maximum retirement benefit payable to the member during his lifetime.

2. A decreased retirement benefit payable to the member during his lifetime and, in the event of his death within a period of 10 years after his retirement, the same monthly amount payable for the balance of such 10-year period to his beneficiary or, in case the beneficiary is deceased, in accordance with subsection (8) as though no beneficiary had been named.

3. A decreased retirement benefit payable during the joint lifetime of both the member and his joint annuitant and which, after the death of either, shall continue during the lifetime of the survivor in the same amount.

4. A decreased retirement benefit payable during the joint lifetime of the member and his joint annuitant and which, after the death of either, shall continue during the lifetime of the survivor in an amount equal to $66\frac{2}{3}$percent of the amount which was payable during the joint lifetime of the member and his joint annuitant.

(b) The benefit payable under any option stated above shall be the actuarial equivalent, based on tables adopted by the administrator for this purpose, of the amount to which the member was otherwise entitled.

(c) A member who elects the option in subparagraph 2. of paragraph (a) shall, in accordance with subsection (8), designate a person to receive the benefits payable in the event of his death. Such person shall be the beneficiary of the member.

(d) A member who elects the option in subparagraph 3. or subparagraph 4. of paragraph (a) shall, on a form provided for that purpose, designate his spouse or other dependent to receive the benefits which continue to be payable upon the death of the member. Such person shall be the joint annuitant of the member. After benefits have commenced under the option in subparagraph 3. or subparagraph 4., a retired member may change his designation of a joint annuitant only twice. If such a retired member desires to change his designation of a joint annuitant, he shall file with the division a notarized "change of joint annuitant" form and shall notify the former joint annuitant in writing of such change. Upon receipt of a completed change of joint annuitant form, the division shall adjust the member's monthly benefit by the application of actuarial tables and calculations developed to ensure that the benefit paid is the actuarial equivalent of the present value of the member's current benefit. The consent of a retired member's first designated joint annuitant to any such change shall not be required.

(e) The election of an option shall be null and void if either the member, designated beneficiary, or designated joint annuitant dies before benefits commence.

(f) A member who elects to receive benefits under the option in subparagraph 3. of paragraph (a) may designate one or more qualified persons, either a spouse or other dependent, as his joint annuitant to receive the benefits after his death in whatever proportion he so assigns to each person named as joint annuitant. The division shall adopt appropriate actuarial tables and calculations necessary to ensure that the benefit paid is the actuarial equivalent of the benefit to which the member is otherwise entitled under the option in subparagraph 1. of paragraph (a).

(g) Upon the death of a retired member or beneficiary receiving monthly benefits under this chapter, the monthly benefits shall be paid through the last day of the month of death and shall terminate, or be adjusted, if applicable, as of that date in accordance with the optional form of benefit selected at the time of retirement.

(7) DEATH BENEFITS.—

(a) If the employment of a member is terminated by reason of his death prior to the completion of 10 years of creditable service, there shall be payable to his designated beneficiary the member's accumulated contributions.

(b) If the employment of a member is terminated by reason of his death subsequent to the completion of 10 years of creditable service but prior to his actual retirement, it shall be assumed that the member retired as of his date of death in accordance with subsection (1) if eligible for normal retirement benefits, subsection (2) if eligible for benefits payable for dual normal retirement or subsection (3) if eligible for early retirement benefits, having elected in accordance with subsection (6), the optional form of payment most favorable to his beneficiary, as determined by the administrator. However, the value of the benefit determined under this paragraph shall not be less than the value of the benefit determined under paragraph (a). The monthly benefit provided in this paragraph shall be paid to the member's beneficiary (spouse or other dependent) for the beneficiary's lifetime.

(c)1. The surviving spouse of any member killed in the line of duty may receive a monthly pension equal to one-half of the monthly salary being received by the member at the time of death for the rest of the surviving spouse's lifetime, unless said surviving spouse remarries, in which case the pension shall terminate on the date of remarriage; or, in lieu of the above, the surviving spouse may elect to receive the benefit provided in paragraph (b).

2. If the surviving spouse of a member killed in the line of duty dies prior to remarriage, the monthly payments which would have been payable to such surviving spouse had such surviving spouse lived shall be paid for the use and benefit of such member's child or children under 18 years of age and unmarried until the 18th birthday of the member's youngest child.

3. If a member killed in the line of duty leaves no surviving spouse but is survived by a child or children under 18 years of age, the benefits provided by subparagraph 1., normally payable to a surviving spouse, shall be paid for the use and benefit of such member's child or children under 18 years of age and unmarried until the 18th birthday of the member's youngest child.

(d) The surviving spouse or other dependent of any member whose employment is terminated by death shall, upon application to the administrator, be permitted to pay the required contributions for any service performed by the member which could have been claimed by the member at the time of his death. Such service shall be added to the creditable service of the member and shall be used in the calculation of any benefits which may be payable to the surviving spouse or other surviving dependent.

(e) Notwithstanding any other provisions in this chapter to the contrary, if any member who has accumulated at least 10 years of creditable service dies and the surviving spouse receives a refund of the accumulated contributions made to the retirement trust fund, such spouse may pay to the Division of Retirement an amount equal to the sum of the amount of the deceased member's accumulated contributions previously refunded plus interest at 4 percent compounded annually each June 30 from the date of refund *until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made,* ~~to the date of repayment~~ and receive the monthly retirement benefit as provided in paragraph (b).

(f) The designated beneficiary who is the surviving spouse or other dependent of a member whose employment is terminated by death subsequent to the completion of 10 years of creditable service but prior to actual retirement may elect to receive a deferred monthly benefit as if the member had lived and had elected a deferred monthly benefit, as provided in paragraph (5)(b), calculated on the basis of the average final compensation and creditable service of the member at his death and the age the member would have attained on the commencement date of the deferred benefit elected by his beneficiary, paid in accordance with option 3 of paragraph (6)(a).

(8) DESIGNATION OF BENEFICIARIES.—Each member may, on a form provided for that purpose, signed and filed with the division, designate a choice of one or more persons, named sequentially or jointly, as his beneficiary who shall receive the benefits, if any, which may be payable in the event of his death pursuant to the provisions of this chapter. If no beneficiary is named in the manner provided above, or if no beneficiary designated by the member survives him, the administrator shall direct the payment of such benefits to the spouse of the deceased, if living. If the member's spouse is not alive at his death, any payments to which he was entitled shall be paid to the living children of the member or on their behalf if under 18 years of age. If no children survive, any remaining benefits shall be payable to the member's father or mother, if living; otherwise, to the legal representative of the member's estate.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(a) Any person who is retired under this chapter, except under the disability retirement provisions of subsection (4), may be employed by an employer that does not participate in a state-administered retirement system and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable to that person.

(b)1. Any person who is retired under this chapter, except under the disability retirement provisions of subsection (4), may be reemployed by any private or public employer after retirement and receive retirement benefits and compensation from his employer without any limitations, except that a person, *other than a retired judge who retired after having accumulated 30 years or more of creditable service in a state-administered retirement system,* may not receive both a salary from reemployment with any agency participating in the Florida Retirement System and retirement benefits under this chapter for a period of 12 months immediately subsequent to the date of retirement. *Employers who reemploy such retired judges are subject to the retirement contribution required by subparagraph 4.* However, a district school board may reemploy a retired member as a substitute teacher on a noncontractual basis after he has been retired for 1 calendar month. Any retired member who is reemployed within 1 calendar month after retirement shall forfeit his right to retirement benefits during that month. District school boards reemploying such teachers are subject to the retirement contribution required by subparagraph 4. Reemployment of a retired member as a substitute teacher is limited to 780 hours during the first 12 months of his retirement. Any retired member reemployed for more than 780 hours during his first 12 months of retirement shall give timely notice in writing to his employer and to the division of the date he will exceed the limitation. The division shall suspend his retirement benefits for the remainder of his first 12 months of retirement. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during his first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and his retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

2. A community college board of trustees may reemploy a retired member as an adjunct instructor, an instructor who is noncontractual and part-time, after he has been retired for 1 calendar month. Any retired member who is reemployed within 1 calendar month after retirement shall forfeit his right to retirement benefits during that month. Boards of trustees reemploying such instructors are subject to the retirement contribution required in subparagraph 4. A retired member may be reemployed as an adjunct instructor for no more than 780 hours during the first 12 months of his retirement. Any retired member reemployed for more than 780 hours during his first 12 months of retirement shall give timely notice in writing to his employer and to the division of the date he will exceed the limitation. The division shall suspend his retirement benefits for the remainder of his first 12 months of retirement. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during his first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

3. Any person to whom the limitation in subparagraph 1. or subparagraph 2. applies who violates such reemployment limitation and who is reemployed with any agency participating in the Florida Retirement System before completion of the 12-month limitation period shall give

timely notice of this fact in writing to his employer and to the division and shall have his retirement benefits suspended for the balance of the 12-month limitation period. Any retirement benefits received while reemployed during this reemployment limitation period shall be repaid to the retirement trust fund, and retirement benefits shall remain suspended until such repayment has been made. Benefits suspended beyond the reemployment limitation shall apply toward repayment of benefits received in violation of the reemployment limitation.

4. The employment by an employer of any retiree of any state-administered retirement system shall have no effect on the average final compensation or years of creditable service of the retiree. Any employer upon employment of any person who has been retired under any state-administered retirement program shall pay retirement contributions in an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for regular members of the Florida Retirement System.

5. Any person who has previously retired and who is holding an elective public office or an appointment to an elective public office on or after July 1, 1969, may have his membership in the Florida Retirement System reinstated by making the necessary contributions to the retirement fund for the period of reemployment. Any person who elects this alternative shall not be eligible for retirement benefits during the period of employment. During this period of employment, such compensation shall be included in the computation of the employee's average final compensation and his years of creditable service.

6. Any person who has retired and subsequently is elected or appointed to an elective public office which is covered by the Florida Retirement System and who does not elect to reinstate his membership in the Florida Retirement System shall continue to receive his retirement benefits in addition to the compensation of the elective office to which he is elected or appointed without regard to the time limitations otherwise provided in this subsection.

7. Any person who is holding an elective public office which is covered by the Florida Retirement System and who is concurrently employed in nonelected covered employment may elect to retire while continuing employment in the elective public office, provided that he shall be required to terminate his nonelected covered employment. Any person who exercises this election shall receive his retirement benefits in addition to the compensation of the elective office without regard to the time limitations otherwise provided in this subsection; however, no additional creditable service will be earned for such continued employment. No person who seeks to exercise the provisions of this subparagraph, as the same existed prior to May 3, 1984, shall be deemed to be retired under those provisions, unless such person is eligible to retire under the provisions of this subparagraph, as amended by chapter 84-11, Laws of Florida.

8. The limitations of this paragraph apply to reemployment in any capacity with an "employer" as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.

(10) FUTURE BENEFITS BASED ON ACTUARIAL DATA.—It is the intent of the Legislature that future benefit increases enacted into law in this chapter shall be financed concurrently by increased contributions or other adequate funding, and such funding shall be based on sound actuarial data as developed by the actuary or state retirement actuary, as provided in ss. 121.021(6) and 121.192.

(11) A member who becomes eligible to retire and has accumulated the maximum benefit of 100 percent of average final compensation may continue in active service, and, if upon the member's retirement the member elects to receive a retirement compensation pursuant to subsection (2), subsection (6), or subsection (7), the actuarial equivalent percentage factor applicable to the age of such member at the time the member reached the maximum benefit and to the age, at that time, of the member's spouse shall determine the amount of benefits to be paid.

Section 14. Section 121.121, Florida Statutes, is amended to read:

121.121 Future service to include authorized leaves of absence.—Future service of any member as defined in s. 121.021(21) shall also include *up to 2 work years of creditable service for* authorized leaves of absence if:

(1) The member has completed a minimum of 10 years of creditable service, excluding periods of leave of absence.

(2) The leave of absence is authorized in writing by the employer of the member and approved by the administrator.

~~(3) The leave does not exceed 12 months at any one time nor 24 months in total during his employment.~~

(3)~~(4)~~ The member makes the required contributions for service credit during the leave of absence, which shall be 8 percent until January 1, 1975, and 9 percent thereafter of his rate of monthly compensation in effect immediately prior to the commencement of such leave for each month of such period, plus 4 percent interest until July 1, 1975, and 6.5 percent interest thereafter on such contributions, compounded annually each June 30 from the due date of the contribution to date of payment. Effective July 1, 1980, any leave of absence purchased pursuant to this section shall be at the contribution rates specified in s. 121.071 in effect at the time the leave is granted for the class of membership from which the leave of absence was granted; however, any member who purchased leave-of-absence credit prior to July 1, 1980, for a leave of absence from a position in a class other than the regular membership class, may pay the appropriate additional contributions plus compound interest thereon and receive creditable service for such leave of absence in the membership class from which the member was granted the leave of absence.

