



# Journal of the Senate

Number 20

Monday, May 29, 1989

## CALL TO ORDER

The Senate was called to order by the President at 1:00 p.m. A quorum present—37:

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Thomas
Beard	Gardner	Malchon	Thurman
Brown	Girardeau	McPherson	Walker
Bruner	Gordon	MEEK	Weinstein
Casas	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Scott	

Excused: Senator D. Childers

## PRAYER

The following prayer was offered by Father Daniel Doyle, S.M., President, Chaminade-Madonna College Preparatory, Hollywood:

Almighty and eternal God, you have revealed your glory to all nations. God of power and might, wisdom and justice, through you authority is rightly administered, laws are enacted and judgment is decreed. Assist with your spirit of counsel and fortitude the Florida Senate.

May this session be conducted in righteousness and be eminently useful to your people over whom our senators preside. May our elected officials encourage due respect for virtue and religion. May they execute the laws with justice and mercy, may they seek to restrain crime, vice and immorality.

We, likewise, commend to your unbounded mercy all who dwell in the State of Florida.

On this Memorial Day, we thank you, Lord God, for the countless men and women of valor and courage who made the ultimate sacrifice while fulfilling the greatest obligation of their American citizenship. Help us never to forget our friends in uniform who paid so much so that we would be free.

Eternal rest grant unto them, O Lord, and let perpetual light shine upon them. May they rest in peace. We pray to you, who are Lord and God, forever and ever. Amen.

## PLEDGE

Senator Gardner led the Senate in the pledge of allegiance to the flag of the United States of America.

## Statement

On motion by Senator Woodson-Howard, the following statement by Mrs. Hal Romine, whose son, Harold Earl Romine, Jr., died in the explosion on the battleship USS Iowa, was printed in the Journal:

I appreciate each and every expression of sympathy, and every tear that has been shed for the loss of my son, however, nothing will bring him back.

Patrick Henry said, "Give me liberty or give me death." Nathan Hale said, "I regret that I have but one life to give for my country." This nation as a whole does not remember these great men, and in a few years only the family and closest friends will remember "Hal Romine." I have donated a husband because I understand he was never the same after World War II, and now a son to the price of freedom, and each day we lose a little of it without realizing it. For every right that is given someone else, one of mine has been taken away. If I can see in the future a little of these freedoms restored, such as godly principles in our schools, and a better educational system, for one, I shall not feel that he died in vain.

## Consideration of Resolutions

On motion by Senator Gardner, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senator Stuart—

**SR 1555**—A resolution recognizing June 25, 1989, as "Korean War Veterans' Day."

WHEREAS, the valiant efforts of our servicemen who have defended our country should never be overlooked or forgotten, and

WHEREAS, June 25, 1989, marks the anniversary of the invasion of South Korea and commemorates the valiant servicemen who lost their lives in what many call the "Forgotten War," and

WHEREAS, we should never forget or fail to celebrate this anniversary so that the sacrifice made by these brave men should be remembered, and

WHEREAS, it is fitting and appropriate that the Senate pause to join the people of this state in commemorating Korean War Veterans' Day, NOW, THEREFORE,

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

That the Florida Senate recognizes June 25, 1989, as Korean War Veterans' Day and joins the people in this state in commemorating that date.

On motion by Senator Gardner, SR 1555 was read the second time in full and adopted.

On motion by Senator W. D. Childers, by two-thirds vote HCR 241 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator W. D. Childers—

**HCR 241**—A concurrent resolution declaring the week of July 4th, 1989, as "Buy American Week."

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

## Motion To Introduce Resolution

Senator Myers moved that a resolution honoring Dr. Helen Popovich be introduced notwithstanding the fact that the final day had passed for introduction of resolutions. The motion was referred to the Committee on Rules and Calendar.

## Motion

On motion by Senator Bruner, the rules were waived and **SB 1542** was ordered immediately certified to the House.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, May 29, 1989: CS for CS for SB 960, SB 820, CS for SB 1334, CS for SB 1447, CS for CS for SB 20, CS for CS for SB 185, CS for CS for SB 955, CS for SB 676, CS for SB 439, CS for SB 1135, CS for SB 88, SB 747, SB 509, CS for SB 890, SB 377, CS for CS for SB 1474, CS for SB 925, CS for SB 865, SB 327, SB 830, SB 625, CS for SB 1131, CS for SB 804, CS for CS for SB's 566 and 764, CS for SB 683, SB 1114, SB 1147, CS for SB 532, CS for HB 877, SB 802, CS for SB's 493 and 947, CS for SB 28, CS for SB 1322, SB 1258, CS for SB 550, CS for SB 240, SB 623, CS for SB 844, SB 1170, SB 1371, CS for SB 667, CS for SB 256, SB 1272, CS for SB 851, SB 578, CS for SB 934, CS for SB 1414, SB 637, SB 1216, CS for SB 1112, SB 675, SB 1340, SB 262, CS for SB 776, SB 1171, SB 434, CS for SB 912, SB 978, SB 1268

Respectfully submitted,  
James A. Scott, Chairman

The Committee on Rules and Calendar recommends the following pass: SB 837 with 2 amendments

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

The Committee on Rules and Calendar recommends the following pass: HB 1686, HB 1754 with 1 amendment, HB 1755 with 3 amendments, HB 1756 with 3 amendments, HB 1757 with 3 amendments, HB 1758 with 2 amendments, HB 1759 with 2 amendments, HB 1760 with 2 amendments, SB 325, CS for SJR 547

**The bills were placed on the calendar.**

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: CS for SB 1311, SB 1447

**The bills with committee substitutes attached were referred to the Committee on Appropriations under the original reference.**

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 1388, CS for SB 1417

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: CS for SB 415

The Committee on Rules and Calendar recommends a committee substitute for the following: SJR 380

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

## INTRODUCTION AND REFERENCE OF BILLS

### First Reading

**SR 1549** was introduced out of order and adopted May 24.

**SR 1550** was introduced out of order and adopted May 25.

**SB 1551** was introduced out of order and referred May 25.

By Senator McPherson—

**SB 1552**—A bill to be entitled An act relating to Broward County; amending s. 3, Division 2, Article II, chapter 83-380, Laws of Florida; exempting housing for older persons as it relates to age discrimination from the Broward County Human Rights Act; providing a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

**SR 1553** was introduced out of order and adopted May 26.

By Senator Bruner—

**SB 1554**—A bill to be entitled An act relating to Okaloosa County; amending s. 1, ch. 78-570, Laws of Florida, to correct errors in the description of the boundaries of the Ocean City-Wright Fire Control District; ratifying, validating, and confirming certain actions and proceedings of the fire control district relative to the levy, assessment, and collection of special assessments or ad valorem taxes by the district; providing an effective date.

—was referred to the Committee on Rules and Calendar.

**SR 1555** was introduced out of order and adopted this day.

## FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Rules and Calendar; and Senators Thomas, W. D. Childers, Gardner, Beard, Gordon, Casas, Dudley, Meek, Myers, Jennings, Bruner, Deratany, Johnson, Forman, Woodson-Howard, Girardeau, Malchon, Thurman, Peterson, Walker, Kirkpatrick, Souto, McPherson, Crenshaw, Margolis, Bankhead, Brown, D. Childers, Davis, Grant, Grizzle, Stuart and Ros-Lehtinen—

**CS for SJR 380**—A joint resolution proposing an amendment to Section 3, Article III of the State Constitution, relating to the date of the regular sessions of the Legislature.

By the Committees on Finance, Taxation and Claims; Regulated Industries; and Senator Thurman—

**CS for CS for SB 415**—A bill to be entitled An act relating to dog-racing; amending s. 550.162, F.S.; providing for the timely payment of a purse; providing for the filing of a complaint and remedy for nonpayment of a purse; providing that certain amounts that are withheld from pari-mutuel pools by permitholders conducting dograces may be used for purses and advertising; authorizing such permitholders to withhold additional amounts from pari-mutuel pools notwithstanding certain limitations; requiring that a specified percentage of such additional amounts be used for purses in addition to purse amounts provided by contract; requiring such contracts to be filed with the Division of Pari-mutuel Wagering of the Department of Business Regulation; creating s. 550.0955, F.S.; providing for certain surtaxes; providing for a study and report by the Division of Pari-mutuel Wagering on the effects of this act; providing an effective date.

By the Committees on Finance, Taxation and Claims; Transportation; and Senator Jennings—

**CS for CS for SB 1311**—A bill to be entitled An act relating to airports; amending s. 332.11, F.S.; authorizing certain political subdivisions to establish a transportation corridor between the political subdivision and a port district subject to approval by the Department of Transportation; authorizing an exception to the 25 percent limitation pursuant to the provisions of s. 332.007(3)(c), F.S.; providing an effective date.

By the Committees on Appropriations and Higher Education and Senators Scott, McPherson and Weinstein—

**CS for CS for SB 1388**—A bill to be entitled An act relating to post-secondary education; establishing a branch campus of Florida Atlantic University in Broward County to be known as the Southeast Campus; requiring the Board of Regents to take necessary actions for the establishment of the Southeast Campus; requiring the City of Davie and the Board of County Commissioners of Broward County to cooperate in the establishment of the Southeast Campus; authorizing Florida Atlantic University to contract with Broward Community College and Florida International University to provide instruction at the Southeast Campus; requiring the Postsecondary Education Planning Commission and the Board of Regents to evaluate undergraduate programs in Broward County; requiring the Board of Regents to make recommendations concerning the need for a 4-year public university in Broward County; requiring a timetable for legislative action on the plan; providing an appropriation; providing an effective date.

By the Committees on Appropriations and Education and Senator Gardner—

**CS for CS for SB 1417**—A bill to be entitled An act relating to education; creating the K through 12 Mathematics, Science, and Computer Education Quality Improvement Act; providing legislative intent; creating the K through 12 Mathematics, Science, and Computer Education Quality Improvement Advisory Council; providing for membership; providing for powers and duties; requiring the Department of Education to conduct an evaluation of math and science textbooks; creating the Teacher/Quest Scholarship Program and providing procedures and criteria for participation; amending s. 240.408, F.S.; authorizing the use of funds from the Challenger Astronauts Memorial Scholarship Trust Fund for the Teacher/Quest Scholarship Program; amending s. 236.013, F.S.; redefining full-time equivalent student with respect to courses in mathematics, science, and computer education; creating s. 233.0575, F.S.; providing legislative intent; authorizing mathematics/science mentor teachers; 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; amending s. 233.09, F.S.; requiring instructional materials recommended for adoption to be consistent with the Comprehensive Plan for Mathematics, Science, and Computer Education; providing for review and repeal; providing effective dates.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote CS for SB 1447 was withdrawn from the Committee on Appropriations; CS for HB 371, CS for SB 1162, Senate Bills 617, 1303, 1336 and 1437 were withdrawn from the Committee on Community Affairs; SB 931 and CS for SB 319 were withdrawn from the Committee on Economic, Professional and Utility

Regulation; Senate Bills 328 and 1136, CS for CS for SB 566 and CS for CS for SJR 25 were withdrawn from the Committee on Rules and Calendar; HB 1637 was withdrawn from the Committees on Natural Resources and Conservation; and Rules and Calendar; HB 1734 was withdrawn from the Committee on Natural Resources and Conservation; CS for SB 332 was withdrawn from the Committee on Insurance; CS for SB 497 was withdrawn from the Committee on Higher Education; SB 832 was withdrawn from the Committee on Health and Rehabilitative Services; SB 1395 was withdrawn from the Committee on Governmental Operations; and CS for SB 1469 was withdrawn from the Committees on Commerce; Community Affairs; and Finance, Taxation and Claims.

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

The Governor advised that he had filed with the Secretary of State Senate Bills 428, 474, 477 and 696 which he approved on May 29, 1989.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

##### First Reading

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed House Bills 47, 49, CS for HB 98, CS for HB's 247 and 604, HB 253, CS for HB 274, CS for CS for CS for HB 336, CS for HB 444, CS for HB 553, HB 554, CS for HB 766, House Bills 793, 954, CS for HB 975, HB 1031, CS for HB 1035, HB 1054, CS for HB 1064, HB 1075, CS for HB 1102, CS for HB 1160, HB 1175, CS for HB 1191, HB 1281, CS for CS for HB 1321, HB 1326, CS for CS for HB 1388, CS for HB 1453, House Bills 1538, 1540, 1541, 1557, 1663, 1672, 1685, 1687, 1699, 1708, 1709, 1720, 1742; has passed as amended CS for CS for HB 75, CS for HB 81, CS for HB's 159 and 1608, HB 204, CS for HB 346, HB 385, CS for HB 474, CS for HB 504, HB 529, CS for CS for HB 535, CS for CS for HB 548, House Bills 645, 729, 756, CS for CS for HB 855, CS for HB 937, House Bills 949, 1063, 1086, CS for HB 1245, HB 1320, CS for HB 1377, CS for CS for HB's 1593, 507 and 310, House Bills 1673, 1745, CS for HB 1767; has adopted HM 1774 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative McEwan and others—

**HB 47**—A bill to be entitled An act relating to drivers' licenses; amending s. 39.10, F.S., requiring a finding of delinquency and the surrender of drivers' licenses for all minors violating certain laws relating to alcoholic beverages and drugs; amending s. 322.05, F.S., prohibiting the Department of Highway Safety and Motor Vehicles from issuing a drivers' license to certain persons; amending s. 322.26, F.S., providing for the mandatory revocation of drivers' licenses by the department with respect to minors who violate certain laws relating to alcoholic beverages and drugs; providing an effective date.

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

By Representative Clements and others—

**HB 49**—A bill to be entitled An act relating to compensation of county officials; amending s. 145.071, F.S.; increasing the salaries of the sheriffs; providing an effective date.

—was referred to the Committees on Community Affairs and Appropriations.

By the Committee on Judiciary and Representative Hill and others—

**CS for HB 98**—A bill to be entitled An act relating to service of process; amending s. 48.20, F.S.; authorizing service of process on Sunday in certain instances involving domestic violence; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Education and Representative Guber and others—

**CS for HB's 247 and 604**—A bill to be entitled An act relating to education; creating the High School Community Service Act; providing for pilot projects; providing a procedure for developing and submitting project proposals; describing project requirements; providing for selection, funding, and reporting; creating s. 228.0716, F.S.; creating the Florida Literacy Corps Act of 1989; providing intent; establishing the Florida

Literacy Corps to be administered by the Department of Education; providing for academic credit to eligible postsecondary students tutoring certain adults; describing responsibilities for delivery of literacy instruction and training; establishing student eligibility requirements; establishing university and community college eligibility requirements; providing for funding; requiring certain reports; providing an effective date.

(Substituted for CS for SB 28 on the special order calendar this day.)

By Representatives Troxler and Cosgrove—

**HB 253**—A bill to be entitled An act relating to education; creating s. 230.69, F.S.; providing for the creation of Youth Enhancement Services Centers within school districts; authorizing the creation of a nonprofit corporation with a board of directors; requiring approval of a proposal for each center by the district school board and the Department of Education; providing requirements, including private contributions and matching state grant; providing for allocation of funds to center depository funds; providing for the vesting of title; providing for center operation; providing for pilot programs; requiring rules relating to capacity and design of facilities; requiring an annual postaudit; providing an exemption from public records requirements for certain donor information; providing for review and repeal; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Health and Rehabilitative Services; and Representatives Bloom and Cosgrove—

**CS for HB 274**—A bill to be entitled An act relating to persons with epilepsy; providing legislative intent regarding the design and delivery of treatment and services; specifying rights of persons with epilepsy; providing liability for violations of such rights; providing for notice of rights; providing for programs of resident government within residential facilities; providing an effective date.

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

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

**CS for CS for CS for HB 336**—A bill to be entitled An act relating to insurance premium taxation; amending s. 624.509, F.S.; reducing the insurance premium tax rate; deleting certain payment provisions; revising a limitation on the total of credits that may be taken against the tax; deleting the authority of affiliated groups of insurers to file consolidated returns; deleting and revising certain administrative provisions; creating s. 624.5092, F.S.; providing for administration, audit, and enforcement of certain insurance premium taxes by the Department of Revenue; providing for installment payments and associated penalties; amending s. 624.521, F.S.; providing duties of the Department of Revenue with respect to certain insurance premium taxes; amending s. 213.05, F.S.; broadening the Department of Revenue's administrative authority to include certain insurance premium taxes; amending s. 631.705, F.S.; revising the credit that can be taken for Florida Insurance Guaranty Association assessments against the insurance premium tax or corporate income tax; amending s. 631.719, F.S.; revising the credit that can be taken for Florida Life and Health Insurance Guaranty Association assessments against the insurance premium tax or corporate income tax; amending s. 627.6494, F.S.; removing the offset of State Comprehensive Health Association assessments against the state corporate income tax or insurance premium tax; amending ss. 220.02 and 627.6492, F.S., to conform and to delete obsolete references; amending ss. 175.101 and 185.08, F.S.; providing for installment payments with respect to excise taxes which may be imposed by certain municipalities on property and casualty insurance premiums and for application of penalties associated therewith; amending s. 440.57, F.S.; conforming a cross reference; amending s. 624.429, F.S.; revising provisions relating to certain credit that is not to be considered in determining retaliatory tax; changing the amount of retaliatory tax funds to be deposited in the Insurance Commissioner's Regulatory Trust Fund; providing duties of the Department of Revenue with respect to said tax; amending s. 624.4425, F.S.; conforming a cross reference; amending s. 624.475, F.S.; conforming a cross reference; amending s. 627.356, F.S.; conforming a cross reference; amending s. 627.357, F.S.; conforming a cross reference; temporarily reducing the tax rate on medical malpractice self-insurance; creating a task force to review premium tax laws; providing membership and duties of the task force; requiring a report to the Legislature; providing for the repeal and review of ss. 627.648 through 627.6498, F.S., the State Comprehensive Health

Association Act; transferring certain positions from the Department of Insurance to the Department of Revenue; deleting funds from the Department of Insurance and providing an appropriation to the Department of Revenue; providing appropriations to the Department of Health and Rehabilitative Services and the Department of Education; providing for retroactive application; providing effective dates.

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

By the Committee on Corrections and Representative L. Diaz-Balart—

**CS for HB 444**—A bill to be entitled An act relating to the correctional system; amending s. 947.18, F.S., relating to conditions of parole; clarifying the requirement of random substance abuse testing; amending s. 948.03, F.S., relating to conditions of probation or community control; authorizing the court to mandate the requirement of random substance abuse testing of probationers and offenders in community control who are not receiving substance abuse treatment at a treatment center (for those who are receiving such treatment, random testing is authorized upon direction of treatment staff); reenacting ss. 947.21 and 948.06, F.S., to conform; providing an effective date.

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

By the Committee on Finance and Taxation; and Representative Albright and others—

**CS for HB 553**—A bill to be entitled An act relating to motor vehicle licenses; creating s. 320.0895, F.S.; providing for the design and issuance of "Florida Salutes Veterans" license plates; providing additional fees for such license plates; providing for deposit of a portion thereof in a State Homes for Veterans Trust Fund and providing for use thereof; providing an effective date.

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

By Representative Young—

**HB 554**—A bill to be entitled An act relating to the State University System; amending s. 240.213, F.S.; authorizing the Board of Regents to secure liability insurance for certain corporations not for profit which are affiliated with a state university; providing an effective date.

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

By the Committee on Insurance and Representative Cosgrove—

**CS for HB 766**—A bill to be entitled An act relating to insurance; amending ss. 624.472 and 624.474, F.S., relating to commercial self-insurers; providing limitations on liability for specified participants and providing for appropriate notice; providing an effective date.

—was referred to the Committee on Insurance.

By Representative Thomas and others—

**HB 793**—A bill to be entitled An act relating to pest control; creating s. 482.2265, F.S.; requiring pest control businesses or operators to provide certain information to customers, upon request; requiring such persons to post a notice of certain applications of a pesticide; providing for determination of chemically sensitive persons; requiring certain notice to such persons prior to applying pesticide; providing duties of the Department of Health and Rehabilitative Services; providing for review and repeal; providing an effective date.

—was referred to the Committee on Health Care.

By Representative Gordon—

**HB 954**—A bill to be entitled An act relating to adult abuse; amending s. 415.111, F.S.; adding offenses; providing penalties; providing technical amendments; providing an effective date.

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

By the Committee on Natural Resources and Representative Rudd—

**CS for HB 975**—A bill to be entitled An act relating to hunting, fishing, and trapping; amending s. 372.71, F.S., and creating s. 372.711, F.S.; providing for noncriminal fines and penalties for violations relating to the taking of wildlife or freshwater fish without a license; providing an effective date.

(Substituted for CS for SB 804 on the special order calendar this day.)

By Representative Simone—

**HB 1031**—A bill to be entitled An act relating to Manatee County; amending section 15 of chapter 84-475, Laws of Florida, as amended, relating to the schedule of special assessments, by raising maximum allowable rates in said schedule of assessments and adopting four digit "use codes," relating to the Palmetto Fire Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Judiciary and Representative Canady—

**CS for HB 1035**—A bill to be entitled An act relating to the resale of time-share units; amending s. 475.01, F.S.; expanding the definition of the term "broker"; amending s. 475.011, F.S.; providing additional exemptions from the provisions of chapter 475, F.S.; amending s. 475.42, F.S.; providing additional violations; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Representative King—

**HB 1054**—A bill to be entitled An act relating to the Homestead Property Tax Deferral Act; amending s. 197.252, F.S.; allowing deferral of a portion of certain non-ad valorem assessments, as well as a portion of ad valorem taxes, levied on homestead property; allowing deferral of all such ad valorem taxes and non-ad valorem assessments for persons over a certain age whose household income is below a specified minimum; changing the rate of interest which accrues on deferred taxes and assessments plus interest; amending s. 197.254, F.S.; amending the annual notification to taxpayers regarding deferred payments; amending s. 197.262, F.S.; changing the maximum rate of interest for deferred payment tax certificates; amending s. 197.292, F.S.; amending provisions as to how the act shall be construed; providing an effective date.

(Substituted for SB 820 on the special order calendar this day.)

By the Committee on Judiciary and Representative Kelly and others—

**CS for HB 1064**—A bill to be entitled An act relating to mobile homes; extending the Study Commission on Mobile Homes; providing for reimbursement of expenses of study commission members; requiring public meetings; providing for a report of its findings and recommendations; providing an appropriation; providing for expiration; providing an effective date.

—was referred to the Committees on Regulated Industries and Appropriations.

By Representative Simone—

**HB 1075**—A bill to be entitled An act relating to the Cedar Hammock Fire Control District, Manatee County; amending subsection (2) of section 5, section 11, and section 15 of chapter 84-478, Laws of Florida, as amended, authorizing charges for emergency services; authorizing the fire chief to employ qualified personnel; adopting four digit "use codes," changing assessment rate on residential portions of mixed uses, mobile home or travel trailer parks, and changing assessment rate on hazardous use category; 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 Insurance and Representative Frankel—

**CS for HB 1102**—A bill to be entitled An act relating to collateral sources of indemnity; amending s. 627.7372, F.S.; relating to collateral sources of indemnity with respect to actions for personal injury or wrongful death arising out of the ownership, operation, use or maintenance of a motor vehicle; providing exceptions; providing an effective date.

(Substituted for CS for SB 1131 on the special order calendar this day.)

By the Committee on Education and Representatives Guber and Friedman—

**CS for HB 1160**—A bill to be entitled An act relating to education; creating s. 230.2303, F.S.; creating the Florida First Start Program;

authorizing school districts to submit plans; requiring components for plan approval; requiring evaluation, monitoring, and technical assistance; requiring an annual report; providing for coordination; providing for funding; providing for rules; providing for review and repeal; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representative Crady and others—

**HB 1175**—A bill to be entitled An act relating to the City of Jacksonville Beach; amending chapter 27643, Laws of Florida, 1951, as amended, being the employees' retirement system for the City of Jacksonville Beach; making changes recommended by the board of trustees of the retirement system to increase police and fire member contributions to 2 1/2 percent of final average compensation multiplied by credited service, to a maximum of 75 percent of final average compensation; 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 Regulated Industries and Representatives Friedman and Lawson—

**CS for HB 1191**—A bill to be entitled An act relating to the Division of Alcoholic Beverages and Tobacco; creating s. 561.665, F.S.; requiring the division, by rule, to prohibit beverage licensees operating certain commercial establishments from allowing the exploitation of persons with dwarfism; providing a definition; providing for suspension or revocation of license; providing a civil penalty; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Representative Canady—

**HB 1281**—A bill to be entitled An act relating to the City of Lakeland, Polk County; amending the 1963 pension plan which is contained at article III of division II, of the City of Lakeland Charter; amending section 35(c) of article III of division II of the City of Lakeland Charter; limiting to 2 percent the amount of pension funds which may be invested in bonds, notes, or other instruments of indebtedness issued by the City of Lakeland; providing for investment of funds in equities which are listed on the National Association of Securities Dealers Exchange; creating section 43 of article III of division II of the City of Lakeland Charter; providing for amendment of article III of division II of the City of Lakeland Charter by ordinance of the city commission; providing exceptions; renumbering subsequent sections of division II; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committees on Appropriations and Insurance and Representative Graber and others—

**CS for CS for HB 1321**—A bill to be entitled An act relating to health insurance; creating the Task Force on Access to Health Insurance; providing for membership; providing for reimbursement of travel and per diem expenses; providing duties; providing for advisory persons and groups; providing for the operation of the task force; providing an appropriation; providing an effective date.

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

By the Committee on Health and Rehabilitative Services; and Representative Press and others—

**HB 1326**—A bill to be entitled An act relating to substance abuse prevention; creating the "Juvenile Substance Abuse Prevention Act of 1989"; creating ss. 396.1816 and 397.215, F.S.; providing legislative findings and intent; providing definitions; providing for establishment or designation of juvenile substance abuse prevention and early intervention councils; providing membership, purpose, and contractual authority; requiring annual reporting; providing an effective date.

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

By the Committees on Appropriations, Natural Resources and Community Affairs and Representative C. F. Jones—

**CS for CS for HB 1388**—A bill to be entitled An act relating to beach and shore preservation; amending s. 161.56, F.S.; authorizing the State Land Planning Agency to charge registration fees for the coastal building zone training program; deleting certain authority to provide grants; amending s. 161.58, F.S.; modifying a requirement for local government authorization of vehicular traffic on coastal beaches; providing an effective date.

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

By the Committee on Criminal Justice and Representative Rush—

**CS for HB 1453**—A bill to be entitled An act relating to weapons and firearms; amending s. 790.25, F.S.; adding certain investigators, security officers, and guards employed by counties to provisions for lawful use; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representative Locke—

**HB 1538**—A bill to be entitled An act relating to the Homosassa Special Water District, Citrus County; amending chapter 59-1177, Laws of Florida, as amended; increasing the maximum compensation that commissioners shall receive; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sansom—

**HB 1540**—A bill to be entitled An act relating to Brevard County; providing legislative findings; creating the Indian River Region Research Institute to provide research pertaining to problems caused by growth within the region; requesting specified locations, staffing, and assistance for the institute from the Florida Institute of Technology which is a non-profit educational corporation; providing for an optional organizational structure; allowing both public and private funding; amending chapter 87-455, Laws of Florida; providing for contracts between the institute and the Technological Research and Development Authority; providing for liberal construction; 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 Simone—

**HB 1541**—A bill to be entitled An act relating to Manatee County; amending chapter 84-481, Laws of Florida, as amended, relating to the Samoset Fire Control District; increasing the special assessments for multi-family residential, cooperatives, retirement homes, and miscellaneous residential uses; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Crady and others—

**HB 1557**—A bill to be entitled An act relating to Duval County; amending chapter 21197, Laws of Florida, 1941, as amended; providing that public school teachers desiring to run for public office shall be entitled to a leave of absence or, at their choice, shall be entitled to continue in their employment or work in the school system while a candidate; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Langton—

**HB 1663**—A bill to be entitled An act relating to postsecondary education; creating s. 240.214, F.S., authorizing the Board of Regents to provide comprehensive general liability insurance to University Hospital of Jacksonville and Faculty Clinic, Inc.; providing an effective date.

—was referred to the Committees on Higher Education and Appropriations.

By Representative B. L. Johnson—

**HB 1672**—A bill to be entitled An act relating to Santa Rosa County; amending chapter 82-377, Laws of Florida, relating to the Midway Fire Protection and Rescue Service District; changing the name of the district to the Midway Fire Protection District; revising certain definitions; revising the statement of purposes for which the district is formed; providing that a commissioner shall hold office until his successor is elected and qualified; providing for filling vacancies in office of commissioners by appointment by the board until vacancy is filled by election; deleting requirement that a commissioner become a member of the board of directors of the Midway Volunteer Fire Department of Santa Rosa County, Inc.; amending provisions relating to tax rolls and assessments; deleting provision relating to Midway Volunteer Fire Department's rights and privileges and requirement that chapter 82-377, Laws of Florida, be construed as a method for procurement of funds for the Midway Volunteer Fire Department; restating provisions concerning the authority of the board of commissioners; authorizing board to appoint a fire marshal; authorizing board to acquire property for the district after appropriate investigation and input from Santa Rosa County planning department, board of county commissioners, and Midway Volunteer Fire Department of Santa Rosa County, Inc., and others; authorizing board to enter into contracts to carry out purposes of district; authorizing board to make alternate arrangements for providing fire protection and rescue services if the Midway Volunteer Fire Department of Santa Rosa County, Inc., is dissolved or unable to provide them; providing immunity from claims equal to that of other agencies and subdivisions of the state; providing for the defense of claims and payment of judgment for district officers and employees acting within scope of their duties and without bad faith, malice, or willful disregard of rights; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representatives Arnold and Ireland—

**HB 1685**—A bill to be entitled An act relating to the Matlacha and Pine Island Fire Control District, Lee County; removing certain described lands from said district which are within the boundaries of the City of Cape Coral; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Crady and others—

**HB 1687**—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 86-462, Laws of Florida; expanding the definition of the cost of the city's solid waste disposal and resource recovery system; modifying the definitions of city and governing body of the system and modifying the definition of solid waste disposal and resource recovery system to provide that the city may elect not to include facilities used or useful in the collection of solid waste in such definition; broadening the powers of the city to issue and secure bonds, notes, or other evidences of indebtedness for the purpose of paying all or a part of the cost of the system; requiring that the annual audit of such solid waste disposal and resource recovery system be available within 90 days after the close of the fiscal year; providing that the city is authorized to institute legal action to enforce chapter 86-462, Laws of Florida; providing that the provisions of the Florida Electrical Power Plant Siting Act may apply to the system at the election of the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Campbell—

**HB 1699**—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 an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

**HB 1708**—A bill to be entitled An act relating to Manatee County; amending section 15 of chapter 85-451, Laws of Florida, relating to the

schedule of special assessments by raising maximum allowable rates in said schedule of assessments and adopting four digit "use codes"; renumbering sections 15, 16, 17, and 18 of chapter 85-451, Laws of Florida, relating to the Parrish Fire Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bronson—

**HB 1709**—A bill to be entitled An act relating to Osceola County; providing Career Service status for certain members of the Osceola County Sheriff's Office; specifying rights of members; providing promotional procedures and Career Service positions; providing for the appointment of a Career Service board to hear appeals and procedures with respect thereto; specifying a disciplinary policy and providing procedures of appeal and complaint handling; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative B. L. Johnson—

**HB 1720**—A bill to be entitled An act relating to Okaloosa County; amending chapter 74-543, Laws of Florida, as amended, relating to the Florosa Fire Control District; increasing the millage cap for the levy of ad valorem taxes by the district; providing for a referendum.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Glickman and others—

**HB 1742**—A bill to be entitled An act relating to the unincorporated areas of Hillsborough County; repealing chapter 74-491, Laws of Florida, thereby reinstating the applicability of chapter 153, Florida Statutes, relating to county water system and sanitary sewer financing and county water and sewer districts, to Hillsborough County; 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 Rules and Calendar; and Education; and Representative Long and others—

**CS for CS for HB 75**—A bill to be entitled An act relating to education; amending s. 230.2316, F.S., relating to dropout prevention; revising program criteria; revising evaluation requirements; establishing a mini-schools incentive grants program; providing for application procedures and minimum requirements for funding; directing the Department of Education to give priority to certain factors in awarding grants; providing for submission of a report; amending s. 228.041, F.S.; revising the definition of vocational education; creating s. 232.2467, F.S.; creating the Florida gold seal vocational endorsement program; providing student requirements for such endorsement; providing for rules; amending s. 229.602, F.S.; providing duties of private sector and education partnership coordinators relating to the Florida gold seal vocational endorsement program; amending s. 232.246, F.S.; providing for notice to parents of students at risk of not meeting a requirement for graduation; correcting cross references; providing for the attachment of the Florida gold seal vocational endorsement to a standard diploma; amending s. 236.081, F.S.; correcting a cross reference; creating s. 240.4021, F.S.; creating the Vocational Gold Seal Endorsement Scholarship Program to encourage students to enroll in postsecondary vocational or technical programs; providing for administration by the Department of Education; requiring the State Board of Education to adopt rules; prescribing guidelines for awarding scholarships; prescribing procedures for applying for scholarships; providing amount of awards; creating s. 240.4022, F.S.; establishing the Vocational Achievement Grant Program; providing nomination and selection criteria; providing a grant amount; providing for allocation of grants; creating s. 240.4023, F.S.; providing for a trust fund; providing for use and allocation of funds; creating the High School Community Service Act; providing for pilot projects; providing a procedure for developing and submitting project proposals; describing project requirements; providing for selection, funding, and reporting; creating s. 228.0716, F.S.; creating the Florida Literacy Corps Act of 1989; providing intent; establishing the Florida Literacy Corps to be administered by the Department of Educa-

tion; providing for academic credit to eligible postsecondary students tutoring certain adults; describing responsibilities for delivery of literacy instruction and training; establishing student eligibility requirements; establishing university and community college eligibility requirements; providing for funding; requiring certain reports; amending s. 230.2312, F.S.; revising the Florida Primary Education Program to include kindergarten through grade five; revising funding and submission of plans for the program; amending s. 230.2319, F.S.; revising the Florida Progress in Middle Childhood Education Program; providing additional requirements for receipt of funds for the grades six through eight enhancement program; authorizing the use of funds for the grades six through eight enhancement program to provide for prevention counselors; amending s. 232.303, F.S.; revising provisions relating to interagency student services; amending s. 236.0811, F.S.; revising provisions relating to implementation of certain inservice training components; amending s. 240.53, F.S.; revising provisions relating to the training of postsecondary education faculty to provide middle childhood education instruction; creating the Middle School Certification Task Force and providing duties thereof; creating s. 231.165, F.S.; authorizing district school boards to establish positions classified as prevention counselors; amending s. 231.02, F.S.; providing qualifications for such positions; amending s. 230.2314, F.S.; revising provisions of the teachers as advisers program; revising proposal requirements and priority for funding; providing effective dates.

—was referred to the Committees on Education and Appropriations.

By the Committee on Ethics and Elections; and Representative Rudd and others—

**CS for HB 81**—A bill to be entitled An act relating to the office of supervisor of elections; creating ss. 98.1611, 98.1613, 98.1614, 98.1615, 98.1616, 98.1617, and 98.1619, F.S.; providing for the nonpartisan election of supervisors of elections; providing qualifying procedures, including fees and oath; providing for write-in candidates; providing the form of the ballot; providing for determination of election to office; providing limitations on political activity; providing applicability of election code; amending ss. 101.141 and 101.151, F.S., relating to ballot format, to conform; providing an effective date.

—was referred to the Committees on Community Affairs; and Ethics and Elections.

By the Committee on Judiciary and Representative Renke and others—

**CS for HB's 159 and 1608**—A bill to be entitled An act relating to grandparents rights; creating s. 752.001, F.S.; providing a definition; amending s. 752.01, F.S.; providing for grandparental visitation rights when the grandchild is born out of wedlock; amending s. 752.07, F.S.; clarifying language with respect to the affect of adoption on the right of visitation; amending s. 39.401, F.S.; providing that a person nominated by the child's parent or grandparent has priority consideration over certain other persons with respect to receiving placement of a child who is taken into custody; amending s. 39.41, F.S.; requiring a court to determine whether a person nominated by the child's parent or grandparent is willing to exercise protective supervision or take temporary legal custody of a dependent child and to give priority consideration to a grandparent who requests either type of custody; creating s. 39.4105, F.S.; providing visitation rights with a grandchild who has been adjudicated dependent; providing criteria for such visitation; prohibiting restrictions on certain displays of affection; providing for future termination of visitation rights; providing exceptions; amending s. 409.165, F.S.; providing that, if the Department of Health and Rehabilitative Services places a dependent child away from his immediate family, placement with a willing person nominated by the child's parent or with a willing grandparent is preferable to placement with another relative; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representative Nergard and others—

**HB 204**—A bill to be entitled An act relating to campaign financing; amending s. 106.11, F.S.; providing an additional purpose for which an unopposed candidate may expend campaign funds after becoming unopposed; revising the time period for purchasing thank you advertising; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By the Committee on Insurance and Representative Mackey—

**CS for HB 346**—A bill to be entitled An act relating to health maintenance organizations; amending s. 641.31, F.S.; requiring health maintenance organizations which offer optometric services to provide the health care services of a licensed optometrist; requiring health maintenance organizations which offer the services of a licensed ophthalmologist to provide the health care services of an ophthalmologist; requiring health maintenance organizations which offer anesthesia coverage, benefits or services to provide the health care services of a certified registered nurse anesthetist; amending s. 641.19, F.S.; revising the definition of "health maintenance organization" for purposes of part II of chapter 641, F.S.; providing an effective date.

—was referred to the Committees on Economic, Professional and Utility Regulation; Health Care; and Insurance.

By Representative Long—

**HB 385**—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; authorizing the commission to enter into agreements to secure the private publication of public information materials containing advertising; providing that the commission shall retain the right to approve all elements of such advertising; requiring a disclaimer; providing an effective date.

(Substituted for SB 509 on the special order calendar this day.)

By the Committee on Education and Representative Campbell—

**CS for HB 474**—A bill to be entitled An act relating to the Florida School for the Deaf and the Blind; creating s. 242.335, F.S.; requiring personnel screening and security background investigations; providing prerequisites for initial and continuing employment; providing conditions for disqualification or termination from employment; specifying conditions for disqualification for employment in positions providing care to students; providing for exemption from disqualification; providing a penalty; amending s. 242.62, F.S.; defining first accredited medical school; providing an effective date.

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

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

**CS for HB 504**—A bill to be entitled An act relating to child safety; providing legislative intent; requiring the Department of Health and Rehabilitative Services to conduct a study of accidental childhood death and injury; creating the Committee on Child Safety to assist the department in the study; providing for membership of the committee; providing for per diem and travel expenses of members of the committee; requiring the department to file a report of its findings and the committee's recommendations regarding childhood safety with the Legislature; authorizing the department to accept private funds, grants, and services for the study; providing an appropriation to finance the study; amending s. 231.02, F.S.; requiring the fingerprinting of certain noninstructional personnel; providing a right to appeal certain decisions; providing for guidelines and policies; providing exemptions; providing effective dates.

—was referred to the Committees on Health Care, Education and Appropriations.

By Representative Thomas—

**HB 529**—A bill to be entitled An act relating to gambling; creating s. 849.085, F.S.; providing that it is not a crime to participate in specified games; providing definitions; providing restrictions; providing that debts arising from participation in such games are not legally enforceable; limiting liability of condominium associations and unit owners; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committees on Rules and Calendar; and Education; and Representative Guber and others—

**CS for CS for HB 535**—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; defining the term "homeless child"; amending s. 232.01, F.S.; requiring admission of homeless children to public schools; prescribing duties of school districts with respect to homeless children; amending s. 228.121, F.S.; prohibiting charging tuition to

homeless children; amending s. 228.0617, F.S.; revising the purpose of the school-age child care incentives program; revising provisions relating to submission of proposals for school-age child care incentives programs; revising requirements for approval of proposals and funding priority; providing for the award of grants; revising provisions for operation of a statewide clearinghouse; revising membership and duties of the school-age child care advisory council; requiring an annual report; providing for rules; amending s. 228.071, F.S., relating to community education; revising employment requirements of community education coordinators; including additional programs which shall be given funding priority; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committees on Appropriations and Criminal Justice and Representative Arnold—

**CS for CS for HB 548**—A bill to be entitled An act relating to title insurance agents; amending s. 626.8473, F.S.; revising language with respect to a title insurance agent acting as an escrow agent; providing criminal penalties for conversion or misappropriation of funds received or held in escrow or trust; amending s. 624.5015, F.S.; providing a title insurer and title insurance agent administrative surcharge and reenacting s. 626.8453, F.S., to incorporate said amendment in a reference thereto; amending s. 626.8417, F.S.; providing additional bond and deposit requirement with respect to title insurers and reenacting s. 626.8437(1), F.S., to incorporate said amendment in a reference thereto; amending s. 626.843, F.S.; revising language with respect to the continuation of a title insurance agent's license; amending s. 627.781, F.S.; authorizing rulemaking authority to limit charges made in addition to "risk premium"; amending s. 627.782, F.S.; revising language with respect to promulgation of rates; amending s. 627.783, F.S.; authorizing title insurer petition with respect to rate deviations; providing effective dates.

—was referred to the Committee on Insurance.

By Representative Mortham and others—

**HB 645**—A bill to be entitled An act relating to the regulation of nursing; amending s. 464.013, F.S.; deleting a requirement for an affidavit concerning violations of chapter 464, F.S., as a condition of nursing license or certificate renewal; amending s. 464.014, F.S.; deleting a requirement that inactive nursing licensees provide information for certain background records checks; amending s. 464.018, F.S.; specifying disciplinary actions of the Board of Nursing; amending ss. 415.107 and 415.51, F.S.; correcting cross references; providing an appropriation; providing an effective date.

(Substituted for SB 625 on the special order calendar this day.)

By Representative Young and others—

**HB 729**—A bill to be entitled An act relating to postsecondary education; authorizing the Board of Regents to implement an incentive efficiency program; providing for the use of savings or revenue generated; providing an effective date.

—was referred to the Committees on Higher Education and Appropriations.

By Representatives Harris and Bronson—

**HB 756**—A bill to be entitled An act relating to Okeechobee County and the City of Okeechobee; creating a consolidation plan for Okeechobee County; consolidating governments in the county into a single government; prescribing boundaries; prescribing powers and duties; prescribing rules of construction; providing for the creation of a general service district and for the creation, expansion, or merger of urban service districts; prescribing services provided in such districts; providing for review of such districts; prescribing the composition, qualifications, terms, compensation, powers, duties, and procedures of the commission of the consolidated government; providing for filling of vacancies; providing for appointment, compensation, and removal of an administrator; prescribing powers and duties of the administrator; prescribing procedures for election of officers; prescribing procedures for amendment of the consolidation plan and for initiative, referendum, and recall; providing for assumption of certain indebtedness by the consolidated government; providing for the disposition of certain deficits and surpluses; prescribing procedures for issuance of bonds; providing for a budget; authorizing the use of enterprise accounts; limiting millage; providing for referendum on millage in excess of such limits; providing for administration and person-

nel; providing for an administrative code; authorizing the creation of administrative and advisory boards; providing for transition; providing for a referendum; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committees on Appropriations and Insurance and Representative Deutsch and others—

**CS for CS for HB 855**—A bill to be entitled An act relating to insurance; creating s. 11.402, F.S.; providing legislative intent; renumbering and amending ss. 350.061, 350.0611, 350.0612, 350.0613, and 350.0614, F.S.; directing the Legislative Auditing Committee to appoint a Public Counsel to represent the general public before the Department of Insurance and the Florida Public Service Commission; providing for powers and duties; providing that the Legislative Auditing Committee may authorize the Public Counsel to employ certain assistants; providing for the location of the Office of the Public Counsel; creating a Public Counsel Trust Fund; amending s. 624.523, F.S., relating to the Insurance Commissioner's Regulatory Trust Fund; providing for funding of the Office of the Public Counsel; amending s. 624.319, F.S.; granting the Public Counsel access to examination and investigation reports pertaining to health and motor vehicle insurance; providing an exemption from public records requirements with respect to such reports; providing for future review and repeal; requiring a report; amending ss. 112.3145, 407.54, and 427.503, F.S., to conform; providing an effective date.

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

By the Committee on Emergency Preparedness, Military and Veterans Affairs; and Representative Geller—

**CS for HB 937**—A bill to be entitled An act relating to parking facilities; requiring that every structure built after a certain date which utilizes covered or underground parking as the primary available parking be required to have a minimum height clearance requirement; requiring the Department of General Services to examine the feasibility of constructing a handicapped parking facility near the Capitol; specifying priority of use; providing an effective date.

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

By Representative Trammell—

**HB 949**—A bill to be entitled An act relating to alternative dispute resolution; providing legislative purpose, findings, and intent; providing for grant of a summary jury trial at any time upon agreement of counsel; limiting the length of a summary jury trial; providing for the conduct of a summary jury trial; providing for the use or effect of the advisory opinion rendered in a summary jury trial; prohibiting certain facts relating to the summary jury trial from admission into evidence at a subsequent trial on the merits; providing for recording of the summary jury trial under certain circumstances; requesting the Supreme Court to adopt rules of practice and procedure for the conduct of a summary jury trial; requiring the Legislature to review the act; providing an effective date.

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

By Representatives Sansom and Roberts—

**HB 1063**—A bill to be entitled An act relating to state criminal jurisdiction; creating s. 910.006, F.S., to provide for state special maritime criminal jurisdiction; providing legislative findings and intent; providing definitions; delimiting the circumstances under which state special maritime criminal jurisdiction shall apply; providing applicability of criminal penalties; stipulating enforcement limitations; providing an effective date.

(Substituted for SB 747 on the special order calendar this day.)

