Journal of the Senate

Number 23 **Thursday, June 1, 1989**

CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

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

Excused: Senators Deratany and Kirkpatrick, periodically

PRAYER

The following prayer was offered by the Rev. Sam Pascoe, Pastor, Grace Episcopal Church, Orange Park:

Our Father and our God, when Jesus was on this earth he was never hurried or harried—yet we so often are. Even as he approached the final days of his life he walked forward with calm assurance, focusing on those around him instead of his own needs.

Father, as these men and women face these final days of the session, grant them calm assurance that they will not be hurried or harried. Give them the wisdom to know what is right, and the courage to choose what is right.

And Father, grant them the peace that comes from having discharged their various duties with honor, integrity and courage—remembering always that even the Son of Man came to serve, not to be served; and to lay down his rights, his prerogatives, and even his very life for his people. Hear our prayer for your love's sake. Amen.

Remarks by the President

On motion by Senator Scott, the following remarks by the President were printed in the Journal:

Mr. President: Before we start this morning, I would like to give you a brief update on where we are, and our outlook for getting out of here on time Friday.

Last night we worked late into the evening trying to resolve some of the issues that are dividing us, transportation being one of them. Last night was a critical night to make a decision on the 5-year road plan and the use of the Amendment IV bonds. We made an offer to the House on that issue last night. If they accept that offer, that would assist us in getting out on time. If they reject our offer, we will be in an extended session, simply because we wouldn't have time to reprint the road plan.

But I'm optimistic that the House will accept our offer. We've worked diligently in the Senate to develop a good transportation reform plan and I'm asking that the House not try to rewrite what we have done. We think we have dealt responsibly with all the areas we need to cover, so if we can achieve an agreement on transportation and if the House is willing to go along with our recommendations, we still have a good chance of getting out on Friday. If they do not, we will be extended.

We had a late meeting last night with the House and the Governor to discuss the problem of indigent health care and the Public Medical Assistance Trust Fund. I'll be very candid. I was very disappointed in the Governor's unwillingness to take what I think is the responsible action.

In the Senate, we have, I think, enough votes in the Finance and Tax Committee and here on the floor of the Senate to pass a cigarette tax that will end the potential calamity of a deficit in the Indigent Health Care Trust Fund. I'm concerned that the lack of support from the Governor's office ensures that the House will not be able to pass that measure.

I just wanted to let the Senate know and the House know and the Governor know that I think that strategy is not good for the state nor is it good politically. We will come back into session next year and we will be facing $110 million deficit in that trust fund that we will have no choice but to fund next year. That means the people of this state will be staring at a hundred million dollar tax increase.

We had a plan worked out that would have allowed us to phase in that increase so that it would not represent a major tax increase all at once on the people of this state. You need to understand that when we talk about indigent health care, we are not just talking about health care for poor people. We are talking about the health care of all your constituents.

I met this morning with Commissioner Gallagher. Commissioner Gallagher has informed me that major health insurance companies in the state of Florida are asking for health insurance rate increases of more than 50 percent, many of which are justified. A big part of those premium increases are due to the fact that we are not compensating for indigent health care. When hospitals have to cover indigents and they are not reimbursed for it, they have no other choice but to push those costs onto people who can pay, and those are people who have insurance. And that is driving insurance premiums through the ceiling. So your constituents over the summer and over the next year are going to see dramatic increases in their health insurance costs and a big reason why is that we did not face up to the problem of indigent health care.

It is not just a question of indigents. It's a question of health care for all Floridians. With a lack of support from the Governor's office and the lack of support that translates into in the House, I would not ask this Senate to pass a tax that does not have a chance of making it through the system. We are going to establish a commission. Senator Malchon has a bill. We'll get everybody involved in studying the questions so that when we come back next year we can take some responsible actions to solve the problem. So with that, I still think we've got a good chance to get out of here on time. I think we can get the job done if everybody will just stay calm and move forward with the calendar. With that in mind, we'll get to work.

Consideration of Resolutions

On motion by Senator Gordon, by two-thirds vote SR 1485 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Gordon—

SR 1485—A resolution commending Vernon Lindsey for his dedication to teaching the arts in Dade County.

WHEREAS, Vernon Lindsey is an outstanding teacher at Dade County Public Schools' North Central Center for the Arts at Charles Drew Middle School, and

WHEREAS, Vernon Lindsey developed a classroom research project that will determine whether students selected to participate in a special talent program will transfer the visual arts concepts they learn in the classroom to artwork they create on their own outside the classroom, and

WHEREAS, this innovative project has been approved by the prestigious National Arts Education Research Center of New York University, and

WHEREAS, the results of this research could have profound implications for education, NOW, THEREFORE,

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

That Vernon Lindsey is commended for his dedication to teaching and his outstanding research that combines education and the arts.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Vernon Lindsey as a tangible token of the sentiments of the Florida Senate.

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

On motion by Senator Gordon, by two-thirds vote SR 1486 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Gordon—

SR 1486—A resolution commending Robert T. Davis for his outstanding contributions to music education in Dade County.

WHEREAS, Robert T. Davis is an outstanding music teacher at Dade County Public Schools' North Central Center for the Arts at Charles Drew Middle School, and

WHEREAS, Robert T. Davis developed a research project that will determine compositional techniques suitable for talented seventh and eighth grade students, and

WHEREAS, this research project has been approved by the prestigious National Arts Education Research Center of New York University, and

WHEREAS, the results of this research could have a profound effect on the music curriculum of Dade County Public Schools, NOW, THEREFORE,

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

That Robert T. Davis is commended for his outstanding accomplishments as a music teacher in Dade County.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate Affixed, be presented to Robert T. Davis as a tangible token of the sentiments of the Florida Senate.

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, June 1, 1989: CS for SB 1451, CS for SB 912, CS for SB 1398, CS for CS for SB 265, CS for CS for SB 615, CS for SB 1469, CS for SB 347, CS for SB 1243, SB 475, CS for CS for SB 587, CS for SB 732, CS for SB 688, CS for SB 689, CS for SB 30, CS for SB's 846, 52 and 769, SB 1056, CS for HB 766, CS for SB 927, CS for CS for SB 1148, CS for SB 1178, SB 1186, CS for SB 1121, CS for SB 1042, SB 1294, CS for SB 780, CS for SB 1292, SB 1092, SB 1400, CS for SB 729, SB 328, CS for HB 530, CS for SB's 281 and 1122, CS for SB 1014, CS for SB 1215, CS for SB 1120, SB 124, CS for SB 1230, CS for SB 1386, CS for SB 1447, CS for SB 350, SB 87, CS for SB 1349, CS for SB 1279, SB 930, SB 687, CS for CS for SB 543, SB 440, CS for SB's 1366 and 209, CS for SB 1295, CS for CS for SB 691, SB 772, SB 833, CS for CS for SB 1052, CS for CS for SB 1382, SB 51, SB 189, CS for CS for SB 415, CS for CS for SB 259, SB 920, SB 582, CS for HB 504, SB 716, CS for CS for HB 300, CS for CS for HB's 1593, 507 and 310, CS for CS for HB 535, CS for CS for HB 75, HB 620, HB 1326, CS for HB 1818

Respectfully submitted,
James A. Scott, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Thursday, June 1, 1989: SB 1001, CS for SB 658, CS for SB 284, SB 1449, CS for SB 190, CS for SB 746, CS for SB 1295, HB 114, CS for SB 94, SB 825, CS for SB 1124, HB 540, CS for SB 1062, CS for SB 1207, SB 328, CS for SB 425, CS for SB 1106, CS for SB 611, CS for SB 1386, SB 457, CS for SB 688, SB 772, CS for SB 1292, CS for SB 1214, CS for SB 236, CS for CS for SB 1055, CS for SB 1470, CS for SB 57, SB 1410, SB 920, CS for SB 1063, CS for SB 894, CS for SB 1183, CS for SB 1455, CS for SB 562, SB 1160, SB 935, CS for SB 275, SB 272, SB 1235

Respectfully submitted,
James A. Scott, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Thursday, June 1, 1989: SB 1552, SB 1554, SB 1558, HB 756, HB 981, HB 1031, HB 1075, HB 1086, HB 1175, HB 1281, HB 1538, HB 1540, HB 1541, HB 1557, HB 1637, HB 1672, HB 1673, HB 1685, HB 1687, HB 1699, HB 1708, HB 1709, HB 1720, HB 1742, HB 1745

Respectfully submitted,
James A. Scott, Chairman

The Committee on Rules and Calendar submits the following Ethics and Elections Special Order Calendar for Thursday, June 1, 1989: SB 112, SB 114, CS for SB's 132, 140 and 150, CS for CS for SB 809, CS for SB's 351, 118, 339, 364, 512, 513, 629, 998 and 1256, CS for SB's 231, 103, 111, 131, 163, 183, 402, 432 and 530, CS for CS for SB 535

Respectfully submitted,
James A. Scott, Chairman

The Special Master on Claims recommends the following pass: CS for HB 110, HB 179 with 2 amendments, HB 632, HB 1092, CS for HB 1305

The bills were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: SB 121 with 2 amendments

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

The Committee on Judiciary-Criminal recommends the following pass: CS for CS for HB's 497 and 88 with 2 amendments

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: HB 179 with 2 amendments, HB 632, HB 1092, SB 16 with 2 amendments, SB 180 with 2 amendments, SB 181 with 1 amendment, SB 1034, SB 1479

The bills were placed on the calendar.

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SJR 43

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: Senate Bills 617 and 1303

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

INTRODUCTION AND REFERENCE OF BILLS

First Reading

SR 1559—not introduced.

SB 1560 was introduced out of order and referred May 30.

SR 1561 was introduced out of order and adopted May 31.

SR 1562 was introduced out of order and adopted May 31.

By Senator McPherson—

SB 1563—A bill to be entitled An act relating to North Springs Improvement District, Broward County; amending s. 2, chapter 71-580, Laws of Florida, as amended; expanding the boundaries of the district; amending s. 4(1), chapter 71-580, Laws of Florida; including streetlights in the definition of "assessable improvements"; amending s. 5(2), chapter 71-580, Laws of Florida; prescribing additional qualifications for supervisors; amending s. 9, chapter 71-580, Laws of Florida; authorizing the district to build, install, maintain, and operate streetlights; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SB 1564 was introduced out of order and passed May 31.

By Senator Woodson-Howard—

SB 1565—A bill to be entitled An act relating to the City of Punta Gorda, Charlotte County; making it unlawful at all times to fish for commercial purposes in the canals or manmade waterways, or within 50 yards thereof, of the City of Punta Gorda; defining commercial purposes and providing that possession of an unsecured net, seine, or trap under certain circumstances is prima facie evidence of fishing for commercial purposes; providing a penalty; providing for forfeiture of nets, seines, or traps; providing for sale of confiscated nets, seines, and traps; providing for disposition of proceeds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Deratany—

SB 1566—A bill to be entitled An act relating to Brevard County; repealing chapter 61-1679, Laws of Florida; abolishing the Grant Drainage District in that county; providing for transfer of the records, assets, and obligations of the district to Brevard County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 1567 was introduced out of order and adopted this day.

SR 1568 was introduced out of order and adopted this day.

By Senator W. D. Childers—

SB 1569—A bill to be entitled An act relating to the City of Pensacola and Escambia County; amending Chapter 67-1365, Laws of Florida, as amended; providing for a change in the membership structure of the Pensacola-Escambia Promotion and Development Commission; providing for funding through interlocal agreement; providing intent; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 1570 was introduced out of order and adopted this day.

By Senator W. D. Childers—

SB 1571—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending chapter 21483, Laws of Florida, 1941, as amended, providing for refund of contributions to the Firefighters Relief and Pension Trust; amending chapter 57-1713, Laws of Florida, as amended, providing for repayment of withdrawals from the Firefighters Relief and Pension Trust; providing for supersedure of existing law relating thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator W. D. Childers—

SB 1572—A bill to be entitled An act relating to the Escambia County Utilities Authority; amending chapter 81-376, Laws of Florida, as amended; revising the manner of filling vacancies occurring during a term of office and establishing a residence requirement for appointees; providing for the establishment and enforcement of penalties for the violation of certain rules and regulations of the authority; providing for the disposition of fines, forfeitures, and penalties imposed for such violations; revising the criteria for selection of the executive director; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator W. D. Childers—

SB 1573—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending chapter 15425, Laws of Florida, 1931, as amended; amending method for qualifying candidates for election for whom filing fee is undue burden; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Judiciary-Criminal and Senators Gordon, Stuart, Weinstein, Meek, Malchon, Weinstock, Margolis and Forman—

CS for SJR 43—A joint resolution proposing an amendment to Section 8 of Article I of the State Constitution relating to the right to bear arms.

By the Committee on Finance, Taxation and Claims; and Senators Stuart and Jennings—

CS for SB's 617 and 1303—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; authorizing levy of an additional tax by vote of the county governing board in high tourism impact counties and providing for designation of such counties; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scott, Rule 4.17 was waived and the following bills were allowed to be considered on the consent calendar for this day: Senate Bills 328, 772 and 920, CS for SB 94, CS for SB 190, CS for SB 658, CS for SB 1124, CS for SB 1295 and CS for SB 1386.

On motions by Senator Scott, by two-thirds vote Senate Bills 582 and 716 were withdrawn from the Committee on Appropriations; CS for HB 504 was withdrawn from the Committees on Health Care, Education and Appropriations; CS for CS for HB 300, CS for CS for HB 1593, CS for CS for HB 535, CS for CS for HB 75 and HB 1326 were withdrawn from the Committee on Appropriations.

On motions by Senator Scott, by two-thirds vote Senate Bills 1563 and 1565 were withdrawn from the Committee on Rules and Calendar and placed on the local calendar.

On motion by Senator McPherson, by two-thirds vote HB 1157 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Scott, by two-thirds vote HCR 1533 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar.

On motion by Senator Scott, by two-thirds vote CS for SB 1040 was added to the special order calendar.

On motions by Senator Scott, by two-thirds vote CS for SB 425 was removed from the consent calendar and by two-thirds vote SB 708 was added to the consent calendar.

Reconsideration

On motion by Senator McPherson, by unanimous consent the Senate reconsidered the vote by which—

CS for SB 1048—A bill to be entitled An act relating to horseracing; creating s. 550.65, F.S.; directing thoroughbred permitholders conducting racing to withhold a certain portion from the total purse pool and to pay the same to a non-profit corporation; directing that such funds shall be used for a plan to provide medical, dental, surgical, life, funeral, and disability insurance benefits for occupational licensees who work on thoroughbred race tracks in the state; providing exceptions; providing for annual audits; specifying permissible costs; providing an effective date.

—passed May 31.

On motion by Senator McPherson, the Senate reconsidered the vote by which CS for SB 1048 was read the third time.

On motions by Senator McPherson, the Senate reconsidered the vote by which Amendments 7 and 8 were adopted. Amendments 7 and 8 were withdrawn.

Senator Thurman moved the following amendments which were adopted:

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

Section 2. Subsection (2) of section 551.09, Florida Statutes, is amended to read:

551.09 Wagers and pari-mutuel pools permitted within enclosure of fronton commissions; distribution of pari-mutuel pools.—

(2) The "commission" is the percentage of the contributions to pari-mutuel pools which a permitholder is permitted to withhold from the contributions before making redistribution to the contributors. The permitholder's share of the commission is that portion of the commission which remains after the pari-mutuel tax imposed upon the contributions to the pari-mutuel pool is deducted from the commission and paid by the permitholder. The commission is deducted from all pari-mutuel pools but may be different depending on the type of pari-mutuel pool. For the purpose of this chapter, contributions to pari-mutuel pools involving wagers on a single jai alai player or team in a single game, such as the win pool, the place pool, or the show pool, are referred to as "regular wagering," and the contributions to all other types of pari-mutuel pools, which include, but need not be limited to, the daily double, perfecta, quiniela, trifecta, or Big "Q" pools, are referred to as "exotic wagering."

(a) The commission which a permitholder who conducts jai alai under the provisions of this chapter may withhold from contributions to pari-mutuel pools may not exceed 17.6 percent on regular wagering and may not exceed 19 percent on exotic wagering, except that an additional 1 percent on triples, trifectas, or other similar wagers involving three or more players or teams in any game and on "pic-six" wagers may be withheld for capital improvements or to reduce capital improvement debt.

(b) In addition to withholding a commission pursuant to paragraph (a), a permitholder may withhold an additional 1 percent on any or all exotic wagers for capital improvements or to reduce capital improvement debt.

(c) A permitholder who withholds such additional sums pursuant to paragraphs (a) and (b) is bound by the definitions of capital improvements and capital improvement debt and the use of these sums as they appear in s. 550.16.

(d) In addition to the amounts permitted to be withheld elsewhere in this section, a jai alai permitholder may withhold up to an additional 2 percent from pari-mutuel pools of exotic wagers. However, an additional surtax of 17.5 percent shall be levied on any sums withheld pursuant to this paragraph. Provided, further, that a permitholder which does not withhold the additional 1 percent of exotic wagering pursuant to paragraph (b) shall pay a surtax of 50 percent on the first 1 percent of exotic wagering withheld pursuant to this paragraph. This paragraph shall expire and be void on July 1, 1990. This repeal shall not be construed to relieve any person from the obligation to remit the taxes imposed by this paragraph.

Section 3. *(1) The Division of Pari-mutuel Wagering of the Department of Business Regulation shall study and prepare a report to be submitted to the Legislature by March 1, 1990, on the overall impact of this legislation, which shall include, but not be limited to, an analysis of:*

(a) The economic health of each jai alai permitholder and specific reasons therefor.

(b) The effect on overall handle.

(c) The effect on state tax revenues.

(d) The effect on wagering patterns.

(e) The effect on permitholder income.

(f) The specific permitholders who utilized the additional withholding authorized by this legislation and how each utilized the funds derived therefrom.

(g) The levels of withholdings in other states and the effects of increased withholdings in those states.

(2) The division shall make recommendations to the Legislature as to whether this legislation should be reenacted, amended, or remain repealed.

Section 4. Subsection (2) of section 550.262, Florida Statutes, 1988 Supplement, is amended to read:

550.262 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(2) Each permitholder conducting a horserace meet shall be required to pay from the commission withheld on pari-mutuel pools a sum for purses in accordance with the type of race performed.

(a) A permitholder conducting a thoroughbred horse race meet under the provisions of this chapter shall pay from the commissions withheld a sum not less than 7.5 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(b) A permitholder conducting a harness horse race meet under the provisions of this chapter shall pay from the commissions withheld a sum not less than 7.5 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(c) A permitholder conducting a quarter horse race meet under the provisions of this chapter shall pay from the commissions withheld a sum not less than 6 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(d) The Division of Pari-mutuel Wagering of the Department of Business Regulation shall adopt rules to ensure the timely and accurate payment of all amounts withheld by horserace permitholders regarding the distribution of purses, owners' awards, and other amounts collected for payment to owners and breeders. Each permitholder who fails to pay out all moneys collected for payment to owners and breeders shall, within 10 days after the end of the meet during which the permitholder underpaid, deposit an amount equal to the under-payment into a separate interest-bearing account to be distributed to owners and breeders in accordance with the division's rules.

~~In the event that a permitholder fails to pay the minimum purse required by this subsection, the permitholder shall, within 30 days of the end of the meet during which the permitholder underpaid purses, deposit an amount equal to the underpayment into a separate, interest bearing account, and the total principal and interest shall be used to increase purses during the permitholder's next meet. In the event a permitholder overpays the minimum purses, the permitholder shall be entitled to recover the amount of the overpayment in the permitholder's next meet.~~

Section 5. This act shall take effect on July 1, 1989, or upon becoming a law, whichever occurs later.

Amendment 10—In title, on page 1, line 13, after "costs;" insert: amending s. 551.09, F.S.; increasing the authorized limit on commissions withheld on exotic wagering; providing for surtaxes; providing for a repeal date; providing for a study; amending s. 550.262, F.S.; providing for the Division of Pari-mutuel Wagering to adopt rules regarding the payment of purses and owners' awards; providing for the deposit of money into certain interest-bearing accounts in some situations; deleting language;

Amendment 11—In title, on page 1, line 2, strike "horseracing;" and insert: pari-mutuel wagering;

On motion by Senator McPherson, by two-thirds vote CS for SB 1048 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

EXECUTIVE BUSINESS

Pursuant to s. 114.05(1)(e), Florida Statutes, the Senate failed to act upon the following appointments during the 1989 regular session of the Legislature:

Office and Appointment		*For Term Ending*
Board of Trustees of Lake-Sumter Community College		
Appointees:	Fogle, Albert E.	05/31/93
	Hutchinson, Bettie L.	05/31/93
	Poole, T. H., Sr.	05/31/93

Office and Appointment	*For Term Ending*
Construction Industry Licensing Board	
Appointees: Rutkoski, J. J.	09/30/90
Worman, Robert B.	09/30/89
State of Florida Correctional Medical Authority	
Appointee: Elwell, Thomas M.	07/01/92
Board of Trustees for the Florida School for the Deaf and the Blind	
Appointee: Corwin, James H. II	02/07/91
Health Care Cost Containment Board	
Appointee: Brock, Richard N.	01/01/92
Historic Broward County Preservation Board of Trustees	
Appointee: Clarke, Everee Jimerson	11/01/92
Historic St. Augustine Preservation Board of Trustees	
Appointee: Daniell, Bill	08/31/91
Oklawaha Basin Recreation and Water Conservation and Control Authority in Lake County	
Appointee: Toole, Richard E.	07/13/92
North Central Florida Regional Planning Council, Region 3	
Appointee: Simon, J. T.	10/01/91
East Central Florida Regional Planning Council, Region 6	
Appointee: Poole, Michael W.	10/01/91
Florida Commission on Veterans' Affairs	
Appointee: Thomson, John M.	11/16/92

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 CS for HB 629, HB 734, CS for CS for HB's 1210, 1474 and 1484, CS for HB 1518; has passed as amended CS for CS for HB 269, CS for HB 430, CS for CS for CS for HB 950, CS for HB 1088, CS for CS for HB 1317, CS for CS for HB 1362, HB 1391, CS for HB 1427; has adopted HCR 1533 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Employee and Management Relations; and Representative Clark—

CS for HB 629—A bill to be entitled An act relating to unemployment compensation; amending s. 443.111, F.S.; changing the maximum weekly benefit amount; providing application; providing an effective date.

(Substituted for CS for SB 236 on the consent calendar this day.)

By Representative Crady—

HB 734—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.1967, F.S.; authorizing counties to send computer tapes to the Department of Highway Safety and Motor Vehicles listing names of persons with a certain number of outstanding parking violations; requiring the department to mark the registration records of persons so reported; providing an effective date.

(Substituted for SB 457 on the consent calendar this day.)

By the Committees on Rules and Calendar; Governmental Operations; and Representative Martin and others—

CS for CS for HB's 1210, 1474 and 1484—A bill to be entitled An act relating to local government; amending s. 162.02, F.S.; providing that any codes and ordinances may be enforced by local government code enforcement boards under the Local Government Code Enforcement Boards Act; amending s. 162.03, F.S.; providing that counties and municipalities may adopt alternative code enforcement systems using special masters; amending s. 162.04, F.S.; defining "repeat violation"; amending s. 162.05, F.S.; revising provisions relating to size and membership of code enforcement boards; amending s. 162.06, F.S.; providing authority of the code inspector and enforcement boards with respect to repeat violations; amending s. 162.07, F.S., relating to hearings, to conform; providing that certain board orders may be filed in the public records of the county and specifying effect thereof; amending s. 162.08, F.S.; revising provisions relating to subpoena powers of boards; amending s. 162.09, F.S.; providing for fines for repeat violations; authorizing boards to reduce fines; revising provisions relating to enforcement of liens for fines imposed; providing duration of fines; revising the time period after which foreclosure is authorized; amending s. 162.10, F.S.; extending the duration of liens; providing for recovery of costs and attorney's fees by the prevailing party in actions to foreclose; amending s. 162.12, F.S.; revising provisions relating to delivery of notice; creating s. 162.21, F.S.; authorizing counties and municipalities to designate code enforcement officers to enforce codes or ordinances; authorizing such officers to issue citations for violations and providing requirements with respect thereto; specifying effect of failure to pay a civil penalty or contest a citation; providing requirements, including penalty requirements, regarding codes and ordinances to be enforced under said section; providing a penalty for refusal to accept a citation; amending s. 125.69, F.S., and creating s. 166.0415, F.S.; authorizing boards of county commissioners and governing bodies of municipalities to designate code inspectors; providing for issuance of citations for violations of county or municipal codes; limiting duties of such code inspectors; providing exemptions from certain requirements; amending s. 403.413, F.S.; providing duties of local governing bodies with respect to designation of employees to enforce the Florida Litter Law; providing that county and municipal employees whose duty it is to ensure code compliance or enforcement may enforce the Florida Litter Law, with certain restrictions; amending s. 705.101, relating to abandoned property, to conform; creating s. 705.1015, F.S.; providing that county and municipal employees whose duty it is to ensure code compliance or enforcement may administer provisions relating to lost or abandoned property, with certain restrictions; amending s. 823.11, F.S.; authorizing the Department of Natural Resources to delegate to a county or municipality its powers relating to abandoned or derelict vessels; amending ss. 933.20, 933.22, and 933.26, F.S.; revising provisions which authorize the issuance of inspection warrants with respect to specified violations to include violations of additional county and municipal codes; revising provisions which specify when cause is deemed to exist; providing an effective date.

(Substituted for CS for CS for SB 1382 on the special order calendar this day.)

By the Committee on Education and Representative Bronson and others—

CS for HB 1518—A bill to be entitled An act relating to public schools; creating a District School Site Restructuring Incentives Program within the Department of Education; authorizing district school boards to adopt such programs at the district level; authorizing the Commissioner of Education to waive rules; creating an advisory committee and providing for membership thereof; providing that the development and adoption of a program be subject to the provisions of chapter 447, F.S.; specifying conditions for state funding of a program adopted by a district school board; providing for review of such programs by the commissioner; requiring the commissioner to approve or disapprove such a program; providing for a subsequent review of such a program; specifying criteria for approval; creating the District School Site Restructuring Incentives Program Trust Fund within the Department of Education; requiring the commissioner to administer the trust fund and to provide grants from the trust fund to district school boards having approved programs; specifying conditions for receipt of a grant from the trust fund; providing for an audit by the Auditor General of moneys granted from the trust fund; providing for a pro rata allocation of state moneys in the trust fund to school districts that have approved programs; providing an effective date.

(Substituted for CS for SB 729 on the special order calendar this day.)

By the Committees on Finance and Taxation; and Regulated Industries; and Representative Smith—

CS for CS for HB 269—A bill to be entitled An act relating to dogracing; amending s. 550.16, F.S.; authorizing the use of capital improvement funds for construction of a new facility in certain instances; amending s. 550.162, F.S.; authorizing certain greyhound owners to file certain contracts with the Division of Pari-mutuel Wagering; providing a procedure for the payment of purses; providing that certain amounts that are withheld from pari-mutuel pools by permitholders conducting dograces may be used for purses; authorizing such permitholders to withhold additional amounts from pari-mutuel pools; providing for surtaxes; requiring that a specified percentage of such additional amounts be used for purses

tional amounts from pari-mutuel pools; providing for surtaxes; requiring that a specified percentage of such additional amounts be used for purses in addition to purse percentage in fiscal year 1987-1988; providing for a repeal date; providing for a study and report by the Division of Pari-mutuel Wagering of the Department of Business Regulation; providing an effective date.

(Substituted for CS for CS for SB 415 on the special order calendar this day.)

By the Committees on Finance and Taxation; and Environmental Regulation; and Representative Smith and others—

CS for HB 430—A bill to be entitled An act relating to pollution control; amending s. 376.30, F.S.; providing legislative intent; amending s. 376.301, F.S.; providing definitions; amending s. 376.303, F.S.; revising language with respect to the powers and duties of the Department of Environmental Regulation concerning pollution of surface and ground waters; authorizing the establishment of standards for underground facilities which store hazardous substances and pollutants, and marine fueling facilities and aboveground facilities which store pollutants; revising provisions relating to the department's compliance verification program; providing for issuance and display of registration placards; providing registration fees; requiring marine fueling facilities to pay registration fees; amending s. 376.3071, F.S.; providing an additional use for the Inland Protection Trust Fund; revising provisions relating to reimbursement for cleanup expenses; amending s. 376.3072, F.S.; changing the name of the Florida Petroleum Liability Insurance Program to the Florida Petroleum Liability Insurance and Restoration Program; revising language with respect to the scope and type of coverage under the program; redefining the term "incident"; defining the term "petroleum products"; revising criteria with respect to eligibility for participation in the program; providing for the payment of premiums directly to contractors under certain circumstances; amending s. 376.3073, F.S., relating to local programs for control of contamination; providing for the advance of working capital to the local government under certain circumstances; amending s. 376.317, F.S.; authorizing county governments to adopt certain ordinances with respect to underground storage tanks; providing an effective date.

(Substituted for CS for CS for SB 691 on the special order calendar this day.)

By the Committees on Rules and Calendar; Appropriations; and Health Care; and Representative Kelly—

CS for CS for CS for HB 950—A bill to be entitled An act relating to health care; providing legislative findings and intent with respect to rural hospitals; amending s. 381.706, F.S.; exempting certain rural hospital programs from certificate-of-need requirements; exempting rural hospitals and emergency care hospitals from certificate-of-need application fees; amending s. 395.002, F.S.; defining "emergency care hospital"; providing for licensure; providing for participation in Medicaid and other programs and services; providing an exemption from certificate-of-need requirements; providing for rules; providing for a feasibility study for developing certain postsecondary allied health training and scholarship programs; providing for a rural hospital impact statement; amending s. 395.102, F.S.; clarifying the definition of "rural hospital"; including specified health personnel in a loan forgiveness program; providing for an alternative use of funds if federal matching funds are available; amending s. 400.602, F.S., authorizing the transfer of a hospice to certain entities; amending s. 407.002, F.S.; clarifying the definition of "rural hospital"; providing an appropriation; providing effective dates.

(Substituted for CS for SB 1349 on the special order calendar this day.)

By the Committee on Agriculture and Representative Harris—

CS for HB 1088—A bill to be entitled An act relating to citrus canker; providing definitions; providing legislative findings and intent; establishing presumptive full and fair compensation values with respect to certain categories of plants for citrus nursery plants destroyed as a result of the Citrus Canker Eradication Program; creating the Citrus Canker Compensation Trust Fund; creating the Office of Citrus Canker Claims within the Department of Banking and Finance; providing duties; providing procedures for citrus canker claims; providing procedures for and limits on attorney's fees and costs; providing for venue for administrative proceedings; providing for the prospective and retrospective application of the act to all persons having citrus canker claims against the state; providing a filing deadline; amending s. 581.192, F.S.; revising provisions relating to the excise tax on commercial sale or distribution of citrus nursery stock; providing that the moneys from such tax shall be deposited into the Florida Citrus Canker Trust Fund for appropriation and transfer to the Citrus Canker Compensation Trust Fund; amending s. 581.193, F.S.; revising the amount of the excise tax on citrus nursery stock; providing that the moneys from such tax shall be deposited into the Florida Citrus Canker Trust Fund; creating the Citrus Canker Eradication Trust Fund; providing for distribution and transfer of such moneys from the Florida Citrus Canker Trust Fund to the Citrus Canker Eradication Trust Fund and the Citrus Canker Compensation Trust Fund, respectively; repealing section 10 of chapter 85-283, Laws of Florida, as amended; deleting the repeal of s. 581.192, F.S., which imposes the excise tax on commercial sale or distribution of citrus nursery stock; repealing section 2 of chapter 87-182, Laws of Florida, as amended; deleting the repeal of s. 581.193, F.S., which imposes the excise tax on citrus nursery stock; creating s. 601.282, F.S.; providing an excise tax on citrus fruit; providing that the moneys from such tax shall be deposited into the Florida Citrus Canker Trust Fund; providing for transfer of such moneys to the Citrus Canker Eradication Trust Fund and the Citrus Canker Compensation Trust Fund, respectively; providing for the effect of certain court action on the act; directing the Department of Agriculture and Consumer Services to provide the Office of Citrus Canker Claims with assistance; providing appropriations; providing effective dates.

(Substituted for CS for SB 1447 on the special order calendar this day.)

By the Committees on Appropriations and Regulated Industries and Representative Long and others—

CS for CS for HB 1317—A bill to be entitled An act relating to the state lottery; amending s. 24.103, F.S.; revising the definition of "major procurement"; amending s. 24.105, F.S.; authorizing the Department of the Lottery to require affidavits; revising provisions relating to witnessing of drawings; revising provisions relating to standards of conduct for department employees; amending s. 24.111, F.S.; revising provisions relating to information required to be disclosed by vendors in major procurements; prohibiting contracts and the enforcement of contracts with vendors who do not comply with disclosure requirements; authorizing the department to require such disclosure of other vendors under certain circumstances; revising the application of provisions requiring that certain vendors post bond or other security; revising the application of provisions relating to the inclusion of a provision for liquidated damages in contracts with vendors; amending s. 24.118, F.S.; providing a penalty for filing of certain false claims for payment with the department; revising provisions which impose a penalty for unauthorized use of terms associated with the state lottery; amending s. 24.120, F.S.; revising provisions relating to deposit of moneys in the Administrative Trust Fund; revising provisions relating to investment of moneys available for the payment of prizes on a deferred basis; authorizing the department to retain a reserve for working capital; amending s. 24.121, F.S.; revising provisions relating to allocation of lottery revenues for prizes and deposits in the Educational Enhancement Trust Fund and providing for transfer of certain money thereto; amending s. 338.234, F.S.; authorizing the sale of lottery tickets along the turnpike system; amending s. 843.08, F.S.; providing a penalty for falsely personating a lottery special agent or investigator; requiring the department to provide certain information to the public; providing an effective date.