Section 15. Paragraph (a) of subsection (2) of section 121.35, Florida Statutes, is amended to read:

121.35 Optional retirement program for the State University System.—

(2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

(a) Participation in the optional retirement program provided by this section shall be limited to persons who are otherwise eligible for membership in the Florida Retirement System; who are employed or appointed full time, that is, for no less than one academic year at 1.0 full-time equivalent; and who are employed in one of the following State University System positions:

1. Positions classified as instructional and research faculty which are exempt from the career service under the provisions of s. 110.205(2)*(d)*~~(f)2.~~;

2. Positions classified as administrative and professional which are exempt from the career service under the provisions of s. 110.205(2)*(d)*~~(f)2.~~, provided that only those positions *that are included in the State University System Executive Service, or those* which the division determines meet the following criteria, shall be eligible to participate: The duties and responsibilities of the position shall include either the formulation, interpretation, or implementation of academic policies, or the direct support of the academic program of the university; and recruiting to fill vacancies in the position shall be conducted within the national or regional market. The employer shall submit an application, including a certification that the position meets the criteria for eligibility, to the division for each administrative and professional position *not in the Executive Service* for which it seeks eligibility for the optional retirement program. If the division does not designate the position as eligible for the optional retirement program, the employer may appeal to the State Retirement Commission, as provided in s. 121.23, for designation of the position as eligible for the optional retirement program.

3. The Chancellor and the university presidents.

Section 16. Subsection (10) of section 121.40, Florida Statutes, is amended to read:

121.40 Cooperative extension personnel at the Institute of Food and Agricultural Sciences; supplemental retirement benefits.—

(10) COST-OF-LIVING ADJUSTMENT OF SUPPLEMENTAL BENEFITS.—*Effective July 1, 1987,* on each July 1, the supplemental benefit of each retired participant and each annuitant shall be adjusted as *provided in s. 121.101.* ~~as follows:~~

~~(a) Each retired participant and each annuitant who is receiving supplemental benefits pursuant to this section shall receive a cost-of-living adjustment resulting in an adjusted monthly supplemental benefit. The adjusted monthly supplemental benefit shall be the sum of the monthly supplemental benefit being received on June 30 immediately preceding the adjustment date and a percentage of this benefit equal to the percentage change in the average cost-of-living index as defined in s.~~

~~121.101(2)(a) as of the date of adjustment from that index for the next preceding adjustment date. However, in no event shall the percentage for the annual cost-of-living adjustment exceed 3 percent for any annual adjustment date.~~

~~(b) For those retired participants and annuitants who qualify for an initial cost-of-living adjustment within 12 months subsequent to the date on which supplemental benefits have commenced pursuant to this section, the percentage change in the average cost-of-living index shall be determined by interpolation from the average cost-of-living index for the two nearest adjustment dates.~~

Section 17. Section 112.65, Florida Statutes, is amended to read:

112.65 Limitation of benefits.—

(1) The normal retirement benefit or pension payable to a retiree who becomes a member of any retirement system or plan and who has not previously participated in such plan, on or after January 1, 1980, shall *not exceed 100 percent of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments. As used in this section, the term "average final compensation" means the average of the member's earnings, over a period of time which the governmental entity has established by statute, charter, or ordinance.* ~~be limited in the following manner:~~

~~(a) If such member does not receive social security benefits, his pension benefit shall not exceed 100 percent of his average final compensation.~~

~~(b) If such member receives social security benefits, the sum of the member's pension benefit and the primary social security benefit the member receives shall not exceed 100 percent of the member's average final compensation.~~

~~(c) Nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.~~

~~(d) As used in this section, the term "social security benefits" shall not apply to social security benefits earned exclusively through nongovernmental employment or by a surviving beneficiary.~~

~~(e) As used in this section, the term "average final compensation" means the average of the member's earnings, excluding payments for accumulated leave, compensatory time, and overtime, over a period of time which the governmental entity has established by statute, charter, or ordinance.~~

(2) No member of a retirement system or plan covered by this part who is not now a member of such plan shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from another retirement system or plan; provided that this restriction does not apply to social security ~~coverage or~~ benefits *or federal benefits under chapter 67, Title 10, U.S. Code.*

Section 18. Paragraph (c) of subsection (1) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—

(1) COMPULSORY PARTICIPATION.—

(c)*1.* After June 30, 1983, a member of an existing system who is reemployed after terminating his employment shall have at the time of reemployment the option of selecting to remain in the existing retirement system or to transfer to the Florida Retirement System. Failure to submit such selection in writing to the Division of Retirement within 6 months of reemployment shall result in compulsory membership in the Florida Retirement System.

2. After June 30, 1988, the provisions of subparagraph 1., shall not apply to a member of an existing system who is reemployed within 12 months after terminating his employment. Such member shall continue to have membership in the existing system upon reemployment and shall not be permitted to become a member of the Florida Retirement System, except by transferring to that system as provided in ss. 121.052 and 121.055.

Section 19. Paragraph (c) of subsection (6) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(6)

(c)1. Any eligible employee who is employed on or before February 1, 1987, may elect to participate in the optional annuity program in lieu of participation in the Senior Management Service Class. Such election shall be made in writing and filed with the department and the personnel officer of the employer on or before May 1, 1987. Any eligible employee who is employed on or before February 1, 1987, and who fails to make an election to participate in the optional annuity program by May 1, 1987, shall be deemed to have elected membership in the Senior Management Service Class.

2. Any employee who becomes eligible to participate in the optional annuity program by reason of initial employment commencing after February 1, 1987, may, within 90 days after the date of commencement of employment, elect to participate in the optional annuity program. Such election shall be made in writing and filed with the personnel officer of the employer. Any eligible employee who does not within 90 days after commencement of such employment elect to participate in the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

3. A person who ~~is a member of an existing retirement system and~~ is appointed to a position in the Senior Management Service Class *and* ~~on or after February 1, 1987, shall have until 90 days after the date of appointment to such position to elect to participate in the Senior Management Service Class or participate in the optional annuity program.~~

~~4. Any eligible employee who is employed on or before February 1, 1987,~~ who is a member of an existing retirement system or the Special Risk or Special Risk Administrative Support Classes of the Florida Retirement System, may elect to remain in such system or class in lieu of participation in the Senior Management Service Class or optional annuity program. Such election shall be made in writing and filed with the department and the personnel officer of the employer *within 90 days after such appointment* ~~on or before May 1, 1987~~. Any eligible employee who fails to make an election to participate in the existing system, the Special Risk Class of the Florida Retirement System, the Special Risk Administrative Support Class of the Florida Retirement System, or the optional annuity program ~~by May 1, 1987,~~ shall be deemed to have elected membership in the Senior Management Service Class.

Section 20. There is hereby created a Joint Legislative Retirement Study Committee composed of six members, three of whom shall be members of the Senate, appointed by the Senate President, and three of whom shall be members of the House, appointed by the Speaker of the House. The six members shall appoint one of their members as chairperson. The purpose of the Joint Legislative Retirement Study Committee shall be to develop an appropriate policy regarding the manner in which retirement issues are handled by the Legislature so as to promote a state-administered retirement system which provides an equitable benefit structure which is funded in a realistic and actuarially sound manner. Staff for the committee shall be provided from the appropriate committees in the House and Senate. The Joint Legislative Retirement Study Committee shall complete its work and issue a report to the presiding officers of the Senate and House not later than March 1, 1989. This section is repealed July 1, 1989.

Section 21. Paragraph (e) is added to subsection (19) of section 121.021, Florida Statutes, to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(19) "Prior service" under this chapter means:

(e) Service as an employee of a state executive committee authorized under s. 103.091(1).

Section 22. Paragraph (d) of subsection (2) of section 121.081, Florida Statutes, is amended to read:

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(2) Prior service, as defined in s. 121.021(19), may be claimed as creditable service under the Florida Retirement System after a member has been reemployed for 12 continuous months. Service performed as a participant of the optional retirement program for the State University System under s. 121.35 may be used to satisfy the 12-continuous-month requirement. The member shall not be permitted to make any contributions for prior service until after the 12-month period. The required contributions for claiming the various types of prior service are:

(d) For prior service as defined in s. 121.021(19)(b), ~~and~~ (c), *and (e)* during which no contributions were made because the member did not participate in a retirement system, the member shall contribute *14.38* ~~9~~ percent of all salary received during such period or *14.38* ~~9~~ percent of $100 per month during such period, whichever is greater, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund.

Section 23. Notwithstanding the provisions of sections 3, 4, and 5 of this act, it is the intent of the Legislature that, should any other law be enacted which provides a contribution rate change for a membership class within the Florida Retirement System to take effect on or after July 1, 1988, the respective January 1, 1989, contribution rate shall be equal to the contribution rate specified in this act, plus the contribution rate change specified in each such other law; and, should any law be enacted which provides a contribution rate change for a membership class within the Florida Retirement System to take effect subsequent to January 1, 1989, the respective contribution rate shall equal the respective contribution rate in effect on the day before the new contribution rate is to take effect, plus the contribution rate change specified in such law. If a contribution rate, rather than a contribution rate change is specified in any such other law, the contribution rate change for that law shall equal the difference between the December 31, 1988, contribution rate for the affected membership class and the contribution rate specified in such law. The language in this section of the act shall be construed as directory intent language only, which shall be placed in the statutes as a footnote.

Section 24. Present subsections (7) and (8) of section 121.052, Florida Statutes, are renumbered as subsections (8) and (9), respectively, and a new subsection (7) is added to said section to read:

121.052 Membership class of certain elected state officers.—

(7) Any person who serves as the elected mayor of a consolidated local government, which government by its charter has elected status as a municipality for purposes of state retirement systems administered under this chapter, may elect to participate in the Elected State Officers' Class established by this section as an elected county officer for retirement purposes only. Any such elected mayor holding office upon the effective date of this provision shall be eligible to participate in the Elected State Officers' Class effective the date he first took office, provided he or his employer pays the retirement contributions that would have been paid had actual participation commenced at that time, plus interest at 6.5 percent compounded each June 30 from date of participation until date of payment. Retirement credit may not be granted under this subsection for any service which is used to obtain a benefit from any local retirement system.

Section 25. This act shall take effect October 1, 1988, except that this section and sections 8, 9, 13, 16, 17, 18, 19, 20, 23, and 24 shall take effect upon becoming a law.

Amendment 2—In title, strike everything before the enacting clause and insert: 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.

On motion by Senator Hair, by two-thirds vote CS for HB 1497 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

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

INTRODUCTION AND REFERENCE OF BILLS

On motion by Senator Brown, the rules were waived and by unanimous consent—

By Senators Brown and Beard—

SB 1429—A bill to be entitled An act relating to transportation right-of-way acquisition; creating the Right-Of-Way Acquisition Trust Fund; providing that the 6 percent service charge deducted from certain trust funds be deposited into the Right-Of-Way Acquisition Trust Fund; limiting such deposits; providing appropriations; amending s. 212.235, F.S.; reducing the maximum amount of proceeds to be deposited into the State Infrastructure Trust Fund; providing an effective date.

—was introduced and referred to the Committee on Appropriations.

SPECIAL ORDER, continued

On motion by Senator Kirkpatrick, by unanimous consent—

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

—was taken up out of order and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 1471 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Kirkpatrick, by unanimous consent—

CS for SB 481—A bill to be entitled An act relating to clinical, counseling, and psychotherapy services; amending s. 491.005, F.S.; prescribing qualifications for licensure as a clinical social worker, marriage and family therapist, or mental health counselor; amending s. 491.012, F.S.; authorizing the department to enjoin violations; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1—On page 5, between lines 28 and 29, insert:

Section 3. Notwithstanding the provisions of section 491.005, Florida Statutes, the Department of Professional Regulation shall license as a clinical social worker, a marriage and family therapist, or a mental health counselor any person who made application and paid the fee for such license on or before December 31, 1989, if the person met the qualifications for such license that were required by the laws of this state on September 30, 1987.

(Renumber subsequent section.)

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 481 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 147—A bill to be entitled An act relating to research and development authorities; repealing ss. 23.145, 23.146, 23.147, 23.148, 23.1491, 159.702(1)(g), 159.704, F.S.; abolishing the Florida Research and Development Commission, together with its statutory powers and duties, including its authority to designate research and development authorities; deleting references to the commission; amending s. 159.703, F.S.; limiting the authority of a county or counties to establish new research and development authorities to those previously designated; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 147 to conform the bill to CS for HB 675.

Pending further consideration of SB 147 as amended, on motion by Senator Jennings, by two-thirds vote CS for HB 675 was withdrawn from the Committee on Commerce.

On motion by Senator Jennings—

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.

—a companion measure, was substituted for SB 147 and read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for HB 675 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Consideration of **CS for SB 91** was deferred.

CS for SB 361—A bill to be entitled An act relating to construction bonds and liens; amending s. 95.11, F.S.; prescribing a statute of limitations for an action to enforce a claim against a payment bond on which the principal is a subcontractor or a sub-subcontractor; amending s. 255.05, F.S.; providing additional requirements with respect to the payment and performance bond of a contractor constructing public buildings; amending s. 713.02, F.S.; deleting requirement, under the mechanics' liens law, that the owner post a copy of the payment bond at the construction site; amending s. 713.13, F.S.; requiring a copy of the bond to be attached to the notice of commencement; amending s. 713.20, F.S.; prohibiting the waiver of a lien in advance; providing a form for partial release of a lien; amending s. 713.23, F.S.; revising provisions relating to payment bonds; requiring written notice of nonpayment to be given to the surety in order for certain persons to recover on payment bonds; deleting requirement that a copy of a recorded payment bond be posted at the construction site; amending s. 713.345, F.S.; revising provisions relating to misuse of moneys received for real property improvements; providing penalties; providing legal and equitable remedies for failure of a person to properly apply payments received for improvements to real property; providing procedures; providing for payment of costs and attorney's fees to prevailing party; repealing s. 8, ch. 87-74, Laws of Florida, appearing as s. 713.347, F.S., relating to funds received by a contractor, subcontractor, or sub-subcontractor which are required to be held in trust; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 6, lines 21-31; on page 7, lines 1-31; on page 8, lines 1-31; and on page 9, lines 1-27, strike all of said lines and insert:

Section 6. Paragraphs (a) and (e) of subsection (1) and subsection (3) of section 713.23, Florida Statutes, are amended to read:

713.23 Payment bond.—

(1)(a) The payment bond required to exempt an owner under part I shall be furnished by the contractor in at least the amount of the original contract price before commencing the construction of the improvement under the direct contract, *and a copy of the bond shall be attached to the notice of commencement when the notice of commencement is recorded.* The bond shall be executed as surety by a surety insurer authorized to do business in this state and shall be conditioned that the contractor shall promptly make payments for labor, services, and material to all lienors under the contractor's direct contract. Any form of bond given by a contractor conditioned to pay for labor, services, and material used to improve real property shall be deemed to include the condition of this subsection.