By Representative Harris—

**HB 1086**—A bill to be entitled An act relating to the Sebring Airport Authority; amending chapter 67-2070, Laws of Florida, as amended; changing the terms and method of appointing the board members; providing for interim terms; changing the Authority's power to issue revenue certificates; clarifying the Authority's industrial powers; increasing the threshold for requiring bids for purpose of property and services; increasing the interest rates which may be paid on bond issues; requiring the publication of notice of availability of audit for public inspection; 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 Health and Rehabilitative Services; and Representatives Davis and Press—

**CS for HB 1245**—A bill to be entitled An act relating to social welfare reform; creating s. 216.286, F.S.; providing budget authority and release for certain revenues; amending ss. 230.645 and 240.35, F.S.; exempting students enrolled in an employment and training program from certain fees; amending s. 409.029, F.S., relating to the Florida Employment Opportunity Act; providing intent; providing definitions; requiring certain reports from the Department of Labor and Employment Security; providing budget authority and release for certain agencies participating in the Florida Employment Opportunity Act; requiring development of a strategic plan by a specified date; modifying the employment and training program for certain public assistance recipients; revising support services, to include child care, transportation, counseling, and medical care; providing additional assessment requirements; providing participation requirements; requiring certain reports from school districts and community colleges; requiring certain measures prior to imposing sanctions; providing additional evaluation data requirements; amending s. 409.185, F.S.; providing Department of Health and Rehabilitative Services access to certain automated data files; providing procedures to determine standard of need; creating s. 409.186, F.S.; requiring simplified eligibility and budgeting procedures for certain programs; amending s. 409.255, F.S.; expanding eligibility for aid to families with dependent children; providing time limits for eligibility; authorizing certain substitution for a requirement; providing for alternative payment methodology; amending s. 409.266, F.S.; extending medical assistance after earnings cause ineligibility for aid to families with dependent children; providing department access to certain automated data files; providing effective dates.

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

By Representatives Mims and Mortham—

**HB 1320**—A bill to be entitled An act relating to bingo; amending s. 849.093, F.S.; revising the definitions of “bingo game” and “bingo card” to authorize the conduct of additional types of games; authorizing the compensation of persons involved in the conduct of bingo sessions; authorizing marathon games; revising the limit on game prizes; revising requirements relating to persons involved in the conduct of bingo games; authorizing issuance of bingo cards for certain donations; providing an additional requirement for the conduct of bingo games in Florida; providing an effective date.

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

By the Committee on Natural Resources and Representatives Tobiassen and Ritchie—

**CS for HB 1330**—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.06, F.S.; revising language with respect to net licenses to require a license for a nonresident to take finfish by net; providing that net registration be issued to each net used for noncommercial purposes and that, when issued, it may only be issued to residents; amending s. 327.02, F.S.; expanding the definition of the term “commercial vessel”; amending s. 370.06, F.S.; revising language with respect to saltwater products licenses to revise requirements for a “restricted species” endorsement; requiring commercial vessel registration for vessels from which commercial quantities of saltwater products are harvested; increasing license fees for a saltwater products license; reducing the number of pounds of fish for those species for which no bag limit has been established for qualification as commercial quantities requiring a saltwater products license; providing for the application for the 1988-1989 fee structure for certain 1989-1990 saltwater products licenses; amending sections 2 and 4 of chapter 85-284, Laws of Florida; extending by one day the period of time for the purchase of a clam license in Brevard County and in Indian River County; providing for imposition of a late fee; providing for a different period for license purchase in 1989; providing an effective date.

(Substituted for SB 1147 on the special order calendar this day.)

By the Committee on Ethics and Elections; and Representative Glickman and others—

**CS for HB 1377**—A bill to be entitled An act relating to elections; amending ss. 99.061, 103.022, and 103.091, F.S.; revising qualifying dates; amending ss. 100.061 and 100.091, F.S.; changing the dates of the first and second primary elections; amending s. 106.011, F.S.; revising the definition of “political committee”; creating s. 106.035, F.S.; requiring a public official to form a political committee in order to solicit or accept contributions for use to support or oppose or make contributions to candidates; requiring reports of contributions and expenditures; providing limits on contributions; prohibiting acceptance of contributions during specified periods; providing a penalty; amending s. 106.07, F.S.; revising campaign financing reporting dates and requirements, for which there are penalties; amending s. 106.08, F.S.; revising the time period for receipt of certain contributions, for which there are penalties; creating s. 106.102, F.S.; prohibiting a political party, or person acting on behalf thereof, from accepting a contribution to be expended to support or oppose, or be contributed to, a particular legislative candidate, from maintaining accounts, funds, or records of contributions segregated for use in support of or opposition to a particular legislative candidate, or from making contributions to certain political committees in excess of specified limits; or from using the name of any employee of an agency in any fundraising activity; providing a penalty; amending s. 106.29, F.S.; changing the time for political parties to receive certain contributions and file certain reports, for which there are penalties; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By the Committees on Rules and Calendar; and Education; and Representative Guber and others—

**CS for CS for HB's 1593, 507 and 310**—A bill to be entitled An act relating to education; amending s. 228.061, F.S., relating to other public schools; correcting cross references; amending and renumbering s. 228.0615, F.S.; revising provisions relating to the prekindergarten early intervention program; revising intent and purpose; providing for administration by district school boards; revising requirements relating to children to be served; requiring the submission of a plan for implementing a prekindergarten early intervention program; specifying requirements for plan approval; requiring the Commissioner of Education to conduct a study of the effectiveness of the program; providing for monitoring of programs and technical assistance to districts; revising content of annual reports by school districts; revising funding provisions; providing additional uses for funds; providing for grants and providing a calculation for allocation; providing for allocation of funds for certain programs; revising staffing of the State Advisory Council on Early Childhood Education; deleting obsolete provisions; revising name and membership of the district interagency coordinating councils and deleting a reporting requirement; requiring certain rules; providing for review and repeal; amending s. 229.565, F.S.; requiring examination and evaluation of prekindergarten early intervention programs; 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. 234.02, F.S.; providing for the use of motor vehicles other than school buses under specified conditions; authorizing the transportation of students in privately owned motor vehicles under specified conditions; providing for liability; authorizing the establishment of more restrictive policies; authorizing contracting with a common carrier; providing for emergency actions; providing for rules; amending s. 236.083, F.S.; providing a method for allocating school district transportation funds for prekindergarten students; amending s. 402.30, F.S.; conforming a cross reference; providing an effective date.

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

By Representative Peoples—

**HB 1673**—A bill to be entitled An act relating to Charlotte County; amending chapter 86-349, Laws of Florida, relating to the career status of all persons appointed or employed by the office of the county sheriff; providing definitions; providing disciplinary proceedings and provisions with respect to reappointment of personnel; providing appeals procedures; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Martinez and others—

**HB 1745**—A bill to be entitled An act relating to Hillsborough County; excluding the unincorporated lands described as Carrollwood Meadows, Unit VII, Phase I and Phase II, from the Carrollwood Meadows Special District; providing for the future incorporation of such lands into a separate dependent special district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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

**CS for HB 1767**—A bill to be entitled An act relating to workers' compensation; amending s. 287.012, F.S.; excluding certain education and training of injured employees from the definition of "contractual service"; amending s. 381.609, F.S.; providing certain access to human immunodeficiency virus test results; amending s. 440.02, F.S.; defining "construction industry" and "misconduct"; defining "employment" with respect to the construction industry; providing that "employment" does not include services performed by certain motorsports teams; amending s. 440.09, F.S.; providing a limitation on disability benefits for certain professional athletes; amending s. 440.09, F.S.; providing for testing of employees regarding use of controlled substances and alcohol; amending s. 440.10, F.S.; conditioning contractors' building permits on proof of workers' compensation coverage; amending s. 440.11, F.S.; extending certain immunity from liability to certain contractors and to employers and employees utilizing a help supply services company; amending s. 440.12, F.S.; deleting reference to monthly wage-loss benefits; amending s. 440.13, F.S.; requiring prior approval of employer for certain health care provider referral; expanding utilization review process; providing for findings of overutilization; providing for sanctions; specifying requirements for reporting certain medical treatment claims; authorizing certain access to medical records and discussion of medical condition of an injured worker; defining voluntary vocational rehabilitation services; limiting attendant or custodial care by family members; amending s. 440.14, F.S.; deleting reference to average monthly wages; providing for items included in the average weekly wage; requiring a wage statement filing within a specified period of termination of certain employees; amending s. 440.15, F.S.; providing for temporary total disability payments during certain period of education and training; providing requirements for eligibility for wage-loss benefits for permanent impairment; providing for certain determinations of the amount an employee is able to earn; restricting benefits to employees who become inmates of a public institution; amending s. 440.16, F.S.; deleting a limitation on compensation of a spouse for the death of an employee; amending s. 440.185, F.S.; requiring inclusion of specified information in the employer's report of an injury or death; providing for certain assistance in securing benefits; increasing a penalty; amending s. 440.19, F.S., relating to time and procedure for filing claims; amending s. 440.20, F.S.; providing for biweekly installment payments for certain benefits; providing for payment of attorney's fees relating to lump-sum settlements; providing procedure for examination, investigation, and hearing with respect to questionable claims; restricting lump-sum payments in exchange for certain release from liability; amending s. 440.25, F.S.; providing for mediation of a claim; amending s. 440.33, F.S.; providing for evaluation of rehabilitation prior to adjudication of permanent total disability; amending s. 440.34, F.S.; revising provisions for recovery of attorney's fees from a carrier or employer; amending ss. 440.385, 442.115, and 627.311, F.S.; correcting cross references; amending s. 440.39, F.S.; modifying provisions relating to actions against a third party for compensation for employee injuries; amending s. 440.44, F.S.; revising duties of advisory council; providing for appointment of a workers' compensation oversight board; providing for meetings and responsibilities; amending s. 440.45, F.S.; renaming the deputy commissioners and Chief Commissioner; providing for Judicial Qualifications Commission jurisdiction; revising salary provisions; authorizing certain expenditures; amending s. 440.49, F.S.; revising provisions relating to rehabilitation of injured employees; providing for appropriate training and education; providing for evaluation; providing for certain reimbursement to subsequent employer of a permanently impaired worker; amending s. 440.56, F.S., relating to safety rules and provisions; providing for safety training programs for reduction of work-related injuries; deleting certain notice requirements; increasing penalties; providing for allocation of funds; providing additional penalties; amending s. 440.57, F.S.; providing that certain dividends or refunds issued by a self-insurer may not be contingent upon policy renewal or continued membership in the fund; amending s. 455.241, F.S., to conform; creating ss. 489.114 and 489.510,

F.S.; requiring evidence of workers' compensation coverage as a condition for issuance or renewal of certification or registration as a contractor or electrical contractor; amending s. 489.131, F.S.; requiring certain proof of coverage for out-of-state contractors; amending s. 549.08, F.S.; defining "motorsports teams"; amending s. 626.869, F.S.; providing for continuing education for workers' compensation insurance adjusters; providing course requirements; amending s. 766.101, F.S.; providing certain immunity from liability for workers' compensation review committees; providing a directive to statute editors; providing for cost analysis of education and training, and rehabilitation services; providing criteria for reimbursements; creating the Joint Select Committee on Workers' Compensation; requiring a report; providing for funding and staff assistance; requiring a report by the Department of Labor and Employment Security; requiring the Center for Public Policy at Florida State University to conduct a cost comparison study; requiring a report; providing for funding; providing for publication of a guide to the workers' compensation system; providing for review and repeal; providing application of the act; providing an appropriation; providing effective dates.

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

By Representative Mackey—

**HM 1774**—A memorial to the Congress of the United States urging the Congress to investigate the feasibility of a national centralized pension system for public school teachers.

—was referred to the Committee on Rules and Calendar.

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 1, has reconsidered passage, amended and passed as further amended SB 122 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 122**—A bill to be entitled An act relating to utility services; amending s. 180.135, F.S.; providing that a municipality may discontinue service to a tenant who is in arrears; providing an effective date.

**Amendment 2**—On page 1, lines 16-20, strike all of said language and insert:

(4) In any case where a tenant *subject to part II of chapter 83* does not make payment for service charges to a municipality for the provision of utility, water, or sewer services, ~~the municipality shall notify the landlord of such nonpayment and~~ the landlord may thereupon commence eviction proceedings. *Nothing in this*

**Amendment 3**—On page 1 in the title, line 3, after the semicolon (;) insert: deleting requirement of notification by municipality of delinquent accounts of certain tenants;

Senator Kiser moved the following amendment to House Amendment 3 which was adopted:

**Amendment 1**—In title, on page 1, line 5, after the semicolon (;) insert: deleting the authority of certain landlords to commence eviction proceedings in the event of nonpayment by a tenant of certain utility service charges;

On motions by Senator Kiser, the Senate concurred in House Amendment 2 and House Amendment 3 as amended and the House was requested to concur in the Senate amendment to the House amendment.

SB 122 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Crenshaw	Girardeau	Johnson
Beard	Davis	Gordon	Kirkpatrick
Brown	Deratany	Grant	Kiser
Bruner	Dudley	Grizzle	Langley
Casas	Forman	Jennings	Malchon

McPherson	Ros-Lehtinen	Thomas	Weinstock
Meek	Scott	Thurman	Woodson-Howard
Peterson	Souto	Walker	
Plummer	Stuart	Weinstein	

Nays—None

Vote after roll call:

Yea—W. D. Childers

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to HB 292 and requests the Senate to recede.

*John B. Phelps, Clerk*

**HB 292**—A bill to be entitled An act relating to the registration of disabled citizens; amending s. 252.355, F.S., and repealing subsection (4) thereof, which provides an exemption from public records requirements for registries of disabled citizens maintained by local emergency management agencies; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

On motions by Senator Margolis, the Senate receded from Amendments 1 and 2.

HB 292 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Forman	Kiser	Souto
Beard	Gardner	McPherson	Thomas
Brown	Girardeau	Meek	Thurman
Bruner	Gordon	Myers	Walker
Casas	Grant	Peterson	Weinstein
Crenshaw	Grizzle	Plummer	Weinstock
Davis	Johnson	Ros-Lehtinen	Woodson-Howard
Dudley	Kirkpatrick	Scott	

Nays—None

Vote after roll call:

Yea—Deratany

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to House amendments and passed as amended SB 92 and CS for SB 194.

*John B. Phelps, Clerk*

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

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed SB 67, CS for SB 113, Senate Bills 143, 370, 383, 391, CS for SB 407, CS for SB 458, CS for SB's 505 and 626, CS for SB 514, CS for SB 609, Senate Bills 645, 706, CS for SB 784, SB 989, CS for SB 1253 and SB 1293.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

**SPECIAL ORDER**

**Senator W. D. Childers presiding**

Consideration of **CS for CS for SB 960** and **SB 820** was deferred.

**CS for SB 1334**—A bill to be entitled An act relating to agency orders issued pursuant to the Administrative Procedure Act; amending s. 119.041, F.S.; providing for permanent retention and maintenance of certain agency orders; amending s. 120.53, F.S.; specifying which agency orders must be indexed; revising authority of the Department of State with respect to the establishment of indexing procedures; providing agency responsibilities with respect to making indexes and orders available to the public; revising requirements for preservation of orders and

publication of orders in a designated official reporter; amending s. 120.59, F.S.; providing requirements for the content of agency orders with respect to materials incorporated by reference; requiring certain agency orders to be numbered sequentially; requiring that a final order be issued in each proceeding disposed of by stipulation, agreed settlement, or consent order, which order must contain a statement of facts upon which the disposition is made; creating s. 120.535, F.S.; providing for the preservation and accessibility of certain agency orders and the indices thereto; prescribing duties of the Division of Library and Information Services of the department with respect thereto; creating s. 120.536, F.S.; providing for authority of the Department of State with respect to the indexing, management, preservation, and accessibility of certain agency orders; providing for the responsibilities of the department regarding same; requiring the Department of State to devise a plan for carrying out its responsibilities for the indexing and availability of orders; requiring presentation of the plan to the Legislature; creating a temporary advisory committee on indexing and availability of agency orders; providing for membership and duties of the committee; providing for per diem and travel expenses; providing staff and support services for the committee; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendments which were adopted:

**Amendment 1**—On page 2, line 27, strike “are documents of” and insert: *have*

**Amendment 2**—On page 3, strike all of lines 18-22 and insert: *120.57(3); and*

*c. Each declaratory statement issued by an agency.*

**Amendment 3**—On page 6, strike line 3 and insert: *must set forth the ultimate facts, whether disputed*

**Amendment 4**—In title, on page 1, strike line 23 and insert: *statement of the ultimate facts upon which the disposition*

On motion by Senator Kiser, by two-thirds vote CS for SB 1334 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Bankhead	Dudley	Kirkpatrick	Souto
Beard	Forman	Kiser	Thomas
Brown	Gardner	Langley	Thurman
Bruner	Girardeau	Malchon	Walker
Casas	Gordon	Meek	Weinstein
Childers, W. D.	Grant	Myers	Weinstock
Crenshaw	Grizzle	Plummer	Woodson-Howard
Davis	Jennings	Ros-Lehtinen	
Deratany	Johnson	Scott	

Nays—None

Vote after roll call:

Yea—Peterson, Stuart

Consideration of **CS for SB 1447** was deferred.

**CS for CS for SB 960**—A bill to be entitled An act relating to motor vehicle licenses; creating s. 320.0895, F.S.; providing for the design and issuance of “Florida Salutes Veterans” license plates; providing additional fees for such license plates; providing for deposit of a portion thereof in a State Homes for Veterans Trust Fund and providing for use thereof; providing an effective date.

—was read the second time by title.

One amendment was adopted to CS for CS for SB 960 to conform the bill to CS for HB 553.

On motions by Senator Dudley, by two-thirds vote CS for HB 553 was withdrawn from the Committees on Transportation; and Finance, Taxation and Claims.

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

**CS for HB 553**—A bill to be entitled An act relating to motor vehicle licenses; creating s. 320.0895, F.S.; providing for the design and issuance of “Florida Salutes Veterans” license plates; providing additional fees for such license plates; providing for deposit of a portion thereof in a State Homes for Veterans Trust Fund and providing for use thereof; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 960 and by two-thirds vote read the second time by title.

Senator Grant moved the following amendments which were adopted:

**Amendment 1**—On page 2, strike line 31 and insert:

Section 2. Super Bowl XXV license plates.—

(1) The Department of Highway Safety and Motor Vehicles, in cooperation with the Super Bowl Task Force, a committee of the Tampa Hillsborough Convention and Visitors Association, shall develop the design for a special license plate to commemorate the silver anniversary of the Super Bowl, to be played in Tampa during January, 1991. The license plate shall be available for sale from October 1, 1989, through December 31, 1992. Super Bowl XXV license plates may only be issued for private passenger automobiles and trucks up to 5,000 pounds.

(2) Application for a Super Bowl XXV license plate or for renewal thereof shall be made annually to the department or the county tax collector accompanied by the following tax and fees:

(a) The license tax required for the vehicle, as set forth in section 320.08, Florida Statutes.

(b) A Super Bowl XXV license plate fee of \$15.

(c) A replacement fee as required in section 320.06(1)(b), Florida Statutes.

(d) A processing fee of \$2.

However, fees and taxes may not be prorated or refunded for any unused portion of a license plate that is replaced. The Super Bowl XXV license plate may not be issued as a personalized prestige license plate and may not be renewed after December 31, 1992.

(3)(a) Proceeds of the Super Bowl XXV license plate fee collected from October 1, 1989, through December 31, 1990, shall be distributed to the Super Bowl Task Force to be used to support the Super Bowl Silver Anniversary Game.

(b) Proceeds of the Super Bowl XXV license plate fee collected on or after January 1, 1991, shall be deposited in a trust fund established within the State Treasury for use by the Department of Commerce to promote and develop professional sports and related industries.

(4) This section expires January 1, 1993.

Section 3. This act shall take effect October 1, 1989, except that section 2 shall take effect upon becoming a law.

**Amendment 2**—In title, on page 1, line 9, after the semicolon (;) insert: providing for the issuance of license plates to commemorate Super Bowl XXV; providing license fees; providing for the use of license fees; providing for expiration of such provisions;

On motion by Senator Dudley, by two-thirds vote CS for HB 553 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Langley	Thurman
Brown	Gardner	Malchon	Walker
Bruner	Girardeau	McPherson	Weinstein
Casas	Gordon	Meek	Weinstock
Childers, W. D.	Grant	Myers	Woodson-Howard
Crenshaw	Grizzle	Ros-Lehtinen	
Davis	Jennings	Scott	
Deratany	Johnson	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Plummer, Stuart

**CS for CS for SB 20**—A bill to be entitled An act relating to alcoholic beverages; creating the “Florida Responsible Vendor Act”; providing legislative intent; providing definitions; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation to establish a responsible vendors program; providing for certification of

participating vendors; providing for renewal of certification; providing for revocation or suspension of certification; prescribing qualifications for participation; providing for exemption from license suspension or revocation for certified vendors for certain violations by their employees; providing for mitigation of administrative penalties for certain beverage law violations by employees; imposing a surcharge on alcoholic beverage license fees; providing for use of surcharge revenues; requiring a report; providing for future repeal of such surcharge; providing an appropriation; authorizing additional positions in the department; providing effective dates.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote CS for CS for SB 20 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	McPherson	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Deratany	Johnson	Ros-Lehtinen	
Dudley	Kiser	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

**Abstention from Voting**

I abstain from voting on CS for CS for SB 20 because of a possible conflict of interest.

*Helen Gordon Davis, 23rd District*

**CS for CS for SB 185**—A bill to be entitled An act relating to public fairs and expositions; amending s. 616.091, F.S.; providing for safety standards for the operation of amusement devices, amusement attractions, and temporary structures at public fairs and expositions, carnivals, festivals, celebrations, bazaars, permanent facilities, and parking lot still dates; providing legislative intent; providing definitions; providing for permits and certificates to operate; providing inspection requirements and procedures; prescribing the responsibility of the Department of Agriculture and Consumer Services for the inspection of amusement devices; providing for permit fees; deleting reference to a designee of the department; directing the department to impound amusement devices and amusement attractions under certain circumstances; providing for standards and test requirements for the operation of an amusement device or an amusement attraction; requiring the manager of an amusement device or an amusement attraction to report to the department accidents relating to its operation; amending s. 546.006, F.S.; repealing an exemption of permanent site attractions and rides from insurance coverage and bond requirements; repealing an exemption from the requirement of insurance or bond with respect to certain amusement rides and amusement attractions; amending s. 570.46, F.S.; requiring the Division of Standards of the department to administer the provisions of ch. 616, F.S., relating to public fairs and expositions; transferring the Bureau of Fairs and Expositions of the Division of Administration of the Department of Agriculture and Consumer Services to the Division of Standards of the department; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendment which was adopted:

**Amendment 1**—On page 3, line 17, after the period (.) insert: *With the exception of subparagraphs (2)(d)2. and (2)(e)2., the provisions of this section do not apply to permanent facilities that employ at least 1,000 full-time employees and that maintain full-time in-house safety inspectors approved by the department.*

On motion by Senator Forman, by two-thirds vote CS for CS for SB 185 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

Bankhead	Dudley	Kirkpatrick	Scott
Beard	Forman	Kiser	Souto
Brown	Gardner	Langley	Thomas
Bruner	Girardeau	Malchon	Thurman
Casas	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Plummer	Woodson-Howard
Deratany	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Stuart

**The President presiding**

**CS for CS for SB 955**—A bill to be entitled An act relating to eminent domain; amending ss. 73.091, 73.092, F.S.; specifying the meaning of the term “benefits resulting to the client from the services rendered” for purposes of assessing attorney’s fees in eminent domain proceedings; providing for the confidentiality of financial records; providing limitations on the amount of attorney’s fees to be awarded; requiring the reduction of the amount of attorney’s fee paid by the defendant in certain circumstances; providing for applicability; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendments which were adopted:

**Amendment 1**—On page 2, strike line 9 and insert: *condemning authority are confidential and are exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Upon the motion*

**Amendment 2**—In title, on page 1, line 8, before the semicolon (;) insert: *and for exemption of such records from the public records act; providing for review of the exemption pursuant to the Open Government Sunset Review Act*

On motion by Senator Beard, by two-thirds vote CS for CS for SB 955 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	Deratany	Johnson	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, W. D.	Grant	Myers	Weinstein
Crenshaw	Grizzle	Peterson	Weinstock
Davis	Jennings	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

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

**HB 1054**—A bill to be entitled An act relating to the Homestead Property Tax Deferral Act; amending s. 197.252, F.S.; allowing deferral of a portion of certain non-ad valorem assessments, as well as a portion of ad valorem taxes, levied on homestead property; allowing deferral of all such ad valorem taxes and non-ad valorem assessments for persons over a certain age whose household income is below a specified minimum; changing the rate of interest which accrues on deferred taxes and assessments plus interest; amending s. 197.254, F.S.; amending the annual notification to taxpayers regarding deferred payments; amending s. 197.262, F.S.; changing the maximum rate of interest for deferred payment tax certificates; amending s. 197.292, F.S.; amending provisions as to how the act shall be construed; providing an effective date.

—a companion measure, was substituted for SB 820 and by two-thirds vote read the second time by title.

Senator Myers moved the following amendment which was adopted:

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

Section 1. Subsection (6) is added to section 196.031, Florida Statutes, to read:

196.031 Exemption of homesteads.—

(6) *A residence which is substantially completed after December 2 and on or before January 1, and which, within 30 days after being substantially completed, is in good faith made the permanent residence of the owner or the permanent residence of another person who is legally or naturally dependent on the owner, is eligible for a homestead exemption, if otherwise qualified, even if permanent residency is established after January 1; provided, however, that not more than one homestead exemption shall be granted to anyone claiming an exemption pursuant to this subsection.*

(Renumber subsequent sections.)

Senator Bankhead moved the following amendments which were adopted:

**Amendment 2**—On page 1, line 22, insert:

Section 1. Paragraph (i) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by part I of this chapter.

(7)

(i) *Hospital meals and rooms.—Also exempt from payment of the tax imposed by this chapter on rentals and meals are patients, residents and inmates of any hospital, home for the aged which holds a license or certificate under ch. 400 or ch. 651 or is financed or insured by the U.S. Department of Housing and Urban Development, provided that such meals are included in a residency contract or agreement as a service, or other physical plant or facility designed and operated primarily for the care of persons who are ill, aged, infirm, mentally or physically incapacitated, or otherwise dependent on special care or attention.*

(Renumber subsequent sections.)

**Amendment 3**—On page 3, strike all of lines 13-18 and insert: *interest at a rate equal to the semiannually compounded rate of one-half of 1 percent plus the average yield to maturity of the long-term fixed-income portion of the Florida Retirement System investments as of the end of the quarter preceding the date of the sale of the deferred payment tax certificates; however, the interest rate may not exceed nine and one-half percent.*

**Amendment 4**—On page 5, strike all of lines 14-21 and insert: *to the semiannually compounded rate of 0.5 percent plus the average yield to maturity of the long-term fixed-income portion of the Florida Retirement System investments as of the end of the quarter preceding the date of the sale of the deferred payment tax certificates, as certified to the tax collector by the State Board of Administration; however, the interest rate may not exceed nine and one-half percent. The tax collector shall accept bids in even increments and in fractional interest rate bids of 0.25 percent only.*

**Amendment 5**—On page 5, strike all of lines 24-28 and insert: *the procedure set forth in s. 197.432, the county shall.*

(a) ~~Hold the unsold certificates until such time as deferred taxes plus interest become due; or~~

(b) offer the unsold certificates for purchase to the

**Amendment 6**—On page 6, strike all of lines 5-10 and insert: *interest at a rate equal to the semiannually compounded rate of 0.5 percent plus the average yield to maturity of the long-term fixed-income portion of the Florida Retirement System investments as of the end of the quarter preceding the date of the sale of the deferred payment tax certificates; however, the interest rate may not exceed nine and one-half percent.*

**Amendment 7**—In title, on page 1, strike all of lines 10-16 and insert: specified minimum; providing a maximum interest rate; amending s. 197.254, F.S.; amending the annual notification to taxpayers regarding deferred payments; amending s. 197.262, F.S.; specifying the inclusion of non-ad valorem assessments in deferred payment tax certificates; providing a maximum interest rate;

**Amendment 8**—In title, on page 1, strike all of lines 2 and 3 and insert: An act relating to taxation; amending s. 212.08, F.S.; exempting hospital meals and rooms for residents of certain homes for the aged; amending s. 197.252, F.S.;

Senator Myers moved the following amendment which was adopted:

**Amendment 9**—In title, on page 1, strike all of lines 2 and 3 and insert: An act relating to taxation; amending s. 196.031, F.S.; providing that certain residences qualify for such exemption in a given year, even if permanent residency is established after January 1 of that year; amending s. 197.252, F.S.;

Further consideration of **HB 1054** as amended was deferred.

Consideration of **CS for SB 676** and **CS for SB 439** was deferred.

**CS for SB 1135**—A bill to be entitled An act relating to construction contracting; amending s. 489.103, F.S.; modifying exemptions; amending s. 489.105, F.S.; modifying definitions; amending s. 489.109, F.S., relating to voluntary inactive status; amending s. 489.113, F.S.; requiring licensure of certain contractors qualifying swimming pool companies, within a specified time period; amending s. 489.115, F.S., relating to certification and registration requirements; amending s. 489.129, F.S.; authorizing assessment of costs and interest relating to disciplinary proceedings; requiring payment of fines, costs, and interest prior to issuance or renewal of a certificate or registration; amending s. 489.131, F.S.; clarifying applicability; creating s. 489.132, F.S.; providing prohibited acts by unlicensed principals associated with a contracting firm; providing for investigation of violations; providing penalties; amending s. 489.133, F.S.; providing for certification of certain pollutant storage systems specialty contractors without examination; extending time period for use of temporary certificates; amending s. 489.507, F.S.; changing the composition of the Electrical Contractors' Licensing Board; amending s. 489.521, F.S.; deleting a reference to issuing a certificate without charge; continuing the existence of the Construction Complaints Study Committee; providing for review and repeal of sections added to ch. 489, part I, F.S.; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote **CS for SB 1135** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Kiser	Scott
Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Stuart

**CS for SB 439**—A bill to be entitled An act relating to educational expenses of local government employees; authorizing county constitutional officers and county commissions to reimburse employees for educational expenses under specified conditions; providing an effective date.

—was read the second time by title. On motion by Senator Gardner, by two-thirds vote **CS for SB 439** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Kiser	Scott
Bankhead	Forman	Langley	Thomas
Beard	Gardner	Malchon	Thurman
Brown	Girardeau	Margolis	Walker
Bruner	Gordon	McPherson	Weinstein
Casas	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Stuart

**CS for SB 88**—A bill to be entitled An act relating to voter registration; amending s. 97.1031, F.S.; modifying provisions that provide for change of certain registration information to provide a uniform method for updating all registration information; repealing s. 97.072(2), F.S., relating to change in party affiliation; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote **CS for SB 88** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Thomas
Beard	Gardner	Malchon	Thurman
Brown	Girardeau	Margolis	Walker
Bruner	Gordon	McPherson	Weinstein
Casas	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Stuart

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

**HB 1063**—A bill to be entitled An act relating to state criminal jurisdiction; creating s. 910.006, F.S., to provide for state special maritime criminal jurisdiction; providing legislative findings and intent; providing definitions; delimiting the circumstances under which state special maritime criminal jurisdiction shall apply; providing applicability of criminal penalties; stipulating enforcement limitations; providing an effective date.

—a companion measure, was substituted for **SB 747** and by two-thirds vote read the second time by title. On motion by Senator Deratany, by two-thirds vote **HB 1063** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Thomas
Beard	Gardner	Malchon	Thurman
Brown	Girardeau	Margolis	Walker
Bruner	Gordon	McPherson	Weinstein
Casas	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Stuart

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

**HB 385**—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; authorizing the commission to enter into agreements to secure the private publication of public information materials containing advertising; providing that the commission shall retain the right to approve all elements of such advertising; requiring a disclaimer; providing an effective date.

—a companion measure, was substituted for SB 509 and by two-thirds vote read the second time by title. On motion by Senator Brown, by two-thirds vote HB 385 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Davis	Johnson	Souto
Bankhead	Dudley	Kirkpatrick	Thomas
Beard	Gardner	Kiser	Thurman
Brown	Girardeau	Langley	Weinstock
Bruner	Gordon	Margolis	Woodson-Howard
Casas	Grant	McPherson	
Childers, W. D.	Grizzle	Myers	
Crenshaw	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Deratany, Malchon, Stuart, Weinstein

On motions by Senator Johnson, by two-thirds vote HB 729 was withdrawn from the Committees on Higher Education and Appropriations.

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

**HB 729**—A bill to be entitled An act relating to postsecondary education; authorizing the Board of Regents to implement an incentive efficiency program; providing for the use of savings or revenue generated; providing an effective date.

—a companion measure, was substituted for CS for SB 890 and by two-thirds vote read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 729 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Johnson	Plummer
Bankhead	Dudley	Kirkpatrick	Ros-Lehtinen
Beard	Forman	Kiser	Souto
Brown	Gardner	Langley	Thomas
Bruner	Girardeau	Malchon	Thurman
Casas	Gordon	Margolis	Walker
Childers, W. D.	Grant	McPherson	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Peterson	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Stuart

**SB 377**—A bill to be entitled An act relating to the Department of Corrections; amending s. 775.089, F.S.; authorizing courts to order the department to collect and dispense court-ordered payments; creating s. 945.31, F.S.; requiring the department to collect and dispense such payments and providing for a processing fee; creating s. 945.32, F.S.; creating the Court-Ordered Payment Trust Fund; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote SB 377 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Brown	Childers, W. D.	Deratany
Bankhead	Bruner	Crenshaw	Dudley
Beard	Casas	Davis	Forman

Gardner	Kirkpatrick	Meek	Thomas
Girardeau	Kiser	Myers	Thurman
Gordon	Langley	Peterson	Walker
Grizzle	Malchon	Plummer	Weinstein
Jennings	Margolis	Ros-Lehtinen	Weinstock
Johnson	McPherson	Souto	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Stuart

**CS for CS for SB 1474**—A bill to be entitled An act relating to transportation; amending s. 339.135, F.S.; providing definitions; revising terminology; revising procedures and requirements for submittal of the legislative budget request and tentative work program; deleting obsolete provisions; providing for certain reports to be submitted by the department to the Legislature; specifying procedures for development of the tentative work program and for changes thereto submitted by metropolitan planning organizations; providing for objections to be filed by the metropolitan planning organizations under certain circumstances; revising requirements for publication of the tentative work program; providing for review of the tentative work program by the Department of Community Affairs for specified purposes; providing for separate identification by specific appropriation of certain projects included in the appropriations act; defining the original approved budget of the department; revising requirements for certification forward of funds at the end of the fiscal year; providing procedures for roll forward of spending authority under certain circumstances; revising procedures for amending the adopted work program and for notification and approvals related thereto; providing for temporary transfers of funds between districts in certain circumstances; providing requirements for performance monitoring by the department and for annual reporting related thereto; amending s. 339.155, F.S.; providing for development of a statewide transportation plan; providing that the plan of work prepared by a metropolitan planning organization must be consistent, to the maximum extent feasible, with specified local government comprehensive plans; providing for the program and resource plan as a section of the Florida Transportation Plan; amending s. 339.175, F.S.; expanding the planning responsibilities of the metropolitan planning organizations; providing for rescheduling or deletion of projects from transportation improvement programs under certain circumstances; providing for consistency of metropolitan planning organization plans and programs with specified local government comprehensive plans; providing that the department shall give priority to certain transportation improvements in a transportation improvement program; providing for review of transportation improvement programs by the Department of Community Affairs for specified purposes and providing for notifications related thereto; amending s. 339.2405, F.S.; revising the number of members which constitutes a quorum of the Florida Highway Beautification Council; amending s. 20.23, F.S.; assigning the Florida Transportation Commission of the department to the Office of the Secretary for specific purposes only; providing for the commission to employ sufficient staff; requiring the secretary to provide assistance and information to the commission or its staff, upon request; providing for the commission to develop and submit a budget; revising certain current functions, and providing additional functions of the commission; reorganizing the department; specifying the qualifications, titles, and duties of certain employees of the department; specifying the reporting responsibilities of certain employees of the department; exempting specified department employees from part III of ch. 110, F.S., relating to the Senior Management Service System and providing that their salaries be set in accordance with specified considerations; providing that the commission and secretary determine the reports to be submitted by the district secretaries; deleting obsolete language; amending s. 216.163, F.S.; providing the content and form of the Governor's recommended budget; amending ss. 215.605, 332.007, 337.015, 337.11, 338.223, 339.12, 339.402, 341.041, 341.051, 341.302, 341.303, F.S.; conforming to changes in cross-references and terminology; providing for the disposition of certain appropriated funds under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendment which was adopted:

**Amendment 1**—On page 23, lines 5-31 and on page 24, lines 1-10, strike all of said lines and insert:

1. Any amendment which deletes any project or project phase;

2. Any amendment which adds a project estimated to cost over \$150,000;

3. Any amendment which advances or defers for a period of 6 months or more, a right-of-way phase, a construction phase, or a public transportation project phase estimated to cost over \$500,000; however, any such phase may not be deferred for more than 1 year during any fiscal year of the department from the year in which it is scheduled in the adopted work program; or

4. Any amendment which advances or defers for a period of 6 months or more, any preliminary engineering phase or design phase estimated to cost over \$150,000; however, any such phase may not be deferred for more than 1 year during any fiscal year of the department from the year in which it is scheduled in the adopted work program.

(d)1. Whenever the department proposes any amendment to the adopted work program, which amendment is defined in subparagraphs 1., 2., 3., or 4. of paragraph (c), it shall submit the proposed amendment to the Governor for approval and shall immediately notify the chairmen of the legislative appropriations committees, the chairmen of the legislative transportation committees, each member of the Legislature who represents a district affected by the proposed amendment, each metropolitan planning organization affected by the proposed amendment, and each unit of local government affected by the proposed amendment. Such proposed amendment shall provide a complete justification of the need for the proposed amendment.

2. The Governor shall not approve a proposed amendment until 14 days following the notification required in subparagraph 1.

3. If either of the chairmen of the legislative appropriations committees or the President of the Senate or the Speaker of the House of Representatives objects in writing to a proposed amendment within 14 days following notification

On motion by Senator Beard, by two-thirds vote CS for CS for SB 1474 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	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

**CS for SB 925**—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.023, F.S.; defining the term "real property" for specified purposes under the Intangible Personal Property Tax Act; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendment which was adopted:

**Amendment 1**—On page 2, lines 18 and 19, strike "upon becoming a law" and insert: October 1, 1989

On motion by Senator Langley, by two-thirds vote CS for SB 925 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	Casas	Dudley	Grant
Bankhead	Childers, W. D.	Forman	Grizzle
Beard	Crenshaw	Gardner	Jennings
Brown	Davis	Girardeau	Johnson
Bruner	Deratany	Gordon	Kirkpatrick

Kiser	Meek	Stuart	Weinstock
Langley	Myers	Thomas	Woodson-Howard
Malchon	Peterson	Thurman	
Margolis	Ros-Lehtinen	Walker	
McPherson	Souto	Weinstein	

Nays—None

On motion by Senator Johnson, by two-thirds vote HB 793 was withdrawn from the Committee on Health Care.

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

**HB 793**—A bill to be entitled An act relating to pest control; creating s. 482.2265, F.S.; requiring pest control businesses or operators to provide certain information to customers, upon request; requiring such persons to post a notice of certain applications of a pesticide; providing for determination of chemically sensitive persons; requiring certain notice to such persons prior to applying pesticide; providing duties of the Department of Health and Rehabilitative Services; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 865 and by two-thirds vote read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 793 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

On motions by Senator Jennings, by two-thirds vote HB 635 was withdrawn from the Committees on Transportation; and Finance, Taxation and Claims.

On motion by Senator Jennings—

**HB 635**—A bill to be entitled An act relating to the transfer of motor vehicles and mobile homes; amending s. 319.23, F.S.; extending the time limits for filing an application for title to, and for transfer of title of, a motor vehicle or mobile home upon its transfer; providing an effective date.

—a companion measure, was substituted for SB 327 and read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 635 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dudley	Kiser	Scott
Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

On motions by Senator Forman, by two-thirds vote HB 878 was withdrawn from the Committees on Commerce and Judiciary-Civil.

On motion by Senator Forman—

**HB 878**—A bill to be entitled An act relating to credit agreements; providing definitions; requiring credit agreements to be in writing; providing that certain actions are not considered agreements; providing an effective date.

—a companion measure, was substituted for SB 830 and read the second time by title. On motion by Senator Forman, by two-thirds vote HB 878 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	
Dudley	Kiser	Scott	

Nays—None

Vote after roll call:

Yea—Bankhead

**SB 625**—A bill to be entitled An act relating to the regulation of nursing; amending s. 464.013, F.S.; deleting a requirement for an affidavit concerning violations of chapter 464, F.S., as a condition of nursing license or certificate renewal; amending s. 464.014, F.S.; deleting a requirement that inactive nursing licensees provide information for certain background records checks; amending s. 464.018, F.S.; specifying disciplinary actions of the Board of Nursing; amending ss. 415.107, 415.51, F.S.; correcting cross-references; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 625 to conform the bill to HB 645.

Pending further consideration of SB 625 as amended, on motions by Senator Malchon, by two-thirds vote—

**HB 645**—A bill to be entitled An act relating to the regulation of nursing; amending s. 464.013, F.S.; deleting a requirement for an affidavit concerning violations of chapter 464, F.S., as a condition of nursing license or certificate renewal; amending s. 464.014, F.S.; deleting a requirement that inactive nursing licensees provide information for certain background records checks; amending s. 464.018, F.S.; specifying disciplinary actions of the Board of Nursing; amending ss. 415.107 and 415.51, F.S.; correcting cross references; providing an appropriation; providing an effective date.

—a companion measure, was substituted for SB 625 and by two-thirds vote read the second time by title. On motion by Senator Malchon, by two-thirds vote HB 645 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Langley	Souto
Bankhead	Gardner	Malchon	Stuart
Beard	Girardeau	Margolis	Thomas
Brown	Gordon	McPherson	Thurman
Bruner	Grant	Meek	Walker
Casas	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	
Deratany	Kiser	Scott	

Nays—None

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

**CS for HB 1102**—A bill to be entitled An act relating to collateral sources of indemnity; amending s. 627.7372, F.S.; relating to collateral sources of indemnity with respect to actions for personal injury or wrongful death arising out of the ownership, operation, use or maintenance of a motor vehicle; providing exceptions; providing an effective date.

—a companion measure, was substituted for CS for SB 1131 and by two-thirds vote read the second time by title. On motion by Senator Davis, by two-thirds vote CS for HB 1102 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dudley	Kirkpatrick	Ros-Lehtinen
Bankhead	Forman	Kiser	Souto
Brown	Gardner	Langley	Stuart
Bruner	Girardeau	Malchon	Thomas
Casas	Gordon	Margolis	Thurman
Childers, W. D.	Grant	McPherson	Walker
Crenshaw	Grizzle	Meek	Weinstein
Davis	Jennings	Myers	Weinstock
Deratany	Johnson	Peterson	Woodson-Howard

Nays—None

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

**CS for HB 975**—A bill to be entitled An act relating to hunting, fishing, and trapping; amending s. 372.71, F.S., and creating s. 372.711, F.S.; providing for noncriminal fines and penalties for violations relating to the taking of wildlife or freshwater fish without a license; providing an effective date.

—a companion measure, was substituted for CS for SB 804 and by two-thirds vote read the second time by title. On motion by Senator Walker, by two-thirds vote CS for HB 975 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Plummer	Woodson-Howard

Nays—None

On motions by Senator Myers, by two-thirds vote CS for HB 599 was withdrawn from the Committees on Community Affairs; Judiciary-Civil; Rules and Calendar; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Myers—

**CS for HB 599**—A bill to be entitled An act relating to special districts; creating s. 189.401, F.S.; creating the Uniform Special District Accountability Act of 1989; creating s. 189.402, F.S.; providing a statement of legislative purpose and intent; creating s. 189.403, F.S.; providing definitions; creating s. 189.4031, F.S.; providing statutory requirements for special districts; creating s. 189.4035, F.S.; providing for the preparation of the official list of special districts; creating s. 189.404, F.S.; providing for independent special district creation and implementation; creating s. 189.4041, F.S.; providing for dependent special district creation and implementation; creating s. 189.4042, F.S.; providing for special district merger; creating s. 189.4043, F.S.; providing dissolution procedures; creating s. 189.4044, F.S.; providing special dissolution procedures; creating s. 189.4045, F.S.; providing for financial allocations; creating s. 189.405, F.S.; providing for election requirements and procedures; creating s. 189.4051, F.S.; providing for special requirements and procedures for certain elections; creating s. 189.4065, F.S.; providing for the collection of non-ad valorem assessments; creating s. 189.408, F.S.; providing for special district bond referenda; creating s. 189.4085, F.S.; providing for bond issuance; creating s. 189.409, F.S.; providing for a determination of financial emergency; creating s. 189.412, F.S.; creating the Special District Information Program and providing duties and responsibilities thereof; creating s. 189.413, F.S.; providing for the oversight of state funds use by special districts; creating s. 189.415, F.S.; providing for a special district public facilities report; creating s. 189.4155, F.S.; providing for activities of special districts with respect to local government comprehensive planning; creating s. 189.4156, F.S.; providing for water management district technical assistance with respect to local government comprehensive planning; renumbering and amending s. 189.004, F.S.; modifying language; renumbering and amending s. 189.005, F.S.; modifying meeting notice requirements; renumbering and amending s. 189.006, F.S.; modifying report filing requirements; correcting cross references; renumbering and amending s. 189.007, F.S.; clarifying language; correcting cross references; renumbering and amending s. 189.008, F.S.; correcting cross references; renumbering and amending s. 189.009, F.S.; correcting cross refer-

ences; renumbering and amending s. 189.30, F.S., relating to purchase or sale of water or sewer utility by special district; providing applicability; amending s. 11.45, F.S.; providing for annual financial audits of certain special districts; providing for a hearing; providing for the transfer of certain information to designated recipients; correcting cross references; amending s. 20.18, F.S.; providing for cooperation of the Department of Community Affairs and other state agencies with respect to special district reporting requirements; amending s. 75.05, F.S.; providing for a copy of certain served complaints with respect to independent special districts; amending s. 112.322, F.S.; providing for a report; amending s. 112.665, F.S.; directing the Division of Retirement of the Department of Administration to issue an annual report concerning compliance of special districts with certain retirement provisions; amending s. 165.011, F.S.; changing the title of the "Formation of Local Governments Act" to the "Formation of Municipalities Act"; amending ss. 165.021, 165.031, 165.041, 165.051, 165.052, 165.061, and 165.071, F.S.; deleting reference to local government and special districts and providing reference to municipalities; amending s. 218.32, F.S., relating to financial reporting; requiring the Legislative Auditing Committee to notify specified departments of failure to report; providing for a hearing; providing that the annual financial report of each municipality and county shall include a list of dependent districts located therein; correcting cross references; deleting certain required reporting information; amending s. 218.37, F.S.; providing for a report to the Special District Information Program; expanding powers and duties of the Division of Bond Finance with respect to bond validation; amending s. 218.38, F.S., relating to notice of bond issues; requiring the Legislative Auditing Committee to notify specified departments of failure to comply; providing for a hearing; correcting cross references; amending s. 190.011, F.S.; providing that community development districts shall have the power to impose, collect, and enforce non-ad valorem assessments; amending s. 190.021, F.S.; providing for the funding of certain activities from non-ad valorem assessments; amending s. 190.046, F.S., relating to the termination, contraction, or expansion of districts; providing requirements with respect to a government formed by a merger involving a community development district; creating s. 200.0684, F.S.; requiring an annual compliance report for the Department of Community Affairs; amending s. 218.34, F.S.; deleting the authority of a local governing authority to approve the budget or tax levy of any special district; deleting a report to the Department of Banking and Finance; amending s. 100.011, F.S.; providing that independent and dependent special district elections shall be conducted in a certain manner; providing an exception; amending s. 218.503, F.S., relating to determination of financial emergency; creating s. 373.0391, F.S.; providing for technical assistance to local government by water management districts; amending s. 121.021, F.S.; redefining the term "special district" with respect to the Florida Retirement System; amending s. 200.001, F.S.; providing definitions; amending s. 218.31, F.S.; providing definitions; authorizing the Department of Community Affairs to make rules; repealing s. 189.001, F.S., relating to the short title of the "Special Districts Disclosure Act of 1979"; repealing s. 189.002, F.S., relating to legislative findings and intent; repealing s. 189.003, F.S., relating to definitions; abolishing a group of special districts which are no longer functional; directing the Department of Community Affairs to compile an inventory of fire control districts in the state; requiring a report to the Legislature; directing the Department of Community Affairs to establish a fee schedule with respect to the administration of the act; providing a limitation thereto; providing effective dates.