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

By the Committees on Rules and Calendar; and Ethics and Elections; and Representative Ostrau—

CS for CS for HB 1362—A bill to be entitled An act relating to elections; amending s. 97.041, F.S.; revising qualifications for the preregistration of persons under 18 years of age to vote; amending s. 97.091, F.S.; providing for registration of persons temporarily residing outside the county at the main office of the supervisor of elections; prohibiting such registrants from voting in municipal elections; amending s. 98.051, F.S.; revising the time when the registration books close for an election; amending s. 98.111, F.S.; providing for disability information on voter registration forms; amending s. 99.012, F.S.; providing restrictions on persons qualifying for public office; providing exceptions; providing definitions; providing for removal of a person's name from the ballot for his failure to comply with the restrictions; amending s. 99.061, F.S.; revising qualifying dates; amending s. 99.092, F.S.; providing for an election assessment of candidates; creating s. 99.093, F.S.; providing for an election assessment of municipal candidates; amending s. 99.095, F.S.; to conform; amending ss. 99.0955 and 99.096, F.S.; conforming certain dates for

changing the dates of the first and second primary elections; amending s. 100.111, F.S.; revising provisions relating to vacancies in office; amending ss. 101.141, 101.151, and 101.252, F.S.; providing technical changes to conform the date of the election of state and county executive committee members; deleting the reference to public service commissioner on the primary and general election ballots; amending s. 101.161, F.S.; revising the length of the referendum ballot statement; amending s. 101.5609, F.S.; authorizing certain alternative procedures relating to recording the issuance of absentee ballots; amending s. 101.62, F.S.; providing for mailing of first primary, second primary, and general election ballots to absent qualified electors overseas, including advance absentee ballots for the second primary and general election; providing procedure for voting such ballots; providing a definition; amending s. 101.64, F.S., relating to the voter's certificate on absentee ballots; creating ss. 101.731, 101.732, and 101.733, F.S., and amending s. 101.74, F.S.; creating the Florida Elections Emergency Declaration Act; providing definitions; expanding authority of the Governor to suspend or delay elections in emergency circumstances; providing for requests by the Secretary of State or a supervisor of elections for such suspension or delay; authorizing the Secretary of State to reschedule elections not held due to an emergency; providing time and notice requirements; requiring the Division of Elections of the Department of State to develop an elections emergency contingency plan; specifying scope and concerns; providing for an advisory council; providing for coordination of such plan with municipal clerks and supervisors of elections and emergency management officials; requiring approval of such contingency plan by the Governor; providing for review; amending s. 101.75, F.S.; conforming language; providing additional circumstances for change of dates of municipal elections; providing for review and repeal; amending s. 102.031, F.S.; prohibiting solicitation of voters within a specified distance of a polling place; providing exceptions; providing certain restrictions on access to polling rooms; modifying the definition of the term "solicit" and provisions relating to solicitation of voters at polling places and providing a penalty with respect thereto; amending s. 102.151, F.S.; removing the requirement to file certificate of election results with the clerk of the circuit court; amending ss. 103.022 and 103.091, F.S.; revising qualifying dates; conforming certain language; amending s. 103.121, F.S.; conforming certain language; amending s. 104.071, F.S.; authorizing a candidate to furnish complimentary tickets to his campaign fund raiser to other candidates; authorizing a candidate to give his own personal or business funds to another candidate under certain circumstances; providing a penalty; creating s. 104.361, F.S.; providing criminal penalties for disrupting the orderly conduct of an election; amending s. 105.031, F.S.; providing an election assessment for judicial candidates; modifying qualifying procedures for candidates for county court judge; amending s. 105.035, F.S., relating to the alternative method of qualifying, to conform; amending s. 105.08, F.S.; providing for certain campaign contribution and expense reports for specified judicial candidates for retention; amending s. 106.011, F.S.; amending and providing definitions; amending s. 106.021, F.S.; requiring candidates for other than statewide offices to file a copy of certain information relating to their campaign treasurers with the supervisor of elections of their county of residence; amending s. 106.025, F.S.; eliminating the notice of intent for campaign fund raisers; providing for reimbursement of expenditures for such fund raisers; amending s. 106.03, F.S.; changing the time for a political committee to file a statement of organization; eliminating a filing exemption; providing for notification of registration or rejection; providing rulemaking authority; creating s. 106.033, 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 period; providing a penalty; creating s. 106.035, F.S.; providing reporting requirements for political committees; providing for incomplete reports; providing for fines and limitations thereon and waivers thereof; requiring promulgation of rules on certain waivers; providing a penalty; providing an exception; amending s. 106.04, F.S.; providing that a committee of continuous existence need not file a copy of its charter or bylaws with its annual report under certain conditions; requiring committees of continuous existence to register as political committees before making independent expenditures; prescribing limits on contributions by committees of continuous existence; providing for fines and limitations thereon and waivers thereof with respect to reporting requirements of committees of continuous existence; requiring promulgation of rules on certain waivers; providing a penalty; amending s. 106.05, F.S.; providing for deposits by payroll deduction for political committees; excluding Saturdays from the calculation of time limits for deposit of campaign funds; amending s. 106.06, F.S.; providing technical changes with respect to campaign records; amending s. 106.07, F.S.; providing requirements for the filing of campaign reports with respect to candidates; modifying provisions relating to when such reports must be made, for which there are penalties; providing exceptions; requiring the return of certain contributions; requiring certain loans to be reported; providing for fines and limitations thereon and waivers thereof; requiring promulgation of rules on certain waivers; providing a penalty; amending s. 106.08, F.S., relating to limitations on campaign contributions; providing that candidates for Governor and Lieutenant Governor are considered a single candidate; revising the time period for receipt of certain contributions, for which there are penalties; providing for the return of certain contributions; prohibiting contributions received by political committees within a specified time period from being obligated or spent until after the election; providing that a candidate may purchase tickets, admission to events, or advertisements from religious, civic, or charitable groups; providing 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; providing a penalty; amending s. 106.11, F.S.; requiring campaign checks to contain the address of the candidate; restricting how certain former candidates or unopposed candidates may expend campaign funds; amending s. 106.125, F.S.; extending the use of credit cards to all candidates and political committees; excluding political advertising from credit card purchases; amending s. 106.14, F.S., relating to deposit and payment for utilities; eliminating certain penalties; amending s. 106.141, F.S., relating to disposition of surplus funds by candidates; requiring a report; providing that candidates for Governor and Lieutenant Governor are separate candidates for purposes of the office account; eliminating the requirement that the Secretary of State provide for tax identification numbers to certain officeholders; providing fines for certain late reports; providing penalties; amending s. 106.143, F.S.; revising requirements relating to political advertisements, for which there are penalties; requiring political advertisements for partisan offices to state the candidate's party affiliation or status as an independent candidate; amending s. 106.144, F.S.; providing that certain groups and organizations which intend to oppose a candidate or issue by means of political advertisement must file a statement containing specified information; providing a penalty; amending ss. 106.16 and 106.19, F.S.; providing technical changes; eliminating certain penalties; amending s. 106.24, F.S.; revising the number of members of the Florida Elections Commission constituting a quorum; requiring a majority vote of a quorum for action; allowing a single commissioner or a panel of three commissioners to hold hearings; establishing the Elections Commission Trust Fund; amending s. 106.25, F.S.; exempting appeals of fines for late filing from certain confidentiality provisions; amending s. 106.26, F.S.; requiring a majority vote of a quorum to determine violations; amending s. 106.29, F.S.; changing the time for political parties to file certain reports and receive certain contributions; providing fines for late reports; reducing the penalty for certifying as correct any false report of contributions and expenditures required of political party executive committees; repealing s. 99.032, F.S., relating to qualifications of county commission candidates; repealing s. 101.121, F.S., relating to persons allowed in polling rooms; repealing s. 106.142, F.S., relating to the definition of "political advertisement"; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Rules and Calendar.

By Representative Stone and others—

HB 1391—A bill to be entitled An act relating to the Florida Youth Conservation Corps; amending s. 369.105, F.S.; providing for the appointment of the director of the Office of Civilian Conservation; providing that certain persons are not employees of the state; creating a trust fund; providing for rules for expenditures; providing an appropriation; providing an effective date.

(Substituted for CS for SB 1207 on the consent calendar this day.)

By the Committee on Regulatory Reform and Representative D. L. Jones—

CS for HB 1427—A bill to be entitled An act relating to medical practice; amending s. 466.032, F.S.; requiring annual, rather than biennial, registration of dental laboratories; changing the registration fee; amending s. 466.036, F.S.; requiring periodic inspections of dental labora-

tories; amending s. 466.037, F.S.; providing for suspension or revocation of registration for failure to comply with rules; providing an administrative fine; amending s. 466.038, F.S., relating to department rules; amending ss. 458.311 and 458.313, F.S.; modifying provisions relating to the examination of the examination of the Educational Commission for Foreign Medical Graduates and modifying provisions relating to licensure of physicians by examination and by endorsement; providing procedure when requirements are not met; amending s. 458.331, F.S.; providing grounds for disciplinary action relating to the practice of medicine; amending s. 458.345, F.S.; providing for registration of certain fellows; providing a fee; providing qualifications; requiring employing hospitals to furnish certain information to the Department of Professional Regulation; limiting period of practice; providing a penalty; creating s. 459.0141, F.S.; prohibiting sexual misconduct in the practice of osteopathic medicine; amending s. 459.0155, F.S.; modifying provisions relating to impairment of an osteopathic physician; amending s. 459.016, F.S.; modifying provisions relating to report of disciplinary action against an osteopathic physician by a medical organization; amending ss. 458.315, 458.316, and 458.3165, F.S.; amending s. 766.101, F.S.; relating to medical review committees; providing clarifying language; conforming language and cross references; providing for review and repeal; creating s. 466.041, F.S.; requiring certain persons who are carriers of hepatitits B virus to notify the Board of Dentistry; providing for reports and practice requirements; providing for confidentiality; providing for review and repeal; amending s. 473.305, F.S.; providing for a delinquency fee; amending s. 473.308, F.S.; providing qualifications for licensure by endorsement; amending s. 473.309, F.S.; providing certain requirements for corporations engaged in the practice of public accounting; amending s. 470.021, F.S.; providing for inspection of direct disposal establishments; providing an inspection fee; amending s. 470.024, F.S.; conforming provisions relating to inspection of funeral establishments; providing an inspection fee; amending s. 470.025, F.S.; providing for inspection of cinerator facilities; providing an inspection fee; amending s. 470.0255, F.S.; requiring certain written permission for cremation; amending s. 470.031, F.S.; prohibiting operation of an unlicensed cinerator facility; providing a penalty; amending s. 470.036, F.S.; providing for disciplinary actions against embalmer interns, funeral director interns, and funeral establishments; 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. 489.113, F.S.; 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 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; amending s. 458.311, F.S.; modifying education requirements for a restricted license to practice medicine; creating s. 463.0165, F.S.; providing for treatment programs for impaired practitioners; providing an exemption from public records law; providing for review and repeal; providing a penalty; amending s. 468.508, F.S.; providing that application fees under the Dietetics and Nutrition Practice Act are not refundable; amending 474.207, F.S.; revising requirements for licensure by examination; providing requirements for certain foreign-trained veternarians; amending s. 476.188, F.S.; providing for certain performance of barber services not in a registered barbershop; amending s. 476.192, F.S.; providing for a student enrollment records fee for schools of barbering; amending s. 477.0263, F.S.; providing for certain performance of cosmetology services not in a licensed salon; amending ss. 480.032, 480.033, 480.035, 480.041, 480.0415, 480.0425, 480.044, 480.046, 480.0465, and 480.047, F.S.; modifying terminology under the Massage Practice Act; providing for continuing education by correspondence course; authorizing the Board of Massage to establish rules for the approval of continuing education programs and to establish provider application and renewal fees; providing grounds for disciplinary action against a massage establishment; providing penalties; amending s. 484.007, F.S.; modifying qualifications for the license examination in opticianry; providing continuing education requirements for registered apprentices in opticianry; authorizing the Board of Opticianry to establish an administrative processing fee; amending s. 484.0445, F.S.; revising examination requirements for hearing aid specialist trainees; amending s. 486.125, F.S.; providing grounds for disciplinary action under the Physical Therapy Practice Act; providing penalties, amending ss. 455.2227, 460.402, and 486.161, F.S.; conforming terminology; requiring the Board of Hearing Aid Specialists to review certain rules; providing for review and repeal; amending s. 455.213, F.S.; authorizing regulatory boards to approve video cassette courses to meet continuing education requirements; providing for rules; providing an effective date.

(Substituted for CS for SB 1121 on the special order calendar this day.)

By Representative Banjanin—

HCR 1533—A concurrent resolution calling for the establishment of a joint Florida-Alabama water resources coordinating council.

—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 passed CS for SB 109, CS for SB 215, CS for SB 216, CS for CS for SB 224, CS for SB 225, CS for SB 228, CS for SB 230, CS for SB's 271 and 41, Senate Bills 292, 328, CS for SB 347, Senate Bills 641, 687, CS for SB 736, CS for SB 776, Senate Bills 855, 907, CS for SB 1048, CS for SB 1068, CS for SB 1164, SB 1203, CS for SB 1218, SB 1222, CS for SB 1243, CS for SB 1251, Senate Bills 1278, 1317, CS for SB 1355 and CS for SB 1368.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

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 CS for SB 116 and CS for CS for SB 1298.

John B. Phelps, Clerk

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

LOCAL CALENDAR

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.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 1552 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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 read the second time by title. On motion by Senator Bruner, by two-thirds vote SB 1554 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 1558—A bill to be entitled An act relating to the City of Jacksonville; authorizing the council to grant, by ordinance, necessary powers to the Jacksonville Environmental Protection Board; providing an effective date.

—was read the second time by title. On motion by Senator Crenshaw, by two-thirds vote SB 1558 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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 personnel; 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 read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 756 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

HB 981—A bill to be entitled An act relating to Lee County; providing definitions; creating the Upper Captiva Fire Protection and Rescue Service District; creating the board of commissioners of the district; providing for their election, terms, and compensation; requiring bonds; empowering the board to levy ad valorem taxes to a specified list; providing a procedure for complaints of assessments; requiring the property appraiser to provide the board with certain information relating to assessments; reimbursing the county property appraiser and tax collector for their assistance; providing that district assessments constitute a lien on property; providing for the deposit of proceeds of assessments; empowering the board to borrow money to a certain limitation, to issue revenue anticipation certificates, and to pledge such liens and certificate revenue to pay the certificates; exempting board members from liability for repayment of loans; restricting the use of funds of the district; authorizing the board to acquire, lease, or maintain a fire department; providing for rules and an annual report; empowering the board to enact a fire prevention code; providing for referendums; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 2, line 10 through page 9, line 28, strike all of said lines and insert:

Section 2. (1) There is created a dependent special taxing fire protection and rescue service district incorporating lands in Lee County described in subsection (2) which shall be a public corporation having the powers, duties, rights, obligations, and immunities herein set forth, under the name of the Upper Captiva Fire Protection and Rescue Service District.

(2) The lands to be included within the district are the following described lands in Lee County, Florida:

Upper Captiva Island:

All that part of North Captiva Island lying in Sections 4, 5, 8, 9, 15, and 16, Township 45 South, Range 21 East, and Section 32, Township 44 South, Range 21 East, bounded on the North by Captiva Pass, West by the Gulf of Mexico, South by Redfish Pass, and East by Pine Island Sound.

(3) Nothing herein shall deny the right of the fire chief or other governing officials of the district to render such services to communities adjacent to the land described in subsection (2), or such other places as from time to time may be deemed advisable.

Section 3. (1) The business and affairs of the district shall be conducted and administered by a board of five commissioners, who shall be qualified electors residing within the district, and shall be elected by the qualified electors residing within the district at a special election which shall be held within 60 days after the date of approval of this act by the electors of said district, and shall serve a term of 4 years each, subject to the provisions of subsection (2). The district shall reimburse the county for all costs of said special election.

(2) The five members of the initial board of commissioners shall be elected by the qualified electors residing within the district. The two elected members who receive the greatest number of votes in the initial election under this act shall serve terms of 3 years. The remaining three elected members in the initial election under this act shall serve terms of 1 year. Subsequent elections under this act shall be on the first Tuesday next succeeding the first Monday in November of odd-numbered years. Election shall be on a non-partisan basis.

(3) The board shall adopt bylaws to provide a procedure for the submission of nominees to the Governor, who in turn shall fill any vacancy by appointing one of the nominees to fill the unexpired term.

(4) The board may employ such personnel as deemed necessary for the proper function and operation of a fire department.

Section 4. (1) The commissioners, immediately upon their appointment as herein provided, or within 10 days thereafter and annually in November, shall organize by electing from their number, a chairman, a vice chairman, a secretary and a treasurer. However, the same member may be both secretary and treasurer.

(2) The commissioners shall receive compensation for actual expenses incurred while performing the duties of their office.

(3) Each commissioner, upon taking office, shall execute to the Governor for the benefit of the district, a bond of $5,000 with a qualified personal or corporate surety, conditioned upon the faithful performance of the duties of the commissioner's office and upon an accounting for all funds which come into his hands as commissioner. The treasurer shall furnish a bond of $10,000 which may be in lieu of the $5,000 bond. The premium for such bonds shall be paid from the funds of the district.

Section 5. (1) The board, on behalf of the county, may levy ad valorem taxes against the taxable property within the district to provide funds for the purpose of this district. The millage levied for such purpose shall be a part of the millage that the county may levy for municipal purposes under Article VII, Section 9, of the State Constitution.

(2) The tax rate shall be fixed by a resolution of the board following public hearing of the proposed budget as provided in section 6. However, the tax shall not exceed $3 per $1,000 of net taxable assessed valuation.

(3) It is the legislative intent that this act shall authorize the Lee County property appraiser and the Lee County tax collector to take all appropriate action to comply with the intent and purpose of this act.

Section 6. (1) The district's fiscal year shall begin on October 1 of each year and end on September 30 of the ensuing year. The Lee County property appraiser shall furnish the commissioners a tax roll covering all taxable properties within the district on or before June 1 of each year, and any property owner in the district shall have the right during the period from June 10 to June 20 of each year to file protests in writing against the proposed tax assessment, the amount or rate thereof, and during the period from June 20 to June 30 of each year, to appear before the board in support of such protests. The board shall hold at least one meeting during said period to consider such protests. The notification to the public of each meeting shall be posted in not less than three public places in conspicuous locations and be advertised once in a newspaper of general circulation in Lee County.

(2) The commissioners shall submit the proposed budget for the district for the ensuing fiscal year to the Board of County Commissioners of Lee County for approval no later than August 15 of each year, and if the Board of County Commissioners of Lee County does not take action on the proposed budget within 21 days after its submission, the budget is deemed to be approved.

(3) The county property appraiser shall include in the Lee County tax roll the tax assessment made by the board and the same shall be collected in the manner as provided for by this act, and paid over by the Lee County tax collector to the board monthly.

(4) The office of the county property appraiser shall receive reimbursement for assessing taxes, and the office of the Lee County tax collector shall be reimbursed for their expenses in collecting such taxes.

Section 7. The tax assessments levied and assessed by the district shall be a lien upon the land so assessed along with the county taxes assessed against such land until said district tax assessments and taxes have been paid, and if the assessments levied by the district become delinquent, such district assessment shall be considered a part of the county taxes, subject to the sale, penalties, charges, fees, and remedies for enforcement and collection and shall be enforced and collected as provided by general law for the collection of such taxes.

Section 8. (1) The proceeds of the tax assessment and funds of the district shall be deposited in the name of the district in a bank authorized to receive deposits of county funds. The bank shall be designated by a resolution of the board.

(2) No funds of the district shall be paid or disbursed except by check signed by the treasurer of the board and either the chairman or vice chairman of the board.

Section 9. (1) The board shall have the power and authority to borrow money for the purpose of the district. However, the total payments in any 1 year, including principal and interest, on any indebtedness incurred by the district shall not exceed 50 percent of the total tax assessment of the year in which said payments are to be made, and provided further, that the total accumulative debt of the district shall never exceed $125,000.

(2) The board shall have the power and authority to issue revenue anticipation certificates for the purpose of paying all or any part of the cost of purchasing any real or personal property for the district, such revenue anticipation certificates shall be issued and validated under and in accordance with the applicable provisions of general law, in an amount not to exceed the limits set forth in subsection (1). In addition, the board shall have the power and authority to pledge anticipation revenue and delinquent tax assessment liens for the payment of such certificates, which shall be the sole security for said loan.

(3) Neither the district commissioners as a body nor any of them as an individual shall be personally or individually liable for the repayment of such loan. Such repayment shall be made out of tax receipts of the district except as provided in this subsection. The commissioners shall not create any indebtedness or incur obligations for any sums or amount which they are unable to repay out of district funds then in their hands except as otherwise provided in this act. However, the commissioners may make purchases of equipment on an installment basis as necessary if funds are available for the payment of the current year's installment on such equipment plus the amount due in the year of any other installments and the repayment of any bank loan or other existing indebtedness which may be due that year.

Section 10. (1) No funds of the district shall be used for any purpose other than the administration of the affairs and business of the district, the construction, care, maintenance, upkeep, operation, and purchase of firefighting equipment for a fire station or stations, the payment of salaries of district personnel as the board may from time to time determine to be necessary for the operations and effectiveness of the district.

(2) The board is authorized and empowered to buy, own, lease, and maintain a fire department within the district, and to purchase, acquire by gift, own, lease and dispose of firefighting equipment and property, real and personal, that the board may from time to time deem necessary or needful to prevent and extinguish fires within the district.

Section 11. (1) A record shall be kept of all meetings of the board and in such meetings concurrence of a majority of the commissioners shall be necessary to any affirmative action by the board.

(2) The board may adopt rules and regulations, not inconsistent with any portion of this act, as it may deem necessary for the transaction of its business and in implementing and carrying out the provisions of this act. The board shall have authority to provide all things necessary for the prevention, extinguishment, and control of fires in the district.

(3) Any rules and regulations promulgated and made by the board shall have the force and effect of law after copies thereof signed by the chairman and secretary have been posted in at least three public places and advertised for 2 consecutive weeks in a newspaper of general circulation in the county in which the special fire protection and rescue service district is situated.

(4) The board shall, on or before November 1, make an annual report of its actions and accounting of its funds as of September 30 and shall file said report in the office of the Clerk of the Circuit Court of Lee County, whose duty it shall be to receive and file said report and hold and keep the same as a public record.

(5) The board shall, at the same time as it makes its annual report, file its estimated budget for the fiscal year beginning October 1, which budget shall show the estimated revenue to be received by the district and the estimated expenditures to be incurred by the district in carrying out its operations.

Section 12. (1) The board shall have the right and power to enact a fire prevention code or ordinance in addition to, but not in conflict with, the Lee County Fire Prevention Ordinance of 1974, or its equivalent.

(2) The salaries of fire department personnel, and any other wages shall be determined by the board.

Section 13. If any clause, section, or provision of this act shall be declared to be unconstitutional or invalid by any court of competent jurisdiction, the same shall be eliminated from this act, and the remaining portion of said act shall be in force and effect and be as valid as if such invalid portion thereof has not been incorporated therein, provided the same may be so separated.

Section 14. All laws or parts of laws in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 15. This act shall take effect only upon approval by a majority vote of those qualified electors of Lee County residing within the proposed Upper Captiva Fire Protection and Rescue Service District voting in a referendum to be held in conjunction with the general election to be held on November 6, 1990, in accordance with the provisions of law relating to elections currently in force, except that this section shall take effect upon becoming a law. The ballot statement shall submit the following question to the electors: "Do you approve chapter 89- , Laws of Florida, House Bill 981, which provides for the creation of the Upper Captiva Fire Protection and Rescue Service District and provides for the district to levy ad valorem taxes?"

Amendment 2—In title, on page 1, line 9 through page 1, line 28, strike all of said lines and insert: specified limit; providing that taxes are part of the millage the county may levy for municipal purposes; providing a procedure for complaints of assessments; requiring the property appraiser to provide the board with certain information relating to assessments; providing for budget approval by the Lee County Board of County Commissioners; reimbursing the county property appraiser and tax collector for their assistance; providing that district assessments constitute a lien on property; providing for the deposit of proceeds of assessments; empowering the board to borrow money to a certain limitation, to issue revenue anticipation certificates, and to pledge such liens and certificate revenue to pay the certificates; exempting board members from liability for repayment of loans; restricting the use of funds of the district; authorizing the board to acquire, lease, or maintain a fire department; providing for rules and an annual report; empowering the board to enact a fire prevention code; providing for a referendum; providing an effective date.

On motion by Senator Dudley, by two-thirds vote HB 981 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Woodson-Howard, by two-thirds vote HB 1031 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Woodson-Howard, by two-thirds vote HB 1075 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1086 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Crenshaw, by two-thirds vote HB 1175 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 1281 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 1538 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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 nonprofit 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.

—was read the second time by title.

Senator Gardner moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 9 and 10, insert:

Section 5. Except for those revenues received pursuant to s. 320.0808, Florida Statutes, all other funds received by the Technological Research and Development Authority shall be allocated to the Indian River Region Research Institute.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 10, after the semicolon (;) insert: providing for allocation of certain funds of the Technological Research and Development Authority to the research institute;

On motion by Senator Gardner, by two-thirds vote HB 1540 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Woodson-Howard, by two-thirds vote HB 1541 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Crenshaw, by two-thirds vote HB 1557 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

HB 1637—A bill to be entitled An act relating to Flagler Estates Road and Water Control District, formerly Sixteen Mile Creek Water Control District, in St. Johns and Flagler Counties, created under chapter 298, F.S.; providing a parcel of land be deleted from the district; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote HB 1637 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1672 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 1673 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 1685 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Crenshaw, by two-thirds vote HB 1687 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote HB 1699 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Woodson-Howard, by two-thirds vote HB 1708 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Gardner, by two-thirds vote HB 1709 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title.

Senator Bruner moved the following amendments which were adopted:

Amendment 1—On page 1, lines 21-31 and on page 2, lines 1 and 2, strike all of said lines and insert:

Section 2. This act, except for this section which shall take effect upon becoming a law, shall take effect only upon approval by a majority vote of the electors of Florosa Fire Control District voting in a referendum election to be called by the Board of Commissioners of the Florosa Fire Control District to be held in the district prior to September 1, 1989, in accordance with the provisions of law relating to elections currently in force. There shall be at least 30 days' notice of the election as provided by section 100.342, Florida Statutes.

Amendment 2—In title, on page 1, line 7, strike the period (.) and insert: ; providing an effective date.

On motion by Senator Bruner, by two-thirds vote HB 1720 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote HB 1742 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote HB 1745 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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

SB 1563—A bill to be entitled An act relating to North Springs Improvement District, Broward County; amending s. 2, chapter 71-580, Laws of Florida, as amended; expanding the boundaries of the district; amending s. 4(1), chapter 71-580, Laws of Florida; including streetlights in the definition of "assessable improvements"; amending s. 5(2), chapter 71-580, Laws of Florida; prescribing additional qualifications for supervisors; amending s. 9, chapter 71-580, Laws of Florida; authorizing the district to build, install, maintain, and operate streetlights; providing an effective date.

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

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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

SB 1565—A bill to be entitled An act relating to the City of Punta Gorda, Charlotte County; making it unlawful at all times to fish for commercial purposes in the canals or manmade waterways, or within 50 yards thereof, of the City of Punta Gorda; defining commercial purposes and providing that possession of an unsecured net, seine, or trap under certain circumstances is prima facie evidence of fishing for commercial purposes; providing a penalty; providing for forfeiture of nets, seines, or traps; providing for sale of confiscated nets, seines, and traps; providing for disposition of proceeds; providing an effective date.

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

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SPECIAL ORDER

On motion by Senator W. D. Childers—

HCR 1533—A concurrent resolution calling for the establishment of a joint Florida-Alabama water resources coordinating council.

—was taken up out of order by unanimous consent, read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

CS for SB 1451—A bill to be entitled An act relating to protection from abuse and neglect; creating s. 415.5085, F.S.; providing for the appointment of guardians advocate for drug dependent newborn infants; providing procedure; providing duties of guardians; providing for review; providing for reimbursement; amending s. 415.503, F.S.; providing a definition; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 1451 to conform the bill to CS for HB 1509.

Pending further consideration of CS for SB 1451 as amended, on motions by Senator Weinstein, by two-thirds vote CS for HB 1509 was withdrawn from the Committees on Health and Rehabilitative Services; Judiciary-Civil; and Appropriations.

On motions by Senator Weinstein—

CS for HB 1509—A bill to be entitled An act relating to drug dependent newborns; amending s. 415.503, F.S.; providing a definition of the term "guardian advocate" for purposes of ss. 415.502-415.514, F.S.; creating s. 415.5082, F.S.; providing legislative findings respecting guardian advocates for drug dependent newborns; creating s. 415.5083, F.S.; prescribing procedures and jurisdiction; creating s. 415.5084, F.S.; providing for petitions for appointment of guardian advocates; creating s. 415.5085, F.S.; providing for process and service; creating s. 415.5086, F.S.; providing for hearing on appointment of a quardian advocate; creating s. 415.5087, F.S.; providing grounds for appointment of a guardian advocate; creating s. 415.5088, F.S.; establishing the powers and duties of a guardian advocate; creating s. 415.5089, F.S; providing for review and removal of a guardian advocate; providing an effective date.

—a companion measure, was substituted for CS for SB 1451 as amended and read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 1509 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Senator W. D. Childers presiding

On motions by Senator Weinstein, by two-thirds vote CS for HB 581 was withdrawn from the Committees on Agriculture and Judiciary-Criminal.

On motion by Senator Weinstein—

CS for HB 581—A bill to be entitled An act relating to cruelty to animals; amending s. 828.073, F.S.; expanding custody provision and authorizing the issuance of orders to provide care to animals; amending s. 828.12, F.S.; providing an enhanced penalty for torturing an animal with intent to inflict intense pain, serious physical injury, or death; providing an effective date.

—a companion measure, was substituted for CS for SB 912 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 581 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Walker

CS for SB 1398—A bill to be entitled An act relating to the state lottery; amending s. 24.103, F.S.; revising the definition of "major procurement"; amending s. 24.105, F.S.; authorizing the Department of the Lottery to require affidavits and requiring the department to have certain drawings witnessed by an accountant employed by an independent certified public accounting firm; amending s. 24.111, F.S.; providing for disclosures by vendors; prohibiting contracts and the enforcement of contracts with vendors who do not comply with disclosure requirements; authorizing the department to require the disclosure of certain information by vendors; requiring certain vendors to post a bond with the department; limiting certain mandatory liquidated damages clauses in contracts with vendors; amending s. 24.118, F.S.; prohibiting the filing of certain false claims; providing a penalty; prohibiting the use of certain lottery terms in the title or name of a charitable or commercial enterprise, product, or service; providing a penalty; amending s. 24.120, F.S.; authorizing the department to invest lottery moneys which are related to prizes to be paid on a deferred basis; authorizing the department to retain a reserve for working capital; amending s. 24.121, F.S.; providing for specified percentages of lottery gross revenues to be returned to the public or to be deposited in the Educational Enhancement Trust Fund; requiring the transfer of certain balances to such trust fund from the Administrative Trust Fund; amending s. 338.234, F.S.; authorizing the sale of lottery tickets along the turnpike system; amending s. 843.08, F.S.; prohibiting and providing penalties for falsely personating a lottery special agent or lottery investigator; providing an effective date.

—was read the second time by title.

Eleven amendments were adopted to CS for SB 1398 to conform the bill to CS for CS for HB 1317.

Pending further consideration of CS for SB 1398 as amended, on motion by Senator Crenshaw, by two-thirds vote CS for CS for HB 1317 was withdrawn from the Committees on Commerce; Governmental Operations; Finance, Taxation and Claims; and Appropriations.

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

CS for CS for HB 1317—A bill to be entitled An act relating to the state lottery; amending s. 24.103, F.S.; revising the definition of "major procurement"; amending s. 24.105, F.S.; authorizing the Department of the Lottery to require affidavits; revising provisions relating to witnessing of drawings; revising provisions relating to standards of conduct for department employees; amending s. 24.111, F.S.; revising provisions relating to information required to be disclosed by vendors in major pro-

curements; prohibiting contracts and the enforcement of contracts with vendors who do not comply with disclosure requirements; authorizing the department to require such disclosure of other vendors under certain circumstances; revising the application of provisions requiring that certain vendors post bond or other security; revising the application of provisions relating to the inclusion of a provision for liquidated damages in contracts with vendors; amending s. 24.118, F.S.; providing a penalty for filing of certain false claims for payment with the department; revising provisions which impose a penalty for unauthorized use of terms associated with the state lottery; amending s. 24.120, F.S.; revising provisions relating to deposit of moneys in the Administrative Trust Fund; revising provisions relating to investment of moneys available for the payment of prizes on a deferred basis; authorizing the department to retain a reserve for working capital; amending s. 24.121, F.S.; revising provisions relating to allocation of lottery revenues for prizes and deposits in the Educational Enhancement Trust Fund and providing for transfer of certain money thereto; amending s. 338.234, F.S.; authorizing the sale of lottery tickets along the turnpike system; amending s. 843.08, F.S.; providing a penalty for falsely personating a lottery special agent or investigator; requiring the department to provide certain information to the public; providing an effective date.

—a companion measure, was substituted for CS for SB 1398 and by two-thirds vote read the second time by title. On motion by Senator Crenshaw, by two-thirds vote CS for CS for HB 1317 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	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

CS for CS for SB 265—A bill to be entitled An act relating to drivers' licenses; amending s. 322.05, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license to persons under a specified age; providing exceptions; creating s. 322.0601, F.S.; specifying circumstances under which the department may issue a driver's license to certain persons under such age; providing for the suspension and reinstatement of such license; authorizing the waiver of licensing requirements under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Peterson moved the following amendment:

Amendment 1—On page 1, line 17, strike everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) of section 322.05, Florida Statutes, are amended to read:

322.05 Persons not to be licensed.—The department shall not issue any license:

(1) To any person, as an operator, who is under the age of *18* ~~16~~ years, except that the department may issue:

(a) A restricted license as hereinafter provided to any person who is at least 15 years of age *and, as applicable, meets the requirements set forth in s. 322.16 and any other requirements set forth in statute or in rule; or,*

(b) An operator's license to any person who:

1. Is 16 years of age before January 1, 1990; or

2. Is 16 years of age and, as applicable, meets the requirements of s. 322.0601 and any other requirements set forth in statute or in rule.

(2) ~~To any person, as a chauffeur, who is under the age of 16 years.~~ Persons between the ages 16 years and 18 years who make application for a chauffeur's license shall be subject to *the provisions of paragraph (1)(b) and to* all the requirements and provisions of s. 322.09. Any person who applies for a chauffeur's license between the ages of 16 and 18 years shall have had a restricted operator's license, a temporarily instruction permit as required in s. 322.07, or an operator's license for at least 90 days prior to the time he shall be eligible to receive a chauffeur's license. The department may require of any applicant for a chauffeur's license such examination of the qualifications of the applicant as the department shall deem proper, and the department may limit the use of any license granted as it may deem proper.

Section 2. Section 322.0601, Florida Statutes, in created to read:

322.0601 Driver's licenses issued to certain persons under the age of 18 years.—

(1) The department may issue an operator's license to a minor at least 16 years of age but younger than 18 years of age if, at the time of application, such minor:

(a) Has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion;

(b) Is enrolled in a public or private school and satisfies relevant attendance requirements;

(c) Is enrolled in a study course in preparation for the Test of General Educational Development and satisfies relevant attendance requirements;

(d) Is enrolled in a home education program and satisfies the requirements of s. 232.02;

(e) Is enrolled in a postsecondary vocational program or a postsecondary adult vocational program and satisfying revelant attendance requirements;

(f) Is enrolled in a job training program pursuant to chapter 446 and satisfying relevant attendance requirements; or,

(g) Is enrolled in other educational activities approved by the district school board and satisfying relevant attendance requirements.

(2)(a) An applicant for an operator's license shall provide written verification of compliance with the requirements of subsection (1) of this section or receipt of a waiver therefrom pursuant to subsection (5) of this section to the department. The necessary verification shall be obtained from the district school board. If the applicant is enrolled in or has graduated from a private high school, such verification shall be obtained by the applicant from the governing body of the private school. A school board shall not refuse to provide written verification of compliance with the requirements of this section to the department unless and until the school administration has completed the following escalating activities to determine the cause, and to attempt the remediation of, the minor's failure to satisfy relevant attendance requirements:

1. One or more meetings shall be held between a school attendance professional or school social worker, the minor's parent or guardian, and the minor, to report and to attempt to solve the attendance problem. However, if the school attendance professional or school social worker has documented the refusal of the parent or guardian to attend the meeting after a reasonable period of time has elapsed, then this requirement has been met and the school administration shall proceed to the next escalating activity;

2. Educational counseling and evaluation shall be provided to the minor to attempt to identify the specific condition, if any, that is contributing to the attendance problem and determine whether curriculum changes would help solve the attendance problem. If any changes are indicated, such changes shall be instituted. If proven unsuccessful in remedying the attendance problem or if the minor fails to participate, this requirement has been met. Such curriculum changes may include enrollment of the minor in a dropout prevention program meeting the specific educational and behavioral needs of the minor; and,

(b) When applying for a restricted license, an applicant must provide written verification to the department of compliance with the compulsory school attendance requirement or receipt of an exemption therefrom. Written verification shall be obtained from the district school board or governing body of the private school, as applicable. A school board shall

not refuse to provide written verification of compliance with the requirements of this section to the department unless and until the school administration has satisfied the requirements of ss. 232.17 and 232.09(3).

(3) The district school board or the governing body of the private school, as applicable, shall provide written notification of its intent to request that the department suspend the driver's license of a minor failing to remain in subsequent compliance with the requirements of subsection (1) of this section. Written notification shall be provided to the minor previously issued a driver's license and the minor's parent or guardian. The minor or the parent or guardian of the minor shall have 15 calendar days from the receipt of such notice to request a hearing before the school board or governing body of the private school, as applicable, for the purpose of appealing the pending license suspension action. The hearing shall be conducted within 30 calendar days after the school board or governing body of the private school, as applicable, receives the request. If the appeal is unsuccessful, the board or governing body, as applicable, shall immediately notify the department and the department shall suspend the minor's driver's license.

(4) Upon receiving written verification that the minor is again in compliance with the requirements of subsection (1) of this section, the department shall reinstate the suspended license. If however, the minor again is found in subsequent noncompliance with subsection (1) of this section, the department shall suspend the minor's driving privilege of the minor until the minor attains the age of 18, or otherwise satisfies the requirement of paragraph (a) of subsection (1) of this section, whichever occurs first.