(e) In addition, a lienor shall be required, as a condition precedent to recovery under the bond, to serve a written notice of nonpayment to the contractor and the surety within 90 days of the date a payment is due to the lienor under a contract. A written notice will satisfy this condition precedent with respect to the payment described in the notice of nonpayment and with respect to any other payments which become due to the lienor after the date of the notice of nonpayment. Failure of a lienor to receive retainage sums not in excess of ten percent of the value of labor, services, or materials furnished by said lienor shall not be considered a nonpayment requiring the service of the notice provided under this paragraph. The notice under this paragraph may be in substantially the following form:

NOTICE OF NONPAYMENT

To . . . (name of contractor and address) . . . . . (name of surety and address) . . .

The undersigned notifies you that he has furnished . . . (describe labor, services, or materials) . . . for the improvement of the real property identified as . . . (property description) . . .. The amount now due and unpaid is $. . . .

. . . (signature and address of lienor) . . .

~~In addition, a lienor, shall be required, as a condition precedent to recovery under the bond, to serve a written notice of nonpayment to the contractor and the surety within 90 days of the failure to receive any payment which is then due and owing from the delivery date for any labor, services, or materials. Failure of a lienor to receive retainage sums not in excess of 10 percent of the value of labor, services, and materials furnished by said lienor shall not be considered a nonpayment requiring the service of the notice provided under this paragraph. The notice under this paragraph may be in substantially the following form:~~

~~NOTICE OF NONPAYMENT~~

~~To . . . (name of contractor and address) . . .~~
~~. . . (name of surety and address) . . .~~

~~The undersigned notifies you that he has furnished . . . (describe labor, services, or materials) . . . for the improvement of the real property identified as . . . (property description) . . . owned by . . . (owner's name and address) . . . under order given by . . . . . The last of the labor, services, or materials was furnished on . . . . . , 19. . . . . The amount now due and unpaid is $. . . . .~~

~~. . . (Signature and address of lienor) . . .~~

Amendment 2—In title, on page 1, strike all of line 22, and insert: contractor and surety in order for certain persons to recover

On motion by Senator Dudley, by two-thirds vote CS for SB 361 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

The Senate resumed consideration of—

CS for SB 460—A bill to be entitled An act relating to medical malpractice actions against the state; amending s. 768.28, F.S.; providing that failure of agency to act within specified time is deemed final denial of a claim; prescribing the statute of limitations for such actions; amending s. 768.57, F.S.; limiting the period for agency review of a claim of medical malpractice against the state or its agencies; providing an effective date.

—with pending Amendment 2 which was withdrawn.

Senator Meek moved the following amendment which was adopted:

Amendment 3—On page 1, line 13, insert:

Section 1. A person who, through negligence, causes significant permanent injury to the natural or adoptive parent of an unmarried dependent resulting in a permanent total disability shall be liable to the dependent for damages, including damages for permanent loss of services, comfort, companionship, and society. This section shall apply to acts of negligence occurring on or after the effective date of this act.

(Renumber subsequent sections.)

Senator Malchon moved the following amendments which were adopted:

Amendment 4—In title, on page 1, line 10, after the semicolon (;) insert: amending s. 768.13, F.S.; providing an exemption from civil liability for licensed medical personnel working gratuitously in nonprofit medical facilities;

Amendment 5—In title, on page 1, line 3, strike "against the state"

Senator Meek moved the following amendment which was adopted:

Amendment 6—In title, on page 1, strike all of lines 2 and 3, and insert:

An act relating to liability for damages; providing that certain dependents are entitled to recover damages for injuries to their parents under certain circumstances; amending s. 768.28, F.S.;

On motion by Senator Dudley, by two-thirds vote CS for SB 460 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Barron

Consideration of **CS for CS for CS for SB 560** was deferred.

Reconsideration

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

SB 1031—A bill to be entitled An act relating to opticians; amending s. 484.002, F.S.; defining the term "board-certified optician"; amending s. 484.007, F.S.; increasing the registration fee to take the examination to be licensed as an optician; amending s. 484.008, F.S.; providing for the Board of Opticianry to approve continuing education courses; amending s. 484.014, F.S.; providing penalties for specified acts relating to the practice of opticianry; providing an effective date.

—as amended passed this day.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 2—On page 1 in title, line 11, following the semicolon (;) insert: amending ss. 457.105, 457.107, 458.311, 459.0092, 460.406, 455.218, 463.006, 463.007, 464.008, 465.007, 465.022, 466.006, 466.007, 468.1695, 468.364, 470.006, 471.011, 472.011, 473.305, 474.2065, 480.044, 481.207, 481.307, 484.002, 484.007, 484.008, 484.0447, 486.041, 486.085, 486.103, 486.108, 489.109, 490.005, 491.005, F.S.; setting or increasing various fees relating to professional licensure; creating s. 461.017, F.S.; providing for podiatric practice under supervision; providing for licensure of certain persons as clinical social workers, marriage and family therapists, or mental health counselors;

SB 1031 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motions by Senator Brown, by two-thirds vote HB 1559 was withdrawn from the Committee on Natural Resources and Conservation.

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

HB 1559—A bill to be entitled An act relating to state lands; amending s. 253.023, F.S.; providing that projects may be removed from certain acquisition lists under certain conditions; amending ss. 253.025, 253.115, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund or any state agency to contract for appropriate real estate services in the acquisition and sale of state lands; amending s. 259.035, F.S.; changing the date for the yearly establishment of the Conservation and Recreation Lands acquisition list; revising provisions which limit the amount a state agency may offer for the purchase of land; specifying conditions under which such limits may be exceeded; providing limitations with respect to joint acquisitions by state agencies and local governments or other entities; providing an effective date.

—a companion measure, was substituted for CS for SB 91 and by two-thirds vote read the second time by title. On motion by Senator Brown, by two-thirds vote HB 1559 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crawford, Plummer

Senator Hair presiding

On motions by Senator Margolis, by two-thirds vote CS for HB 421 was withdrawn from the Committees on Commerce and Appropriations.

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

CS for HB 421—A bill to be entitled An act relating to health insurance; amending ss. 627.6415, 627.6578, 641.31, F.S.; requiring individual health insurance policies, group, blanket, and franchise health insurance policies, and health maintenance organization contracts which provide coverage for family members to provide coverage for adopted children from the moment of placement in the residence, or from the moment of birth if an agreement to adopt the children has been entered into; providing limitations; amending ss. 627.6417 and 627.6612, F.S., requiring individual and group, blanket, or franchise accident or health insurance policies providing coverage for mastectomies to provide coverage for mammograms for screening and diagnostic purposes; providing conditions; amending s. 627.6406, F.S., requiring individual health insurance policies providing coverage for maternity care to provide coverage for services provided by birth centers; amending s. 627.6515, F.S., requiring out-of-state group health insurance policies providing coverage for maternity care to provide coverage for the services of nurse-midwives, midwives, and birth centers; amending s. 627.6574, F.S., requiring group, blanket or franchise policies of health insurance providing coverage for maternity care to provide coverage for services provided by birth centers; amending s. 641.31, F.S., requiring health maintenance organizations providing benefits for maternity care to offer to subscribers, as an option, the services of nurse-midwives, midwives, and birth centers; providing an effective date.

—a companion measure, was substituted for CS for SB 820 and by two-thirds vote read the second time by title.

Senator Margolis moved the following amendments which were adopted:

Amendment 1—On page 7, line 4, through page 8, line 4, strike all of sections 6, 7, 8, and 9, and renumber subsequent section.

Amendment 2—In title, on page 1, lines 18-31, and on page 2, lines 1-4, strike all of said lines and insert: purposes; providing conditions;

On motion by Senator Margolis, by two-thirds vote CS for HB 421 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford, Kirkpatrick

CS for SB 1236—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S.; providing criteria for valuation of certain medical services when provided by a family member; providing an effective date.

—was read the second time by title.

One amendment was adopted to CS for SB 1236 to conform the bill to HB 1329.

Pending further consideration of CS for SB 1236 as amended, on motions by Senator Hollingsworth, by two-thirds vote HB 1329 was withdrawn from the Committees on Commerce, Governmental Operations, and Appropriations.

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

HB 1329—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S.; providing criteria for calculating the value of nonprofessional attendant or custodial care provided to an injured employee by a family member; providing an effective date.

—a companion measure, was substituted for CS for SB 1236 and by two-thirds vote read the second time by title.

Further consideration of **HB 1329** was deferred.

On motion by Senator Langley, by two-thirds vote HB 93 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Langley—

HB 93—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; providing that failure to comply with a lease does not constitute theft under certain circumstances; providing exceptions; providing penalties; providing an effective date.

—a companion measure, was substituted for CS for SB 1247 and read the second time by title. On motion by Senator Langley, by two-thirds vote HB 93 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford

CONSENT CALENDAR

Consideration of **SB 762** was deferred.

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

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote CS for SB 938 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford

CS for SB 63—A bill to be entitled An act relating to education; creating s. 232.435, F.S.; providing legislative intent; encouraging school districts to establish and implement an athletic injuries prevention and treatment program; providing program standards; recommending an employment scheme; establishing Department of Education responsibilities; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 63 to conform the bill to CS for HB's 162 and 107.

Pending further consideration of CS for SB 63 as amended, on motions by Senator Myers, by two-thirds vote CS for HB's 162 and 107 was withdrawn from the Committees on Education and Appropriations.

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

CS for HB's 162 and 107—A bill to be entitled An act relating to education; creating s. 232.435, F.S.; providing legislative intent; encouraging school districts to establish and implement an athletic injuries prevention and treatment program; providing program standards; providing an employment scheme; establishing Department of Education responsibilities; amending s. 768.135, F.S.; revising language with respect to immunity for volunteer team physicians; providing an effective date.

—a companion measure, was substituted for CS for SB 63 and by two-thirds vote read the second time by title. On motion by Senator Myers, by two-thirds vote CS for HB's 162 and 107 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Margolis, by two-thirds vote HB 1449 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

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

HB 1449—A bill to be entitled An act relating to bond financing and investment; changing references to "industrial development," "industrial revenue," "industrial development revenue," and "revenue" bonds in the Florida Statutes; updating obsolete references to the Internal Revenue Code in ss. 218.31 and 290.014, F.S.; amending s. 125.01, F.S., relating to the powers and duties of county governments; amending s. 154.241, F.S., relating to the issuance of bonds; providing that bonds issued under part III of chapter 154, F.S., may be validated in the manner prescribed by chapter 75, F.S.; amending s. 154.245, F.S.; providing that bond proceeds may not be disbursed until required certificates of need are issued; amending s. 159.27, F.S.; providing definitions; amending s. 159.34, F.S., relating to the issuance of bonds by local agencies; amending s. 159.47, F.S., relating to the powers of industrial development authorities; amending s. 159.705, F.S., relating to the powers of research and development authorities; amending s. 218.31, F.S., containing definitions for use in the "Uniform Local Government Financing Management and Reporting Act"; deleting a definition for "industrial development" bond and creating a definition for "private activity" bond; amending s. 218.32, F.S., relating to local government financial reporting; amending s. 288.075, F.S., relating to confidentiality of records; amending s. 290.0065, F.S., relating to state approval of areas authorized to be enterprise zones; amending s. 290.007, F.S., relating to enterprise zone incentives; amending s. 290.014, F.S., relating to enterprise zone annual reports; amending s. 658.67, F.S., relating to investment powers and limitations of banks and trust companies; providing an effective date.

—a companion measure, was substituted for CS for SB 1190 and by two-thirds vote read the second time by title.

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 13, between lines 24 and 25, insert:

Section 12. Title.—This act shall be known and may be cited as the "Local Areas Water and Sewer District Act."

Section 13. Definitions.—As used in this act, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(1) "County" means any of the several counties of the state operating under the authority granted by this act.

(2) "County commission" or the word "commission" means the board of county commissioners of any county operating under the powers granted by this act.

(3) "Local areas water and sewer district" or "district" means any independent special districts created under this act whose geographical boundaries are within county boundaries.

(4) "District governing board" or "governing board" means the governing board of the district or districts whose members shall be elected as provided in section 4.

(5) "Water system" includes any plant, wells, pipes, tanks, reservoirs, system, facility, or property used or useful or having the present capacity for future use in connection with the obtaining and supplying of water for human consumption, fire protection, irrigation, consumption by business, or consumption by industry, and, without limiting the generality of the foregoing definition, shall embrace all necessary appurtenances and equipment and shall include all property, rights, easements, and franchises relating to any such system and deemed necessary or convenient for the operation thereof.