—a companion measure, was substituted for CS for SB's 566 and 764 and read the second time by title.

Senator Myers moved the following amendment:

**Amendment 1**—On pages 5-79, strike everything after the enacting clause and insert:

Section 1. Section 189.401, Florida Statutes, is created to read:

189.401 Short title.—This chapter may be cited as the "Uniform Special District Accountability Act of 1989."

Section 2. Section 189.402, Florida Statutes, is created to read:

189.402 Statement of legislative purpose and intent.—

(1) It is the intent of the Legislature through the adoption of this chapter to provide general provisions for the definition, creation, and operation of special districts. It is the specific intent of the Legislature that dependent special districts shall be created at the prerogative of the counties and municipalities and that independent special districts shall only be created by legislative authorization as provided herein.

(2) It is the intent of the Legislature through the adoption of this chapter to have one centralized location for all legislation governing special districts and to:

(a) Improve the enforcement of statutes currently in place that help ensure the accountability of special districts to state and local governments.

(b) Improve communication and coordination between state agencies with respect to required special district reporting and state monitoring.

(c) Improve communication and coordination between special districts and other local entities with respect to ad valorem taxation, non-ad valorem assessment collection, special district elections, and local government comprehensive planning.

(d) Move toward greater uniformity in special district elections and non-ad valorem assessment collection procedures at the local level without hampering the efficiency and effectiveness of the current procedures.

(e) Clarify special district definitions and creation methods in order to ensure consistent application of those definitions and creation methods across all levels of government.

(f) Specify in general law the essential components of any new type of special district.

(g) Specify in general law the essential components of a charter for a new special district.

(h) Encourage the creation of municipal service taxing units and municipal service benefit units for providing municipal services in unincorporated areas of each county.

(3) The Legislature finds that:

(a) There is a need for uniform, focused, and fair procedures in state law to provide a reasonable alternative for the establishment, powers, operation, and duration of independent special districts to manage and finance basic capital infrastructure, facilities, and services; and that, based upon a proper and fair determination of applicable facts, an independent special district can constitute a timely, efficient, effective, responsive, and economic way to deliver these basic services, thereby providing a means of solving the state's planning, management, and financing needs for delivery of capital infrastructure, facilities, and services in order to provide for projected growth without overburdening other governments and their taxpayers.

(b) It is in the public interest that any independent special district created pursuant to state law not outlive its usefulness and that the operation of such a district and the exercise by the district of its powers be consistent with applicable due process, disclosure, accountability, ethics, and government-in-the-sunshine requirements which apply both to governmental entities and to their elected and appointed officials.

(c) It is in the public interest that long-range planning, management, and financing and long-term maintenance, upkeep, and operation of basic services by independent special districts be uniform.

(4) It is the policy of this state:

(a) That independent special districts are a legitimate alternative method available for use by the private and public sectors, as authorized by state law, to manage, own, operate, construct, and finance basic capital infrastructure, facilities, and services.

(b) That the exercise by any independent special district of its powers as set forth by uniform general law comply with all applicable governmental comprehensive planning laws, rules, and regulations.

(5) It is the legislative intent and purpose, based upon, and consistent with, its findings of fact and declarations of policy, to authorize a uniform procedure by general law to create an independent special district as an alternative method to manage and finance basic capital infrastructure, facilities, and services. It is further the legislative intent and purpose to provide by general law for the uniform operation, exercise of power, and procedure for termination of any such independent special district.

(6) The Legislature finds that special districts serve a necessary and useful function by providing services to residents and property in the state. The Legislature finds further that special districts operate to serve a public purpose and that this is best secured by certain minimum standards of accountability designed to inform the public and appropriate gen-

eral-purpose local governments of the status and activities of special districts. It is the intent of the Legislature that this public trust be secured by requiring each independent special district in the state to register and report its financial and other activities. The Legislature further finds that failure of an independent special district to comply with the minimum disclosure requirements set forth in this chapter may result in action against officers of such district board.

(7) Realizing that special districts are created to serve special purposes, the Legislature intends through the adoption of this chapter that special districts cooperate and coordinate their activities with the units of general-purpose local government in which they are located. The reporting requirements set forth in this chapter shall be the minimum level of cooperation necessary to provide services to the citizens of this state in an efficient and equitable fashion.

(8) The Legislature finds and declares that:

(a) Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(b) The provision of capital infrastructure, facilities, and services for the preservation and enhancement of the quality of life of the people of this state may require the creation of multicounty and multijurisdictional districts.

(9) All special districts, with the exception of port authorities listed in s. 403.021(9)(b), regardless of the existence of other, more specific provisions of applicable law, shall comply with the creation, dissolution, planning, and reporting requirements set forth in this act. Port authorities listed in s. 403.021(9)(b) shall, if applicable, comply with the requirements of ss. 11.45, 112.3145, 112.63, 189.418, 218.32, 218.32, 218.385, chapter 75, chapter 200, and s. 163.3178.

Section 3. Effective July 1, 1990, section 189.403, Florida Statutes, is created to read:

189.403 Definitions.—As used in this chapter, the term:

(1) "Special district" means a local unit of special-purpose, as opposed to general-purpose, government within a limited boundary, created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. The special purpose or purposes of special districts are implemented by specialized functions and related prescribed powers. The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, a municipal service taxing or benefit unit as specified in s. 125.01, or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.

(2) "Dependent special district" means a special district that meets at least one of the following criteria:

(a) The membership of its governing body is identical to that of the governing body of a single county or a single municipality.

(b) All members of its governing body are appointed by the governing body of a single county or a single municipality.

(c) During their unexpired terms, members of the special district's governing body are subject to removal by the governing body of a single county or a single municipality.

(d) The district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality.

This subsection is for purposes of definition only. Nothing in this subsection confers additional authority upon local governments not otherwise authorized by the provisions of the special acts or general acts of local application creating each special district, as amended.

(3) "Independent special district" means a special district that is not a dependent special district as defined in subsection (2). A district that includes more than one county is an independent special district.

(4) "Department" means the Department of Community Affairs.

(5) "Local governing authority" means the governing body of a unit of local general-purpose government. However, if the special district is a political subdivision of a municipality, "local governing authority" means the municipality.

(6) "Water management district" for purposes of this chapter means a special taxing district which is a regional water management district created and operated pursuant to chapter 373 or chapter 61-691, Laws of Florida, or a flood control district created and operated pursuant to chapter 252270, Laws of Florida, 1949, as modified by s. 373.149.

Section 4. Section 189.4031, Florida Statutes, is created to read:

189.4031 Special districts; requirements.—All special districts, regardless of the existence of other, more specific provisions of applicable law, shall comply with the creation, dissolution, and reporting requirements set forth in this chapter.

Section 5. Section 189.4035, Florida Statutes, is created to read:

189.4035 Preparation of official list of special districts.—

(1) The Department of Community Affairs shall compile the official list of special districts. The official list of special districts shall include all special districts in this state and shall indicate the independent or dependent status of each district. All special districts in the list shall be sorted by county and shall be identified by functions. The definitions in s. 189.403 shall be the criteria for determination of the independent or dependent status of each special district on the official list. The status of community development districts shall be independent on the official list of special districts.

(2) The official list shall be produced by the department after the department has notified each special district that is currently reporting to the department, the Department of Banking and Finance pursuant to s. 218.32, or the Auditor General pursuant to s. 11.45. Upon notification, each special district shall submit, within 60 days, its determination of its status. The determination submitted by a special district shall be consistent with the status reported in the most recent local government audit of district activities submitted to the Auditor General pursuant to s. 11.45.

(3) The Department of Banking and Finance shall provide the department with a list of dependent special districts reporting pursuant to s. 218.32 for inclusion on the official list of special districts.

(4) If a special district does not submit its status to the department within the required time period, then the department shall have the authority to determine the status of said district. After such determination of status is completed, the department shall render the determination to an agent of the special district.

(5) The first official list of special districts shall be completed by October 1, 1990. Thereafter, the official list of special districts shall be updated by the department annually. The official list of special districts shall be distributed to independent special districts, the Auditor General, the Department of Revenue, the Department of Banking and Finance, the Department of General Services, the Department of Administration, counties, municipalities, county property appraisers, tax collectors, and supervisors of elections.

(6) Preparation of the official list of special districts or the determination of status does not constitute final agency action pursuant to chapter 120. If the status of a special district on the official list is inconsistent with the status submitted by the district, the district may request the department to issue a declaratory statement setting forth the requirements necessary to resolve the inconsistency. If necessary, upon issuance of a declaratory statement by the department which is not appealed pursuant to chapter 120, the governing board of any special district receiving such a declaratory statement shall apply to the entity which originally established the district for an amendment to its charter correcting the specified defects in its original charter. This amendment shall be for the sole purpose of resolving inconsistencies between a district charter and the status of a district as it appears on the official list. Such application shall occur as follows:

(a) In the event a special district was created by a local general-purpose government or state agency and applies for an amendment to its charter to confirm its independence, said application shall be granted as a matter of right. If application by an independent district is not made within 6 months of rendition of a declaratory statement, the district shall be deemed dependent and become a political subdivision of the governing body which originally established it by operation of law.

(b) If the Legislature created a special district, the district shall request, by resolution, an amendment to its charter by the Legislature. Failure to apply to the Legislature for an amendment to its charter

during the next regular legislative session following rendition of a declaratory statement or failure of the Legislature to pass a special act shall render the district dependent.

(7) The department shall furnish a copy of the first official list of special districts to the President of the Senate and the Speaker of the House of Representatives by October 1, 1990, and annually thereafter on October 1.

Section 6. Section 189.404, Florida Statutes, is created to read:

189.404 Legislative intent for general laws and special acts which create independent special districts after September 30, 1989; model elements and other provisions; local government/Governor and Cabinet creation authorizations.—

(1) LEGISLATIVE INTENT.—It is the legislative intent that, after September 30, 1989, for those concerns of statewide application there shall be a general statutory enabling law that contains the minimum model element requirements as provided in subsection (2). Those existing enabling laws are not required to meet this provision. For all other purposes, a special district may be created by special act which shall conform to the minimum model element requirements of subsection (2). The following purposes are deemed to be of statewide application:

- (a) Water control districts as provided in chapter 298;
- (b) Fire control districts;
- (c) Health care special districts as provided in s. 154.331; and
- (d) Juvenile welfare boards as provided in s. 125.901.

(2) MINIMUM MODEL ELEMENT REQUIREMENTS AND OTHER PROVISIONS.—

(a) Minimum requirements:

1. The purpose of the district.
2. The powers, functions, and duties of the district regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements.
3. The methods for establishing and dissolving the district.
4. The method for amending the charter of the district.
5. The membership and organization of the governing board of the district.
6. The maximum compensation of a governing board member.
7. The administrative duties of the governing board of the district.
8. The applicable financial disclosure, noticing, and reporting requirements.
9. If a district has authority to issue bonds, the procedures and requirements for issuing the bonds.
10. The procedures for conducting any district elections or referenda required and the qualifications of an elector of the district.
11. The methods for financing the district.
12. If an independent special district has authority to levy ad valorem taxes, other than taxes levied for the payment of bonds and taxes levied for periods not longer than 2 years when authorized by vote of the electors of the district, the millage rate that is authorized.
13. The method or methods for collecting non-ad valorem assessments, fees, or service charges.
14. Planning requirements.
15. Geographic boundary limitations.

(b) Special districts created after the effective date of this act which use a one-acre/one-vote election principle shall provide for a governing board consisting of five members. Three members shall constitute a quorum.

(c) The creation of an independent special district by special act of the Legislature shall be preceded by a statement which is submitted to the Legislature by an individual representing the proposed district that documents the following:

1. The purpose of the proposed district;
2. The authority of the proposed district;
3. An explanation of why the district is the best alternative; and
4. A resolution or official statement of the governing body or an appropriate administrator of the local jurisdiction within which the proposed district is located stating that the creation of the proposed district is consistent with the approved local government comprehensive plans of the local governing body and that the local government has no objection to the creation of the proposed district.

(3) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION AUTHORIZATIONS.—

(a) A municipality may create an independent special district which shall be established by ordinance in accordance with s. 190.005, or as otherwise authorized in general law.

(b) A county may create an independent special district which shall be adopted by a charter in accordance with s. 125.901 or s. 154.331 or chapter 155, or which shall be established by ordinance in accordance with s. 190.005, or as otherwise authorized by general law.

(c) The Governor and Cabinet may create an independent special district which shall be established by rule in accordance with s. 190.005, in accordance with s. 374.075, or as otherwise authorized in general law. The Governor and Cabinet may also approve the establishment of a charter for the creation of an independent special district which shall be in accordance with s. 373.1962, or as otherwise authorized in general law.

(d)1. Any combination of two or more counties may create a regional special district which shall be established in accordance with s. 163.804 or s. 950.001, or as otherwise authorized in general law.

2. Any combination of two or more counties or municipalities may create a regional special district which shall be established in accordance with s. 373.1962, or as otherwise authorized by general law.

3. Any combination of two or more counties, municipalities, or other political subdivisions may create a regional special district in accordance with s. 163.567, or as otherwise authorized in general law.

Section 7. Section 189.4041, Florida Statutes, is created to read:

189.4041 Dependent special districts created after September 30, 1989.—A charter for the creation of a dependent special district created after September 30, 1989, shall be adopted only by ordinance of a county or municipal governing body having jurisdiction over the area affected.

Section 8. Section 189.4042, Florida Statutes, is created to read:

189.4042 Merger.—

(1) The merger of one or more municipalities or counties with special districts, or the merger of two or more special districts, may be adopted by passage of a concurrent ordinance or, in the case of special districts, resolution by the governing bodies of each unit to be affected.

(2)(a) Initiation of procedures for merger of special districts as described in subsection (1) may be done either by adoption of a resolution by the governing body of an area to be affected or by a petition of 10 percent of the qualified voters in the area.

(b) If a petition has been filed with the governing bodies concerned, the governing bodies shall immediately undertake a study of the feasibility of the merger proposal and shall, within 6 months, either adopt a resolution under subsection (1) or reject the petition, specifically stating the facts upon which the rejection is based.

(c) A copy of the proposed charter or merger agreement shall be filed within 30 days after the effective date of the merger with the Special District Information Program and each local general-purpose government within which the district is located.

(d) The purpose of this subsection is to provide broad citizen involvement in both initiating and developing special districts; therefore, establishment of appropriate citizen advisory committees, as well as other mechanisms for citizen involvement, by the governing bodies of the units affected is specifically authorized and encouraged.

(3) The provisions of this section shall not apply to community development districts implemented pursuant to chapter 190 or to water management districts created and operated pursuant to chapter 373.

Section 9. Section 189.4043, Florida Statutes, is created to read:

189.4043 Dissolution procedures.—

(1) The charter of any existing special district may be revoked and the special district dissolved by either:

(a) A special act of the Legislature; or

(b) A resolution of the governing body of the special district, a copy of which shall be filed within 30 days after the effective date of the dissolution with the Special District Information Program and the local general-purpose government within which the district is located.

(2) The provisions of this section shall not apply to community development districts implemented pursuant to chapter 190 or to water management districts created and operated pursuant to chapter 373.

Section 10. Section 189.4044, Florida Statutes, is created to read:

189.4044 Special dissolution procedures.—

(1) The Secretary of State by proclamation shall declare inactive any special district in this state upon a report being filed by the department which shows that such special district is no longer active, based upon a finding:

(a) That the special district has not had appointed or elected a governing body within the 4 years immediately preceding or as otherwise provided by law or has not operated within the 2 years immediately preceding;

(b) That a notice of the proposed proclamation has been published once a week for 4 weeks in a newspaper of general circulation within the county or municipality wherein the territory of the special district is located, stating the name of said special district, the law under which it was organized and operating, a general description of the territory included in said special district, and stating that any objections to the proposed proclamation or to any debts of said special district shall be filed not later than 60 days following the date of last publication with the department; and

(c) That 60 days have elapsed from the last publication date of the notice of proposed proclamation and no sustained objections have been filed.

(2) The state agency charged with collecting financial information from special districts shall report to the Department of State and the Department of Community Affairs any special district which has failed to file a report within the time set by law.

(3) If any special district declared inactive pursuant to this section owes any debt at the time of proclamation, any property or assets of such unit, or which belonged thereto at the time of such proclamation, shall be subject to legal process for payment of such debt. After the payment of all the debts of said inactive special district, the remainder of its property or assets shall escheat to the county or municipality wherein located. If, however, it shall be necessary, in order to pay any such debt, to levy any tax or taxes on the property in the territory or limits of the inactive special district, the same may be assessed and levied by order of the local general-purpose government wherein the same is situated, and shall be assessed by the county property appraiser and collected by the county tax collector.

(4) Any special act creating or amending the charter of any special district proclaimed inactive hereunder shall be reported by the Governor to the presiding officers of both houses of the Legislature. The proclamation of inactive status shall be sufficient notice as required by s. 10, Art. III of the State Constitution to authorize the Legislature to repeal any special laws so reported.

Section 11. Section 189.4045, Florida Statutes, is created to read:

189.4045 Financial allocations.—

(1) The government formed by merger of existing special districts shall assume all indebtedness of, and receive title to all property owned by, the preexisting special districts. The proposed charter or merger agreement shall provide for the determination of the proper allocation of the indebtedness so assumed and the manner in which said debt shall be retired.

(2) The dissolution of a special district government shall transfer the title to all property owned by the preexisting special district government to the local general-purpose government, which shall also assume all indebtedness of the preexisting special district, unless otherwise provided in the dissolution plan.

(3) The provisions of this section shall not apply to community development districts established pursuant to chapter 190 or to water management districts created and operated pursuant to chapter 373.

Section 12. Section 189.405, Florida Statutes, is created to read:

189.405 Elections; general requirements and procedures.—

(1) If a dependent special district has an elected governing board, elections shall be conducted by the supervisor of elections of the county wherein the district is located in accordance with the Florida Election Code, chapters 97 through 106.

(2)(a) Any independent special district located entirely in a single county may provide for the conduct of district elections by the supervisor of elections for that county. Any independent special district that conducts its elections through the office of the supervisor shall make election procedures consistent with the Florida Election Code, chapters 97 through 106, for the following:

1. Qualifying periods, in accordance with s. 99.061;
2. Petition format, in accordance with rules adopted by the Division of Elections;
3. Canvassing of returns, in accordance with ss. 101.5614 and 102.151;
4. Noticing special district elections, in accordance with chapter 100; and
5. Polling hours, in accordance with s. 100.011.

(b) Any independent special district not conducting district elections through the supervisor of elections shall report to the supervisor in a timely manner the purpose, date, authorization, procedures, and results of each election conducted by the district.

(3)(a) If a multicounty special district has a popularly elected governing board, elections for the purpose of electing members to such board shall conform to the Florida Election Code, chapters 97 through 106.

(b) With the exception of those districts conducting elections on a one-acre/one-vote basis, qualifying for multicounty special district governing board positions shall be coordinated by the supervisors of elections for each of the counties within the district.

(4) With the exception of elections of special district governing board members conducted on a one-acre/one-vote basis, in any election conducted in a special district the decision made by a majority of those voting shall prevail.

(5) The provisions of this section shall not apply to community development districts established pursuant to chapter 190 or to water management districts created and operated pursuant to chapter 373.

(6) Nothing in this act requires that a special district governed by an appointed board convert to an elected governing board.

Section 13. Section 189.4051, Florida Statutes, is created to read:

189.4051 Elections; special requirements and procedures for districts with governing boards elected on a one-acre/one-vote basis.—

(1) ELECTION PROVISIONS FOR SPECIAL DISTRICTS WITH GOVERNING BOARDS ELECTED ON A ONE-ACRE/ONE-VOTE BASIS.—

(a) With the exception of any port district listed in s. 403.021(9)(b), or those districts established as single-purpose water control districts, and which continue to act as single-purpose water control districts, pursuant to chapter 298, pursuant to a special act, pursuant to a local government ordinance, or pursuant to a judicial decree, if a special district has a governing board elected on the basis of one vote for each acre of land owned and:

1. Has a total resident population of more than 2,500 according to the latest census or population estimate;
2. Has more than 2,000 registered voters; and

3. Submits a petition signed by more than 70 percent of the registered voters requesting conversion from a one-acre/one-vote to a one-person/one-vote election principle to the supervisor of elections in the county in which all or most of the area of the district land is located,

the provisions of subsection (3) shall be effective upon the effective date of this act.

(b) With the exception of any port district listed in s. 403.021(9)(b), or those districts established as single-purpose water control districts, and which continue to act as single-purpose water control districts, pursuant to chapter 298, pursuant to a special act, pursuant to a local government ordinance, or pursuant to a judicial decree, the governing board of any special district where the board is elected on a one-acre/one-vote basis may request the local legislative delegation which represents the area within the district to modify the district charter by special act to provide for a more equitable basis of election for governing board members than the present election procedure. If such request is enacted into law during the 1989 or 1990 Regular Session of the Florida Legislature, such law shall be the election charter for election of governing board members within said district and shall exempt said district from the election provisions of this section.

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

(a) "Qualified elector" means any person at least 18 years of age who is a citizen of the United States, a permanent resident of Florida, and a freeholder or freeholder's spouse and resident of the district who registers with the supervisor of elections of the county within which the district lands are located when the registration books are open.

(b) "Urban area" means a contiguous developed and inhabited urban area within a district with a minimum average resident population density of at least 1.5 persons per acre as defined by the latest official census, special census, or population estimate or a minimum density of one single-family home per 2.5 acres with access to improved roads or a minimum density of one single-family home per 5 acres within a recorded plat subdivision. Urban areas shall be designated by the governing board of the district with the assistance of all local general-purpose governments having jurisdiction over the area within the district.

(c) "Governing board member" means any duly elected member of the governing board of a special district elected pursuant to this section, provided that any board member elected by popular vote shall be a district elector and any board member elected on a one-acre/one-vote basis shall meet the requirements of s. 298.11 for election to the board.

(d) "Contiguous developed urban area" means any reasonably compact urban area located entirely within a special district. The separation of urban areas by a publicly owned park, right-of-way, highway, road, railroad, canal, utility, body of water, watercourse, or other minor geographical division of a similar nature shall not prevent such areas from being defined as urban areas.

(3) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN AREAS.—

(a) Referendum.—

1. A referendum shall be called by the governing board of a special district on the question of whether certain members of a district governing board should be elected by qualified electors, provided each of the following conditions is satisfied:

a. The district shall have a total population, according to the latest official state census, a special census, or a population estimate, of at least 500 qualified electors.

b. A petition signed by 10 percent of the qualified electors of the district shall be filed with the governing board of the district.

2. Upon verification by the supervisor or supervisors of elections of the county or counties within which district lands are located that 10 percent of the qualified electors of the district have petitioned the governing board, a referendum election shall be called by the governing board at the next regularly scheduled election or within 6 months of verification, whichever is earlier.

3. If the qualified electors approve the election procedure described in this subsection, the governing board of the district shall be increased to five members and elections shall be held pursuant to the criteria described in this subsection beginning with the next regularly scheduled

election or at a special election called within 6 months following the referendum and final unappealed approval of district urban area maps as provided in paragraph (b), whichever is earlier.

4. If the qualified electors of the district disapprove the election procedure described in this subsection, elections of the members of the governing board shall continue as described by s. 298.12 or the enabling legislation for the district. No further referendum on the question shall be held for a minimum period of 2 years.

(b) Designation of urban areas.—

1. Within 30 days after approval of the election process described in this subsection by qualified electors of the district, the governing board shall direct the district engineer to prepare and present maps of the district describing the extent and location of all urban areas within the district. Such determination shall be based upon the criteria contained within paragraph (2)(b).

2. Within 60 days after approval of the election process described in this subsection by qualified electors of the district, the maps describing urban areas within the district shall be presented to the governing board.

3. Any district landowner or elector may contest the accuracy of the urban area maps prepared by the district engineer within 30 days after submission to the governing board. Upon notice of objection to the maps, the governing board shall request the county engineer to prepare and present maps of the district describing the extent and location of all urban areas within the district. Such determination shall be based upon the criteria contained within paragraph (2)(b). Within 30 days after the governing board request, the county engineer shall present the maps to the governing board.

4. Upon presentation of the maps by the county engineer, the governing board shall compare the maps submitted by both the district engineer and the county engineer and make a determination as to which set of maps to adopt. Within 60 days after presentation of all such maps, the governing board may amend and shall adopt the official maps at a regularly scheduled board meeting.

5. Any district landowner or elector may contest the accuracy of the urban area maps adopted by the board within 30 days after adoption by petition to the circuit court with jurisdiction over the district. Accuracy shall be determined pursuant to paragraph (2)(b). Any petition so filed shall be disposed of by summary proceeding of the court, and the maps shall be certified to the board with amendments, if necessary.

6. Upon adoption by the board or certification by the court, the district urban area maps shall serve as the official maps for determination of the extent of urban area within the district and the number of governing board members to be elected by qualified electors and by the one-acre/one-vote principle at the next regularly scheduled election of governing board members.

7. Upon a determination of the percentage of urban area within the district as compared with total area within the district, the governing board shall order elections in accordance with the changed percentages pursuant to paragraph (4)(a). The landowners' meeting date shall be designated by the governing board.

8. The maps shall be updated and readopted every 5 years or sooner in the discretion of the governing board.

(4) GOVERNING BOARD.—

(a) Composition of board.—

1. Members of the governing board of the district shall be elected in accordance with the following determinations of urban area:

a. If urban areas constitute 25 percent or less of the district, one governing board member shall be elected by the qualified electors and four governing board members shall be elected in accordance with the one-acre/one-vote principle contained within s. 298.11 or the district-enabling legislation.

b. If urban areas constitute 26 percent to 50 percent of the district, two governing board members shall be elected by the qualified electors and three governing board members shall be elected in accordance with the one-acre/one-vote principle contained within s. 298.11 or the district-enabling legislation.

c. If urban areas constitute 51 percent to 70 percent of the district, three governing board members shall be elected by the qualified electors and two governing board members shall be elected in accordance with the one-acre/one-vote principle contained within s. 298.11 or the district-enabling legislation.

d. If urban areas constitute 71 percent to 90 percent of the district, four governing board members shall be elected by the qualified electors and one governing board member shall be elected in accordance with the one-acre/one-vote principle contained within s. 298.11 or the district-enabling legislation.

e. If urban areas constitute 91 percent or more of the district, all governing board members shall be elected by the qualified electors.

2. All governing board members elected by qualified electors shall be elected at large.

(b) Term of office.—All governing board members elected by qualified electors shall have a term of 4 years except for governing board members elected at the first election and the first landowners' meeting following the referendum prescribed in paragraph (3)(a). Governing board members elected at the first election and the first landowners' meeting following the referendum shall serve as follows:

1. If one governing board member is elected by the qualified electors and four are elected on a one-acre/one-vote basis, the governing board member elected by the electors shall be elected for a period of 4 years. Governing board members elected on a one-acre/one-vote basis shall be elected for periods of 1, 2, 3, and 4 years, respectively, as prescribed by ss. 298.11 and 298.12.

2. If two governing board members are elected by the qualified electors and three are elected on a one-acre/one-vote basis, the governing board members elected by the electors shall be elected for a period of 4 years. Governing board members elected on a one-acre/one-vote basis shall be elected for periods of 1, 2, and 3 years, respectively, as prescribed by ss. 298.11 and 298.12.

3. If three governing board members are elected by the qualified electors and two are elected on a one-acre/one-vote basis, two of the governing board members elected by the electors shall be elected for a term of 4 years and the other governing board member elected by the electors shall be elected for a term of 2 years. Governing board members elected on a one-acre/one-vote basis shall be elected for terms of 1 and 2 years, respectively, as prescribed by ss. 298.11 and 298.12.

4. If four governing board members are elected by the qualified electors and one is elected on a one-acre/one-vote basis, two of the governing board members elected by the electors shall be elected for a term of 2 years and the other two for a term of 4 years. The governing board member elected on a one-acre/one-vote basis shall be elected for a term of 1 year as prescribed by ss. 298.11 and 298.12.

5. If five governing board members are elected by the qualified electors, three shall be elected for a term of 4 years and two for a term of 2 years.

6. If any vacancy occurs in a seat occupied by a governing board member elected by the qualified electors, the remaining members of the governing board shall, within 45 days of receipt of a resignation, appoint a person who would be eligible to hold the office to the unexpired term of the resigning member.

(c) Landowners' meetings.—

1. An annual landowners' meeting shall be held pursuant to s. 298.11 and at least one governing board member shall be elected on a one-acre/one-vote basis pursuant to s. 298.12 for so long as 10 percent or more of the district is not contained in an urban area. In the event all district governing board members are elected by qualified electors, there shall be no further landowners' meetings.

2. At any landowners' meeting called pursuant to this section, 50 percent of the district acreage shall not be required to constitute a quorum and each governing board member shall be elected by a majority of the acreage represented either by owner or proxy present and voting at said meeting.

3. All landowners' meetings of districts operating pursuant to this section shall be set by the board within the month preceding the month of the election of the governing board members by the electors.

4. Vacancies on the board shall be filled pursuant to s. 298.12 except as otherwise provided in subparagraph (b)6.

(5) QUALIFICATIONS.—Elections for governing board members elected by qualified electors shall be nonpartisan. Qualifications shall be pursuant to the Florida Election Code and shall occur during the qualifying period established by s. 99.061. Qualification requirements shall only apply to those governing board member candidates elected by qualified electors. Following the first election pursuant to this section, elections to the governing board by qualified electors shall occur at the next regularly scheduled election closest in time to the expiration date of the term of the elected governing board member. If the next regularly scheduled election is beyond the normal expiration time for the term of an elected governing board member, the governing board member shall hold office until the election of a successor.

(6) Those districts established as single-purpose water control districts, and which continue to act as single-purpose water control districts, pursuant to chapter 298, pursuant to a special act, pursuant to a local government ordinance, or pursuant to a judicial decree, shall be exempt from the provisions of this section. All other independent special districts with governing boards elected on a one-acre/one-vote basis shall be subject to the provisions of this section.

(7) The provisions of this section shall not apply to community development districts established pursuant to chapter 190.

(8) Except as otherwise provided herein, this section shall take effect upon becoming a law.

Section 14. Section 189.4065, Florida Statutes, is created to read:

189.4065 Collection of non-ad valorem assessments.—Community development districts may and other special districts shall provide for the collection of annual non-ad valorem assessments in accordance with chapter 197 or monthly non-ad valorem assessments in accordance with chapter 170. This section does not apply to port districts listed in s. 403.021(9)(b).

Section 15. Section 189.407, Florida Statutes, is created to read:

189.407 Limitation on fees or taxes.—No special district, dependent special district, independent special district, community development district, or local authority shall, directly or indirectly, charge any fee or tax for access to any facility defined in s. 332.004 or s. 334.03, unless such fee or tax is proportional to actual related access costs, including, but not limited to, costs for maintenance, safety, security, and lighting.

Section 16. Section 189.408, Florida Statutes, is created to read:

189.408 Special district bond referenda.—Where required by the State Constitution or general law, special district bond referenda shall be conducted according to ss. 100.211 and 100.221. The provisions of this section shall not apply to community development districts established pursuant to chapter 190 or to port districts listed in s. 403.021(9)(b).

Section 17. Section 189.409, Florida Statutes, is created to read:

189.409 Determination of financial emergency.—A special district shall notify the Governor and Legislative Auditing Committee when the health, safety, and welfare of the citizens of the state are affected by the occurrence of one or more of the conditions described in s. 218.503, or if said condition or conditions will occur if action is not taken to assist the special district. The Governor may adopt rules to implement the provisions of this section.

Section 18. Effective July 1, 1989, section 189.412, Florida Statutes, is created to read:

189.412 Special District Information Program; duties and responsibilities.—The Special District Information Program of the Department of Community Affairs is hereby created and shall have the following special duties:

(1) The collection and maintenance of reports required in ss. 189.417 and 189.418.

(2) Within an appropriate time frame, the collection and maintenance of special district compliance status reports from the Auditor General, the Department of Banking and Finance, the Division of Bond Finance of the Department of General Services, the Division of Retirement of the Department of Administration, the Division of Ad Valorem

Tax of the Department of Revenue, and the Commission on Ethics for the reporting required in ss. 11.45, 112.3144, 112.3145, 112.63, 200.068, 218.32, 218.34, 218.37, and 218.38 and chapter 121 and from state agencies administering programs that distribute money to special districts. The special district compliance status reports shall consist of a list of special districts used in that state agency and information indicating which special districts did not comply with the reporting statutorily required by that agency.

(3) The maintenance of a master list of independent and dependent special districts which shall be annually updated and distributed to the appropriate officials in state and local governments.

(4) The organization and sponsorship of a biennial conference, the first of which must be held prior to March 1, 1990, for the purposes of:

(a) Explaining special district reporting requirements prescribed by general law.

(b) Describing general statutory provisions that affect the majority of special districts in the state.

(c) Conducting training sessions in budget preparation and bond issuance.

(d) Examining all aspects of special district reporting requirements in order to develop more efficient submission and use of the reports.

(5) The publishing and updating of a "Florida Special District Handbook" which shall contain, at a minimum:

(a) A section which specifies definitions of special districts and status distinctions in the statutes.

(b) A section or sections which specify current statutory provisions for special district creation, implementation, modification, dissolution, and operating procedures.

(c) A section which summarizes the reporting requirements applicable to all types of special districts as provided in ss. 189.417 and 189.418.

(6) When feasible, securing and maintaining access to special district information collected by all state agencies in existing or newly created state computer systems.

(7) The facilitation of coordination and communication between state agencies regarding special district information.

(8) The conduct of studies relevant to special districts.

(9) The provision of assistance related to and appropriate in the performance of requirements specified in this chapter.

Section 19. Section 189.413, Florida Statutes, is created to read:

189.413 Special districts; oversight of state funds use.—Any state agency administering funding programs for which special districts are eligible shall be responsible for oversight of the use of such funds by special districts. The oversight responsibilities shall include, but not be limited to:

(1) Reporting the existence of the program to the Special District Information Program of the Department of Community Affairs.

(2) Submitting annually a list of special districts participating in a state funding program to the Special District Information Program of the Department of Community Affairs. This list must indicate the special districts, if any, that are not in compliance with state funding program requirements.

Section 20. Section 189.415, Florida Statutes, is created to read:

189.415 Special district public facilities report.—

(1) It is declared to be the policy of this state to foster coordination between special districts and local general-purpose governments as those local general-purpose governments develop comprehensive plans under the Local Government Comprehensive Planning and Land Development Regulation Act, pursuant to part II of chapter 163.

(2) Beginning March 1, 1991, each independent special district shall submit annually to each local general-purpose government in which it is located a public facilities report. The public facilities report shall specify the following information:

(a) A description of existing public facilities owned and operated by the special district. This description shall include the current capacity of the facility, the current demands placed upon it, and its location. This information shall be required in the initial report and updated every 5 years at least 12 months prior to the submission date of the evaluation and appraisal report of the appropriate local government required by s. 163.3191. At least 12 months prior to the date on which each special district's first updated report is due, the department shall notify each independent district on the official list of special districts compiled by the department pursuant to s. 189.4035 of the schedule for submission of the evaluation and appraisal report by each local government within the special district's jurisdiction.

(b) A description of each public facility the district is building, improving, or expanding, or is currently proposing to build, improve, or expand within at least the next 5 years. For each public facility identified, the report shall describe how the district currently proposes to finance the facility.

(c) If the special district currently proposes to replace any facilities identified in paragraph (a) or paragraph (b) within the next 10 years, the date when such facility will be replaced.

(d) The anticipated time the construction, improvement, or expansion of each facility will be completed.

(e) The anticipated capacity of and demands on each public facility when completed. In the case of an improvement or expansion of a public facility, both the existing and anticipated capacity must be listed.

(3) A special district proposing to build, improve, or expand a public facility which requires a certificate of need pursuant to chapter 381 shall elect to notify the appropriate local general-purpose government of its plans either in its 5-year plan or at the time the letter of intent is filed with the Department of Health and Rehabilitative Services pursuant to s. 381.709.

(4) Those special districts building, improving, or expanding public facilities addressed by a development order issued to the developer pursuant to s. 380.06 may use the most recent annual report required by s. 380.06(15) and (18) and submitted by the developer, to the extent the annual report provides the information required by subsection (2).

(5) For each special district created after March 1, 1990, the facilities report shall be prepared and submitted within 1 year after the district's creation.

(6) For purposes of the preparation or revision of local government comprehensive plans required pursuant to s. 163.3161, a special district public facilities report may be used and relied upon by the local general-purpose government or governments within which the special district is located.

(7) Any special district that has completed the construction of its public facilities, improvements to its facilities, or its development is not required to submit a public facilities report, but must submit the information required by paragraph (2)(a).

(8) A special district plan of reclamation required pursuant to general law or special act, including, but not limited to, a plan prepared pursuant to chapter 298 which complies with the requirements of subsection (2), shall satisfy the requirement for a public facilities report. A water management and control plan adopted pursuant to s. 190.013, which complies with the requirements of subsection (2), satisfies the requirement for a public facilities report for the facilities the plan addresses.

(9) The Reedy Creek Improvement District is not required to provide the public facilities report as specified in subsection (2).

(10) This section does not apply to port districts listed in s. 403.021(9)(b).

Section 21. Section 189.4155, Florida Statutes, is created to read:

189.4155 Activities of special districts; local government comprehensive planning.—

(1) Construction or expansion of a public facility, or major alteration which affects the quantity or quality of the level of service of a public facility, which is undertaken or initiated by a special district shall be consistent with the applicable local government comprehensive plan adopted pursuant to part II of chapter 163; provided, however, the local government comprehensive plan shall not:

(a) Require an independent special district to construct, expand, or perform a major alteration of any public facility; or

(b) Require any special district to construct, expand, or perform a major alteration of any public facility which would result in an impairment of covenants and agreements relating to bonds validated or issued by the special district.

(2) When a local government has issued a development order which approves the construction of public facilities or has issued a development order pursuant to chapter 380, the local government shall not use the requirements of this section to limit or modify the right of an independent special district to construct, modify, operate, or maintain public facilities authorized by the development order.

(3) The provisions of this section shall not apply to water management districts created pursuant to s. 373.069 or to regional water supply authorities created pursuant to s. 373.1962 or other laws of this state.

(4) Nothing in this section shall create or alter the respective rights of local governments or special districts to provide public facilities or services to a particular geographic area or location, nor shall this section alter or affect the police powers of any local government or the authority or requirements under chapter 163.

Section 22. Section 189.4156, Florida Statutes, is created to read:

189.4156 Water management district technical assistance; local government comprehensive planning.—Water management districts shall assist local governments in the development of local government comprehensive plan elements related to water resource issues as required by s. 373.0391.

Section 23. Section 189.004, Florida Statutes, is renumbered as section 189.416, Florida Statutes.

Section 24. Section 189.005, Florida Statutes, is renumbered as section 189.417, Florida Statutes, and amended to read:

189.417 ~~189.005~~ Meetings; notice; required reports.—

(1) The governing body of each special district shall file annually a schedule of its regular meetings with the local governing authority or authorities. The schedule shall include the date, time, and location of each scheduled meeting. The governing body of an independent special district shall advertise the day, time, place, and purpose of any ~~special meeting other than a regular meeting or any recessed and reconvened meeting~~ of the governing body, at least 7 days prior to such meeting, in a newspaper of general paid circulation in the county or counties in which the special district is located, unless a bona fide emergency situation exists, in which case a meeting to deal with the emergency may be held as necessary, with reasonable notice, so long as it is subsequently ratified by the board. *No approval of the annual budget shall be granted at an emergency meeting.* The advertisement shall be placed in that portion of the newspaper where legal notices and classified advertisements appear. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the county is published fewer than 5 days a week. It is further the legislative intent that the newspaper selected be one of general interest and readership in the community and not one of limited subject matter, pursuant to chapter 50.

(2) All meetings of the governing body of the special district shall be open to the public and governed by the provisions of chapter 286.

(3) Meetings of the governing body of the special district shall be held in a public building when available within the district, in a county courthouse of a county in which the district is located, or in a building in the county accessible to the public.

Section 25. Section 189.006, Florida Statutes, is renumbered as section 189.418, Florida Statutes, and amended to read:

189.418 ~~189.006~~ Reports; audits.—

(1) ~~At least 90 days prior to the implementation of an independent October 1, 1979, or no later than 1 year subsequent to its creation, each special district, shall file with the local government or other entity authorized to implement the district may provide governing authority or authorities and with the department with a copy of the document by which the district will be implemented authorizing its creation, by whatever method the creation occurred, a list of any improvements necessary~~

~~to accomplish district purposes; a proposed schedule of completion of any improvements; and if applicable, a plan of termination. Within 60 days after the receipt of the document that proposes the implementation of the independent special district, the department shall make a determination as to the status of the district as dependent or independent and shall notify the party that requested the determination of its status.~~

(2) ~~Subsequent to the implementation of a district, any amendment, modification, or update of the document by which the district was implemented must required shall be filed with the department within 30 days after of its adoption by the district board in the same manner as the original.~~

(3)(2) Each year, each independent special district shall file with the local general-purpose governing authority or authorities in the jurisdiction of which the district is located a copy of:

(a) The local government financial reports required by ss. 218.32 and 218.34; ~~and~~

(b) A complete description of all outstanding bonds as provided in s. 218.38(1); ~~and~~

(c) A map of the district.

(4)(2) Each special district shall make provisions for an annual independent postaudit of its financial records as provided in s. 11.45. A copy of the audit shall be filed with the local governing authority or authorities.

(5)(4) All reports or information required to be filed with a local governing authority under ss. 11.45, ~~189.416 189.004, 189.417 189.005, 218.32, and 218.34~~ and this section shall:

(a) When the local governing authority is a county, be filed with the clerk of the board of county commissioners.

(b) When the district is a multicounty district, be filed with the clerk of the county commission in each county.

(c) When the local governing authority is a municipality, be filed at the place designated by the municipal governing body.

Section 26. Section 189.007, Florida Statutes, is renumbered as section 189.419, Florida Statutes, and amended to read:

189.419 ~~189.007~~ Effect of failure to file certain reports.—

(1) If a special district fails to file the reports required under s. 11.45, s. ~~189.415, s. 189.416 189.004, s. 189.417 189.005, s. 189.418 189.006, s. 218.32, or s. 218.34~~ and a description of all outstanding bonds as provided in s. 218.38(1) with the local governing authority, the person authorized to receive and read the reports shall notify the district's registered agent and the appropriate local governing authority or authorities. At any time, the governing authority may grant an extension of time for filing the required reports, except that no extension shall exceed 30 days.

(2) If at any time the local governing authority or authorities or the board of county commissioners determines that there has been an unjustified failure to file the reports described in subsection (1), it may petition the department to initiate proceedings against the special district in the manner provided in s. ~~189.421 189.008~~.

(3) If a special district fails to file the reports required under s. 11.45, s. 218.32, s. 218.34, or s. 218.38 with the appropriate state agency, the agency may request the department to initiate proceedings against the special district in the manner provided in s. ~~189.421 189.008~~.

Section 27. Section 189.008, Florida Statutes, is renumbered as section 189.421, Florida Statutes, and amended to read:

189.421 ~~189.008~~ Failure of district to disclose financial reports.—

(1) The department shall investigate all petitions filed pursuant to s. ~~189.419 189.007~~ and determine whether or not the district board has made a good faith effort to file the required reports.

(2) If the department determines that a good faith effort has been made, it shall grant a reasonable extension of time for filing the required reports with the appropriate bodies and notify the special district of the granting of the extension.

(3) If the department determines that a good faith effort has not been made to file the report or that a reasonable time has passed and the

reports have not been forthcoming, it may file a petition for hearing, pursuant to s. 120.57, on the question of the inactivity of the district. The proceedings and hearings required by ss. ~~189.416-189.422~~ ~~189.001-189.009~~ shall be conducted by a hearing officer assigned by the Division of Administrative Hearings of the Department of Administration and shall be governed by the provisions of the Administrative Procedure Act. Such hearing shall be held in the county in which the district is located, pursuant to all the applicable provisions of chapter 120. Notice of the hearing shall be served on the district's registered agent and published at least once a week for 2 successive weeks prior to the hearing in a newspaper of general circulation in the area affected. The notice shall state the time, place, and nature of the hearing and that all interested parties may appear and be heard. Within 30 days of the hearing, the hearing officer shall file his report with the department in the manner provided in chapter 120.

Section 28. Section 189.009, Florida Statutes, is renumbered as section 189.422, Florida Statutes, and amended to read:

~~189.422~~ ~~189.009~~ Action of the department.—

(1) If the department determines, after receipt of the report from the hearing examiner, that there is an inactive district under the criteria established in s. ~~189.4044~~ ~~ss. 165.052 and 165.061(4)(b) and (c)~~, it shall file such determination with the Secretary of State pursuant to s. ~~189.4044~~ ~~165.052~~.

(2) If the department determines that the failure to file the reports is a result of the volitional refusal of the members of the governing body of the district, it shall seek an injunction or writ of mandamus to compel production of the reports in the circuit court.