(5) A school board or the governing body of a private school shall waive the requirements of subsection (1) of this section for any person under its jurisdiction for whom a personal or family hardship requires that he have a driver's license for his own or his family's employment or medical care. The district school board or governing body of a private school shall take into consideration the recommendations of the principal or other school official and guidance counselors or academic advisor prior to granting such a waiver.

Section 3. Subsection (3) is added to section 322.09, Florida Statutes, to read:

Section 322.09 Application of minors.—

(3) The applicant shall submit the verification required in s. 322 0601

Section 4. Paragraphs (b), (c), (d), and (e) of subsection (2) of section 322.16, Florida Statutes, 1988 Supplement, are redesignated as paragraphs (c), (d), (e), and (f), and a new paragraph (b) is added to said subsection, to read:

322.16 Restricted licenses.—

(2) The department may issue a nonrenewable restricted operator's license provided that:

(b) Any minor at least 15 years of age but younger than 16 years of age shall be in compliance with the compulsory school attendance requirement or otherwise exempted therefrom pursuant to chapter 232.

Section 5. Section 232.165, Florida Statutes, is created to read:

232.165 Student nonenrollment and nonattendance; non-issuance or suspension of driver's license.—The Department of Highway Safety and Motor Vehicles may refuse to issue a driver's license or suspend a previously issued driver's license to persons under the age of 18 pursuant to s. 322.0601.

Section 6. Effective July 1, 1989, the State Board of Education shall promulgate rules establishing relevant attendance requirements for purposes of implementing s. 322.0601, and other rules for implementing this act, prior to December 1, 1990.

Section 7. Unless specifically reenacted by the Legislature, this act shall stand repealed effective January 1, 1994.

Section 8. This act shall take effect January 1, 1990, except as otherwise provided herein.

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

Amendment 1A—On page 6, line 27 through page 7, line 2, strike all of said lines and insert: October 1, 1989.

Section 7. This act shall take effect October 1, 1989.

Amendment 1 as amended was adopted.

Senator Peterson moved the following amendment which was adopted:

Amendment 2—In title, on page 1, line 13, after the semicolon (;) insert: amending s. 322.09, F.S., requiring minors to submit certain information; amending s. 322.16, F.S., requiring 15 year olds applying for restricted driver's licenses to be in compliance with compulsory school attendance requirements; creating s. 232.165, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to refuse to issue driver's licenses to certain persons; requiring the State Board of Education to adopt rules; providing for future repeal;

On motion by Senator Peterson, by two-thirds vote CS for CS for SB 265 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

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

Nays—3

Langley	Meek	Thurman

Vote after roll call:

Nay—Davis

On motions by Senator Beard, by two-thirds vote CS for CS for HB 964 was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Beard—

CS for CS for HB 964—A bill to be entitled An act relating to stolen property; amending ch. 538, F.S.; creating Part I, Second-Hand Dealers, consisting of ss. 538.03, 538.04, 538.05, 538.06, 538.07, 538.08, 538.09, 538.11, 538.15, 538.16, and 538.17, F.S.; and creating Part II, Secondary Metals Recyclers, consisting of ss. 538.18, 538.19, 538.20, 538.21, 538.22, 538.23, 538.24, 538.25, and 538.26, F.S.; providing definitions; providing recordkeeping requirements, verification requirements, and criminal penalties; providing for inspection of records and premises; mandating holding periods in certain circumstances; providing penalties; providing pleading for return of stolen property and providing procedure; providing for registration of second-hand dealers and secondary metals recyclers with the Department of Revenue; providing fees and establishing the Second-Hand Dealer and Secondary Metals Recycler Clearing Trust Fund; providing for fingerprinting; providing for a fine for violations and for denial, suspension, or revocation of registration; providing powers and duties of department; providing for rules; prohibiting certain acts and practices; providing for disposal of property held by pawnbrokers and requiring notice; authorizing local regulation; amending s. 680.104, F.S.; providing for precedence over the Uniform Commercial Code; repealing ss. 538.01, 538.011, 538.012, 538.014, 538.016, 538.018, 538.019, 538.02, and 538.021, F.S., relating to precious metals dealers, junk dealers, scrap-metal processors, and foundries; repealing ss. 715.04, 715.041, 715.0415, and 715.042, F.S., relating to pawnbrokers; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 615 and read the second time by title.

Senator Beard moved the following amendments which were adopted:

Amendment 1—On page 5, line 8, before the period (.) insert: *, or farm machinery*

Amendment 2—On page 5, line 5, strike "*three*" and insert: *ten*

Amendment 3—On page 6, line 28 through page 7, line 2, strike all of said lines and insert: *to sell or pledge the goods.*

On motion by Senator Beard, by two-thirds vote CS for CS for HB 964 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

Consideration of **CS for SB 1469** was deferred.

CS for SB 347—A bill to be entitled An act relating to funding of local and state health planning; amending s. 381.703, F.S.; modifying the list of facilities subject to assessment; modifying the facility fee assessment methodology; providing rulemaking authority for the Department of Health and Rehabilitative Services; providing an effective date.

—was read the second time by title.

Senator Malchon moved the following amendments which were adopted:

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

Section 1. Subsection (3) of section 381.703, Florida Statutes, 1988 Supplement, is amended to read:

381.703 Local and state health planning.—

(3) FUNDING.—

(a) The Legislature intends that the cost of local health councils and the Statewide Health Council be borne by application fees for certificates of need and by assessments on *selected* health care facilities subject to facility licensure by the department, including abortion clinics, adult congregate living facilities, ~~adult day care centers,~~ ambulatory surgical centers, birthing centers, clinical laboratories *except community nonprofit blood banks*, ~~crisis stabilization units,~~ home health agencies, hospices, hospitals, intermediate care facilities for the mentally retarded, nursing homes, and multiphasic testing centers *and by assessments on organizations subject to certification by the department pursuant to chapter 641, part IV, including health maintenance organizations and prepaid health clinics.*

(b)*1.* A hospital licensed under chapter 395, a nursing home licensed under chapter 400, and *an adult congregate living facility* ~~a home health agency~~ licensed under chapter 400 shall be assessed an annual fee *based on number of beds* ~~of $500~~.

2. All other facilities *and organizations* listed in paragraph (a) shall each be assessed *a graduated* ~~an~~ annual fee *based on volume of service* ~~of $150~~.

3. Facilities operated by the Department of Health and Rehabilitative Services or the Department of Corrections *and any hospital which meets the definition of rural hospital pursuant to s. 395.102(2)* are exempt from the *assessment* ~~fee~~ required in this subsection.

(c)1. The department shall, by rule, establish fees for hospitals and nursing homes based on an assessment of $2 per bed. However, no such facility shall be assessed more than a total of $500 under this subsection.

2. The department shall, by rule, establish fees for adult congregate living facilities based on an assessment of $1 per bed. However, no such facility shall be assessed more than a total of $150 under this subsection.

3. The department shall, by rule, establish graduated fees for all other facilities and organizations listed in paragraph (a) based on volume of service. Such fees shall not exceed a maximum of $150 for any facility or organization.

(d)~~(c)~~ The department shall, by rule, establish a facility billing and collection process for the billing and collection of the health facility fees authorized by this subsection.

(e)~~(d)~~ A health facility which is assessed a fee under this subsection is subject to a fine of $100 per day for each day in which the facility is late in submitting its annual fee up to maximum of the annual fee owed by the facility. A facility which refuses to pay the fee or fine is subject to the forfeiture of its license.

(f)~~(e)~~ There is created in the State Treasury the Local and State Health Trust Fund. Moneys in the fund shall be appropriated only to the department for the purposes of *subsections (1) and (2) of* this section.

(g)~~(f)~~ The department shall, on an ongoing basis, deposit 90 percent of all certificate-of-need application fees and 100 percent of health care facilities assessments assessed pursuant to this subsection in the Local and State Health Trust Fund.

Section 2. Section 381.708, Florida Statutes, is amended to read:

381.708 Fees.—The department shall assess fees on certificate-of-need applications. Such fees shall be ~~deposited in the Local Health Trust Fund,~~ for the purpose of funding the Statewide Health Council, the functions of the local health councils, and the activities of the department. The fee shall be determined as follows:

(1) A minimum base fee of $750.

(2) In addition to the base fee of $750, 0.006 of each dollar of proposed expenditure, except that no fee shall exceed *$10,000* ~~$9,500~~.

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

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to funding of local and state health planning; amending s. 381.703, F.S.; modifying the list of facilities subject to assessment; modifying the facility fee assessment methodology; providing rulemaking authority for the Department of Health and Rehabilitative Services; amending s. 381.708, F.S.; increasing the maximum fee on certificate-of-need applications; providing an effective date.

On motion by Senator Malchon, by two-thirds vote CS for SB 347 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Girardeau, Kirkpatrick, Souto

CS for SB 1243—A bill to be entitled An act relating to condominium and cooperative escalation clauses contained in leases; amending ss. 718.4015, 719.4015, F.S.; prohibiting the enforcement of certain escalation clauses in certain leases; providing an effective date.

—was read the second time by title.

Senator Weinstein moved the following amendment which was adopted:

Amendment 1—On page 4, strike all of lines 7-22 and insert:

(2) This public policy prohibits the inclusion or enforcement of such escalation clauses in leases related to cooperatives for which the cooperative documents were recorded on or after June 4, 1975; it prohibits the enforcement of escalation clauses in leases related to cooperatives for which the cooperative documents were recorded prior to June 4, 1975, but which have been refused enforcement on the grounds that the parties agreed to be bound by subsequent amendments to the Florida Statutes or which have been found to be void because of a finding that such

lease is unconscionable or which have been refused enforcement on the basis of the application of former s. 719.401(8); and it prohibits any further escalation of rental fees after October 1, 1988, pursuant to escalation clauses in leases related to cooperatives for which the cooperative documents were recorded prior to June 4, 1975.

On motion by Senator Weinstein, by two-thirds vote CS for SB 1243 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	Scott
Brown	Forman	Kiser	Souto
Bruner	Gardner	Langley	Thomas
Casas	Girardeau	Malchon	Thurman
Childers, D.	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Plummer	
Deratany	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Beard, Woodson-Howard

On motion by Senator Gardner, 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 344 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 344—A bill to be entitled An act relating to education; amending s. 229.59, F.S.; extending the subject areas that an educational improvement project may address; removing the limit on the amount that the Commissioner of Education can authorize for an educational improvement project grant; providing for the dissemination of the results of such projects; providing that such projects that are deemed to be exceptional by the Department of Education may be used as models for other such projects; providing for project assessment; repealing s. 244.07, F.S.; abolishing the Florida Education Council; providing an effective date.

Amendment 1—On page 2, strike lines 29 and 30, and insert:

Section 3. Subsections (1) and (6) of section 231.262, Florida Statutes, 1988 Supplement, are amended to read:

231.262 Complaints against teachers and administrators; procedure.—

(1)(a) The department shall cause to be investigated expeditiously any complaint which is filed before it or which is otherwise called to its attention which, if legally sufficient, contains grounds for the revocation or suspension of a certificate or any other appropriate penalty as set forth in subsection (6). The complaint is legally sufficient if it contains the ultimate facts which show a violation has occurred as provided in s. 231.28. The department may investigate or continue to investigate and take appropriate action in a complaint even though the original complainant withdraws the complaint or otherwise indicates a desire not to cause it to be investigated or prosecuted to completion. *The department may investigate or continue to investigate and take action on a complaint filed against a person whose teaching certificate has expired if the act or acts which are the basis for the complaint were allegedly committed while that person possessed a teaching certificate.*

(b) When an investigation is undertaken, the department shall notify the certificateholder and the superintendent in the district in which the certificateholder is employed and shall inform the certificateholder of the substance of any complaint which has been filed against that certificateholder. However, if the department determines that such notification would be detrimental to the investigation, the department may withhold notification.

(c) Each school district shall file in writing with the department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school district. The school district shall include all information relating to the complaint which is known to the school district at the time of filing. This paragraph does not limit or restrict the power and duty of the department to investigate complaints as provided in paragraphs (a) and (b), regardless of the school district's untimely filing, or failure to file, complaints and followup reports.

(6) A panel of the commission shall enter a final order either dismissing the complaint or imposing one or more of the following penalties:

(a) Denial of an application for a teaching certificate or for an administrative or supervisory endorsement on a teaching certificate. *The denial may provide that the applicant may not reapply for certification, and that the department may refuse to consider that applicant's application, for a specified period of time or permanently.*

(b) Revocation or suspension of a certificate.

(c) Imposition of an administrative fine not to exceed $2,000 for each count or separate offense. Such fine shall be deposited in the State Treasury.

(d) Placement of the teacher, administrator, or supervisor on probation for a period of time and subject to such conditions as the commission may specify, including requiring the certified teacher, administrator, or supervisor to complete additional appropriate college courses or work with another certified teacher.

(e) Restriction of the authorized scope of practice of the teacher, administrator, or supervisor.

(f) Reprimand of the teacher, administrator, or supervisor in writing, with a copy to be placed in the certification file of such person.

(g) Imposition of an administrative sanction, upon a person whose teaching certificate has expired, for an act or acts committed while that person possessed a teaching certificate, which sanction bars that person from applying for a new certificate for a period of 10 years or less, or permanently.

Section 4. Subsection (6) of section 231.29, Florida Statutes, is amended to read:

231.29 Records of personnel; assessment procedures and criteria.—

(6) ~~Beginning July 1, 1988,~~ The superintendent shall notify the department of any instructional personnel who receive two consecutive unsatisfactory annual evaluations *and who have been given written notice by the district that their employment is being terminated or is not being renewed or that the school board intends to terminate, or not renew, their employment.* The department shall conduct an investigation to determine whether action shall be taken against the certificateholder pursuant to s. 231.28(1)(b).

Section 5. Section 234.02, Florida Statutes, is amended to read:

234.02 Safety and health of pupils.—Maximum regard for safety and adequate protection of health shall be primary requirements which shall be observed by school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and regulations of the state board *in providing transportation pursuant to s. 234.01:*

(1) School boards shall use school buses, as defined in s 234 051, for all regular transportation. Regular transportation or regular use shall mean transportation of students to and from school or school-related activities which are part of a scheduled series or sequence of events to the same location. "Students" means, for the purposes of this section, students enrolled in the public schools in pre-kindergarten programs through grade twelve. School boards may regularly use motor vehicles other than school buses only under the following conditions:

(a) When the transportation is for physically handicapped or isolated students and the district has elected to provide for the transportation of the student through written or oral contracts or agreements.

(b) When the transportation is a part of a comprehensive contract for a specialized educational program between a school board and a service provider who provides instruction, transportation, and other services.

(c) When the transportation is provided through a public transit system.

When the transportation of physically handicapped or isolated students is necessary or practical in a motor vehicle owned or operated by a school board, other than a school bus, such transportation shall be provided in a passenger car not to exceed eight students in designated seating position. When students are transported in motor vehicles, the occupant crash protection system provided by the vehicle manufacturer shall be used unless the student's physical condition prohibits such use.

(2) Except as provided in subsection (1), school boards may authorize the transportation of students in privately owned motor vehicles on a case-by-case basis only in the following circumstances:

(a) When a student is ill or injured and must be taken home or to a medical treatment facility under nonemergency circumstances; and

1. The school has been unable to contact the student's parent or guardian or, such parent, guardian, or responsible adult designated by the parent or guardian is not available to provide the transportation;

2. Proper adult supervision of the student is available at the location to which the student is being transported;

3. The transportation is approved by the school principal, or a school administrator designated by the principal to grant or deny such approval, or in the absence of the principal and designee, by the highest-ranking school administrator or teacher available under the circumstances; and

4. If the school has been unable to contact the parent or guardian prior to the transportation, the school shall continue to seek to contact the parent or guardian until the school is able to notify the parent or guardian of the transportation and the pertinent circumstances.

(b) When the transportation is in connection with a school function or event regarding which the school district or school has undertaken to participate or to sponsor or provide the participation of students; and

1. The function or event is a single event which is not part of a scheduled series or sequence of events to the same location, such as, but not limited to, a field trip, a recreational outing, an interscholastic competition or cooperative event, an event connected with an extracurricular activity offered by the school, or an event connected to an educational program, such as, but not limited to, a job interview as part of a cooperative education program;

2. Transportation is not available, as a practical matter, using a school bus or school district passenger car; and

3. Each student's parent or guardian is notified, in writing, regarding the transportation arrangement and gives written consent before a student is transported in a privately owned motor vehicle.

(c) When a school board requires employees such as school social workers and attendance officers to use their own motor vehicles to perform duties of employment, and such duties include the occasional transportation of students.

(3) When approval is granted for the transportation of students in a privately owned vehicle, the provisions of s. 234.03, regarding liability for tort claims, shall apply. School district employees who provide approved transportation in privately owned vehicles shall be deemed to be acting within the scope of their employment. Parents, guardians, or other responsible adults who provide approved transportation in privately owned vehicles shall have the same exposure to, and protections from, risks of personal liability as do school district employees acting within the scope of their employment.

(4) Each school board may establish policies which restrict the use of privately owned motor vehicles to circumstances which are more limited than are described in this section, or which prohibit such use. Each school board may establish policies which provide for: more extensive requirements for approval; parental notification and consent procedures; insurance coverage; driver qualifications; or a combination of these.

(5) When transportation is authorized in privately owned vehicles, students may only be transported in designated seating positions and shall be required to use the occupant crash protection system provided by the vehicle manufacturer.

(6) School boards may contract with a common carrier to transport students to and from in-season and post-season athletic contests and to and from a school function or event in which the school district, or a school, has undertaken to participate or to provide or sponsor the participation of students.

(7) Transportation for adult students may be provided by any appropriate means as authorized by the school board when the transportation is accepted as a responsibility by the school board as provided in s. 234.01.

(8) Notwithstanding any other provision of this section, in an emergency situation which constitutes an imminent threat to student health or safety, school personnel may take whatever action is necessary under the circumstances to protect student health and safety.

(9) Except as provided in s. 234.211, transportation shall not be the responsibility of the school board in connection with any event or activity which is not an event or activity offered by the school district or an event or an activity in which the school district or school has agreed to participate, cosponsor, or require the participation of students, and the school board shall have no liability for transportation arranged and provided by parents or other parties to such events or activities.

(10)~~(1)~~ Each school board shall designate and adopt a specific plan for adequate examination, maintenance, and repair of transportation equipment. Examination of the mechanical condition of each school bus shall be made by a capable mechanic at least once each month that the bus is in operation.

(11)~~(2)~~ The superintendent shall notify the school board of any school bus which does not meet all requirements of law and regulations of the state board, and the school board shall, if such school bus is in an unsafe condition, withdraw it from use as a school bus until the bus meets said requirements. The Department of Education may inspect or have inspected any school bus to determine whether the bus meets requirements of law and regulations of the state board. The department may, after due notice to a school board that any school bus does not meet certain requirements of law and regulations of the state board, rule that such bus shall be withdrawn from use as a school bus, this ruling to be effective forthwith or upon a date to be specified therein, whereupon the school board shall withdraw same from use as a school bus until the bus meets requirements of law and regulations of the state board and until the department has officially revoked its said ruling. Notwithstanding any other provisions of this chapter, general purpose urban transit systems are declared qualified to transport children to and from school.

(12)~~(3)~~ The routing and scheduling of school buses shall be planned in such a manner as to eliminate, whenever reasonably possible, the necessity for children to stand while a school bus is in motion. When circumstances of an emergency nature temporarily necessitate transporting children while standing in school buses, such buses shall proceed at such a reduced rate of speed as shall maximize safety of the students, taking into account existing traffic conditions. Each school board is responsible for prompt relief of the emergency condition by providing additional equipment, bus rerouting, bus rescheduling, or other appropriate remedial action. Under no circumstances shall children be permitted to stand in a number exceeding one child per handhold, excluding the rear two handholds.

(13) The State Board of Education may adopt rules to implement this section as it deems necessary or desirable in the interest of student health and safety.

Section 6. Section 234.051, Florida Statutes, is amended to read:

234.051 School buses.—School buses shall be defined and meet specifications as follows:

(1) DEFINITION.—For the purpose of the school code, a "school bus" is defined as a motor vehicle regularly used for the transportation of *prekindergarten through grade 12 students* ~~pupils~~ of the public schools to and from school or to and from school activities, and owned, operated, rented, *contracted,* or leased by any school board, excepting:

(a) *Passenger cars, multipurpose passenger vehicles, and trucks as defined in 49 CFR, Part 571.* ~~Motor vehicles of the type commonly called pleasure cars and carrying eight pupils or less; and~~

(b) Motor vehicles subject to, and meeting all requirements of, the *Interstate Commerce Commission* ~~Public Service Commission~~ and operated by carriers operating under the jurisdiction of the *Interstate Commerce Commission* ~~Public Service Commission~~, but not used exclusively for the transportation of public school pupils.

(2) SPECIFICATIONS.—Each school bus *as defined in 49 CFR, Part 571, and subsection (1)* ~~with a total seating space of more than 10 lineal feet~~ which is rented, leased, purchased, or contracted for ~~purchase, and each school bus with a total seating space of more than 10 lineal feet~~, shall meet the applicable Federal Motor Vehicle Safety Standards and other specifications as prescribed by regulations of the state board.

(3) STANDARDS FOR LEASED VEHICLES.—A motor vehicle owned and operated by a county or municipal transit authority which is leased by the school board of the local school district for transportation of public school students shall meet such standards as shall be established by the State Board of Education for the purpose of implementing this act. A school bus authorized by a school board to carry passengers other than school pupils shall have the words "School Bus" and any other signs and insignia which mark or designate it as a school bus covered, removed, or otherwise concealed while said passengers are being transported.

(4) OCCUPANT PROTECTION SYSTEMS.—Students shall be transported only in designated seating positions, except as provided in s. 234.02(3), and shall be required to use the occupant crash protection system provided by the manufacturer, which system shall comply with the requirements of 49 CFR, Part 571, or specifications of the State Board of Education.

Section 7. Subsection (2) of section 234.211, Florida Statutes, is amended to read:

234.211 Use of school buses for public purposes.—

(2)(a) The governing body or state agency or agencies established or identified pursuant to Pub. L. No. 89-73, or the nonprofit corporation or nonprofit civic organization or group, *or an agency established or identified to assist the transportation disadvantaged as defined in s. 427.011,* shall indemnify and hold harmless the school district from any and all liability of the school district by virtue of the use of such buses pursuant to an agreement authorized by this section.

(b) *For purposes of liability for negligence, state agencies or subdivisions as defined in s. 768 28(2) shall be covered by s. 768.28. Every other corporation or organization shall provide liability insurance coverage in the minimum amounts of $100,000 on any claim or judgment and $200,000 on all claims and judgments arising from the same incident or occurrence.* ~~Corporations not for profit, established or identified pursuant to Pub. L. No. 89-73, as amended, and providing transportation services for the transportation disadvantaged without compensation; nonprofit corporations; and nonprofit civic organizations and groups shall provide liability insurance coverage in the amounts specified in s. 234.03.~~

Section 8. Subsection (1) of section 236.083, Florida Statutes, is amended to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to public school programs of students in membership in kindergarten through grade 12 and in migrant and exceptional student programs below kindergarten shall be determined as follows:

(1) Subject to the rules of the state board, each district shall determine the membership of students who are transported:

(a) By reason of living 2 miles or more from school;

(b) By reason of being physically handicapped *or enrolled in a teenage parent program,* regardless of distance to school;

(c) By reason of being vocational, dual enrollment, or exceptional students transported from one school center to another to participate in an instructional program or service; or exceptional students, except gifted, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, public community college, public university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a public community college or a public university program under a written agreement to partially fulfill ss. 229.814 and 240.115 and earning full-time equivalent membership under s. 236.081(1)(h); and

(d) With respect to elementary school students whose grade level does not exceed grade 6, by reason of being subjected to hazardous walking conditions en route to or from school as provided in s. 234.021. Such rules shall, when appropriate, provide for the determination of membership under this paragraph for less than 1 year to accommodate the needs of students who require transportation only until such hazardous conditions are corrected.

Section 9. Paragraph (d) of subsection (5) of section 230.2316, Florida Statutes, as created by section 6 of chapter 86-157 and section 4 of chapter 86-225, Laws of Florida, is reenacted to read:

230.2316 Dropout prevention.—

(5) PROGRAM PLANNING AND IMPLEMENTATION.—

(d) Districts may modify courses listed in the State Course Code Directory for the purpose of providing dropout prevention programs pursuant to the provisions of this section. Such modifications must be approved by the commissioner and may include lengthening or shortening of the time allocated for in-class study, alternate methods of assessment of student performance, and the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction.

Section 10. Subsections (3), (5), (6), (11), and (17) of section 235.011, Florida Statutes, are amended to read:

235.011 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms shall be defined as follows for the purpose of this chapter:

(3) "Board," unless otherwise specified, means a district school board, a community college board of trustees, or the Board of Trustees for the Florida School for the Deaf and the Blind. The term "board" does not include the State Board of Education *or the Board of Regents.*

(5) "Educational facilities" means the buildings and equipment, *structures, and special educational use areas* that are built, installed, or established to serve *primarily the* educational purposes *and secondarily the social and recreational purposes of the community* and which may lawfully be used *as authorized by Florida Statutes and approved by boards.*

(6) "Educational plant" comprises the *educational facilities* ~~buildings, equipment~~, site and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the educational program of each plant.

(11) "Maintenance and repair" means the upkeep of educational and ancillary plants, *excluding renovation, and* including, but not limited to, roof or roofing replacement short of complete replacement of membrane or structure; repainting of interior or exterior surfaces; resurfacing of floors; repair or replacement of glass; repair of hardware, furniture, equipment, electrical fixtures, and plumbing fixtures; and repair or resurfacing of parking lots, *roads,* and walkways.

(17) "Renovation" means the *rejuvenating or* upgrading of existing facilities by installation or replacement of materials and equipment and includes, but is not limited to, *interior or exterior reconditioning of facilities and spaces;* air-conditioning, heating, or ventilating equipment; fire alarm systems; emergency lighting; electrical systems; and complete roofing or roof replacement, including replacement of membrane or structure.

Section 11. Subsection (14) of section 235.014, Florida Statutes, is amended, subsections (15) and (16) are renumbered as subsections (16) and (17), respectively, and a new subsection (15) is added to said section, to read:

235.014 Functions of the office.—The functions of the office shall include, but not be limited to, the following; it shall:

(14) Make available to boards, including the Board of Regents, technical assistance relating to maintenance and operation of educational plants; *post-occupancy evaluation;* custodial and maintenance training; educational facilities specifications; ~~product specifications and evaluations;~~ safety; security and risk management; and plant services.

(15) Provide technical assistance to boards, including the Board of Regents, by developing standards and specifications for commodities and products needed in the construction and management of educational plants, and by providing a list of vendor or manufacturer com-

modities and products which conform to the specifications. Testing for conformity shall be conducted by the Department of Agriculture and Consumer Services Commodity Testing Laboratory, pursuant to s. 570.50(3). Vendors or manufacturers desiring to be included on the list shall pay the actual costs of testing, as determined by the laboratory, for the initial testing of each commodity or product and for any subsequent testing in which the product fails to conform to specifications. Testing fees collected shall be deposited in the Facility Construction Administrative Trust Fund. Use of the standards, specifications, and vendor or manufacturer commodities or products listed shall be discretionary by individual boards.

Section 12. Subsection (1) of section 235.04, Florida Statutes, is amended to read:

235.04 Disposal of property.—

(1) REAL PROPERTY.—~~Subject to rules of the state board,~~ A board may dispose of any land or real property which is, by resolution of such board, determined to be unnecessary for educational purposes as recommended in an educational plant survey. A board shall take diligent measures to dispose of educational property only in the best interests of the public. However, appraisals may be obtained by the board prior to or simultaneously with the receipt of bids.

Section 13. Paragraph (a) of subsection (3) of section 235.056, Florida Statutes, 1988 Supplement, is amended to read:

235.056 Lease and lease-purchase of educational facilities and sites.—

(3)(a) A board, including the Board of Regents, is authorized to rent, lease, or lease-purchase educational facilities and sites as defined in s. 235.011. Educational facilities and sites rented or leased for 1 year or less are not required to be approved by the office and must be funded through the operations budget, except that the lease-purchase of educational facilities and sites shall be approved by the office as required by s. 235.26, be advertised for and receive competitive proposals and be awarded to the lowest and best proposer, and be funded using current or other funds specifically authorized by law to be used for such purpose. A district school board, by itself, or through a direct-support organization formed pursuant to s. 237.40 or nonprofit educational organization or a consortium of district school boards, may, in developing a lease-purchase of educational facilities and sites provide for separately advertising for and receiving competitive bids or proposals on the construction of facilities and the selection of financing to provide the lowest cost funding available, so long as the board determines that such process would best serve the public interest and the pledged revenues are limited to those authorized in s. 236.25(2)(e). All activities and information, including lists of individual participants, associated with agreements made pursuant to this section shall be subject to the provisions of chapter 119 and s. 286.011. Prior to educational facilities and sites being leased, rented, or lease-purchased for a period of more than 1 year, such facilities and sites shall be approved by the office. *A lease contract for 1 year or less, when extended or renewed beyond a year, becomes a multiple-year lease, and shall also be approved by the office.*~~; and~~ Any available funds may be authorized to be expended for such purposes.

Section 14. Subsections (3) and (4) and paragraph (a) of subsection (5) of section 235.26, Florida Statutes, 1988 Supplement, are amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The State Board of Education shall adopt a uniform statewide building code for planning and construction of public educational and ancillary plants, except for Board of Regents facilities. The code shall be entitled the State Uniform Building Code for Public Educational Facilities Construction. Included in this code shall be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R., Parts 59 and 60, established by the Federal Emergency Management Agency, effective October 1, 1986. Wherever the words "Uniform Building Code" appear, they shall mean the "State Uniform Building Code for Public Educational Facilities Construction." It shall not be the intent of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor shall it specify or prohibit materials by brand names. The code shall be flexible enough to cover all phases of construction which will afford reasonable protection for public safety, health, and general welfare. The office may secure the service of other state agencies or such other assistance as it may find desirable in the revision of the code.

(3) ENFORCEMENT BY BOARD.—It is the responsibility of each board to ensure that all plans and educational and ancillary plants meet the standards of the Uniform Building Code and to provide for the enforcement of this code in the areas of its jurisdiction. Each board shall provide for the proper supervision and inspection of the work. Each board is authorized to employ a chief building official or inspector and such other inspectors, *certified by the office,* and personnel as may be necessary to administer and enforce the provisions of this code. Boards may also utilize local building department inspectors who are certified *by the office* to enforce this code. Plans or facilities that fail to meet the standards of the Uniform Building Code shall not be approved.

(4) ENFORCEMENT BY OFFICE OF EDUCATIONAL FACILITIES.—As a further means of ensuring that all educational and ancillary facilities hereafter constructed or materially altered or added to conform to the Uniform Building Code standards, each board which undertakes the construction, renovation, remodeling, purchasing, lease-purchase, or leasing of any educational plant or ancillary facility, the cost of which exceeds *$200,000* ~~$100,000~~, shall submit plans to the office and receive the approval of the office, except plans for all relocatables *and all plans involving modification of fire exiting* which shall be submitted to the office for review and approval regardless of the amount of construction cost. *Plans for maintenance projects pursuant to s. 235.011(11) do not require office approval.* No public educational funds may legally be expended for the construction, renovation, remodeling, purchasing, lease-purchase, or leasing of any educational or ancillary plant unless the provisions of this section are observed and until a written statement has been issued from the office, within the time limits and cost limitation as provided in this section, that approval has been granted.

(5) OFFICE APPROVAL.—

(a) Before a contract has been let for the construction, a board shall require the superintendent or president to submit to the office, in accordance with state board rules, two copies each of:

1. Educational and ancillary plant specifications.

2. Phase I documents, to include schematic drawings and proposals.

3. Phase II documents, to include:

a. Preliminary drawings and proposals;

b. Preliminary specifications;

c. Energy efficiency studies; and

d. Life-cycle cost analysis.

4. Phase III documents, to include completed construction documents.

The board may not proceed with the opening of bids for any proposed construction until the written approval of phase III documents has been received from the office. The office shall, in writing, approve, disapprove, make recommendations, or otherwise act on the educational and ancillary plant specifications and phase documents submitted by a board within 30 calendar days of the official receipt of each set of phase documents by the office. If the board does not receive written notice within the prescribed time, then it may proceed with the opening of bids as if written approval had been received. The State Board of Education is empowered and directed to adopt rules providing for exceptions to the steps required for approval for state board-approved prototype design criteria, reuse of previously approved district plans, and other plans and proposed minor renovations or construction projects which do not necessarily require detailed documentation and intense review by the office. Approval of phase III documents shall be effective for a 1-year period after the date of such approval. A board may ~~award a contract during the 1-year period for construction on the site for which plans were approved or may~~ reuse the plans on another site within the same district or community college board jurisdiction *within 2 years after approval,* provided the construction documents have been updated to comply with the Uniform Building Code and any laws relating to firesafety, health and sanitation, casualty safety, and requirements for the physically handicapped which are in effect at the time a construction contract is to be awarded.

Section 15. Paragraph (a) of subsection (1) of section 235.31, Florida Statutes, is amended to read:

235.31 Advertising and awarding contracts; day-labor projects; prequalification of contractor.—

(1)(a) As soon as practicable after any bond issue has been voted upon and authorized or funds have been made available for the construction, remodeling, renovation, demolition, or otherwise for the improvement, of any educational or ancillary plant, and after plans for the work have been approved by the office, the board, after advertising the same in the manner prescribed by law or rule, shall award the contract for such building or improvements to the lowest responsible bidder. However, *if after taking all deductive alternates, the bid of the lowest responsible bidder exceeds the construction budget established at the phase III submittal and no additional funds are available, the board may declare an emergency. After setting forth the reasons why an emergency exists, the board may negotiate the construction contract or modify the contract, including the specifications, with the lowest responsible bidder. The Department of Education shall develop rules which define the criteria for declaring such emergencies and for resubmission of the construction documents to determine compliance with the uniform building code.* The board may, within its discretion, reject all bids received, if it deems the same expedient, and may readvertise, calling for new bids. For constructing, renovating, or remodeling, or otherwise improving, educational facilities at a cost not exceeding *$200,000* ~~$100,000~~, the board may arrange for the work to be done on a day-labor basis. For renovating or remodeling only, at a cost of over *$200,000* ~~$100,000 but not exceeding $200,000~~, if no bids are received after advertising the same in the manner prescribed by law, the work may be done on a day-labor basis.

Section 16. Subsection (2) and paragraph (a) of subsection (4) of section 235.435, Florida Statutes, 1988 Supplement, are amended to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility *New* Construction Account." The Special Facility *New* Construction Account shall be used to provide necessary construction funds to school districts which have urgent *new* construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of *capital outlay* revenue. A school district requesting funding from the Special Facility *New* Construction Account shall submit one specific *new* construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. *No district shall receive funding for more than one approved project in any 5-year period. The first year of the 5-year period is the first year a district receives a construction appropriation.* The request must meet the following criteria to be considered by the committee:

1. The *new construction* project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

2. *The new construction project must appear on the district's approved project priority list under the rules of the State Board of Education.* ~~The district must not have sufficient funds available in total from all capital outlay sources that within the next 3 fiscal years would allow the district to raise the total estimated cost of the project by itself.~~

3. *The district must have selected and had approved a site for the new construction project in compliance with s. 235.19 and the rules of the State Board of Education.* ~~There must be a certification from the Office of Educational Facilities of the inability of the district to pay for the project within 3 years from the total amount available from all capital outlay sources and that the project is recommended by survey.~~

4. *The district must have on file with the office approved educational specifications and a school board adopted facility list developed not to exceed the normal net square feet occupancy requirements under the rules of the State Board of Education.* ~~There must be a certification from the Office of Educational Facilities that the plans for the project are completed and approved.~~

5. There must be an agreement signed by the district board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the office.

6. The district must, at the time of the request, be levying 1.5 mills against their nonexempt assessed property value as allowed in s. 236.25.

7.~~6.~~ If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility *New* Construction Account to be reallocated to other projects on the list. However, an additional *90* ~~30~~ days may be granted by the commissioner.

8. The office must certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 236.25(2).

9. The district shall have on file with the office an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 236.25(2).

10. The office shall certify that final phase III plans, free of all mandatory requirements, were approved prior to November 1.