(6) "Water system improvements" includes all water pipes or lines, valves, meters, and other water-supplying equipment within the district other than such equipment as constitutes a part of the water supply system, and shall embrace water mains and laterals for the carrying of water to the premises connected therewith and for carrying such water from some part of the water supply system.

(7) "Sewage disposal system" includes any plant, system, facility, or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification, or disposal of sewage, and, without limiting the generality of the foregoing definition, shall embrace treatment plants, pumping stations, intercepting sewers, pressure lines, mains, and all necessary appurtenances and equipment and shall include all property, rights, easements, and franchises relating to any such system and deemed necessary or convenient for the operation thereof.

(8) "Sewer improvements" includes all sanitary sewers within the district other than such mains and lines as constitute a part of a sewage disposal system, and shall embrace sewer mains and laterals for the reception of sewage from premises connected therewith and for carrying such sewage to some part of the sewage disposal system.

(9) "Facility" means such water systems, sewage disposal systems, water system improvements, and sewer improvements, or additions thereto, as are defined by this act.

(10) "Cost," as applied to a waste water supply system or extensions or additions thereto or to water supply improvements or to a sewage disposal system or extensions or additions thereto or to sewer improvements, shall include the cost of construction or reconstruction, the cost of all labor, materials, machinery, and equipment, the cost of all lands, property, rights, easements, and franchises acquired, financing charges, interest prior to and during construction and for 1 year after completion of construction, cost of plans and specifications, surveys of estimates of costs and of revenues, cost of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction, administrative expense and such other expense as may be necessary or incident to the financing herein authorized. Any obligation or expense heretofore or hereafter incurred by the district in connection with any of the foregoing terms of cost may be regarded as a part of such cost and reimbursed to the district out of the proceeds of bonds issued under the provisions of this act.

(11) "Water revenue bonds" means special obligations of the district which are payable solely from water service charges and which shall in no way pledge the property, credit, or general tax revenue of the district.

(12) "Sewer revenue bonds" means special obligations of the district which are payable solely from sewer service charges and which in no way pledge the property, credit, or general tax revenue of the district.

(13) "Sewage" includes any substance that contains any of the waste products, excrement, or other discharge from the bodies of human beings or animals, as well as such other wastes as normally emanate from dwelling houses.

(14) "Bonds" includes water revenue bonds and sewer revenue bonds.

Section 14. General powers.—Any of the several counties of the state which may hereafter come under the provisions of this act as hereinafter provided are hereby authorized and empowered:

(1) To purchase and/or construct and to improve, extend, enlarge, and reconstruct a water supply system or systems or sewage disposal system or systems, or both, within such district or districts and to purchase and/or construct or reconstruct water system improvements or sewer improvements, or both, within such district and any adjoining district or districts and to own, operate, manage, and control all such systems so purchased and/or constructed and all properties pertaining thereto and to furnish and supply water and sewage collection and disposal services to any of such districts, counties and to any municipalities and any persons, firms, or corporations, public or private, in any of such districts; provided, however, that none of the facilities provided by this act may be constructed, owned, operated, or maintained by the district on property located within the corporate limits of any municipality without the consent of the council, commission, or body having general legislative authority in the government of such municipality unless such facilities were owned by the district on such property prior to the time such property was included within the corporate limits of such municipality. No district shall furnish any of the facilities provided by this act to any property already being furnished like facilities by any municipality without the express consent of the council, commission, or body having general legislative authority in the government of such municipality.

(2) To issue water revenue bonds and/or sewer revenue bonds to pay all or a part of the cost of such purchase and/or construction or reconstruction.

(3) To fix and collect rates, fees, and other charges for the service and facilities furnished by any such water supply system or water system improvements and sewage disposal system or sewer improvements and to fix and collect charges for making connections with the water system of the districts.

(4) To receive and accept from the Federal Government or any agency thereof grants for or in aid of the planning, purchase, construction, reconstruction, or financing of any facility and to receive and accept contributions from any source of either money, property, labor, or other things of value to be held, used, and applied only for the purpose for which such grants and contributions may be made.

(5) To acquire in the name of the districts by gift or purchase, as hereinafter provided, such lands and rights and interests therein, including lands under water and riparian rights, and to acquire such personal property as it may deem necessary for the efficient operation or for the extension of or the improvement of any facility purchased or constructed under the provisions of this act and to hold and dispose of all real and personal property under its control.

(6) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act and to employ such consulting and other engineers, superintendents, managers, construction and accounting experts, and attorneys and such other employees and agents as it may deem necessary in its judgment and to fix their compensation.

(7) Subject to the provisions and restrictions as may be set forth in the resolution hereinafter mentioned authorizing or securing any bonds issued under the provisions of this act, to enter into contracts with the government of the United States or any agency or instrumentality thereof or with any other county or with any municipality, district, private corporation, copartnership, association, or individual providing for or relating to the acquisition and supplying of water and the collection, treatment, and disposal of sewage.

(8) To acquire by gift or purchase, at a price to be mutually agreed upon, any of the facilities or portions thereof provided for by this act, which shall, prior to such acquisition, have been owned by any private person, group, firm, partnership, association, or corporation.

(9) To enter into agreements and contracts with building contractors erecting improvements within any duly platted subdivision within the county, the terms of which said agreements or contracts may provide that such building contractors shall install within such subdivision water mains, lines, and equipment and sewer mains and lines, to be approved by the district governing commissions, said mains and lines to run to a point or location to be agreed upon, at which said point or location said mains and lines shall be connected to the water supply system or water system improvements and/or the sewage disposal system or sewer improvements of the district. In the event such agreements or contracts are entered into, they shall provide that upon the connection of the mains or lines within the subdivision to the water or sewer facilities of the district said mains, lines, and equipment running to the various privately owned parcels of land within such subdivision shall become the property of the district and shall become a part of the district water system improvements and/or sewer improvements.

(10) To restrain, enjoin, or otherwise prevent any person or corporation, public or private, from contaminating or polluting (as defined in s. 387.08, Florida Statutes) any source of water supply from which is obtained water for human consumption to be used in any water supply system or water system improvement as authorized by this act, and to restrain, enjoin, or otherwise prevent the violation of any provision of this act or any resolution, rule, or regulation adopted pursuant to the powers granted by this act; provided, however, that this act shall not apply to or affect any existing contract that a municipality may have for water and sewage disposal without the consent of both parties to said contract, but this subsection shall not authorize the institution or prosecution of any proceeding hereunder nor the adoption of any resolution, rule, or regulation which shall in any way affect the right of any industrial or manufacturing plant to discharge industrial waste into any nonnavigable or navigable waters unless such waters are now being used or are hereafter used hereunder as a source of water for human consumption and unless the industrial wastes of any such plant are not being discharged into such waters prior to the time that action is taken by the commission under this act to include such water as a part of any water supply system.

(11) To acquire by gift or purchase, at such price and upon such deferred or other terms as may be mutually agreed upon, all the capital stock of any domestic or foreign corporation which, prior to such acquisition shall have owned or operated any of the facilities or portions thereof provided for by this act; to pledge the revenues from the facilities as security for payment of the purchase price for said stock; and to operate the facilities through the corporation so acquired or to dissolve said corporation and operate the facilities in any other manner authorized by law.

(12) To acquire, by eminent domain, such property as is necessary for the construction, reconstruction, installation, extension, or expansion of any facility owned or operated by the district for the purposes of the district.

Section 15. District governing board; officers.—

(1) The local areas water and sewer districts shall each be governed by district boards which shall each be composed of five members. The membership of the district boards of commissioners shall be elected in accordance with the Florida Election Code, chapters 97 through 106, Florida Statutes, and conducted in the county in which said districts are located; except that until the next general election, members whose terms expire when the next general election is held shall be appointed by the current county commissions by majority vote. Each member shall be elected, or in the interim appointed, from the same jurisdictional boundaries in the county as the current county commissioners. Three members shall constitute a quorum. The terms of office, subsequent to the expiration of office of the first appointive board, shall be staggered as follows:

(a) One member to be elected for a term of 1 year;

(b) One member to be elected for a term of 2 years;

(c) One member to be elected for a term of 3 years; and

(d) Two members to be elected for terms of 4 years.

(2) The chairman and members of the board shall receive no compensation for services as such; but, while officially on work for the district, they shall receive per diem in an amount as established by the governing board, plus their actual traveling expenses between their respective places of residence and the place where official district business is conducted, and subsistence, lodging, and other expenses in the actual amount incurred therefor. Expenses cannot exceed the statutory amount allowed state officers and employees.

Section 16. Additional powers of district governing board.—In addition to all other powers granted by this act, each district governing board is authorized to:

(1) Plan, construct, own, operate, and maintain works of the district as defined in this act and/or contract for the planning, construction, operation, and maintenance of works of the district as defined in this act.

(2) Exercise such additional power and authority compatible with this act and other statutes and federal laws affecting the district as may be necessary to perform such duties and acts and to decide such matters and dispose of same as are not specifically defined in or covered by statute.

(3) Appoint such citizen advisory committees as it feels necessary to provide the governing board with information and advice.

Section 17. Construction of water supply systems, water system improvements, sewage disposal systems, and sewer improvements.—

(1) Whenever the district governing board by resolution chooses to exercise the powers granted by this act, it shall make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings, and estimates of costs and of revenues as it may deem necessary to prepare or have prepared so that such district governing board shall have available to it a comprehensive study and report setting forth either or both of the following:

(a) The type and estimate of costs of each water supply system, the purchase or construction of which shall be deemed by it to be desirable and feasible, together with the location thereof, and of each integral part, and also setting forth what water system improvements, if any, it deems necessary to purchase or construct to protect the health of and/or render fire protection to the inhabitants of the district, together with the location by terminal points and route of each such improvement, a description thereof by its material, nature, character, and size, and an estimate of the cost of its purchase or construction.

(b) The type of treatment and estimate of cost of each sewage disposal plant or system, the purchase or construction of which shall be deemed by the district governing board to be desirable and feasible, together with the location thereof and of each integral part, and also setting forth what sewer improvements, if any, it deems necessary to purchase or construct to protect the health of the inhabitants of the district, together with the location by terminal points and route of each such improvement, a description thereof by its material, nature, character, and size, and an estimate of the cost of its purchase or construction.

(2) If such study and report reveals, or if it is a fact, that any parcel, plot, or area of land proposed to be served by district-owned and district-operated facilities as contemplated by this act is being served or there is available to it for service such facilities which are owned and operated by private individuals, copartnerships, corporations, or associations, then the district is hereby prohibited from furnishing the facilities provided by this act to such property without the written consent of the owner or owners of such privately owned facilities.

(3) The obtaining of such surveys, investigations, studies, borings, maps, plans, drawings, and estimates is hereby declared to be a district purpose, and the costs thereof may be paid out of the general funds of the district.

(4) Upon receipt of such report, the district governing board may authorize the purchase and/or construction of such facilities as it may deem feasible and practicable.

(5) All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of the funds provided by this act.

Section 18. Issuance of bonds.—

(1) The district governing board is hereby authorized to provide by resolution at one time or from time to time for the issuance of either water revenue bonds or sewer revenue bonds of the district for the purpose of paying all or any part of the cost of any one or more of the following:

(a) A water supply system or systems;

(b) Extensions and additions thereto;

(c) Water system improvements;

(d) A sewage disposal system or systems;

(e) Extensions and additions thereto; and

(f) Sewer system improvements.

The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding 7.5 percent per annum, or that rate established by the state, shall mature at such time or times not exceeding 50 years from their date or dates as may be determined by the district governing board, and may be made redeemable before maturity at the option of the district at such price or prices and under such terms and conditions as may be fixed by the district governing board prior to the issuance of the bonds.

(2) The district governing board shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of the execution of the bonds and shall fix the denomination or denominations of the bonds and place or places of payment of principal or interest which may be at any bank or trust company within or without the state. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

(3) All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments. Bonds may be issued in coupon or in registered form or both as the district governing board may determine and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to bond principal and interest.

(4) No sale of bonds shall be made at a price so low as to require the payment of interest on the money received therefor at more than 7.5 percent per annum, or that rate established by the state, computed with relation to the absolute maturity of the bonds in accordance with the standard tables of bond values, excluding, however, from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity. Prior to the preparation of definitive bonds, the district may, under like restrictions, issue interim receipts or temporary bonds with or without coupons exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The district governing board may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost.

(5) Bonds may be issued under the provisions of this act without obtaining the consent of any commission, board, bureau, or agency of the state and without the proceeding or happening of any other condition or thing than those proceedings, conditions, or things which are specifically required by this act.

(6) The proceeds of such bonds shall be used solely for the payment of costs of the water supply system or systems or the water system improvements or the sewage disposal system or systems or the sewer improvements, for the purchase, construction, or reconstruction of which such bonds shall have been authorized, and shall be disbursed in such manner and under such restrictions, if any, as the district governing board may provide in the authorizing resolution. If the proceeds of such bonds, by error of estimates or otherwise, shall be less than such costs, additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the authorizing resolution shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds shall have been issued, the surplus shall be paid into the fund provided under the provisions of this act for the payment of principal of and the interest on such bonds.