Section 29. Section 189.30, Florida Statutes, is renumbered as section 189.423, Florida Statutes, and amended to read:

~~189.423~~ ~~189.30~~ Purchase or sale of water or sewer utility by special district.—No dependent or independent special district, ~~as defined by s. 200.001(8)(d) or (e)~~, may purchase or sell a water or sewer utility that provides service to the public for compensation, until the governing body of the district has held a public hearing on the purchase or sale and made a determination that the purchase or sale is in the public interest. In determining if the purchase or sale is in the public interest, the district shall consider, at a minimum, the following:

(1) The most recent available income and expense statement for the utility;

(2) The most recent available balance sheet for the utility, listing assets and liabilities and clearly showing the amount of contributions-in-aid-of-construction and the accumulated depreciation thereon;

(3) A statement of the existing rate base of the utility for regulatory purposes;

(4) The physical condition of the utility facilities being purchased or sold;

(5) The reasonableness of the purchase or sales price and terms;

(6) The impacts of the purchase or sale on utility customers, both positive and negative;

(7) Any additional investment required and the ability and willingness of the purchaser to make that investment, whether the purchaser is the special district or the entity purchasing the utility from the special district;

(8) The alternatives to the purchase or sale and the potential impact on utility customers if the purchase or sale is not made; and

(9) The ability of the purchaser to provide and maintain high-quality and cost-effective utility service, whether the purchaser is the special district or the entity purchasing the utility from the special district.

The special district shall prepare a statement showing that the purchase or sale is in the public interest, including a summary of the purchaser's experience in water and sewer utility operation and a showing of financial ability to provide the service, whether the purchaser is the special district or the entity purchasing the utility from the special district. *The provisions of this section shall not apply to community development districts established pursuant to chapter 190.*

Section 30. Paragraphs (a) and (d) of subsection (3) of section 11.45, Florida Statutes, are amended, subsections (4), (5), (6), (7), (8), and (9) are renumbered as subsections (5), (6), (7), (8), (9), and (10), respectively, and new subsections (4) and (11) are added to said section, to read:

11.45 Definitions; duties; audits; reports.—

(3)(a)1. The Auditor General shall annually make financial audits of the accounts and records of all state agencies, as defined in this section, of all district school boards, and of all district boards of trustees of community colleges. Nothing herein shall limit the Auditor General's discretionary authority to conduct performance audits of these governmental entities as authorized in subparagraph 2. Nothing in this section shall be construed as prohibiting a district school board from selecting an independent auditor to perform a financial audit as defined in s. 11.45(1)(b) notwithstanding the notification provisions of this section.

2. The Auditor General may at any time make financial audits and performance audits of the accounts and records of all governmental entities created pursuant to law. The audits referred to in this subparagraph shall be made whenever determined by the Auditor General, whenever directed by the Legislative Auditing Committee, or whenever otherwise required by law or concurrent resolution. District school boards may require that the annual financial audit of its accounts and records be completed within 12 months after the end of its fiscal year. In the event that the Auditor General may not be able to meet that requirement, the Auditor General shall notify the school board pursuant to subparagraph 4.

3. The Auditor General shall maintain a schedule of performance audits of state programs sufficient to audit all state programs within a 10-year period, unless directed otherwise by the Legislative Auditing Committee.

4. If by July 1 in any fiscal year a district school board or local governmental entity has not been notified that a financial audit for that fiscal year will be performed by the Auditor General pursuant to subparagraph 2., each municipality with either revenues or expenditures of more than \$100,000, each special district with either revenues or expenditures of more than \$25,000, *each special district issuing bonds greater than \$500,000 with an original maturity date in excess of 1 year from the time of issuance*, and each county agency shall, and each district school board may, require that an annual financial audit of its accounts and records be completed, within 12 months after the end of its respective fiscal year, by an independent certified public accountant retained by it and paid from its public funds. A management letter shall be prepared and included as a part of each financial audit report. The county audit shall be one document which shall include a separate audit of each county agency. The county audit shall be a single report. The governing body of a county shall be responsible for selecting an independent certified public accountant to audit the county agencies of the county according to the following procedure:

a. In each noncharter county, an auditor selection committee shall be established, consisting of the county officers elected pursuant to s. 1(d), Art. VIII, State Constitution, and one member of the board of county commissioners or its designee.

b. The committee shall publicly announce, in a uniform and consistent manner, each occasion when auditing services are required to be purchased. Public notice shall include a general description of the audit and shall indicate how interested certified public accountants can apply for consideration.

c. The committee shall encourage firms engaged in the lawful practice of public accounting who desire to provide professional services to submit annually a statement of qualifications and performance data.

d. Any certified public accountant desiring to provide auditing services must first be qualified pursuant to law. The committee shall make a finding that the firm or individual to be employed is fully qualified to render the required service. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual.

e. The committee shall adopt procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of personnel, past record, experience, and such other factors as may be determined by the committee to be applicable to its particular requirements.

f. The public shall not be excluded from the proceedings under this subparagraph.

g. The committee shall evaluate current statements of qualifications and performance data on file with the committee, together with those that may be submitted by other firms regarding the proposed audit, and shall conduct discussions with, and may require public presentations by, no fewer than three firms regarding their qualifications, approach to the audit, and ability to furnish the required service.

h. The committee shall select no fewer than three firms deemed to be the most highly qualified to perform the required services after considering such factors as the ability of professional personnel; past performance; willingness to meet time requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to the firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. If fewer than three firms desire to perform the services, the committee shall recommend such firms as it determines to be qualified.

i. Nothing in this subparagraph shall be construed to prohibit a contract for a period in excess of 1 year.

j. If the board of county commissioners receives more than one proposal for the same engagement, the board may rank, in order of preference, the firms to perform the engagement. The firm ranked first may then negotiate a contract with the board giving, among other things, a basis of its fee for that engagement. Should the board be unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the board shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The board, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. The board shall also negotiate on the scope and quality of services. In making such determination, the board shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For contracts over \$50,000, the board shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that the rates of compensation and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Such certificate shall also contain a description and disclosure of any understanding that places a limit on current or future years' audit contract fees, including any arrangements under which fixed limits on fees will not be subject to reconsideration if unexpected accounting or auditing issues are encountered. Such certificate shall also contain a description of any services rendered by the certified public accountant or firm of certified public accountants at rates or terms that are not customary. Any auditing service contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the board determines the contract price was increased due to inaccurate or incomplete factual unit costs. All such contract adjustments shall be made within 1 year following the end of the contract. This sub-subparagraph shall apply to audits covering the 1982-1983 fiscal year, and the procedure in this sub-subparagraph may be used by any county for subsequent audits. If there is a conflict between this sub-subparagraph and s. 473.317, this sub-subparagraph shall prevail.

k. Should the board be unable to negotiate a satisfactory contract with any of the selected firms, the committee shall select additional firms, and the board shall continue negotiations in accordance with this subsection until an agreement is reached.

l. At the conclusion of the audit field work, the independent certified public accountant shall discuss with the head of each county agency and the chairman of the board of county commissioners or his designee or with the chairman of the district school board or his designee, as appropriate, all of the auditor's comments pertaining to that agency which will be included in the audit report containing the auditor's comments for the areas within their responsibility. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his office.

m. The officer's written statement of explanation or rebuttal concerning the auditor's comments, including corrective action to be taken, shall be filed with the governing body of the county and with the Auditor General within 30 days after the delivery of the financial audit report.

n. Each district school board that elects to utilize an independent audit shall select an auditor by using the same selection procedure as outlined under sub-subparagraphs b.-k. The district school board selection committee shall be set by policy of that district school board. The report shall be presented to the superintendent of schools and the chairman of the school board in that district and filed with the district school board and the Auditor General in conformity with sub-subparagraphs l. and m.

o. The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all local governmental entity audits. Such rules shall include, but not be limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Government Financial Emergency and Accountability Act, chapter 79-183, Laws of Florida.

p. To be qualified to respond to a request for a proposal for a local governmental entity audit, the certified public accountant in charge of the audit to be performed must have completed within the immediate preceding 3 years at least 24 hours of continuing professional education programs that are approved by the Board of Accountancy and are directly related to the government environment and to governmental auditing.

The procedures under sub-subparagraphs a.-k. do not apply to audit agreements or contracts entered into before July 1, 1983.

5. Any financial audit report required under subparagraph 4. shall be submitted to the Auditor General within 30 days after completion of the audit but no later than 12 months after the end of the fiscal year of the governmental entity and district school board. If the Auditor General does not receive the financial audit within such period, he shall notify the Legislative Auditing Committee that such governmental entity has not complied with this subparagraph. Following notification of failure to submit the required audit, *a hearing shall be scheduled by the committee for the purpose of receiving testimony addressing the failure of local governmental entities to comply with the reporting requirements of this section. After the hearing, the committee shall determine which local governmental entities will be subjected to further state action. If it finds that one or more local governmental entities should be subjected to further state action, the Legislative Auditing committee shall may:*

a. In the case of a local governmental entity, request city or county, ~~notify the Department of Revenue and the Department of Banking and Finance to that the local unit of government has failed to comply. Upon notification, the department shall withhold any funds payable to such governmental entity until the required financial audit is received by the Auditor General.~~

b. In the case of a special district, notify the Department of Community Affairs that the special district has failed to provide the required audits. Upon receipt of notification, the Department of Community Affairs shall proceed pursuant to ss. 189.421 189.008 and 189.422 189.009.

6. The Auditor General, in consultation with the Board of Accountancy, shall review all audits made pursuant to this paragraph by an independent certified public accountant.

(d) The Auditor General shall at least every 2 years make a performance audit of the local government financial reporting system required by this subsection; ss. 189.416-189.422 189.001-189.009; and part VII of chapter 112 and part III of chapter 218. The performance audit shall analyze each component of the reporting system separately and analyze the reporting system as a whole. The purpose of such an audit is to determine the efficiency and effectiveness of the reporting system in monitoring and evaluating the financial conditions of local governments and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced.

(4) *If the Auditor General conducts an audit of a special district which indicates in its findings problems related to debt policy or practice, including failure to meet debt service payments, failure to comply with significant bond covenants, failure to meet bond reserve requirements, and significant erosion of a special district's revenue-producing capacity, a copy of the audit shall be submitted to the Division of Bond*

*Finance of the Department of General Services for review and comment. Upon receipt of this notification from the Auditor General, the Division of Bond Finance shall prepare a brief report describing the previous debt issued by the special district and submit the report to the Legislative Auditing Committee for their review and consideration.*

(11) *The Auditor General shall provide annually a list of those special districts which are in compliance with this section and a list of those special districts which are not in compliance with this section for the Special District Information Program of the Department of Community Affairs.*

Section 31. Subsection (4) of section 20.18, Florida Statutes, 1988 Supplement, is amended to read:

20.18 Department of Community Affairs.—There is created a Department of Community Affairs.

(4) In addition to its other powers, duties, and functions, the department shall, under the general supervision of the secretary and the Interdepartmental Coordinating Council on Community Services, assist and encourage the development of state programs by the various departments for the productive use of human resources, and the department shall work with other state agencies in order that together they might:

(a) Effect the coordination, by the responsible agencies of the state, of the vocational, technical, and adult educational programs of the state in order to provide the maximum use and meaningful employment of persons completing courses of study from such programs; and

(b) Assist the Department of Commerce in the development of employment opportunities; and

(c) *Improve the enforcement of special district reporting requirements and the communication among state agencies that receive mandatory reports from special districts.*

Section 32. Subsection (3) of section 75.05, Florida Statutes, is amended to read:

75.05 Order and service.—

(3) In the case of independent special districts as defined in s. 218.31(7), a copy of the complaint shall be served on the *Division of Bond Finance of the Department of General Services Department of Banking and Finance of the Office of the Comptroller. Notwithstanding any other provision of law, whether a general law or special act, validation of bonds to be issued by a special district is not mandatory, but is at the option of the issuer.*

Section 33. Subsection (9) is added to section 112.322, Florida Statutes, to read:

112.322 Duties and powers of commission.—

(9) *The Commission on Ethics shall report by November 1 each year the names of special district local officers certified as delinquent in filing financial disclosure to the Special District Information Program of the Department of Community Affairs.*

Section 34. Paragraphs (d) and (e) of subsection (1) of section 112.665, Florida Statutes, are amended, and a new paragraph (e) is added to said subsection, to read:

112.665 Duties of Division of Retirement.—

(1) The Division of Retirement of the Department of Administration shall:

(d) Issue, by January 1 annually, a report to the President of the Senate and the Speaker of the House of Representatives, which report details division activities, findings, and recommendations concerning all governmental retirement systems. The report may include legislation proposed to carry out such recommendations; and

(e) *Issue, by January 1 annually, a report to the Special District Information Program of the Department of Community Affairs that includes the participation in and compliance of special districts with the local government retirement system provisions in s. 112.63 and the state administered retirement system provisions as specified in chapter 121; and*

(f)(e) Adopt reasonable rules to administer the provisions of this part.

Section 35. Section 165.011, Florida Statutes, is amended to read:

165.011 Short title.—This chapter shall be known and may be cited as the “Formation of ~~Municipalities Local Governments~~ Act.”

Section 36. Section 165.021, Florida Statutes, is amended to read:

165.021 Purpose.—The purpose of this act is to provide standards, direction, and procedures for the formation of ~~municipalities local governmental units~~ in this state and the provision of ~~municipal local governmental services~~ so as to:

(1) Allow orderly patterns of urban growth and land use.

(2) Assure adequate quality and quantity of local public services.

(3) ~~Ensure~~ ~~insure~~ financial integrity of ~~municipalities units of local government~~.

(4) Eliminate or reduce avoidable and undesirable differentials in fiscal capacity among neighboring local governmental jurisdictions.

(5) Promote equity in the financing of ~~municipal local government services~~.

Section 37. Subsections (1), (5), (7), and (10) of section 165.031, Florida Statutes, are amended to read:

165.031 Definitions.—The following terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) “Unit of local government” means any local general-purpose government or ~~special district~~.

(5) “Special district” means a local unit of special government, as defined in s. 189.403(1) ~~except a district school board, created pursuant to general or special law for the purposes of performing prescribed, specialized functions, including municipal service functions, within limited boundaries. This term includes dependent special districts, as defined in s. 189.403(2) 200.001(8)(d), and independent special districts, as defined in s. 189.403(3) 200.001(8)(e).~~ All provisions of s. 200.001(8)(d) and (e) shall be considered provisions of this chapter.

(7) “Formation” means any one of the ~~four~~ following activities:

(a) “Incorporation”—The establishment of a municipality.

(b) ~~“Creation”—The establishment of a special district.~~

(b)(e) “Dissolution”—The dissolving of the corporate status of a municipality or ~~special district~~.

(c)(d) “Merger”—The merging of two or more municipalities with each other and with any unincorporated areas authorized pursuant to this act to form a new municipality; the merging of one or more municipalities or special districts, in any combination thereof, with each other; or the merging of one or more counties with one or more special districts.

(10) “Parties affected” means any person owning property or residing either in a municipality or ~~special district~~ proposing a formation or in the territory that is proposed for a formation or any governmental unit with jurisdiction over such area.

Section 38. Section 165.041, Florida Statutes, is amended to read:

165.041 Formation procedures; incorporation, ~~creation~~, and merger.—

(1) A charter for incorporation of a municipality, except in case of a merger which is adopted as otherwise provided in subsections (2)(3), (3)(4), and (4)(5), shall be adopted only by a special act of the Legislature upon determination that the standards herein provided have been met.

(2) ~~A charter for creation of a dependent special district shall be adopted only by special act of the Legislature or by ordinance of a county or municipal governing body having jurisdiction over the area affected. Authorization for creation of an independent special district shall be provided only by general law.~~

(2)(3)(a) A charter for merger of two or more municipalities and associated unincorporated areas may also be adopted by passage of a concurrent ordinance by the governing bodies of each municipality affected, approved by a vote of the qualified voters in each area affected.

(b) The ordinance shall provide for:

1. The charter and its effective date.
2. The financial or other adjustments required.
3. A referendum for separate majorities by each unit or area to be affected.
4. The date of election, which should be the next regularly scheduled election or a special election held prior to such election, if approved by a majority of the members of the governing body of each governmental unit affected, but no sooner than 30 days after passage of the ordinance.

(c) Notice of the election shall be published at least once a week for the 4 successive weeks immediately prior to the election, in a newspaper of general circulation in the area to be affected. Such notice shall give the time and places for the election and a description of the area to be included in the municipality, with such description to be in metes and bounds and to include a map to show clearly the area to be covered by the municipality.

(3)(4) The merger of one or more municipalities or counties with special districts, or of two or more special districts, may also be adopted by passage of a concurrent ordinance or, in the case of special districts, resolution by the governing bodies of each unit to be affected.

(4)(5)(a) Initiation of procedures for municipal incorporation by merger as described in subsections (2)(3) and (3)(4), or merger of special districts as described in subsection (4), may be done either by adoption of a resolution by the governing body of an area to be affected or by a petition of 10 percent of the qualified voters in the area.

(b) If a petition has been filed with the clerks of the governing bodies concerned, the governing bodies shall immediately undertake a study of the feasibility of the formation proposal and shall, within 6 months, either adopt an ordinance under subsection (2)(3) or subsection (3)(4) or reject the petition, specifically stating the facts upon which the rejection is based.

(c) The purpose of this subsection is to provide broad citizen involvement in both initiating and developing their local government; therefore, establishment of appropriate citizen advisory committees, as well as other mechanisms for citizen involvement, by the governing bodies of the units affected is specifically authorized and encouraged.

Section 39. Section 165.051, Florida Statutes, is amended to read:

165.051 Dissolution procedures.—

(1) The charter of any existing municipality or special district may be revoked and the municipal or special district corporation dissolved by either:

- (a) A special act of the Legislature; or
- (b) An ordinance of the governing body of the municipality or special district, approved by a vote of the qualified voters.

(2) If a vote of the qualified voters is required, the governing body of the municipality or special district or, if the municipal or special district governing body does not act within 30 days, the governing body of the county or counties in which the municipality or special district is located shall set the date of the election, which shall be the next regularly scheduled election or a special election held prior to such election, if approved by a majority of the members of the governing body of each governmental unit affected, but no sooner than 30 days after passage of the ordinance. Notice of the election shall be published at least once a week for the 4 successive weeks prior to the election in a newspaper of general circulation in the municipality or special district.

Section 40. Section 165.052, Florida Statutes, is amended to read:

165.052 Special dissolution procedures.—

(1) The Secretary of State by proclamation shall declare inactive any municipality or special district in this state upon a report being filed by the department which shall show that such municipality or special district is no longer active, based upon a finding:

(a) That the municipality has not conducted an election for membership in its legislative body within the 4 years immediately preceding, or as otherwise provided by law; or

~~(b) That the special district has not had appointed or elected a governing body within the 4 years immediately preceding or as otherwise provided by law or has not operated within the 2 years immediately preceding; and~~

(b)(e) That a notice of the proposed proclamation has been published once a week for 4 weeks in a newspaper of general circulation within the county wherein the territory of the municipality or special district is located, stating the name of said municipality or special district, the law under which it was organized and operating, a general description of the territory included in said municipality or special district, and stating that any objections to the proposed proclamation or to any debts of said municipality or special district shall be filed not later than 60 days following the date of last publication with the department; and

(c)(d) That 60 days have elapsed from the last publication date of the notice of proposed proclamation and no sustained objections have been filed.

(2) The state agency charged with collecting financial information from municipalities and special districts shall report to the Department of State and the Department of Community Affairs any municipality or special district which has failed to file a report within the time set by law.

(3) If any municipality or special district declared inactive pursuant to this section owes any debt at the time of proclamation, any property or assets of such unit, or which belonged thereto at the time of such proclamation, shall be subject to legal process for payment of such debt. After the payment of all the debts of said inactive municipal or special district corporation, the remainder of its property or assets shall escheat to the county wherein located. If, however, it shall be necessary, in order to pay any such debt, to levy any tax or taxes on the property in the territory or limits of the inactive municipality or special district, the same may be assessed and levied by order of the county commissioners of the county wherein the same is situated, and shall be assessed by the county property appraiser and collected by the county tax collector. The proceedings in the assessment, collection, receipt, and disbursements of such taxes shall be like the proceedings concerning county taxes as far as applicable.

(4) Any special law authorizing the incorporation or creation, or relating only to the powers or duties, of any municipality or special district proclaimed inactive hereunder shall be reported by the Governor to the presiding officers of both houses of the Legislature. The proclamation of inactive status shall be sufficient notice as required by s. 10, Art. III of the State Constitution to authorize the Legislature to repeal any special laws so reported.

Section 41. Subsections (3) and (4) of section 165.061, Florida Statutes, are amended to read:

165.061 Standards for incorporation, ~~creation~~, merger, and dissolution.—

~~(3) The creation of a special district must be the best alternative available for delivering the service and be amenable to separate special district government if such district is to have a governing body other than a county or municipal governing body.~~

(3)(4) The dissolution of a municipality or special district must meet the following conditions:

(a) The municipality to be dissolved must not be substantially surrounded by other municipalities.

(b) The county or another municipality must be demonstrably able to provide necessary services to the municipal or special district area proposed for dissolution.

(c) An equitable arrangement must be made in relation to bonded indebtedness and vested rights of employees of the municipality or special district to be dissolved.

Section 42. Subsections (2) and (3) of section 165.071, Florida Statutes, are amended to read:

165.071 Financial allocations.—

(2) The government formed by merger of existing municipalities or special districts shall assume all indebtedness of, and receive title to all property owned by, the preexisting municipalities or special districts. The proposed charter, or merger agreement in the case of special districts, shall provide for the determination of the proper allocation of the indebtedness so assumed and the manner in which said debt shall be retired.

(3) The dissolution of a municipal or special district government shall transfer the title to all property owned by the preexisting municipal or special district government to the county, which shall also assume all indebtedness of the preexisting municipality or special district, unless otherwise provided in the dissolution plan. The county is specifically authorized to levy and collect ad valorem taxes in the same manner as other county taxes from the area of the preexisting municipality or special district for repayment of any assumed indebtedness through a special purpose taxing district created for such purpose in accordance with chapter 189.

Section 43. Paragraph (c) of subsection (1) and subsection (2) of section 218.32, Florida Statutes, are amended, and paragraph (d) is added to subsection (1) of said section, to read:

218.32 Financial reporting; units of local government.—

(1)

(c) If the department fails to receive the financial report within such period, it shall notify the Legislative Auditing Committee of the failure to report. Following receipt of notification of failure to report, a hearing shall be scheduled by the committee for the purpose of receiving additional testimony addressing the failure of units of local government to comply with the reporting requirements of this section. After the hearing, the committee shall determine which units of local government will be subjected to further state action. If it finds that one or more units of local government should be subjected to further state action, the Legislative Auditing committee shall may:

1. In the case of a unit of local government, request city or county, notify the Department of Revenue and the Department of Banking and Finance to that the local unit of government has failed to comply. Upon notification, the department shall withhold any funds payable to such governmental entity until the required report is received by the department.

2. In the case of a special district, notify the Department of Community Affairs that the special district has failed to provide the required financial report. Upon notification, the Department of Community Affairs shall proceed pursuant to ss. 189.421 189.008 and 189.422 189.009.

(d) The annual financial report of each municipality or county shall include a list of dependent special districts within the jurisdiction of that municipality or county.

(2) The department shall annually file a verified report by May 1 with the Governor, the and Legislature, and the Special District Information Program of the Department of Community Affairs showing, in detail, the numbers and types of units of local government and the revenues, both locally derived and derived from intergovernmental transfers, and expenditures of such units. The report shall include, but shall not be limited to, analyses of:

(a) Analyses of retirement information of all local retirement systems as provided by the Division of Retirement of the Department of Administration.

(b) Analyses of bonded indebtedness of all units of local government, including general obligation bonds, revenue bonds, industrial development bonds, limited revenue bonds, special assessment bonds, and short-term debt, as provided by the Division of Bond Finance of the Department of General Services, and any additional items of data or analyses thereof as developed by the department.

(c) The information required by ss. 218.34(5) and 373.503(5).

Section 44. Paragraphs (i) and (j) are added to subsection (1) of section 218.37, Florida Statutes, 1988 Supplement, to read:

218.37 Powers and duties of Division of Bond Finance; advisory council.—

(1) The Division of Bond Finance of the Department of General Services, with respect to both general obligation bonds and revenue bonds, shall:

(i) By January 1 each year, provide the Special District Information Program of the Department of Community Affairs with a list of special districts not in compliance with the requirements in s. 218.38.

(j) Use the copy of the complaint for the bond validation, served pursuant to s. 75.05(3), to verify the compliance of that special district with the requirements in s. 218.38.

Section 45. Subsection (3) of section 218.38, Florida Statutes, is amended to read:

218.38 Notice of bond issues required; verification.—

(3) If a unit of local government fails to verify pursuant to subsection (2) the information held by the division, or fails to provide the information required by subsection (1), the division shall notify the Legislative Auditing Committee of such failure to comply. Following receipt of such notification of failure to comply with these provisions, a hearing shall be scheduled by the committee for the purpose of receiving testimony addressing the failure of units of local government to comply with the requirements of this section. After the hearing, the committee shall determine which units of local government will be subjected to further state action. If it finds that one or more units of local government should be subjected to further state action, the Legislative Auditing committee shall may:

(a) In the case of a unit of local government, request city or county, notify the Department of Revenue and the Department of Banking and Finance to that the unit of local government has failed to comply. Upon notification, and pending receipt by the division of the required information, the Department of Banking and Finance shall withhold any funds not pledged for bond debt service satisfaction which are payable to such governmental entity.

(b) In the case of a special district, notify the Department of Community Affairs that the special district has failed to comply. Upon notification, the Department of Community Affairs shall proceed pursuant to ss. 189.421 189.008 and 189.422 189.009.

Section 46. Subsection (14) of section 190.011, Florida Statutes, is amended to read:

190.011 General powers.—The district shall have, and the board may exercise, the following powers:

(14) To impose and foreclose special assessment liens as provided by this act or to impose, collect, and enforce non-ad valorem assessments pursuant to the provisions of ss. 197.3632 and 197.3635.

Section 47. Subsection (1) of section 190.012, Florida Statutes, is amended to read:

190.012 Special powers; public improvements and community facilities.—The district shall have, and the board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included therein, any or all of the following special powers relating to public improvements and community facilities authorized by this act:

(1) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for the following basic infrastructures:

(a) Water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges.

(b) Water supply, sewer, and waste water management, or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.

(c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut.

(d) District roads equal to or exceeding the specifications of the county in which such district roads are located, and street lights.

(e) Any other project within or without the boundaries of a district when a local government issued a development order pursuant to s. 380.06 or s. 380.061 approving or expressly requiring the construction or funding of the project by the district.

Section 48. Subsection (7) is added to section 190.021, Florida Statutes, to read:

190.021 Taxes; non-ad valorem assessments.—

(7) *NON-AD VALOREM ASSESSMENTS.*—Notwithstanding any other provision of this section, the board may utilize non-ad valorem assessments in lieu of benefit or maintenance taxes. Such non-ad valorem assessments may be imposed, collected, and enforced pursuant to the provisions of ss. 197.3632 and 197.3635.

Section 49. Subsections (3), (4), and (8) of section 190.046, Florida Statutes, are amended to read:

190.046 Termination, contraction, or expansion of district.—

(3) The district may merge with other community development districts upon filing a petition for establishment of a community development district pursuant to s. 190.005 or may merge with any other special districts pursuant to s. 165.041 and upon filing a petition for establishment of a community development district pursuant to s. 190.005. *The government formed by a merger involving a community development district pursuant to this section shall assume all indebtedness of, and receive title to, all property owned by the preexisting special districts. Prior to filing said petition, the districts desiring to merge shall enter into a merger agreement and shall provide for the proper allocation of the indebtedness so assumed and the manner in which said debt shall be retired.*

(4) The local general-purpose government within the geographical boundaries of which the district lies may adopt a nonemergency ordinance providing for a plan for the transfer of a specific community development service from a district to the local general-purpose government. The plan must provide for the assumption and guarantee of the district debt that is related to the service by the local general-purpose government, ~~as provided in s. 165.071~~, and must demonstrate the ability of the local general-purpose government to provide such service:

(a) As efficiently as the district.

(b) At a level of quality equal to or higher than the level of quality actually delivered by the district to the users of the service.

(c) At a charge equal to or lower than the actual charge by the district to the users of the service.

(8) In the event the district has become inactive pursuant to s. 189.4044 ~~165.952~~, the board of county commissioners shall be informed and it shall take appropriate action.

Section 50. Section 200.0684, Florida Statutes, is created to read:

200.0684 Annual compliance report for Department of Community Affairs.—An annual report indicating which special districts levying ad valorem taxes are certified and which special districts levying ad valorem taxes are not certified as being in compliance with this chapter as specified in s. 200.068 must be prepared by the Division of Ad Valorem Tax of the Department of Revenue and forwarded to the Special District Information Program of the Department of Community Affairs.

Section 51. Section 218.34, Florida Statutes, is amended to read:

218.34 Special districts; financial matters.—

(1) The governing body of each special district shall make appropriations for each fiscal year which, in any one year, shall not exceed the amount to be received from taxation and other revenue sources. It is unlawful for any officer of a special district to draw money from the treasury except in pursuance of appropriation made by law.

(2) *The proposed budget of a dependent special district shall be presented in accordance with generally accepted accounting principles and as such either be:*

(a) *Contained within the general budget of the local governing authority and be clearly stated as the budget of the dependent district; or*

(b) *Budgeted separately in which case the governing authority shall certify to the department compliance with the auditing requirements of s. 11.45 for each dependent special district.*

(3)(2) The proposed budget of a dependent special district shall be contained within the general budget of the local governing authority and be clearly stated as the budget of the dependent special district. Financial reporting shall be made in the same fashion as provided by rules of the department.

(4)(3) The proposed budget of an independent special district located solely within one county shall be filed with the clerk of the county governing authority by September 1 of each year.

(5)(4) The local governing authority may, in its discretion, review and approve the budget or tax levy of any special district located solely within its boundaries.

~~(5) Each special district which does not receive state shared revenues under part II of this chapter shall, before January 1 of each year, certify compliance or noncompliance with s. 200.065 to the Department of Banking and Finance. Specific grounds for noncompliance shall be stated in the certification. In its annual report required by s. 218.32(2), the Department of Banking and Finance shall report to the Governor and the Legislature those special districts certifying noncompliance or not reporting.~~

Section 52. Effective July 1, 1990, paragraph (f) is added to subsection (1) of section 218.23, Florida Statutes, to read:

218.23 Revenue sharing with units of local government.—

(1) To be eligible to participate in revenue sharing beyond the minimum entitlement in any fiscal year, a unit of local government is required to have:

(a) Reported its finances for its most recently completed fiscal year to the Department of Banking and Finance, pursuant to s. 218.32.

(b) Made provisions for annual postaudits of its financial accounts in accordance with provisions of law.

(c) Levied, as shown on its most recent financial report pursuant to s. 218.32, ad valorem taxes, exclusive of taxes levied for debt service or other special millages authorized by the voters, to produce the revenue equivalent to a millage rate of 3 mills on the dollar based on the 1973 taxable values as certified by the property appraiser pursuant to s. 193.122(2) or, in order to produce revenue equivalent to that which would otherwise be produced by such 3-mill ad valorem tax, to have received a remittance from the county pursuant to s. 125.01(6)(a), collected an occupational license tax or a utility tax, levied an ad valorem tax, or received revenue from any combination of these four sources. If a new municipality is incorporated, the provisions of this paragraph shall apply to the taxable values for the year of incorporation as certified by the property appraiser. This paragraph requires only a minimum amount of revenue to be raised from the ad valorem tax, the occupational license tax, and the utility tax. It does not require a minimum millage rate.

(d) Certified that persons in its employ as law enforcement officers, as defined in s. 943.10(1), meet the qualifications for employment as established by the Criminal Justice Standards and Training Commission; that its salary structure and salary plans meet the provisions of chapter 943; and that no law enforcement officer is compensated for his services at an annual salary rate of less than \$6,000. However, the department may waive the minimum law enforcement officer salary requirement if a city or county certifies that it is levying ad valorem taxes at 10 mills.

(e) Certified that persons in its employ as firefighters, as defined in s. 633.30(1), meet the qualification for employment as established by the Division of State Fire Marshal pursuant to the provisions of ss. 633.34 and 633.35 and that the provisions of s. 633.382 have been met.

(f) *Certified that each dependent special district that is budgeted separately from the general budget of the local governing authority has met the provisions for annual postaudit of its financial accounts in accordance with the provisions of law.*

Additionally, to receive its share of revenue-sharing funds, a unit of local government shall certify to the Department of Revenue that the requirements of s. 200.065, if applicable, were met. The certification shall be made annually within 30 days of adoption of an ordinance or resolution establishing a final property tax levy or, if no property tax is levied, not later than November 1. The portion of revenue-sharing funds which, pursuant to this part, would otherwise be distributed to a unit of local government which has not certified compliance or has otherwise failed to meet the requirements of s. 200.065 shall be deposited in the General Revenue Fund for the 12 months following a determination of noncompliance by the department.

Section 53. Paragraph (c) is added to subsection (4) of section 100.011, Florida Statutes, to read:

100.011 Opening and closing of polls, all elections; expenses.—

(4)

(c) *The provisions of any special law to the contrary notwithstanding, all independent and dependent special district elections, with the exception of community development district elections, shall be conducted in accordance with the requirements of ss. 189.405 and 189.4051.*

Section 54. Subsection (2) of section 218.503, Florida Statutes, is amended to read:

218.503 Determination of financial emergency.—

(2) A unit of local government shall notify the Governor and the Legislative Auditing Committee when one or more of the above conditions specified in subsection (1) have occurred or will occur if action is not taken to assist the unit of local government. In addition, any state agency may notify the Governor and the Legislative Auditing Committee when one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist a unit of local government.

Section 55. Section 373.0391, Florida Statutes, is created to read:

373.0391 Technical assistance to local government.—

(1) The water management districts shall assist local governments in the development and future revision of local government comprehensive plan elements related to water resource issues.

(2) By July 1, 1991, each water management district shall prepare and provide information and data to assist local governments in the preparation and implementation of their local government comprehensive plans. Such information and data shall include, but not be limited to:

(a) All information and data required in a public facilities report pursuant to s. 189.415.

(b) A description of regulations, programs, and schedules implemented by the district.

(c) Identification of regulations, programs, and schedules undertaken or proposed by the district to further the state comprehensive plan.

(d) A description of surface water basins, including regulatory jurisdictions, flood-prone areas, existing and projected water quality in water management district operated facilities, as well as surface water runoff characteristics and topography regarding flood plains, wetlands, and recharge areas.

(e) A description of groundwater characteristics, including existing and planned wellfield sites, existing and anticipated cones of influence, aquifer recharge areas, deep well injection zones, contaminated areas, regional water resource needs and sources, and water quality.

(f) The identification of existing and potential water management district land acquisitions.

(g) Information reflecting the minimum flows for surface watercourses to avoid harm to water resources or the ecology and information reflecting the minimum water levels for aquifers to avoid harm to water resources or the ecology.

Section 56. Effective July 1, 1990, subsection (9) of section 121.021, Florida Statutes, 1988 Supplement, is amended 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:

(9) "Special district" means a special district as defined in s. 189.403(1) ~~an autonomous district or public body created by or pursuant to an act of the Legislature.~~

Section 57. Effective July 1, 1990, paragraphs (c), (d), and (e) of subsection (8) of section 200.001, Florida Statutes, are amended to read:

200.001 Millages; definitions and general provisions.—

(8)

(c) *"Special district" means a special district as defined in s. 189.403(1). "Special district" means a local unit of special government, except a district school board, created pursuant to general or special law for the purpose of performing prescribed specialized functions within limited boundaries and includes municipal service taxing or benefit units.*

(d) *"Dependent special district" means a dependent special district as defined in s. 189.403(2). Except for millage approved by a majority vote of those voting in a district referendum, dependent special district millage, when added to the millage of the governing body to which it is dependent, shall not exceed the maximum millage applicable to such governing body. "Dependent special district" means a special district the governing head of which is the governing body of the county or a municipality, ex officio or otherwise, or the budget of which is established by such local government authority. Dependent special district millage, when added to the millage of the governing body to which it is dependent, shall not exceed the maximum millage applicable to such governing body.*

(e) *"Independent special district" means an independent special district as defined in s. 189.403(3), with the exception of a downtown development authority established prior to the effective date of the 1968 State Constitution as an independent body, either appointed or elected, regardless of whether or not the budget is approved by the local governing body, if the district levies a millage authorized as of the effective date of the 1968 State Constitution. Independent special district millage shall not be levied in excess of a millage amount authorized by general law and approved by vote of the electors pursuant to s. 9(b), Art. VII of the State Constitution, except for those independent special districts levying millage for water management purposes as provided in that section and municipal service taxing units as specified in s. 125.01(1)(q) and (r). However, independent special district millage authorized as of the date the 1968 State Constitution became effective need not be so approved, pursuant to s. 2, Art. XII of the State Constitution. "Independent special district" means a special district the governing head of which is an independent body, either appointed or elected, and the budget of which is established independently of the local governing authority, even though there may be appropriation of funds generally available to a local governing authority involved. A downtown development authority established prior to the effective date of the 1968 State Constitution as an independent body, either appointed or elected, is an independent special district for purposes of this section, regardless of whether or not the budget is approved by the local governing body, if the district levies a millage or a millage is levied for purposes of the authority, which millage was authorized as of the effective date of the 1968 State Constitution. Independent special district millage shall not be levied in excess of a millage amount authorized by general law and approved by vote of the electors pursuant to s. 9(b), Art. VII of the State Constitution, except for those independent special districts levying millage for water management purposes as provided in that section. However, independent special district millage authorized as of the date the 1968 State Constitution became effective need not be so approved, pursuant to s. 2, Art. XII of the State Constitution.*

Section 58. Effective July 1, 1990, subsections (5), (6), and (7) of section 218.31, Florida Statutes, are amended to read:

218.31 Definitions.—As used in this part, except where the context clearly indicates a different meaning:

(5) *"Special district" means a special district as defined in s. 189.403(1). "Special district" means a local unit of special government, except district school boards and community college districts, created pursuant to general or special law for the purpose of performing prescribed specialized functions, including urban service functions, within limited boundaries.*

(6) *"Dependent special district" means a dependent special district as defined in s. 189.403(2). "Dependent special district" means a special district whose governing head is the local governing authority, ex officio, or otherwise, or whose budget is established by the local government authority.*

(7) *"Independent special district" means an independent special district as defined in s. 189.403(3). "Independent special district" means a special district whose governing head is an independent body, either*

~~appointed or elected, and whose budget is established independently of the local governing authority, even though there may be appropriation of funds generally available to a local governing authority involved.~~

Section 59. Effective July 1, 1989, the Department of Community Affairs may adopt rules to implement the provisions of chapter 189, Florida Statutes.

Section 60. Sections 189.001 and 189.002, Florida Statutes, are hereby repealed.

Section 61. Effective July 1, 1990, section 189.003, Florida Statutes, is hereby repealed.

Section 62. The Department of Community Affairs is hereby directed to compile an inventory of all fire control districts in the state, including such information as the number of districts, the location and name of each district, the manner in which the district was created, and the amount of millage or assessments collected by the district. The department shall include in its inventory each municipal service taxing unit and municipal service benefit unit which provides fire control services. The department shall report to the Legislature on or before April 1, 1991, on the results of the inventory and shall include in the inventory the total number of fire control districts per county, the status of each district (whether dependent or independent), the jurisdiction of local government within which each district is located, and the dependent fire control districts located within counties which are at the millage cap. In addition, the department shall report, in the form of proposed legislation, on the most appropriate alternative to making all fire control districts in the state uniform and accountable. The department shall conduct at least three public meetings in areas other than Tallahassee to receive comments on the proposed legislation prior to formalization and transmittal to the Legislature.

Section 63. Effective July 1, 1989, the Department of Community Affairs, by rule, shall establish a schedule of fees to pay one-half of the costs incurred by the department for the work related to administration of this act, except that in no event shall the fee exceed \$175 per district per year. The fees collected pursuant to this section shall be deposited in the Special District Administrative Trust Fund, which is hereby created and which shall be administered by the Department of Community Affairs. Any fee rule shall consider factors such as the dependent and independent status of the district and district revenues for the most recent fiscal year as reported to the Department of Banking and Finance. For fiscal year 1990-1991 and thereafter, it is the intent of the Legislature that general revenue funds will be made available to the department to pay one-half of the cost of administering this act.

Section 64. Section 189.430, Florida Statutes, is created to read:

189.430 District management.—To ensure district accountability, the governing board of any independent special district the annual budget of which is \$300,000 or more and which does not have a full-time professional manager on the district payroll shall, before June 1, 1991, at a noticed nonemergency meeting, consider on the record whether to hire such a full-time manager. Any independent special district the annual budget of which is \$300,000 or greater and which does not employ such a full-time manager shall annually, at a noticed nonemergency meeting, revisit the decision whether to hire such a full-time manager until the governing board does in fact hire such a full-time manager. The employment of a part-time professional consultant, even if on the payroll, does not satisfy this requirement. This section does not apply to port districts listed in s. 403.021(9)(b).

Section 65. There is hereby appropriated from the General Revenue Fund to the Department of Community Affairs for fiscal year 1989-1990 the sum of \$214,000. Four positions are hereby established in the department for the purpose of administering this act.

Section 66. Section 189.44, Florida Statutes, is created to read:

189.44 Special acts prohibited.—

(1) The Legislature further finds that, in order to promote uniformity of procedures with respect to special districts, it is desirable to prohibit special acts which prescribe nonuniform procedures for certain special district functions.

(2) Pursuant to s. 11(a)(21), Art. III of the State Constitution, the Legislature hereby prohibits special laws or general laws of local application which:

(a) For any independent special district that conducts its elections through the office of the supervisor of elections, exempts such elections from the requirements of s. 189.405(2)(a), (3), or (4) or, for any other independent special district, exempts special district elections from the reporting requirements of s. 189.405(2)(b).

(b) Exempts a special district from the requirements for the issuance of bonds specified in s. 189.408.

(c) Exempts a special district from the reporting, notice, or public meetings requirements of s. 189.415, s. 189.417, or s. 189.418.

Section 67. Section 165.022, Florida Statutes, is amended to read:

165.022 Preemption; effect on special laws.—

(1) It is further the purpose of this act to provide viable and usable general law standards and procedures for forming and dissolving municipalities and special districts in lieu of any procedure or standards now provided by general or special law. The provisions of this act shall be the exclusive procedure pursuant to general law for forming or dissolving municipalities and special districts in this state, except in those counties operating under a home rule charter which provides for an exclusive method as specifically authorized by s. 6(e), Art. VIII of the State Constitution. Any provisions of a general or special law existing on July 1, 1974, in conflict with the provisions of this act shall not be effective to the extent of such conflict.

(2) Pursuant to s. 11(a)(21), Art. III of the State Constitution, the Legislature hereby prohibits special laws or general laws of local application pertaining to creation of dependent and independent special districts under conditions, or subject to provisions, which conflict with those provided in this chapter.

Section 68. Except as otherwise expressly provided in this act, this act shall take effect October 1, 1989, provided that this act shall not take effect if it is not passed by at least a three-fifths vote of the membership of each house of the Legislature.

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

**Amendment 1A**—On page 29, strike all of lines 17-26 and renumber subsequent sections.

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

**Amendment 1B**—On page 67, line 17, before the period (.) insert: , or when the project is the subject of an agreement between the district and a governmental entity and is consistent with the local government comprehensive plan of the local government within which the project is to be located

**Amendment 1** as amended was adopted.

Senator Myers moved the following amendment:

**Amendment 2**—In title, on pages 1-5, strike everything before the enacting clause and insert: A bill to be entitled An act relating to special districts; creating s. 189.401, F.S.; creating the Uniform Special District Accountability Act of 1989; creating s. 189.402, F.S.; providing a statement of legislative purpose and intent; requiring special districts to comply with certain requirements; creating s. 189.403, F.S.; providing definitions; creating s. 189.4031, F.S.; providing statutory requirements for special districts; creating s. 189.4035, F.S.; providing for the preparation of the official list of special districts; creating s. 189.404, F.S.; providing for independent special district creation; creating s. 189.4041, F.S.; providing for dependent special district creation; creating s. 189.4042, F.S.; providing for special district merger; creating s. 189.4043, F.S.; providing dissolution procedures; creating s. 189.4044, F.S.; providing special dissolution procedures; creating s. 189.4045, F.S.; providing for financial allocations; creating s. 189.405, F.S.; providing for election requirements and procedures; creating s. 189.4051, F.S.; providing for special requirements and procedures for certain elections; creating s. 189.4065, F.S.; providing for the collection of non-ad valorem assessments; creating s. 189.407, F.S.; providing a limitation on taxes or fees; creating s. 189.408, F.S.; providing for special district bond referenda; creating s. 189.409, F.S.; providing for a determination of financial emergency; creating s. 189.412, F.S.; creating the Special District Information Program and providing duties and responsibilities thereof; creating s. 189.413, F.S.; providing for the oversight of state funds used by special districts; creating s. 189.415, F.S.; providing for a special district public facilities report; creating s. 189.4155, F.S.; providing for activities of special districts with respect to local government comprehensive planning; creating s. 189.4156, F.S.; providing for water management district technical assistance with respect to local government comprehensive planning; renumbering s.