(b) The Special Facility Construction Committee shall be composed of the following: two representatives of the Department of Education, a representative from the Governor's office, a representative selected annually by the school boards, and a representative selected annually by the superintendents.

(c) The committee shall review the requests submitted from the districts, evaluate the ability of the project to relieve critical needs, and rank the requests in priority order. ~~The committee shall subtract from the total amount of the project the total amount of funds generated by the requesting district from all sources including the 1.5-mill levy for the next 3 fiscal years. The resultant sum shall be the amount eligible to be funded by the Legislature.~~ This statewide priority list for special facilities construction shall be submitted to the Legislature in the *commissioner's annual capital outlay* legislative budget request at least 45 days prior to the legislative session.

(4)(a) The boards of trustees of the community colleges and the Board of Regents of the State University System shall receive funds for projects based on a 3-year priority list, to be updated annually, which is submitted to the Legislature in the legislative budget request at least 45 days prior to the legislative session. The State Board of Community Colleges shall submit a 3-year priority list for the entire State Community College System. The Board of Regents shall submit a 3-year priority list for the entire State University System. The lists shall reflect decisions by the boards concerning program priorities that implement the statewide plan for program growth and quality improvement in education. No remodeling or renovation project shall be included on the 3-year priority list unless the project has been recommended pursuant to s. 235.15 or is for the purpose of correcting health and safety deficiencies. No new construction project shall be included on the *first year of the* 3-year priority list unless the educational specifications have been approved by the Chancellor for university projects or by the Office of Educational Facilities for community college projects. The funds requested for a new construction project in the first year of the 3-year priority list shall be in conformance with the scope of the project as defined in the educational specifications. Any new construction project requested in the first year of the 3-year priority list which is not funded by the Legislature shall be carried forward to be listed first in developing the updated 3-year priority list for the subsequent year's capital outlay budget. Should the order of the priority of the projects change from year to year, a justification for such change shall be included with the updated priority list.

Section 17. Paragraph (a) of subsection (3) of section 231.17, Florida Statutes, 1988 Supplement, is amended to read:

231.17 Certificates granted on application to those meeting prescribed requirements.—

(3)(a) *No applicant who has less than 1 full year of successful teaching experience as defined in s. 228.041(16) shall be issued the professional educator's certificate until the individual has completed the yearlong beginning teacher program. The applicant who has at least 1 full year of successful teaching experience may, during the first 90 days of employment, demonstrate successful instructional performance on an instructional performance evaluation system that has been approved for use in the beginning teacher program plan in the district of employment*

of the applicant. The performance evaluation system shall measure demonstration of the competencies described in subsection (2). The experienced teacher who fails to document successful demonstration of the essential competencies during the first 90 days of employment shall complete the yearlong beginning teacher program. ~~No individual shall be issued a professional certificate until the applicant has successfully completed a yearlong beginning teacher program or has demonstrated successful instructional performance on a department approved instructional personnel performance evaluation system. The yearlong beginning teacher program shall be required for each teacher without a professional certificate who has less than one full school year or equivalent of successful teaching experience as defined in s. 228.041(16) or who has not demonstrated by evaluation successful performance on a state board approved performance evaluation system which evaluation shall be conducted during an individual's initial year of employment in a school district in this state.~~ A teacher participating in the beginning teacher program shall be a member of the bargaining unit with the same rights as any other first-year teacher and shall receive full pay according to the adopted salary schedule of the district. The requirement for a yearlong beginning teacher program may be met by teaching in a nonpublic school with an approved beginning teacher program. The beginning teacher program shall include, but is not limited to, the following conditions:

1. Each school district shall submit a request for approval of a beginning teacher program to the Commissioner of Education. The commissioner shall develop criteria for approval after consultation with the Education Standards Commission. Nonpublic schools also may submit a plan for approval of a beginning teacher program.

2. Beginning teacher activities shall be based on classroom application of the competencies described in subsection (2), *in appropriate instructional settings. Emphasis shall be given to application of those competencies which are directly related to effective performance of the instructional services for which the participant is seeking certification coverage.*

3. Successful completion of the beginning teacher program means that the superintendent or chief administrator has verified to the Department of Education that the beginning teacher has successfully completed the program.

4. A beginning teacher who has successfully completed the beginning teacher program shall have the same reemployment rights as any other teacher on probationary service.

Section 18. Section 231.172, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 231.172, F.S., for present text.)

231.172 Alternate preparation program for secondary school teachers.—

(1) There is established an alternate preparation program for the purpose of preparing individuals who have not completed a professional preparation program for teachers to teach in the secondary schools of this state, particularly in areas of critical shortage which are annually identified in the General Appropriations Act.

(2) Each participant in an alternate preparation program shall meet the requirements for a 2-year nonrenewable temporary certificate, prior to admission into the program.

(3) Successful completion of an approved alternate preparation program shall satisfy the certification requirements for professional preparation as a teacher, and shall be based on the following criteria:

(a) Satisfactory demonstration of the essential teaching competencies specified in Rule 6A-5.061, Florida Administrative Code.

(b) Successful completion of a yearlong modified beginning teacher program during the period of enrollment in an alternate preparation program.

(c) Attainment of a passing score on the Florida Teacher Certification Examination.

(4) The Department of Education shall be responsible for the establishment of six regional centers for alternate preparation programs and shall work cooperatively with universities and school districts in each designated region to develop implementation procedures. Such procedures shall, in accordance with s. 231.546(1)(e), provide ways to demonstrate qualifications for certification which assure fairness and flexibility while protecting against incompetence.

(5) Designation of the six regional centers shall be accomplished through dissemination of a request for proposals prepared by the department, evaluation of proposals submitted by institutions of higher education, and subsequent recommendations to the State Board of Education for approval. Each proposal shall contain such mandatory components as required by the department, including, but not limited to, the following:

(a) A collaborative planning, implementation, and evaluation design that involves school districts and universities within the region.

(b) A professional preparation curriculum that addresses the competency framework specified in the request for proposals.

(c) An instructional delivery system that provides onsite training during nonduty hours for teachers.

(d) A plan for providing practice in teaching under the supervision of a school-based support team trained in clinical education.

(e) A plan for issuance of official college transcripts that document participation in or completion of a state-approved alternate preparation program for initial certification.

(6) Each school district shall be encouraged to participate in a regional center for alternate preparation. Participating districts shall have representation on the center's planning council. District-level coordination for delivery of alternate preparation programs shall, to the extent possible, be the responsibility of teacher education centers.

(7) Each regional center shall receive from state funds a fixed-amount operating budget.

(8) The department shall be responsible for providing technical assistance and monitoring the activities of each center on an ongoing basis, annually evaluating and reporting on the performance of each center, and preparing recommendations regarding continuing approval.

(a) Evaluative data on program participants shall be collected by the department and compared to similar data for college of education graduates and arts and science graduates pursuing certification through the provisions of Rule 6A-4.004(3), Florida Administrative Code. The evaluation shall be designed in such a way as to assure that the wide diversity of teacher preparation programs offered in the state are adequately represented in the sample. The research design shall include, where feasible, comparisons of:

1. Teacher performance in the classroom as measured by a structured observation instrument that includes essential teaching competencies.

2. Teacher certification examination results.

3. SAT/ACT and CLAST scores.

4. College grade point averages.

5. Pupil performance measures.

(b) Periodic reports on the effectiveness of alternate preparation programs shall be submitted by the department to the state board beginning April 1, 1990. A formal evaluation of the effects and value of the program shall be submitted when a sufficient pool of data is accumulated to permit comparative analyses as prescribed in this section.

Section 19. Subsection (3) of section 236.081, Florida Statutes, 1988 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (3), $6 per full-time equivalent student shall be expended for educational training programs as determined by the district school board as provided in s. 236.0811. If a district has an approved teacher education center, at least $4 of the $6 shall be expended as provided in ss. 231.600-231.609, and such funds shall be used to provide the beginning teacher program, pursuant to s. 231.17. Funds as provided herein may be expended only for the direct support of inservice training activities as prescribed below:

(a) Salaries and benefits of:

1. Personnel directly administering the approved inservice training program.

2. School board employees while such personnel are conducting an approved inservice training program.

3. Substitutes for personnel released to participate in an approved inservice training program or an inservice council activity.

(b) Other direct operating expenses, excluding capital outlay, required for administering the approved inservice training program, including, but not limited to, the following:

1. Inservice training materials for approved inservice training activities.

2. Data processing for approved inservice training activities.

3. Telephone for the approved inservice training program.

4. Office supplies for the personnel administering the approved inservice training program.

5. Duplicating and printing for approved inservice training activities.

6. Fees and travel and per diem expenses for consultants used in conducting approved inservice training activities.

7. Travel and per diem expenses for school district personnel attending approved inservice conferences, workshops, or visitations to schools.

8. Rental of facilities not owned by the school board for use in conducting an approved inservice training program.

(c) Compensation may be awarded under this subsection to employees engaged in inservice training activities which are outside of, or in addition to, regular hours of duty assignments or a regular day of a contract period for which regular compensation is provided. No moneys shall be authorized under this subsection for additional salaries and benefits constituting dual compensation to employees participating in inservice activities if such activities are within regular hours of duty assignments or within a regular day of a contract period for which regular compensation is provided.

(d) Funds may be expended to pay tuition or registration fees for college courses provided the course is identified in the district's approved master plan and the employee does not receive college credit. *However, an employee may be awarded college credit for successful participation in exempted inservice programs that are identified by the Department of Education in State Board of Education rule and for which the employee shall pay the regular tuition and registration fees assessed by the credit-granting institution. Courses for these exempted programs shall be arranged and conducted in compliance with procedures that are developed cooperatively by the Department of Education and the Board of Regents and are also included in State Board of Education rule. Provision for payment of tuition and registration fees for such credit-earning courses shall be contained in State Board of Education rule.*

~~However, summer inservice institute participants may elect to receive college credit for components completed, provided the credit-earning components are identified in the summer institute plan submitted to the Department of Education by the district. Those individuals who choose to receive college credit shall pay the regular tuition and registration fees assessed by the credit-granting institutions and shall be entitled to all participant benefits provided in the district plan.~~

Section 20. Subsection (13) of section 228.041, Florida Statutes, 1988 Supplement, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(13) SCHOOL DAY.—A school day for any group of students is that portion of the day in which school is actually in session and shall comprise not less than 5 net hours, excluding intermissions, for all grades above the third; not less than 4 net hours for the first three grades; and not less than 3 net hours in kindergarten, or the equivalent as calculated on a weekly basis. The net hours specified in this subsection shall consist only of instruction in an approved course of study and shall exclude all noninstructional activities as defined by rules of the State Board of Education. *Three of the last days of the 90-day term, and of the 180-day term, may be designated by the district school board as final examination days for secondary school students. These final examination days shall consist of no less than 4 net hours, excluding intermissions.* The minimum length of the school day herein specified may be decreased under rules which shall be adopted by the state board for double session schools or programs, experimental schools, ~~final examination days,~~ or schools operating under emergency conditions.

Section 21. Subsections (5), (6), (7), and (9) of section 230.2319, Florida Statutes, 1988 Supplement, are amended to read:

230.2319 Florida Progress in Middle Childhood Education Program (PRIME).—

(5) GENERAL REQUIREMENTS FOR GRADES 6, 7, AND 8.—

(a) By the beginning of the 1986-1987 school year and each year thereafter, students entering the 6th grade shall receive instruction in grades 6 through 8 in the following basic subjects:

1. Three years in mathematics.

2. Three years in communications, which shall be defined to include experiences in reading, writing, and speaking. Developmental reading shall be provided at each grade level for those students for whom the district or laboratory school deems such reading appropriate.

3. A minimum of 3 years in science, which shall include instruction in life science and in earth science or physical science.

4. A minimum of 3 years in social studies, which shall include the study of the United States and world geography, civics, and Florida history.

5. Each pupil progression plan of a district or laboratory school shall include provisions for teaching computer literacy, when resources are available; critical thinking skills; and other related skills in the context of the basic skills specified in subparagraphs 1.-4.

6. Physical education shall be regularly scheduled each year as determined by each district school board.

(b) By the beginning of the 1986-1987 school year and each year thereafter, a series of experiences shall be provided for student development through exposure to experiences to be selected from, but not limited to, the following: art, music, foreign languages, exploratory vocational education, and health. Such experiences shall be regularly scheduled in grades 6 through 8.

(c) The Department of Education is authorized to waive any of the provisions of paragraph (a) or paragraph (b) if a school district or laboratory school requests such waiver for an approved Chapter I or state compensatory education program. Such a waiver shall only be granted in order to provide additional instructional time for reading, writing, oral language development, or mathematics.

(d) Each district school board and each laboratory school shall establish grade-level promotion policies and include such requirements in its pupil progression plan.

(e) ~~By June 30, 1986,~~ The Department of Education, in conjunction with local school districts and laboratory schools, shall *maintain* ~~develop~~ curriculum frameworks for each course in the basic subject areas of mathematics, communications, science, and social studies in grades 6, 7, and 8 included in the course code directory. A curriculum framework is a set of broad guidelines which aids educational personnel in the production of specific instructional plans for a given subject or area of study. Each curriculum framework developed by the department must be approved by the State Board of Education.

(f) ~~By June 30, 1987,~~ The Department of Education, in conjunction with local school districts and laboratory schools, shall *maintain* ~~develop~~ common course offerings in the major subject areas in grades 6, 7, and 8 *as specified in the* ~~for inclusion in the 1987-1988~~ course code directory.

(6) FLORIDA GRADES 4 AND 5 ENHANCEMENT PROGRAM.—There is created the Florida Grades 4 and 5 Enhancement Program.

(a) To be eligible to receive funds under this subsection, a school district or laboratory school must submit to the Department of Education a proposed program plan designed to assure that each student in grades 4 and 5 will have a program consistent with the intent and purposes of

the Florida Progress in Middle Childhood Education Program. Each ~~such~~ initial plan shall be submitted ~~by May 1, 1985, or by May 1 of a subsequent year,~~ in the manner and format prescribed by the department. Any district or laboratory school *plan which is not approved* ~~denied approval~~ by the department *on or before the annual date established by the department* ~~by June 1, 1985, or by June 1 of a subsequent year,~~ shall be denied funds for this program ~~for the subsequent year~~. A school district or laboratory school may apply to the department for approval to update or amend its approved plan for a school year~~, provided such application is made 60 days prior to the beginning of the next fiscal year or at such earlier date as may be required by the department~~. The department shall make the final determination as to the approval or disapproval of all proposed plans and plan updates and amendments.

(b) In order to be approved, a program proposal must include:

1. Provision for screening procedures as specified in paragraph (4)(b).

2. Procedures whereby preventive instructional strategies will be updated or continued for students in grades 4 and 5.

3. Procedures whereby additional screening and further assessment may occur.

4. Procedures for identification, assignment, and termination of preventive instructional strategies to students.

5. Procedures for identification and assignment of enrichment instructional strategies to students.

6. Provisions for intermediate resource teachers.

7. During the initial year, first priority shall be given to staff development programs. Such programs shall address at least the competencies specified in paragraph (3)(b) for all appropriate personnel.

8. Provision of an articulation plan from kindergarten through grade 3 to grades 4 and 5.

9. Maintenance of assessment profiles which facilitate efficient individual planning and annual aggregation of developmental academic and social data on students.

10. Provision for reducing class size when such a strategy will enhance student learning in a cost-effective manner.

(c) The annual allocation to each district that is eligible to receive funds under this subsection shall be distributed *as a categorical program based on the district's pro rata share of full-time equivalent student memberships for the state for grades 4 and 5 in the prior year* ~~through the Florida Education Finance Program on a pro rata student basis, as specified by department guidelines or necessary rules prescribed by the State Board of Education~~. The annual allocation to each laboratory school that is eligible to receive funds under this subsection shall be distributed through the education and general budget. Funds under this subsection shall not be distributed until a district plan or a laboratory school plan has been approved pursuant to paragraph (a). ~~Any undistributed amounts will revert to the General Revenue Fund pursuant to state law.~~

(7) FLORIDA GRADES 6 THROUGH 8 ENHANCEMENT PROGRAM.—

(a) There is created the Florida Grades 6 through 8 Enhancement Program. Funds provided under this subsection shall be used by school districts and laboratory schools to implement those concepts shown by research to be effective in meeting the needs of students in grades 6 through 8. Such concepts shall include programs of study and the organization of instruction in grades 6 through 8 which:

1. Encourage a gradually increasing degree of independence for students.

2. Encourage teachers and other professionals to develop and share a significant pool of information about students.

3. Encourage the implementation of a continuous, comprehensive assessment program which ensures the monitoring of student development and the implementation of intervention strategies if problems are identified.

4. Encourage the development of a continuous, systematic program to assist in affective development and decision making skills.

5. Encourage the implementation of an instructional program which introduces the formal academic disciplines to students and requires exploration of the basic elements of these disciplines in preparation for the required elements of the high school program.

6. Encourage the students to explore appropriate vocational subjects and fine arts subjects.

7. Assure articulation with kindergarten through grade 5 and grades 9 through 12.

8. Provide for a continuous assessment profile of the student's social and academic progress.

(b) To be eligible to receive funds under this subsection, each school district and laboratory school must submit to the Department of Education a proposed ~~long-term implementation~~ plan. Each ~~such initial~~ plan shall be submitted ~~by May 1, 1985, or by May 1 of a subsequent year,~~ in the manner and format prescribed by the department. Any *plan for a* district or laboratory school *which is not approved* ~~denied approval~~ by the department *on or before the annual date established by the department* ~~by June 1, 1985, or by June 1 of a subsequent year~~, shall be denied funds for this program ~~for the subsequent year~~. A school district or laboratory school may apply to the department for approval to update or amend its approved plan for a school year~~, provided such application is made 60 days prior to the beginning of the next fiscal year or at such earlier date as may be required by the department~~. The department shall make the final determination as to the approval or disapproval of all proposed plans and plan updates and amendments. Beginning in 1989-1990, the expenditure of appropriated funds for PRIME shall be available to eligible school districts for expenditures during the current fiscal year.

(c) The annual allocation to each district eligible to receive funds under this subsection shall be distributed *as a categorical program based on the district's pro rata share of full-time equivalent student memberships for the state for grades 6 through 8 in the prior year* ~~through the Florida Education Finance Program on a pro rata student basis, as specified by department guidelines or necessary rules prescribed by the State Board of Education~~. The annual allocation to each laboratory school that is eligible to receive funds under this subsection shall be distributed through the education and general budget. Funds under this subsection shall not be distributed until a district plan or a laboratory school plan has been approved pursuant to paragraph (b). ~~Any undistributed amounts will revert to the General Revenue Fund pursuant to state law.~~

(9) IMPLEMENTATION.—This section shall be authorized and implemented in the 1986-1987 school year and each year thereafter to the extent specifically funded in the General Appropriations Act or the substantive bill implementing the General Appropriations Act. *The department may adopt rules necessary to implement this section.*

Section 22. Paragraph (c) of subsection (2) of section 236.013, Florida Statutes, 1988 Supplement, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms are defined as follows for the purposes of this act:

(2) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed under the cost factors in s. 236.081(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed under the cost factors in s. 236.081(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed under the cost factors in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per week for which he is a member, divided by 25; the difference between that fraction or sum of fractions and twenty-five twenty-fifths of the week for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A student in the basic half-day kindergarten program of not less than 12½ net hours shall earn one-half of a full-time equivalent membership.

(III) A half-day kindergarten student in a combination of programs listed under the cost factors in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per week for which he is a member divided by 25; the difference between that fraction and twelve and one-half twenty-fifths of the week for each full-time student in membership in a half-day kindergarten program is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(IV) A part-time student, except a postsecondary or adult student, is a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per week for which he is a member, divided by 25.

(V) A postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation is a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he is a member, divided by 900.

(VI) A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed under the cost factors in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each regular or special program equal to the number of net hours per week times the number of weeks for which he is a member, divided by 900.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of days more or less in proportion thereto times the applicable computations set forth in subparagraph 1. or sub-subparagraphs 1.a. and 1.b.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to:

a. Special programs for exceptional students;

b. Special vocational-technical programs;

c. Special adult general education programs;

d. Dropout prevention programs provided for those students who were in membership in teenage parent, substance abuse, or youth services programs as defined in s. 230.2316 and are in need of such additional instruction;

e. The Florida Primary Education Program or an approved alternative, as provided in s. 230.2312, for those students who were receiving the preventive instructional strategies for all of the last 45 days of the 180-day term and are in need of such additional instruction;

f. The Florida Progress in Middle Childhood Education Program, as provided in s. 230.2319, for those students in grade 4 or grade 5 who were receiving the preventive instructional strategies for all of the last 45 days of the 180-day term and are in need of such additional instruction;

g. *Beginning with the 1988-1989 school year, students-at-risk* ~~Dropout prevention~~ programs provided for those students who were in membership in an educational alternative or disciplinary program *in dropout prevention programs* as defined in s. 230.2316 *or programs in English for speakers of other languages as defined in s. 233.058* for all of the last 15 days of the 180-day term or a total of 30 days within the 180-day term and are in need of such additional instruction;

h. Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and

i. Programs which modify the school year to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided such programs are approved by the commissioner.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department under the provisions of s. 228.041(13) to operate for less than the minimum school day.

Section 23. Effective July 1, 1990, section 236.013, Florida Statutes, 1988 Supplement, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms are defined as follows for the purposes of this act:

(1) "Bonded indebtedness" is the total outstanding bonds issued by the individual districts which are to be amortized by ad valorem tax levy.

(2) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(a) A "full-time student" is one student on the membership roll of one school program or a combination of school programs listed ~~under the cost factors~~ in s. 236.081(1)(c) for *the school year or the equivalent for*:

1. *Instruction* ~~Five school days or the equivalent,~~ in a standard school, comprising not less than *900* ~~25~~ net hours for a student in or at the grade level of 4 through 12 and adult, or not less than *720* ~~20~~ net hours for a student in or at the grade level of kindergarten through grade 3 *or in an authorized prekindergarten exceptional program.* A full-time equivalent student in grades 9 through 12 shall equal 1,050 hours of instruction; but this provision shall be implemented in the 1983-1984 school year and thereafter only to the extent as specifically funded and authorized in the General Appropriations Act or the substantive bill implementing the General Appropriations Act;.

2. *Instruction* ~~Five school days or the equivalent,~~ in a double-session school or a school utilizing an experimental school calendar approved by the Department of Education, comprising not less than the equivalent of *810* ~~22½~~ net hours in grades 4 through 12 or not less than *630* ~~17½~~ net hours in kindergarten through grade 3; or

3. *Instruction comprising the appropriate number of net hours set forth in subparagraph 1. or subparagraph 2. for* ~~That number of hours per week which will furnish 900 hours of instruction per year to~~ students who, within the past year, have moved with their parents for the purpose of engaging in the farm labor or fish industries, if a plan furnishing such an extended school day or week, or a combination thereof, has been approved by the commissioner. Such plan may be approved to accommodate the needs of migrant students only or may serve all students in schools having a high percentage of migrant students. The plan described in this subparagraph is optional for any school district and is not mandated by the state.

(b) A "part-time student" is a student on the active membership roll of a school program or combination of school programs listed in s. 236.081(1)(c) who is less than a full-time student.

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed ~~under the cost factors~~ in s. 236.081(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed ~~under the cost factors~~ in s. 236.081(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed ~~under the cost factors~~ in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per *school year* ~~week~~ for which he is a member, divided by *the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.* ~~25~~; the difference between that fraction or sum of fractions and *the maximum value as set forth in subsection (5)* ~~twenty-five twenty-fifths of the week~~ for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A student in the basic half-day kindergarten program of not less than *450* ~~12½~~ net hours shall earn one-half of a full-time equivalent membership.

(III) A half-day kindergarten student in a combination of programs listed ~~under the cost factors~~ in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per *school year* ~~week~~ for which he is a member divided by *the number of hours set forth in sub-sub-subparagraph (II)* ~~25~~; the difference between that fraction and *the number of hours set forth in sub-sub-subparagraph (II)* ~~twelve and one-half twenty-fifths of the week~~ for each full-time student in membership in a half-day kindergarten program is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(IV) A part-time student, except a postsecondary or adult student, is a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per *school year* ~~week~~ for which he is a member, divided by *the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2* ~~25~~.

(V) A postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation is a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he is a member, divided by *the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2* ~~900~~.

(VI) A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed ~~under the cost factors~~ in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each regular or special program equal to the number of net hours per *school year* ~~week times the number of weeks~~ for which he is a member, divided by *the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2* ~~900~~.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of *instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.* ~~days more or less in proportion thereto times the applicable computations set forth in subparagraph 1. or sub-subparagraphs 1.a. and 1.b.;~~ however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to:

a. Special programs for exceptional students;

b. Special vocational-technical programs;

c. Special adult general education programs;

d. Dropout prevention programs provided for those students who were in membership in teenage parent, substance abuse, or youth services programs as defined in s. 230.2316 and are in need of such additional instruction;

e. The Florida Primary Education Program or an approved alternative, as provided in s. 230.2312, for those students who were receiving the preventive instructional strategies for all of the last 45 days of the 180-day term and are in need of such additional instruction;

f. The Florida Progress in Middle Childhood Education Program, as provided in s. 230.2319, for those students in grade 4 or grade 5 who were receiving the preventive instructional strategies for all of the last 45 days of the 180-day term and are in need of such additional instruction;

g. *Beginning with the 1988-1989 school year, students-at-risk* ~~Dropout prevention~~ programs provided for those students who were in membership in an educational alternative or disciplinary program *in dropout prevention programs* as defined in s. 230.2316 *or programs in English for speakers of other languages as defined in s. 233.058* for all of the last 15 days of the 180-day term or a total of 30 days within the 180-day term and are in need of such additional instruction;

h. Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and

i. Programs which modify the school year to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided such programs are approved by the commissioner.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department under the provisions of s. 228.041(13) to operate for less than the minimum school day.

(3) A "full-time equivalent student" is a student in grades 4 through 8 who is participating in a student-teacher adviser program conducted during homeroom period, who is a fraction of a full-time equivalent membership based on net hours in the program, with a maximum of 36 net hours in any fiscal year. Each district program shall be approved by the Department of Education.

(4) For the purpose of calculating the "current operation program," a student is in membership until he withdraws or until the close of the *eleventh* ~~sixth~~ consecutive school day of his absence, whichever comes first.

(5) *The maximum value for funding a student in kindergarten through grade 12 or in a prekindergarten program for exceptional children as provided in s. 232.01(1)(e), except for a student as set forth in sub-sub-subparagraph (2)(c)1.b.(I), is one full-time equivalent student membership for a school year or equivalent.* ~~A "utilization factor" is the ratio between the total number of student stations and the rated number of students that can be housed in that facility.~~

(6) The "Florida Education Finance Program" includes all programs and costs as provided in s. 236.081.

(7) "Basic programs" include, but are not limited to, language arts, mathematics, art, music, physical education, science, and social studies.

Section 24. Paragraph (a) of subsection (2) of section 236.02, Florida Statutes, 1988 Supplement, is amended to read:

236.02 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(2) MINIMUM TERM.—

(a) Operate all schools for a term of at least 180 actual teaching days *as prescribed in s 228 041(13)* or the equivalent on an hourly basis as specified by rules of the State Board of Education each school year. The school year for grades 9 through 12 shall consist of no less than 1,050 hours of instruction. ~~Three of the last days of the 180-day term may be designated as final examination days for secondary school students. These final examination days shall consist of no less than 4 net hours excluding intermissions.~~ The state board may prescribe procedures for altering, and, upon written application, may alter, this requirement during a national, *state,* or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the board, it is not feasible to make up lost days, and the apportionment may, at the discretion of the State Board of Education and in the event the board determines that the reduction of school days is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools. Under no circumstances shall a strike, as defined in s. 447.203(6), by employees of the school district be considered an emergency.

Section 25. Section 236.081, Florida Statutes, 1988 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(a) Determination of full-time equivalent membership.—During each of several school weeks during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the state board.

(b) Determination of base student allocation.—The base student allocation shall be determined annually by the Legislature and shall be that amount prescribed in the current year's General Appropriations Act.

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. However, the application of cost factors in part-time programs for exceptional students is limited to a maximum of twelve twenty-fifths of a student membership in a given

program during a week. *Beginning with the 1990-1991 fiscal year, the application of cost factors in part-time programs for exceptional students is limited to a maximum of 432 hours of a student full-time equivalent membership in a given program during a school year as defined in s. 228.041(16).* The criteria for qualification for the special programs, including maximum case loads for part-time programs, shall be determined by rules of the state board. However, the district may apply to the department for an exemption to the maximums set above, and the department may grant such exemptions when district size or program dispersal would place an undue burden on the district. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten.

1. Basic programs.—

a. Kindergarten and grades 1, 2, and 3.

b. Grades 4, 5, 6, 7, and 8.

c. Grades 9, 10, 11, and 12.

2. Special programs for exceptional students.—

a. Educable mentally handicapped.

b. Trainable mentally handicapped.

c. Physically handicapped.

d. Physical and occupational therapy part-time.

e. Speech, language, and hearing part-time.

f. Speech, language, and hearing.

g. Visually handicapped part-time.

h. Visually handicapped.

i. Emotionally handicapped part-time.

j. Emotionally handicapped.

k. Specific learning disability part-time.

l. Specific learning disability.

m. Gifted part-time.

n. Hospital and homebound part-time.

o. Profoundly handicapped.

3. Special adult general education programs.—

a. Adult basic education.

b. Adult secondary education.

c. Lifelong learning.

4. Special vocational-technical programs-job preparatory.—

a. Agriculture.

b. Office.

c. Distributive.

d. Diversified.

e. Health.

f. Public service.

g. Home economics.

h. Industrial.

i. Exploratory.

~~j. Partnership.~~

The State Board of Education may approve up to three cost categories for each special vocational-technical job preparatory program. However, the sum of the weighted full-time equivalent students for the levels of cost for a program may not exceed the product of the statutory cost factor multiplied by unweighted full-time equivalent students for a program.

5. Special vocational-technical-adult supplemental.—

a. Agriculture.

b. Office.

c. Distributive.

d. Health.

e. Public service.

f. Home economics.

g. Industrial.

6. Students-at-risk programs.—

a. Dropout prevention.

b. Kindergarten through grade 3 ESOL.

c. Grades 4 through 8 ESOL.

d. Grades 9 through 12 ESOL.

(d) Application of caps.—The following procedure shall be followed in determining the annual allocation to each district for operation:

1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in s. 236.081(1)(c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of three program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students-at-risk programs, all exceptional child programs, and all vocational programs in grades 7-12. Group 3 shall be composed of all adult education programs.

a. The weighted enrollment ceiling for group 2 and group 3 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program groups 2 and 3 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Health and Rehabilitative Services.

b. If, for any calculation of the FEFP, the weighted enrollment for either program group 2 or group 3, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for

group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program groups 2 and 3, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

~~(d) Allocation of full-time equivalents.—The department is authorized and directed to review all district programs in the areas of educational alternatives, exceptional student programs, special vocational-technical programs, and special adult general education programs. First priority in the assignment of full-time equivalent student membership shall be based on the request of the districts as submitted and approved by the department. Any unassigned full-time equivalent membership shall be allocated to those districts submitting supplemental requests with priority to those districts with the lowest incidence of programs to students identified to be in need of such special programs.~~

~~1. The assigned weighted full-time equivalent student membership in special programs for exceptional students, educational alternative programs, part-time programs, special vocational-technical programs, and special adult general education programs, including adult basic education and adult high school, in any school fiscal year shall not exceed the maximum prescribed in the current year's General Appropriations Act for such programs. The Department of Education is directed to review the method of projecting enrollment and determining incidence in all special programs for exceptional students, special vocational-technical programs, and special adult general education programs and to report, at least 60 days prior to each regular session of the Legislature, a 3-year projected enrollment of full-time equivalent students in these programs.~~

~~2. In administering the maximums, the department shall review each district's program and needs with each scheduled student membership survey and may reassign the authorized weighted membership within the maximums provided. In any district in which, after the final assignment, the actual full-time equivalent membership multiplied by the appropriate cost factors exceeds the assigned maximum, such excess full-time equivalent student membership shall be computed at a cost factor of 1.00.~~

(e)~~3.~~ *Visually handicapped allocation.*—With respect to special programs for the visually handicapped part-time, upon request of a school board in any district or multidistrict area in which there are five or more students receiving an appropriate program, the Department of Education may assign three unweighted full-time equivalent students for the special program until such time as more than three full-time equivalent students are generated.

(f)~~4.~~ *Exceptional mainstream allocation.*—When a student has been properly classified as an exceptional student pursuant to s. 230.23(4)(m) and is eligible for a full-time special program for exceptional students identified in subparagraph (1)(c)2. and, as a condition of such student's individualized educational plan, is assigned to a basic *mainstream* program on a part-time basis with required special services, aids, or equipment, the basic program cost factor for such student shall be doubled for the purpose of generating weighted full-time equivalent membership for time served in the program.

~~(e) Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program for each district shall be the product of the following:~~

~~1. The full-time equivalent student membership in each program, multiplied by~~

~~2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by~~

~~3. The base student allocation.~~

~~(f) Determination of sparsity supplement.—~~

~~1. Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of qualified districts a sparsity supplement which shall be computed as follows:~~

$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} = 0.1101$$

~~except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000.~~

~~2. The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.~~

~~3. Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:~~

~~a. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count;~~

~~b. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count;~~

~~c. For districts that have a levy value per FTE as calculated in sub-subparagraph a. higher than the state average calculated in sub-subparagraph b., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in sub-subparagraph b. and the district's levy value per FTE calculated in sub-subparagraph a. and the district's FTE student count and 1;~~

~~d. Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in subparagraphs 1. and 2. and the wealth adjustment amount calculated in this subparagraph.~~

(g) Small, isolated high schools.—Districts which levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay purposes levied pursuant to s. 236.25(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of unweighted full-time equivalent students times 2.75; provided the percentage of students at such school passing both parts of the state student assessment test, part II, has been equal to or higher than such percentage for the state or district, whichever is greater. For the purpose of this section, the term "small, isolated high school" means any high school which is located no less than 28 miles by the shortest route from another high school; which has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include sub-subparagraph *(c)6.*~~(e)1.d.~~; and which has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

(h) Calculation of full-time equivalent membership with respect to instruction from community colleges or universities~~, instruction outside required number of school days, or instruction in home economics, exploratory vocational education, vocational supplemental courses, and adult basic and secondary education courses.—~~

~~1.~~ Students enrolled in community college or university dual enrollment instruction pursuant to s. 240.116 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Such students may also be calculated as the proportional shares of full-time equivalent enrollments they generate for the community college or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students enrolled in dual enrollment instruction provided by a vocational-technical center located in the same district as the district in which the student attends secondary school and operated by the school board of that district shall be calculated by the school board as a maximum of one full-time equivalent enrollment for state funding purposes; however, a district school board may report such students as the proportional shares of full-time equivalent enrollments each student generates within the basic secondary program and the vocational program, respectively, up to the one full-time equivalent enrollment maximum for each student. Students enrolled in dual enrollment instruction provided by a vocational-technical center

located in a different school district than the district in which the student attends secondary school and operated by the school board of the district in which the vocational-technical center is located may be included in calculations of full-time equivalent memberships for basic programs for grades 9 through 12 by a district school board and may be calculated as the proportional share of full-time equivalent enrollments they generate for the school board conducting the dual enrollment instruction. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials, registration, matriculation, and laboratory fees shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 246.021 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of registration, matriculation, and laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 240.117, nor shall any student enrolled in vocational dual enrollment instruction be funded as a dual enrollment unless the student has completed the vocational entry-level examination.

(i)~~2.~~ *Instruction outside required number of school days.*—Students in grades 9 through 12 may be counted as full-time equivalent students for instruction provided outside the required number of school days if such instruction counts as credit toward a high school diploma.

(j)~~3.~~ *Instruction in home economics.*—Students in grades K through 12 who are enrolled for more than six semesters in practical arts home economics courses as defined in s. 228.041(22)(d) may not be counted as full-time equivalent students for this instruction.

(k)~~4.~~ *Instruction in exploratory vocational education.*—Students in grades 7 through 12 who are enrolled for more than four semesters in exploratory vocational education may not be counted as full-time equivalent students for this instruction.