Section 19. Water revenue bonds and sewer revenue bonds.—

(1) Water revenue bonds may be used only in connection with the acquisition, construction, or operation of water supply systems or water system improvements, and sewer revenue bonds may be used only in connection with the acquisition, construction, and operation of sewage disposal systems and sewer improvements. Water revenue bonds and/or sewer revenue bonds issued under the provisions of this act shall be payable solely from the funds provided therefor under the provisions of this act. All such bonds shall contain a statement on their face substantially to the effect that the district is not obligated to pay such bonds or the interest thereon except from such funds and that the faith and credit of the county is not pledged to the payment of the principal of or the interest on such bonds. The issuance of water revenue bonds and/or sewer revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the district to levy any taxes whatever therefor or to make any appropriation for their payment except from the funds pledged under the provisions of this act.

(2)(a) The resolution authorizing the issuance of water revenue bonds under the provisions of this act shall pledge the revenues to be received but shall not convey or mortgage any water supply system or water system improvements, or any part thereof.

(b) The resolution authorizing the issuance of sewer revenue bonds under the provisions of this act shall pledge the revenue to be received, but it shall not convey or mortgage any sewage disposal system or sewer improvements or any part thereof.

(c) Either water revenue bonds or sewer revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the district governing board in relation to the purchase, construction, reconstruction, improvement, maintenance, operation, repair, and insurance of the water supply system or systems and the water system improvements and the sewage disposal system or systems and the sewer improvements and provisions for the custody, and safeguarding and application of all moneys, and for the employment of consulting engineers in connection with such purchase, construction, reconstruction, or operation. Such resolution may set forth the rights and remedies of the bondholders and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds or debentures of corporations.

(d) In addition to the foregoing, such resolution may contain such other provisions as the district governing board may deem reasonable and proper for the security of bondholders. Except as otherwise provided in this act, the district governing board may provide for the payment of the proceeds of the sale of the bonds and revenues of the water supply system or systems and of any water system improvements or of the sewage disposal system or systems and of any sewer improvements to such officer, board or depository as it may designate for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine.

(3) The resolution providing for the issuance of water revenue bonds and/or sewer revenue bonds may also contain such limitations upon the issuance of additional water revenue bonds and/or sewer revenue bonds as the district governing board may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution.

(4) No water revenue bonds or sewer revenue bonds shall be issued under the authority of this act unless the district governing board shall have theretofore found and determined the estimated cost of the facilities or systems on account of which such bonds are to be issued, the estimated annual revenues of such facilities or systems, and the estimated annual cost of maintaining, repairing, and operating such facilities or systems, not unless it shall appear from such estimate that the annual revenues will be sufficient to pay such cost of maintenance, repair, and operation and the interest on such bonds and the principal thereof as such interest and principal shall become due.

(5) If the approval of the issuance of water revenue bonds or sewer revenue bonds at an election of the freeholders who are qualified electors residing in the district shall be required by the State Constitution, such election shall be called, noticed, and conducted and the result thereof determined and declared as shall have been or may be required by law for the issuance of the bonds of the district.

Section 20. Combined systems; issuance of bonds.—

(1) Notwithstanding the provisions of section 8 of this act, the district may issue water and sewer revenue bonds for the purpose of the construction, acquisition, or improvement of water supply systems or water system improvements and sewage disposal systems or sewer improvements, which have been combined by the district. Such water and sewer revenue bonds may also be issued for the purposes of the construction, acquisition, or improvement of such combined system, or any part thereof, and the refunding of any outstanding bonds or obligations theretofore issued to finance the cost of such combined system or any part thereof.

(2) In the event that the water supply system or water system improvements and sewage disposal systems and sewer improvements are combined into one water and sewer system, all of the provisions of this act relating to water supply systems or water system improvements and sewage disposal systems and sewer improvements and water revenue bonds and sewer revenue bonds shall apply to such combined systems and water and sewer revenue bonds to the extent the same are applicable.

Section 21. Call for bids.—

(1) As soon as practicable after the authorization of bonds under the provisions of this act or the appropriation of moneys for the construction of water system improvements or sewer improvements, the district shall publish once, in a newspaper published in the county, and, if the estimated cost exceeds $10,000, in a newspaper of general circulation in the state, a notice calling for sealed bids to be received by the district on a date not earlier than 15 days from the first publication, for the construction of the work.

(2) The notice shall refer in general terms to the extent and nature of the improvement or improvements and may identify the same by the short designation indicated in the initial resolution and by reference to the plans and specifications on file. If the initial resolution shall have given two or more alternative descriptions of the improvement as to its material, nature, character, and size, and if the district shall not have theretofore determined upon a definite description, the notice shall call for bids upon each of such descriptions.

(3) Bids may be requested for the work as a whole or for any part thereof separately and bids may be asked for any one or more improvements authorized by the same or different resolution, but any bid covering work upon more than one improvement shall be in such form as to permit a separation of cost as to each improvement.

(4) The notice shall require bidders to file with their bids either a certified check upon an incorporated bank or trust company for 2.5 percent of the amount of their respective bids or a bid bond in like amount with corporate surety satisfactory to the attorney for the district to ensure the execution of a contract to carry out the work in accordance with such plans and specifications and to ensure the filing, at the making of such contract, of a bond in the amount of the contract price with corporate sureties satisfactory to such attorney conditioned for the performance of the work in accordance with such contract.

Section 22. Water service charges and sewer service charges; revenues.—

(1)(a) The district governing board shall in the resolution providing for the issuance of either water revenue bonds or sewer revenue bonds, or both, fix the initial schedule of rates, fees, and other charges for the use of and for the services furnished or to be furnished by the facilities to be paid by the owner, tenant, or occupant of each lot or parcel of land which may be connected with and use any such facility by or through any part of the water system of the district.

(b) After the system or systems shall have been in operation, the district governing board may revise such schedule of rates, fees, and charges from time to time. Such rates, fees, and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times to pay the cost of maintaining, repairing, and operating the system or systems, including the reserves, for such purposes and for replacements and depreciation and necessary extensions, to pay the principal of and the interest on the water revenue bonds and/or sewer revenue bonds as the same shall become due and the reserves therefor, and to provide a margin of safety for making such payments. The district governing board shall charge and collect the rates, fees, and charges, which shall not be subject to supervision or regulation by any other commission, board, bureau, or agency of the county or of the state or of any sanitary district or other political subdivision of the state.

(c) Such rates, fees, and charges shall be just and equitable and may be based or computed upon the quantity of water consumed, upon the number and size of sewer connections, upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system, upon the number or average number of persons residing or working in or otherwise connected with such premises, upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors.

(d) In cases where the amount of water furnished to any building or premises is such that it imposes an unreasonable burden upon the water supply system, an additional charge may be made therefor, or the district governing board may, if it deems it advisable, compel the owners or occupants of such building or premises to reduce the amount of water consumed thereon in a manner to be specified by the district governing board, or the district governing board may refuse to furnish water to such building or premises.

(e) In cases where the character of the sewage from any manufacturing or industrial plant or any building or premises is such that it imposes an unreasonable burden upon any sewage disposal system, an additional charge shall be made therefor, or the district governing board may, if it deems it advisable, compel such manufacturing or industrial plant or such building or premises to treat such sewage in such manner as shall be specified by the district governing board before discharging such sewage into any sewer lines owned or maintained by the district.

(2) The district governing board may charge any owner or occupant of any building or premises receiving the services of the facilities herein provided such initial installation or connection charge or fee as the district may determine to be just and reasonable.

(3)(a) No rates, fees, or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all of the users of the facilities provided by this act and owners, tenants, and occupants of property served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed rates, fees, and charges. After the adoption by the district governing board of a resolution setting forth the preliminary schedule or schedules fixing and classifying such rates, fees, and charges, notice of such public hearing setting forth the schedule or schedules of rates, fees, and charges shall be given by one publication in a newspaper published in the county at least 10 days before the date fixed in said notice for the hearing, which said hearing may be adjourned from time to time. After such hearing, such preliminary schedule or schedules, either as originally adopted or as modified or amended, shall be adopted and put into effect, and thereupon the resolution providing for the issuance of water revenue bonds and/or sewer revenue bonds may be finally adopted.

(b) A copy of the schedule or schedules of such rates, fees, and charges finally fixed in such resolution shall be kept on file in the office of the clerk of the circuit court in the county and shall be open to inspection by all parties interested. The rates, fees, or charges so fixed for any class of users or property served shall be extended to cover any additional property thereafter served which falls within the same class without the necessity of any hearing or notice.

(c) Any change or revision of any rates, fees, or charges may be made in the same manner as such rates, fees, or charges were originally established as hereinabove provided, but if such change or revision be more substantially pro rata as to all classes of service, no notice or hearing shall be required.

Section 23. Collection of charges.—

(1) Upon the construction of a sewage disposal system and the financing of such construction by the issuance of sewer revenue bonds under the provisions of this act, the owner, tenant, or occupant of each lot or parcel of land within the county which abuts upon a street or other public way containing a sanitary sewer served or which may be served by such disposal system and upon which lot or parcel a building shall have been constructed for residential or commercial use and which lot or parcel shall not already be served by, or have available to it for service, a sanitary sewer, shall, if so required by the rules and regulations of the district governing board or by resolution thereof, connect such building with such sanitary sewer and shall cease to use any other method for the disposal of sewage, sewage waste, or other polluting matter. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the district governing board.

(2) The district governing board may provide in the resolution authorizing the issuance of water revenue bonds or sewer revenue bonds under the provisions of this act that the charges for the services furnished by any facility constructed or reconstructed by the district under the provisions of this act shall be included in single bills to be rendered for all the services furnished to the premises, and that if the amount of such charges so included shall not be paid within 30 days from the rendition of any bill, the district governing board shall discontinue furnishing water to such premises and disconnect the same from the water supply system of the district. Any such resolution may include any or all of the following provisions, and may permit the district governing board to adopt such resolution or take such other lawful action as shall be necessary to effectuate such provisions, and the district governing board is hereby authorized to adopt such resolutions and to take such other action:

(a) That the district may require the owner, tenant, or occupant of each lot or parcel of land within the district who is obligated to pay the rates, fees, or charges for the services furnished by any facility purchased, constructed, or reconstructed by the district under the provisions of this act to make a reasonable deposit with the district governing board in advance to ensure the payment of such rates, fees, or charges and to be subject to application to and payment thereof if and when delinquent.

(b) That if any rates, fees, or charges for the use and services of any sewage disposal system or sewer improvements by or in connection with any premises not served by the waterworks system of the district shall not be paid within 30 days after the same shall become due and payable, the owner, tenant, or occupant of such premises shall cease to dispose of sewage or industrial waste originating from or on said premises by discharge thereof directly or indirectly into the sewer system of the district until such rates, fees, or charges with interest shall be paid; that if such owner, tenant, or occupant shall not cease such disposal at the expiration of such 30-day period, it shall be the duty of any district, private corporation, board, body, or person supplying water to or selling water for use on such premises within 5 days after the receipt of notice of such delinquency from the district to cease supplying water to or selling water for use on such premises; and that if such district, private corporation, board, body, or person shall not, at the expiration of such 5-day period, cease supplying water to or selling water for use on such premises, then the district may, unless it has theretofore contracted to the contrary, shut off the supply of water to such premises.

Section 24. Application of revenues.—

(1) All revenues derived from any water supply system or water system improvement or sewage disposal system or sewer improvements for either of which a single issue of water revenue bonds or sewer revenue bonds shall be issued, except such part thereof as may be required to pay the cost of maintaining, repairing, and operating such system or systems and to provide reserves therefor as may be provided in the resolution authorizing the issuance of such water revenue bonds or sewer revenue bonds, shall be set aside at such regular intervals as may be provided in such resolution and deposited for the credit of the following separate funds for the following purposes:

(a) A sinking fund for the payment of interest on and the principal of such water revenue bonds and/or sewer revenue bonds as the same shall become due, necessary charges of paying agents for paying such interest and principal, and any premium upon bonds retired by call or purchase before their maturity or respective maturities, including the accumulation of reserves for such purposes; and

(b) A fund for anticipated renewals and replacements and extraordinary repairs.

(2) The use and disposition of moneys to the credit of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the water revenue bonds and/or sewer revenue bonds, and, except as may otherwise be provided in such resolution, such sinking fund shall be a fund for the benefit of all bonds without distinction or priority of one over the other.

(3) The district governing board shall at the close of the fiscal year make or cause to be made a comprehensive report of its operations of the water supply system or systems and sewage disposal system or systems under its control during the preceding fiscal year,including all matters relating to rates, revenues, expenses for maintenance, repair, and operation, and of replacements and extensions, principal and interest retirements, and the status of all funds, and there shall be set forth in such report the budget recommended by the district for the current fiscal year. A copy of such annual report shall be filed with the clerk of the circuit court in the county and shall be open to the inspection of all interested persons. Any surplus of the gross revenues remaining at the end of any fiscal year after making the required deposits for the credit of the separate funds set forth above, and not appropriated in the budget for the then current fiscal year, shall be paid into the sinking fund.

Section 25. Trust funds.—All moneys received pursuant to the authority of this act shall be deemed to be trust funds to be held and applied solely as provided in this act. The resolution authorizing the issuance of bonds shall provide that any officer to whom, or any bank, trust company, or other fiscal agent to which such moneys shall be paid shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this act and such resolution may provide.

Section 26. Remedies.—Any holder of bonds issued under the provisions of this act or any of the coupons appertaining thereto, except to the extent the rights herein given may be restricted by the resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, mandamus, or other proceeding, protect and enforce any and all rights under the laws of Florida or granted hereunder or under such resolution, and may enforce and compel the performance of all duties required by this act or by such resolution to be performed by the district or by the district governing board, including the fixing, charging, and collecting of rates, fees, and charges for services and facilities furnished by the water supply system, water system improvement, sewage disposal system, or sewer improvements and the levying and collecting of any special assessments.