189.004, F.S.; modifying language; renumbering and amending s. 189.005, F.S.; modifying meeting notice requirements; renumbering and amending s. 189.006, F.S.; modifying report filing requirements; correcting cross-references; renumbering and amending s. 189.007, F.S.; clarifying language; correcting cross-references; renumbering and amending s. 189.008, F.S.; correcting cross-references; renumbering and amending s. 189.009, F.S.; correcting cross-references; renumbering and amending s. 189.30, F.S., relating to purchase or sale of water or sewer utility by special district; providing applicability; amending s. 11.45, F.S.; providing for annual financial audits of certain special districts; providing for a hearing; providing for the transfer of certain information to designated recipients; correcting cross-references; amending s. 20.18, F.S.; providing for cooperation of the Department of Community Affairs and other state agencies with respect to special district reporting requirements; amending s. 75.05, F.S.; providing for a copy of certain served complaints with respect to independent special districts; amending s. 112.322, F.S.; providing for a report; amending s. 112.665, F.S.; directing the Division of Retirement of the Department of Administration to issue an annual report concerning compliance of special districts with certain retirement provisions; amending s. 165.011, F.S.; changing the title of the "Formation of Local Governments Act" to the "Formation of Municipalities Act"; amending ss. 165.021, 165.031, 165.041, 165.051, 165.052, 165.061, 165.071, F.S.; deleting reference to local government and special districts and providing reference to municipalities; amending s. 218.32, F.S., relating to financial reporting; requiring the Legislative Auditing Committee to notify specified departments of failure to report; providing for a hearing; providing that the annual financial report of each municipality and county shall include a list of dependent districts located therein; correcting cross-references; deleting certain required reporting information; amending s. 218.37, F.S.; providing for a report to the Special District Information Program; expanding powers and duties of the Division of Bond Finance with respect to bond validation; amending s. 218.38, F.S., relating to notice of bond issues; requiring the Legislative Auditing Committee to notify specified departments of failure to comply; providing for a hearing; correcting cross-references; amending s. 190.011, F.S.; providing that community development districts shall have the power to impose, collect, and enforce non-ad valorem assessments; amending s. 190.012, F.S.; providing for special powers of community development districts; amending s. 190.021, F.S.; providing for the funding of certain activities from non-ad valorem assessments; amending s. 190.046, F.S., relating to the termination, contraction, or expansion of districts; providing requirements with respect to a government formed by a merger involving a community development district; creating s. 200.0684, F.S.; requiring an annual compliance report for the Department of Community Affairs; amending s. 218.34, F.S.; providing procedures for budgets and other financial matters of special districts; amending s. 218.23, F.S.; prescribing eligibility requirements for revenue-sharing by units of local government; deleting requirements for certain reports to the Department of Banking and Finance; amending s. 100.011, F.S.; providing that independent and dependent special district elections shall be conducted in a certain manner; providing an exception; amending s. 218.503, F.S., relating to determination of financial emergency; creating s. 373.0391, F.S.; providing for technical assistance to local government by water management districts; amending s. 121.021, F.S.; redefining the term "special district" with respect to the Florida Retirement System; amending s. 200.001, F.S.; providing definitions; amending s. 218.31, F.S.; providing definitions; authorizing the Department of Community Affairs to make rules; repealing s. 189.001, F.S., relating to the short title of the "Special Districts Disclosure Act of 1979"; repealing s. 189.002, F.S., relating to legislative findings and intent; repealing s. 189.003, F.S., relating to definitions; directing the Department of Community Affairs to compile an inventory of fire control districts in the state; requiring a report to the Legislature; directing the Department of Community Affairs to establish a fee schedule with respect to the administration of the act; providing a limitation thereto; creating s. 189.430, F.S.; providing for the consideration of hiring a professional manager for independent special districts under certain circumstances; providing an appropriation to the Department of Community Affairs; creating s. 189.44, F.S.; prohibiting certain special acts and general acts of local application; amending s. 165.022, F.S.; deleting reference to special districts in the preemption provisions of the "Formation of Local Governments Act"; providing effective dates.

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

**Amendment 2A**—In title, on page 2, lines 10-12 and on page 2, line 1, strike all of said lines and insert: non-ad valorem assessments; creating s. 189.408, F.S.; providing

**Amendment 2** as amended was adopted.

On motion by Senator Myers, by two-thirds vote CS for HB 599 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Johnson	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**CS for SB 683**—A bill to be entitled An act relating to financial institutions; amending s. 655.025, F.S.; revising requirements relating to investigations by the Department of Banking and Finance; amending ss. 655.029, 655.033, 655.037, F.S.; providing for the application of provisions relating to the issuance of cease and desist orders and removal of officers to other persons participating in the conduct of affairs of an institution; revising requirements for removal; providing hearing requirements; revising orders for removal; amending s. 655.041, F.S.; revising provisions relating to administrative fines; amending s. 655.057, F.S.; revising provisions relating to confidential records; including records of mutual associations; creating s. 655.059, F.S.; providing for access to, confidentiality of, and penalty for disclosure of books and records of financial institutions; amending s. 658.19, F.S.; deleting reference to incorporators of banks or trust companies; amending s. 658.21, F.S.; revising capitalization and capital structure requirements for approval of an application for a bank or trust company; amending s. 658.22, F.S.; revising certain requirements with respect to coordination with federal agencies; amending s. 658.23, F.S.; revising submission date of articles of incorporation and contents thereof; amending s. 658.235, F.S.; revising provisions relating to subscriptions for stock; deleting provisions relating to organization expenses; amending s. 658.24, F.S.; revising organizational procedures of banking and trust company corporations; amending s. 658.25, F.S.; revising requirements relating to the opening for business of a corporation; amending s. 658.26, F.S.; authorizing branch banking in the state; authorizing subsidiaries of bank holding companies to accept deposits; amending s. 658.28, F.S.; revising provisions relating to acquisition of control of a bank or trust company; amending s. 658.33, F.S.; providing requirements with respect to directors and officers; amending s. 658.37, F.S.; revising provisions relating to dividends and surplus; amending s. 658.43, F.S.; providing rights of stockholders in cases of insolvency; amending s. 658.48, F.S.; revising loan provisions; amending s. 663.02, F.S.; conforming language; amending s. 665.0201, F.S.; revising provisions relating to the creation of associations, contents of an application for authority to organize, and capitalization and capital structure requirements of associations; amending s. 665.023, F.S.; revising provisions relating to consideration for issuance of stock; amending s. 665.027, F.S.; revising requirements for opening for business of an association; amending s. 665.0335, F.S.; specifying that provisions relating to supervisory cases and emergency conversions apply to state or federal associations; amending s. 665.034, F.S.; revising provisions relating to acquisition of assets; amending s. 665.0501, F.S.; revising powers of an association relating to dividends; amending s. 665.097, F.S.; revising provisions relating to receivership to include appointment of a liquidator and revising procedures relating thereto; providing for the effect of appointment of a receiver or liquidator, and the powers, duties, expenses, and compensation of such person; amending s. 121.153, F.S.; changing reporting requirements by financial institutions relating to Northern Ireland; providing for review and repeal; repealing s. 655.421, F.S., relating to the annual statement of financial activities in relation to Northern Ireland; repealing s. 665.042, F.S., relating to access to books and records, confidentiality, penalty for disclosure and communication with members or stockholders of an association; providing an effective date.

—was read the second time by title. On motion by Senator Gardner, by two-thirds vote CS for SB 683 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**SB 1114**—A bill to be entitled An act relating to the disposition of dead human bodies; amending s. 470.021, F.S.; providing for the inspection of direct disposal establishments and providing for an inspection fee; amending s. 470.024, F.S.; providing for inspections and an inspection fee for funeral establishments; amending s. 470.025, F.S.; providing for the inspection of cinerator facilities and providing for an inspection fee; amending s. 470.0255, F.S.; requiring written authorization before the cremation of a dead body; amending s. 470.031, F.S.; prohibiting the operation of an unlicensed cinerator facility; providing a penalty; amending s. 470.036, F.S.; providing for penalties to be imposed against embalmer interns, funeral director interns, and funeral establishments for certain violations; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator Bankhead and adopted:

**Amendment 1**—On page 3, line 4, after the period (.) insert: *The board shall not establish the same fee required of cinerator facilities if the cinerator facility is owned by the same or related legal entity and is located at an establishment or immediately adjacent to an establishment inspected pursuant to ss. 470.021 or 470.024, Florida Statutes.*

On motion by Senator Bankhead, by two-thirds vote SB 1114 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Dudley	Langley	Stuart
Bankhead	Girardeau	Malchon	Thomas
Beard	Grant	McPherson	Thurman
Brown	Grizzle	Meek	Weinstein
Bruner	Jennings	Myers	Weinstock
Crenshaw	Johnson	Peterson	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	
Deratany	Kiser	Souto	

Nays—6

Casas	Forman	Plummer
Childers, W. D.	Gordon	Walker

Vote after roll call:

Yea to Nay—Meek, Ros-Lehtinen

The Senate resumed consideration of—

**HB 1054**—A bill to be entitled An act relating to the Homestead Property Tax Deferral Act; amending s. 197.252, F.S.; allowing deferral of a portion of certain non-ad valorem assessments, as well as a portion of ad valorem taxes, levied on homestead property; allowing deferral of all such ad valorem taxes and non-ad valorem assessments for persons over a certain age whose household income is below a specified minimum; changing the rate of interest which accrues on deferred taxes and assessments plus interest; amending s. 197.254, F.S.; amending the annual notification to taxpayers regarding deferred payments; amending s. 197.262, F.S.; changing the maximum rate of interest for deferred payment tax certificates; amending s. 197.292, F.S.; amending provisions as to how the act shall be construed; providing an effective date.

—as amended.

Senators Gordon and Bankhead offered the following amendment which was moved by Senator Bankhead and adopted:

**Amendment 10**—On page 2, line 17, after the period (.) insert: If any such applicant's household income for the prior calendar year is less than \$10,000 approval of such application shall defer such ad valorem taxes plus non-ad valorem assessments in their entirety.

On motion by Senator Bankhead, by two-thirds vote HB 1054 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

Consideration of **SB 1147**, **CS for SB 532** and **CS for HB 877** was deferred.

On motion by Senator Stuart, by two-thirds vote CS for HB 1191 was withdrawn from the Committee on Regulated Industries.

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

**CS for HB 1191**—A bill to be entitled An act relating to the Division of Alcoholic Beverages and Tobacco; creating s. 561.665, F.S.; requiring the division, by rule, to prohibit beverage licensees operating certain commercial establishments from allowing the exploitation of persons with dwarfism; providing a definition; providing for suspension or revocation of license; providing a civil penalty; providing an effective date.

—a companion measure, was substituted for SB 802 and by two-thirds vote read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for HB 1191 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Kiser	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Girardeau	McPherson	Thomas
Bruner	Gordon	Meek	Thurman
Casas	Grant	Myers	Walker
Childers, W. D.	Grizzle	Peterson	Weinstein
Crenshaw	Jennings	Plummer	Weinstock
Davis	Johnson	Ros-Lehtinen	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Senate resumed consideration of—

**CS for SB's 493 and 947**—A bill to be entitled An act relating to boating safety; amending s. 327.02, F.S.; including navigation and safety responsibilities in the operation of a vessel; creating s. 327.321, F.S.; prohibiting certain persons from operating certain power vessels without having successfully completed a boating safety course and without having the certificate or license available for inspection; providing definitions; authorizing the imposition of certain fees; authorizing the department to adopt rules for approval or registration of boating courses, training facilities, and instructors; providing exemptions for certain persons; amending s. 327.73, F.S.; clarifying a cross-reference; providing that violations relating to boating safety courses are noncriminal infractions; providing an effective date.

—which was considered May 25. Pending **Amendment 1** was withdrawn.

Senator Thurman moved the following amendment which was adopted:

Amendment 2—On page 4, between lines 23 and 24, insert:

(f) Any private organization whose course is approved by the department.

Senators Kiser, Grizzle and Gardner offered the following amendment which was moved by Senator Kiser:

Amendment 3—On page 6, between lines 14 and 15, insert:

Section 4. Statewide Motorboat Speed Limit.—

(1) On October 1, 1989 there is hereby established a statewide speed limit of thirty (30) miles per hour in all inshore and offshore waters within one mile of any shoreline, and throughout the entire length of the Atlantic and Gulf intracoastal waterway.

(2) The speed limit established in Subsection (1) above shall apply unless a lower speed limit has been established by the department, or local government, including "idle speed" and "no wake" zones, and within manatee sanctuaries.

(3) The department may by rule establish special, temporary exceptions to the speed limit established in Subsection (1) above for racing events approved by the department.

(Renumber subsequent sections.)

Senator Johnson moved the following substitute amendment which failed:

Amendment 4—On page 6, between lines 14 and 15, insert:

Section 4. Statewide Motorboat Speed Limit.—

(1) On October 1, 1989 there is hereby established a statewide speed limit of thirty (30) miles per hour in all offshore waters within 600 feet of any shoreline, and throughout the entire length of the Atlantic and Gulf intracoastal waterway.

(2) The speed limit established in Subsection (1) above shall apply unless a lower speed limit has been established by the department, or local government, including "idle speed" and "no wake" zones, and within manatee sanctuaries.

(3) The department may by rule establish special, temporary exceptions to the speed limit established in Subsection (1) above for racing events approved by the department.

(Renumber subsequent sections.)

Amendment 3 failed.

Senator Bruner moved the following amendment which failed:

Amendment 5—On page 2, strike all of lines 15-25 and insert: beginning October 1, 1990, a person born on or after October 1, 1974, may not operate on the waters of any county or municipality of this state which by ordinance requires such certification, a vessel powered with 10 or more horsepower unless he has obtained a certificate from a boating safety education course which shall consist of not less than 12 hours of instruction which shall include, but not be limited to, instruction in the competent and safe handling of vessels. Persons born on or after October 1, 1974, who have not obtained a boating safety certificate may not operate any vessel powered with 10 or more horsepower on the waters of any county or municipality of this state which by ordinance requires such certification, unless his parent or guardian, or a person 18 years of age or older who has

On motion by Senator McPherson, by two-thirds vote CS for SB's 493 and 947 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Mr. President	Dudley	Kirkpatrick	Ros-Lehtinen
Bankhead	Forman	Kiser	Souto
Beard	Gardner	Malchon	Weinstein
Brown	Grant	McPherson	Weinstock
Casas	Grizzle	Meek	Woodson-Howard
Crenshaw	Jennings	Myers	
Davis	Johnson	Plummer	

Nays—10

Bruner	Girardeau	Peterson	Walker
Childers, W. D.	Gordon	Thomas	
Deratany	Langley	Thurman	

Vote after roll call:

Nay—Stuart

CS for SB 28—A bill to be entitled An act relating to education; creating the High School Community Service Act; providing for pilot projects; providing a procedure for developing and submitting project proposals; describing project requirements; providing for selection, funding, and reporting; providing an effective date.

—was read the second time by title.

Three amendments were adopted to CS for SB 28 to conform the bill to CS for HB's 247 and 604.

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

CS for HB's 247 and 604—A bill to be entitled An act relating to education; creating the High School Community Service Act; providing for pilot projects; providing a procedure for developing and submitting project proposals; describing project requirements; providing for selection, funding, and reporting; creating s. 228.0716, F.S.; creating the Florida Literacy Corps Act of 1989; providing intent; establishing the Florida Literacy Corps to be administered by the Department of Education; providing for academic credit to eligible postsecondary students tutoring certain adults; describing responsibilities for delivery of literacy instruction and training; establishing student eligibility requirements; establishing university and community college eligibility requirements; providing for funding; requiring certain reports; providing an effective date.

—a companion measure, was substituted for CS for SB 28 and by two-thirds vote read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for HB's 247 and 604 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Johnson	Peterson
Bankhead	Dudley	Kirkpatrick	Plummer
Beard	Forman	Kiser	Souto
Brown	Gardner	Langley	Stuart
Bruner	Girardeau	Malchon	Thomas
Casas	Gordon	Margolis	Thurman
Childers, W. D.	Grant	McPherson	Walker
Crenshaw	Grizzle	Meek	Weinstock
Davis	Jennings	Myers	Woodson-Howard

Nays—None

CS for SB 1322—A bill to be entitled An act relating to county or municipal code enforcement; creating s. 705.1015, F.S.; providing for designation of employees who enforce code compliance to administer ch. 705, F.S.; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote CS for SB 1322 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gardner	Langley	Thomas
Beard	Girardeau	Malchon	Thurman
Brown	Gordon	McPherson	Walker
Bruner	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Plummer	Woodson-Howard
Deratany	Johnson	Ros-Lehtinen	
Dudley	Kirkpatrick	Souto	
Forman	Kiser	Stuart	

Nays—1

Casas

Vote after roll call:

Yea—Bankhead

Nay to Yea—Casas

Consideration of **SB 1258**, **CS for SB 550** and **CS for SB 240** was deferred.

On motions by Senator Casas, by two-thirds vote **HB 889** was withdrawn from the Committees on Community Affairs and Governmental Operations.

On motion by Senator Casas—

**HB 889**—A bill to be entitled An act relating to historical preservation; formally recognizing the cultural role of certain Latin societies in the historical development of Ybor City and specifically recognizing the accomplishments of La Union Marti-Maceo; providing an effective date.

—a companion measure, was substituted for **SB 623** and read the second time by title. On motion by Senator Casas, by two-thirds vote **HB 889** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

On motions by Senator Peterson, by two-thirds vote **CS for HB 757** was withdrawn from the Committees on Agriculture and Appropriations.

On motion by Senator Peterson—

**CS for HB 757**—A bill to be entitled An act relating to agricultural commodities; amending s. 573.102, F.S.; providing purposes of the laws regulating the sales of agricultural commodities with respect to research; amending s. 573.103, F.S.; redefining “agricultural commodities” to include citrus with respect to funding of production research and activities related to chemical residue; amending s. 573.114, F.S., authorizing issuance of marketing orders for certain types of research; amending s. 573.118, F.S.; establishing the rate of certain assessments levied on citrus fruit; providing for the deposit of such assessments; providing an effective date.

—a companion measure, was substituted for **CS for SB 240** and read the second time by title. On motion by Senator Peterson, by two-thirds vote **CS for HB 757** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

**CS for SB 844**—A bill to be entitled An act relating to insurance; amending s. 607.234, F.S.; correcting a reference; creating s. 624.126, F.S.; providing an exemption from certain Insurance Code provisions for certain mutual-aid associations; amending s. 626.211, F.S.; requiring that an applicant request a refund of license taxes after application disapproval in order to obtain the refund; amending s. 626.291, F.S.; requiring that an applicant request a refund of license taxes after license denial in order to obtain the refund; amending s. 626.9541; increasing the value of permissible gifts from \$10 to \$25; amending s. 627.975, F.S.; revising provisions relating to credit for reinsurance for financial guaranty insurers; amending s. 639.108, F.S.; requiring reporting each calendar quarter by certificateholders under ch. 639, F.S.; amending s. 639.11, F.S.; clarifying the

tax status of certain funds received by certificateholders under ch. 639, F.S.; amending s. 639.17, F.S.; revising the criminal penalty provisions for violations of chapter 639, F.S., relating to preneed funeral contracts; providing for review and repeal; providing effective dates.

—was read the second time by title.

Senator Jennings moved the following amendments which were adopted:

**Amendment 1**—On page 8, between lines 6 and 7, insert:

Section 10. Subsection (14) of section 768.28, Florida Statutes, 1988 Supplement, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions.—

(14)(a) The state and its agencies and subdivisions are authorized to be self-insured, to enter into risk management programs, or to purchase liability insurance for whatever coverage they may choose, or to have any combination thereof, in anticipation of any claim, judgment, and claims bill which they may be liable to pay pursuant to this section. Agencies or subdivisions, and sheriffs, that are subject to homogeneous risks may purchase insurance jointly or may join together as self-insurers to provide other means of protection against tort claims, any charter provisions or laws to the contrary notwithstanding.

(b) *The claims files maintained by any risk management program administered by the state, its agencies, and its subdivisions and discussions pertinent to the evaluation of such claims files shall be considered privileged and confidential and shall be only for use by the administration of such risk management program in fulfilling its duties and responsibilities. Such claims files are exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(c) *The proceedings, and the minutes thereof, of any risk management program administered by the state, its agencies, or its subdivisions, which relate solely to the evaluation of claims filed with such a risk management program or which relate solely to offers of compromise of claims filed with such a risk management program, shall not be subject to inspection under the provisions of s. 119.07(1); nor shall such proceedings be open to the public under the provisions of s. 286.011. These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(d) *The claims files and minutes of proceedings shall only be exempt from s. 119.07(1) until termination of all litigation and settlement of all claims arising out of the same incident.*

Section 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 26, after “contracts;” insert: amending s. 768.28, F.S.; providing for the confidentiality of claims files maintained by risk management programs of the state and its agencies and subdivisions; providing severability;

On motion by Senator Jennings, by two-thirds vote **CS for SB 844** 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	Childers, W. D.	Gardner	Johnson
Bankhead	Crenshaw	Girardeau	Kirkpatrick
Beard	Davis	Gordon	Kiser
Brown	Deratany	Grant	Langley
Bruner	Dudley	Grizzle	Malchon
Casas	Forman	Jennings	Margolis

Meek	Ros-Lehtinen	Thurman	Woodson-Howard
Myers	Souto	Walker	
Peterson	Stuart	Weinstein	
Plummer	Thomas	Weinstock	

Nays—None

**Senator W. D. Childers presiding**

On motion by Senator Thurman—

**HB 106**—A bill to be entitled An act relating to obscene literature; amending s. 847.011, F.S.; eliminating the requirement that the clerks of the circuit courts retain evidence with respect to violations in connection with obscene materials; providing an effective date.

—a companion measure, was substituted for SB 1170 and read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 106 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

On motion by Senator Stuart, by two-thirds vote CS for HB 1035 was withdrawn from the Committee on Regulated Industries.

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

**CS for HB 1035**—A bill to be entitled An act relating to the resale of time-share units; amending s. 475.01, F.S.; expanding the definition of the term "broker"; amending s. 475.011, F.S.; providing additional exemptions from the provisions of chapter 475, F.S.; amending s. 475.42, F.S.; providing additional violations; providing an effective date.

—a companion measure, was substituted for CS for SB 550 and by two-thirds vote read the second time by title.

Senator Stuart moved the following amendments which were adopted:

**Amendment 1**—On pages 1-3, strike everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (1) of section 475.01, Florida Statutes, 1988 Supplement, is amended to read:

475.01 Definitions.—

(1) As used in this chapter:

(c) "Broker" means a person who, for another, and for a compensation or valuable consideration directly or indirectly paid or promised, expressly or impliedly, or with an intent to collect or receive a compensation or valuable consideration therefor, appraises, auctions, sells, exchanges, buys, rents, or offers, attempts or agrees to appraise, auction, or negotiate the sale, exchange, purchase, or rental of business enterprises or business opportunities or any real property or any interest in or concerning the same, including mineral rights or leases, or who advertises or holds out to the public by any oral or printed solicitation or representation that he is engaged in the business of appraising, auctioning, buying, selling, exchanging, leasing, or renting business enterprises or business opportunities or real property of others or interests therein, including mineral rights, or who takes any part in the procuring of sellers, purchasers, lessors, or lessees of business enterprises or business opportunities or the real property of another, or leases, or interest therein, including mineral rights, or who directs or assists in the procuring of prospects or in the negotiation or closing of any transaction which does, or is calculated to, result in a sale, exchange, or leasing thereof, and who receives, expects, or is promised any compensation or valuable consideration, directly or indirectly therefor; and all persons who advertise rental property information or lists. The term "broker" also includes any person who is a gen-

eral partner, officer, or director of a partnership or corporation which acts as a broker. The term "broker" also includes any person or entity who undertakes to list, advertise for sale, promote or sell by any means whatsoever one or more time-share periods per year in one or more time-share plans on behalf of any number of persons, except as provided in s. 475.011 and s. 721.20.

Section 2. Subsection (8) is added to section 475.011, Florida Statutes, 1988 Supplement, to read:

475.011 Exemptions.—This chapter does not apply to:

(8)(a) An owner of one or part of one or more time-share periods for his own use and occupancy who later offers one or more of such periods for resale.

(b) A publisher of a newspaper or periodical in general circulation, broadcaster or telecaster in connection with the advertising for resale or other promotion of one or more time-share periods, so long as the publisher, broadcaster or telecaster is not under common ownership or control with a person required to be licensed by this chapter or does not have as its primary purpose the solicitation of resales or other uses of time-share periods.

(c) An exchange company, as that term is defined by s. 721.05(14), but only to the extent that the exchange company is engaged in exchange program activities as described in and is in compliance with s. 721.18

Section 3. Paragraphs (n) and (o) are added to subsection (1) of section 475.42, Florida Statutes, 1988 Supplement, to read:

475.42 Violations and penalties.—

(1) VIOLATIONS.—

(n) No person shall undertake to list, advertise for sale, promote or sell by any means whatsoever one or more time-share periods per year in one or more time-share plans on behalf of any number of persons without first being the holder of a valid and current license as a broker or salesman pursuant to this chapter, except as provided in s. 475.011 and chapter 721.

(o) No broker or salesman shall enter into any listing or other agreement regarding his services in connection with the resale of a time-share period unless he fully and fairly discloses all material aspects of the agreement to the owner of the time-share period and fully complies with the provisions of s. 475.452. Further, no broker or salesman shall utilize any form of contract or purchase and sale agreement in connection with the resale of a time-share period unless the contract or purchase and sale agreement fully and fairly discloses all material aspects of the time-share plan and the rights and obligations of both buyer and seller. The commission is authorized to promulgate rules pursuant to chapter 120 as necessary to implement, enforce and interpret this paragraph.

Section 4. This act shall take effect October 1, 1989.

**Amendment 2**—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to real estate brokers; amending s. 475.01, F.S.; including certain persons who promote or sell time-share plans within the definition of broker; amending s. 475.011, F.S.; providing exemptions from licensure requirements; amending s. 475.42, F.S.; prohibiting certain activities; providing an effective date.

On motion by Senator Stuart, by two-thirds vote CS for HB 1035 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Crenshaw	Girardeau	Kirkpatrick
Beard	Davis	Gordon	Kiser
Brown	Deratany	Grant	Langley
Bruner	Dudley	Grizzle	Malchon
Casas	Forman	Jennings	Margolis
Childers, W. D.	Gardner	Johnson	McPherson

Meek	Ros-Lehtinen	Thomas	Weinstock
Myers	Scott	Thurman	Woodson-Howard
Peterson	Souto	Walker	
Plummer	Stuart	Weinstein	

Nays—None

**SB 1258**—A bill to be entitled An act relating to property appraisal adjustment boards; amending s. 194.037, F.S.; specifying information which must be contained in advertisements of the tax impact of board actions; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 3, line 21, strike “tax” and insert: *value*

On motion by Senator Deratany, by two-thirds vote SB 1258 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

Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	
Dudley	Kiser	Scott	

Nays—None

**SB 1371**—A bill to be entitled An act relating to firesafety requirements; requiring buildings and facilities owned by or leased to the state or within the State University System to be inspected for compliance with specified firesafety standards; authorizing the State Fire Marshal to develop alternate firesafety standards for certain buildings and facilities; providing firesafety requirements for buildings and facilities that are renovated, repaired, or undergo a change in occupancy; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 1371 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Bankhead	Forman	Kiser	Souto
Beard	Gardner	Langley	Stuart
Brown	Girardeau	Malchon	Thomas
Bruner	Gordon	Margolis	Thurman
Casas	Grant	McPherson	Walker
Childers, W. D.	Grizzle	Meek	Weinstein
Crenshaw	Jennings	Myers	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

On motion by Senator Malchon, by two-thirds vote CS for HB 809 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Malchon—

**CS for HB 809**—A bill to be entitled An act relating to emergency telephone number “911”; amending s. 365.171, F.S.; providing an exemption from public records requirements for records relating to persons requesting emergency services by accessing an emergency telephone number “911” system; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 667 and read the second time by title.

Senator Malchon moved the following amendments which were adopted:

**Amendment 1**—On page 1, lines 23 and 24, strike “criminal justice” and insert: public safety

**Amendment 2**—On page 1, line 24, after the period (.) insert: The exemption applies only to the name, address, or telephone number of any person reporting an emergency while such information is in the custody of the public agency or public safety agency which receives the initial “911” telephone call.

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

Yeas—37

Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	
Dudley	Kiser	Souto	

Nays—None

**The President presiding**

**CS for SB 256**—A bill to be entitled An act relating to ad valorem taxation; amending s. 196.011, F.S.; providing for granting exemptions under certain circumstances; providing that original homestead exemption applications may be filed at any time; amending s. 689.02, F.S.; requiring certain information on warranty deeds; amending s. 195.096, F.S.; authorizing modification of certain assessment rates study criteria; amending s. 197.364, F.S.; providing minimum billing, collecting, and refunding amounts; amending s. 193.052, F.S.; updating obsolete agricultural terminology; amending s. 195.027, F.S.; requiring specific criteria for access to taxpayers’ financial records; amending s. 197.254, F.S.; providing for printing of notice to taxpayers entitled to homestead exemption; providing an effective date.

—was read the second time by title.

Senator Deratany moved the following amendment which was adopted:

**Amendment 1**—On page 8, between lines 22 and 23, insert:

Section 8. Section 2 of Chapter 88-216, Laws of Florida, is amended to read:

(2) The Department of Revenue may exempt a county tax collector from the requirements of subsections (f) and (g) for good cause shown. The good cause requirement shall be satisfied, if in the determination of the department, subsections (f) and (g) cannot be met due specifically to an adverse budgetary impact greater than three-fourths of one percent of the tax collector’s total budget.

(Renumber subsequent sections.)

Senator Kiser moved the following amendments which were adopted:

**Amendment 2**—On page 1, lines 25 and 26, strike “subsection (10) is” and insert: subsections (10) and (11) are

**Amendment 3**—On page 2, between lines 25 and 26, insert:

(11)(a) *Property owners granted a total homestead taxation exemption must pay a \$10 processing fee. Such fee shall be billed to the property owner by its inclusion on the tax notice required by s. 197.322.*

(b) *The processing fee is subject to the collection provisions of this chapter, including provisions relating to discount for early payment, prepayment by installment method, penalty for delinquent payment, and issuance of tax certificates and tax deeds for nonpayment, and is also subject to the provisions of s. 192.091(2)(b)2.*

Senator Gordon moved the following amendment which failed:

**Amendment 4**—On page 7, strike all of lines 7-14

Senator Meek moved the following amendment which was adopted:

**Amendment 5**—On page 8, between lines 22 and 23, insert:

Section 8. Section 288.371, Florida Statutes, is created to read:

288.371 Taxation of foreign trade zones.—The real property on which foreign trade zones are located and the personal property used in the operation of such zones shall be deemed beyond and outside the customs territory of the United States and the jurisdiction of the State of Florida and political subdivisions thereof for ad valorem tax purposes.

(Renumber subsequent section.)

Senator Thurman moved the following amendment which was adopted:

**Amendment 6**—On page 8, between lines 22 and 23, insert:

Section 8. Subsection (3) is added to section 196.192, Florida Statutes, 1988 Supplement, to read:

196.192 Exemptions from ad valorem taxation.—Subject to the provisions of this chapter:

(3) *All tangible personal property loaned or leased by a natural person, by a trust holding property for a natural person, or by an exempt entity to an exempt entity for public display or exhibition on a recurrent schedule is exempt from ad valorem taxation if the property is loaned or leased for no consideration or for nominal consideration.*

For purposes of this section, each use to which the property is being put must be considered in granting an exemption from ad valorem taxation, including any economic use in addition to any physical use. This section shall not apply in determining the exemption for property owned by governmental units pursuant to s. 196.199.

(Renumber subsequent section.)

Senator Kiser moved the following amendments which were adopted:

**Amendment 7**—On page 7, lines 30 and 31 and on page 8, lines 1-22, strike all of said lines and renumber subsequent sections.

**Amendment 8**—In title, on page 1, strike all of lines 17-20 and insert: providing an effective date.

Senator Thurman moved the following amendment which was adopted:

**Amendment 9**—In title, on page 1, line 19, after the semicolon (;) insert: amending s. 196.192, F.S.; providing for exemption of tangible personal property loaned or leased to an exempt entity under certain conditions;

Senator Kiser moved the following amendment which was adopted:

**Amendment 10**—In title, on page 1, line 7, after the semicolon (;) insert: providing a homestead exemption processing fee;

Senator Meek moved the following amendment which was adopted:

**Amendment 11**—In title, on page 1, line 19, after the semicolon (;) insert: creating s. 288.371, F.S.; prescribing ad valorem tax liability of foreign trade zones and property used therein;

Senator Deratany moved the following amendment which was adopted:

**Amendment 12**—In title, on page 1, line 19, after the semicolon (;) insert: amending s. 2, Chapter 88-216, Laws of Florida; providing exemption for good cause;

On motion by Senator Deratany, by two-thirds vote CS for SB 256 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	Davis	Grant	Malchon
Bankhead	Deratany	Grizzle	Margolis
Beard	Dudley	Jennings	McPherson
Brown	Forman	Johnson	Meek
Bruner	Gardner	Kirkpatrick	Myers
Casas	Girardeau	Kiser	Plummer
Crenshaw	Gordon	Langley	Ros-Lehtinen

Scott	Thomas	Weinstein
Souto	Thurman	Weinstock
Stuart	Walker	Woodson-Howard

Nays—None

Vote after roll call:

Yea—W. D. Childers

On motion by Senator W. D. Childers, the rules were waived and the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 896 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 896**—A bill to be entitled An act relating to insurance; amending ss. 112.3145, 120.52, 287.012, 381.609, 413.341, 440.02, 440.021, 440.09, 440.10, 440.12, 440.13, 440.14, 440.15, 440.16, 440.17, 440.185, 440.19, 440.20, 440.24, 440.25, 440.271, 440.28, 440.29, 440.30, 440.31, 440.32, 440.33, 440.34, 440.385, 440.39, 440.41, 440.42, 440.44, 440.442, 440.45, 440.47, 440.49, 440.54, 440.56, 440.57, 442.115, 455.241, 489.131, 549.08, 626.869, 627.311, 766.101, 766.302, 766.304, 766.307, 766.308, 766.309, 766.31, 766.311, 766.312, 960.03, 960.09, 960.15, F.S.; creating ss. 440.115, 440.295, 489.114, 489.510, 624.22, F.S.; changing the name of the position of Chief Commissioner within the office of the secretary of the Department of Labor and Employment Security to Chief Judge; changing the name of the positions of deputy commissioner within such office to judge of compensation claims; providing that training and educational services are not contractual services for purposes of state purchasing contracts; providing for a judge of compensation claims to authorize access to a human immunodeficiency virus test result; providing definitions; providing an offset for professional athletes' compensation benefits; requiring certain employers to show proof of having secured workers' compensation coverage for their employees; providing for drug testing; authorizing rules; providing for weekly payment of compensation; providing for the deauthorization of health care without order of a judge of compensation claims under certain circumstances; providing an exception to the confidentiality of certain medical records; limiting the hours of compensable attendant care that may be provided by a family member; requiring the panel that determines certain reimbursement allowances to review recommendations of a committee appointed by the Insurance Commissioner; providing requirements for utilization review by health care providers; providing employee's choice of physician; providing for the payment of compensation on a weekly basis; providing for determining average weekly wage; providing requirements for payment of temporary total disability benefits; providing requirements for payment of wage-loss benefits; providing requirements for payment of temporary partial wage-loss benefits; requiring full-pay status for law enforcement officers; providing that certain death benefits do not cease upon the remarriage of the deceased's spouse; increasing certain penalties for failure to give timely notice of injury or death; providing that the statute of limitations for specified claims is not tolled or extended by the failure of the division, an employer, or a carrier to file certain notices or reports or to provide certain information; providing that certain benefits shall be paid at stated intervals; requiring the Division of Workers' Compensation of the department to monitor compensation payment practices; requiring the judges of compensation claims and the Chief Judge to make certain reports; providing additional requirements for investigations by the division; authorizing the secretary of the department to issue subpoenas; requiring mediation; requiring the division to have mediation officers; authorizing the Governor to appoint a qualifications advisory committee; providing terms; requiring examinations; authorizing a judge of compensation claims to order that certain evaluations be conducted prior to the adjudication of a claim for permanent total disability benefits; revising circumstances under which attorney's fees may be awarded; modifying provisions relating to actions against a third party for compensation for employee injuries; providing duties of the advisory council appointed by the secretary of the department; requiring the Governor to appoint a workers' compensation oversight board; providing duties and responsibilities of the board; specifying the salary of judges of compensation claims; requiring the division to provide training and education benefits; providing a definition of voluntary vocational rehabilitation services; providing

a rotation system for selection of training and education providers; providing payments of training and education from the Workers' Compensation Administration Trust Fund; providing for the development of training and education standards; providing for certain reimbursement to the subsequent employer of a permanently impaired worker; requiring the division to identify employers whose employees have a high frequency of or severe work-related injuries; providing requirements for employers so identified; increasing penalties; authorizing the cancellation of the contract for insurance if an employer fails to implement a safety training program as required by the division; providing that certain dividends or refunds issued by a self-insurer may not be contingent upon policy renewal; requiring evidence of workers' compensation coverage as a condition for issuance or renewal of certification or registration as a contractor or electrical contractor; requiring certain proof of coverage for out-of-state contractors; defining the term "motorsports teams"; providing continuing education requirements for adjusters of workers' compensation claims; creating s. 624.22, F.S.; providing legislative intent; creating s. 624.23, F.S.; directing the Joint Legislative Auditing Committee to appoint a Public Insurance Counsel to represent the general public before the Department of Insurance in matters pertaining to health and motor vehicle insurance; providing for oath; providing restrictions on the counsel and his employees; creating s. 624.24, F.S.; providing for the duties and powers of the counsel; creating s. 624.25, F.S.; providing for the location of the counsel office; creating s. 624.26, F.S.; providing that the Joint Legislative Auditing Committee may authorize the counsel to employ certain assistants; creating s. 624.27, F.S.; providing for expenses; creating the Public Insurance Counsel Trust Fund; providing legislative intent; amending s. 624.319, F.S.; providing that the Public Insurance Counsel shall have access to certain examination and investigation files and reports; amending s. 624.523, F.S.; providing for the transfer of certain funds to the Public Insurance Counsel Trust Fund; providing for review and repeal; providing immunity from liability for peer review or utilization committees; providing conforming language; requiring the division to conduct a cost analysis of employee rehabilitation; providing for a schedule of maximum reimbursements based upon such analysis; requiring a report by the Department of Labor and Employment Security; requiring the Center for Public Policy at Florida State University to conduct a cost comparison study; requiring a report; providing for funding; requiring the division to publish a guide to the workers' compensation system; providing an appropriation; correcting cross-references; providing a study commission; providing for future repeal and review of ch. 440, F.S.; providing an effective date.

**Amendment 1**—On page 6, line 10, strike everything after the enactment clause and insert:

Section 1. Paragraph (b) of subsection (4) of section 287.012, Florida Statutes, 1988 Supplement, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(4)

(b) "Contractual service" does not include:

1. Artistic services.
2. Academic program reviews or lectures by individuals.
3. Auditing services.
4. Legal services including paralegals, expert witnesses including appraisal services, and court reporters.
5. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.
6. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or when such services are governed by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the contractor, past performances, willingness to meet time requirements, and price.
7. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Health and Rehabilitative Services shall be exempt from the provisions of this section. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery of service to the Medicaid recipient and shall not be renewed by the department.

8. Family placement services.

9. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.

10. *Training and education services provided to injured employees pursuant to s. 440.49(1).*

Section 2. Paragraph (f) of subsection (2) of section 381.609, Florida Statutes, 1988 Supplement, is amended to read:

381.609 Testing for human immunodeficiency virus.—

(2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

(f) No person who has obtained or has knowledge of a test result pursuant to this section may disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test, except to the following persons:

1. The subject of the test or the subject's legally authorized representative.
2. Any person designated in a legally effective release of the test results executed prior to or after the test by the subject of the test or the subject's legally authorized representative.
3. An authorized agent or employee of a health facility or health care provider if the health facility or health care provider itself is authorized to obtain the test results, the agent or employee provides patient care or handles or processes specimens of body fluids or tissues, and the agent or employee has a need to know such information.
4. Health care providers consulting between themselves or with health care facilities to determine diagnosis and treatment.
5. The department, in accordance with rules for reporting and controlling the spread of disease, as otherwise provided by state law.
6. A health facility or health care provider which procures, processes, distributes, or uses:
  - a. A human body part from a deceased person, with respect to medical information regarding that person; or
  - b. Semen provided prior to July 6, 1988, for the purpose of artificial insemination.
7. Health facility staff committees, for the purposes of conducting program monitoring, program evaluation, or service reviews.
8. Authorized medical or epidemiological researchers who may not further disclose any identifying characteristics or information.
9. A person allowed access by a court order which is issued in compliance with the following provisions:
  - a. No court of this state shall issue such order unless the court finds that the person seeking the test results has demonstrated a compelling need for the test results which cannot be accommodated by other means. In assessing compelling need, the court shall weigh the need for disclosure against the privacy interest of the test subject and the public interest which may be disserved by disclosure which deters blood, organ, and semen donation and future human immunodeficiency virus-related testing or which may lead to discrimination. This paragraph shall not apply to blood bank donor records.
  - b. Pleadings pertaining to disclosure of test results shall substitute a pseudonym for the true name of the subject of the test. The disclosure to the parties of the subject's true name shall be communicated confidentially in documents not filed with the court.
  - c. Before granting any such order, the court shall provide the individual whose test result is in question with notice and a reasonable opportunity to participate in the proceedings if he is not already a party.
  - d. Court proceedings as to disclosure of test results shall be conducted in camera, unless the subject of the test agrees to a hearing in open court or unless the court determines that a public hearing is necessary to the public interest and the proper administration of justice.

e. Upon the issuance of an order to disclose test results, the court shall impose appropriate safeguards against unauthorized disclosure which shall specify the persons who may have access to the information, the purposes for which the information shall be used, and appropriate prohibitions on future disclosure.

10. A person allowed access by order of a judge of compensation claims of the Division of Workers' Compensation of the Department of Labor and Employment Security. A judge of compensation claims shall not issue such order unless he finds that the person seeking the test results has demonstrated a compelling need for the test results which cannot be accommodated by other means.

No person to whom the results of a test have been disclosed may disclose the test results to another person except as authorized by this subsection. Whenever disclosure is made pursuant to this subsection, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied by oral notice and followed by a written notice within 10 days.

Section 3. Paragraphs (b) and (c) of present subsection (13) of section 440.02, Florida Statutes, 1988 Supplement, are amended, present subsections (7) through (13) are renumbered as subsections (8) through (14), respectively, present subsections (14) through (23) are renumbered as subsections (16) through (25), respectively, and new subsections (7) and (15) are added to said section, to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(7) "Construction industry" means for-profit activities involving the carrying out of any building, clearing, filling, excavation, or substantial improvement in the size or use of any structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction. However, "construction" shall not mean a landowner's act of construction or the result of a construction upon his or her own premises, provided such premises are not intended to be sold or resold.

(14)(13)

(b) "Employment" includes:

1. Employment by the state and all political subdivisions thereof and all public and quasi-public corporations therein, including officers elected at the polls.

2. All private employments in which three or more employees are employed by the same employer or, with respect to the construction industry, all private employment in which one or more employees are employed by the same employer.

(c) "Employment" does not include service performed by or as:

1. Domestic servants in private homes.

2. Agricultural labor performed on a farm in the employ of a bona fide farmer, or association of farmers, who employs 5 or fewer regular employees and who employs fewer than 12 other employees at one time for seasonal agricultural labor that is completed in less than 30 days, provided such seasonal employment does not exceed 45 days in the same calendar year. The term "farm" includes stock, dairy, poultry, fruit, fur-bearing animals, fish, and truck farms, ranches, nurseries, and orchards. The term "agricultural labor" includes field foremen, timekeepers, checkers, and other farm labor supervisory personnel.

3. Professional athletes, such as professional boxers, and wrestlers, and baseball, football, basketball, hockey, polo, tennis, jai alai, and similar players, and motorsports teams competing in a motor racing event as defined in s. 549.08.

4. Labor under a sentence of a court to perform community services as provided in s. 316.193

(15) "Misconduct" includes, but is not limited to, the following, which shall not be construed in pari materia with each other:

(a) Conduct evincing such willful or wanton disregard of an employer's interests as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of his employee; or

(b) Carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of an employer's interests or of the employee's duties and obligations to his employer.

Section 4. Subsection (4) of section 440.09, Florida Statutes, is amended to read:

440.09 Coverage.—

(4) Where injury is caused by the willful refusal of the employee to use a safety appliance or observe a safety rule required by statute or lawfully promulgated by the division, and brought prior to the accident to his or her knowledge, or where injury is caused by the willful refusal of the employee to use a safety appliance required by the employer the compensation as provided in this chapter shall be reduced 25 percent.

Section 5. Subsection (6) of section 440.09, Florida Statutes, is created to read:

440.09 Coverage.—

(6) To ensure that the workplace is a drug and alcohol free environment and to deter the use of drugs and alcohol at the work place, if the employer has reason to suspect that the injury was occasioned primarily by the intoxication of the employee or by the use of any non-prescription controlled substances as defined in s. 893.02, which affected the employee to the extent that the employee's normal faculties were impaired, the employer may require the employee to submit to a test for the presence of non-prescription controlled substances or alcohol in his system. When a non-prescription controlled substance or alcohol is found to be present in the employee's system and the injury was not occasioned primarily by the use of a non-prescription controlled substance or alcohol, 25 percent per week of the employee's indemnity benefits, up to \$5,000, shall be paid solely to a DATAP program as defined in s. 397.021 for the rehabilitation of the employee pertaining to the use of non-prescription controlled substances or alcohol.

Section 6. Subsection (7) is added to section 440.09, Florida Statutes, to read:

440.09 Coverage.—

(7) If by operation of s. 440.04, benefits become payable to a professional athlete under this chapter, such benefits shall be reduced or setoff in the total amount of injury benefits or wages payable during the period of disability by the employer under a collective bargaining agreement or contract for hire.

Section 7. Subsection (1) of section 440.10, Florida Statutes, is amended to read:

440.10 Liability for compensation.—

(1) Every employer coming within the provisions of this chapter, including any brought within the chapter by waiver of exclusion or of exemption, shall be liable for, and shall secure, the payment to his employees, or any physician, surgeon, or pharmacist providing services under the provisions of s. 440.13, of the compensation payable under ss. 440.13, 440.15, and 440.16. Every contractor or subcontractor shall, as a condition to receiving a building permit, show proof that he has secured compensation for his employees under this chapter as provided in s. 440.38. In case a contractor sublets any part or parts of his contract work to a subcontractor or subcontractors, all of the employees of such contractor and subcontractor or subcontractors engaged on such contract work shall be deemed to be employed in one and the same business or establishment; and the contractor shall be liable for, and shall secure, the payment of compensation to all such employees, except to employees of a subcontractor who has secured such payment. A subcontractor is not liable for the payment of compensation to the employees of another subcontractor on such contract work and is not protected by the exclusiveness of liability provisions of s. 440.11 from action at law or in admiralty on account of injury of such employee of another subcontractor.