(l)~~5.~~ *Instruction in vocational education.*—Effective for the 1985-1986 school year and thereafter, district pupil progression plans shall provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. A student in grades 9 through 12 who enrolls in and satisfactorily completes a job preparatory program may substitute credit for a portion of the required four credits in English, three credits in mathematics, and three credits in science. The credit substituted for English, mathematics, or science earned through the vocational job preparatory program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. Upon adoption of curriculum frameworks for vocational courses pursuant to s. 233.011, the State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. A vocational program which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. The one-half credit in practical arts or exploratory vocational education required for high school graduation pursuant to s. 232.246(1)(b)8. shall be funded as a vocational education course.

(m)~~6.~~ *Instruction in vocational supplemental courses; and adult basic and secondary courses.*—Vocational supplemental courses and adult basic and secondary education courses may be made available to any person who wishes to improve his competencies, provided that the priorities established in s. 228.072(5) are maintained.

1.~~a.~~ A student in an adult basic and secondary education course shall be reported as an adult basic and secondary education full-time equivalent student if he is pursuing a program of studies to achieve literacy, prepare for the Test of General Educational Development (GED), or earn a high school diploma. A student in such a course who has received a high school diploma and who does not demonstrate skills at or below the eighth-grade level, as measured by tests approved for this purpose by the State Board of Education, shall be reported for funding as a full-time equivalent student in the lifelong learning category.

2.~~b.~~ A student in a vocational supplemental course shall be reported as a vocational supplemental full-time equivalent student if he:

a.~~(I)~~ Currently holds wage-earning employment and is taking a course to enhance or upgrade skills related to that employment; or

b.~~(II)~~ Has a wage-earning employment history and enrolls in a course related to that employment history with the intent to seek employment in an occupation directly related to that course and that employment history; or

c.~~(III)~~ Has a wage-earning employment history and desires to convert to the English language existing knowledge, training, or skills to qualify for employment; provided, however, that such a student shall be reported for funding purposes in the Adult Basic and High School Program as an adult basic vocational student for the length of time the student spends in a language class.

Any student enrolled in a vocational supplemental course who does not meet one of the criteria of this sub-subparagraph shall be reported for funding as a full-time equivalent student in the lifelong learning category.

3.~~c.~~ A student shall be reported for funding as a full-time equivalent student in the lifelong learning category for enrollment in a consumer home economics course unless that course comprehensively addresses competencies identified in the program courses standards as home and family management competencies. Students in courses that comprehensively address such competencies may be reported as full-time equivalent students in the vocational supplemental category.

4.~~d.~~ A student shall be reported as a lifelong learning student for his enrollment in any course that he has previously taken, unless it is a credit course in which he earned a grade of D or F.

(n)~~(i)~~ Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.—A value of 0.3 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

(o) Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by

3. The base student allocation.

~~(j) Profoundly handicapped supplement. Annually, an amount established in the appropriations act shall be added to the basic amount for current operation of qualified districts as a profoundly handicapped program supplement which shall be computed as follows: If any district's preceding year's profoundly handicapped expenditure per full-time equivalent student membership as reported in the Annual District Cost Report is above a percent figure annually established by the Legislature in the General Appropriations Act of the revenue per full-time equivalent student membership generated through the Florida Education Finance Program for profoundly handicapped, the district shall receive an amount calculated by multiplying the district's profoundly handicapped full-time equivalent student membership count by the difference between the district's profoundly handicapped program expenditure per student and the percent set annually by the Legislature of the district's profoundly handicapped program revenues per full-time equivalent student membership. If the total amount to fully fund the entitlement exceeds the amount appropriated, each eligible district's allocation shall be prorated.~~

~~(k) Extended day supplement.—Annually, an amount established in the appropriations act shall be added to the basic amount of current operation of qualified districts as an extended day supplement for grades 9 through 12. The department shall conduct two counts of grades 9 through 12 students in seven contiguous periods of at least 50 minutes and six contiguous periods of at least 60 minutes and nonparticipants in extended day for each school district. The two counts shall be conducted during the 180-day school year in conjunction with the Florida Education Finance Program full-time equivalent student membership survey periods. The definition of contiguous periods includes time for normal travel between school centers; meal periods; homeroom/advisory periods and breaks between classes; and time between classes that includes a dual enrollment class period or a job training period that exceeds normal travel time and/or meal time due to college, vocational-technical center, or job schedules for dual enrollment or cooperative or work experience courses. The definition of contiguous periods to be counted excludes weekend classes, except that dual enrollment and job training in cooperative or work experience courses are exempt from the contiguous requirement at any time, provided the equivalent time in the calendar week is met. Study hall may be counted as one of the seven or six contiguous periods, but the percentage of students in study hall for a given period in a school may not be greater than the average for other periods in the day. Students in grades 9 through 12 counted for extended day must qualify on the same basis of membership and attendance that qualifies students to be counted in full-time equivalent student membership surveys. The extended day counts shall be conducted in accordance with instructions provided by the department. The extended day supplement for each district shall be computed as follows:~~

~~1. Every district shall receive an amount specified in the appropriations act for every student in grades 9 through 12 enrolled in six periods of at least 60 minutes each. Every district shall receive an amount specified in the appropriations act for every student in grades 9 through 12, or in grades 6 through 8 if the school has a ninth or tenth grade but not an eleventh or twelfth grade, who is enrolled in seven periods of at least 50 minutes each or an equivalent amount of time each week.~~

~~2. If the total amount calculated for students enrolled in six periods of at least 60 minutes each exceeds an amount specified in the appropriations act, each district's allocation shall be prorated. In the event the total amount of district extended day and seventh period entitlements exceed an amount to be specified in the appropriations act, each district's entitlement shall be prorated. In the event the sum of each district's allocation for students enrolled in seven periods of at least 50 minutes, each district's allocation for students enrolled in six periods of at least 60 minutes, and the adjustment amount for nonparticipants in either an extended day or seventh period is less than an amount specified in the appropriations act, the difference shall be allocated based on each district's proportion of the state total number of students enrolled in seven periods of at least 50 minutes each.~~

(2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.—The commissioner shall annually compute for each district the current year's district cost differential. The district cost differential shall be calculated by adding each district's price level index as published in the Florida Price Level Index, prepared by the Executive Office of the Governor, for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (3), $6 per full-time equivalent student shall be expended for educational training programs as determined by the district school board as provided in s. 236.0811. If a district has an approved teacher education center, at least $4 of the $6 shall be expended as provided in ss. 231.600-231.609, and such funds shall be used to provide the beginning teacher program, pursuant to s. 231.17. Funds as provided herein may be expended only for the direct support of inservice training activities as prescribed below:

(a) Salaries and benefits of:

1. Personnel directly administering the approved inservice training program.

2. School board employees while such personnel are conducting an approved inservice training program.

3. Substitutes for personnel released to participate in an approved inservice training program or an inservice council activity.

(b) Other direct operating expenses, excluding capital outlay, required for administering the approved inservice training program, including, but not limited to, the following:

1. Inservice training materials for approved inservice training activities.

2. Data processing for approved inservice training activities.

3. Telephone for the approved inservice training program.

4. Office supplies for the personnel administering the approved inservice training program.

5. Duplicating and printing for approved inservice training activities.

6. Fees and travel and per diem expenses for consultants used in conducting approved inservice training activities.

7. Travel and per diem expenses for school district personnel attending approved inservice conferences, workshops, or visitations to schools.

8. Rental of facilities not owned by the school board for use in conducting an approved inservice training program.

(c) Compensation may be awarded under this subsection to employees engaged in inservice training activities which are outside of, or in addition to, regular hours of duty assignments or a regular day of a contract period for which regular compensation is provided. No moneys shall be authorized under this subsection for additional salaries and benefits constituting dual compensation to employees participating in inservice activities if such activities are within regular hours of duty assignments or within a regular day of a contract period for which regular compensation is provided.

(d) Funds may be expended to pay tuition or registration fees for college courses provided the course is identified in the district's approved master plan and the employee does not receive college credit.

However, summer inservice institute participants may elect to receive college credit for components completed, provided the credit-earning components are identified in the summer institute plan submitted to the Department of Education by the district. Those individuals who choose to receive college credit shall pay the regular tuition and registration fees assessed by the credit-granting institutions and shall be entitled to all participant benefits provided in the district plan.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the general appropriations act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Estimated and final calculations.—

1. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the nonexempt assessed valuation for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total nonexempt assessed valuation for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

2. The Department of Revenue shall, upon receipt of the official final tax roll from each of the property appraisers, certify to the commissioner the total assessed valuation of nonexempt property for school purposes in each school district, subject to the provisions of paragraph (c).

As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the official final tax roll. The Commissioner of Education, in administering the provisions of paragraph (6)(b), shall use the most recent tax roll data for the appropriate year. For the purposes of this subparagraph, the official final tax roll shall be the tax roll on which the tax bills are computed and mailed to the taxpayers.

(b) Equalization of required local effort.—

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The commissioner shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the nonexempt assessed valuation for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's nonexempt assessed valuation for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 236.25(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 236.25(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(c) Exclusion.—In those instances in which:

1. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll; and

2. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll;

the assessed value of the property in contest shall be excluded from the nonexempt assessed valuation for school purposes for purposes of computing the district-required local effort.

(d) Recomputation.—Following final adjudication of any litigation on the basis of which an adjustment in nonexempt valuation was made pursuant to paragraph (c), the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing nonexempt valuations approved by the court, and shall adjust subsequent allocations to such districts accordingly.

(e) Required adult fees.—

1. Fees for all nonexempt students as defined in s. 230.645 shall be added to and made a part of the required local effort of each district.

2. Each district shall report the total fee-exempt, fee-nonexempt, fee-waived, fee-deferred, and nonresident full-time equivalent student enrollment for each adult program. Districts shall also report the total amount of fees collected from students as required by s. 230.645. The value of in-kind services accepted in lieu of fees shall not be added to and made a part of the total fee collection amount reported by the district.

3. Each district's total required local effort fee amount shall be calculated in the following manner:

a. A total resident fee amount shall be calculated for each district by summing the fee-nonexempt full-time equivalent enrollment for each adult program and by subtracting from that sum the district's nonresident full-time equivalent enrollment and by multiplying the difference by the fee amount specified in the General Appropriations Act.

b. A total nonresident fee amount shall be calculated for each district by multiplying each district's nonresident full-time equivalent enrollment by a number that is twice the fee amount specified in the General Appropriations Act.

c. A total unadjusted required local effort fee amount shall be calculated for each district by adding the resident fee amount calculated in sub-subparagraph a. to the nonresident fee amount calculated in sub-subparagraph b.

d. A fee collection credit amount shall be calculated for each district by adding the total amount of fees collected by the district to the district's maximum fee waiver amount as defined in s. 230.645.

e. Each district's total unadjusted required local fee amount calculated in sub-subparagraph c. shall be subtracted from its total fee collection credit amount calculated in sub-subparagraph d. If the difference is a positive number, the district's required fee adjustment amount shall be set to zero. If the difference is a negative number, a required fee adjustment amount shall be calculated by dividing the absolute value of such difference by the fee amount specified in the General Appropriations Act and multiplying the result, rounded to two decimal places, by the average of all program weights for adult programs for the year as specified in the General Appropriations Act, rounded to three decimal places; by the base student allocation defined in the General Appropriations Act; and by two.

f. A total required local effort fee amount shall be calculated for each district by adding the unadjusted fee amount calculated in sub-subparagraph c. to the fee adjustment amount calculated in sub-subparagraph e.

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program be funded for more than 4 fiscal years from the date of original authorization. Such programs are as follows:

(a) General.—

1. Comprehensive school construction and debt service as provided by law.

2. Community schools as provided by law.

3. School lunch programs as provided by law.

4. Instructional material funds as provided by law.

5. Student transportation as provided by law.

6. Student development services as provided by law.

7. Diagnostic and learning resource centers as provided by law.

8. Comprehensive health education as provided by law.

(b) Transitional.—

1. Bilingual program as provided by law.

(6) DETERMINATION OF SPARSITY SUPPLEMENT.—

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of qualified districts a sparsity supplement which shall be computed as follows:

$$\textit{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district } \textit{sparsity index}} - 0.1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count;

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count;

3. For districts that have a levy value per FTE as calculated in sub-subparagraph a. higher than the state average calculated in subparagraph 1., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1;

4. Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this subparagraph.

~~(6) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION. The total annual state allocation to each district for current operation shall be distributed periodically in the manner prescribed by regulations of the state board and shall be calculated as follows:~~

~~(a) The basic amount for current operation as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the decline in full-time equivalent students as determined in subsection (7), less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:~~

~~1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.~~

~~2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.~~

~~3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.~~

~~(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interest of the state.~~

~~(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.~~

(7) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.—In those districts where there is a decline between prior year and current year unweighted FTE students, 50 percent of the decline in the unweighted FTE students shall be multiplied by the prior year calculated FEFP per unweighted FTE student and shall be added to the allocation for that district. For this purpose, the calculated FEFP shall be computed by multiplying the weighted FTE students by the base student allocation and then by the district cost differential. If a district transfers a program to another institution not under the authority of the district's school board, the decline is to be multiplied by a factor of 0.15.

(8) ADULT BASIC SKILLS ADJUSTMENT.—There is created an adult basic skills education program adjustment. If any district's preceding year's adult basic skills education program expenditure per full-time equivalent student, as reported in s. 237.34, is 105 percent or more of the revenue per full-time equivalent student generated through the Florida Education Finance Program for adult basic skills education, the district entitlement shall be an amount calculated by multiplying the district's adult basic skills education full-time equivalent student count by the difference between the district's adult basic skills education program expenditure per student and 105 percent of the district's adult basic skills education program revenues per full-time equivalent student. The actual amount of the adjustments shall be as set in the General Appropriations Act.

(9) PROFOUNDLY HANDICAPPED SUPPLEMENT.—Annually, an amount established in the appropriations act shall be added to the basic amount for current operation of qualified districts as a profoundly handicapped program supplement which shall be computed as follows: If any district's preceding year's profoundly handicapped expenditure per full-time equivalent student membership as reported in the Annual District Cost Report is above a percent figure annually established by the Legislature in the General Appropriations Act of the revenue per full-time equivalent student membership generated through the Florida Education Finance Program for profoundly handicapped, the district shall receive an amount calculated by multiplying the district's profoundly handicapped full-time equivalent student membership count by the difference between the district's profoundly handicapped program expenditure per student and the percent set annually by the Legislature of the district's profoundly handicapped program revenues per full-time equivalent student membership. If the total amount to fully fund the entitlement exceeds the amount appropriated, each eligible district's allocation shall be prorated.

(10) EXTENDED DAY SUPPLEMENT.—Annually, an amount established in the appropriations act shall be added to the basic amount of current operation of qualified districts as an extended day supplement for grades 9 through 12. The department shall conduct two counts of grades 9 through 12 students in seven contiguous periods of at least 50 minutes and six contiguous periods of at least 60 minutes and nonparticipants in extended day for each school district. The two counts shall be conducted during the 180-day school year in conjunction with the Florida Education Finance Program full-time equivalent student membership survey periods. The definition of contiguous periods includes time for normal travel between school centers; meal periods; homeroom/advisory periods and breaks between classes; and time between classes that includes a dual enrollment class period or a job training period that exceeds normal travel time or meal time due to college, vocational-technical center, or job schedules for dual enrollment or cooperative or work experience courses. The definition of contiguous periods to be counted excludes weekend classes, except that dual enrollment and job training in cooperative or work experience courses are exempt from the contiguous requirement at any time, provided the equivalent time in the calendar week is met. Study hall may be counted as one of the seven or six contiguous periods, but the percentage of students in study hall for a given period in a school may not be greater than the average for other periods in the day. Students in grades 9 through 12 counted for extended day must qualify on the same basis of membership and attendance that qualifies students to be counted in full-time equivalent student membership surveys. The extended day counts shall be conducted in accordance with instructions provided by the department. The extended day supplement for each district shall be computed as follows:

(a) Every district shall receive an amount specified in the appropriations act for every student in grades 9 through 12 enrolled in six periods of at least 60 minutes each. Every district shall receive an amount specified in the appropriations act for every student in grades 9 through

12, or in grades 6 through 8 if the school has a ninth or tenth grade but not an eleventh or twelfth grade, who is enrolled in seven periods of at least 50 minutes each or an equivalent amount of time each week.

(b) If the total amount calculated for students enrolled in six periods of at least 60 minutes each exceeds an amount specified in the appropriations act, each district's allocation shall be prorated. In the event the total amount of district extended day and seventh period entitlements exceed an amount to be specified in the appropriations act, each district's entitlement shall be prorated. In the event the sum of each district's allocation for students enrolled in seven periods of at least 50 minutes, each district's allocation for students enrolled in six periods of at least 60 minutes, and the adjustment amount for nonparticipants in either an extended day or seventh period is less than an amount specified in the appropriations act, the difference shall be allocated based on each district's proportion of the state total number of students enrolled in seven periods of at least 50 minutes each.

~~(9) ANNUAL ALLOCATION CALCULATION.—The provisions of this section to the contrary notwithstanding, the following procedure shall be followed in determining the annual allocation to each district for operation:~~

~~(a) The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district.~~

~~(b) Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in s. 236.081(1)(e), may be transferred from the participating districts to the district providing the program.~~

~~(c) As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of three program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of all basic programs other than the programs in group 1, all exceptional child programs, and all vocational programs in grades 7-12. Group 3 shall be composed of all adult education programs.~~

~~1. The weighted enrollment ceiling for group 2 and group 3 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program groups 2 and 3 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Health and Rehabilitative Services.~~

~~2. If, for any calculation of the FEFP, the weighted enrollment for either program group 2 or group 3, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:~~

~~a. The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.~~

~~b. If the difference calculated under sub-subparagraph a. is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.~~

~~c. The reduction proportion calculated under sub-subparagraph b. shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-subparagraph a.~~

~~d. The prorated reduction amount calculated under sub-subparagraph c. shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.~~

~~e. For program groups 2 and 3, the weighted enrollment ceiling shall be a number not less than the sum obtained by:~~

~~(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and~~

~~(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.~~

(11)~~(10)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per weighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per weighted FTE student which shall include the adjusted FTE dollars as provided in subsection (6), profoundly handicapped adjustment, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per weighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (6), profoundly handicapped adjustment, and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per weighted FTE to prior year funds per weighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per weighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation shall be distributed periodically in the manner prescribed by regulations of the state board and shall be calculated as follows:

(a) The basic amount for current operation as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the sparsity supplement as determined in subsection (6), the decline in full-time equivalent students as determined in subsection (7), the adult basic skills adjustment as determined in subsection (8), the profoundly handicapped supplement as determined in subsection (9), the extended day supplement as determined in subsection (10), and the quality assurance guarantee as determined in subsection (11), less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interest of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

Section 26. Section 236.13, Florida Statutes, is amended to read:

236.13 Expenditure of funds by school board.—All state funds apportioned to the credit of any district shall constitute a part of the district school fund of that district and shall be budgeted and expended under authority of the school board of that district subject to the provisions of law and regulations of the state board.

(1) A school board shall credit interest or profits on investments to the specific budgeted fund, as defined by the accounting system required by s. 237.01, that produced the earnings unless otherwise authorized by law, rule, or regulation.

(2) A school board may temporarily advance moneys from one fund, as defined by the accounting system required by s. 237.01, to another fund when insufficient moneys are available to meet current obligations if the temporary advancement is repaid during the same fiscal year, appropriate accounting records are maintained, and the temporary advancement does not restrict, impede, or limit implementation or fulfillment of the original purposes for which the moneys were received in the fund providing the advancement.

Section 27. Paragraph (f) of subsection (2) of section 236.25, Florida Statutes, 1988 Supplement, is amended to read:

236.25 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the nonexempt assessed valuation for school purposes to fund:

(f) Payment of loans approved pursuant to s. 237.161 *or s. 237.162.*

Violations of these expenditure provisions shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

Section 28. Subsection (2) of section 236.49, Florida Statutes, 1988 Supplement, is amended to read:

236.49 Proceeds; how expended.—The proceeds derived from the sale of said bonds shall be held by the school board and shall be expended by the board for the purpose for which said bonds were authorized for said school district, and shall be held and expended in the manner following:

(2) All or any part of the fund derived from the proceeds of any such bond issue that in the judgment of the school board is not immediately needed may be placed ~~on time deposit in the school depository or invested in securities issued by or guaranteed by the United States Government, or~~ in the following securities ~~of the district~~ maturing not later than the time when the funds are reasonably expected to be needed:

(a) *In investments authorized in s. 236.24(2)(a)* ~~In instruments of indebtedness of the United States Government or in any bonds or obligations which shall then be fully and unconditionally guaranteed as to principal by the United States Government, at the then current market price of such bonds or other obligations; provided, that any such bond or other obligation purchased under the authority hereof shall be surrenderable at par and accrued interest not later than 3 years after the date of the purchase of the same~~.

(b) In any bonds issued by the district; provided, such bonds are not in default and can be obtained at a price which will result in a net saving to the taxpayers of the district.

(c) In any obligations of the school board approved in accordance with the provisions of *ss. 237.151,* ~~s.~~ 237.161, *and 237.162.*

(d) In any bonds issued by the State Board of Education *or another school district.*

Section 29. Section 236.55, Florida Statutes, is amended to read:

236.55 Interest and sinking funds may be invested in certain bonds, warrants, and notes.—The school board shall have the power at all times to invest the interest and sinking funds collected for the retirement of any bonds of *the* ~~any~~ school district in *any investment as authorized in s. 236.49(2)* ~~bonds issued by the United States Government or any bonds fully and unconditionally guaranteed as to interest and principal by the United States Government, in the bonds of another school district of the same county, in loans of the school board or of any district in the county incurred under the provisions of s. 237.161, or in any district general school fund bonds, warrants, or notes of said district as authorized by the state board or Department of Education. Said bonds, warrants, or notes shall be of such date and maturity that they will mature on or before the date of maturity of the district's bonds with whose sinking fund they have been purchased. Such bonds, warrants, or notes shall be purchased at par or less, except when purchase of any such bonds or warrants at a price above par is specifically approved on the basis of an application therefor submitted to the Department of Education.~~ The school board shall have authority at any time to use the interest and sinking fund of any district for purchasing, for the purpose of canceling and retiring, bonds outstanding against the interest and sinking fund of said district at any price which will result in a net saving to the taxpayers of the district; provided, always, that the school board shall have the right to keep the interest and sinking fund on deposit earning the rate of interest agreed upon until such time as within its judgment it may be able to invest it in bonds, warrants, or notes to better advantage as herein provided for.

Section 30. Subsection (3) of section 237.141, Florida Statutes, is amended to read:

237.141 Purposes of and procedures in incurring school indebtedness.—Indebtedness for school purposes may be incurred only as follows:

(3) Indebtedness may be incurred for certain purposes as authorized under s. 237.161, *s. 237.162, or s. 237.171.*

Section 31. Section 237.151, Florida Statutes, is amended to read:

237.151 Current loans authorized under certain conditions.—Except as provided in subsection *(2)*~~(4)~~, for any fiscal year in which school funds are estimated to be insufficient at any time during that fiscal year to pay obligations created by the school board of any district in accordance with the official budget of the district, or a budget approved by the school board which is prepared preliminarily to the tentative budget required by this chapter, the school board is authorized to negotiate a current loan to pay these obligations, providing for the repayment of that loan from the proceeds of revenues reasonably to be anticipated during the fiscal year in which the loan is made as prescribed below. However, the school board shall, whenever possible, so arrange its expenditures as to make the incurring of current loans unnecessary. When it is deemed necessary for the benefit of the schools of the district for a current loan to be negotiated, the school board shall arrange for a loan in an amount not violative of federal arbitrage regulations and for the repayment of the loan, in accord with the other provisions of this section.

(1) CURRENT LOANS AGAINST DISTRICT FUND, *DISTRICT CAPITAL PROJECTS FUNDS,* AND DISTRICT INTEREST AND SINKING FUNDS.—

(a) The school boards of the several districts in the state are authorized and empowered to borrow money, to be retired from the district tax receipts anticipated in the operating budget, *the district capital projects budget,* and the debt service budget, at a rate of interest not to exceed the rate authorized under the provisions of s. 215.84, for the purpose of paying all outstanding obligations and for the further purpose of paying any and all lawful expenses incurred in operating the schools of the district. However, it is unlawful for any school board to borrow any sum of money in any one year in excess of 80 percent of the amount as estimated by it in the official budget for the current fiscal year for the district to be available from the district tax. The sum so borrowed shall be paid in full before the school board is authorized to borrow money in any succeeding year.

(b)~~(2) OUTSTANDING INDEBTEDNESS NOT AFFECTED.—~~ Nothing in *paragraph (a)* ~~subsection (1)~~ shall be construed to invalidate any outstanding debt of any district as now existing and now due, or to become due, or as requiring any school board to pay the same in full before being permitted to borrow 80 percent on the estimate for the next ensuing year.

(c)~~(3) EVENTUALITY OF TAX LITIGATION; FINANCING OF OUTSTANDING BONDS.—~~ In the event that the county tax roll is subjected to litigation and the tax collector is prevented from collecting taxes on that roll, the following provisions *shall* apply:

1.~~(a)~~ The restriction of 80 percent in *paragraph (b)* ~~subsection (2)~~ shall not apply if the collection of taxes is delayed beyond May 1.

2.~~(b)~~ The school boards of the several districts of the state are authorized and empowered to borrow money, to be repaid from the district school fund for operating purposes, *the district capital projects funds,*

and the district interest and sinking *funds* ~~fund~~, at a rate not to exceed the rate authorized under the provisions of s. 215.84, for the purposes of paying any and all lawful operating expense, *capital expense,* and required debt service necessary for the outstanding bond issues of such districts at the times that the funds are needed to prevent the bonds or interest payments from being in default. However, the amount of money so borrowed shall be limited to the amount of the district school fund and district interest and sinking fund tax receipts included in the official school budget for that year or the amount necessary to be borrowed to meet such obligations, whichever amount is the lesser. Any funds borrowed pursuant to the authority of this subsection shall, insofar as possible, be repaid during the fiscal year in which the loan was made. However, any such loan unpaid at the end of the fiscal year shall be repaid from the first available revenue in the next succeeding year.

(2)~~(4)~~ CURRENT LOANS PAYABLE FROM REVENUE PROCEEDS.—

(a) A school board is also authorized to negotiate a current loan before the end of the fiscal year, the note or notes from which loan shall be issued no earlier than 60 days before the beginning of the subsequent fiscal year, to be repaid during the subsequent fiscal year from the proceeds of revenue reasonably anticipated to be received during that year. The proceeds of any loan obtained pursuant to this subsection shall be limited, and the school board shall take any and all action necessary, to assure that the Internal Revenue Code and the regulations promulgated thereunder are not violated.

(b) Loans arranged pursuant to this subsection shall be negotiated in accordance with a budget approved by the school board which is prepared preliminarily to the tentative budget required by this chapter. Such loans shall be at a rate of interest not to exceed the rate of interest authorized under the provisions of s. 215.84 and shall not be in excess of *amounts authorized under the Internal Revenue Code for arbitrage* ~~80 percent of the amount estimated in the preliminary school district budget for the subsequent fiscal year to be available from the district tax~~.

(c) The proceeds of any loan obtained pursuant to this subsection, or any interest earnings thereon, shall not be used to pay any expenses incurred in the fiscal year in which the loan is made; nor shall the proceeds of the loan or interest earnings thereon be in any way encumbered to pay expenses incurred in the fiscal year in which the loan is made, but shall be held in escrow until the subsequent fiscal year. Any outstanding loan issued pursuant to subsection (1) must be defeased not less than 5 business days prior to the issuance of any obligation pursuant to this subsection. All proceeds of any loan obtained pursuant to this subsection, and any interest earnings thereon, shall be placed at closing in an irrevocable escrow account and held until the beginning of the subsequent fiscal year. The school district shall maintain the integrity of such loan proceeds and related interest in its accounting records so as to be able to validate compliance with the provisions of this paragraph.

Section 32. Section 237.161, Florida Statutes, is amended to read:

237.161 Obligations for a period of 1 year.—The school board of any district is authorized only under the following conditions to create obligations by way of anticipation of budgeted revenues accruing on a current basis without pledging the credit of the district or requiring future levy of taxes for certain purposes for a period of 1 year; however, such obligations may be extended from year to year with the consent of the lender for a period not to exceed 4 years, *or for a total of 5 years including the initial year of the loan*:

(1) PURPOSES.—The purposes for which such obligations may be incurred within the intent of this section shall include only the purchase of school buses, land, and equipment for educational purposes; the erection of, alteration to, or addition to educational facilities; and the adjustment of insurance on educational property on a 5-year plan, as provided by rules of the state board.

(2) OBLIGATIONS MAY NOT EXCEED ONE-FOURTH OF DISTRICT AD VALOREM TAX REVENUE FOR OPERATIONS FOR THE PRECEDING YEAR.—No obligation of the nature prescribed herein may be incurred by any school board when such proposed obligations exceed one-fourth of the revenue received during the preceding year for the district school fund for operating expense of the district.

(3) SCHOOL BOARD TO ADOPT PROPOSAL.—When the school board of any district proposes to incur obligations of the nature authorized in this section, the school board shall adopt and spread upon its minutes a resolution giving the nature of the obligations to be incurred, stating the plan of payment, and providing that such funds will be budgeted during the period of the loan from the current revenue to retire the obligations maturing during the year. This plan of payment shall not extend over a period longer than 1 year.

(4) INTEREST-BEARING NOTES AUTHORIZED.—The school board of any district which has authorized the incurring of the obligations as provided in this section shall issue interest-bearing notes for the obligations. The notes shall provide the terms of payment and shall not bear interest in excess of the rate authorized under the provisions of s. 215.84. No additional obligations of a similar nature may be incurred against the funds of any school district when notes authorized under this subsection are still outstanding and unpaid when such proposed obligations together with the unpaid notes outstanding exceed one-fourth of the revenue of the preceding year, as defined in subsection (2).

(5) INVESTMENT OF CASH ASSETS AUTHORIZED.—The school board is authorized to invest any accumulated cash assets, not required for expenditure in the current budget year, as obligations of the board as authorized in this section.

Section 33. Section 237.162, Florida Statutes, is amended to read:

237.162 Obligations to eliminate major emergency conditions.—The school board of any district experiencing a major emergency condition in an existing school plant that demands immediate correction in order to prevent further damage to the building or equipment or to eliminate a safety hazard that constitutes an immediate danger to the students and other occupants is authorized to create an obligation for a period of 1 year by way of anticipation of revenues for capital outlay purposes accruing on a current basis without pledging the credit of the district. Such obligation may be extended from year to year with the consent of the lender for a period not to exceed 4 years, *or for a total of 5 years including the initial year of the loan.* Obligations occurring under this section may be repaid from funds to be received from taxes authorized by s. 236.25(2) and from any other funds available to the school board for the purpose under the following conditions:

(1) SCHOOL BOARD TO ADOPT PROPOSAL.—When the school board of any district proposes to incur obligations of the nature authorized in this section, the school board shall adopt and spread upon its minutes a resolution fully describing the emergency condition outlined above, giving the nature of the obligations to be incurred, stating the plan of payment, and providing that such funds will be budgeted during the period of the loan from the current revenue to retire the obligations maturing during the year. This plan of payment shall not extend over a period longer than 1 year.

(2) INTEREST-BEARING NOTES AUTHORIZED.—The school board of any district which has authorized the incurring of the obligations as provided in this section shall issue interest-bearing notes for the obligations. The notes shall provide the terms of payment and shall not bear interest in excess of the rate authorized in s. 236.68.

Section 34. Paragraph (a) of subsection (3) of section 237.34, Florida Statutes, is amended to read:

237.34 Cost accounting and reporting.—

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(a) For each program and broad program category established in s. 236.081(1)(c), each district shall expend at least *the* ~~80~~ percent of the funds generated by each of the programs listed herein on the aggregate total school costs for such programs~~; except that, in kindergarten and grades 1, 2, and 3, 90 percent of the funds generated must be spent on the aggregate total school costs for such programs~~:

1. Kindergarten and grades 1, 2, and 3, *90 percent.*

2. Grades 4, 5, 6, 7, *and* 8, *80 percent* ~~and 9~~.

3. Grades *9,* 10, 11, and 12, *80 percent.*

~~4. Educational alternatives.~~

4.~~5.~~ Special programs for exceptional students, on an aggregate program basis, *80 percent.*

5.~~6.~~ Special vocational-technical programs, on an aggregate program basis, *80 percent.*

~~6.7.~~ Special adult general education programs, on an aggregate program basis, *80 percent.*

7. Students-at-risk programs, on an aggregate program basis, 80 percent.

8. Beginning in fiscal year 1989-1990, any new program established and funded under s. 236.081(1)(c), that is not included under subparagraphs 1. through 7., on an aggregate basis as appropriate, 80 percent.

Section 35. Subsection (5) of section 240.1161, Florida Statutes, is amended to read:

240.1161 District interinstitutional articulation agreements.—

(5) School districts and community colleges may enter into additional interinstitutional articulation agreements with state universities for the purposes of this section. School districts may also enter into interinstitutional articulation agreements with eligible independent colleges and universities pursuant to *s. 236.081(1)(h)* ~~s. 236.081(1)(h)1~~.

Section 36. Subsection (2) of section 236.092, Florida Statutes, as amended by section 18 of chapter 88-557, Laws of Florida, is hereby repealed.

Section 37. Effective August 1, 1990, subsections (10) and (11) of section 229.602, Florida Statutes, are renumbered as subsections (11) and (12), respectively, and a new subsection (10) is added to said section to read:

229.602 Florida private sector and education partnerships.—

(10)(a) There is hereby created the teacher/quest partnership program. This program establishes a new education partnership with business, industry, or nonprofit or government agencies for the purpose of providing teachers with the opportunity to enhance their knowledge and improve their teaching skills in the areas of science, mathematics, and computer science.

(b) Teachers shall participate in a project in association with a business, industry, or agency partner. Teachers shall explore job-related science, mathematics, and computer skills, and the application of mathematical, scientific, and computing concepts to problems faced in business, industry, or agency settings. This experience will keep them current, provide them with a "real world" perspective and experiential knowledge, and enable them to develop resource contacts from the participating organizations who could be invited to participate in classroom demonstrations or other learning experiences.

(c) The Department of Education is authorized to distribute grants to school districts for teacher/quest partnership projects. Each project shall provide salary stipends to teachers for the summer recess at their regular rate of pay. Each school district and participating business, industry, or agency shall reach a contractual agreement which shall be included in a proposal submitted to the Department of Education. A business, industry, or agency shall agree to hire teachers, and teacher recipients shall make a commitment to continue teaching or repay the cost of the stipend. The proposed projects shall be judged on their originality and the potential transfer of knowledge to learning opportunities for students. All projects shall require the participating business, industry, or agency to match state dollars one for one.

(d) The program shall be funded wholly or in part by the Challenger Astronauts Memorial Scholarship Trust Fund, pursuant to s. 240.408.

Section 38. Effective August 1, 1990, section 240.408, Florida Statutes, is amended to read:

240.408 Challenger Astronauts Memorial Scholarship Program.—

(1) There is created a Challenger Astronauts Memorial Scholarship Program to be administered by the Department of Education. Eligibility for scholarships awarded pursuant to this section shall be limited to students who:

(a) Have been bona fide residents of this state for the 2 years preceding receipt of the award.

(b) Receive a Florida public school diploma pursuant to s. 229.814 or s. 232.246.

(c) Attend on a full-time basis a state university or community college authorized by Florida law.

(d) Declare an intention to complete a major program of study in the liberal arts or to pursue a career in the teaching profession.

(e) Enroll as a first-time-in-college student ~~after August 1, 1987~~.

(f) Apply for and, if offered, accept the award within established time limits.

(2) Each district school board shall nominate one candidate annually for receipt of an award pursuant to this section. Such nominations shall be *made subject to* ~~based on~~ the recommendations of a district nominating panel appointed by the school board, which shall consist of teachers, administrators, and lay persons. Criteria for student nominations shall consist of extracurricular activities, letters of recommendation, and an essay of no more than 1,000 words related to the topic of "The Challenge of Space."