Section 27. Water revenue refunding bonds.—The district governing board is hereby authorized to provide by resolution for the issuance of water revenue refunding bonds of the district for the purpose of refunding any water revenue bonds then outstanding and issued under the provisions of this act. The district governing board is further authorized to provide by resolution for the issuance of water revenue bonds of the district for combined purposes of:

(1) Paying the cost of any extension, addition, or reconstruction of a water supply system or systems or water system improvements or the cost of a new water supply system or systems or water system improvements; and

(2) Refunding such water revenue bonds of the district which shall theretofore have been issued under the provisions of this act and shall then be outstanding and which then shall have matured or be subject to redemption or can be acquired for retirement. The issuance of such bonds, the maturities and other details thereof, the rights and remedies of holders thereof, and the rights, powers, privileges, duties, and obligations of the district or of the district governing body with respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

Section 28. Sewer revenue refunding bonds.—The district governing board is hereby authorized to provide by resolution for the issuance of sewer revenue refunding bonds then outstanding and issued under the provisions of this act. The district governing board is further authorized to provide by resolution for the issuance of sewer revenue bonds of the district for the combined purposes of:

(1) Paying the cost of any extension, addition, or reconstruction of a sewage disposal system or systems or sewer improvements or the cost of a new sewage disposal system or systems or sewer improvements; and

(2) Refunding such sewer revenue bonds of the district which shall theretofore have been issued under the provisions of this act and shall then be outstanding and which then shall have matured or be subject to redemption or can be acquired for retirement. The issuance of such bonds, the maturities and other details thereof, the rights and remedies of holders thereof, and the rights, powers, privileges, duties, and obligations of the district or of the district governing board with respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

Section 29. Private water supplies.—No jurisdiction hereunder shall be exercised by the district governing board over any privately owned industrial water supply system or the disposition of industrial water supply system or the disposition of industrial or manufacturing wastes, nor shall any rule or regulation be adopted or suit instituted or prosecuted hereunder designed or intended to control or regulate the same, unless one of the following conditions exists:

(1) That prior to the utilization of any waters for the disposition of industrial or manufacturing waste, such waters were being used as a source of, or as a part of, a water supply system under this act; or

(2) In the case of an industrial or manufacturing plant that is connected with and using any facility authorized by this act; but any such rule, regulation, or suit shall be limited to the particular waters or the particular industrial or manufacturing plant affected by one of the above conditions; provided, however, this shall not restrain or prevent the Department of Health and Rehabilitative Services in any way from instituting a suit or taking other action in the event said plant or manufacturing company shall pollute the waters in the state, as defined in s. 387.08, Florida Statutes.

(Renumber subsequent section.)

Amendment 2—In title, on page 3, line 5, after the semicolon (;) insert: creating local areas water and sewer districts; providing powers of the districts with respect to the construction of water supply and sewage disposal systems, including the issuance of bonds and the setting of rates;

Amendment 3—In title, on page 1, lines 2 and 3, strike "bond financing and investment" and insert: local governments

On motion by Senator Margolis, by two-thirds vote HB 1449 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **SB 1298** was deferred.

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

—was read the second time by title.

Senators Grant, W. D. Childers, Hair, Crenshaw, Girardeau, Frank, Margolis, Gordon, Meek, Lehtinen and Plummer offered the following amendment which was moved by Senator Grant and adopted:

Amendment 1—On page 2, strike lines 11 and 12, and insert:

Section 3. Section 315.11, Florida Statutes, is amended to read:

315.11 Exemption from taxation.—As adequate port facilities are essential for the welfare of the inhabitants and the industrial and commercial development of the area within or served by the unit, and as the exercise of the powers conferred by this law to effect such purposes constitutes the performance of proper public and governmental functions, and as such port facilities constitute public property and are used for public purposes, the unit shall not be required to pay any state, county, municipal or other taxes or assessments thereon, whether located within or without the territorial boundaries of the unit, or upon the income therefrom, and any bonds issued under the provisions of this law, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the state. *All notes, mortgages, security agreements, letters of credit, or other instruments which arise out of or are given to secure the repayment of bonds issued in connection with a project financed under this chapter, including, but not limited to, leases, sale and lease back, and any other document which serves as the basis for or instrument providing for the repayment of bonds issued in connection with a project or facility financed under this part, are also exempt from taxation.* The exemption granted by this section shall not be applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 4. This section and sections 1 and 2 shall take effect July 1, 1988, or upon becoming a law, whichever occurs later. Section 3 shall take effect upon becoming a law and shall apply retroactively to all such notes, mortgages, security agreements, letters of credit, leases, and sale and lease back agreements and any other document in existence notwithstanding the provisions of any other statute, subject to the provisions of section 215.26, Florida Statutes.

Senator Grant moved the following amendment which was adopted:

Amendment 2—In title, on page 1, line 15, after the semicolon (;) insert: amending s. 315.11, F.S.; specifying exemptions from taxation;

On motion by Senator Grant, by two-thirds vote CS for SB 979 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford

SB 188—A bill to be entitled An act relating to contracts in restraint of trade; amending s. 542.33, F.S.; providing that certain agreements in restraint of trade entered into by licensees of the use of service marks are exceptions to the prohibition of contracts in restraint of trade; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 188 to conform the bill to HB 917.

Pending further consideration of SB 188 as amended, on motion by Senator Malchon, by two-thirds vote HB 917 was withdrawn from the Committee on Commerce.

On motion by Senator Malchon—

HB 917—A bill to be entitled An act relating to contracts in restraint of trade; amending s. 542.33, F.S.; providing that certain contracts that restrain a person from exercising a lawful profession, trade, or business are valid; removing a provision that declares certain such contracts to be void; providing that certain agreements in restraint of trade entered into by licensees of the use of service marks are exceptions to the prohibition of contracts in restraint of trade; providing an effective date.

—a companion measure, was substituted for SB 188 and read the second time by title. On motion by Senator Malchon, by two-thirds vote HB 917 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

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

Nays—None

Vote after roll call:

Yea—Crawford, Kirkpatrick

CS for SB 48—A bill to be entitled An act relating to exemptions from the payment of tolls; amending s. 338.155, F.S.; exempting state military personnel and certain handicapped persons from payment of tolls on bridges, ferries, and toll facilities; exempting members of the clergy from payment of tolls on bridges and ferries; repealing s. 347.19, F.S., relating to exemption of militia and clergymen from payment of tolls; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 48 to conform the bill to CS for HB 40.

Pending further consideration of CS for SB 48 as amended, on motions by Senator Jennings, by two-thirds vote CS for HB 40 was withdrawn from the Committees on Transportation; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Jennings—

CS for HB 40—A bill to be entitled An act relating to exemptions from the payment of tolls; providing a short title; amending s. 338.155, F.S.; exempting state military personnel and certain handicapped persons from payment of tolls on bridges, ferries, and toll facilities; repealing s. 347.19, F.S., relating to exemption of militia and clergymen from payment of tolls; providing an effective date.

—a companion measure, was substituted for CS for SB 48 and read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for HB 40 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford

On motions by Senator Jenne, by two-thirds vote CS for HB 470 was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Jenne—

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

—a companion measure, was substituted for CS for SB 363 and read the second time by title. On motion by Senator Jenne, by two-thirds vote CS for HB 470 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

On motions by Senator Crenshaw, by two-thirds vote CS for HB 1133 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

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

CS for HB 1133—A bill to be entitled An act relating to state employment; amending s. 110.205, F.S.; revising an exemption from career service for the Florida School for the Deaf and the Blind; specifying that salaries for certain personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees of the school; providing an effective date.

—a companion measure, was substituted for SB 1128 and by two-thirds vote read the second time by title.

Senator Hair offered the following amendments which were moved by Senator Crenshaw and adopted:

Amendment 1—On page 1, between lines 28 and 29, insert:

Section 2. Paragraph (e) of subsection (5) of section 242.331, Florida Statutes, is amended to read:

242.331 Florida School for the Deaf and the Blind; board of trustees.—

(5)

(e) The board of trustees may invest such moneys in securities enumerated under s. 215.47, *and in The Common Fund, an Investment Management Fund exclusively for nonprofit educational institutions.*

Section 3. Section 242.333, Florida Statutes, is created to read:

242.333 Legal services for officers and employees; reimbursement for judgments in civil actions.—The Board of Trustees for the Florida School for the Deaf and the Blind is authorized to provide legal services for officers and employees of the board of trustees who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities. The board of trustees may provide for reimbursement of reasonable expenses for legal services for officers and employees of said board of trustees who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities upon successful defense by the employee or officer. However, in any case in which the officer or employee pleads guilty or nolo contendere or is found guilty of any such action, the officer or employee shall reimburse the board of trustees for any legal services which the board of trustees may have supplied pursuant to this section. The board of trustees may also reimburse an officer or employee thereof for any judgment which may be entered against him in a civil action arising out of and in the course of the performance of his assigned duties and responsibilities. Each expenditure by the board of trustees for legal defense of an officer or employee, or for reimbursement pursuant to this section, shall be made at a public meeting with notice pursuant to s. 120.53(1)(d). The providing of such legal services or reimbursement under the conditions described above is declared to be a school purpose for which school funds may be expended.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 8, after the semicolon (;) insert: amending s. 242.331, F.S.; authorizing The Common Fund to be included as an investment option for the school's endowment funds; creating s. 242.333, F.S.; authorizing the board of trustees to provide legal services for officers and employees in actions arising out of the performance of their duties and authorizing reimbursement for judgments in civil actions; authorizing the expenditure of school funds for such purposes;

On motion by Senator Crenshaw, by two-thirds vote CS for HB 1133 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford

On motions by Senator Malchon, by two-thirds vote CS for HB 844 was withdrawn from the Committees on Health and Rehabilitative Services; and Judiciary-Civil.

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

CS for HB 844—A bill to be entitled An act relating to health care; amending s. 381.703, F.S., expanding duties and responsibilities of local health councils and the Statewide Health Council; requiring preparation of a report on long-term health care by each local health council, to be submitted to the Statewide Health Council; requiring preparation of a statewide report with certain recommendations on long-term health care by the Statewide Health Council, to be submitted to the Department of Health and Rehabilitative Services and the Legislature; requiring development of a mechanism for public input; requiring annual review and report of implementation of the statewide report; providing for an appropriation; 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; 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; 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 should be developed for mentally ill persons; identifying licensure requirements; determining the impact of specialized facilities on the remaining adult congregate living facility population and providers; requiring a report; providing an appropriation; 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 owing fines; providing penalties; providing an effective date.

—a companion measure, was substituted for CS for SB 897 and by two-thirds vote read the second time by title.

Senator Ros-Lehtinen offered the following amendments which were moved by Senator Malchon and adopted:

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

Section 1. 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 2. 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 3. 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 4. 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 5. Section 410.601, Florida Statutes, is created to read:

410.601 Short title.—Sections 410.601-410.606 may be cited as "The Community Care for Disabled Adults Act."

Section 6. Section 410.602, Florida Statutes, is created to read:

410.602 Legislative intent.—The purpose of this act is to assist disabled adults to live dignified and reasonably independent lives in their own homes or in the homes of relatives or friends. The Legislature intends through this act to provide for the development, expansion, and coordination of community-based services for disabled adults, but not to supplant existing programs. The Legislature further intends to establish a continuum of services so that disabled adults may be assured the least restrictive environment suitable to their needs. In addition, the Legislature intends that the Department of Health and Rehabilitative Services encourage innovative and efficient approaches to program management, staff training, and service delivery.

Section 7. Section 410.603, Florida Statutes, is created to read:

410.603 Definitions.—As used in this act:

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

(2) "Disabled adult" means any person at least 18 years of age, but under 60 years of age, who is not eligible for vocational rehabilitation services and who has one or more permanent physical or mental limitations which restrict his ability to perform the normal activities of daily living and impede his capacity to live independently or with relatives or friends without the provision of community-based services.

(3) "District" means a specified geographic service area, as defined in s. 20.19(5)(a), in which the programs of the department are administered and services are delivered.

(4) "Health maintenance service" means those routine health services necessary to help maintain the health of a disabled adult, but shall be limited to medical therapeutic services, nonmedical prevention services, personal care services, home health aide services, home nursing services, emergency response services, and physical or mental examinations.

Section 8. Section 410.604, Florida Statutes, is created to read:

410.604 Community care for disabled adults program; powers and duties of the department.—

(1) In each district, the department shall operate or contract for a community care for disabled adults program which shall have as its primary purpose the prevention of unnecessary institutionalization of disabled adults through the provisions of community-based services.

(2) Any person who meets the definition of a disabled adult pursuant to s. 410.603(2) is eligible to receive the services of the community care for disabled adults program. However, the community care for disabled adults program shall operate within the funds appropriated by the Legislature. Priority shall be given to disabled adults who are not eligible for comparable services in programs of or funded by the department; who are determined to be at risk of institutionalization; and whose income is at or below the existing institutional care program eligibility standard.

(3) Each community care for disabled adults program shall include case management services and at least one other community service. Community services may include, but are not limited to, the provision of: adult day care, homemaker and chore services, escort services, group activity therapy, health maintenance services, home delivered meals, interpreter services, medical equipment or supplies, respite care, and transportation. Case management services shall ensure that arrangements are made for appropriate services.