Section 8. Subsection (1) of section 440.11, Florida Statutes, 1988 Supplement, is amended, subsections (2) and (3) are renumbered as subsections (3) and (4), respectively, and a new subsection (2) is added to said section, to read:

440.11 Exclusiveness of liability.—

(1)(a) The liability of an employer prescribed in s. 440.10 shall be exclusive and in place of all other liability of such employer to any third-party tortfeasor and to the employee, the legal representative thereof, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law or in admiralty on account of such injury or death, except that if an employer fails to secure payment of compensation as required by this chapter, an injured employee, or the legal representative thereof in case death results from the injury, may elect to claim compensation under this chapter or to maintain an action at law or in admiralty for damages on account of such injury or death. In such action the defendant may not plead as a defense that the injury was caused by negligence of a fellow servant, that the employee assumed the risk of the employment, or that the injury was due to the comparative negligence of the employee. The same immunities from liability enjoyed by an employer shall extend as well to each employee of the employer when such employee is acting in furtherance of the employer's business and the injured employee is entitled to receive benefits under this chapter. Such fellow-employee immunities shall not be applicable to an employee who acts, with respect to a fellow employee, with willful and wanton disregard or unprovoked physical aggression or with gross negligence when such acts result in injury or death or such acts proximately cause such injury or death, nor shall such immunities be applicable to employees of the same employer when each is operating in the furtherance of the employer's business but they are assigned primarily to unrelated works within private or public employment. The same immunity provisions enjoyed by an employer shall also apply to any sole proprietor, partner, corporate officer or director, supervisor, or other person who in the course and scope of his duties acts in a managerial or policymaking capacity and the conduct which caused the alleged injury arose within the course and scope of said managerial or policymaking duties and was not a violation of a law, whether or not a violation was charged, for which the maximum penalty which may be imposed exceeds 60 days imprisonment as set forth in s. 775.082.

(b) *The exclusiveness of liability provided under paragraph (a) applies to all subcontractors and sub-subcontractors working under the same general contractor on a construction project so that third-party tortfeasor claims or demands may not be asserted between or among parties working under the same general contractor on a construction contract. For purposes of this paragraph, the term "general contractor" means a person who has the direct contract with the owner or lessor of the land on which the improvements are being constructed.*

(2) *The immunity from liability described in subsection (1) shall extend to an employer and to each employee of the employer which utilizes the services of the employees of a help supply services company, as set forth in Standard Industry Code Industry Number 7363, when such employees, whether management or staff, are acting in furtherance of the employer's business. An employee so engaged by the employer shall be considered a borrowed employee of the employer, and, for the purposes of this section, shall be treated as any other employee of the employer. The employer shall be liable for and shall secure the payment of compensation to all such borrowed employees as required in s. 440.10, except when such payment has been secured by the help supply services company.*

Section 9. Subsection (3) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly ~~and monthly~~ rate of compensation.—

~~(3) Monthly wage loss benefits shall not exceed 4.3 times the maximum weekly benefit as computed pursuant to subsection (2).~~

Section 10. Paragraph (g) of subsection (1), paragraphs (a), (b), (c), and (e) of subsection (2), and paragraphs (a), (b), and (d) of subsection (4) of section 440.13, Florida Statutes, 1988 Supplement, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(1) As used in this section, the term:

(g) "Utilization review" means the initial evaluation of appropriateness in terms of both the level and the quality of health care and health services provided a patient, based on medically accepted standards. Such evaluation shall be accomplished by means of a system which identifies the utilization of medical services, based on medically accepted standards, and which refers instances of possible inappropriate utilization to the division for referral to a peer review committee or to obtain opinions and recommendations of expert medical consultants, *with similar qualifications as those providing the care under review*, recommended by the division and approved by the three-member panel referred to in paragraph (4)(a) to review individual cases for which administrative action may be deemed necessary. *Utilization review also includes reviewing cases where medical costs exceed \$20,000 and reviewing requests for sequential health care by different medical care providers, and review of disputes between health care providers and reimbursement sources concerning interpretation of the schedules of maximum reimbursement allowances and coding procedures under said allowances.*

(2)(a) Subject to the limitations specified in s. 440.19(1)(b), the employer shall furnish to the employee such medically necessary remedial treatment, care, and attendance by a health care provider and for such period as the nature of the injury or the process of recovery may require, including medicines, medical supplies, durable medical equipment, orthoses, prostheses, and other medically necessary apparatus. The carrier shall not deauthorize a health care provider furnished by the employer to provide remedial treatment, care, and attendance, without the agreement of the employer, unless a *judge of compensation claims* ~~deputy commissioner~~ determines that the deauthorization of the health care provider is in the best interests of the injured employee, or a *determination has been made that the health care provider is overutilizing care. Overutilization review shall be by physicians licensed under the same licensing chapter as the physician reviewed. Overutilization of health care shall be a basis for deauthorizing such care without order of the judge of compensation claims, provided a determination has been made as provided in this section and alternate medical care has been offered by the employer or carrier. Findings of overutilization as provided in this section shall presumptively establish, in the absence of substantial and compelling evidence to the contrary, that such treatment is not in the best interest of the injured employee. A physician shall be barred from payment under this chapter for treatment of injured employees upon three findings of overutilization.* The division may assess a civil penalty of \$100 against a carrier which deauthorizes a health care provider who has been authorized by the employer without first obtaining the approval of such deauthorization from the employer or an order from a *judge of compensation claims* ~~deputy commissioner~~ approving the deauthorization. Any list of health care providers developed by a carrier, not including pharmacists, from which health care providers are selected to provide remedial treatment, care, and attendance shall include representation of each type of health care provider defined in s. 440.13(3)(d)1.d., Florida Statutes, 1981, and shall not discriminate against any of the types of health care providers as a class.

(b) If the employer fails to provide such treatment, care, and attendance after request by the injured employee, the employee may do so at the expense of the employer, the reasonableness and the necessity to be approved by a *judge of compensation claims* ~~deputy commissioner~~. The employee shall not be entitled to recover any amount personally expended for such treatment or service unless he has requested the employer to furnish the same and the employer has failed, refused, or neglected to do so or unless the nature of the injury required such treatment, nursing, and services and the employer or the superintendent or foreman thereof, having knowledge of such injury, has neglected to provide the same. Nor shall any claim for medical, surgical, or other remedial treatment be valid and enforceable unless, within 10 days following the first treatment, except in cases where first-aid only is rendered, and thereafter at 30 day such intervals ~~as the division by regulation may prescribe~~, the health care provider or health care facility giving such treatment or treatments furnishes to the employer, or to the carrier if the employer is not self-insured, a report of such injury and treatment *without charge on forms prescribed by the division; which report shall contain any information relating to the employee's ability to return to work, with or without physical restrictions, and if with physical restrictions, what those restrictions are; the date that an employee has reached maximum medical improvement; the amount of impairment, if any, and any other information necessary to enable the employer, or the carrier if the employer is not self-insured, to make a decision as to what benefits, if any, the employee may be entitled to. In the event that an employee is being treated by a health care provider or health care facili-*

ity that the employer, or carrier if the employer is not self-insured, has no knowledge of, the employee or his representative must furnish copies of all medical reports and the cost of such treatment to the employer, or the carrier if the employer is not self-insured, within 10 days from the time that the employee or his representative knew or should have known that the employee or his representative would rely on such treatment or reports to present its case for determination of the employee's rights to benefits under this chapter; however, in no event shall such treatment or reports be allowed into evidence if such disclosure is not made within the 10 days as set forth above or at the time of the pretrial conference held before the judge of compensation claims. ~~however, a deputy commissioner, for good cause, may excuse the failure of the health care provider or health care facility to furnish any report within the period prescribed and may order the payment to such employee of such remuneration for treatment or service rendered as the deputy commissioner finds equitable.~~ Along with such reports, the health care provider shall furnish a sworn statement that the treatment or services rendered were reasonable and necessary with respect to the bodily injury sustained. The sworn statement shall read as follows: "Under penalty of perjury, I declare that I have read the foregoing; that the facts alleged are true, to the best of my knowledge and belief; and that the treatment and services rendered were reasonable and necessary with respect to the bodily injury sustained."

(c) Each medical report or bill obtained or received by the employer, the carrier, or the injured employee, or the attorney for any of them, with respect to the remedial treatment, care, and attendance of the injured employee, including any report of an examination, diagnosis, or disability evaluation, shall be filed with the Division of Workers' Compensation by a deadline specified by the division and pursuant to rules adopted by the division. The health care provider or health care facility shall also furnish to the injured employee, or to his attorney, on demand, a copy of his office chart, records, and reports and may charge the injured employee an amount authorized by the division for the copies. Each such health care provider or health care facility shall provide to the division such additional information with respect to the remedial treatment, care, and attendance that the division may reasonably request as part of its investigation of a claim filed by an injured worker for benefits under this chapter. *Notwithstanding the limitations in s. 455.241 and subject to the limitations in s. 381.609, the medical records of an injured employee may be furnished to the employer, the carrier, the attorney for either of them, or the rehabilitation evaluator pursuant to s. 440.49(1)(a), and the medical condition of the injured employee may be discussed with such persons, provided the records and the discussions are restricted to conditions relating to the workplace injury or to situations where the employer or carrier has reason to believe there is a probable basis for filing a claim against the Special Disability Trust Fund as a result of such injury and the employee or his attorney has been furnished a copy of such claim. No records so provided or discussions held pursuant to this exemption, or any information contained therein, shall be disclosed to any other person, nor shall the same be discoverable in any civil or criminal action.*

(e) The value of nonprofessional attendant or custodial care provided by a family member shall be determined as follows:

1. If the family member is not employed, the per hour value shall be that of the federal minimum wage.

2. If the family member is employed and elects to leave that employment to provide attendant or custodial care, the per hour value of that care shall be at the per hour value of such family member's former employment, not to exceed the per hour value of such care available in the community at large. *In no event shall a family member providing nonprofessional attendant or custodial care pursuant to this paragraph be compensated for more than 12 hours per day.* "Family member" is defined for purposes of this subsection to be a spouse, father, mother, brother, sister, child, grandchild, father-in-law, mother-in-law, aunt or uncle.

(4)(a) A three-member panel is created, consisting of the Insurance Commissioner and two members to be appointed by the Governor, subject to confirmation by the Senate, one member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employers, the other member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employees. The panel, *after reviewing recommendations from the advisory committee*, shall annually determine schedules of maximum reimbursement allowances for such medically necessary remedial treat-

ment, care, and attendance. Reimbursement for all fees and other charges for such treatment, care, and attendance, including treatment, care, and attendance provided by any hospital or other health care provider, shall not exceed the amounts provided by the schedules of maximum reimbursement allowances as determined by the panel and adopted by rule by the department. The schedules shall have statewide applicability and shall be uniform throughout the state. An individual health care provider or hospital shall be paid either his usual charge for treatment, care, and attendance or the maximum reimbursement allowance as set forth in the applicable schedule, whichever is less. In determining the schedules, the panel shall first approve the bodies of medical and hospital data which it finds representative of prevailing charges in the state for such treatment, care, and attendance in the state for similar treatment, care, and attendance of injured persons. In determining the schedule for hospitals after January 1, 1987, the panel shall approve and use charge data submitted by hospitals to the *Health Care Hospital Cost Containment Board* as representative of charges for the treatment, care, and attendance in the state of injured persons. Payment of a compensable charge to a hospital for treatment, care, and attendance not specifically itemized in the applicable schedule shall be at 80 percent of the hospital's usual charge for such treatment, care, and attendance. Each health care provider or health care facility receiving Workers' compensation payments shall maintain records verifying their usual charges. Using the approved bodies of data when arrayed, the panel shall establish percentiles upon which the schedules of maximum reimbursement allowances will be calculated. In establishing the schedules of maximum reimbursement allowances, the panel shall consider the following:

1. The levels of reimbursement for similar treatment, care, and attendance made by other health care programs or third-party providers;

2.a. The impact upon cost to employers for providing a level of reimbursement for treatment, care, and attendance which will ensure the availability of treatment, care, and attendance required by injured workers; and

b. The potential change in workers' compensation insurance premiums or costs attributable to the level of treatment, care, and attendance provided; and

3. The financial impact of the reimbursement allowances upon health care providers and health care facilities and its effect upon their ability to make available to injured workers such medically necessary remedial treatment, care, and attendance.

The schedules of maximum reimbursement allowances shall be reasonable, shall promote health care cost containment and efficiency with respect to the workers' compensation health care delivery system, and shall be sufficient to ensure availability of such medically necessary remedial treatment, care, and attendance to injured workers.

(b) There is created an advisory committee to aid and assist the panel in determining schedules of maximum charges for hospital and health care provider treatment and services payable through workers' compensation benefits to be appointed by and serve at the pleasure of the Insurance Commissioner.

(d)1. The division shall develop and implement, or contract with a qualified entity to develop and implement, utilization review of the services rendered by a health care provider or a physician, which services are paid for in whole or in part pursuant to this chapter. *Utilization review shall be accomplished either by request from any interested party or upon the request of the division. Findings of overutilization shall include deauthorization of the care under review or denial of payment for services rendered in the future, or both. During the utilization review process, the care under review shall continue. Utilization review under this section shall be exempt from the provisions of chapter 120.*

2. The division shall contract with a private nonprofit foundation or nonprofit organization to provide peer review or utilization review, as appropriate, of health care and physician services rendered pursuant to this chapter. Under the terms of such contract, the foundation or organization shall establish and maintain a procedure by which a peer review committee shall review the services rendered by a health care provider, physician, or health care facility, which services are paid for in whole or in part pursuant to this chapter. Such review shall occur upon a determination by the division that information referred to it by the entity responsible for utilization review contains reliable information that a health care provider or health care facility is rendering services in a manner which may be inappropriate with respect to either the level or the

quality of care. The report and recommendations of the peer review committee shall be submitted to the division for such action as may be necessary in accordance with this section.

3. By accepting payment pursuant to this chapter for remedial treatment rendered to an injured employee, a health care provider or health care facility shall be deemed to consent to submitting all necessary records and other information concerning such treatment to utilization review and peer review as provided by this section. Such health care provider shall further agree to comply with any decision of the division pursuant to subparagraph 4.

4. If it is determined that a physician improperly overutilized, or otherwise rendered or ordered, inappropriate medical treatment or services, or that the reimbursement for such treatment or services was inappropriate, the division may order the physician to show cause why he should not be required to repay the amount which was paid for the rendering or ordering of such treatment or services and shall inform him of his right to a hearing under the provisions of s. 120.57. If a hearing is not requested within 30 days of receipt of the order and the division director decides to proceed with the matter, a hearing shall be conducted, a prima facie case established, and a final order issued. If the final order, including judicial review if the order is appealed, is adverse to the physician, the division shall provide the licensing board of the physician with full documentation of such determination.

5. A health care facility may not improperly charge or overcharge a workers' compensation insurer or charge for services not provided for the purpose of obtaining additional reimbursement.

6. Violations of this section which are willful or which demonstrate a pattern of improperly charging or overcharging workers' compensation insurers constitute grounds for the division or department to impose a fine not to exceed \$5,000.

7. The referral by the entity responsible for the utilization review, the decision of the division to refer the matter to the peer review committee, the establishment by the foundation or organization of the procedures by which a peer review committee reviews the rendering of health care services, and the review proceedings, report, and recommendation of the peer review committee are not subject to the provisions of chapter 120.

8. The provisions of s. 766.101 apply to any officer, employee, or agent of the division and to any officer, employee, or agent of any entity with which the division has contracted pursuant to this section.

Section 11. Subsections (2) and (3) of section 440.14, Florida Statutes, 1988 Supplement, are amended, and new subsections (3) and (4) are added to said section, to read:

#### 440.14 Determination of pay.—

~~(2) The average monthly wages of the injured employee at the time of the injury shall be 4.3 times the average weekly wage determined pursuant to this section.~~

(2)(3) If, during the period of disability, the employer continues to provide consideration, including board, rent, housing, or lodging, the value of such consideration shall be deducted when calculating the average weekly wage of the employee so long as these benefits continue to be provided.

(3) The division shall establish by rule a form which shall contain a simplified checklist of those items which may be included as "wage" for determining the average weekly wage.

(4) Upon termination of the employee or upon termination of the payment of fringe benefits of any employee who is collecting indemnity benefits pursuant to s. 440.15(2) or (3)(b), the employer shall within 7 days of such termination file a corrected 13-week wage statement reflecting the wages paid and the fringe benefits that had been paid to the injured employee as defined in s. 440.02(21).

Section 12. Subsections (2), (4), and (8), paragraph (b) of subsection (3), and paragraph (b) of subsection (10) of section 440.15, Florida Statutes, 1988 Supplement, are amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

#### (2) TEMPORARY TOTAL DISABILITY.—

(a) In case of disability total in character but temporary in quality, 66⅔ percent of the average weekly wages shall be paid to the employee during the continuance thereof, not to exceed 350 weeks except as provided in s. 440.12(1).

(b) Notwithstanding the provisions of paragraph (a), an employee who has sustained the loss of an arm, leg, hand, or foot, or within a reasonable medical certainty the anticipated permanent and total loss of use of such member because of organic damage to the nervous system, or has lost the sight of both eyes shall be paid temporary total disability of 80 percent of his average weekly wage until such employee has completed his training in the use of artificial members or appliances as necessary and completed training or education under a rehabilitative program pursuant to s. 440.49, if provided. In no event should the increased temporary total disability compensation provided for in this paragraph extend beyond 6 months from the date of injury. The compensation provided by this paragraph is not subject to the limits provided in s. 440.12(2), but instead is subject to a maximum weekly compensation rate of \$700. If, at the conclusion of this period of increased temporary total disability compensation, the employee is still temporarily totally disabled, the employee shall continue to receive temporary total disability compensation as set forth in ~~paragraphs~~ paragraph (a) and (c) ~~s. 440.49(1)(e)~~. The period of time the employee has received this increased compensation will be counted as part of, and not in addition to, the maximum periods of time for which the employee is entitled to compensation under paragraph (a) but not ~~paragraph (c) s. 440.49(1)(e)~~.

(c) *Temporary total disability benefits paid pursuant to this subsection shall include such period as may be reasonably necessary for training in the use of artificial members and appliances, and shall include such period as the employee may be receiving training and education under a program pursuant to s. 440.49(1). Notwithstanding s. 440.02(8), the date of maximum medical improvement for purposes of paragraph (3)(b) shall be no earlier than the last day for which such temporary disability benefits are paid.*

#### (3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

##### (b) Wage-loss benefits.—

1. Each injured worker who suffers a ~~any~~ permanent impairment, which permanent impairment is determined pursuant to the schedule adopted in accordance with subparagraph (a)3., may be entitled to wage-loss benefits under this subsection, *provided that such permanent impairment results in a work-related physical restriction which affects such employee's ability to perform the activities of his usual or other appropriate employment.* Such benefits shall be based on actual wage loss and shall not be subject to the minimum compensation rate set forth in s. 440.12(2). Subject to the maximum compensation rate as set forth in s. 440.12(2), such wage-loss benefits shall be equal to 95 percent of the difference between 85 percent of the employee's average ~~monthly~~ *weekly* wage and the salary, wages, and other remuneration the employee is able to earn after reaching maximum medical improvement, as compared ~~weekly monthly~~; however, the ~~weekly monthly~~ *weekly* wage-loss benefits shall not exceed an amount equal to 66⅔ percent of the employee's average ~~weekly monthly~~ *weekly* wage at the time of injury. In order to simplify the comparison of the preinjury average ~~weekly monthly~~ *weekly* wage with the salary, wages, and other remuneration the employee is able to earn after reaching maximum medical improvement, the division may by rule provide for the modification of the ~~weekly monthly~~ *weekly* comparison so as to coincide as closely as possible with the injured worker's pay periods. In determining the amount the employee is able to earn in any month after injury, commissions and similar irregular payments shall be allocated first to the ~~week month~~ in which they are received, in an amount which when added to other earnings for such ~~week month~~ does not exceed the employee's average ~~weekly monthly~~ *weekly* wage, and the balance in the same manner to the subsequent ~~weeks months~~ until fully allocated, but not to exceed 52 ~~weeks 12 months~~ from the ~~week month~~ that the commission or a similar irregular payment was received.

2. The amount determined to be the salary, wages, and other remunerations the employee is able to earn after reaching the date of maximum medical improvement shall in no case be less than the sum actually being earned by the employee, including earnings from sheltered employment. ~~In the event the employee voluntarily limits his income or fails to accept employment commensurate with his abilities, the salary, wages, and other remuneration that the employee is able to earn after the date of maximum medical improvement shall be deemed to be the amount~~

which would have been earned if the employee did not limit his income or accepted appropriate employment. Whenever a wage-loss benefit as set forth in subparagraph 1. may be payable, the burden shall be on the employee to establish that any wage loss claimed is the result of the compensable injury. It shall also be the burden of the employee to show that his inability to obtain employment or to earn as much as he earned at the time of his industrial accident is due to physical limitation related to his accident and not because of economic conditions or the unavailability of employment or his own misconduct. *In the event the employee voluntarily limits his income or fails to accept employment commensurate with his abilities, or is terminated from employment due to his own misconduct, it shall be presumed, in the absence of substantial evidence to the contrary, that the salary, wages, and other remuneration that the employee was able to earn for such period that the employee voluntarily limited his income or failed to accept employment commensurate with his abilities or was terminated from employment due to his own misconduct is the amount which would have been earned if the employee had not limited his income or failed to accept appropriate employment or had not been terminated from employment due to his own misconduct. The amount deemed shall be applied against the next two biweekly payments. In the case of an employee who has not voluntarily limited his income or who has not failed to accept employment commensurate with his abilities or who was not terminated from employment due to his own misconduct, and who has made a good faith attempt to find employment after attaining maximum medical improvement but remains unemployed, it shall be presumed that the salary, wages, and other remuneration the employee is able to earn was zero for each week that the employee made a good faith attempt to find employment within his physical and vocational capabilities. However, beginning on the 13th week after the employee has attained maximum medical improvement, if an employee does not obtain and maintain employment, the employer may show that the salary, wages, and other remuneration the employee is able to earn is greater than zero by proving the existence of actual job openings within a reasonable geographical area which the employee is physically and vocationally capable of performing, in which case the amount the employee is able to earn may be deemed to be the amount the judge of compensation claims finds that the employee could earn in such jobs. The amount deemed shall be applied against the next two biweekly payments.*

3. An injured worker requesting wage-loss benefits for any period during which such injured worker was unemployed shall have a duty to make reasonable and good faith efforts to obtain suitable gainful employment on a consistent basis. "Suitable gainful employment" means employment which is reasonably attainable in light of the individual's age, education, personal aptitudes, previous vocational experience, and physical abilities. For any such period, the employer may require the injured worker's request for wage-loss benefits to include verification of the injured worker's efforts to obtain suitable gainful employment, which verification shall be made on forms prescribed by the division. In determining whether the injured worker has made reasonable and good faith efforts to obtain suitable gainful employment, the judge of compensation claims shall consider the availability of suitable employment in the area of the injured worker's residence, the injured worker's access to transportation, and the effect of the injured worker's physical and mental impairments upon his ability to conduct job search activities. Unless otherwise provided under this section, an injured worker requesting wage-loss benefits for any period during which he shall have been unemployed shall not be entitled to such benefits if the injured worker failed or refused to make reasonable and good faith efforts to obtain suitable gainful employment during such period.

#### 4.3. The right to wage-loss benefits shall terminate:

- a. As of the end of any 2-year period commencing at any time subsequent to the month when the injured employee reaches the date of maximum medical improvement, unless during such 2-year period wage-loss benefits shall have been payable during at least 3 consecutive months;
- b. For injuries occurring on or before July 1, 1980, 350 weeks after the injured employee reaches the date of maximum medical improvement; or
- c. For injuries occurring after July 1, 1980, 525 weeks after the injured employee reaches maximum medical improvement;

whichever comes first.

5.4. If an employee is entitled to both wage-loss benefits and social security retirement benefits under 42 U.S.C. ss. 402 and 405, such social

security retirement benefits shall be primary and the wage-loss benefits shall be supplemental only. The sum of the two benefits shall not exceed the amount of wage-loss benefits which would otherwise be payable. For the purposes of termination of wage-loss benefits pursuant to subparagraph 4.3.a., the term "payable" shall be construed to include payment of social security retirement benefits in lieu of wage-loss benefits. *However, the reduction of wage-loss benefits under the provisions of this subparagraph is not applicable to any wage-loss benefits payable to an employee for any month subsequent to the month in which the employee reaches the age of 70 years.*

6.5. Beginning with the 25th month after maximum medical improvement and for the purpose of determining wage-loss benefits, the total wages, salary, and other remuneration for the week month in consideration shall be discounted as follows:

- a. For those injuries occurring on or after July 1, 1979, and on or before July 1, 1980, by a factor of 3 percent and compounded annually at 3 percent thereafter; and
- b. For those injuries occurring after July 1, 1980, by a factor of 5 percent and compounded annually at 5 percent thereafter.

However, with respect to any year in which the annual rate of inflation, calculated by using the national Consumer Price Index published by the United States Department of Labor, is less than the applicable discount factor, such rate shall be substituted for such discount factor for that year.

7.6. The division shall keep such records and conduct such investigations as are necessary to determine the feasibility of providing additional protection from inflation for workers entitled to wage-loss benefits and shall report its findings to the Legislature not later than February 1, 1988.

#### (4) TEMPORARY PARTIAL DISABILITY.—

(a) In case of temporary partial disability, benefits shall be based on actual wage loss and shall not be subject to the minimum compensation rate set forth in s. 440.12(2). ~~It shall also be the burden of the employee to show that his inability to obtain employment or to earn as much as he earned at the time of his industrial accident is due to physical limitation related to his accident and not because of economic conditions or the unavailability of employment.~~ The compensation shall be equal to 95 percent of the difference between 85 percent of the employee's average weekly wage and the salary, wages, and other remuneration the employee is able to earn, as compared weekly; however, the weekly wage-loss benefits shall not exceed an amount equal to 66⅔ percent of the employee's average weekly wage at the time of injury. In order to simplify the comparison of the preinjury average weekly wage with the salary, wages, and other remuneration the employee is able to earn, the division may by rule provide for the modification of the weekly comparison so as to coincide as closely as possible with the injured worker's pay periods.

(b) The amount determined to be the salary, wages, and other remuneration the employee is able to earn shall in no case be less than the sum actually being earned by the employee, including earnings from sheltered employment. ~~In the event the employee voluntarily limits his income or fails to accept employment commensurate with his abilities, the salary, wages, and other remuneration the employee is able to earn shall be deemed to be the amount which would have been earned if the employee did not limit his income or accepted appropriate employment.~~

(b) Whenever a temporary partial wage-loss benefit as set forth in paragraph (a) may be payable, the burden shall be on the employee to establish that any wage loss claimed is the result of the compensable injury. *It shall also be the burden of the employee to show that his inability to obtain employment or to earn as much as he earned at the time of his industrial accident is due to physical limitation related to his accident and not because of economic conditions or the unavailability of employment or his own misconduct. In the event the employee voluntarily limits his income or fails to accept employment commensurate with his abilities, or is terminated from employment due to his own misconduct, it shall be presumed, in the absence of substantial evidence to the contrary, that the salary, wages, and other remuneration that the employee was able to earn for such period that the employee voluntarily limited his income or failed to accept employment commensurate with his abilities or was terminated from employment due to his own misconduct is the amount which would have been earned if the employee had not limited his income or failed to accept appropriate employment or*

had not been terminated from employment due to his own misconduct. The amount deemed shall be applied against the next two biweekly payments. In the case of an employee who has not voluntarily limited his income or who has not failed to accept employment commensurate with his abilities or who was not terminated from employment due to his own misconduct, and who has made a good faith attempt to find employment but remains unemployed, it shall be presumed that the salary, wages, and other remuneration the employee is able to earn was zero for each week that the employee made a good faith attempt to find employment within his physical and vocational capabilities. However, beginning on the 13th week after the employee has received the first payment of a temporary partial wage-loss benefit, if the employee does not obtain and maintain employment, the employer may show that the salary, wages, and other remuneration the employee is able to earn is greater than zero by proving the existence of actual job openings within a reasonable geographical area which the employee is physically and vocationally capable of performing, in which case the amount the employee is able to earn may be deemed to be the amount the judge of compensation claims finds that the employee could earn in such jobs. The amount deemed shall be applied against the next two biweekly payments.

(c) Such benefits shall be paid during the continuance of such disability, not to exceed a period of 5 years.

(8) **EMPLOYEE BECOMES INMATE OF INSTITUTION.**—In case an employee who is permanently and totally disabled becomes an inmate of a public institution, then no compensation shall be payable unless he has dependent upon him for support a person or persons defined as dependents elsewhere in this chapter, whose dependency shall be determined as if the employee were deceased and to whom compensation would be paid in case of death; and such compensation as is due such employee shall be paid such dependents during the time he remains such inmate.

(10) **EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO HAS RECEIVED OR IS ENTITLED TO RECEIVE UNEMPLOYMENT COMPENSATION.**—

(b) If an employee is entitled to both wage-loss benefits pursuant to subsection (3), or temporary partial benefits pursuant to subsection (4), and unemployment compensation benefits, such unemployment compensation benefits shall be primary and the wage-loss benefits or temporary partial benefits shall be supplemental only, the sum of the two benefits not to exceed the amount of wage-loss benefits or temporary partial benefits which would otherwise be payable. For purposes of termination of wage-loss benefits pursuant to sub-subparagraph (3)(b)4.3-a., the term "payable" shall be construed to include payment of unemployment compensation benefits in lieu of income supplement benefits as provided in this subsection.

Section 13. Subsections (1) and (2) of section 440.16, Florida Statutes, are amended to read:

440.16 Compensation for death.—

(1) If death results from the accident within 1 year thereafter or follows continuous disability and results from the accident within 5 years thereafter, the employer shall pay:

(a) Actual funeral expenses not to exceed \$2,500.

(b) Compensation, in addition to the above, in the following percentages of the average weekly wages to the following persons entitled thereto on account of dependency upon the deceased, and in the following order of preference, subject to the limitation provided in subparagraph 2., but such compensation shall be subject to the limits provided in s. 440.12(2), shall not exceed \$100,000, and may be less than, but shall not exceed, for all dependents or persons entitled to compensation, 66 $\frac{2}{3}$  percent of the average wage:

1. To the spouse, if there is no child, 50 percent of the average weekly wage, such compensation to cease upon the spouse's death or remarriage.

2. To the spouse, if there is a child or children, the compensation payable under subparagraph 1. and, in addition, 16 $\frac{2}{3}$  percent on account of the child or children. However, when the deceased is survived by a spouse and also a child or children, whether such child or children are the product of the union existing at the time of death or of a former marriage or marriages, the judge of compensation claims ~~deputy commissioner~~ may provide for the payment of compensation in such manner as may appear to the judge of compensation claims ~~deputy commissioner~~ just and

proper and for the best interests of the respective parties and, in so doing, may provide for the entire compensation to be paid exclusively to the child or children; and, in the case of death or remarriage of such spouse, 33 $\frac{1}{3}$  percent for each child.

3. To the child or children, if there is no spouse, 33 $\frac{1}{3}$  percent for each child.

4. To the parents, 25 percent to each, such compensation to be paid during the continuance of dependency.

5. To the brothers, sisters, and grandchildren, 15 percent for each brother, sister, or grandchild.

(c) To the surviving spouse, payment of postsecondary student fees for instruction at any area vocational-technical center established under s. 230.63 for up to 1,800 classroom hours or payment of student fees at any community college established under part III of chapter 240 for up to 80 semester hours. The spouse of a deceased state employee shall be entitled to a full waiver of such fees as provided in ss. 230.645 and 240.345 in lieu of the payment of such fees. The benefits provided for in this paragraph shall be in addition to other benefits provided for in this section and shall terminate upon the remarriage of such spouse or 7 years after the death of the deceased employee, or when the total payment in eligible compensation under paragraph (b) has been received. To qualify for the educational benefit under this paragraph, the spouse shall be required to meet and maintain the regular admission requirements of, and be registered at, such area vocational-technical center or community college, and make satisfactory academic progress as defined by the educational institution in which the student is enrolled.

(2) ~~For the purpose of this chapter, the dependence of a spouse of a deceased employee shall terminate with remarriage.~~ The dependence of a child, except a child physically or mentally incapacitated from earning a livelihood, shall terminate with the attainment of 18 years of age, with the attainment of 22 years of age if a full-time student in an accredited educational institution, or upon marriage.

Section 14. Paragraph (f) of subsection (2), subsection (4), and subsection (9) of section 440.185, Florida Statutes, 1988 Supplement, are amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(2) Within 7 days of actual knowledge of injury or death, the employer shall report such injury or death to the carrier and the employee, on a form prescribed by the division, providing the following information:

(f) On the copy of the form furnished to the employee, a clear and understandable summary statement of the rights, benefits, and obligations of injured workers under the Workers' Compensation Law, including an explanation of wage-loss benefits and the eligibility conditions for such benefits.

The carrier or a self-insured employer shall, within 30 days after receipt of the form reporting the injury, mail the form containing the information required by this subsection to the division at its address in Tallahassee. However, the division may by rule provide for a different reporting system for those types of injuries which it determines should be reported in a different manner and for those cases which involve minor injuries requiring professional medical attention in which the employee does not lose more than 7 days of work as a result of the injury and is able to return to his job immediately after treatment and resume his regular work.

(4) The division shall review any such notice or indication of injury received; and, if it appears to the division that the injury will result in permanent impairment, the division shall, within 3 days of receipt of such notice or indication of injury, contact the injured worker or a family member serving as personal representative thereof, by telephone if possible, otherwise by mail, in order to discuss the rights and benefits of the injured employee under the Workers' Compensation Law and to assist the injured worker in securing any benefits provided for under this chapter to which such injured worker is entitled. The division shall monitor the furnishing of benefits by the employer or carrier to ascertain that correct benefits are being furnished in cases accepted as compensable injuries. Upon receipt of a request for assistance by the injured worker, the employer, or carrier, or upon its own motion, the division shall be empowered to compel all parties to participate in any conferences held by the division to resolve the issues giving rise to the request for assist-

ance. A judge of compensation claims may be present at the conference to assist the parties in the resolution of any such issues. In the event of controversy or the filing of a claim, the division shall attempt to resolve the claim, promptly review the controversy, and communicate the results of its investigation, along with its recommendations, to the parties. If the division determines that it cannot establish the relevant facts necessary to resolve the issues in a claim, the division may curtail its investigation and promptly forward the file to the appropriate judge of compensation claims deputy commissioner for any requested hearing on the claim. In either event, the division shall forward the file to the appropriate judge of compensation claims deputy commissioner no later than 15 days prior to the date set for such final hearing.

(9) Any employer or carrier who fails or refuses to timely send any form, report, or notice required by this section shall be subject to a civil penalty not to exceed \$500 \$100 for each such failure or refusal. However, any employer who fails to notify the carrier of the injury on the prescribed form or by letter within the 7 days required in subsection (2) shall be liable for the civil penalty, which shall be paid by the employer and not the carrier. Failure by the employer to meet its obligations under subsection (2) shall not relieve the carrier from liability for the civil penalty if it fails to comply with subsections (4) and (5).

Section 15. Paragraphs (a), (b), and (c) of subsection (1) of section 440.19, Florida Statutes, are amended to read:

440.19 Time and procedure for filing claims.—

(1)(a) The right to compensation for disability, rehabilitation, impairment, or wage loss under this chapter shall be barred unless a claim therefor which meets the requirements of paragraph (d) is filed within 2 years after the time of injury, except that, if payment of compensation has been made or remedial treatment or rehabilitative services have been furnished by the employer on account of such injury, a claim may be filed within 2 years after the date of the last payment of compensation or after the date of the last remedial treatment or rehabilitative services furnished by the employer. *This limitations period shall not be tolled or extended by the failure of the employer or carrier to file a notice of injury or any other report or notice required to be filed under this chapter or by the failure of the division, the employer, or the carrier to furnish to the employee or other claimant informational materials required under this chapter, unless such omission by the employer or carrier was intentional and done to deprive the employee of benefits due under this chapter.*

(b) All rights for remedial attention under this section shall be barred unless a claim therefor which meets the requirements of paragraph (d) is filed with the division within 2 years after the time of injury, except that, if payment of compensation has been made or remedial attention or rehabilitative services have been furnished by the employer without an award on account of such injury, a claim may be filed within 2 years after the date of the last payment of compensation or within 2 years after the date of the last remedial attention or rehabilitative services furnished by the employer; and all rights for remedial attention or rehabilitative services under this section pursuant to the terms of an award shall be barred unless a further claim therefor is filed with the division within 2 years after the entry of such award, except that, if payment of compensation has been made or remedial attention or rehabilitative services have been furnished by the employer under the terms of the award, a further claim may be filed within 2 years after the date of the last payment of compensation or within 2 years after the date of the last remedial attention or rehabilitative services furnished by the employer. However, no statute of limitations shall apply to the right for remedial attention relating to the insertion or attachment of a prosthetic device to any part of the body. Any claim for reimbursement by a provider of remedial attention shall be subject to the limitations of this paragraph. *This limitations period shall not be tolled or extended by the failure of the employer or carrier to file a notice of injury or any other report or notice required to be filed under this chapter or by the failure of the division, the employer, or the carrier to furnish the employee or other claimant informational materials required under this chapter, unless such omission by the employer or carrier was intentional and done to deprive the employee of benefits due under this chapter.*

(c) The right to compensation for death under this chapter shall be barred unless a claim therefor which meets the requirements of paragraph (d) is filed within 2 years after the death, except that, if payment of compensation has been made without an award on account of such death, a claim may be filed within 2 years after the date of the last pay-

ment. *This limitations period shall not be tolled or extended by the failure of the employer or carrier to file a notice of injury or any other report or notice required to be filed under this chapter or by the failure of the division, the employer, or the carrier to furnish the employee or other claimant informational materials required under this chapter, unless such omission by the employer or carrier was intentional and done to deprive the employee of benefits due under this chapter.*

Section 16. Subsections (2), (4), (5), (15), and (16) and paragraphs (a) and (b) of subsection (12) of section 440.20, Florida Statutes, 1988 Supplement, are amended to read:

440.20 Payment of compensation.—

(2) The first installment of compensation for total disability or death shall become due on the 14th day after the employer has knowledge of the injury or death, on which date all compensation then due shall be paid. Thereafter, compensation shall be paid in installments weekly or biweekly, except when the judge of compensation claims deputy commissioner determines that payments in installments should be made monthly or at some other period.

(4) Benefits payable pursuant to s. 440.15(3)(b) or (4) shall be paid biweekly monthly, subsequent to the termination of the period for which such payments are due, within 14 days of the date upon which the carrier or employer has knowledge of the compensable wage loss.

(5) Upon making the first payment, and upon suspension of payment for any cause, the employer shall immediately notify the division, in accordance with a form prescribed by the division, that payment of compensation has begun or has been suspended, as the case may be. *The division shall monitor compensation payment practices for conformity with the provisions of this section.*

(12)(a) It is the stated policy for the administration of the workers' compensation system that it is in the best interests of the injured worker that he receive disability or wage-loss payments periodically. Lump-sum payments in exchange for the employer's or carrier's release from liability for future payments of compensation, death benefits, and rehabilitation expenses other than for medical expenses shall be allowed only under special circumstances, as when the claimant can demonstrate that lump-sum payments will definitely aid in his rehabilitation or are otherwise clearly in his best interests and that lump-sum payments will avoid undue expense or undue hardship to any party, or that such claimant has removed himself or is about to remove himself from the state. In no case may a lump-sum payment be allowed in exchange for the release of an employer's or carrier's liability for future medical expenses and training and education. In no case may a lump-sum settlement be allowed until 3 months after the date of maximum medical improvement has been reached; provided that such 3-month period shall be waived with respect to nonresident aliens of the United States or Canada. However, no such alien thus exempted shall be eligible for a lump-sum settlement under this exception more than one time in any 48-month period. *Upon the approval of a lump-sum settlement under this paragraph, the judge of compensation claims shall send a report to the Chief Judge of the amount of the settlement, the amount of the attorney's fees, the amount of the benefits payable to the injured employee upon which the attorney's fees are payable, and the statutory basis for the payment of the attorney's fees.*

(b) Notwithstanding the provisions of paragraph (a), a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation and rehabilitation expenses, but not training and educational expenses, shall be allowed at any time in any case in which the employer or carrier has initially filed a written notice to controvert and denied that a compensable accident or injury occurred for which compensation and medical and rehabilitation expenses are payable, and the judge of compensation claims deputy commissioner at a hearing to consider the settlement proposal finds a justiciable controversy as to legal or medical compensability of the claimed injury or the alleged accident. In such event, and upon the joint petition of all interested parties and after giving due consideration to the interests of all interested parties, the judge of compensation claims deputy commissioner may enter a compensation order approving and authorizing the discharge of the liability of the employer for compensation and remedial treatment, care, and attendance, as well as rehabilitation expenses, but not training and educational expenses, by the payment of a lump sum. Such a compensation order so entered upon joint petition of all interested parties is not subject to modification or review

under s. 440.28. If the settlement proposal together with supporting evidence is not approved by the *judge of compensation claims deputy commissioner*, it shall be considered null and void. If the employer or carrier initially accepts the case as compensable or provides any benefits to the employee or his dependents, this paragraph does not apply. Notwithstanding the provisions of s. 440.34(3)(c), a claimant shall be responsible for the payment of his own attorney's fees in any case settled under this subsection. Upon approval of a lump-sum settlement under this subsection, the *judge of compensation claims deputy commissioner* shall send a report to the Chief *Judge commissioner* of the amount of the settlement and a statement of the nature of the controversy. The Chief *Judge commissioner* shall keep a record of all such reports filed by each *judge of compensation claims deputy commissioner* and shall submit to the Legislature a summary of all such reports filed under this subsection annually by March 1.

(15) When an employee is injured and the employer pays his full wages or any part thereof during the period of disability, or pays medical expenses for such employee, and the case is contested by the carrier or the carrier and employer and thereafter the carrier, either voluntarily or pursuant to an award, makes a payment of compensation or medical benefits, the employer shall be entitled to reimbursement to the extent of the compensation paid or awarded, plus medical benefits, if any, out of the first proceeds paid by the carrier in compliance with such voluntary payment or award, provided the employer furnishes satisfactory proof to the *judge of compensation claims* of such payment of compensation and medical benefits. Any payment by the employer over and above compensation paid or awarded and medical benefits, pursuant to subsection (14), shall be considered a gratuity.

(16)(a) The division shall examine on an ongoing basis claims files in its possession in order to identify questionable claims-handling techniques, questionable patterns or practices of claims, or a pattern of repeated unreasonably controverted claims by employers, carriers, or self-insurers, health care providers, health care facilities, training and education providers, or any others providing services to employees pursuant to this chapter and may shall certify its findings to the Department of Insurance. Only Such questionable techniques, patterns, or repeated unreasonably controverted claims as constitute a general business practice of a carrier in the judgment of the division shall be certified in its findings by the division to the Department of Insurance or such other appropriate licensing agency. Such certification by the division is exempt from the provisions of chapter 120. Upon receipt of any such certification, the Department of Insurance shall take appropriate action so as to bring such general business practices to a halt pursuant to s. 440.38(3)(a). The division may initiate investigations of Upon receipt by the division of a written request for an investigation raising such questionable techniques, patterns, practices, or repeated unreasonably controverted claims, the division shall investigate the particular carrier in question and shall certify its findings to the Department of Insurance with a copy to the requesting party.

(b) As to any examination, investigation, or hearing being conducted under this chapter, the Secretary of Labor and Employment Security or his designee:

1. May administer oaths, examine and cross-examine witnesses, receive oral and documentary evidence; and

2. Shall have the power to subpoena witnesses, compel their attendance and testimony, and require by subpoena the production of books, papers, records, files, correspondence, documents, or other evidence which is relevant to the inquiry.

(c) If any person refuses to comply with any such subpoena or to testify as to any matter concerning which he may be lawfully interrogated, the circuit court of Leon County or of the county wherein such examination, investigation, or hearing is being conducted, or of the county wherein such person resides, may, on the application of the department, issue an order requiring such person to comply with the subpoena and to testify.

(d) Subpoenas shall be served, and proof of such service made, in the same manner as if issued by a circuit court. Witness fees, costs, and reasonable travel expenses, if claimed, shall be allowed the same as for testimony in a circuit court.

(e)(b) The division shall publish annually a report which indicates the promptness of first payment of compensation records of each carrier or self-insurer so as to focus attention on those carriers or self-insurers

with poor payment records for the preceding year. A copy of such report shall be certified to the Department of Insurance which shall take appropriate steps so as to cause such poor carrier payment practices to halt pursuant to s. 440.38(3)(a). In addition, the division shall take appropriate action so as to halt such poor payment practices of self-insurers. "Poor payment practice" means a practice of late payment sufficient to constitute a general business practice.

(f)(e) The division shall promulgate rules providing guidelines to carriers, self-insurers, and employers to indicate behavior that may be construed as questionable claims-handling techniques, questionable patterns of claims, repeated unreasonably controverted claims, or poor payment practices.

Section 17. Effective July 1, 1989, subsection (3) of section 440.25, Florida Statutes, is amended to read:

440.25 Procedure in respect to claims and hearing requests.—

(3)(a) The division or *judge of compensation claims deputy commissioner* shall make or cause to be made such investigation as is considered necessary in respect to the claim; and, upon request by any interested party, the *judge of compensation claims deputy commissioner* shall order all parties to attend either a mediation conference or a hearing thereof. Any party who requests a mediation conference shall not be precluded from requesting a hearing following the mediation conference should both parties not agree to be bound by the results of the mediation conference a hearing thereof.

(b) If the request in paragraph (a) is for a mediation conference, an application for a mediation conference concerning a claim shall refer to the claim previously filed and state the reasons for requesting the mediation conference and the questions in dispute so that the responding or opposing parties may be notified of the purpose of the mediation conference. The Chief Judge shall select a judge of compensation claims, a general master, or a special master to serve as the mediator. The general master shall be employed on a full time basis by the office of the Chief Judge. The rate of compensation for a general master shall be at 60 percent of the salary of a judge of compensation claims. A general master must be a member of The Florida Bar and have three years of experience in the practice of workers' compensation law in this state. The special master shall be selected from a list prepared by the Chief Judge. The special master must be independent of all parties participating in the mediation conference. A special master must be a member of The Florida Bar and have three years of experience in the practice of workers' compensation law in this state. The rate of compensation for a special master shall be \$250 per day plus travel and per diem expenses. The special master shall have access to the office, equipment and supplies of the judge of compensation claims in each district. In the event both parties agree, the results of the mediation conference shall be binding and neither party shall have a right to appeal the results. In the event either party refuses to agree to the results of the mediation conference, the results of the mediation conference as well as the testimony, witnesses and evidence presented at the conference shall not be admissible at any subsequent proceeding on the claim. The mediator shall not be called in to testify or give deposition to resolve any claim for any hearing before the judge of compensation claims. The fact of requesting or accepting an offer to mediate shall not be admissible as evidence of liability in any collateral or subsequent proceeding on the claim. Neither party may be represented by an attorney at the mediation conference. Any judge who serves as a mediator shall not be permitted to preside at a hearing involving the same claim pursuant to paragraph (c). If a request for mediation is filed, the mediation conference must be held within 45 days after it is filed and the judge, general master, or special master shall give the claimant and other interested parties at least 15 days' notice of such conference, served upon the claimant and other interested parties by mail.