(3) A panel consisting of the Chancellor of the Board of Regents, the executive director of the community college system, and the Commissioner of Education shall select *20* ~~seven~~ award recipients from the district nominees.

(4)~~(3)~~ The annual award to each recipient shall be *$4,000* ~~$1,000~~. *However, students designated as Challenger Astronauts Memorial Scholars prior to August 1, 1990, who continue to meet the eligibility requirements as set forth in s. 240.408, F.S., 1989, shall receive an award of $1,000.* Payment of an award shall be transmitted, on behalf of the student, to the president of the institution which the recipient is attending or to his representative in advance of the registration period. If a recipient does not enroll or terminates his enrollment during the academic year, the unused portion of the award shall be refunded within 60 days to the department, for the purposes of this section, by the president of the institution or his representative.

(5)~~(4)~~ A recipient shall maintain the equivalent of a *2.8* ~~2.0~~ cumulative grade point average on a 4.0 scale, or shall maintain an approved equivalent student progress evaluation plan, on at least 12 hours per semester, in order to be eligible for continuation of the award. No student may receive a Challenger Astronauts Memorial Scholarship for more than the equivalent of 8 semesters. The award may be renewed annually upon documentation by the recipient that he meets the necessary qualifications. If a recipient transfers to another authorized postsecondary institution, his award shall be transferable, provided he is otherwise eligible for the award.

(6)~~(5)~~ There is created the Challenger Astronauts Memorial Scholarship Trust Fund *which shall receive distributions as provided by s. 320.0808.* The Comptroller shall authorize expenditures from this fund *for the purposes provided under this section, and any remaining balances may be expended for graduate fellowships in space science, space commerce, or space policy research pursuant to s. 240.4025, and for education/business partnership programs which involve teacher development strategies pursuant to s. 229.602,* upon receipt of vouchers approved by the Department of Education. Any balance therein at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of *these programs* ~~this program~~.

(7)~~(6)~~ The Department of Education shall administer this program under rules established by the State Board of Education.

Section 39. Except as otherwise expressly provided herein, this act shall take effect upon becoming a law.

Amendment 2—On page 1, line 14, after the semicolon insert: amending s. 231.262, F.S.; allowing the Department of Education in specified circumstances to investigate and take action on a complaint filed against a person whose teaching certificate has expired; requiring a school district to file with the department all legally sufficient complaints and related information within a specified period of time; allowing the Education Practices Commission, in denying an application for a teaching certificate, to prohibit the applicant from reapplying; allowing the Education Practices Commission to bar a person whose teaching certificate has expired from reapplying; amending s. 231.29, F.S.; specifying circumstances in which the superintendent must notify the department of unsatisfactory instructional personnel; 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. 234.051, F.S.; revising school bus specifications; amending s. 234.211, F.S.; revising liability provisions relating to the use of school buses for public purposes; amending s. 236.083, F.S.; providing for transportation of certain students; reenacting s. 230.2316(5)(d), F.S.; resolving differences between provisions authorizing a school district to modify courses listed in the State Course Code Directory for the purpose of providing dropout prevention programs under the Dropout Prevention Act, which provisions were enacted by s. 6, ch. 86-157, and s. 4, ch. 86-225, Laws of Florida; omitting provisions limiting the duration and application of that authority and a provision that required a report by a certain date that has occurred; providing for retroactive application; amending s. 235.011, F.S.; revising definitions; amending s. 235.014, F.S.; providing for technical assistance to boards by developing specifications for commodities and by providing a list of commodities conforming to such specifications; amending s. 235.04, F.S., relating to disposal of real property; amending s. 235.056, F.S.; requiring the approval of certain multiple-year leases of educational facilities and sites; amending s. 235.26, F.S.; allowing the Office of Educational Facilities to certify building code inspectors; revising provisions relating to the submission of building plans for office approval; increasing the length of time for approval of reuse plans; amending s. 235.31, F.S.; revising provisions relating to the awarding of contracts to the lowest bidder and day-labor projects; amending s. 235.435, F.S.; providing requirements for the allocation of funds for new construction projects; revising provisions relating to projects on the 3-year priority lists; amending s. 231.17, F.S.; revising provisions relating to the beginning teacher program and demonstration of successful instructional performance as requirements for teacher certification; revising beginning teacher program activities relating to application of competencies; amending s. 231.172, F.S.; revising the alternate certification program for secondary school teachers to provide for an alternate preparation program; providing requirements and for the establishment of regional centers for preparation programs; providing proposal requirements; providing funding; providing Department of Education duties; amending s. 236.081, F.S.; revising provisions relating to the earning of college credit for participation in inservice activities; providing for rules; amending s. 228.041, F.S.; authorizing district school boards to designate final examination days for secondary school students; amending s. 230.2319, F.S.; revising procedures for approval of certain program plans by the Department of Education; revising the manner in which funding for such programs is allocated; deleting requirement that certain amounts revert to the General Revenue Fund; amending s. 236.013, F.S.; defining the term "full-time student" based upon the number of hours of instruction per year rather than the number of such hours per week; prescribing the maximum value for funding for certain students; amending s. 236.02, F.S.; providing conforming language; authorizing the State Board of Education to alter the requirements for a minimum school term during a state emergency; amending s. 236.081, F.S.; deleting the cost category of partnership in the Florida Education Finance Program; deleting conflicting language in the procedure for calculating the program enrollment cap; reordering the steps in the program calculation procedure; amending s. 236.13, F.S.; providing for the credit of interest or profits on funds invested by a school board; providing requirements for the advancement of moneys from one fund to another by a school board; amending s. 236.25, F.S.; clarifying the purposes for which proceeds from the discretionary capital outlay millage may be used; amending s. 236.49, F.S.; revising requirements relating to the investment of bond proceeds; amending s. 236.55, F.S.; revising requirements relating to the investment of interest and sinking funds collected for the retirement of bonds; amending s. 237.141, F.S.; providing additional purposes for which indebtedness may be incurred by a school board; amending s. 237.151, F.S.; revising requirements relating to the retirement of loan obligations by a school board; amending ss. 237.161, 237.162, F.S.; providing for the extension of certain loan obligations; authorizing school boards to invest accumulated cash assets; amending s. 237.34, F.S.; revising certain program expenditure requirements; amending s. 240.1161, F.S.; providing for school districts to enter into interinstitutional articulation agreements; repealing s. 236.092(2), F.S., relating to funding for the purchase and maintenance of computers and scientific equipment; amending s. 229.602, F.S.; creating the teacher/quest partnership program under the Florida Private Sector and Education Partnership Act; authorizing the Department of Education to distribute grants to school districts for teacher/quest partnership projects; providing salary stipends to teachers to participate in projects during the summer as employees of a business, industry, or agency partner; requiring matching of state dollars; providing for funding; amending s. 240.408, F.S.; increasing the number of scholarship recipients and the amount of awards under the Challenger Astronauts Memorial Scholarship Program; revising criteria for continuation of awards; providing for the expenditure of funds for specified programs;

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

Amendment 1—On page 22, lines 16, 17 and 24, strike "*New*"

Amendment 2—On page 22, lines 19 and 25 and on page 23, lines 3, 6 and 14, strike "*new*"

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

Section 5. Paragraph (l) is added to subsection (2) of section 415.51, Florida Statutes, 1988 Supplement, to read:

415.51 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection (6), shall be granted only to the following persons, officials, and agencies for the following purposes:

(l) The Office of Professional Practices Services of the Department of Education for the purpose of assisting the Department of Education in determining whether an individual should obtain or hold a Florida teaching certificate.

(Renumber subsequent sections.)

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

Amendment 4—On page 103, line 28, after the period (.) insert: *Applicants receiving financial aid awards pursuant to this section shall not be eligible to receive a state student financial aid award pursuant to s. 240.402.*

Senator Gardner moved the following amendments to House Amendment 2 which were adopted:

Amendment 1—In title, on page 1, line 24, after the semicolon (;) insert: amending s. 415.51, F.S.; granting access to certain child abuse or neglect reports to the Department of Education;

Amendment 2—In title, on page 2, line 28, strike "new"

On motions by Senator Gardner, the Senate concurred in House Amendments 1 and 2 as amended and the House was requested to concur in the Senate amendments to the House amendments.

SB 344 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Woodson-Howard

Senator Langley presiding

SPECIAL ORDER, continued

SB 475—A bill to be entitled An act relating to the Florida Consumer Finance Act; amending s. 516.01, F.S.; redefining the term "consumer finance loan" to increase the amount of money which the term encompasses; amending s. 516.02, F.S.; increasing the amount of money for which a limitation on interest applies with respect to certain loans and lines of credit; amending s. 516.031, F.S.; revising language with respect to the maximum rates allowable for certain finance rates; eliminating an interest rate limitation on certain amounts; amending s. 516.21, F.S.; revising language with respect to restrictions on borrower's indebtedness

to provide increased monetary limits; amending and reenacting s. 516.19, F.S.; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Gardner, by two-thirds vote SB 475 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—2

Childers, D.	Langley

Vote after roll call:

Yea—Weinstock, Woodson-Howard

On motion by Senator Ros-Lehtinen, 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 992 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 992—A bill to be entitled An act relating to weapons and firearms; creating s. 790.1625, F.S.; establishing offenses relating to the discharge of a firearm or the throwing of a destructive device or an explosive from a vehicle; providing penalties; providing an effective date.

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

Section 1. Section 790.15, Florida Statutes, is amended to read:

790.15 Discharging firearm in public.—

(1) Except as provided in subsection (2) or subsection (3), any person who knowingly discharges a firearm in any public place or on the right-of-way of any paved public road, highway, or street or whosoever knowingly discharges any firearm over the right-of-way of any paved public road, highway, or street or over any occupied premises is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This section does not apply to a person lawfully defending life or property or performing official duties requiring the discharge of a firearm or to a person discharging a firearm on public roads or properties expressly approved for hunting by the Game and Fresh Water Fish Commission or Division of Forestry.

(2) Any occupant of any vehicle who knowingly and willfully discharges any firearm from the vehicle within 1,000 feet of any person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any driver or owner of any vehicle, whether or not the owner of the vehicle is occupying the vehicle, who knowingly directs any other person to discharge any firearm from the vehicle commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 1989.

Amendment 2—On page 1, lines 1-7, strike the entire title and insert: A bill to be entitled An act relating to weapons and firearms; amending s. 790.15, F.S.; establishing offenses relating to the discharge of a firearm from a vehicle; providing penalties; providing an effective date.

Amendment 3—On page 1, between lines 12 and 13, insert:

Section 1. Section 775.0875, Florida Statutes, is created to read:

775.0875 Unlawful taking, possession, or use of law enforcement officer's firearm; crime reclassification; penalties.—

(1) A person who, without authorization, takes a firearm from a law enforcement officer lawfully engaged in law enforcement duties commits a felony of the third degree, punishable as provided in s.775.082, s.775.083, or s. 775.084, and shall serve a sentence of imprisonment for a mandatory minimum period of 3 calendar years before eligibility for release.

(2) A person who violates subsection (1) and commits any other crime involving the firearm taken from the law enforcement officer commits a crime which shall be reclassified as follows:

(a) In the case of a life felony, to a capital felony.

(b) In the case of a felony of the first degree, to a life felony.

(c) In the case of a felony of the second degree, to a felony of the first degree.

(d) In the case of a felony of the third degree, to a felony of the second degree.

(e) In the case of a misdemeanor, to a felony of the third degree.

(3) A person who possesses a firearm which he knows was unlawfully taken from a law enforcement officer commits a misdemeanor of the first degree, punishable as provided in s.775.082 or s. 775.083.

(Renumber subsequent sections.)

Amendment 4—On page 1, line 15, after the semicolon (;) insert: creating s.775.0875, F.S.; providing enhanced penalties for crimes involving unauthorized taking, use, or possession of law enforcement officers' firearms; providing reclassification of crimes involving a firearm unlawfully taken from a law enforcement officer;

On motions by Senator Ros-Lehtinen, the Senate concurred in the House amendments.

SB 992 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Bankhead	Dudley	Kirkpatrick	Souto
Beard	Forman	Kiser	Stuart
Brown	Gardner	Langley	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	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Deratany, Malchon, Plummer, Woodson-Howard

SPECIAL ORDER, continued

Consideration of **CS for CS for SB 587 and CS for SB 732** was deferred.

CS for SB 688—A bill to be entitled An act relating to aquaculture; amending ss. 253.01, 270.22, F.S.; providing for deposit of revenues from certain aquaculture leases into the Marine Biological Research Trust Fund of the Department of Natural Resources, rather than the Internal Improvement Trust Fund; providing for the use of funds from shellfish-related aquaculture leases; amending s. 253.71, F.S.; providing for a surcharge on aquaculture leases and eliminating a bond requirement; providing for cultivation guidelines; amending s. 370.16, F.S.; providing for increased rates for shellfish leases; providing for a surcharge for certain purposes; providing for deposit of shellfish lease rental fees; deleting pro-

visions relating to taxes and licenses collected by the Division of Marine Resources of the department; 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 Kirkpatrick and adopted:

Amendment 1—On page 5, strike line 22 and insert: *The surcharge shall be levied until the balance of these segregated funds equals or exceeds $30,000. For the fiscal year immediately following the year in which the balance of these segregated*

Senator McPherson moved the following amendments which were adopted:

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

Section 5. Aquaculture activities for development of live marine rock material.—

(1) The Legislature recognizes that economic markets have developed for the sale and marketing of live marine rock and related materials. Alternatives are needed for the production of these live marine rock materials rather than harvesting these materials from existing reefs and other state-owned submerged lands.

(2) No person, firm, or corporation shall transport on the water, or cause to be set or place any container designed for developing live marine rock, unless such person, firm, or corporation is the holder of either a valid wholesale dealer license issued pursuant to s. 370.07 and a valid special activity license issued pursuant to s. 370.06(4) or a valid saltwater products license issued pursuant to s. 370.06(2) and a valid special activity license. Additionally, the container shall have a current state live rock license number issued by the Department of Natural Resources permanently attached to the buoy. A resident, nonresident, and an alien shall pay an annual fee of $50, $100, and $150, respectively, for a Special Activity License for live marine rock containers. Proceeds from sales of Special Activity Licenses for live marine rock containers shall be deposited in the Marine Biological Research Trust Fund. The Special Activity License number shall be affixed in legible figures at least 1 inch high on each buoy used. The saltwater products license or wholesale dealer license and the Special Activity License must be on board the boat, and both the licenses, and the live marine rocks shall be subject to inspection at all times. Only one Special Activity License number may be issued for each boat by the department upon receipt of an application on forms prescribed by it. No person, firm, or corporation shall have more than 100 containers operating under one Special Activity License number for live marine rocks.

(3) A buoy shall be attached to each container or at each end of a weighted trot line and shall be of sufficient strength and buoyancy to float and of such color, hue, and brilliancy to be easily distinguished, seen, and located. Such color and Special Activity License number shall also be permanently and conspicuously displayed on the boat used for setting and collecting said containers and buoys, in the manner prescribed by the Division of Law Enforcement, as to be readily identifiable from the air and water.

(4) The containers used for the production of live marine rock shall not exceed two feet in any dimension and shall be constructed of degradable material. Such containers shall be designed to preclude their use as devices for taking or possessing regulated species. The placement and retrieval of containers shall be from a boat or land, but shall not be by diving, snorkeling or such activities. The rock material placed in these containers for the development of live marine rock shall not originate from submerged state owned lands. No regulated species shall be harvested from such containers.

(5) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully to possess or molest any containers, lines, or buoys, as defined herein, belonging to another without permission of the licenseholder. Any violations of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 6. The provisions of section 5 of this act shall stand repealed on July 1, 1994. However, if the Governor and Cabinet have not adopted replacement rules submitted by the Marine Fisheries Commission by July 1, 1994, the section shall remain in force until such rules are effective.

Amendment 3—In title, on page 1, line 19, after "department;" insert: providing requirements for developing live marine rock; providing for the repeal of requirements relating to live marine rock and providing for the adoption of rules by the Governor and Cabinet;

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 688 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

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

Nays—None

CS for SB 689—A bill to be entitled An act relating to hazardous waste facilities; amending s. 403.7215, F.S.; authorizing a local government to use revenue derived from a tax on privately owned commercial hazardous waste facilities to pay costs incurred by the local government as a result of the operation of the facilities under certain circumstances; amending s. 403.7226, F.S.; requiring the Department of Environmental Regulation to file an annual assessment of state needs for hazardous waste facilities and services with the Governor and the Legislature; abolishing a requirement that the department file such assessment with the Cabinet; amending s. 37 of ch. 83-310, Laws of Florida; deleting certain requirements relating to the siting of a hazardous waste facility; designating a hazardous waste facility in Union County; providing an effective date.

—was read the second time by title.

Senator Crenshaw moved the following amendments which were adopted:

Amendment 1—On page 3, line 15 through page 5, line 31, strike all of said lines and insert: waste management facility which stores, ~~or~~ treats, *or disposes of* hazardous waste. Therefore, the following procedure shall be used to provide a coordinated effort to site this facility in order to protect the public health, safety, and welfare.

~~(2) Within 12 months after the effective date of this act, the Department of Environmental Regulation shall develop and adopt, pursuant to the provisions of chapter 120, Florida Statutes, criteria for the siting of a multipurpose hazardous waste facility in the state. Such criteria shall be designed to prevent any significant adverse transportation, land use, and economic impacts resulting from the location or operation of this hazardous waste facility and shall be based on the identified needs in the state. The department shall also develop a list of potential state hazardous waste facility sites. The department shall seek information from interested persons, including the waste management industry, in order to properly develop and adopt the criteria.~~

~~(3) Upon development of siting criteria and a site list by the department as described in subsection (2), such criteria shall be sent to known qualified hazardous waste facility owners or operators in the nation with an inquiry relative to their interest in operating a multipurpose facility in the state. Those interested parties shall be requested to participate by selecting sites on which they would propose to locate and operate a facility in the state, and submitting those sites to the department for consideration.~~

~~(4) As expeditiously as possible, the Environmental Regulation Commission shall adopt, pursuant to the provisions of chapter 120, Florida Statutes, a site designation for a multipurpose hazardous waste facility in accordance with the siting criteria developed pursuant to subsections (2) and (3). Preference shall be given by the commission to publicly owned~~

~~land which meets the criteria established pursuant to subsections (2) and (3).~~

(2)~~(5)~~ It is the intent of the Legislature that contracts for the necessary construction and operation of the hazardous waste facility shall be entered into expeditiously.

(3)~~(6)~~ *Except as otherwise provided in subsection (7),* the *department* ~~commission~~ shall select a contractor to build and operate the facility. Within 6 months of this selection, such contractor shall file an application with the department pursuant to s. 403.722, Florida Statutes. If the contractor is denied a permit by the department, the *department* ~~commission, by a majority vote of the quorum present~~ shall select another contractor *as quickly as possible* ~~within 30 days of the denial~~. This process shall continue until a contractor is granted a permit by the department for the construction and operation of a multipurpose hazardous waste facility.

(4)~~(7)~~ If a contractor is granted a permit for the construction and operation of a multipurpose hazardous waste facility, such contractor may begin construction immediately.

(5)~~(8)~~ In order to pay the cost for the construction of a multipurpose hazardous waste facility, state bonds may be issued pursuant to s. 403.1834, Florida Statutes.

(6) The Legislature hereby recognizes the designation by the Environmental Regulation Commission of the state-owned lands located in Union County at Township 4S, Range 21E, Eastern half of Section 32, at or adjacent to property leased by the Department of Corrections for the Union Correctional Institute, as a designated site for a multipurpose hazardous waste facility. The Board of Trustees of the Internal Improvement Trust Fund shall enter into a lease with the contractor, who has been selected and issued a permit by the department or a certification by the Governor and Cabinet, for such property in the designated area under such terms as appropriate to facilitate the construction and operation of the facility; providing, however, that the designation and lease of this site shall be subject to review pursuant to sections 403.78-403.7893, Florida Statutes; and further provided that any proceeding challenging the siting decision of the Environmental Regulation Commission is hereby abated, but petitioners in any such proceeding may challenge that decision of the Environmental Regulation Commission in any proceeding commenced under sections 403.78-403 7893, Florida Statutes, pertaining to the certification of a hazardous waste facility on the designated Union County site.

(7) The site designation and contractor selection procedures established in this section shall not preclude the siting and permitting, pursuant to section 403.722, Florida Statutes, of a publicly or privately owned multipurpose hazardous waste facility elsewhere in the state in lieu of or in addition to the multipurpose hazardous waste facility to be constructed and operated on the site established in this section.

Section 4. Sections 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892, and 403.7893, Florida Statutes, are created to read:

403.78 Short title.—Sections 403.78-403.7893 may be cited as the "Statewide Multipurpose Hazardous Waste Facility Siting Act."

403.781 Legislative intent.—The legislative intent of ss. 403.78-403.7893 is to establish a centralized and coordinated permitting process for the location, construction, operation, and maintenance of statewide multipurpose hazardous waste facilities, which necessarily involve several broad interests of the public addressed through the subject matter jurisdiction of several agencies. The Legislature recognizes that statewide multipurpose hazardous waste facilities will have an effect upon the welfare of the population. Recognizing the need to ensure adequate availability, in an orderly, timely, and continuing fashion, of hazardous waste treatment, storage and disposal capacity for hazardous wastes generated in this state, the centralized and coordinated permitting process established by ss. 403.78-403.7893 is intended to further the legislative goal of ensuring through available and reasonable methods that the location, construction, operation, and maintenance of statewide multipurpose hazardous waste facilities produce minimal adverse effects on the environment and public health, safety, and welfare. It is the intent of ss. 403.78-403.7893 to fully balance the need for statewide multipurpose hazardous waste facilities with the broad interests of the public in order to effect a reasonable balance between the need for the facility as a means of providing adequate hazardous waste treatment, storage, and disposal capacity and the impact on the public and the environment resulting from the location, construction, operation, and maintenance of statewide multipurpose hazardous waste facilities. The Legislature intends that the provisions of chapter 120 apply to ss. 403.78-403.7893 and to proceedings pursuant to it except as otherwise expressly exempted.

403.782 Definitions.—As used in ss. 403.78-403.7893:

(1) "Agency," as the context requires, means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of government within the state, including a county, municipality, or other regional or local governmental entity.

(2) "Amendment" means a material change in information provided in the application for certification made after the initial application filing.

(3) "Applicant" means the contractor selected by the Environmental Regulation Commission pursuant to section 37 of chapter 83-310, Laws of Florida.

(4) "Application" means the documents required by ss. 403.78-403.7893 to be filed to initiate a certification proceeding.

(5) "Board" means the Governor and Cabinet sitting as the siting board.

(6) "Certification" means the written order of the board approving an application in whole or with such modifications or conditions as the board may deem appropriate.

(7) "Local government" means a municipality, county, or special district in the jurisdiction of which the project is proposed to be located.

(8) "Statewide multipurpose hazardous waste facility" means a hazardous waste management facility, sited on lands owned by this state, which stores, treats, or disposes of hazardous waste.

(9) "Project" means any proposed statewide multipurpose hazardous waste facility.

403.783 Department of Environmental Regulation; powers and duties.—The department shall have the following powers and duties:

(1) To make findings or make or contract for studies of certification applications on matters within the department's jurisdiction.

(2) To administer the processing of applications for certification and ensure that the applications are processed as expeditiously as possible.

(3) To require the payment of fees as specified in ss. 403.78-403.7893.

(4) To provide public notice of the filing of the application and of the proceedings conducted pursuant to ss. 403.78-403.7893.

(5) To prescribe the means for monitoring the effects arising from the location, construction, operation, and maintenance of the project to assure continued compliance with the terms of the certification.

(6) To develop and adopt criteria and standards for the evaluation of applications and certification thereof.

(7) To prescribe procedures necessary to carry out the provisions of this act.

(8) To present rebuttal evidence on any issue properly raised at the certification hearing.

403.784 Applicability and certification.—The provisions of chapter 120 shall apply to this act, except as alternative proceedings are expressly provided herein. The provisions of ss. 403.78-403.7893 apply to the siting of multipurpose hazardous waste facilities. Disputes relating to the designation of the site and the selection of the contractor by the department shall be resolved by the hearing officer and the board as part of the certification proceedings.

403.7841 Application for certification.—

(1) To initiate the certification process, the applicant shall file five copies of an application for the proposed project in accordance with this section. The application shall include completed application forms and other supporting documentation which would be required by the depart-

ment or any other relevant agency or local government to obtain any permit, approval, license, lease, consent of use, or other grant of authority which would have been applicable to the proposed project in the absence of ss. 403.78-403.7893. Each applicable form shall be completed in a manner consistent with requirements applicable to the relevant permit or authorization. The composite application required herein shall include at a minimum the following:

(a) A description of the project including a map showing its location.

(b) The means to be employed to attain compliance of the project with department standards relating to water quality, air quality, fish and wildlife, and cultural resources.

(c) The means to be employed to attain compliance of the project with any other applicable agency standards.

(d) A marketing analysis of the economic viability and economic benefits of the proposed project.

(e) An analysis of transportation corridor impacts related to the proposed facility.

(f) An analysis of the availability of adequate means for transporting hazardous wastes to a multipurpose facility established for the purposes of this section, particularly from small-quantity generators and very-small-quantity generators.

(2) In order to avoid duplication of information provided in the composite application, the applicant may include cross-references from one form or one supporting document to another, provided that all required information is included in the application as submitted.

(3) Within 7 days after filing the application with the department, the applicant shall provide two copies of the application as filed to each of the following: the Department of Community Affairs, the water management district which has jurisdiction over the area wherein the proposed project is to be located, the Department of Transportation, the Department of Natural Resources, the Game and Fresh Water Fish Commission, the Department of Health and Rehabilitative Services, the Department of Agriculture and Consumer Services, and the local governmental entities which have jurisdiction.

403.7842 Fees.—

(1) The applicant shall submit to the department with a certification application a filing fee of $75,000. The department may reject any application for failure to timely file the application fee.

(2) Any amendment to the application initiated by and filed by the applicant involving a substantial change in the size, location, or method of operation of the facility or requiring additional studies by government agencies shall be accompanied by an application amendment fee of $5,000.

(3) Reasonable expenses and costs of the processing of the application by the department, and other governmental agencies required to prepare reports on the application, shall be paid, in an amount as determined by the department, from the application or application amendment fees.

(4) As a condition of certification, the board may impose an annual inspection and monitoring fee in an amount not to exceed actual annual costs of the department for those activities related to the project.

403.785 Appointment of hearing officer.—Within 7 days after receipt of an application, whether complete or not, the department shall request the Division of Administrative Hearings to designate a hearing officer to conduct the hearings required by ss. 403.78-403.7893. The division director shall designate a hearing officer within 7 days after receipt of the request from the department. The designated hearing officer shall give priority to this proceeding, and his workload shall be adjusted by the division to facilitate the prompt conclusion of this matter. Upon being advised that a hearing officer has been appointed, the department shall immediately file a copy of the application and all supporting documents with the hearing officer, who shall docket the application. All other time limits provided in ss. 403.78-403.7893 shall run from the date of the filing of the application with the Division of Administrative Hearings.

403.786 Report and studies.—

(1) The Department of Community Affairs, the water management district which has jurisdiction over the area wherein the proposed project is to be located, the Department of Transportation, the Department of Natural Resources, the Game and Fresh Water Fish Commission, the Department of Health and Rehabilitative Services, the Department of Agriculture and Consumer Services, and each local government which has jurisdiction shall each submit a report of matters within their jurisdiction to the department within 90 days after their receipt of the application. Any other agency may submit comments relating to matters within its jurisdiction to the department within 90 days after the filing of the application with the Division of Administrative Hearings.

(2) Each report required by this section shall include specific findings regarding variances, compliance or noncompliance on all nonprocedural requirements and any proposed condition of certification within the jurisdiction of the reporting agency. For each finding of noncompliance and each proposed condition, the agency shall list the specific statute, rule, or ordinance authorizing it.

(3) Any nonprocedural requirement not specifically addressed in a report required by this section is waived.

(4) It shall be the duty of the department to make findings on the proposed project, including, but not limited to, the following:

(a) The potential for compliance of the project, with department standards relating to water quality, air quality, fish and wildlife, and cultural resources.

(b) Compliance of the project with any other applicable agency standards, including the criteria established pursuant to section 37 of chapter 83-310, Laws of Florida.

(c) Whether a workable plan can be developed for transporting hazardous wastes to a multipurpose facility established for the purposes of this section, particularly from small-quantity generators and very-small-quantity generators.

(d) Whether the applicant has adequately addressed the items set forth in s. 403.7841(1).

(5) The department shall prepare a report as to the findings required by subsection (4) and the department's recommendation as to the disposition of the application and any proposed conditions of certification which the department believes should be imposed and shall submit the report to the hearing officer within 135 days after the filing of the application with the Division of Administrative Hearings. This report shall address relevant issues raised by and comments received from any agency listed in subsection (1) contained in the required report.

(6) Each agency shall file 10 copies of its report with the department and at the same time shall submit a copy to the applicant, each affected agency, and person who has filed a notice of intent to become a party.

403.787 Notice, proceedings, parties, participants.—

(1)(a) No later than 15 days after the receipt of an application, the department shall arrange for publication of a notice of the application and of the proceedings required by ss. 403.78-403.7893.

(b) The department shall arrange for publication of a notice of the certification hearing and other public hearings provided for in this section and notice of the deadline for filing of notice of intent to be a party. Such notices shall be published at least 60 days before the date set for the hearing, or such other time as necessary to comply with applicable federal requirements.

(c) The department shall arrange for publication of a reminder notice in the newspapers no more than 2 weeks prior to the certification hearing, reminding the public of the date and location of the hearing. This notice shall not constitute a point of entry for intervention in the proceeding.

(d) Notices shall be published:

1. By newspaper notice as provided in chapter 50, within the county in which the project is proposed to be sited;

2. In the Florida Administrative Weekly; and

3. By giving notice to any persons who have requested to be placed on the departmental mailing list for this purpose.

(e) All published notices shall be paid for by the applicant and shall be in addition to the application fee. The department shall arrange for publication of notices required by this section.

(2) No later than 180 days after receipt of an application by the department, the hearing officer shall conduct a certification hearing pursuant to s. 120.57(1), except as otherwise provided herein, at a central location in proximity to the proposed project. The certification hearing shall be completed within 60 days of commencement of the hearing, unless a longer time is necessary to afford the parties due process of law.

(3) At the conclusion of the certification hearing, the hearing officer shall, after consideration of all evidence of record, and with due regard to the criteria and standards adopted by the department pursuant to s. 403.783, issue a recommended order disposing of the application no later than 50 days after the transcript of the certification hearing and the public hearings is filed with the Division of Administrative Hearings.

(4)(a) Parties to the proceeding shall be:

1. The applicant.

2. The department.

3. The Department of Community Affairs.

4. The Department of Natural Resources.

5. The Game and Fresh Water Fish Commission.

6. Each water management district in the jurisdiction of which the proposed project is to be located.

7. Any affected local government.

(b) If any person, including the parties listed in this section, fails to file a notice of its intent to be a party on or before the 30th day prior to the certification hearing, such person shall be deemed to have waived its right to be a party unless its participation is necessary to satisfy statutory requirements or to afford due process of law.

(c) Notwithstanding the provisions of chapter 120 to the contrary, upon the filing with the hearing officer of a notice of intent to be a party, the following shall be parties to the proceeding:

1. Any state agency not listed in paragraph (a) as to matters within its jurisdiction.

2. Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation of natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote orderly development of the area in which the proposed project is to be located.

3. Any person whose substantial interests are affected and being determined by the proceeding.

(d) Any agency whose properties or works may be affected shall be made a party upon the request of the agency or any party to this proceeding.

(5) At an appropriate time during the hearing, any person who is not a party may be given an opportunity to present oral or written communications to the hearing officer. All parties shall be given an opportunity to cross-examine, challenge, or rebut such communications.

(6) The hearing officer shall have all powers and duties granted to hearing officers by chapter 120 and by the laws and rules of the department.

403.7871 Public meetings.—

(1) At the request of any affected local government, the department shall conduct one public meeting regarding the certification application to assure that there is substantial input from the affected community in order to:

(a) Receive public input on matters within the jurisdiction of the local government; and

(b) Formulate recommendations with respect to the project.

(2) If more than one local government requests that a public meeting be conducted as specified in this section, scheduling shall be coordinated such that only one public meeting will be held.

(3) The public meeting held pursuant to this section shall be held in a locality affected by the proposed project.

403.7872 Amendment to the application.—

(1) Any amendment made to the application shall be sent by the applicant to the hearing officer and to all parties to the proceeding.

(2) Any amendment to the application made prior to certification shall be disposed of as part of the original certification proceeding. Amendment of the application may be considered "good cause" for alteration of time limits pursuant to s. 403.7873.

403.7873 Alteration of time limits.—Any time limitation in ss. 403.78-403.7893 may be altered by the hearing officer upon stipulation between the department and the applicant unless objected to by any party within 5 days after notice or for good cause shown by any party.

403.788 Final disposition of application.—

(1) For the purposes of issuing a final order, the board shall serve as the agency head. Within 45 days after receipt of the hearing officer's recommended order, the board shall issue a final order as provided by s. 120.57(1)(b)10., approving the application in whole, approving the application with such modifications or conditions as the board deems appropriate, or denying the issuance of a certification and stating the reasons for issuance or denial.

(2) In regard to the properties and works of any agency which is a party to the certification hearing, the board shall have the authority to decide issues relating to the use thereof, the connection thereto, or the crossing thereof for the project and to direct such state agency to execute, within 30 days of the entry of certification, the necessary license or easement for such use, connection, or crossing, subject only to the conditions set forth in such certification.

(3) If certification is denied, the board shall set forth in writing the action the applicant would have to take to secure the approval of the application by the board.

(4) In determining whether an application shall be approved in whole, approved with modifications or conditions, or denied, the board shall consider whether, and the extent to which, the proposed project will:

(a) Ensure adequate capacity for treatment, storage, and disposal of hazardous wastes generated in the state;

(b) Meet the hazardous waste treatment, storage, and disposal needs of the state in an orderly and timely fashion;

(c) Comply with the nonprocedural standards of s. 403.722 pertaining to permitting of hazardous waste facilities;

(d) Comply with applicable nonprocedural requirements of affected agencies.

(5) Any project certified by the board shall meet the criteria of this section.

(6) The issuance or denial of the certification by the board shall be final agency action. Proceedings under this act shall be subject only to judicial review as provided in s. 120.68.

403.7881 Terms and conditions of certification.—The board is authorized to incorporate such terms and conditions in the certification as it deems appropriate to comply with applicable standards of the department and other applicable requirements of this chapter, including,

but not limited to, a timetable for securing necessary funding and commencing and completing construction.

403.789 Effect of certification.—

(1) Subject to the conditions set forth therein, certification shall constitute the sole license of the state and any agency as to the approval of the location, construction, operation, and maintenance of the project, except that permits for operation or closure of the hazardous waste treatment, storage or disposal facility must be renewed pursuant to s. 403.722 every 5 years.

(2) The certification shall authorize the applicant to locate, construct, operate, and maintain the project subject only to the conditions of certification set forth in such certification. The certification may include conditions which constitute variances and exemptions, otherwise allowed by law, from nonprocedural standards or regulations of the department or any other agency, which were expressly considered during the proceeding unless waived by the agency as provided in ss. 403.78-403.7893 and which otherwise would be applicable to the location, construction, operation, or maintenance of the project.

(3) The certification shall be in lieu of any license, permit, certificate, or similar document required by any agency pursuant to, but not limited to, chapter 125, chapter 161, chapter 163, chapter 166, chapter 253, chapter 258, chapter 298, chapter 370, chapter 373, chapter 380, chapter 381, chapter 387, chapter 403 (except as provided in s. 403.789(1)), chapter 404, the Florida Transportation Code, or 33 U.S.C. s. 1341. Upon certification, any license, lease, easement, or other interest in state lands, the title of which is vested in the Board of Trustees of the Internal Improvement Trust Fund, shall be issued as a ministerial act.

(4) Nonprocedural requirements of the department adopted subsequent to the issuance of certification by the board and applicable to the project may be incorporated into subsequent renewals of the hazardous waste facility permit pursuant to s. 403.722 and other applicable requirements of this chapter.