(4) If independent living is no longer possible for a disabled adult, the case manager shall assist the person in locating the most appropriate and cost-effective living arrangement in the least restrictive setting.

(5) Existing community resources available to disabled adults in each district shall be coordinated to provide a continuum of services. The department shall ensure that all available funding sources have been explored prior to using funds of the community care for disabled adults program. Funds appropriated for community care for disabled adults shall be used only for the provision of services to disabled adults, case management, and directly related expenditures. The department may provide advance funding for community care for disabled adults programs.

(6) The department and providers shall charge fees for services that the department provides a disabled adult whose income is above the existing institutional care program eligibility standard, either directly or through its agencies or contractors. The department shall establish by rule, by January 1, 1989, a schedule of fees based on the disabled adult's ability to pay. Services of a specified value may be accepted in lieu of a monetary contribution.

(7) Providers and staff members in the community care for disabled adults program shall participate in training at least annually.

(8) Trained volunteers shall be used to provide services for the disabled adult.

(9) The department may conduct or contract for demonstration projects to determine the desirability of new concepts of organization, administration, or service delivery designed to prevent the institutionalization of disabled adults.

(10) Beginning October 1, 1989, the department shall biennially evaluate the progress of the community care for disabled adults program and submit such evaluation to the Speaker of the House of Representatives and the President of the Senate.

Section 9. Section 410.605, Florida Statutes, is created to read:

410.605 Confidentiality of information.—Notwithstanding s. 119.14, information received through files, reports, inspection, or otherwise, by the department or by authorized departmental employees, by persons who volunteer services, or by persons who provide services to disabled adults under this act through contracts with the department is confidential information and may not be disclosed publicly in such a manner as to identify a disabled adult, unless the disabled adult or his legal guardian provides written consent. This information is exempt from disclosure under s. 119.07. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 10. Section 410.606, Florida Statutes, is created to read:

410.606 Rulemaking.—The department shall adopt rules to implement this act. The rules shall define each community service, establish minimum standards for the delivery of services, establish a fee schedule, and make other provisions necessary to implement this act.

Section 11. Section 410.031, Florida Statutes, is amended to read:

410.031 Legislative intent.—It is the intent of the Legislature to encourage the provision of care for *disabled adults and* the elderly in family-type living arrangements in private homes as an alternative to institutional or nursing home care for such persons. The provisions of ss. 410.031-410.036 are intended to be supplemental to the provisions of chapter 400, relating to the licensing and regulation of nursing homes and adult congregate living facilities, and shall not operate to exempt any person who is otherwise subject to regulation under the provisions of said chapter.

Section 12. Subsection (1) of section 410.032, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

410.032 Definitions.—As used in ss. 410.031-410.036:

(1) "Elderly person" means any person *60* ~~65~~ years of age or over who is currently a resident of this state and has *an intent to remain* ~~resided~~ in this state ~~for no less than 1 year~~.

(4) "Disabled adult" means any person at least 18 years of age, but under 60 years of age, who is not eligible for vocational rehabilitation services and who has one or more permanent physical or mental limitations which restrict his ability to perform the normal activities of daily living and impede his capacity to live independently.

Section 13. Section 410.033, Florida Statutes, is amended to read:

410.033 Home care for *disabled adults and* the elderly; rules.—The department shall by rule establish minimum standards and procedures for the provision of home care for *disabled adults and* the elderly, and for the approval of persons wishing to provide such care. *Priority shall be given to disabled adults and the elderly who are not eligible for comparable services in programs of and funded by the department.* Any person who is approved by the department to provide such care for *a disabled adult or* an elderly person shall be eligible for the subsidy payments described in s. 410.035. *However, the home care for disabled adults and the elderly program shall operate within the funds appropriated by the Legislature.*

Section 14. Section 410.035, Florida Statutes, is amended to read:

410.035 Subsidy payments.—

(1) The department shall develop by October 1, *1988* ~~1983~~, a schedule of subsidy payments to be made to persons providing home care for certain eligible *disabled adults or* elderly persons. Payments shall be based on the financial status of the person receiving care. Payments shall include, but not be limited to:

(a) A support and maintenance element, to include costs of housing, food, clothing, and incidentals.

(b) Payments for medical, pharmaceutical, and dental services essential to maintain the health of the *disabled adult or* elderly person and not covered by Medicare, Medicaid, or any form of insurance.

(c) When necessary, special supplements to provide for any service and specialized care required to maintain the health and well-being of the *disabled adult or* elderly person.

(2) The department shall develop a ~~plan for the implementation of the~~ schedule of subsidy payments to persons providing home care for *disabled adults or* the elderly. *This schedule shall be based on the financial status of the eligible disabled adult or elderly person.*

Section 15. Section 410.037, Florida Statutes, is created to read:

410.037 Confidentiality of information.—Notwithstanding s. 119.14, information received through files, reports, inspection, or otherwise, by the department or by authorized departmental employees, by persons who volunteer services, or by persons who provide services to disabled adults or elderly persons under this act through contracts with the department, is confidential information and may not be disclosed publicly in such a manner as to identify a disabled adult or elderly person, unless such person or his legal guardian provides written consent. This information is exempt from disclosure under s. 119.07. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 16. (1) The Department of Health and Rehabilitative Services, with the cooperation of the Department of Labor and Employment Security, shall conduct a study of the disabled adult population in the state. The purposes of the study shall be to identify the disabled adult population; describe the needs of such population; define and describe the continuum of services needed to allow each disabled adult to live as independently as possible; identify the appropriate agency and organizational structure which should be responsible for providing such services; describe the services currently available, including vocational rehabilitation provided by the Department of Labor and Employment Security; define and describe the gaps in the existing service delivery system which prevent the operation of a complete continuum of care; identify the need for establishment of a personal care attendant program; identify the components necessary for successful implementation of such a program; and evaluate whether such a program should be located within the community care for disabled adults program or another agency or program. The department shall submit a report based on the results of this study to the Legislature and Governor no later than March 1, 1989.

(2) There is hereby appropriated from the General Revenue Fund to the Department of Health and Rehabilitative Services the sum of $50,000, for fiscal year 1988-1989, for the purpose of conducting the study described herein.

Section 17. 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 18. This act shall take effect July 1, 1988.

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: An act relating to the elderly and disabled adults; 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. 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; 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;

On motion by Senator Malchon, by two-thirds vote CS for HB 844 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Girardeau

On motions by Senator Grant, by two-thirds vote HB 91 was withdrawn from the Committees on Commerce and Judiciary-Civil.

On motion by Senator Grant—

HB 91—A bill to be entitled An act relating to trade secrets; creating the Uniform Trade Secrets Act; providing definitions; authorizing the enjoining of misappropriation of trade secrets; providing for damages and award of attorney's fees; providing for preservation of secrecy of trade secrets by the court; providing a statute of limitations; specifying effect on other laws; providing for construction; providing an effective date.

—a companion measure, was substituted for SB 233 and read the second time by title. On motion by Senator Grant, by two-thirds vote HB 91 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford

Consideration of **SB 771** was deferred.

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

—was read the second time by title.

Two amendments were adopted to CS for SB 1034 to conform the bill to CS for HB 1277.

Pending further consideration of CS for SB 1034 as amended, on motion by Senator Girardeau, by two-thirds vote CS for HB 1277 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Girardeau—

CS for HB 1277—A bill to be entitled An act relating to saltwater fisheries and shrimp fishing; amending s. 370.15, F.S.; providing for noncommercial trawl or net registration with respect to shrimp fishing; providing for noncommercial trawl or net size; amending s. 370.07, F.S.; revising reporting requirements; providing for possession limit; amending s. 370.153, F.S.; revising language with respect to dead shrimp production in certain counties to provide for the inheritance or transfer of a license to an immediate family member; amending s. 370.01, F.S.; providing for the regulation of nonliving sponges; amending s. 370.021, F.S.; providing for penalties; providing legislative intent; providing an effective date.

—a companion measure, was substituted for CS for SB 1034 and read the second time by title. On motion by Senator Girardeau, by two-thirds vote CS for HB 1277 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Barron, Crawford

SB 499—A bill to be entitled An act relating to school facilities; amending s. 235.435, F.S.; authorizing the use of state school construction funds to renovate and remodel schools designated as historic educational facilities; providing criteria for such designation; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 499 to conform the bill to CS for HB 893.

Pending further consideration of SB 499 as amended, on motion by Senator Frank, by two-thirds vote CS for HB 893 was withdrawn from the Committees on Education and Appropriations.

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

CS for HB 893—A bill to be entitled An act relating to school facilities; amending s. 235.212, F.S.; requiring justification developed with a value analysis for low-energy use design of certain student-occupied facilities; amending s. 235.435, F.S.; authorizing the use of state school construction funds to renovate and remodel schools designated as historic educational facilities; providing criteria for such designation; providing an effective date.

—a companion measure, was substituted for SB 499 and by two-thirds vote read the second time by title. On motion by Senator Frank, by two-thirds vote CS for HB 893 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crawford

Motion

On motion by Senator Scott, the rules were waived and the Committee on Appropriations was granted permission to meet June 2 at 9:00 a.m. until completion of the agenda.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote CS for HB 386, HB 900, CS for SB 34, CS for SB 376, CS for SB 479, CS for SB 600, SB 649, CS for SB 703, CS for SB 900, SB 920, SB 1009, CS for SB 1068, CS for SB 1150 and CS for SB 1181 were withdrawn from the Committee on Appropriations.

On motion by Senator Johnson, by two-thirds vote HCR 1679 was withdrawn from the Committees on Judiciary-Criminal; and Rules and Calendar.

CONSENT CALENDAR, continued

CS for SB 1364—A bill to be entitled An act relating to transportation; amending s. 334.03, F.S.; providing definitions with respect to the Florida Transportation Code; amending s. 334.044, F.S.; revising language with respect to the powers and duties of the Department of Transportation; amending s. 335.18, F.S.; creating the "State Highway System Access Management Act"; creating s. 335.181, F.S.; providing legislative findings, policy, and purpose with respect to regulation of access to the State Highway System; creating s. 335.182, F.S.; providing for the regulation of connections to roads on the State Highway System; providing definitions; creating s. 335.1825, F.S.; requiring access permits; providing authority to close unpermitted connections; creating s. 335.183, F.S.; providing a permit application fee; creating s. 335.184, F.S.; providing for access permit review process by the department; creating s. 335.185, F.S.; providing for permit conditions and expiration; creating s. 335.187, F.S.; providing language with respect to unpermitted connections; providing for existing access permits, nonconforming permits, and modification and revocation of permits; creating s. 335.188, F.S.; providing for access management standards; providing for an access control classification system; providing criteria; creating s. 335.189, F.S.; providing for regulation of access to the State Highway System by other governmental entities; pro-

viding for permitting process; providing for interlocal agreements; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1—On page 5, strike all of lines 12-19 and insert: of a particular means of access. The right of access to a road on the State Highway System may be restricted if reasonable access may be provided pursuant to local regulations to another public road which abuts the property.

(b) The access rights of an owner of property abutting the State Highway System are subordinate to the public's right and interest in a safe and efficient highway system.

(3) The Legislature further declares that it is the purpose of this act to provide a coordinated planning process for the permitting of access points on the State Highway System to effectuate the findings and policy of this act.

(4) Nothing in this act shall affect the right to full compensation under Article X, Section 6, Florida Constitution.

On motion by Senator Dudley, by two-thirds vote CS for SB 1364 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	Langley	Scott
Brown	Grant	Lehtinen	Thomas
Childers, D.	Grizzle	Malchon	Thurman
Childers, W. D.	Hair	Margolis	Weinstein
Crenshaw	Hollingsworth	McPherson	Weinstock
Deratany	Jenne	Meek	Woodson
Dudley	Jennings	Myers	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Kiser, Stuart

SB 1298—A bill to be entitled An act relating to fire prevention and control; amending s. 633.175, F.S.; providing that law enforcement officers shall have the authority to obtain fire loss information without prior approval of the Division of State Fire Marshal; providing an effective date.

—having been passed and reconsidered May 30, was taken up.

Senator Lehtinen moved the following amendment which was adopted:

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

Section 1. Section 633.052, Florida Statutes, is created to read:

633.052 Ordinances relating to firesafety; definitions; penalties.—

(1) As used in this section:

(a) "Firesafety inspector" means any person who is certified by the Division of State Fire Marshal of the Department of Insurance and who is employed or appointed by a county or municipality and is authorized to investigate, on public or private property, civil infractions relating to firesafety, and to issue citations as provided in this section. A firesafety inspector is not authorized to bear arms or make arrests.

(b) "Citation" means a written notice, issued to a person by a firesafety inspector, that the firesafety inspector has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance, and that the county court will hear the charge. The citation shall contain:

1. The date and time of issuance.

2. The name and address of the person.

3. The date and time the civil infraction was committed.

4. The facts constituting probable cause.

5. The ordinance violated.

6. The name and authority of the officer.

7. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.

8. The applicable civil penalty if the person elects to contest the citation.

9. The applicable civil penalty if the person elects not to contest the citation.

10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, then he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(c) "Ordinance" means any ordinance enacted by the governing body of a county or municipality that is a civil infraction relating to firesafety codes.

(2) The governing body of a county or municipality which has not created a code enforcement board for firesafety under Chapter 162 is authorized to enact ordinances relating to firesafety codes, which ordinances shall provide:

(a) That a violation of such an ordinance is a civil infraction.