(c) If the request in paragraph (a) is for a hearing an application for a hearing concerning a claim shall refer to the claim previously filed and state the reasons for requesting a hearing and the questions in dispute which the applicant expects the *judge of compensation claims deputy commissioner* to hear and determine, so that the responding or opposing parties may be notified of the purpose of the hearing. Any application for a hearing not in compliance with this paragraph shall be subject to dismissal upon motion of any interested party. If a request for a hearing is filed, the *judge of compensation claims deputy commissioner* shall hold a hearing within 90 days after it is filed and shall give the claimant and other interested parties at least 15 days' notice of such hearing, served upon the claimant and other interested parties by mail.

(d)(b) The hearing shall be held in the county where the injury occurred, if the injury occurred in this state, unless otherwise agreed to between the parties and authorized by the *judge of compensation claims deputy commissioner* in the county where the injury occurred. If the injury occurred without the state and is one for which compensation is payable under this chapter, then the hearing above referred to may be held in the county of the employer's residence or place of business, or in any other county of the state which will at the time of forwarding the file for hearing, in the discretion of the *Chief Judge Commissioner*, be the most convenient for a hearing. Subsequent to the forwarding of the file to such county, the parties and the *judge of compensation claims deputy commissioner* may agree to transfer such file to a county that is deemed most convenient for a hearing. The hearing shall be conducted by a *judge of compensation claims deputy commissioner*, who shall, within 30 days after such hearing, unless otherwise agreed by the parties, determine the dispute in a summary manner. At such hearing, the claimant and employer may each present evidence in respect of such claim and may be represented by any attorney authorized in writing for such purpose. When there is a conflict in the medical evidence submitted at the hearing, the *judge of compensation claims deputy commissioner* may designate a disinterested doctor to submit a report or to testify in the proceeding, after such doctor has reviewed the medical reports and evidence, examined the claimant, or otherwise made such investigation as appropriate. The report or testimony of any doctor so designated by the *judge of compensation claims deputy commissioner* shall be made a part of the record of the proceeding and shall be given the same consideration by the *judge of compensation claims deputy commissioner* as is accorded other medical evidence submitted in the proceeding; and all costs incurred in connection with such examination and testimony may be assessed as costs in the proceeding, subject to the provisions of s. 440.13(4)(a). No *judge of compensation claims deputy commissioner* may make a finding of a degree of permanent impairment that is greater than the greatest permanent impairment rating given the claimant by any examining or treating physician, except upon stipulation of the parties.

(e)(e) The order making an award or rejecting the claim, referred to in this chapter as a "compensation order," shall set forth the findings of ultimate facts and the mandate; and the order need not include any other reason or justification for such mandate. The compensation order shall be filed in the office of the division at Tallahassee. A copy of such compensation order shall be sent by mail to the parties and attorneys of record at the last known address of each, with the date of mailing noted thereon.

(f)(d) Each *judge of compensation claims deputy commissioner* is required to submit a special report to the *Chief Judge Commissioner* in each contested workers' compensation case in which the case is not determined within 30 days of final hearing. Said form shall be provided by the *Chief Judge Commissioner* and shall contain the names of the *judge of compensation claims deputy commissioner* and of the attorneys involved and a brief explanation by the *judge of compensation claims deputy commissioner* as to the reason for such a delay in issuing a final order. The *Chief Judge Commissioner* shall compile these special reports into an annual public report to the Governor, the Secretary of Labor and Employment Security, the Legislature, The Florida Bar, and the appellate district judicial nominating commissions.

Section 18. Subsection (3) is added to section 440.33, Florida Statutes, to read:

440.33 Powers of *judges of compensation claims deputy commissioners*.—

(3) Before adjudicating a claim for permanent total disability benefits, the *judge of compensation claims* may request an evaluation pursuant to s. 440.49(1)(a) for the purpose of assisting the *judge of compensation claims* in the determination of whether there is a reasonable probability that, with appropriate training or education, the employee may be rehabilitated to the extent that such employee can achieve suitable gainful employment and whether it is in the best interest of the employee to undertake such training or education.

Section 19. Subsections (2) and (3) of section 440.34, Florida Statutes, are amended to read:

440.34 Attorney's fees; costs; penalty for violations.—

(2) In awarding a reasonable attorney's fee, the *judge of compensation claims deputy commissioner* shall consider only those benefits to the claimant that the attorney is responsible for securing. The amount, statutory basis, and type of benefits obtained through legal representation

shall be listed on all attorney's fees awarded by the *judge of compensation claims*. For purposes of this section, the term "benefits secured" means benefits obtained as a result of the claimant's attorney's legal services rendered in connection with the claim for benefits. However, such term does not include future medical or rehabilitation benefits to be provided on any date more than 5 years after the date a hearing is held to determine the value of the attorney's fee claimed.

(3) If the claimant should prevail in any proceedings before a *judge of compensation claims deputy commissioner* or court, there shall be taxed against the employer the reasonable costs of such proceedings, not to include the attorney's fees of the claimant. A claimant shall be responsible for the payment of his own attorney's fees, except that a claimant shall be entitled to recover a reasonable attorney's fee from a carrier or employer:

(a) Against whom he successfully asserts a claim for medical benefits only, if the claimant has not filed or is not entitled to file at such time a claim for disability, permanent impairment, wage-loss, or death benefits, arising out of the same accident; or

(b) In any case in which the employer or carrier fails or refuses to pay a claim filed with the division which meets the requirements of s. 440.19(1)(d) on or before the 21st day after receiving notice of the claim, and the injured person has employed an attorney in the successful prosecution of his claim. In cases in which the *deputy commissioner* issues an order finding that a carrier has acted in bad faith with regard to handling an injured worker's claim and the injured worker has suffered economic loss. For the purposes of this paragraph, the term "bad faith" means conduct by the carrier in the handling of a claim which amounts to fraud; malice; oppression; or willful, wanton, or reckless disregard of the rights of the claimant. Any determination of bad faith shall be made by the *deputy commissioner* through a separate factfinding proceeding. The *deputy commissioner* shall issue a separate order which shall expressly state the specific findings of fact upon which the determination of bad faith is based; or

(c) In a proceeding in which a carrier or employer denies that an injury occurred for which compensation benefits are payable, and the claimant prevails on the issue of compensability; or

(d) In cases where the claimant successfully prevails in proceedings filed under s. 440.24 or s. 440.28

In applying the factors set forth in subsection (1) to cases arising under paragraphs (a), (b), and (c), and (d) of this subsection, the *judge of compensation claims deputy commissioner* shall only consider such benefits and the time reasonably spent in obtaining them as were secured for the claimant within the scope of paragraphs (a), (b), and (c), and (d) of this subsection. In the situations set forth in paragraph (b) of this subsection, the payment of such attorney's fees may not be recouped, directly or indirectly, by any carrier in the rate base, the premium, or any rate filing.

Section 20. Paragraph (a) of subsection (1) of section 440.385, Florida Statutes, is amended to read:

440.385 Florida Self-Insurers Guaranty Association, Incorporated.—

(1) CREATION OF ASSOCIATION.—

(a) There is created a nonprofit corporation to be known as the "Florida Self-Insurers Guaranty Association, Incorporated," hereinafter referred to as "the association." Upon incorporation of the association, all individual self-insurers as defined in ss. 440.02(20)(18)(a) and 440.38(1)(b), other than individual self-insurers which are public utilities or governmental entities, shall be members of the association as a condition of their authority to individually self-insure in this state. The association shall perform its functions under a plan of operation as established and approved under subsection (5) and shall exercise its powers and duties through a board of directors as established under subsection (2). The corporation shall have those powers granted or permitted corporations not for profit, as provided in chapter 617.

Section 21. Paragraph (a) of subsection (3) of section 440.39, Florida Statutes, is amended to read:

440.39 Compensation for injuries when third persons are liable.—

(3)(a) In all claims or actions at law against a third-party tortfeasor, the employee, or his dependents or those entitled by law to sue in the event he is deceased, shall sue for the employee individually and for the

use and benefit of the employer, if a self-insurer, or employer's insurance carrier, in the event compensation benefits are claimed or paid; and such suit may be brought in the name of the employee, or his dependents or those entitled by law to sue in the event he is deceased, as plaintiff or, at the option of such plaintiff, may be brought in the name of such plaintiff and for the use and benefit of the employer or insurance carrier, as the case may be. Upon suit being filed, the employer or the insurance carrier, as the case may be, may file in the suit a notice of payment of compensation and medical benefits to the employee or his dependents, which notice shall constitute a lien upon any judgment or settlement recovered to the extent that the court may determine to be their pro rata share for compensation and medical benefits paid or to be paid under the provisions of this law, less their pro rata share of all court costs expended by the plaintiff in the prosecution of the suit including reasonable attorney's fees for the plaintiff's attorney. In determining the employer's or carrier's pro rata share of those costs and attorney's fees, the employer or carrier shall have deducted from its recovery a percentage amount equal to the percentage of the judgment or settlement which is for costs and attorney's fees. Subject to this deduction, the employer or carrier shall recover from the judgment or settlement, after costs and attorney's fees incurred by the employee or dependent in that suit have been deducted, 100 percent of what it has paid and future benefits to be paid, *except, if, unless the employee or dependent can demonstrate to the court that he did not recover the full value of damages sustained, the employer or carrier shall recover from the judgment or settlement, after costs and attorney's fees incurred by the employee or dependent in that suit have been deducted, a percentage of what it has paid and future benefits to be paid equal to the percentage that the employee's net recovery is of the full value of the employee's damages; provided, the failure by the employer or carrier to comply with the duty to cooperate imposed by subsection (7) may be taken into account by the trial court in determining the amount of the employer's or carrier's recovery, and such recovery may be reduced, as the court deems equitable and appropriate under the circumstances, including as a mitigating factor whether a claim or potential claim against a third party is likely to impose liability upon the party whose cooperation is sought, if it finds such a failure has occurred because of comparative negligence or because of limits of insurance coverage and collectibility.* The burden of proof will be upon the employee. *The determination of the amount of the employer's or carrier's recovery* Such ~~pro~~ ~~tion~~ shall be made by the judge of the trial court upon application therefor and notice to the adverse party. Notice of suit being filed shall be served upon the employer and compensation carrier and upon all parties to the suit or their attorneys of record by the employee. Notice of payment of compensation benefits shall be served upon the employee and upon all parties to the suit or their attorneys of record by the employer and compensation carrier.

Section 22. Subsection (8) of section 440.44, Florida Statutes, is amended, and subsection (10) is added to said section, to read:

440.44 Workers' compensation; staff organization.—

(8) **ADVISORY COUNCIL.**—The secretary may appoint a 15-member advisory council to aid the division in ~~formulating policies, discussing problems, and assuring impartiality and freedom from political influence in the solution of such problems, related to the administration of this chapter or any other law administered by the division.~~ *in matters of a technical nature, including, but not limited to, assisting the division in the development of:*

- (a) *Appropriate forms.*
- (b) *Acceptable carrier practices.*
- (c) *Methods of communicating and educating employees and carriers on their obligations under the Florida Workers' Compensation law.*
- (d) *Methods to ensure compliance with data collection requests.*
- (e) *Reviewing promptness of payments of workers' compensation benefits.*

Initially, the secretary shall appoint four members for terms of 4 years, four members for terms of 3 years, four members for terms of 2 years, and three members for terms of 1 year. Thereafter, members shall be appointed for 4-year terms. A vacancy shall be filled for the remainder of the unexpired term. The council shall meet at the call of its chairman, at the request of a majority of its membership, at the request of the division, or at such times as may be prescribed by its rules. *The advisory council shall meet at least annually.* The members of the advisory council shall receive no compensation for such services, but shall be reimbursed for traveling expenses as provided in s. 112.061.

(10) **WORKERS' COMPENSATION OVERSIGHT BOARD.**—*The Governor shall appoint a workers' compensation oversight board of not less than 25 members from representatives of all interest groups in the field of workers' compensation, including, but not limited to, representatives of labor, employers, insurance companies, self-insured funds, health care providers, attorneys, rehabilitation providers, regulators, academicians, and legislators. Board members shall serve at the pleasure of the Governor. The board shall elect a chairman from its membership. The members of the board shall receive no compensation for such services, but shall be reimbursed for traveling expenses as provided in s. 112.061.*

(a) *The board shall meet at least twice each year and shall annually review the performance of the workers' compensation system, issuing a report of its findings and conclusions on or before January 1 of each year to the Governor, the Secretary of Labor and Employment Security, the Commissioner of Insurance, and the Speaker of the House of Representatives, President of the Senate, minority leaders of both houses and appropriate committee chairmen of both houses as to the status of the workers' compensation system. In the performance of such responsibility, the board shall have the authority to:*

1. *Make recommendations relating to the adoption of rules and needed legislation.*
2. *Develop recommendations regarding the method and form of statistical data collection.*
3. *Monitor the performance of the workers' compensation system in the implementation of legislative directives.*

(b) *The division and other state agencies shall cooperate with the board and shall provide information and staff support as reasonably necessary and required by the board.*

Section 23. Subsections (2) and (4) and the introductory paragraph of subsection (3) of section 440.45, Florida Statutes, are amended, subsections (5), (6), and (7) are renumbered as subsections (6), (7), and (8), respectively, and a new subsection (5) is added to said section, to read:

440.45 ~~Judges of compensation claims Deputy commissioners; Chief Judge Commissioner.~~—

(2) Each full-time ~~judge of compensation claims deputy commissioner~~ shall be appointed for a term of 4 years, but during the term of office may be removed by the Governor for cause. Prior to the expiration of the term of office of the ~~judge of compensation claims deputy commissioner~~, the conduct of such ~~judge of compensation claims deputy commissioner~~ shall be reviewed by the appellate district judicial nominating commission in the appellate district in which the ~~judge of compensation claims deputy commissioner~~ principally conducts hearings, which commission shall determine whether such ~~judge of compensation claims deputy commissioner~~ shall be retained in office. A report of the decision shall be furnished to the Governor no later than 6 months prior to the expiration of the term of the ~~judge of compensation claims deputy commissioner~~. If the judicial nominating commission votes not to retain the ~~judge of compensation claims deputy commissioner~~, the ~~judge of compensation claims deputy commissioner~~ shall not be reappointed but shall remain in office until a successor is appointed and qualified. If the judicial nominating commission votes to retain the ~~judge of compensation claims deputy commissioner~~ in office, then the Governor shall reappoint the ~~judge of compensation claims deputy commissioner~~ for a term of 4 years. *Judges of compensation claims shall be subject to the jurisdiction of the Judicial Qualifications Commission.*

(3) The ~~judges of compensation claims deputy commissioners~~ shall be within the Department of Labor and Employment Security under the secretary of that department. To assist the secretary in the administration of the ~~judges of compensation claims deputy commissioners~~, there shall be created the position of Chief ~~Judge Commissioner~~ within the secretary's office. The Chief ~~Judge Commissioner~~ is not subject to the provisions of subsection (1), subsection (2), subsection (4), or subsection (5), but shall be appointed directly by the Governor and shall have had 3 years' experience in the practice of law in this state. The Chief ~~Judge Commissioner~~ shall have the authority to appoint such personnel as are necessary in the discharge of his duties. The personnel of the division shall cooperate with the Chief ~~Judge Commissioner~~ in the discharge of his duties. The duties of the Chief ~~Judge Commissioner~~ include, but are not limited to, the following:

(4) Effective July 1, 1989 1984, each full-time judge of compensation claims deputy commissioner shall receive a salary in an amount equal to \$4,000 less than that paid to a circuit court judge. ~~the amount of the salary which was paid for the position of deputy commissioner on October 1, 1983. Thereafter, if the salaries of employees within the Senior Management Service are increased at any time, the base salary for each full-time deputy commissioner shall be increased by the same percentage as the percentage of increase granted such employees. The Chief Judge Commissioner shall receive a salary of \$1,000 more per year than the salary paid to a full-time judge of compensation claims deputy commissioner. These salaries shall be paid out of the fund established in s. 440.50.~~

(5) *The judge of compensation claims shall make such expenditures for law books, books of reference, periodicals, furniture, equipment, supplies, printing, and binding as may be necessary in exercising their authority and powers and carrying out their duties and responsibilities. All such expenditures of the judge of compensation claims shall be allowed and paid upon approval of the Chief Judge.*

Section 24. Subsection (1) of section 440.49, Florida Statutes, is amended, and paragraph (k) is added to subsection (2) of said section, to read:

440.49 Rehabilitation of injured employees; Special Disability Trust Fund.—

(1) REHABILITATION OF INJURED EMPLOYEES.—

(a) When an employee has suffered an injury covered by this chapter and it appears that the injury will preclude the employee from earning wages equal to wages earned prior to the injury, the employee shall be entitled to appropriate training and education ~~prompt rehabilitation services. Upon request by the employee or the employer or carrier, at its own expense, the division shall provide such injured employee with appropriate training and education for suitable gainful employment and may cooperate with federal and state agencies for training and vocational education and with any public or private agency cooperating with such federal and state agencies in the training and education vocational rehabilitation of such injured employees. Within 10 days of the request, the division shall respond by assigning a public or private evaluator to conduct an evaluation to determine if training and education is appropriate. Unless the injured employee and the employer/carrier have agreed upon an evaluator to conduct the evaluation and included the evaluator's name in the request. Within 30 days of the assignment, the evaluator shall submit the results of the evaluation to the division, employer, and employee. Any contracts entered into for this purpose shall be exempt from the competitive bidding requirements of chapter 287. The division shall establish a blind rotation system for the selection of the evaluators in the appropriate geographic area, except in the community college districts served by Miami-Dade Community College, Florida Community College at Jacksonville, and Indian River Community College. Until October 1, 1991, 50 percent of the evaluations in those districts shall be assigned to the community college in the district and the other 50 percent to other evaluators in the district who are selected by a blind rotation system. Thereafter, the method of selecting the evaluator shall be consistent statewide. Based on the results of the evaluation, the division is authorized to expend moneys from the Workers' Compensation Administration Trust Fund established by s. 440.50, for the purpose of assisting such injured employees to obtain appropriate training and education, if necessary. Such expenditures shall only be made in accordance with rules promulgated by the division establishing standards for eligibility and types, duration, and direct cost of training and educational programs to be made available. All hearings arising under this subsection shall be conducted by a judge of compensation claims pursuant to s. 440.25. However, no judge of compensation claims shall assume jurisdiction to approve or disapprove training and education under this provision until the division has advised all parties as to the training and education program it may propose if such training and education program is to be funded out of the fund established by s. 440.50. The division shall be a party to all hearings involving any claims made against the fund established by s. 440.50. For purposes of this section only, "suitable gainful employment" means employment or self-employment which is reasonably attainable in light of the individual's age, education, previous occupation, and injury and which offers an opportunity to restore the individual as soon as practicable and as nearly as possible to his average weekly earnings at the time of injury. If any voluntary vocational rehabilitation services or training and education services are voluntarily provided to the employee by the employer or~~

~~carrier, those services shall be reported to the division within such time as the division may prescribe by rule, so that the division may perform utilization review of such services. Neither the employer, carrier, or injured employee is required to furnish or accept voluntary vocational rehabilitation services. As used in this subsection, the term "Voluntary Vocational Rehabilitation Services" means services helpful to restore injured employees to suitable gainful employment. Voluntary vocational rehabilitation within the Workers' Compensation Act includes two major interrelated types of services, Medical Care Coordination and Vocational Services Coordination. "Medical Care Coordination" includes but is not limited to coordinating physician and mental restoration services, such as medical, psychiatric, or therapeutic treatment for the injured employee, providing health teaching to the employee and family, and monitoring the employee's recovery process to maximize recovery, minimize the disability, and prevent complications. The purpose of medical care coordination is to minimize the recovery period without jeopardizing medical stability, to assure that proper medical treatment and other restorative services are received in a timely and sequential manner, so as to assist in the containment of medical costs. "Vocational Services Coordination" includes but is not limited to vocational services needed by the injured employee to secure suitable gainful employment. Such services include counseling for adjustment to disability, vocational counseling, vocational and functional capacity assessments, job seeking skills training, self employment assistance, and selective job placement, arranging other services such as education or training (vocational and on-the-job) which may be needed by the employee, and monitoring the employee's progress toward attainment of the identified vocational goal. For the purpose of this subsection, "Selective Job Placement" means a process by which a provider directly assists the injured employee in securing suitable employment by matching the needs and abilities of the injured employee with the requirements and demands of specific jobs. If such services are not voluntarily offered or accepted, The Division of Workers' Compensation of the Department of Labor and Employment Security, upon application of the employee, employer, or carrier, after affording the parties an opportunity to be heard, may refer the employee to a qualified physician or facility for the evaluation of the practicality of, the need for, and the kind of service, treatment, or training, necessary and appropriate to restore the employee to suitable gainful employment. On receipt of such report, and after affording the parties an opportunity to be heard, the deputy commissioner may order that the service and treatment recommended in the report, or such other rehabilitation treatment or service deemed necessary, be provided at the expense of the employer or carrier.~~

(b1). The Division of Workers' Compensation shall continuously study the issue of education and training and rehabilitation, both physical and vocational, and shall investigate and maintain a directory of all qualified rehabilitation facilities and agencies, both public and private. The division shall establish by rule the minimum qualifications, standards, and requirements which must be met in order to be listed in the directory of qualified training and education and rehabilitation service providers, facilities, and agencies. Such minimum qualifications, standards, and requirements shall be based on those generally accepted within the various specific fields of rehabilitation for which the provider, facility, or agency is to be approved. A biennial application fee of \$25 shall be charged for a listing in the directory, and all such fees shall be deposited in the Workers' Compensation Administration Trust Fund. The division has the authority to monitor and evaluate qualified training and education or rehabilitation service providers, facilities, and agencies to ensure their continued compliance with the minimum qualifications, standards, and requirements established pursuant to this subparagraph. The failure of a training and education or rehabilitation service provider, facility, or agency to provide the division with information requested or access necessary for it to carry out this monitoring and evaluation function shall be grounds for removing the provider, facility, or agency from the directory.

2. A training and education or rehabilitation service provider, facility, or agency shall prepare an individualized written rehabilitation plan on all compensable workers' compensation cases which require three or more counseling sessions, vocational evaluations, training, work evaluations, or placement. Prior to implementing any plan, the plan shall be signed by the carrier or employer, if self-insured, as verification of acceptance of the plan. The plan shall be filed electronically with the division and copies furnished to all interested parties. Progress reports shall be filed electronically every 30 days with the division and within 30 days of the completion of the plan. Funding for electronic reporting equipment for the division shall be from the Workers' Compensation Administration Trust Fund established by s. 440.50.

3.2. A training and education or rehabilitation service provider, facility, or agency may not be authorized by any employer, or carrier, or the division to provide any training and education or rehabilitation services in this state to an injured worker unless such provider, facility, or agency is listed or has been approved for listing in the directory as being qualified to provide the specific service to be authorized. However, Miami-Dade Community College, Florida Community College at Jacksonville, and Indian River Community College shall be authorized to conduct evaluations of injured employees until October 1, 1991, regardless of whether or not they are listed in the directory. Thereafter, they will have to be listed in the directory to be an authorized provider. Upon the filing of a petition to the deputy commissioner by the division, any employer or carrier which violates this subparagraph may be subject to a civil penalty of not more than \$100, which shall be assessed by a deputy commissioner for deposit into the Workers' Compensation Administration Trust Fund. A petition filed by the division under this subparagraph shall be determined in accordance with the procedure prescribed in s. 440.25, to the extent that such procedure is applicable, and in accordance with the Workers' Compensation Rules of Procedure. This paragraph does not apply to training and education or rehabilitation services provided outside this state and does not apply to the services of a training and education or rehabilitation service provider, facility, or agency unless such provider, facility, or agency is included in the definition of same contained in subparagraph 4. 3. Job placement services provided by private employment agencies under this subsection are exempt from this subparagraph if those services are limited to job placement.

4.3. As used in this paragraph, the term:

a. "Private employment agency" means any person, firm, or corporation which, for hire or for profit, undertakes to secure employment or help, or through the medium of a card, circular, pamphlet, or other medium whatsoever, or through the display of a sign or bulletin, or by any other holding out to the public, offers to secure employment or help or give information as to where employment or help may be secured.

b. "Qualified training and education or rehabilitation service providers, facilities, and agencies" means training and education or rehabilitation service providers, facilities, and agencies which are listed in the division directory of qualified training and education or rehabilitation service providers, facilities, and agencies.

c. "Training and education or rehabilitation service providers, facilities, and agencies" means nurses licensed pursuant to chapter 464, vocational rehabilitation counselors, and public and private agencies, companies, and corporations which provide to injured workers, pursuant to this section, training and educational or vocational rehabilitation services including vocational retraining, testing, counseling, evaluation, and job placement services. The term includes does not include self-insured employers or carriers, their employees or wholly owned subsidiaries when they provide such services wholly in-house to the injured workers of the self-insured employer or carrier's insureds. Such in-house services shall be subject to s. 440.20(16). The term does not include the Department of Labor and Employment Security or the Department of Health and Rehabilitative Services or the employees of either department. The term does not include physicians licensed under chapter 458, osteopaths licensed under chapter 459, chiropractors licensed under chapter 460, podiatrists licensed under chapter 461, psychologists licensed under chapter 490, or hospitals.

(c) Prior to entering an order adjudicating an injured employee to be permanently and totally disabled, the judge of compensation claims deputy commissioner shall first determine whether there is a reasonable probability that, with appropriate training or education, the injured employee may be rehabilitated to the extent that such employee can achieve suitable gainful employment and whether it is in the best interest of such individual to undertake such training or education.

(d) When it appears that training and education are rehabilitation is necessary and desirable to restore the injured employee to suitable gainful employment, the employee shall be entitled to be paid by the employer additional compensation for temporary total disability during such period as the employee may be receiving training and education under a program pursuant to this section reasonable and proper rehabilitation services for a period not to exceed 26 weeks, which period may be extended for an additional period not to exceed 26 additional weeks, if such extended period is determined to be necessary and proper by the judge of compensation claims deputy commissioner. However, no carrier or employer shall be precluded from continuing such additional tempo-

rary total disability compensation rehabilitation beyond such period voluntarily. If rehabilitation requires residence at or near a facility or an institution and away from the employee's customary residence, the reasonable cost of board, lodging, or travel shall be borne by the division from the Workers' Compensation Administration Trust Fund established by s. 440.50 employer or carrier. Refusal to accept training and education rehabilitation as deemed necessary by the judge of compensation claims deputy commissioner shall result in a 50 percent reduction in weekly compensation, including wage-loss benefits as determined pursuant to s. 440.15(3)(b), for each week of the period of refusal.

(e) The division, after consultation with representatives of employees, employers, carriers, training and education service providers, and rehabilitation providers, shall adopt rules governing practices and standards for training and education and rehabilitation service providers which reflect the generally accepted standards for such providers. Temporary disability benefits paid pursuant to s. 440.15(2)(a) and (4) shall include such period as may be reasonably required for training in the use of artificial members and appliances, and shall include such period as the employee may be receiving training or education under a rehabilitation program pursuant to paragraphs (1)(a) and (d). Notwithstanding s. 440.02(7), the date of maximum medical improvement, for purposes of s. 440.15(3)(b), shall be no earlier than the last day for which such temporary disability benefits are paid.

(f) Any person who offers to secure employment or help or who gives information as to where such employment or help may be secured and who performs such acts exclusively in conjunction with fulfilling his responsibilities under this chapter to rehabilitate injured or disabled individuals shall be exempt from the provisions of chapter 440, relating to private employment agencies.

(2) LIMITATION OF LIABILITY FOR SUBSEQUENT INJURY THROUGH SPECIAL DISABILITY TRUST FUND.—

(k) Reimbursement to subsequent employer of permanently injured worker.—If an employee incurs a permanent impairment from injury or occupational disease arising out of, and in the course of, his employment and has been unemployed as a result of his injury or disease for 2 consecutive years, the employer who then employs such an employee shall be reimbursed from the fund for 50 percent of the employee's wages, not to exceed the maximum compensation rate as provided in s. 440.12, up to a period of 6 months.

Section 25. Present subsections (4), (5), and (6) of section 440.56, Florida Statutes, are amended, subsections (4) through (7) are renumbered as subsections (5) through (8), respectively, and new subsections (4) and (9) are added to said section, to read:

440.56 Safety rules and provisions; penalty.—

(4) No later than January 1, 1991, the division shall develop a means by which it can identify both those individual employers and those groups of employers with high frequency or severity of work-related injuries. The division shall carry out safety inspections of those employers so identified in order to assist those employers in reducing the number of work-related injuries. No penalties shall be assessed by the division as the result of such inspections, except as provided by subsection (6). Copies of any report made as the result of such inspection shall be provided the employer and its carrier. Effective January 1, 1991, all employers identified by the division as having high frequency or severity of work-related injuries shall submit an employee safety training program to the division for approval. The division shall promptly review the program submitted and approve or disapprove it. Upon approval by the division, the program shall be implemented by the employer. If the program is not approved or if no program is submitted, the division may design a safety training program and provide it to the employer for implementation.

(5)(4) All insurance carriers writing workers' compensation insurance in this state and all employers qualifying as self-insurers under ss. 440.38 and 440.57 shall provide safety consultations to each of their policyholders requesting such consultations. All such carriers and self-insurers shall inform their policyholders of the availability of such consultations and shall report annually on their safety programs and consultations to the division in such form and at such time as the division prescribes. The division shall be responsible for approving all safety programs. The division shall aid all insurance carriers and self-insurers in establishing their safety programs by setting out guidelines in an appropriate format. In addition, the division may approve a safety program submitted to it by a carrier or self-insurer.

(6)(5) If any employer violates or fails or refuses to comply with any reasonable rule adopted by the division, in accordance with chapter 120, for the prevention of accidents or industrial or occupational diseases or any lawful order of the division in connection with the provisions of this section or fails or refuses to furnish or adopt any safety device, safeguard, or other means of protection prescribed by the division pursuant to this section for the prevention of accidents or industrial or occupational diseases, ~~after the employer has been given reasonable notice in writing by the division or its authorized representative, not fewer than 15 days prior thereto, of the specific violation, omission, failure, or refusal charged by the division, or its authorized representative,~~ the division, after notice and hearing in accordance with chapter 120, may assess against such employer a civil penalty of not less than \$100 ~~\$20~~ nor more than \$1,000 ~~\$100~~. Each day such violation, omission, failure, or refusal continues after the employer has been given notice thereof in writing as herein provided shall be deemed a continuing violation, and the penalty may not exceed \$10,000 ~~\$1,000~~. The hearing shall be held in the county where the violation, omission, failure, or refusal is alleged to have occurred, unless otherwise agreed to by the employer and authorized by the division.

(7)(6) In estimating the amounts necessary for the administration of this chapter, in accordance with s. 440.51, the division shall also include estimates of the amounts necessary for the administration of this section which shall be made in the manner set forth in s. 440.51; and such amounts as may be needed to administer this section shall be disbursed from the fund established pursuant to s. 440.50 in the manner therein provided. *In estimating the amount necessary for administration, the division shall specifically designate and allocate the funds necessary to carry out the duties set out in subsection (4).* If this subsection or the application of such funds to the administration of this section is declared invalid for any reason, the validity of ss. 440.50 and 440.51 as applied to the provisions of this chapter other than this section shall not be affected thereby.

(8)(7) The division shall cooperate with the Federal Government so that duplicate inspections will be avoided yet assure safe places of employment for the citizens of this state.

(9) *In the event that an employer which is found by the division to have high frequency or severity of work-related injuries fails to implement a safety training program, the carrier or self-insurer's fund which is providing coverage for such employer may cancel the contract for insurance with such employer. In the alternative, the carrier or fund may terminate any discount or deviation granted to such employer for the remainder of the term of the policy. In the event of such a cancellation of the policy or the discount or deviation, the carrier shall make such reports as are required by law.*

Section 26. Present subsections (5), (6), and (7) of section 440.57, Florida Statutes, 1988 Supplement, are renumbered as subsections (6), (7), and (8), respectively, and a new subsection (5) is added to said section to read:

440.57 Pooling liabilities.—

(5) *No dividend or premium refund of any self-insurer established under this section, otherwise earned, shall be made contingent upon continued membership in the fund, renewal of any policy, or the payment of renewal premiums for membership in the fund or on any policy issued by such self-insurer. Prior to making any dividend or premium refund, the group self-insurer shall submit to the division the following information:*

- (a) *An audited certified financial statement.*
- (b) *An annual report of financial condition.*
- (c) *A loss reserve review by a qualified actuary.*

*The required information listed in paragraphs (a)-(c) shall be submitted annually, no later than 7 months after the end of the group self-insurer's fund year. No request for such dividend or premium refund may be made prior to the filing of the required information. The request for such dividend or premium refund shall include a resolution of the board of trustees of the group self-insurer requesting approval of a specific amount to be distributed. Any dividend, premium refund, or premium discount or credit shall in no manner discriminate on the basis of continued coverage or continued membership in the group self-insurer. The division shall review such request and shall issue a decision within 60 days of the filing. Failure to issue a decision within 60 days shall con-*

*stitute an approval of such request. Any dividend or premium refund approved by the division for distribution which cannot be paid to the applicable member or policyholder or former member or policyholder of the group self-insurer because the former member or policyholder cannot be reasonably located shall become the property of the group self-insurer.*

Section 27. Subsection (3) of section 442.115, Florida Statutes, is amended to read:

442.115 Employee education and training.—

(3) Safety consultations provided pursuant to s. 440.56(5)(4) will serve to satisfy the requirements of the program if the training otherwise meets the criteria set forth in this section.

Section 28. Subsection (2) of section 455.241, Florida Statutes, 1988 Supplement, is amended to read:

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

(2) *Except as otherwise provided in s. 440.13(2)(c), such records shall not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or his legal representative or other health care providers involved in the care or treatment of the patient, 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 records 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. Except in a medical negligence action when a health care provider is or reasonably expects to be named as a defendant, information disclosed to a health care practitioner by a patient in the course of the care and treatment of such patient is confidential and may be disclosed only to other health care providers involved in the care or treatment of the patient, or if permitted by written authorization from the patient or compelled by subpoena at a deposition, evidentiary hearing, or trial for which proper notice has been given. 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), 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), s. 460.413(1)(s), s. 461.013(1)(t), s. 462.14(1)(t), s. 463.016(1)(n), s. 464.018(1)(h), s. 466.028(1)(y), or s. 474.214(1)(o); provided, however, 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.*

Section 29. Section 489.114, Florida Statutes, is created to read:

489.114 *Evidence of workers' compensation coverage.—Any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the contractor, provide to the Construction Industry*

*Licensing Board evidence of workers' compensation coverage pursuant to chapter 440 by the submission to the board of a copy of the insurance policy or a certificate of insurance issued by the carrier or self-insurer to the contractor showing the date and duration of the coverage. The failure to maintain workers' compensation coverage shall be grounds for the board to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.129. The board shall establish by rule the procedures needed to monitor the maintenance of coverage by contractors.*

Section 30. Subsection (2) of section 489.131, Florida Statutes, 1988 Supplement, is amended to read:

489.131 Applicability.—

(2) The state or any county or municipality shall require that bids submitted for construction, improvement, remodeling, or repair of public buildings be accompanied by evidence that the bidder holds an appropriate certificate or registration, unless the work to be performed is exempt under s. 489.103, or the contractor is not domiciled in this state and can satisfactorily show that he will comply with s. 489.117(3). *Any contractor not domiciled in this state shall submit to the state, county, or city proof of workers' compensation coverage and evidence that the contractor's carrier or self-insurer has current knowledge of the contractor's intent to do business within this state.*

Section 31. Section 489.510, Florida Statutes, is created to read:

489.510 *Evidence of workers' compensation coverage.—Any person, business organization, or qualifying agent engaged in the business of electrical contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the electrical contractor, provide to the Electrical Contractors' Licensing Board evidence of workers' compensation coverage pursuant to chapter 440 by the submission to the board of a copy of the insurance policy or a certificate of insurance issued by the carrier or self-insurer to the contractor showing the date and duration of the coverage. The failure to maintain workers' compensation coverage shall be grounds for the board to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.533. The board shall establish by rule the procedures needed to monitor the maintenance of coverage by electrical contractors.*

Section 32. Subsections (2) through (9) of section 549.08, Florida Statutes, are renumbered as subsections (3) through (10), respectively, and a new subsection (2) is added to said section to read:

549.08 Motor vehicle racing event; permits to conduct on highway or street or in park within municipality.—

(2) *"Motorsports teams" means drivers of motor vehicles and those persons who directly support motorsports drivers in a pit area during racing events.*

Section 33. Subsection (4) is added to section 626.869, Florida Statutes, 1988 Supplement, to read:

626.869 License, permit classes; adjusters, claims investigators.—

(4) *Any person holding a license or permit limited to cover adjusting in workers' compensation insurance under paragraph (1)(d) and any person holding an adjuster's license of the types listed in s. 626.864, covering other lines of insurance, who adjusts workers' compensation claims, shall certify to the department every 2 years, at least 90 days prior to the renewal date of his license, the fact that the licensee has completed a course of instruction designed to inform the licensee as to the current workers' compensation laws of this state, so as to enable him to engage in such business as a workers' compensation insurance adjuster fairly and without injury to the public and to adjust all claims in accordance with the policy or contract and the workers' compensation laws of this state. In order to qualify as an eligible course under this subsection, the course shall:*

(a) *Consist of 24 hours of classroom instruction in the workers' compensation laws and practices of this state, 2 hours of which shall relate to ethics, with the course outline approved by the department.*

(b) *Be taught at a school training facility or other location approved by the department.*

(c) *Be taught by instructors with at least 5 years of experience in the area of workers' compensation, general lines of insurance, or other persons approved by the department. However, a member of The Florida Bar shall be exempt from the 5-years' experience requirement.*

(d) *Furnish the attendee a certificate of completion. The course shall send a copy of the certificate of completion to the department at its offices in Tallahassee, Florida.*

Section 34. Paragraph (c) of subsection (4) of section 627.311, Florida Statutes, is amended to read:

627.311 Joint underwriters and joint reinsurers.—

(4)

(c) Effective July 1, 1981, self-insurers as defined in s. 440.02(20)(18)(a) and (c) shall participate in the equitable apportionment among insurers of losses and loss-adjustment expenses incurred by the plan with credit for investment income. Expenses shall be limited to actual expenses incurred by the plan. However, this paragraph shall not apply to governmental entities which are self-insurers under s. 440.38(6) or s. 440.57 or public utilities who are self-insurers under s. 440.38(1)(b). Self-insurers participating in the plan shall be deemed to be insurers for the purposes of this subsection. When the provisions of this paragraph become effective, two individual self-insurers participating in the plan and authorized under s. 440.38(1)(b) and two group self-insurers participating in the plan and authorized under s. 440.57 shall be added to the board of governors as named by the Insurance Commissioner.

Section 35. Paragraph (a) of subsection (1) of section 766.101, Florida Statutes, 1988 Supplement, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(a) The term "medical review committee" or "committee" means:

1. A committee:

a. Of a hospital or ambulatory surgical center licensed under chapter 395 or a health maintenance organization certificated under part II of chapter 641,

b. Of a state or local professional society of health care providers,

c. Of a medical staff of a licensed hospital or nursing home, provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital or nursing home,

d. Of the Department of Corrections or the Correctional Medical Authority as created under s. 945.602, or employees, agents, or consultants of either the department or the authority or both,

e. Of a professional service corporation formed under the provisions of chapter 621 or a corporation organized under chapter 607, which is formed and operated for the practice of medicine as defined in s. 458.305(3), and which has at least 25 health care providers who routinely provide health care services directly to patients,

f. Of a mental health treatment facility licensed under chapter 394 or a community mental health center as defined in s. 394.907 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

g. Of an alcohol treatment and prevention resource licensed under chapter 396 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency, or

h. Of a drug abuse treatment and education prevention program licensed under chapter 397 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

i. Of a peer review or utilization review committee organized under chapter 440,

which committee is formed to evaluate and improve the quality of health care rendered by providers of health service or to determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care or that the cost of health care rendered was considered reasonable by the providers of professional health services in the area; or

2. A committee of an insurer, self-insurer, or joint underwriting association of medical malpractice insurance, or other persons conducting review pursuant to the provisions of s. 766.106.

Section 36. *The deputy commissioners appointed pursuant to s. 440.45, Florida Statutes, are hereby renamed as judges of compensation claims. The position of Chief Commissioner, as created pursuant to s. 440.45(3), Florida Statutes, is hereby renamed as the Chief Judge. In editing manuscript for the next edition of the official Florida Statutes, the Statutory Revision and Indexing Division of the Joint Legislative Management Committee shall change "deputy commissioner" to "judge of compensation claims," and "Chief Commissioner" to "Chief Judge," wherever the same appear in chapter 440, Florida Statutes, and wherever reference to such positions may appear elsewhere in the Florida Statutes. The Chief Commissioner and every deputy commissioner serving on the effective date of this act shall serve out the remainder of his unexpired term respectively as the Chief Judge and as a judge of compensation claims.*

Section 37. *Rehabilitation; cost study and analysis.—*

(1) *No later than January 1, 1991, the Division of Workers' Compensation of the Department of Labor and Employment Security shall conduct a cost analysis of data it receives relating to training and education provided under s. 440.49(1), Florida Statutes, and rehabilitation services voluntarily paid by employers. This data shall be provided to the three-member panel created by s. 440.13(4)(a), Florida Statutes. The panel shall determine and approve a schedule of maximum reimbursements for such services based upon consideration of the following:*

(a) *The levels of reimbursement for similar services made by other programs.*

(b) *The cost to the workers' compensation system of a level of reimbursement for such services that will ensure the availability of such services to injured employees.*

(c) *The financial impact of the reimbursement allowances upon providers of such services.*

(2) *The data collected by the division shall be provided to the Department of Insurance so that the department may determine whether the services provided should be considered benefits to the employee, losses, or loss adjustment expenses of the employer or carrier for purposes of ratemaking. Such determination shall be made by the Department of Insurance.*

Section 38. (1) *Joint Select Committee on Workers' Compensation.—*

(a) *The Joint Select Committee on Workers' Compensation is created to review the workers' compensation system and the administration thereof. By January 1, 1991, the committee shall submit a report to the Speaker of the House of Representatives and the President of the Senate, which shall contain any recommended legislative changes that will stabilize or reduce rates while promoting equitable benefits for injured workers.*

(b) *The committee shall be composed of the following members:*

1. *Three members of the Senate appointed by the President of the Senate.*

2. *Three members of the House of Representatives appointed by the Speaker of the House of Representatives.*

(c) *The committee is authorized to contract for services necessary to prepare the report required by this section and the sum of \$250,000 is appropriated from the Workers' Compensation Administration Trust Fund for that purpose.*

(d) *Appropriate staff from the Legislature, the Department of Labor and Employment Security, and the Department of Insurance shall assist the committee in the development and preparation of the report.*

(2) *This section shall take effect upon this act becoming a law.*

Section 39. *On or before January 1, 1991, the Department of Labor and Employment Security shall submit a report to the Speaker of the House of Representatives and the President of the Senate containing a fiscal analysis of the provisions in this act which are to be administered by the department, including a detailed statement of the receipts of and*

*expenditures from the fund established in s. 440.50, Florida Statutes, and including specific experience data relating to mediation conferences, medical utilization review, safety inspections and programs, rehabilitation evaluations and training and education contracts, attorney's fees, judge of compensation claims supply expenditures, and any other matters addressed in the act which have had significant impact on the department.*

Section 40. *The Center for Public Policy at Florida State University shall conduct a cost comparison study of the public, not-for-profit, and private evaluation providers based on the worker's compensation claimants' evaluation experiences between October 1, 1989, and October 1, 1991, in the community college districts served by Miami-Dade Community College, Florida Community College in Jacksonville, and Indian River Community College. The study shall give consideration to the cost of evaluation as it relates to outcome, time and quality of services provided to workers' compensation claimants, the most cost-effective method of service delivery, and who should be paying for the evaluation service. The Division of Workers' Compensation of the Department of Labor and Employment Security shall cooperate with the university in the provision of data and any other relevant information. The results of the study shall be submitted to the Speaker of the House of Representatives and the President of the Senate by February 1, 1992. Funding for the study shall be from the Workers' Compensation Administration Trust Fund established by s. 440.50.*

Section 41. (1) *The Division of Workers' Compensation of the Department of Labor and Employment Security shall educate all persons providing or receiving benefits pursuant to chapter 440, Florida Statutes, as to their rights and responsibilities under that chapter.*

(2) *The division shall publish a guide to the workers' compensation system which shall contain an explanation of benefits provided, procedures regarding disputes, relevant rules of the division, and such other information that the division believes will inform employees, employers, carriers, and those providing services pursuant to chapter 440, Florida Statutes, of their rights and responsibilities under such chapter and the rules of the division. The guide shall be updated as necessary and shall be available at cost. The guide shall not constitute either rules or agency action for purposes of chapter 120, Florida Statutes.*

Section 42. *Subsection (10) of section 440.44, Florida Statutes, is repealed on October 1, 1999, and the workers' compensation oversight board shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 43. *Chapter 440, Florida Statutes, is repealed on October 1, 1991, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.*

Section 44. (1) *There is hereby appropriated from the Workers' Compensation Administration Trust Fund to the Department of Labor and Employment Security for fiscal year 1989-1990 63 full-time equivalent positions and the sum of \$2,603,403 to implement the provisions of this act.*

(2) *This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later.*

Section 45. *Section 11.402, Florida Statutes, is created to read:*

*11.402 Legislative intent.—It is the intent of the Legislature that the Public Counsel be a unit of the "legislative branch" of state government pursuant to s. 216.011(1)(s). The Public Counsel created in chapter 350 shall be transferred to chapter 11 and his authority shall be expanded as specified.*

Section 46. *Section 350.061, Florida Statutes, is renumbered as section 11.403, Florida Statutes, and amended to read:*

*11.403 ~~350.061~~ Public Counsel; appointment; oath; restrictions on Public Counsel and his employees.—*

(1) *The ~~Joint~~ Legislative Auditing Committee shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission and the Department of Insurance. The Public Counsel shall be an attorney admitted to ~~The Florida Bar practice before the Florida Supreme Court~~ and shall serve at the pleasure of the ~~Joint~~ Legislative Auditing Committee, subject to annual reconfirmation by the committee. Vacancies in the office shall be filled in the same manner as the original appointment.*

(2) The Public Counsel shall take and subscribe to the oath of office required of state officers by the State Constitution.