403.7891 Revocation, suspension, or modification of certification.—

(1) Any certification may be revoked or suspended, or additional conditions may be imposed:

(a) For any material false statement in the application or in the supplemental or additional statements of fact or studies required of the applicant.

(b) For failure to comply with the terms or conditions of the certification.

(c) For violation of the provisions of ss. 403.78-403.7893 or rules or orders issued thereunder.

(2) Any certification may be modified by the board upon request of the department or the applicant whenever the applicant proposes, after certification, to significantly expand the size of the facility or to significantly alter the type of hazardous waste management activity conducted at the facility. The department may modify a certification without board action if the department and the applicant stipulate to the modification.

403.7892 Enforcement of compliance.—Failure to obtain a certification, or to comply with the conditions thereof, or to comply with this part constitutes a violation of, and shall be enforceable pursuant to, chapter 403.

403.7893 Superseded laws, regulations, and certification power.—

(1) If any provision of ss. 403.78-403.7893 is in conflict with any other provision, limitation, or restriction which is now in effect under any law of this state or any ordinance of a local government, political subdivision, or municipality, or any rule or regulation adopted thereunder, ss. 403.78-403.7893 shall control.

(2) The state hereby preempts the certification of statewide multipurpose hazardous waste treatment, storage, and disposal facilities sited pursuant to ss. 403.78-403.7893.

(3) The board and the department shall have the power to adopt reasonable procedural rules to carry out their duties under ss. 403.78-403.7893 and to give effect to the legislative intent that ss. 403.78-403.7893 provide an efficient, expedited, centrally coordinated, one-stop permitting process.

(4) Nothing in ss. 403.78-403.7893 prohibits a local government from assessing reasonable impact fees, special assessments, service charges, or user fees with respect to the proposed project, provided that those fees are specifically set forth in the certification.

(5) Sections 403.78-403.7893 do not preempt the department's authority under s. 403.726.

Section 5. Subsection (1) of section 403.7222, Florida Statutes, is amended to read:

403.7222 Prohibition of hazardous waste landfills.—

(1) As used in this section, the term "hazardous waste landfill" means a disposal facility or part of a facility at which hazardous waste *that has not undergone treatment* is placed in or on land, including an injection well, and which is not a land treatment facility. *However, in no event may hazardous waste be disposed of through an injection well.*

Section 6. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Amendment 2—In title, on page 1, line 16 through page 1, line 19, strike all of said lines and insert: ch. 83-310, Laws of Florida; redefining "multipurpose hazardous waste facility"; deleting certain requirements relating to the siting of a hazardous waste facility; designating a hazardous waste facility in Union County; creating ss. 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892, 403.7893, F.S., the "Statewide Multipurpose Hazardous Waste Facility Siting Act"; providing legislative intent; providing definitions; prescribing powers and duties of the Department of Environmental Regulation; requiring certification for multipurpose hazardous waste facilities; prescribing certification procedures and fees; providing for notice and hearings; providing for reports; providing for public meetings on applications; prescribing terms and conditions and effects of certification; providing for revocation, suspension, and modification of certification; providing for enforcement; providing for preemption of subject matter; amending s. 403.7222, F.S.; redefining the term "hazardous waste landfill" for purposes of the prohibition thereof; prohibiting disposal of hazardous waste in injection wells;

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 689 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

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

Nays—2

Childers, W. D. Walker

Vote after roll call:

Yea to Nay—Plummer

The President presiding

On motion by Senator Kirkpatrick, by unanimous consent—

SB 687—A bill to be entitled An act relating to state military personnel; amending s. 250.22, F.S.; reducing the age that a person must attain in order to be retired from the Organized Militia of Florida and receive retirement pay; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Bankhead moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 15 and 16, insert:

Section 2. Section 250.42, Florida Statutes, is amended to read:

250.42 ~~State~~ Armory Board; *authority* ~~authorized~~ to convey, *lease, or release* ~~etc.,~~ certain lands *or acquire, renovate, or construct certain facilities.*—

(1) The ~~State~~ Armory Board *may* ~~is hereby authorized to~~ convey, lease, or release any lands under its ownership, supervision, or control which are in the opinion of said board not required for military uses.

(2) The Armory Board may acquire, renovate, or construct facilities throughout the state to be used as armories by the Florida National Guard. To that end, the Armory Board may enter into a lease-purchase, sale-leaseback, or tax-exempt leveraged lease contract or other financing arrangement for the acquisition, renovation, or construction of such a facility. The exercise of any such financial option for these purposes shall be subject to authorization by the Appropriations Act. Each capital outlay project or other contract, agreement, or transaction under this subsection shall also require specific legislative approval.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, strike line 2 and insert: An act relating to the Organized Militia of Florida;

Amendment 3—In title, on page 1, line 6, after the semicolon (;) insert: amending s. 250.42, F.S.; authorizing the Armory Board to acquire, renovate, or construct facilities to be used as Florida National Guard Armories and authorizing the board to enter certain types of contracts to finance such acquisition, renovation, or construction;

On motion by Senator Kirkpatrick, by two-thirds vote SB 687 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	McPherson	Weinstein
Casas	Grant	Meek	Weinstock
Childers, D.	Grizzle	Myers	Woodson-Howard
Childers, W. D.	Jennings	Peterson	
Crenshaw	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Souto	

Nays—None

On motion by Senator Kirkpatrick, by unanimous consent—

CS for CS for SB 1148—A bill to be entitled An act relating to health care; creating s. 240.4986, F.S.; creating a grant fund to increase enrollment in nursing and other health service programs at community colleges; providing for administration; providing for funding and for matching funding; amending ss. 407.50, 407.51, F.S.; authorizing the Health Care Cost Containment Board to approve certain hospital expenditures to educational institutions for training nurses and other allied health professionals; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for CS for SB 1148 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Johnson	Peterson	Weinstock
Davis	Kirkpatrick	Ros-Lehtinen	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Deratany

On motion by Senator Kirkpatrick, by unanimous consent—

SB 51—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.

—as amended May 30, was taken up out of order.

On motion by Senator Kirkpatrick, SB 51 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Bankhead	Davis	Grizzle	Meek
Brown	Deratany	Johnson	Myers
Bruner	Forman	Kirkpatrick	Plummer
Casas	Gardner	Kiser	Ros-Lehtinen
Childers, D.	Girardeau	Malchon	Souto
Childers, W. D.	Gordon	Margolis	Walker
Crenshaw	Grant	McPherson	Weinstein

Nays—7

Mr. President	Dudley	Thomas	Woodson-Howard
Beard	Langley	Weinstock	

Vote after roll call:

Yea—Thurman

Yea to Nay—Brown, D. Childers

On motion by Senator Davis, by unanimous consent—

CS for SB 1121—A bill to be entitled An act relating to professional regulation; amending s. 458.311, F.S.; modifying education requirements for a restricted license to practice medicine; creating s. 463.0165, F.S.; providing for treatment programs for impaired practitioners; providing an exemption from public records law; providing for review and repeal; providing a penalty; amending s. 468.508, F.S.; providing that application fees under the Dietetics and Nutrition Practice Act are not refundable; amending s. 476.188, F.S.; providing for certain performance of barber services not in a registered barbershop; amending s. 476.192, F.S.; providing for a student enrollment records fee for schools of barbering; amending s. 477.0263, F.S.; providing for certain performance of cosmetology services not in a licensed salon; amending ss. 480.032, 480.033, 480.035, 480.041, 480.0415, 480.0425, 480.044, 480.046, 480.0465, 480.047, F.S.; modifying terminology under the Massage Practice Act; providing for continuing education by correspondence course; authorizing the Board of Massage to establish rules for the approval of continuing education programs and to establish provider application and renewal fees; providing grounds for disciplinary action against a massage establishment; providing penalties; amending s. 484.007, F.S.; modifying qualifications for the license examination in opticianry; providing continuing education requirements for registered apprentices in opticianry; authorizing the Board of Opticianry to establish an administrative processing fee; amending s. 484.0445, F.S.; revising examination requirements for hearing aid specialist trainees; amending s. 486.125, F.S.; providing grounds for disciplinary action under the Physical Therapy Practice Act; providing penalties; amending ss. 455.2227, 460.402, 486.161, F.S.; conforming terminology; requiring the Board of Hearing Aid Specialists to review certain rules; providing for review and repeal; providing an effective date.

—was taken up out of order and read the second time by title.

Three amendments were adopted to CS for SB 1121 to conform the bill to CS for HB 1427.

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

CS for HB 1427—A bill to be entitled An act relating to medical practice; amending s. 466.032, F.S.; requiring annual, rather than biennial, registration of dental laboratories; changing the registration fee; amending s. 466.036, F.S.; requiring periodic inspections of dental laboratories; amending s. 466.037, F.S.; providing for suspension or revocation of registration for failure to comply with rules; providing an administrative fine; amending s. 466.038, F.S., relating to department rules; amending ss. 458.311 and 458.313, F.S.; modifying provisions relating to the

examination of the examination of the Educational Commission for Foreign Medical Graduates and modifying provisions relating to licensure of physicians by examination and by endorsement; providing procedure when requirements are not met; amending s. 458.331, F.S.; providing grounds for disciplinary action relating to the practice of medicine; amending s. 458.345, F.S.; providing for registration of certain fellows; providing a fee; providing qualifications; requiring employing hospitals to furnish certain information to the Department of Professional Regulation; limiting period of practice; providing a penalty; creating s. 459.0141, F.S.; prohibiting sexual misconduct in the practice of osteopathic medicine; amending s. 459.0155, F.S.; modifying provisions relating to impairment of an osteopathic physician; amending s. 459.016, F.S.; modifying provisions relating to report of disciplinary action against an osteopathic physician by a medical organization; amending ss. 458.315, 458.316, and 458.3165, F.S.; amending s. 766.101, F.S.; relating to medical review committees; providing clarifying language; conforming language and cross references; providing for review and repeal; creating s. 466.041, F.S.; requiring certain persons who are carriers of hepatitits B virus to notify the Board of Dentistry; providing for reports and practice requirements; providing for confidentiality; providing for review and repeal; amending s. 473.305, F.S.; providing for a delinquency fee; amending s. 473.308, F.S.; providing qualifications for licensure by endorsement; amending s. 473.309, F.S.; providing certain requirements for corporations engaged in the practice of public accounting; amending s. 470.021, F.S.; providing for inspection of direct disposal establishments; providing an inspection fee; amending s. 470.024, F.S.; conforming provisions relating to inspection of funeral establishments; providing an inspection fee; amending s. 470.025, F.S.; providing for inspection of cinerator facilities; providing an inspection fee; amending s. 470.0255, F.S.; requiring certain written permission for cremation; amending s. 470.031, F.S.; prohibiting operation of an unlicensed cinerator facility; providing a penalty; amending s. 470.036, F.S.; providing for disciplinary actions against embalmer interns, funeral director interns, and funeral establishments; 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. 489.113, F.S.; 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 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; amending s. 458.311, F.S.; modifying education requirements for a restricted license to practice medicine; creating s. 463.0165, F.S.; providing for treatment programs for impaired practitioners; providing an exemption from public records law; providing for review and repeal; providing a penalty; amending s. 468.508, F.S.; providing that application fees under the Dietetics and Nutrition Practice Act are not refundable; amending 474.207, F.S.; revising requirements for licensure by examination; providing requirements for certain foreign-trained veternarians; amending s. 476.188, F.S.; providing for certain performance of barber services not in a registered barbershop; amending s. 476.192, F.S.; providing for a student enrollment records fee for schools of barbering; amending s. 477.0263, F.S.; providing for certain performance of cosmetology services not in a licensed salon; amending ss. 480.032, 480.033, 480.035, 480.041, 480.0415, 480.0425, 480.044, 480.046, 480.0465, and 480.047, F.S.; modifying terminology under the Massage Practice Act; providing for continuing education by correspondence course; authorizing the Board of Massage to establish rules for the approval of continuing education programs and to establish provider application and renewal fees; providing grounds for disciplinary action against a massage establishment; providing penalties; amending s. 484.007, F.S.; modifying qualifications for the license examination in opticianry; providing continuing education requirements for registered apprentices in opticianry; authorizing the Board of Opticianry to establish an administrative processing fee; amending s. 484.0445, F.S.; revising examination requirements for hearing aid specialist trainees; amending s. 486.125, F.S.; providing grounds for disciplinary action under the Physical Therapy Practice Act; providing penalties, amending ss. 455.2227, 460.402, and 486.161, F.S.; conforming terminology; requiring the Board of Hearing Aid Specialists to review certain rules; providing for review and repeal; amending s. 455.213, F.S.; authorizing regulatory boards to approve video cassette courses to meet continuing education requirements; providing for rules; providing an effective date.

—a companion measure, was substituted for CS for SB 1121 and by two-thirds vote read the second time by title. On motion by Senator Davis, by two-thirds vote CS for HB 1427 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Reconsideration

On motion by Senator Kirkpatrick, the Senate reconsidered the vote by which **SB 51** passed this day.

On motion by Senator Kirkpatrick, by two-thirds vote HB 529 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Kirkpatrick—

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.

—a companion measure, was substituted for SB 51 and read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

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

Section 1. Section 849.085, Florida Statutes, is created to read:

849.085 Certain penny-ante games not crimes; restrictions.—

(1) Notwithstanding any other provision of law, it is not a crime for a person to participate in a game described in this section if such game is conducted strictly in accordance with this section.

(2) As used in this section:

(a) "Penny-ante game" means a game or series of games of poker, pinochle, bridge, rummy, canasta, hearts, dominoes, or mah jongg in which the winnings of any player in a single round, hand, or game do not exceed $10 in value.

(b) "Dwelling" means residential premises owned or rented by a participant in a penny-ante game and occupied by such participant or the common elements or recreational areas of a condominium of which a participant in a penny-ante game is a unit owner.

(3) A penny-ante game is subject to the following restrictions:

(a) The game must be conducted in a dwelling.

(b) A person may not receive any consideration or commission for allowing a penny-ante game to occur in his dwelling.

(c) A person may not directly or indirectly charge admission or any other fee for participation in the game.

(d) A person may not solicit participants by means of advertising in any form, advertise the time or place of any penny-ante game, or advertise the fact that he will be a participant in any penny-ante game.

(e) A penny-ante game may not be conducted in which any participant is under 18 years of age.

(4) A debt created or owed as a consequence of any penny-ante game is not legally enforceable.

(5) The conduct of any penny-ante game within the common elements or recreation area of a condominium creates no civil liability for damages arising from the penny-ante game on the part of a condominium association or on the part of a unit owner who was not a participant in the game.

Section 2. This act shall take effect October 1, 1989.

Amendment 2—On page 1, line 25, strike "$25" and insert: $10

Amendment 3—In title, on page 1, strike all of lines 2-9 and insert: 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.

On motion by Senator Kirkpatrick, by two-thirds vote HB 529 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Bankhead	Girardeau	Malchon	Souto
Bruner	Gordon	Margolis	Stuart
Casas	Grizzle	McPherson	Thurman
Childers, W. D.	Jennings	Meek	Weinstein
Crenshaw	Johnson	Myers	
Davis	Kirkpatrick	Plummer	
Deratany	Kiser	Ros-Lehtinen	

Nays—11

Mr. President	Childers, D.	Grant	Weinstock
Beard	Dudley	Langley	Woodson-Howard
Brown	Gardner	Walker	

Vote after roll call:

Yea to Nay—Plummer

Nay to Yea—Walker

CS for SB 30—A bill to be entitled An act relating to drivers' licenses; creating s. 322.2615, F.S.; authorizing law enforcement officers to immediately suspend the driving privilege of a person arrested for specified DUI offenses; providing for confiscation of the driver's license and issuance of a temporary driving permit and a suspension notice; providing for submission of the officer's report to the Department of Highway Safety and Motor Vehicles and review of the suspension by the department; providing informal and formal procedures for conducting the review and requiring notification of the department's decision; authorizing the department to issue notice of suspension and temporary driving permits in certain circumstances; providing for specified ineligibility of a license as to which suspension was sustained; providing scope of review and providing evidentiary presumptions and standards; providing for appellate review; providing rulemaking authority and exemption from ch. 120, F.S.; prohibiting the consideration of a suspension in criminal proceedings; amending s. 322.271, F.S.; expanding restrictions on issuance of driving permits for business or employment use; amending s. 322.28, F.S.; providing prohibitions on stay of suspension; amending s. 322.282, F.S.; correcting a cross reference; amending s. 322.12, F.S.; providing an additional reinstatement fee; repealing s. 322.261, F.S., relating to driver's license suspension for refusal to submit to breath, blood, or urine test for impairment; providing effective dates.

—was read the second time by title.

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 7, strike all of lines 21-25 and insert:

(11) The hearing officer may consider the

Amendment 2—In title, on page 1, strike "and providing evidentiary presumptions and standards"

On motion by Senator Langley, by two-thirds vote CS for SB 30 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

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

Nays—None

Vote after roll call:

Yea—Bruner, Kirkpatrick, Woodson-Howard

Motions

On motion by Senator Scott, the rules were waived and the Committee on Judiciary-Criminal was granted permission to meet today at 6:00 p.m. to consider SJR 43 and CS for CS for HB's 497 and 88.

On motion by Senator Scott, by two-thirds vote CS for SB's 617 and 1303 was placed on the special order calendar.

On motions by Senator Margolis, by two-thirds vote CS for SB 48, SB 121, SB 247, SB 255, SB 756, CS for SB 1020, SB 1021, SB 1204, SB 1205, CS for SB 1422, and CS for SB 1458 were withdrawn from the Committee on Appropriations.

On motion by Senator Gordon, by two-thirds vote CS for HM 228 was withdrawn from the Committee on Rules and Calendar.

Consideration of Memorial

On motion by Senator Gordon—

CS for HM 228—A memorial to the United States Government, urging the government to donate the Naval Reserve Training Center site in Coconut Grove, Dade County, Florida, to Metropolitan Dade County or to the City of Miami to be used as a working center for the arts.

—was taken up out of order by unanimous consent, read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—36

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

Nays—None

On motions by Senator Deratany, by two-thirds vote CS for CS for CS for HB 336 was withdrawn from the Committees on Finance, Taxation and Claims; and Appropriations.

On motion by Senator Deratany—

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.

—a companion measure, was substituted for CS for CS for SB 587 and read the second time by title.

Senator Deratany moved the following amendments which were adopted:

Amendment 1—On page 3, line 11, strike everything after the enacting clause and insert:

Section 1. Section 624.509, Florida Statutes, 1988 Supplement, is amended to read:

624.509 Premium tax; rate and computation.—

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

(a) An amount equal to *1.75* 2 percent of the gross amount of such receipts on account of life and health insurance policies covering persons resident in this state and on account of all other types of policies and contracts (except annuity policies or contracts taxable under paragraph (b)) covering property, subjects, or risks located, resident, or to be performed in this state, omitting premiums on reinsurance accepted, and less return premiums or assessments, but without deductions:

1. For reinsurance ceded to other insurers;

2. For moneys paid upon surrender of policies or certificates for cash surrender value;

3. For discounts or refunds for direct or prompt payment of premiums or assessments; and

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

(b) An amount equal to 1 percent of the gross receipts on annuity policies or contracts paid by holders thereof in this state.

(2) Payment by the insurer of the license taxes and premium receipts taxes provided for in this part of this chapter is a condition precedent to doing business within this state.

~~(3)(a) Installments of the tax levied under this section shall be due and payable on April 15, June 15, and October 15 in each year, based upon the estimated gross amount of receipts of insurance premiums or assessments received during the immediately preceding calendar quarter. A final payment of tax due for the year shall be made at the time the taxpayer files his return for such year. On or before March 1 in each year, an annual return shall be filed showing, by quarters, the gross amount of receipts taxable for the preceding year and the installment payments made during that year.~~

~~(b) Any taxpayer who fails to report and timely pay any installment of tax, who estimates any installment of tax to be less than 90 percent of the amount finally shown to be due in any quarter, or who fails to report and timely pay any tax due with the final return shall be deemed to be in violation of this section and be subject to a penalty of 10 percent on any underpayment of taxes or delinquent taxes due and payable for that quarter or on any delinquent taxes due and payable with the final return. Any taxpayer paying, for each installment required herein, 27 percent of the amount of the annual tax reported on his return for the preceding year shall not be subject to the penalty provided by this section.~~

~~(c) When any taxpayer fails to pay any amount due hereunder, or any portion thereof, on or before the day when such tax or installment of tax is required by law to be paid, there shall be added to the amount due interest at the rate of 12 percent per year from the date due until paid.~~

~~(d) All penalties and interest imposed by this chapter shall be payable to and collectible by the Department of Revenue in the same manner as if they were a part of the tax imposed.~~

~~(e) The Department of Revenue may settle or compromise any such interest or penalties provided for herein pursuant to s. 213.21.~~

~~(f)~~ Notwithstanding other provisions of law, the distribution of the premium tax and any penalties or interest collected thereunder shall be made to the General Revenue Fund ~~and the cities~~ in accordance with rules ~~and regulations~~ adopted by the Department of *Revenue* ~~Insurance~~ and approved by the Administration Commission.

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

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

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

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

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

(6) The total of the credit granted for the taxes paid by the insurer under chapters 220 and 221 and the credit granted by subsection (5) shall not exceed *65* ~~75~~ percent of the tax due under subsection (1) after deducting therefrom the taxes paid by the insurer under ss. 175.101 and *185.08* ~~185.88~~ and any assessments pursuant to s. 440.51.

(7) Credits and deductions against the tax imposed by this section shall be taken in the following order: deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and *185.08* ~~185.88~~; credits for income taxes paid under chapter 220, the emergency excise tax paid under chapter 221 and the credit allowed under subsection (5), as these credits are limited by subsection (6); credits for intangible taxes paid under chapter 199; all other available credits and deductions.

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

(8)~~(9)~~ From and after July 1, 1980, the premium tax authorized by this section shall not be imposed upon receipts of annuity premiums or considerations paid by holders in this state if the tax savings derived are credited to the holders in this state. Upon request by the Department of *Revenue* ~~Insurance~~, any insurer availing itself of this provision shall submit to the department evidence which establishes that the tax savings derived have been credited to holders in this state. As used in this subsection, the term "holders" shall be deemed to include employers contributing to an employee's pension, annuity, or profit-sharing plan.

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

~~(11) In order to determine premium tax liabilities, the Department of Insurance is responsible for the auditing of entities which are subject to the insurance premium tax imposed under this section. Such audits may be conducted by the Department of Insurance as a part of its financial or other audits, examinations, or investigations of entities which are certified or licensed under the Florida Insurance Code. With respect to any self-insurer regulated under chapter 440, the Department of Insurance audit shall be limited to the tax liability arising under this section and any credits which may apply thereto under this section. The Department of Insurance is authorized to and shall conduct such special audits as are necessary with respect to the verification of premium tax liabilities arising under this section and credits which may apply thereto under this code. The Department of Insurance shall notify the Department of Revenue of any discrepancies determined as the result of any such audit. Department of Insurance audit reports and related materials such as returns, accounts, investigative reports, letters of technical advice, information, or declarations received by the Department of Insurance shall be confidential except for official purposes and with respect to such confidentiality the provisions of s. 213.053 shall apply. The Department of Insurance is authorized to promulgate rules, including emergency rules, to establish informal conference procedures for informal dispute resolution of audit and related disputes in a manner similar to that provided in s. 213.21. In the event the provisions of this subsection become effective within 60 days after the close of the 1988 regular legislative session, the Department of Insurance may adopt such emergency rules as are necessary to implement its provisions, and to that end the Legislature finds that these circumstances qualify as an exception to the prerequisite of a finding of immediate danger to the public health, safety, or welfare as set forth in s. 120.54(9)(a) and qualify as circumstances requiring an emergency rule. The Insurance Commissioner or his designee is authorized to enter into a written closing agreement with any taxpayer settling or compromising the taxpayer's liability with respect to any dispute regarding an audit or related matter pursuant to s. 213.21, and the provisions of said section shall govern with respect thereto except that the $100,000 restriction on any such settlement or compromise shall not apply. The Department of Revenue and other state agencies including political subdivisions and municipalities are authorized to share information having a bearing on a tax audit or related matter with the Department of Insurance. Formal proceedings in circuit court or under chapter 120 regarding disputes of Department of Insurance tax audits and related matters shall be handled by the Department of Legal Affairs pursuant to chapter 16, and fees or expenses of the Department of Legal Affairs and attorney's fees or court costs arising under such proceedings shall be billed to or payable by the Department of Revenue in the same manner as other taxes administered by the Department of Revenue under chapters 213 and 214. Regarding such formal proceedings, the limitation, proceedings, and restrictions, including restrictions on venue, set forth in chapter 72 shall apply. With respect to such audits, in addition to such powers as are vested with the Department of Insurance under the Florida Insurance Code, the Department of Insurance shall have the same rights, powers, and protections as are granted to the Department of Revenue under ss. 199.202, 199.212, 199.218, 199.222, 199.232, 199.272, 199.282, and 213.21. For the purposes of administering its duties under this section or enforcing its provisions, the Insurance Commissioner or any of his assistants or employees as designated in writing by him shall be authorized to issue or serve subpoenas or subpoenas duces tecum. The Department of Revenue shall administer and enforce the assessment and collection of the tax imposed by this section and may exercise, where applicable, the powers and duties provided the department in ss. 199.202, 199.212, 199.218, 199.232, 199.262, and 199.272. The department, under the applicable rules of the Career Service Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature.~~

(10)~~(12)~~(a) The tax imposed by this section does not apply to commercial motor vehicle insurance premiums received by insurers for vehicles qualifying for the following Insurance Services Office rating classification codes, as defined on January 1, 1988:

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

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

(b) This subsection shall only apply to insurers which have been transacting insurance for at least *2 years* ~~one year~~ in this state and which receive at least *30* ~~twenty-five~~ percent of their total annual premiums from commercial motor vehicle insurance sold for vehicles in Florida which qualify for the classification codes specified in paragraph (a).

(11)~~(13)~~ *The tax imposed by this section does not apply to monoline flood premiums received by insurers for flood policies which are not subsidized by the Federal Government or an agency thereof* ~~Notwithstanding provisions to the contrary, the credit for taxes paid under chapter 199 shall not become effective until January 1, 1989.~~

Section 2. Section 624.5092, Florida Statutes, is created to read:

624.5092 Administration of taxes; payments.—

(1) The Department of Revenue shall administer, audit, and enforce the assessment and collection of those taxes to which this section is applicable. The Department of Insurance is authorized to share information with the Department of Revenue as necessary to verify premium tax liability arising under such taxes and credits which may apply thereto.

(2)(a) Installments of the taxes to which this section is applicable shall be due and payable on April 15, June 15, and October 15 in each year, based upon the estimated gross amount of receipts of insurance premiums or assessments received during the immediately preceding calendar quarter. A final payment of tax due for the year shall be made at the time the taxpayer files his return for such year. On or before March 1 in each year, an annual return shall be filed showing, by quarters, the gross amount of receipts taxable for the preceding year and the installment payments made during that year.

(b) Any taxpayer who fails to report and timely pay any installment of tax, who estimates any installment of tax to be less than 90 percent of the amount finally shown to be due in any quarter, or who fails to report and timely pay any tax due with the final return is in violation of this section and is subject to a penalty of 10 percent on any underpayment of taxes or delinquent taxes due and payable for that quarter or on any delinquent taxes due and payable with the final return; provided, however, for purposes of this calculation credits and deductions shall not apply. Any taxpayer paying, for each installment required in this section, 27 percent of the amount of the annual tax reported on his return for the preceding year shall not be subject to the penalty provided by this section.

(c) When any taxpayer fails to pay any amount due under this section, or any portion thereof, on or before the day when such tax or installment of tax is required by law to be paid, there shall be added to the amount due interest at the rate of 12 percent per year from the date due until paid.

(d) All penalties and interest imposed on those taxes to which this section is applicable shall be payable to and collectible by the Department of Revenue in the same manner as if they were a part of the tax imposed.

(e) The Department of Revenue may settle or compromise any such interest or penalties imposed on those taxes to which this section is applicable pursuant to s. 213.21.

(3) This section is applicable to taxes imposed by s. 624.429, s. 624.4425, s. 624.475, ss. 624.509-624.515, s. 627.356, s. 627.357, s. 629.5011, s. 637.406, s. 651.027, and s. 440.57.

Section 3. Subsection (2) of section 624.521, Florida Statutes, is amended to read:

624.521 Deposit of certain tax receipts; refund of improper payments.—

(2) The Department of Revenue shall promptly deposit in the Department of Revenue Premium Tax Clearing Trust Fund all premium taxes collected according to ss. 624.509, 624.510, *and 624.515* ~~624.513, and 624.514~~. Such taxes shall be distributed on an estimated basis within 15 days after receipt by the Department of Revenue. Such distribution shall be adjusted pursuant to an audit by the Department of *Revenue* ~~Insurance~~.

Section 4. Section 213.05, Florida Statutes, is amended to read:

213.05 Department of Revenue; control and administration of revenue laws.—The Department of Revenue shall have only those responsibilities for ad valorem taxation specified to the department in chapter 192, taxation, general provisions; chapter 193, assessments; chapter 194, administrative and judicial review of property taxes; chapter 195, property assessment administration and finance; chapter 196, exemption; chapter 197, tax collections, sales, and liens; chapter 199, intangible personal property taxes; and chapter 200, determination of millage. The Department of Revenue shall have the responsibility of regulating, controlling, and administering all revenue laws and performing all duties as provided in s. 125.0104, the Local Option Tourist Development Act; chapter 198, estate taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 206, motor and other fuel taxes; chapter 207, tax on operation of commercial motor vehicles; chapter 211, tax on production of oil and gas and severance of solid minerals; chapter 212, tax on sales, use, and other transactions; chapter 214, administration of designated nonproperty taxes; chapter 220, income tax code; chapter 221, emergency excise tax; s. 376.11, pollutant spill prevention and control; *s. 440.57, group self-insurer's fund premium tax; s. 624.429, retaliatory tax; s. 624.4425, multiple-employer welfare arrangement premium tax; s. 624.475, commercial self-insurance fund premium tax;* ~~and~~ ss. 624.509-624.514, insurance code: administration and general provisions; *s. 624.515, State Fire Marshal regulatory assessment; s. 627.356, professional liability self-insurance premium tax; s. 627.357, medical malpractice self-insurance premium tax; s. 629.5011, reciprocal insurers premium tax; s. 637.406, dental service plan corporation premium tax; and 651.027, continuing care contract entrance fees.*

Section 5. Subsection (1) of section 631.705, Florida Statutes, 1988 Supplement, is amended to read:

631.705 Premium or income tax credits for assessments paid.—

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

Section 6. Subsection (1) of section 631.719, Florida Statutes, 1988 Supplement, is amended to read:

631 719 Premium or income tax credits for assessments paid.—

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

Section 7. Subsection (1) of section 627.6494, Florida Statutes, is amended to read:

627.6494 Assessments; ~~tax offset,~~ deferment, limitation.—

(1) ~~Any assessment may be offset, in an amount equal to the assessment paid to the association, against the state corporate income tax or the premium tax payable by that participating insurer for the year in which the assessment is levied or the 4 years subsequent to that year.~~ Notwithstanding the provisions of s. 624.509, premiums for coverage issued or reinsured through the association shall, as to the association and participating insurers, be exempt from premium taxation.

Section 8. Subsection (10) of section 220.02, Florida Statutes, 1988 Supplement, as amended by chapters 88-201 and 88-388, Laws of Florida, is amended to read:

220.02 Legislative intent.—

(10) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 220.68, those enumerated in s. 631.719(1), ~~those enumerated in s. 631.575,~~ those enumerated in s. *631.705* ~~440.385(13)~~, those enumerated in s. 220.18, those enumerated in s. 631.828, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, ~~those enumerated in s. 220.189,~~ those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, and those enumerated in s. 220.188.

Section 9. Paragraph (b) of subsection (3) of section 627.6492, Florida Statutes, is amended to read:

627.6492 Participation of insurers.—

(3)

(b) Any deficit incurred under the plan shall be recouped by assessments apportioned among participating insurers by the board in the manner provided in subsection (1); and the insurers may recover the net loss, if any, ~~after the tax offset provided in s. 627.6494,~~ in the normal course of their respective businesses without time limitation.

Section 10. Effective July 1, 1989, section 175.101, Florida Statutes, 1988 Supplement, is amended to read:

175.101 State excise tax on property insurance premiums authorized; procedure.—Each municipality in this state described and classified in s. 175.041, having a lawfully established municipal firefighters' pension trust fund or municipal fund providing pension benefits to firefighters by whatever name known, may assess and impose on every insurance company, corporation, or other insurer now engaged in or carrying on, or who shall hereinafter engage in or carry on, the business of property insurance as shown by the records of the Department of Insurance an excise tax in addition to any lawful license or excise tax now levied by each of the municipalities, respectively, amounting to 1.85 percent of the gross amount of receipts of premiums from policyholders on all premiums collected on property insurance policies covering property within the corporate limits of such municipalities, respectively. In the case of multiple peril policies with a single premium for both the property and casualty coverages in such policies, 70 percent of such premium shall be used as the basis for the 1.85-percent tax. This excise tax shall be payable annually on March 1 of each year after the passage of an ordinance assessing and imposing the tax herein authorized. *Installments of taxes shall be paid according to the provisions of s. 624.5092(2)(a), (b), and (c).*

Section 11. Effective July 1, 1989, subsection (3) of section 185.08, Florida Statutes, 1988 Supplement, is amended to read:

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

(3) Said excise tax shall be payable annually March 1 of each year after the passing of an ordinance assessing and imposing the tax herein authorized. *Installments of taxes shall be paid according to the provisions of s. 624.5092(2)(a), (b), and (c).*

Section 12. Subsection (6) of section 440.57, Florida Statutes, 1988 Supplement, is amended to read:

440.57 Pooling liabilities.—

(6) Premiums, contributions, and assessments received by a group self-insurer's fund are subject to s. 624.509(1) *and*, (2), and *s. 624.5092*~~(3)~~, except that the tax rate shall be 1.6 percent of the gross amount of such premiums, contributions, and assessments.

Section 13. Subsection (1) of section 624.429, Florida Statutes, as amended by chapter 87-99, Laws of Florida, and subsection (6) of said section, are amended to read:

624.429 Retaliatory provision, insurers.—

(1) When by or pursuant to the laws of any other state or foreign country any taxes, licenses, and other fees, in the aggregate, and any fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions are or would be imposed upon Florida insurers or upon the agents or representatives of such insurers, which are in excess of such taxes, licenses, and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements, or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this state, so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses, and other fees, in the aggregate, or fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions of whatever kind shall be imposed by the Department *of Revenue* upon the insurers, or upon the agents or representatives of such insurers, of such other state or country doing business or seeking to do business in this state. In determining the taxes to be imposed under this section, *80 percent of* the credit provided by s. 624.509(5), *as limited by s. 624.509(6) and further determined by s. 624.509(7),* shall not be taken into consideration.

(6) ~~Fifty percent of~~ The excess amount of all fees, licenses, and taxes collected by the Department *of Revenue* under this section over the amount of similar fees, licenses, and taxes provided for in part IV, together with all fines, penalties, or other monetary obligations collected under this section and ss. 626.711 and 626.743 exclusive of such fees, licenses, and taxes, shall be deposited by the Department *of Revenue* to the credit of the Insurance Commissioner's Regulatory Trust Fund; *provided that such excess amount shall not exceed $5.2 million for 1989, and for any subsequent year shall not exceed $5.2 million adjusted annually by the lesser of 10 percent or the growth in the total of such excess amount.* The remainder of such excess amount shall be deposited into the General Revenue Fund.

Section 14. Effective July 1, 1989, section 624.4425, Florida Statutes, 1988 Supplement, is amended to read:

624.4425 Tax on premiums, contributions, and assessments.—Premiums, contributions, and assessments received by an arrangement are subject to s. 624.509(1) *and*, (2), and *s. 624.5092*~~(3)~~, except that the tax rate shall be 1.6 percent of the gross amount of such premiums, contributions, and assessments.

Section 15. Section 624.475, Florida Statutes, 1988 Supplement, is amended to read:

624.475 Tax on premiums, contributions, and assessments.—Premiums, contributions, and assessments received by a commercial self-insurance fund are subject to s. 624.509(1) *and*, (2), and *s. 624.5092*~~(3)~~, except that the tax rate shall be 1.6 of the gross amount of such premiums, contributions, and assessments.