(b) A maximum civil penalty not to exceed $500.

(c) A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.

(d) For the issuance of a citation by an officer who has probable cause to believe that a person has committed a violation of an ordinance relating to firesafety.

(e) For the contesting of a citation in the county court.

(f) Such procedures and provisions necessary to implement any ordinances enacted under the authority of this section.

(3) Any person who willfully refuses to sign and accept a citation issued by a firesafety inspector shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Nothing contained in this section shall prevent any county or municipality from enacting any ordinance relating to firesafety codes which is identical to the provisions of this chapter or any state law, except as to penalty; however, no county or municipal ordinance relating to firesafety codes shall conflict with the provisions of this chapter or any other state law.

Section 2. The Department of Insurance shall provide, by rule, for the certification of firesafety inspectors.

(Renumber subsequent sections.)

Senator Deratany moved the following amendment which was adopted:

Amendment 2—On page 2, between lines 14 and 15, insert:

Section 2. Subsection (10) is added section 633.025, Florida Statutes, to read:

633.025 Minimum firesafety standards.—

(10) With respect to standards established by the National Fire Protection Association (NFPA) 101, Life Safety Code, 1985 edition, section 19-3.4.4.1, battery operated smoke detectors shall be considered as approved detection devices for buildings having direct access to the outside from each living unit and having three stories or less.

(Renumber subsequent section.)

Senator Lehtinen moved the following amendment which was adopted:

Amendment 3—In title, on page 1, line 2, insert: creating s. 633.052, F.S.; providing definitions; authorizing local units of government to enact ordinances relating to firesafety; providing criteria; provided for certified firesafety inspectors; providing a penalty; providing for rules;

Senator Deratany moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 6, after the semicolon (;) insert: amending s. 633.025, F.S.; providing that battery operated smoke detectors are approved detection devices under specified conditions;

On motion by Senator Lehtinen, by two-thirds vote SB 1298 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crawford

SB 1342—A bill to be entitled An act relating to educational finance; amending ss. 236.25 and 200.065, F.S.; authorizing district school boards to utilize proceeds from the discretionary capital outlay millage to comply with state and federal environmental statutes and regulations; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote SB 1342 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Crenshaw, by two-thirds vote HB 1303 was withdrawn from the Committee on Education.

On motion by Senator Crenshaw—

HB 1303—A bill to be entitled An act relating to the University of North Florida; naming the baseball stadium at the university "Harmon Stadium"; directing the university to erect suitable markers; providing an effective date.

—a companion measure, was substituted for SB 1146 and read the second time by title. On motion by Senator Crenshaw, by two-thirds vote HB 1303 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crawford

SB 544—A bill to be entitled An act relating to transportation finance; amending s. 288.063, F.S.; providing that certain transportation projects to facilitate the economic growth and development of the state shall be approved only as a consideration to attract new employment opportunities to the state or to expand employment in existing companies; amending s. 339.08, F.S.; authorizing the use of State Transportation Trust Fund moneys for economic development transportation projects; providing an effective date.

—was 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 30, after "*costs*" insert: *and equipment purchases specified in the contract*

Senator Beard moved the following amendment which was adopted:

Amendment 2—On page 1, line 25, after the period (.) strike "such" and insert: *Except for applications received prior to July 1, 1988, such*

On motion by Senator Beard, by two-thirds vote SB 544 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

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

Nays—None

Vote after roll call:

Yea—Crawford, Langley

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.

—having been considered May 31, was taken up with pending **Amendment 1**, which was withdrawn.

Pending further consideration of SB 762, on motions by Senator Weinstock, by two-thirds vote HB 304 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Weinstock—

HB 304—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.

—a companion measure, was substituted for SB 762 and read the second time by title. On motion by Senator Weinstock, by two-thirds vote HB 304 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Barron	Frank	Johnson	Plummer
Beard	Girardeau	Kirkpatrick	Ros-Lehtinen
Brown	Grant	Kiser	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

SPECIAL ORDER, continued

The Senate resumed consideration of—

HB 1329—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S.; providing criteria for calculating the value of nonprofessional attendant or custodial care provided to an injured employee by a family member; providing an effective date.

Senator Hollingsworth moved the following amendment which was adopted:

Amendment 1—On page 2, lines 14 and 15, strike *"or grandchild" and insert: grandchild, father-in-law, mother-in-law, aunt, or uncle*

On motion by Senator Hollingsworth, by two-thirds vote HB 1329 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Barron	Dudley	Jenne	Peterson
Beard	Frank	Jennings	Plummer
Childers, D.	Girardeau	Johnson	Ros-Lehtinen
Childers, W. D.	Grant	Kiser	Stuart
Crawford	Hair	Lehtinen	Weinstein
Crenshaw	Hill	Meek	Woodson
Deratany	Hollingsworth	Myers	

Nays—5

Brown	Margolis	Weinstock
Malchon	Thurman	

Vote after roll call:

Yea—Langley

Yea to Nay—Frank, Jenne, Stuart, Weinstein

On motions by Senator Hollingsworth, by two-thirds vote HB 648 was withdrawn from the Committees on Agriculture and Appropriations.

On motion by Senator Hollingsworth—

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

—a companion measure, was substituted for SB 643 and read the second time by title.

Senator Hollingsworth moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 8 and 9, insert:

Section 3. Subsection (2) of section 570.151, Florida Statutes, is amended to read:

570.151 Appointment and duties of road guard inspection special officers.—

(2) All such special officers shall have power and authority to make arrests, with or without warrants as provided in s. 570.15 *and all other laws relating to livestock, citrus and citrus products, tomatoes, limes, avocados, plants and other horticultural products and any section with respect to which any authority is conferred by law on the department,* ~~for violations of law committed within the jurisdiction of s. 570.15~~ to the same extent and under the same limitations and duties as do peace officers under the provisions of chapter 901; and all such special officers shall have the right and authority to carry arms while on duty, provided such officers meet the requirements of the Criminal Justice Standards and Training Commission established under *s. 943.13* ~~s. 943.11~~. The compensation of such special officers shall be fixed and paid in accordance with the state classification and pay plan for career service employees.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 8, following the first semicolon (;) insert: amending s. 570.151, F.S.; modifying duties of road guard inspection officers;

On motion by Senator Hollingsworth, by two-thirds vote HB 648 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

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

—was read the second time by title.

Two amendments were adopted to CS for CS for CS for SB 560 to conform the bill to CS for HB 1031.

Pending further consideration of CS for CS for CS for SB 560 as amended, on motions by Senator Weinstein, by two-thirds vote—

CS for HB 1031—A bill to be entitled An act relating to regulation of sellers of travel; creating s. 559.927, F.S.; providing definitions; providing for registration of sellers of travel; providing registration fees; providing for submission of documents by sellers of travel and by promoters; providing for recordkeeping; providing for suspension or revocation of registration; prescribing acts or omissions which constitute violations; prescribing criminal and civil penalties; providing for bonds by registrants; providing exemptions; providing for disposition of moneys recovered; providing for state preemption of the subject matter; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for CS for CS for CS for SB 560 and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 1031 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

HB 1473—A bill to be entitled An act relating to asbestos; amending s. 553.79, F.S., relating to building permits for demolition or renovation of structures containing asbestos; requiring such permits to contain an asbestos notification statement; amending s. 255.551, F.S.; providing definitions; amending s. 255.553, F.S.; revising language with respect to the required asbestos survey to include reference to AHERA (Asbestos Hazard Emergency Response Act of 1986) procedures; amending s. 255.554, F.S.; advancing the date for the review of the survey; amending s. 255.556, F.S.; revising language with respect to asbestos assessment; amending s. 255.557, F.S.; providing a time frame for the submission of operation and maintenance plans with respect to asbestos; amending s. 255.562, F.S.; revising language with respect to the completion of asbestos abatement projects; amending s. 255.563, F.S.; including reference to AHERA; amending s. 255.565, F.S.; providing that one member of the Asbestos Oversight Program Team shall be appointed by the Department of Education; amending s. 455.301, F.S.; providing definitions; amending s. 455.302, F.S.; revising license criteria; providing exemptions; amending ss. 455.303 and 455.305, F.S.; adding requirements for licensure as an asbestos consultant or asbestos contractor; amending s. 455.306, F.S.; revising language with respect to licensure revocation to clarify certain standards; amending s. 455.307, F.S.; conforming to the act; amending s. 455.308, F.S.; revising criteria with respect to course requirements for abatement contractor employees; creating s. 455.309, F.S.; providing course requirements for asbestos surveyors, management planners, and project monitors; providing for review and repeal; providing effective dates.

—was read the second time by title.

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

Amendment 1—On page 2, lines 25 and 26, strike *"to obtain permission"*

Amendment 2—On page 11, strike all of lines 10-15 and insert: asbestos consultant. *However, plans and specifications of alterations to the building's structural, electrical, mechanical or other system or components resulting from asbestos abatement must be signed and sealed by an architect or engineer licensed pursuant to part I of chapter 481 or chapter 471, respectively.* ~~and licensed~~

Further consideration of **HB 1473** as amended was deferred.

HB 34—A bill to be entitled An act relating to consumer protection; amending s. 501.1375, F.S., revising penalties with respect to escrow accounts for buyers of residential dwelling units; providing for prima facie evidence of a violation; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 34 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crawford

SB 225—A bill to be entitled An act relating to scholarships; amending s. 240.414, F.S.; revising eligibility requirements for participation in the Latin American and Caribbean Basin Scholarship Program; providing that a recipient of a scholarship under the program who does not return to his country of origin upon completing his baccalaureate degree and remain there for a specified period thereafter is liable for the total amount of the scholarships he received under the program; requiring the Department of Education to establish procedures to recover such amounts from recipients who become liable for repayment; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 225 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

CS for CS for SB 998—A bill to be entitled An act relating to education; amending s. 228.061, F.S.; transferring, renumbering, and amending s. 228.0615, F.S.; providing that district school boards may administer prekindergarten early intervention programs; specifying requirements for district plans for such prekindergarten programs; providing for contracting with existing programs and provisions for before-school and after-school child care; providing for approval of plans; providing for funding; providing for annual reports by school districts; renaming the State Advisory Council on Early Childhood Education as the State Advisory Council on Prekindergarten Early Intervention Program; revising the composition of the council and its duties; requiring the council to conduct an ongoing evaluation of the program; revising the composition and duties of the district interagency coordinating councils; amending s. 228.0617, F.S.; requiring proposals for school-age child care programs to include staff training plans, coordination with other community-based programs and social services, and a description of employment of students from work experience and vocational programs and otherwise revising the specifications for proposals; revising the funding priority given to proposals; deleting obsolete provisions; permitting an increase in membership on the school-age child care advisory council; amending s. 232.01, F.S.; requiring admission of 3-year-old handicapped children to public special education programs and permitting attendance by handicapped children below age 3; amending s. 232.03, F.S.; requiring evidence of a child's age before admission to prekindergarten; amending s. 232.045, F.S.; conforming a cross-reference; amending s. 234.01, F.S; requiring school boards to provide transportation for prekindergarten students; amending s. 236.013, F.S.; redefining the term "full-time equivalent student" in order to include students in prekindergarten early intervention programs; amending s. 236.083, F.S.; providing a method for allocating school district transportation funds for prekindergarten students; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 4, line 14, after "section." through the period (.) on line 17, strike all said language and insert:

To be eligible for state funding pursuant to this section, a district school board's plan shall be designed so that at least 75 percent of the children projected to be served by the district program are economically disadvantaged 4-year-old children, including migrant children. Other children projected to be served by the district program may include any of the following up to a maximum of 25 percent of the total number of children served:

(a) Economically disadvantaged 3-year-old children served in groups;

(b) Economically disadvantaged 3-year-old children served at home through home visitor programs and intensive parent education programs; and

(c) Three-year-old and 4-year-old children who are not economically disadvantaged and whose parents pay a fee for the children's participation. First priority for participation under this criteria shall be given to those children who are educationally disadvantaged.

Further consideration of **CS for CS for SB 998** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, by two-thirds vote CS for SB 1350 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Deratany, by two-thirds vote Senate Bills 667 and 1261 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Langley, by two-thirds vote CS for SB 691 was withdrawn from the Committee on Judiciary-Civil.

Motion

On motion by Senator Barron, by two-thirds vote the special order calendar for Thursday, June 2, was set to include the following bills: CS for CS for CS for SB 19, CS for SB 46, SB 71, CS for SB 99, CS for CS for SB 127, CS for SB 157, SB 184, SB 276, CS for SB 285, CS for SB 376, CS for SB 377, CS for SB 381, CS for SB 478, CS for CS for SB 487, CS for CS for SB 534, CS for SB 547, CS for SB 642, CS for SB 703, SB 706, CS for SB 742, CS for SB 757, SB 861, SB 866, CS for SB 906, CS for CS for SB 916, CS for CS for SB 980, SB 986, SB 999, CS for CS for SB 1107, SB 1239, CS for SB 1324, CS for CS for SB 1359 and CS for CS for HB 1034; and all bills remaining on today's special order.

ENROLLING REPORTS

Senate Bills 152, 178, 308, 595, 682, 1356, CS for SB 334 and CS for SB 375 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 1, 1988.

SM 894 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on June 1, 1988.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 31 was corrected and approved.

CO-INTRODUCERS

Senator Vogt—SJR 216

RECESS

On motion by Senator Barron, the Senate recessed at 5:01 p.m. to reconvene at 10:30 a.m., Thursday, June 2.