(3) No officer or full-time employee of the Public Counsel shall actively engage in any other business or profession; serve as the representative of any political party or on any executive committee or other governing body thereof; serve as an executive, officer, or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; or engage on behalf of any candidate for public office in the solicitation of votes or other activities in behalf of such candidacy. Neither the Public Counsel nor any employee of the Public Counsel shall become a candidate for election to public office unless he shall first resign from his office or employment.

Section 47. Section 350.0611, Florida Statutes, is renumbered as section 11.404, Florida Statutes, and amended to read:

*11.404 350.0611 Public Counsel; duties and powers.—It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the Public Service Commission and the Department of Insurance. The Public Counsel shall have such powers as are necessary to carry out the duties of his office, including, but not limited to, the following specific powers:*

(1) To recommend to the commission, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission.

(2) To recommend to the department, by petition, the commencement of, and to appear in the name of the state or its citizens in, any proceeding or action before the department relating to:

(a) Rules governing health insurance, motor vehicle insurance, or workers' compensation; or

(b) Rate filings for health insurance, motor vehicle insurance, or workers' compensation which request rate increases of 10 percent or greater or rate decreases of 5 percent or greater within a 12-month period.

(c) The Public Counsel must initiate or intervene in any rate proceeding or action within 60 days of when the rate filing is made. To do so, the Public Counsel must file notice with the Insurance Commissioner stating that based upon a preliminary review the Public Counsel believes that the rates filed are excessive, inadequate or unfairly discriminatory. For purposes of this section, Department of Insurance approval of or retraction of objections to a rate filing shall constitute final agency action, which may be appealed only to the District Court of Appeals and which may not be stayed.

(3) To and urge in any proceeding or action to which he is a party therein any position which he deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission or department, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission or department which shall be reviewable by summary procedure in the circuit courts of this state.;

(4)(2) To have access to and use of all files, records, and data of the commission or department available to any other attorney representing parties in a proceeding before the commission or department.;

(5)(3) In any proceeding in which he has participated as a party, to seek review of any determination, finding, or order of the commission or department, or of any hearing examiner designated by the commission or department, in the name of the state or its citizens.;

(6)(4) To prepare and issue reports, recommendations, and proposed orders to the commission or department, the Governor, and the Legislature on any matter or subject within the jurisdiction of the commission or department, and to make such recommendations as he deems appropriate for legislation relative to commission or department procedures, rules, jurisdiction, personnel, and functions.;

(7)(5) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission or department, in the name of the state or its citizens.

Section 48. Section 350.0612, Florida Statutes, is renumbered as section 11.406, Florida Statutes, and amended to read:

*11.406 350.0612 Public Counsel; location.—The Public Counsel shall maintain his office in Leon County on the premises of the commission or, if suitable space there cannot be provided, at such other place convenient to the offices of the Public Service Commission or Department of Insurance commissioners as will enable him to carry out expeditiously the duties and functions of his office.*

Section 49. Section 350.0613, Florida Statutes, is renumbered as section 11.407, Florida Statutes, and amended to read:

*11.407 350.0613 Public Counsel; employees; receipt of pleadings.—The Legislative Auditing Committee may authorize the Public Counsel to employ clerical and technical assistants whose qualifications, duties, and responsibilities the committee shall from time to time prescribe. The committee may from time to time authorize retention of the services of additional attorneys, actuaries, economists, or experts to the extent that the best interests of the people of the state will be better served thereby, including the retention of expert witnesses and other technical personnel for participation in contested proceedings before the Public Service Commission or Department of Insurance. The commission or department shall furnish the Public Counsel with copies of the initial pleadings in all proceedings before the commission or department, and if the Public Counsel intervenes as a party in any proceeding he shall be served with copies of all subsequent pleadings, exhibits, and prepared testimony, if used. Pleadings shall include, but are not limited to, all rate filings for health or motor vehicle insurance or workers' compensation filed pursuant to chapter 627. Upon filing notice of intervention, the Public Counsel shall serve all interested parties with copies of such notice and all of his subsequent pleadings and exhibits.*

Section 50. Section 350.0614, Florida Statutes, is renumbered as section 11.408, Florida Statutes, and amended to read:

*11.408 350.0614 Public Counsel; trust fund; compensation and expenses.—*

(1)(a) *There is hereby created a Public Counsel Trust Fund in the Legislative Auditing Committee to fund the operation of the Public Counsel for matters pertaining to insurance.*

(b) *The salaries and expenses of the Public Counsel and his employees shall be allocated by the committee only from moneys appropriated to the Public Counsel by the Legislature.*

(2) *The Legislature hereby declares and determines that the Public Counsel is under the legislative branch of government within the intention of the legislation as expressed in chapter 216, and no power shall be in the Executive Office of the Governor or its successor to release or withhold funds appropriated to it, but the same shall be available for expenditure as provided by law and the rules or decisions of the Legislative Joint Auditing Committee.*

(3) *Neither the Executive Office of the Governor nor the Department of Administration or its successor shall have power to determine the number, or fix the compensation, of the employees of the Public Counsel or to exercise any manner of control over them.*

Section 51. Subsection (3) is added to section 624.523, Florida Statutes, to read:

624.523 *Insurance Commissioner's Regulatory Trust Fund.—*

(3) *An amount as determined by the General Appropriations Act shall be transferred annually from the Insurance Commissioner's Regulatory Trust Fund to the Public Counsel Trust Fund for the purpose of funding the Office of the Public Counsel for matters pertaining to insurance.*

Section 52. Paragraph (a) of subsection (3) of section 624.319, Florida Statutes, is amended to read:

624.319 *Examination and investigation reports.—*

(3)(a) *The department may withhold from public inspection any examination report until filed and may withhold any investigation report for so long as the department deems reasonably necessary to protect the person investigated from unwarranted injury or deems to be in the public interest. However, the Public Counsel shall have access to the examination and investigation files and reports pertaining to health and motor vehicle insurance and workers' compensation at any time. The Public Counsel shall withhold from public inspection any information received while the department's examination or investigation is still in progress.*

This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 53. *The Public Counsel shall provide to the President of the Senate and the Speaker of the House of Representatives by March 1, 1990, a report and recommendations:*

(1) *with respect to staffing and support services necessary for the operation of the Public Counsel for matters pertaining to insurance; and*

(2) *with respect to the feasibility of creating a Citizens' Advocate to represent the citizens of Florida before other state departments and commissions in matters substantially affecting the public interest that have a broad impact on large numbers of consumers and to monitor citizen recommendations and complaints.*

Section 54. Paragraph (b) of subsection (1) of section 112.3145, Florida Statutes, 1988 Supplement, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(b) "Specified state employee" means:

1. Public Counsel created by chapter 11 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, a deputy commissioner, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the superintendent or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding \$1,000, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. The Auditor General, the Sergeant-at-Arms and Secretary of the Senate, the Sergeant-at-Arms and Clerk of the House of Representatives, the Executive Director of the Joint Legislative Management Committee, the Director of Statutory Revision, and the staff director of each committee of the Legislature.

7. Each employee of the Commission on Ethics.

Section 55. Section 407.54, Florida Statutes, 1988 Supplement, is amended to read:

407.54 Budget review proceedings; duty of Public Counsel.—Notwithstanding any other provisions of this chapter, it shall be the duty of the Public Counsel to represent the general public of the state in any proceeding before the board or its advisory panels in any administrative hearing conducted pursuant to the provisions of s. 120.57 or before any other state and federal agencies and courts in any issue related to budget review. With respect to any such proceeding, the Public Counsel is subject to the provisions of and may utilize the powers granted to him by ss. 11.402-11.408 350.061-350.0614.

Section 56. *The provisions of this act are repealed on October 1, 1991, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.*

Section 57. Subsection (11) of section 427.503, Florida Statutes, is amended to read:

427.503 Definitions.—The following terms and phrases when used in this part shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(11) "Public Counsel" means the individual appointed pursuant to s. 11.403 350.061.

Section 58. Except as otherwise provided herein, this act shall take effect October 1, 1989.

**Amendment 2**—On page 1, line 1 through page 6, line 6, strike all of said lines and insert: A bill to be entitled An act relating to workers' compensation; amending s. 287.012, F.S.; excluding certain education and training of injured employees from the definition of "contractual service"; creating s. 11.402, F.S.; providing legislative intent; renumbering and amending ss. 350.061, 350.0611, 350.0612, 350.0613, and 350.0614, F.S.; directing the Legislative Auditing Committee to appoint a Public Counsel to represent the general public before the Department of Insurance and the Florida Public Service Commission; providing for powers and duties; providing that the Legislative Auditing Committee may authorize the Public Counsel to employ certain assistants; providing for the location of the Office of the Public Counsel; creating a Public Counsel Trust Fund; amending s. 381.609, F.S.; providing certain access to human immunodeficiency virus test results; amending s. 440.02, F.S.; defining "construction industry" and "misconduct"; defining "employment" with respect to the construction industry; providing that "employment" does not include services performed by certain motorsports teams; amending s. 440.09, F.S.; providing a limitation on disability benefits for certain professional athletes; amending s. 440.09, F.S.; providing for testing of employees regarding use of controlled substances and alcohol; amending s. 440.10, F.S.; conditioning contractors' building permits on proof of workers' compensation coverage; amending s. 440.11, F.S.; extending certain immunity from liability to certain contractors and to employers and employees utilizing a help supply services company; amending s. 440.12, F.S.; deleting reference to monthly wage-loss benefits; amending s. 440.13, F.S.; requiring prior approval of employer for certain health care provider referral; expanding utilization review process; providing for findings of overutilization; providing for sanctions; specifying requirements for reporting certain medical treatment claims; authorizing certain access to medical records and discussion of medical condition of an injured worker; defining voluntary vocational rehabilitation services; limiting attendant or custodial care by family members; amending s. 440.14, F.S.; deleting reference to average monthly wages; providing for items included in the average weekly wage; requiring a wage statement filing within a specified period of termination of certain employees; amending s. 440.15, F.S.; providing for temporary total disability payments during certain period of education and training; providing requirements for eligibility for wage-loss benefits for permanent impairment; providing for certain determinations of the amount an employee is able to earn; restricting benefits to employees who become inmates of a public institution; amending s. 440.16, F.S.; deleting a limitation on compensation of a spouse for the death of an employee; amending s. 440.185, F.S.; requiring inclusion of specified information in the employer's report of an injury or death; providing for certain assistance in securing benefits; increasing a penalty; amending s. 440.19, F.S., relating to time and procedure for filing claims; amending s. 440.20, F.S.; providing for biweekly installment payments for certain benefits; providing for payment of attorney's fees relating to lump-sum settlements; providing procedure for examination, investigation, and hearing with respect to questionable claims; restricting lump-sum payments in exchange for certain release from liability; amending s. 440.25, F.S.; providing for mediation of a claim; amending s. 440.33, F.S.; providing for evaluation of rehabilitation prior to adjudication of permanent total disability; amending s. 440.34, F.S.; revising provisions for recovery of attorney's fees from a carrier or employer; amending ss. 440.385, 442.115, and 627.311, F.S.; correcting cross references; amending s. 440.39, F.S.; modifying provisions relating to actions against a third party for compensation for employee injuries; amending s. 440.44, F.S.; revising duties of advisory council; providing for appointment of a workers' compensation oversight board; providing for meetings and responsibilities; amending s. 440.45, F.S.; renaming the deputy commissioners and Chief Commissioner; providing for Judicial Qualifications Commission jurisdiction; revising salary provisions; authorizing certain expenditures; amending s. 440.49, F.S.; revising provisions relating to rehabilitation of injured employees; providing for appropriate training and education; providing for evaluation; providing for certain reimbursement to subsequent employer of a permanently impaired worker; amending s. 440.56, F.S., relating to safety rules and provisions; providing for safety training programs for reduction of work-related injuries; deleting

certain notice requirements; increasing penalties; providing for allocation of funds; providing additional penalties; amending s. 440.57, F.S.; providing that certain dividends or refunds issued by a self-insurer may not be contingent upon policy renewal or continued membership in the fund; amending s. 455.241, F.S., to conform; creating ss. 489.114 and 489.510, F.S.; requiring evidence of workers' compensation coverage as a condition for issuance or renewal of certification or registration as a contractor or electrical contractor; amending s. 489.131, F.S.; requiring certain proof of coverage for out-of-state contractors; amending s. 549.08, F.S.; defining "motorsports teams"; amending s. 624.523, F.S., relating to the Insurance Commissioner's Regulatory Trust Fund; providing for funding of the Office of the Public Counsel; amending s. 624.319, F.S.; granting the Public Counsel access to examination and investigation reports pertaining to health and motor vehicle insurance and workers' compensation; providing an exemption from public records requirements with respect to such reports; providing for future review and repeal; requiring a report; amending ss. 112.3145, 407.54, and 427.503, F.S., to conform; amending s. 626.869, F.S.; providing for continuing education for workers' compensation insurance adjusters; providing course requirements; amending s. 766.101, F.S.; providing certain immunity from liability for workers' compensation review committees; providing a directive to statute editors; providing for cost analysis of education and training, and rehabilitation services; providing criteria for reimbursements; creating the Joint Select Committee on Workers' Compensation; requiring a report; providing for funding and staff assistance; requiring a report by the Department of Labor and Employment Security; requiring the Center for Public Policy at Florida State University to conduct a cost comparison study; requiring a report; providing for funding; providing for publication of a guide to the workers' compensation system; providing for review and repeal; providing application of the act; providing an appropriation; providing effective dates.

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

SPECIAL ORDER, continued

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

CS for HB 1330—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.06, F.S.; revising language with respect to net licenses to require a license for a nonresident to take finfish by net; providing that net registration be issued to each net used for noncommercial purposes and that, when issued, it may only be issued to residents; amending s. 327.02; F.S.; expanding the definition of the term "commercial vessel"; amending s. 370.06, F.S.; revising language with respect to saltwater products licenses to revise requirements for a "restricted species" endorsement; requiring commercial vessel registration for vessels from which commercial quantities of saltwater products are harvested; increasing license fees for a saltwater products license; reducing the number of pounds of fish for those species for which no bag limit has been established for qualification as commercial quantities requiring a saltwater products license; providing for the application for the 1988-1989 fee structure for certain 1989-1990 saltwater products licenses; amending sections 2 and 4 of chapter 85-284, Laws of Florida; extending by one day the period of time for the purchase of a clam license in Brevard County and in Indian River County; providing for imposition of a late fee; providing for a different period for license purchase in 1989; providing an effective date.

—a companion measure, was substituted for SB 1147 and by two-thirds vote read the second time by title. On motion by Senator McPherson, by two-thirds vote CS for HB 1330 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Table with 4 columns: Mr. President, Childers, W. D., Gardner, Johnson, Bankhead, Crenshaw, Girardeau, Kiser, Beard, Davis, Gordon, Langley, Brown, Deratany, Malchon, Bruner, Dudley, Grizzle, Margolis, Casas, Forman, Jennings, McPherson

Table with 4 columns: Meek, Scott, Thurman, Woodson-Howard, Myers, Souto, Walker, Peterson, Stuart, Weinstein, Ros-Lehtinen, Thomas, Weinstock

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 1272—A bill to be entitled An act relating to criminal justice information; creating s. 943.0572, F.S.; providing legislative findings and intent; providing for the Department of Law Enforcement to establish an advisory group to develop a statewide youth gang data base; providing for a report; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendments which were moved by Senator Girardeau and adopted:

Amendment 1—On page 2, line 4, after "youth", strike rest of said line and insert: and street gang activity. Members of the advisory group shall serve without compensation, but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

Amendment 2—In title, on page 1, line 7, after "youth" insert: and street

On motion by Senator Girardeau, by two-thirds vote SB 1272 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

Table with 4 columns: Mr. President, Deratany, Kiser, Scott, Bankhead, Dudley, Langley, Souto, Beard, Forman, Malchon, Thomas, Brown, Gardner, Margolis, Thurman, Bruner, Girardeau, McPherson, Walker, Casas, Gordon, Meek, Weinstein, Childers, W. D., Grant, Myers, Weinstock, Crenshaw, Grizzle, Plummer, Woodson-Howard, Davis, Johnson, Ros-Lehtinen

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Consideration of CS for SB 851 was deferred.

On motions by Senator Crenshaw, by two-thirds vote HB 1663 was withdrawn from the Committees on Higher Education and Appropriations.

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

HB 1663—A bill to be entitled An act relating to postsecondary education; creating s. 240.214, F.S., authorizing the Board of Regents to provide comprehensive general liability insurance to University Hospital of Jacksonville and Faculty Clinic, Inc.; providing an effective date.

—a companion measure, was substituted for SB 578 and by two-thirds vote read the second time by title. On motion by Senator Crenshaw, by two-thirds vote HB 1663 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Mr. President, Childers, W. D., Gardner, Johnson, Bankhead, Crenshaw, Girardeau, Kirkpatrick, Beard, Davis, Gordon, Kiser, Brown, Deratany, Langley, Bruner, Dudley, Grizzle, Malchon, Casas, Forman, Jennings, Margolis

McPherson	Plummer	Thomas	Weinstock
Meek	Ros-Lehtinen	Thurman	Woodson-Howard
Myers	Souto	Walker	
Peterson	Stuart	Weinstein	

Nays—None

**CS for SB 851**—A bill to be entitled An act relating to corporations; prescribing filing requirements for documents; providing for forms; prescribing filing fees; providing for effective time of document; providing for correction of filed documents; prescribing powers and duties of Department of State; providing for review of failure to file document; prescribing evidentiary effect of copies of filed documents; providing for certificates of status; providing definitions; providing for notice; providing procedures and guidelines for incorporation; prescribing powers of corporations; prescribing requirements for corporate names and for registering names; providing for designation and change of a corporation's registered office and agent; providing for service of process on a corporation; providing for shares in a corporation, including classes of shares, fractional shares, subscriptions for shares, issuance of shares, liability for shares issued before payment, dividends, options, certificates, restriction on transfer, preemptive rights, and acquisition by a corporation of its own shares; providing for meetings of shareholders and for notice of such meetings; providing for certain action without meetings; providing for record dates and shareholders' lists for meetings; prescribing voting entitlement of shares; providing for proxies and for holding of shares by nominees; providing for voting, for voting groups, and for quorum requirements; providing for voting trusts and shareholders' agreements; providing for directors and for their terms, qualifications, and duties; providing for resignation or removal and for replacement of directors; providing guidelines and requirements for directors' meetings; prescribing liability of directors; providing for corporate officers and for their appointment, removal, rights, and duties; providing standards for "affiliated transactions"; providing standards for "control share acquisitions"; providing for amendment of articles of incorporation; providing for bylaws and their amendment; prescribing guidelines and standards for merger and share exchange; providing for sale of assets by a corporation; prescribing rights of shareholders to dissent from certain corporate acts; prescribing dissenters' rights; prescribing procedures for dissolution of a corporation; providing effects of dissolution and for claims against a dissolved corporation; providing for administrative dissolution and for reinstatement thereafter; providing for judicial dissolution; providing for receivership or custodianship; providing guidelines for regulation of foreign corporations, for their certificates of authority to transact business, and for their registered offices and agents; providing for withdrawal of foreign corporations; providing for keeping of corporate records; providing for inspection rights of shareholders; providing for financial statements for shareholders; providing for an annual report to the Department of State; providing severability; repealing ss. 607.001-607.414, F.S., the Florida General Corporation Act; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment which was adopted:

**Amendment 1**—On page 204, line 13, before the period (.) insert: , except for Section 84 which shall take effect upon becoming a law

On motion by Senator Grant, by two-thirds vote CS for SB 851 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	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

**CS for SB 934**—A bill to be entitled An act relating to insurance; creating s. 627.4143, F.S., to require an insurer to provide an outline of coverage upon delivery of a private passenger automobile or homeowner's

policy; requiring disclosure in the outline of the principal benefits of the coverage, exclusions, limitations, reductions, renewal and cancellation provisions, and specific information relating to the cost of coverage; providing that the outline does not alter or modify the contract, does not create a cause of action, and is not admissible in any civil action; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment which was adopted:

**Amendment 1**—On page 2, strike all of lines 5-9 and insert:

(d) A description of the credit or surcharge plan that is being applied. The description shall provide numerical or alpha codes which shall be displayed on the declarations page or premium notice in order for the insured to determine the reason or reasons his policy is being surcharged or is receiving a credit.

On motion by Senator Grant, by two-thirds vote CS for SB 934 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	Dudley	Kiser	Stuart
Bankhead	Forman	Langley	Thomas
Beard	Gardner	Malchon	Thurman
Brown	Girardeau	Margolis	Walker
Bruner	Gordon	Meek	Weinstein
Casas	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Souto	

Nays—None

**CS for SB 1414**—A bill to be entitled An act relating to motor vehicle parts; creating the "Aftermarket Crash Parts Act"; providing legislative purpose; providing definitions; providing for disclosure; providing for enforcement; providing an effective date.

—was read the second time by title. On motion by Senator Bruner, by two-thirds vote CS for SB 1414 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Langley	Stuart
Bankhead	Forman	Malchon	Thomas
Beard	Girardeau	Margolis	Thurman
Brown	Gordon	McPherson	Walker
Bruner	Grant	Meek	Weinstein
Casas	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Ros-Lehtinen	
Deratany	Kiser	Souto	

Nays—1

Gardner

**SB 637**—A bill to be entitled An act relating to intangible personal property taxation; creating s. 199.213, F.S.; requiring the Department of Revenue to make annual tax returns available to local officials for distribution to the public; providing for an appropriation from the Intangible Tax Trust Fund; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Thurman and adopted:

**Amendment 1**—On page 1, strike all of lines 24 and 25 and insert:

(2) There is hereby appropriated \$45,000 from the Intangible Tax Trust Fund to the Department of Revenue for Fiscal Year 1989-1990 for the

On motion by Senator Thurman, by two-thirds vote SB 637 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	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Woodson-Howard

**SB 1216**—A bill to be entitled An act relating to decedents' estates; amending s. 731.111, F.S.; providing for publication of notice to creditors, notifying them of the time within which their claims must be filed; changing that time and otherwise providing for contents of the notice to creditors; deleting the provision that permits only the personal representative to give such notice; amending s. 733.212, F.S.; providing for contents of notice of administration; changing the time for filing claims; deleting filing requirement for proof of publication; providing for service of notice of administration on the surviving spouse, beneficiaries, devisees, heirs, and creditors; providing for search to determine the creditors of the estate; limiting liability of a personal representative with respect to notice; providing for liability of estate for failure to give notice; amending s. 733.602, F.S.; providing that interested persons include creditors; amending s. 733.701, F.S.; providing for how notice to creditors must be published and served; amending s. 733.702, F.S.; changing the time for filing claims; changing grounds for extension of time to file claims; limiting time within which to seek an extension; amending s. 733.703, F.S.; deleting procedural requirements concerning presentation of claims; providing that a claim listed in a timely personal representative's proof of claim is treated as having been filed by the claimant; amending s. 733.705, F.S.; providing requirements for making and disposing of objections to items listed in a personal representative's proof of claim; providing for an action brought upon an untimely claim; extending the time for compelling payment of debts; amending s. 733.706, F.S.; providing that orders for execution or process against estate assets may be entered only in the estate administration proceeding; amending s. 733.710, F.S.; changing the limitation period for unadministered estates and making such period applicable for all estates irrespective of whether administered or not; amending s. 734.1025, F.S.; changing the limitation period for determining claims in certain nonresident decedents' estates; providing for service of notice to creditors by the domiciliary representative; amending s. 734.104, F.S.; changing the limitation period for admitting a foreign will to record; amending s. 735.107, F.S.; changing the limitation period for enforcement of claims with respect to family administration; amending s. 735.201, F.S.; changing requirements for summary administration; amending s. 735.206, F.S.; changing the limitation period for enforcement of claims with respect to summary administration; providing for applicability; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote SB 1216 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Kiser	Ros-Lehtinen
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 558 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 558**—A bill to be entitled An act relating to confidential and privileged information; amending ss. 253.025, 258.015, 327.30, 370.07, 373.139, 377.22, 377.2408, 377.2409, 377.2424, 377.606, 377.701, 378.101, 378.208, 378.406, F.S.; continuing the exemptions from public record disclosure requirements provided for certain reports and information provided to the Department of Natural Resources, including appraisal reports, auditor's reports, records relating to the sale of saltwater products, reports relating to oil and gas resources, information derived from geophysical activities, geophysical permit information, information relating to petroleum resources, financial statements of persons obligated to reclaim mined lands, and records of the Energy Data Center and research information obtained by the Florida Institute of Phosphate Research; authorizing disclosure of appraisal information to local governments or certain nonprofit organizations under certain conditions; requiring future legislative review of such exemptions pursuant to the Open Government Sunset Review Act; specifying the accidents involving a vessel that must be reported by the operator; providing that vessel accident reports are not privileged information for specified purposes and may be used in evidence in certain proceedings; amending s. 377.2421, F.S.; requiring that certain records relating to oil leases on federal lands be maintained by the Department of Natural Resources; requiring that such data meet certain federal confidentiality requirements; providing that such data are exempt from s. 119.07(1), F.S.; providing for review pursuant to s. 119.14, F.S.; providing an effective date.

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

Section 1. Notwithstanding the October 1, 1989, repeal specified in section 119.14(3)(a), Florida Statutes, paragraph (c) of subsection (7) and paragraph (d) of subsection (8) of section 253.025, Florida Statutes, 1988 Supplement, are reenacted and amended to read:

253.025 Acquisition of state lands.—

(7) Prior to approval by the board of trustees of any agreement to purchase land pursuant to s. 253.023, chapter 259, or chapter 375, and prior to negotiations with the parcel owner to purchase any other land, title to which will vest in the board of trustees, an appraisal of the parcel shall be required as follows:

(c) After the contract between the agency and the fee appraiser is signed, the agency shall transmit to the fee appraiser all pertinent title information developed, pursuant to rules adopted by the board of trustees; a specification of the rights to be acquired; a list of items, if any, considered to be noncompensable; minimum appraisal requirements that apply; required appraisal forms; and a certified survey which meets the minimum requirements for upland parcels established by the "Minimum Technical Standards for Land Surveying in Florida" of the Department of Professional Regulation and which accurately portrays to the greatest extent practicable the condition of the parcel as it currently exists. However, in cases in which a survey cannot be practically completed or in which the cost of the survey will be prohibitive relative to the expected value of the parcel, the requirement for such certified survey may, in part or in whole, be waived by the board of trustees any time prior to submission of the agreement for purchase to the division. When an existing boundary map and description of a parcel are determined by the division to be sufficient for appraisal purposes, the division director may temporarily waive a survey until any time prior to conveyance of title to such parcel. The fee appraiser and the review appraiser for the agency shall not act in any way that may be construed as negotiating with the property owner. Appraisal reports are confidential and exempt from the provisions of s. 119.07(1) ~~chapter 119~~, for use by the agency and the board of trustees, until an option contract is executed or, if no option contract is executed, until 2 weeks before a contract or agreement for purchase is considered for approval by the board of trustees. *However, the Division of State Lands may disclose appraisal information to local governments*

or nonprofit organizations that agree to maintain the confidentiality of the reports or information when joint acquisition of property is contemplated, or when a local government or nonprofit organization enters into an informal agreement with the division to purchase and hold property for subsequent resale to the division. In addition, the division may use as its own, appraisals obtained by a local government or nonprofit organization, provided the appraiser is selected from the division's list of appraisers and the appraisal is reviewed and approved by the division. For the purposes of this paragraph, "nonprofit organization" means an organization whose purpose is the preservation of wildlife or land, and which is exempt from federal income tax under s.501(c)(3) of the Internal Revenue Code. The agency may release an appraisal report when the passage of time has rendered the conclusions of value in the report invalid. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Appraisers retained or used by the department to determine the value of property for state acquisition shall be instructed to consider the number of dwelling units approved for development in a development order pursuant to s. 380.06, Florida Statutes, that has been affirmed by a decision of the Florida Supreme Court, or any appropriate Federal Court, regardless of the location of the jurisdictional line of any state or regional agency.

(8)

(d) All offers or counteroffers shall be in writing and shall be confidential and exempt from the provisions of s. 119.07(1) ~~chapter 119~~ until an option contract is executed, or if no option contract is executed, until 2 weeks before a contract or agreement for purchase is considered for approval by the board of trustees. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The agency shall maintain complete and accurate records of all offers and counteroffers for all projects.

Section 2. Notwithstanding the October 1, 1989 repeal specified in section 119.14(3)(a), Florida Statutes, subsection (3) of section 258.015, Florida Statutes, is reenacted and amended to read:

258.015 Citizen support organizations; use of property; audit.—

(3) ANNUAL AUDIT.—Each citizen support organization shall cause an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be adopted by the Division of Recreation and Parks. The annual audit report shall be submitted to the Auditor General and to the division for review. The Auditor General and the division are each authorized to require and obtain from the citizen support organization, or from its independent auditor, such data as may be needed relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be exempt from the provisions of s. 119.07(1) and protected, and that anonymity shall be maintained in the auditor's report. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 3. Subsections (2) and (3) of section 327.30, Florida Statutes, are amended to read:

327.30 Collisions, accidents, and casualties.—

(2) In the case of collision, accident, or other casualty involving a vessel in or upon or entering into or exiting from the water, including capsizing, collision with another vessel or object, sinking, personal injury, death, disappearance of any person from on board under circumstances which indicate the possibility of death or injury, or damage to any vessel or other property in an apparent amount of at least \$500 property damage of \$200 or more to any vessel or dock, the operator shall immediately, or as soon as practicable, report such accident to the Division of Law Enforcement, which shall notify the sheriff of the county wherein such accident occurred, and to the Game and Fresh Water Fish Commission. However, when an investigating officer has made a written report of the accident, no report need be made by the operator of the vessel to the Division of Law Enforcement.

(3) All accident reports required by this section made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the division or other governmental agencies having use of the record, except that the division may disclose the identity of a person involved in an accident when the identity is not otherwise known or when the person denies his presence at such accident. No report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the division shall furnish

upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the division solely to prove a compliance or a failure to comply with the requirements that such a report be made to the division.

Section 4. Notwithstanding the October 1, 1989, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (3) of section 373.139, Florida Statutes, is reenacted and amended to read:

373.139 Acquisition of real property.—

(3) Appraisal reports, offers and counteroffers are confidential and exempt from the provisions of s. 119.07(1) ~~chapter 119~~ until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the governing board. In the event that negotiation is terminated by the district, the appraisal report, offers and counteroffers shall become available pursuant to s. 119.07(1) ~~chapter 119~~. Notwithstanding the provisions of this section and s. 253.025, a district and the Division of State Lands may share and disclose appraisal reports, or appraisal information, offers and counteroffers when joint acquisition of property is contemplated. A district and the Division of State Lands shall maintain the confidentiality of such appraisal reports, or appraisal information, offers and counteroffers in conformance with this section and s. 253.025. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 5. Notwithstanding the October 1, 1989, repeal specified in section 119.14(3)(a), Florida Statutes, paragraph (h) of subsection (2) of section 377.22, Florida Statutes, 1988 Supplement, is reenacted and amended to read:

377.22 Rules, regulations, and orders.—

(2) The department shall adopt such rules and regulations, and shall issue such orders, governing all phases of the exploration, drilling, and production of oil, gas, or other petroleum products in the state, including exploration, drilling, and production in the offshore waters of the state as may be necessary for the proper administration and enforcement of this chapter. Such rules, regulations, and orders shall ensure that all precautions are taken to prevent the spillage of oil or any other pollutant in all phases of the drilling for, and extracting of, oil, gas, or other petroleum products. The department shall revise such rules and regulations from time to time as may be necessary for the proper administration and enforcement of this chapter. Rules, regulations, and orders promulgated in accordance with this section shall be for, but shall not be limited to, the following purposes:

(h) To require the making of reports showing the location of all oil and gas wells; the making and filing of logs; the taking and filing of directional surveys; the filing of electrical, sonic, radioactive, and mechanical logs of oil and gas wells; if taken, the saving of cutting and cores, the cuts of which shall be given to the Bureau of Geology; and the making of reports with respect to drilling and production records. However, such information, or any part thereof, at the request of the operator, shall be exempt from the provisions of s. 119.07(1) and held confidential by the division for a period of 1 year ~~90 days~~ after the completion of a well, ~~and, at the option of the division, for a longer period.~~ This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 6. Notwithstanding the October 1, 1989, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (3) of section 377.2408, Florida Statutes, is reenacted and amended to read:

377.2408 Application to conduct geophysical operations.—

(3) Any information relating to the location of the operation and other information relating to leasing plans, exploration budgets, and other proprietary information that could provide an economic advantage to competitors ~~anticompetitive matter~~ shall be kept confidential by the department for 10 years and exempt from the provisions of s. 119.07(1), and shall not be released to the public without the consent of the person submitting the application. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 7. Notwithstanding the October 1, 1989, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (1) of section 377.2409, Florida Statutes, is reenacted and amended to read:

377.2409 Geophysical activities; confidential information; penalties.—

(1) Whenever geophysical activities are conducted on state-owned mineral lands, the person conducting such activities shall furnish to the division, acting as agent of the owner of the minerals, upon written request, a copy of the noninterpreted information derived from the geophysical activities. Any information received hereunder by the division shall, upon request of the person conducting the geophysical activities, be held confidential for a ~~minimum~~ of 10 years from the date of receipt by the division and shall be exempt from disclosure under any state statute, including, but not limited to, ss. 119.07(1) and 377.2424(3). *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* For purposes of this section, state-owned mineral lands shall include mineral lands title to which is held by a water management district.

Section 8. Section 377.2421, Florida Statutes, is amended to read:

377.2421 Division to review federal applications.—

(1) The division shall review all applications for federal oil leases in the territorial waters of the United States adjacent to Florida waters and shall signify its approval or objection to each application.

(2) *The division shall maintain geologic data in the form of well records, logs, seismic records, reports, and other data from oil, gas, mineral, or other geologic exploration and production activity on federal lands, including offshore continental shelf submerged lands when available from the managing or permitting agency. These data shall be subject to the same confidentiality requirements as that required by the federal agency and are exempt from the provisions of s. 119.07(1) to the extent necessary to meet the federal requirements. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 9. Notwithstanding the October 1, 1989, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (3) of section 377.2424, Florida Statutes, 1988 Supplement, is reenacted and amended to read:

377.2424 Conditions for granting permits for geophysical operations.—Exploration for oil, gas, or minerals by means of geophysical activities shall be exercised only pursuant to permit issued by the department, upon the applicant's complying with the following conditions:

(3) The applicant shall contract with a person or persons, acceptable to the department, who are not regular employees of the applicant, whose duties shall be to accompany each geophysical crew utilizing explosives and to witness the location and depth of each seismic hole and the loading and detonation of all explosive charges in each hole, and who shall report to the supervisor of oil and gas, Bureau of Geology, on these activities. The department shall share geophysical permit information with a county or municipality upon request *and may, on its own initiative, share such information with a county or municipality.* The county or municipality shall maintain the confidential status of such information, as required by s. 377.2408(3), *and such information shall be exempt from the provisions of 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* However, in order to avoid unnecessary duplication, no county, municipality, or other political subdivision of the state may adopt or establish programs to accomplish the purposes of this section.

Section 10. Notwithstanding the October 1, 1989, repeal specified in section 119.14(3)(a), Florida Statutes, section 377.606, Florida Statutes, is reenacted and amended to read:

377.606 Records of the Energy Data Center; limits of confidentiality.—The information or records of individual persons, as defined herein, obtained by the center as a result of a report, investigation, or verification required by the center, *shall be open to the public, except such information the disclosure of which would be likely to cause substantial harm to the competitive position of the person providing such information and which as is requested to be held confidential by the person providing such said information. Such proprietary 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, shall be open to the public.* Information reported by entities other than the Energy Data Center in documents or reports open to public inspection shall under no circumstances be classified as confidential by the center. Divulgence of *proprietary* such information as is requested to be held confidential, except upon order of a court of competent jurisdiction or except to an officer of the state entitled to receive the same in his official capacity, shall be a misdemeanor of the second degree, punishable as provided

in ss. 775.082 and 775.083. Nothing herein shall be construed to prohibit the publication or divulgence by other means of data so classified as to prevent identification of particular accounts or reports made to the center in compliance with s. 377.603 or to prohibit the disclosure of such information to properly qualified legislative committees. The center shall establish a system which permits reasonable access to information developed.

Section 11. Notwithstanding the October 1, 1989, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (4) of section 377.701, Florida Statutes, is reenacted and amended to read:

377.701 Petroleum allocation.—

(4) No state employee shall divulge or make known in any manner any proprietary information acquired under this act *if the disclosure of such information would be likely to cause substantial harm to the competitive position of the person providing such information and if the person requests that such information be held confidential, except in accordance with a court order, as otherwise provided by law, or in the publication of statistical information compiled by methods which would not disclose the identity of individual suppliers or companies. Such proprietary 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.* Nothing in this subsection shall be construed to prevent inspection of reports by the Attorney General, members of the Legislature, and interested state agencies; however, such agencies and their employees and members are bound by the requirements set forth in this subsection.

Section 12. Notwithstanding the October 1, 1989, repeal specified in section 119.14(3)(a), Florida Statutes, paragraph (b) of subsection (3) of section 378.101, Florida Statutes, is reenacted and amended to read:

378.101 Florida Institute of Phosphate Research.—

(3)

(b) Materials which relate to methods of manufacture or production, actual or potential trade secrets, patentable or potentially patentable materials, business transactions, or proprietary information pertaining to research conducted by or on behalf of the institute *shall be* ~~are~~ exempt from the provisions of s. 119.07(1) ~~public records disclosure required by chapter 119, except that the institute shall disclose, upon request, the title and description of any research project, the researchers' names, and the amount and source of funding provided for such project. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 13. Notwithstanding the October 1, 1989 repeal specified in section 119.14(3)(a), Florida Statutes, subsection (6) of section 378.208, Florida Statutes, is reenacted and amended to read:

378.208 Financial responsibility.—

(6) The department, by rule, may require each operator to submit a copy of its most recent annual financial statements. An operator's submittal of its annual report on Form 10K, as filed with the Securities and Exchange Commission, shall constitute compliance with this requirement. The financial statement submitted pursuant to rules authorized by this subsection, *except for a financial statement that is a public record in the custody of another governmental agency,* shall be exempt from the requirements of s. 119.07(1), and the department shall ensure the confidentiality of such statements. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 14. Notwithstanding the October 1, 1989 repeal specified in section 119.14(3)(a), Florida Statutes, paragraph (a) of subsection (1) of section 378.406, Florida Statutes, is reenacted and amended to read:

378.406 Confidentiality of records; availability of information.—

(1)(a) Any information relating to prospecting, rock grades, or secret processes or methods of operation which may be required, ascertained, or discovered by inspection or investigation shall be exempt from the provisions of s. 119.07(1) ~~chapter 119, shall not be disclosed in public hearings, and shall be kept confidential by any member, officer, or employee of the department, if it is the responsibility of the applicant requests to inform the department to keep such of information alleged to be confidential and informs the department of the legal basis for such confidentiality. Should the executive director determine that such alleged confidential~~

information requested to be kept confidential shall not to be kept confidential, he shall provide the operator with not less than 30 days' notice of his intent to release the information. When making his determination, the executive director shall consider the public purposes specified in s. 119.14(4)(b). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 15. This act shall take effect October 1, 1989.

**Amendment 2**—Strike the title and insert:

An act relating to public record exemptions; amending s. 253.025, F.S., which provides an exemption from public records requirements for appraisal reports, offers and counteroffers related to acquisition of state lands; authorizing disclosure of appraisal information to local governments or certain nonprofit organizations under certain conditions; authorizing the division to use appraisals obtained by local governments or nonprofit organizations; saving such exemptions from repeal; providing for future review and repeal; requiring appraisers to consider the number of dwelling units in a development under certain circumstances; amending s. 258.015, F.S., which provides an exemption from public records requirements for certain information contained in the annual audit reports of the organizations; saving such exemption from repeal; providing for future review and repeal; amending s. 327.30, F.S.; increasing the minimum amount of damage required before an accident report is required with respect to vessels; amending s. 373.139, F.S., which provides an exemption from the public records requirements for appraisal reports related to acquisition of land by water management districts; providing for the confidentiality of offers and counteroffers relating to such acquisition; saving such exemption from repeal; providing for future review and repeal; amending s. 377.22, F.S., which provides an exemption from public records requirements for reports relating to oil and gas wells, drilling, and production required by the Department of Natural Resources; revising the time period during which such exemption applies; amending s. 377.2408, F.S., which provides an exemption from public records requirements for certain information submitted in conjunction with an application to conduct geophysical operations; specifying the information subject to such exemption and providing a time limitation; amending s. 377.2409, F.S., which provides an exemption from public records requirements for certain information received by the Division of Resource Management relating to geophysical activities on state-owned mineral lands; revising the time period during which such exemption applies; saving such exemptions from repeal; providing for future review and repeal; amending s. 377.2421, F.S.; providing a limited exemption from public records requirements for geologic data maintained by the division with respect to federal lands; providing for future review and repeal; amending s. 377.2424, F.S., which provides an exemption from public records requirements for geophysical permit information shared with counties and municipalities; authorizing the department to share such information on its own initiative; saving such exemption from repeal; providing for future review and repeal; amending s. 377.606, F.S., which provides an exemption from public records requirements for information obtained by the Energy Data Center, upon request of the person providing the information; limiting such exemption to certain proprietary information; amending s. 377.701, F.S., which provides an exemption from public records requirements for proprietary information acquired as part of the petroleum allocation and conservation program under the Executive Office of the Governor; specifying the information subject to such exemption; saving such exemptions from repeal; providing for future review and repeal; amending s. 378.101, F.S., which provides a limited exemption from public records requirements for certain materials pertaining to research conducted by or on behalf of the Florida Institute of Phosphate Research; saving such exemption from repeal; providing for future review and repeal; amending s. 378.208, F.S., which provides an exemption from public records requirements for financial statements submitted to the Department of Natural Resources by phosphate mining companies; limiting the exemption; saving such exemption from repeal; amending s. 378.406, F.S., which provides an exemption from public records requirements for certain information required or discovered by the department relating to resource extraction operations; providing criteria to be used by the executive director in determining confidentiality; saving such exemption from repeal; providing an effective date.

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

SB 558 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Johnson	Plummer
Bankhead	Dudley	Kiser	Ros-Lehtinen
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Peterson	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**SPECIAL ORDER, continued**

On motion by Senator Bankhead, by two-thirds vote HB 880 was withdrawn from the Committee on Community Affairs.

On motion by Senator Bankhead—

**HB 880**—A bill to be entitled An act relating to county government; amending s. 125.66, F.S.; eliminating the requirement that notices of intent to enact ordinances be kept in a separate book; validating certain ordinances for which a separate book of notices of intent was not kept; providing an effective date.

—a companion measure, was substituted for CS for SB 1112 and read the second time by title. On motion by Senator Bankhead, by two-thirds vote HB 880 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Langley	Stuart
Bankhead	Forman	Malchon	Thomas
Beard	Gardner	Margolis	Thurman
Brown	Girardeau	McPherson	Walker
Bruner	Gordon	Meek	Weinstein
Casas	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	
Deratany	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**SB 675**—A bill to be entitled An act relating to medical telecommunications and transportation; amending s. 401.23(19), F.S., redefining the term "physician" with respect to medical transportation services; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote SB 675 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Langley	Stuart
Bankhead	Forman	Malchon	Thomas
Beard	Gardner	Margolis	Thurman
Brown	Girardeau	McPherson	Walker
Bruner	Gordon	Meek	Weinstein
Casas	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	
Deratany	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scott, by two-thirds vote CS for SB 1347 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Scott, by two-thirds vote CS for SB 53, CS for SB 64, CS for SB 69, CS for SB's 132, 140 and 150, CS for SB 133, CS for CS for SB 139 and CS for SB 351 were withdrawn from the Committee on Rules and Calendar.

On motions by Senator Margolis, by two-thirds vote SB 86, CS for SB 281, CS for SB 347, CS for SB 484, Senate Bills 666 and 681, CS for CS for SB 691, Senate Bills 711, 772, 849, 935 and 1001, CS for CS for SB 1052, CS for SB 1103, SB 1136, CS for SB 1193, CS for SB 1347, SB 1448 and CS for SB 1451 were withdrawn from the Committee on Appropriations.

On motions by Senator Deratany, by two-thirds vote Senate Bills 328 and 734, CS for SB 1014, CS for SB 1267, SB 1336, CS for SB 1386 and CS for SB 1422 were withdrawn from the Committee on Finance, Taxation and Claims.

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 26 was corrected and approved.

#### CO-INTRODUCERS

Senators Casas, Ros-Lehtinen and Souto—SB 1272; Senator Weinstein—SB 1322

#### VOTES RECORDED

Senator Dudley was recorded as voting yea on the following which were considered May 26: CS for SB 65, Senate Bills 321, 703, 855, CS for SB 896, CS for CS for SB 997, CS for SB 1133, Senate Bills 1314, 1511, CS for SB 1534, Senate Bills 1541, 1542, 1543, 1544, 1545, 1546, 1548, House Bills 172, 193, 198, 367, 405, 584, 585, 601, 653, 657, 658, 771, 773, 819, 850, 982, 983, 1168, 1202, 1264, 1265, 1278, 1279, 1280, 1282, 1306, 1311, 1649 and 1806.

#### RECESS

On motion by Senator Scott, the Senate recessed at 5:04 p.m. to reconvene at 9:00 a.m., Tuesday, May 30.

#### SENATE PAGES

May 29 - June 2

Amber Brown, Marianna; Robert Todd Causseaux, Tallahassee; Mercedes M. Galan, Coral Gables; Will Grubbs, Tallahassee; Kimberly Hanna, Tallahassee; Christopher Duane Henry, Tallahassee; Christina J. Host, Tallahassee; Emily E. Hutto, Greenville; Danette Hylkema, Tallahassee; Derek S. Hylkema, Tallahassee; Robert Warren Lang, St. Petersburg; Christine Lojan, Tallahassee; Jeffery McNealy, Quincy; Dana McNeil, Havana; David Scott Pittenger, Miami; Ann Prisciandro, Hollywood; Janea Coleman Reiter, West Palm Beach; Matt Simpson, Winter Haven; Karen Taylor, Tallahassee; Ramsey E. Underwood, Tallahassee; Michelle Vathauer, Gainesville