Section 16. Subsection (6) of section 627.356, Florida Statutes, 1988 Supplement, is amended to read:

627.356 Professional liability self-insurance.—

(6) Premiums, contributions, and assessments received by professional liability risk management trust funds are subject to s. 624.509(1) *and*, (2), and *s. 624.5092*~~(3)~~, except that the tax rate shall be 1.6 percent of the gross amount of such premiums, contributions, and assessments.

Section 17. Effective July 1, 1989, subsection (9) of section 627.357, Florida Statutes, 1988 Supplement, as amended by chapter 88-206, Laws of Florida, is amended to read:

627.357 Medical malpractice self-insurance.—

(9) Premiums, contributions, and assessments received by a fund are subject to s. 624.509(1) *and*, (2), and *s. 624.5092*~~(3)~~, except that the tax rate shall be 1.6 percent of the gross amount of such premiums, contributions, or assessments; *provided, however, for the period July 1, 1989, through December 31, 1989, the tax rate shall be 0.8 percent and for calendar year 1990, the tax rate shall be 1.3 percent.*

Section 18. Subsection (1) of section 627.0625, Florida Statutes, 1988 Supplement, is amended to read:

627.0625 Commercial property and casualty risk management plans.—

(1) For the purposes of this section, *the term*:

(a) "Commercial property insurance" means insurance as defined in s. 624.604, but limited to coverage of commercial risks, excluding windstorm coverage, *flood insurance,* federal crop insurance, crop hail insurance, the Pollution Liability Insurance Association, and other federal governmental pools and associations. If separate rates and supporting experience data are not filed and justified for windstorm coverage, the insurer shall, using generally accepted actuarial and economic principles and techniques, identify and justify the premiums, losses, reserves, and associated data for the windstorm coverage excluded from commercial property insurance.

(b) "Commercial casualty insurance" means insurance as defined in s. 624.605, other than workers' compensation and employer's liability insurance, but limited to coverage of commercial risks.

Section 19. (1) There is hereby created the Task Force on Insurance Premium Tax. The task force shall review the premium tax laws of this state and of other states, including, but not limited to, the laws of the State of Illinois. The review shall include an analysis of the legal, economic, and other ramifications of such taxation of insurance premiums.

(2) The task force shall report to the Legislature no later than December 1, 1990. Its report shall include findings relating to the impact of premium taxes on the economy of this state and shall include any recommended changes in the laws of this state relating to taxation on premiums. The task force shall specifically determine which forms of premium tax and/or retaliatory tax would benefit the state to the greatest degree, promote economic development, and encourage the expansion of the insurance industry in Florida. The report shall be presented to the President of the Senate, the Speaker of the House of Representatives, and the minority party leader of each house.

(3) The task force shall consist of seven members. The Insurance Commissioner shall serve as chairman. The President of the Senate and the Speaker of the House of Representatives shall each appoint three members, which appointees shall be knowledgeable in the area of insurance or tax law. The members shall serve without compensation, but shall be reimbursed for travel and per diem expenses as provided in s. 112.061, Florida Statutes. The task force is assigned to the Department of Insurance for administrative purposes. The Department of Insurance and the Department of Revenue shall provide adequate staff to assist the task force. The task force shall expire on the date of the submission of its report to the Legislature.

Section 20. The provisions of section 809(2nd) of chapter 82-243, Laws of Florida, or any other provision of law which provides for review or repeal in accordance with section 11.61, Florida Statutes, to the contrary notwithstanding, sections 627.648 through 627.6498, Florida Statutes, shall not stand repealed on October 1, 1992, but are repealed on October 1, 1990, and shall be reviewed prior to that date by the Legislature pursuant to section 11.61, Florida Statutes; provided, however, policies and administrative contracts authorized or mandated by such sections may not be issued or entered into for periods extending beyond July 1, 1990.

Section 21. The six positions appropriated to the Department of Insurance by section 22 of chapter 88-206, Laws of Florida, are hereby transferred, along with related furniture and equipment, to the Department of Revenue. Funds associated with these positions shall be deleted from the Department of Insurance, and $203,713 shall be appropriated to the Department of Revenue from the General Revenue Fund for the 1989-1990 fiscal year to fund these positions. In addition, there is hereby appropriated to the Department of Revenue from the General Revenue Fund for the 1989-1990 fiscal year $1,152,777 and 32 positions for the purpose of the administration of this act. This section shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Section 22. Paragraph (c) of subsection (12) of section 624.509, Florida Statutes, 1988 Supplement, as created by section 1 of chapter 88-206, Laws of Florida, is amended to read:

624.509 Premium tax; rate and computation.—

(12)

(c) This subsection is repealed on *July 1, 1990* ~~July 1, 1989~~, and shall be reviewed by the Legislature prior to that date.

Section 23. Except as otherwise provided herein, this act shall take effect upon becoming a law, and shall operate retroactively to January 1, 1989.

Amendment 2—In title, on pages 1 and 2, lines 1-31 and on page 3, lines 1-8, strike all of said lines and insert: 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; revising the exemption for certain commercial motor vehicle insurance; providing an exemption for certain flood insurance; 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; amending s. 627.0625, F.S.; adding flood insurance to the exclusions from the definition of commercial property 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; amending s. 624.509, F.S., as created by ch. 88-206, Laws of Florida, and amended by this act; delaying the future repeal of certain provisions; providing for retroactive application; providing effective dates.

On motion by Senator Deratany, by two-thirds vote CS for CS for CS for HB 336 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 1469—A bill to be entitled An act relating to the Spaceport Florida Authority Act; providing for the establishment, powers, and functions of the Spaceport Florida Authority; providing for the creation of the authority as a public corporation, body politic, and subdivision of the state; stating its purposes; setting forth geographical boundaries of spaceport territories under the control of the authority and providing for the changing thereof; authorizing designation of launch sites outside spaceport territories; providing powers and duties of the authority; providing for the appointment of a board of supervisors; providing for membership, terms, organization, officers, powers, and duties of the board; providing for procedures relating to the management and operation of the authority; providing powers and duties relating to fiscal matters; providing for exercise of powers of the authority within municipalities and other political subdivisions located within any spaceport territory; authorizing the authority to construct and furnish facilities and services; providing authority with respect to roads within the boundaries of any spaceport territory; establishing the power of the authority to enter into agreements with private parties for the furnishing of certain facilities and services; authorizing the authority to maintain projects across rights-of-way within or without any spaceport territory; providing authority to set rates, fees, rentals, tolls, fares, and charges, subject to certain requirements; providing authority to recover delinquent charges together with attorney's fees, expenses, and penalties, and to discontinue services; authorizing the authority to adopt and revise a comprehensive general plan for physical development of the area within any spaceport territory and providing powers with respect thereto; establishing tax and other liens and procedures for the foreclosure of liens; authorizing the authority to pay taxes and redeem tax sales certificates with respect to property within any spaceport territory and to participate in the proceeds of tax sales; authorizing the authority to apply for federal funds and aid; providing for cooperative agreements with municipalities for the joint discharge of common functions and the joint undertaking and financing of projects; providing authority for cooperative agreements with other governments and agencies with respect to financial or other contributions and loans to the authority; establishing procedures for furnishing of facilities and services by or to the authority; amending s. 196.012, F.S.; providing that real property and tangible personal property owned by the authority and used for specified purposes is exempt from ad valorem taxation; creating s. 201.25, F.S.; exempting deeds and instruments of the authority and spaceport users from the excise tax on documents; creating s. 206.9876, F.S.; exempting the authority and spaceport users from the aviation fuel tax; amending s. 212.031, F.S.; providing that property in a spaceport territory used in support of space flight is exempt from the tax on the lease or rental of or license in real property; repealing s. 212.06(5)(c), F.S., relating to a sales tax exemption for telecommunications satellites and associated launch vehicles; amending s. 212.08, F.S.; providing a sales tax exemption for equipment, machinery, and other tangible personal property directly used in spaceport activities of the authority; providing requirements for receipt of the exemption; providing for application of interest and penalties to exemptions that are determined not to meet the specified criteria therefor; providing a sales tax exemption for space facilities, space propulsion systems, and space vehicles, satellites, and stations, tangible personal property used thereon, certain tangible personal property used in support of space flight, the purchase or lease or manufacture for one's own use of machinery and equipment used to produce any such facility, system, or vehicle, and fuel used to propel such vehicles; requiring certain affidavits and providing for the application of penalties; creating s. 212.638, F.S.; exempting from the tax on the sale of fuel special fuel used in specified space-related operations; amending s. 212.67, F.S.; providing for a refund of said tax paid on motor or special fuel used for space or space-related purposes; requiring the authority to obtain certain required environmental permits; providing for confidentiality of trade secrets; providing for review and repeal; providing power of the authority to apply for establishment of a foreign trade zone; amending s. 768.28, F.S.; providing sovereign immunity and providing for waiver thereof; pro-

viding exception to application of certain liability trust funds; providing power of injunction and other relief for violation of authority bylaws, regulations, resolutions, rules, codes, and orders; providing bonding authority, including revenue and refunding bonds, additional bonds when necessary, pledge of certain security thereon, lien of pledges, bond anticipation notes, short-term borrowing, trust agreements, sale of bonds, authorization and form of bonds, interim and replacement certificates, negotiability of bonds, defeasance, bonds as legal investments or security, covenants, and validation proceedings; providing for investment of funds; providing for fiscal year of the authority; providing for participation by women, minorities, and socially and economically disadvantaged business enterprises; providing severability; providing an effective date.

—was read the second time by title.

Senator Deratany moved the following amendment which was adopted:

Amendment 1—On page 5, line 5, strike everything after the enacting clause and insert:

Section 1. Short title.—This act may be cited as the "Spaceport Florida Authority Act."

Section 2. Spaceport Florida Authority; creation; purpose.—

(1) It is the intent of the Legislature to provide a unified direction for space related economic growth and educational development, to ensure a stable and dynamic economic climate, to attract and maintain space related businesses suitable to the state, and to further the coordination and development of Florida's economy.

(2) There is hereby established, formed, and created the Spaceport Florida Authority, which is created and incorporated as a public corporation, body politic, and subdivision of the state to establish facilities or complementary activities to enhance and provide commercial space related development opportunities for business, education and government, and which shall have all the powers, rights, privileges, and authority as provided under the laws of this state.

(3) It shall be the purpose, function, and responsibility of the Spaceport Florida Authority to develop a strategy and implement the acceleration of space related economic growth and educational development within the state. Projects in the state shall include the space business incubators, space tourism activities, educational involvement in business incubators, space tourism and Spaceport Florida launch centers. It shall be the authority's purpose, function and responsibility to provide projects in the state which will develop and improve the entrepreneurial atmosphere and to provide synergy among space businesses, the universities, space tourism, and Spaceport Florida's launch center, and activities designed to stimulate the development of space commerce. In carrying out this duty and responsibility, the authority may advise and cooperate with municipalities, counties, regional authorities, state agencies and organizations, appropriate federal agencies and organizations, and other interested persons and groups.

Section 3. Definitions.—

(1) "Authority" means the Spaceport Florida Authority created by this act.

(2) "Board" or "board of supervisors" means the governing body of the authority as created by section 6.

(3) "Bonds" means revenue bonds, assessment bonds, or other bonds or obligations issued by the authority for the purpose of raising financing for its projects.

(4) "Cost" means all costs, fees, charges, expenses, and amounts associated with the development of projects by the authority.

(5) "Federal aid" means any property, funding, or other financial assistance provided by the Federal Government to the authority for its projects.

(6) "Landing area" means the geographical area designated by the authority within the spaceport territory for or intended for the landing and surface maneuvering of any launch vehicle.

(7) "Launch pad" means any launch pad used by the spaceport or spaceport user for launching of vehicles.

(8) "Payload" means any property and cargo to be transported aboard any vehicle launched by or from the spaceport.

(9) "Person" means any individual, child, university, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, nation, government (federal, state, or local), agency (government or other), subdivision of the state, municipality, county, business entity, and any other group or combination.

(10) "Project" means any development, improvement, property, launch, utility, facility, system, works, road, sidewalk, enterprise, service, or convenience which may include coordination with Florida's High Technology Industry Council, Board of Regents, Space Research Foundation; small business incubator initiatives to include startup aerospace companies, research and development companies, research and development facilities, storage facilities and consulting services; tourism initiatives to include space experience attractions, space launch related activities, space museum sponsored or promoted by the authority.

(11) "Complementary activity" means any space business incubator, space tourism activities, educational involvement in an incubator, space tourism and space related research and development.

(12) "Range" means the geographical area designated by the authority or other appropriate body as the area for the launching of rockets, missiles, launch vehicles, and other vehicles designed to reach high altitude.

(13) "Recovery" means the recovery of launch vehicles and payloads which have been launched from or by the spaceport.

(14) "Spaceport" means any area of land or water, or any manmade object or facility located therein, developed by the authority under this act, which area is intended for public use or for the launching, takeoff, and landing of craft and aircraft, and includes any appurtenant areas which are used or intended for public use, for spaceport buildings, or for other spaceport facilities, spaceport projects or rights-of-way.

(15) "Spaceport launch facilities" shall be defined as industrial facilities in accordance with s. 380.0651(3)(c), Florida Statutes, and include any launch pad, launch control center, and fixed launch-support equipment.

(16) "Spaceport system" means the programs, organizations and infrastructure developed by the authority for the development of facilities or activities to enhance and provide commercial space related development opportunities for business, education and government within the state.

(17) "Spaceport territory" means the geographical area designated in section 4 and as amended or changed in accordance with section 31.

(18) "Spaceport user" means any person that uses the facilities or services of any spaceport; and, for the purposes of any exemptions or rights granted under this act, said spaceport user shall be deemed a spaceport user only during the time period in which such person has in effe t a contract, memorandum of understanding or agreement with the spaceport, and such rights and exemptions shall be granted with respect to transactions relating only to spaceport projects.

Section 4. Spaceport territory.—Certain real property located within the following boundaries shall constitute spaceport territory:

(1) Certain real property located in Brevard County with following boundaries:

(a) Northern boundary--Latitude 28 32'30" North.

(b) Eastern boundary--The mean high water line of the shore along the Atlantic Ocean.

(c) Western boundary--Cape Road (State Road 401).

(d) Southern boundary--Latitude 28 26' North.

(2) Certain real property located in Gulf County with the following boundaries:

(a) Northern boundary—The mean high water line of the shore along St. Joseph Bay from longitude 85°21′ West to latitude 29°40′45" North; and along that latitude in a westerly direction from the mean high water line of St. Joseph Bay to the Gulf of Mexico.

(b) Eastern boundary—Longitude 85°20′ West.

(c) Western boundary—The mean high water line of the shore along the Gulf of Mexico.

(d) Southern boundary—The mean high water line of the shore along the Gulf of Mexico.

Section 5. Powers of the authority.—

(1) The authority shall have the power to:

(a) Exercise all powers granted to corporations under the Florida General Corporation Act, chapter 607, Florida Statutes.

(b) Sue and be sued by its name in any court of law or in equity.

(c) Adopt and use a corporate seal and alter the same at pleasure.

(d) To review and make recommendations with respect to a strategy to guide and facilitate the future of space related educational and commercial development. The authority shall in coordination with the federal government, private industry, and the Florida universities , develop a business plan which shall address the expansion of Florida Spaceport locations and space launch capacity, and more specifically shall address the location of launch facilities at Canaveral Air Force Station. A final report containing the recommendations and business plan of the authority shall be completed prior to the 1990 Legislative Session.

(e) Acquire property, real, personal, intangible, tangible, or mixed, within or without its territorial limits, in fee simple or any lesser interest or estate, by purchase, gift, devise, or lease, on such terms and conditions as the board may deem necessary or desirable; and sell or otherwise dispose of the same, and of any of the assets and properties of the authority.

(f) Make and execute any and all contracts and other instruments necessary or convenient to the exercise of its powers.

(g) Whenever deemed necessary by the board, lease as lessor or lessee to or from any person, public or private, any facilities or property for the use of the authority and to carry out any of the purposes of the authority.

(h) Appoint, through its board of supervisors, an executive director.

(i) Own, acquire, construct, develop, create, reconstruct, equip, operate, maintain, extend, and improve launch pads, landing areas, ranges, payload assembly buildings, payload processing facilities, laboratories, space business incubators, facilities for the construction of rockets and other suborbital launch vehicles, and other spaceport facilities and other space related systems including educational, cultural, and parking facilities and space related initiatives.

(j) Undertake a program of advertising to the public and promoting space related businesses or any spaceport projects of the authority, and expend moneys and undertake such activities to carry out such advertising and promotional program as the board from time to time may determine.

(k) Own, acquire, construct, reconstruct, equip, operate, maintain, extend, and improve transportation facilities appropriate to meet the transportation requirements of the authority and activities conducted within the spaceport territory.

(l) Own, acquire, construct, reconstruct, equip, operate, maintain, extend, and improve electric power plants, transmission lines and related facilities, gas mains and facilities of any nature for the production or distribution of natural gas, transmission lines and related facilities and plants and facilities for the generation and transmission of power through traditional and new and experimental sources of power and energy; purchase electric power, natural gas, and other sources of power for distribution within any spaceport territory; develop and operate water and sewer systems, waste collection and disposal consistent with chapter 88-130, Laws of Florida; and develop and operate such new and experimental public utilities, including, but not limited to, centrally distributed heating and air-conditioning facilities and services, closed-circuit television systems, and computer services and facilities, as the board may from time to time determine. However, the authority shall not construct any system, work, project, or utility authorized to be constructed under this paragraph in the event that a system, work, project, or utility of a similar character is being actually operated by a municipality or private company in the municipality or territory adjacent thereto, unless such municipality or private company consents to such construction.

(m) Designate, set aside, and maintain lands and areas within or without the territorial limits of any spaceport territory as conservation areas or bird and wildlife sanctuaries; stock such areas with animal and plant life and stock water areas with fish and other aquatic life; promulgate and enforce rules and regulations with respect thereto and protect and preserve the natural beauty thereof; and do all acts necessary or desirable in order to qualify such lands and areas as conservation areas and sanctuaries under any of the laws of the state or under federal law.

(n) Establish a program for the control, abatement, and elimination of mosquitoes and other noxious insects, rodents, reptiles, and other pests throughout the spaceport territory and undertake such works and construct such facilities within or without the spaceport territory as may be determined by the board to be needed to effectuate such program; abate and suppress mosquitoes and other arthropods, whether disease-bearing or pestiferous, within any spaceport territory when in the judgment of the board such action is necessary or desirable for the health and welfare of the inhabitants of or visitors to any spaceport; and take any and all temporary or permanent eliminative measures that the board may deem advisable. The Legislature hereby finds and declares the authority eligible to receive state funds, supplies, services, and equipment available or that may in the future become available to mosquito or pest control districts, the provisions of s. 388.021, Florida Statutes, notwithstanding.

(o) Subject to the rules and regulations of the appropriate water management district, own, acquire, construct, reconstruct, equip, maintain, operate, extend, and improve water and flood control facilities. The Legislature hereby finds and declares the authority eligible to receive moneys, disbursements, and assistance from the state available to flood control or water management districts and navigation districts or agencies.

(p) Own, acquire, construct, reconstruct, equip, maintain, operate, extend, and improve public safety facilities for the spaceport, including security stations, security vehicles, fire stations, water mains and plugs, and fire trucks and other vehicles and equipment; hire employees, security officers, and firefighters; and undertake such works and construct such facilities determined by the board to be necessary or desirable to promote and ensure public safety within the spaceport territory.

(q) Hire, through its executive director, a safety officer with substantial experience in public safety procedures and programs for space vehicle launching and related hazardous operations. The safety officer shall monitor and report on the safety and hazards of ground-based space operations to the executive director.

(r) Establish a personnel management system for hiring employees and setting employee-benefit packages. The personnel of the authority shall not be considered to be within the state employment system.

(s) Establish procedures, rules, and rates governing per diem and traveling expenses to its employees. Such rules shall not be subject to provisions of state law or rules pertaining to per diem and traveling expenses of public officers, employees, or other persons authorized by an agency head to incur such expenses.

(2) In connection with any of the projects that the authority is authorized to undertake pursuant to the powers and authority vested in it by this act, and in order to promote the development and utilization of new concepts, designs, and ideas in the fields of space exploration, the commercialization of the space industry, and spaceport facilities, the authority shall have the power and authority to examine, develop, and utilize new concepts, designs, and ideas, to own, acquire, construct, reconstruct, equip, operate, maintain, extend, and improve experimental spaceport facilities and services, and otherwise to undertake, sponsor, finance, and maintain such research activities, experimentation, and development as the board may from time to time determine.

(3) The authority is authorized to issue revenue bonds, assessment bonds, or any other bonds or obligations authorized by the provisions of this act or any other law, or any combination of the foregoing, and to pay all or part of the cost of the acquisition, construction, reconstruction, extension, repair, improvement, or maintenance of any project or combination of projects, to provide for any facility, service, or other activity of the authority and to provide for the retirement or refunding of any bonds or obligations of the authority, or for any combination of the foregoing purposes. Any bonds issued under the authority contained in this section must first be approved by a majority of the members of the Governor and Cabinet. The authority must provide 14 days' notice to the presiding officers and appropriations chairmen of both houses of the Legislature prior to presenting a bond proposal to the Governor and Cabinet. If either presiding officer or both appropriations chairmen object to the bonding proposal within the 14-day notice period, the bond issuance may be approved only by a vote of two-thirds of the members of the Governor and Cabinet.

(4) In coordination with the Florida Department of Transportation, the authority shall develop and file the federal air space notification required for priority air space use.

(5) The spaceport facility at Cape San Blas may only be developed upon the following conditions:

(a) Construction at the site shall not cause significant degradation of the water quality or injure aquatic life in St. Joseph Bay or the adjacent water of the Gulf of Mexico.

(b) Rocket launches shall be limited to small sounding rockets or other similar suborbital craft.

(c) Construction on site shall be placed within the boundaries of facilities existing on the effective date of this act.

(d) Construction of support facilities, other than those needed for direct rocket launching, shall be located a minimum of 5 miles from the launch facility. The board, or persons leasing from the board, shall not permit the use of the launch facilities if parts or services are required from any person who locates manufacturing or commercial facilities on Cape San Blas or within 5 miles of the launch facility after the passage of this act.

Section 6. Board of supervisors.—

(1) There is created within the Spaceport Florida Authority a board of supervisors consisting of seven members who shall be appointed by the Governor and subject to confirmation by the Senate at the next regular session of the Legislature. Each of the board members must be a resident of the state and must have experience in the aerospace or commercial space industry or in finance or have other significant relevant experience. One shall represent organized labor interests.

(2) Initially, the Governor shall appoint four members for terms of three years or until successors are appointed and qualified and three members for terms of 4 years or until successors are appointed and qualified. Thereafter, each member shall serve a term of 4 years or until a successor is appointed and qualified. The term of the members shall be construed to commence on the date of appointment and to terminate on June 30 of the year of the end of the term. The terms for those board members initially appointed shall be construed to include the time between initial appointment and June 30, 1992, for those appointed for 3-year terms, and June 30, 1993, for those appointed for 4-year terms. No member shall serve on the board for more than two full 4-year terms; provided, however, in addition to two full 4-year terms, a member shall be allowed to serve an initial 3-year term or fill any vacancy for the remainder of a term for less than 4 years. Appointment to the board shall not preclude any member from holding any other private or public position.

(3) Initial appointments shall be made no later than 60 days after this act takes effect.

(4) The board shall hold its initial meeting no later than 20 days after the members have been appointed. At its initial meeting, or as soon thereafter as is practicable, the board shall appoint an executive director. Meetings shall be held quarterly or more frequently at the call of the chairman. A majority of the members on the board shall constitute a quorum, and a majority vote of the members present is necessary for any action taken by the board.

(5) The board shall determine the annual salary of the executive director.

(6) The Governor has the authority to remove from the board any member in the manner and for cause as defined by the laws of this state and applicable to situations which may arise before the board. Unless excused by the chairman of the board, a member's absence from two or more consecutive board meetings creates a vacancy in the office to which the member was appointed.

Section 7. Treasurer; depositories; fiscal agent.—

(1) The board shall designate an individual who is a resident of the state, or a qualified public depository as defined in s. 280.02, Florida Statutes, as treasurer of the authority, who shall have charge of the funds of the authority. Such funds shall be disbursed only upon the order of or pursuant to the resolution of the board by warrant, check, authorization, or automatic deposit pursuant to s. 215.85, Florida Statutes, signed or authorized by the treasurer or his representative or by such other persons as may be authorized by the board. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate, and shall establish the treasurer's compensation. The board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his powers and duties. The board shall audit or have audited the books of the treasurer at least once a year.

(2) The board is authorized to select as depositories in which the funds of the board and of the authority shall be deposited any banking corporation or other financial institution organized under the laws of the state, or under the laws of the United States and doing business in the state, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable.

(3) The board may employ a fiscal agent, who shall be either a resident of the state or a corporation organized under the laws of this or any other state and authorized by such laws to act as such fiscal agent in the state.

Section 8. Powers and duties of the board of supervisors.—Except as otherwise provided in this act, all of the powers and duties of the authority shall be exercised by and through the board of supervisors, including the power and duty to:

(1) Adopt by laws, rules, resolutions, and orders prescribing the powers, duties, and functions of the officers of the authority, the conduct of the business of the authority, the maintenance of records, and the form of all documents and records of the authority. The board may adopt administrative rules and regulations with respect to any of the projects of the authority, with notice and public hearing.

(2) Maintain an executive office and authority offices within close proximity of Kennedy Space Center in coordination with the Space Coast Development Commission, Inc.

(3) Enter, and authorize any agent or employee of the authority to enter, upon any lands, waters, and premises, upon giving reasonable notice and due process to the land owner, for the purposes of making surveys, soundings, drillings, appraisals, and examinations necessary to perform its duties and functions. Any such entry shall not be deemed a trespass or an entry that would constitute a taking in an eminent domain proceeding. The authority shall make reimbursement for any actual damages to such lands, waters, and premises as a result of such activity.

(4) Execute all contracts and other documents, adopt all proceedings, and perform all acts determined by the board to be necessary or desirable to carry out the purposes of this act. The board may authorize one or more members of the board to execute contracts and other documents on behalf of the board or the authority.

(5) Establish and create such departments, committees, or other agencies as from time to time the board may deem necessary or desirable in the performance of any acts or other things necessary to the exercise of the powers provided in this act, and delegate to such departments, boards, or other agencies as defined in s. 320.0808(3)(b), Florida Statutes, such administrative duties and other powers as the board may deem necessary or desirable.

(6) Appoint a person to act as executive director of the authority, having such official title, functions, duties, and powers as the board may prescribe.

(7) Examine, and authorize any officer or agent of the authority to examine, the county tax rolls with respect to the assessed valuation of the real and personal property within any spaceport territory.

(8) Engage in the planning and implementation of space related economic and educational development within the state.

(9) Execute intergovernmental agreements and development agreements consistent with prevailing statutory provisions, including, but not limited to, special benefits or tax-increment financing initiatives.

(10) Establish reserve funds for future board operations.

(11) Adopt rules pursuant to chapter 120, Florida Statutes, to carry out the purposes of this act.

(12) Abide by all applicable federal labor laws in the construction and day-to-day operations of the authority and any spaceport. Further, the Board shall establish, by rule and regulation, pursuant to Chapter 120,

F.S., policies and procedures for the construction and operation of the authority and any spaceport. Said policies and procedures shall be such that when the authority expends federal funds for construction or operation of any spaceport project, the authority will be subject to the federal labor laws observed at the Kennedy Space Center and Cape Canaveral Air Force Station, Florida, applicable as a result of such federal expenditures.

Section 9. Except as otherwise provided in this act, the budget, finances, expenditures, and appropriations of the authority, and the exercise of any power by the board as provided in this act, shall not be subject to the provisions of any law of the state relating to the budget or finances of state entities, and the budget and finances of the authority shall not be subject to approval or any other jurisdiction or authority of any county, municipality, or other political subdivision, or any public official, agency official, agency commission, board, council, or any other entity of the state or any of its political subdivisions.

(13) Prepare an annual report of operations. Said report shall include, but not be limited to, a balance sheet, an income statement, a statement of changes in financial position, a reconciliation of changes in equity accounts, a summary of significant accounting principles, the auditor's report, comments from management about the year's business, and prospects for the next year, which shall be submitted each year by November 30 to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

Section 10. Exercise by authority of its powers within municipalities and other political subdivisions.—The authority shall have the power to exercise any of its rights, powers, privileges, and authority in any and all portions of any spaceport territory lying within the boundaries of any municipal corporation or other political subdivision, heretofore or hereafter created or organized, whose boundaries lie wholly or partly within the geographical limits of the spaceport territory, to the same extent and in the same manner as in areas of the spaceport territory not incorporated as part of a municipality or other political subdivision. With respect to any municipal corporation or other political subdivision whose boundaries lie partly within and partly without the geographical limits of the spaceport territory, the authority shall have the power to exercise its rights, powers, privileges, and authority only within the portion of such municipal corporation or other political subdivision lying within the boundaries of the spaceport territory, except as otherwise provided in section 10.

Section 11. Furnishing facilities and services within the spaceport territory.—The authority shall have the power to construct, develop, create, maintain, and operate its projects within the geographical limits of the spaceport territory, including any portions of the spaceport territory located inside the boundaries of any incorporated municipality or other political subdivision, and to offer, supply, and furnish the facilities and services provided for in this act to, and to establish and collect fees, rentals, and other charges from, persons, public or private, within the geographical limits of the spaceport territory and for the use of the authority itself.

Section 12. Power of the authority with respect to roads.—Within the territorial limits of any spaceport territory, the authority has the right to acquire, through purchase or interagency agreement, or as otherwise provided in law, and to construct, control, and maintain, roads deemed necessary by the authority and connections thereto and extensions thereof now or hereafter acquired, constructed, or maintained in accordance with established highway safety standards, provided that, in the event a road being addressed by the authority is owned by another agency or jurisdiction, the authority, prior to proceeding with the proposed project or work activity, shall have either coordinated the desired work with the owning agency or jurisdiction or shall have successfully executed an interagency agreement with the owning agency or jurisdiction.

Section 13. Exclusive authority.—This act specifically provides that the Authority shall have exclusive power and authority to regulate spaceports in the state.

Section 14. Maintenance of projects across rights-of-way.—The authority shall have the right to construct and operate its projects in, along, or under any streets, alleys, highways, or other public places or ways, and across any drain, ditch, canal, floodway, holding basin, excavation, railroad right-of-way, track, grade, fill, or cut; provided, however, that just compensation, including fees, shall be paid by the authority for any private property taken or damages by the exercise of such power.

Section 15. Fees, rentals, tolls, fares, and charges; procedure for adoption and modification; minimum revenue requirements.—

(1) The authority shall have the power to prescribe, fix, establish, and collect rates, fees, rentals, tolls, fares, or other charges (hereinafter referred to as "revenues"), and to revise the same from time to time, for the facilities and services furnished or to be furnished by the authority and the spaceport, including, but not limited to, launch pads, ranges, payload assembly and processing facilities, visitor and tourist facilities, transportation facilities, and parking and other related facilities, to recover the costs of the spaceport facility or system, and to provide for reasonable penalties against any user or property for any such rates, fees, rentals, tolls, fares, or other charges that are delinquent.

(2) The board shall have the power to enter into contracts for the use of the projects of the authority and with respect to the services and facilities furnished or to be furnished by the authority, including, but not limited to, launch services, payload assembly and processing, and other suborbital space-related services, for such consideration and on such other terms and conditions as the board may approve. Such contracts or agreements, and revenues or service charges received or to be received by the authority thereunder, may be pledged as security for any of the bonds of the authority.

Section 16. Recovery of delinquent charges.—In the event that any of the rates, fees, rentals, charges, or delinquent penalties shall not be paid as and when due and shall be in default for 30 days or more, the unpaid balance thereof and all interest accrued thereon, together with attorney's fees and costs, may be recovered by the authority in a civil action.

Section 17. Discontinuance of service.—In the event that the fees, rentals, or other charges for the services and facilities of any project are not paid when due, the board shall have the power to discontinue and shut off the same until such fees, rentals, or other charges, including interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services and facilities, are fully paid. Such delinquent fees, rentals, or other charges, together with interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services and facilities, and reasonable attorney's fees and other expenses, may be recovered by the authority by suit in any court of competent jurisdiction. The authority may also enforce payment of such delinquent fees, rentals, or other charges by any other lawful method of enforcement.

Section 18. Comprehensive planning; building and safety codes.—The board of supervisors shall have the power to:

(1) Adopt, and from time to time review, amend, supplement, or repeal, a comprehensive general plan for the physical development of the area within the spaceport territory in accordance with the objectives and purposes of this act and consistent with the comprehensive plans of the applicable county or counties and municipalities adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163, Florida Statutes.

(2) Prohibit within the spaceport territory the construction, alteration, repair, removal, or demolition, or the commencement of the construction, alteration, repair (except emergency repairs), removal, or demolition, of any building or structure, including, but not by way of limitation, public utility poles, lines, pipes, and facilities, without first obtaining a permit from the board or such other officer or agency as the board may designate, and to prescribe the procedure with respect to the obtaining of such permit.

Section 19. Additional powers of board.—The board shall have the power within any spaceport territory to:

(1) Adopt regulations to prohibit or control the pollution of air and water, and require certain location and placement of electrical power, telephone, and other utility lines, cables, pipes, and ducts.

(2) Divide the spaceport territory into zones or districts of such number, shape, and area as the board may deem best suited to carry out the purposes of this act, and within and for each such district make regulations and restrictions as provided for in subsection (1).

Section 20. Federal funds and aid.—The authority is authorized to accept, receive, and receipt for federal moneys, property, and other moneys or properties, either public or private, for the acquisition, planning, operation, construction, enlargement, improvement, maintenance, equipment, or development of programs, facilities, and sites therefor, and

to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys.

Section 21. Agreements with municipalities within any spaceport territory.—The board and the governing bodies of any one or more municipalities located wholly or partly within any spaceport territory, whether now in existence or hereafter created, are authorized to enter into and carry into effect contracts and agreements relating to the common powers, duties, and functions of the board and other officers, agents, and employees of the authority, and the respective governing bodies of one or more such municipalities, and their respective officers, agents, and employees, to the end that there may be effective cooperation between and coordination of the efforts of such municipalities and the authority in discharging their common functions, powers, and duties and in rendering services to the respective residents and property owners of such municipalities and the authority. The board and the governing bodies of one or more such municipalities are further authorized to enter into and carry into effect contracts and agreements for the performance of any of their common functions, powers, and duties by a central agency or common agent of the contracting parties.

Section 22. Cooperative agreements with the state, counties, and municipalities.—

(1) The state and the counties, municipalities, and other political subdivisions, public bodies, and agencies thereof, or any of them, whether now existing or hereafter created, are authorized to aid and cooperate with the authority in carrying out any of the purposes and projects of the authority, to enter into cooperative agreements with the authority, to provide in any such cooperative agreement for the making of loans, gifts, grants, or contributions to the authority and the granting and conveyance to the authority of real or personal property of any kind or nature, or any interest therein, for the carrying out of the purpose and projects of the authority, to covenant in any such cooperative agreement to pay all or any part of the costs of acquisition, development, construction, reconstruction, extension, improvement, operation, and maintenance of any projects of the authority, and to pay all or any part of the principal and interest on any bonds of the authority.

(2) The state and the counties, municipalities, and other political subdivisions, public bodies, and agencies thereof, or any of them, whether now existing or hereafter created, and the authority created by this act, are further authorized to enter cooperative agreements to provide for the furnishing by the authority to the state or any county, municipality, or other political subdivision, public body, or agency thereof of any of the facilities and services of the authority, or by the state or any county, municipality, or other political subdivision, public body, or agency thereof to the authority and to persons within the spaceport territory of facilities and services of the type that the authority is authorized to furnish or undertake, or such other facilities and services as may be determined necessary or desirable by the board for the carrying out of the purposes of this act. Without limitation of the foregoing, such cooperative agreements may provide for the furnishing by any county, municipality, or other political subdivision of fire and police protection for the authority and persons and property within the authority, and for the providing to the authority of any services deemed necessary or desirable by the board for the proper functioning of the authority.

(3) Without limitation of the foregoing, the board may undertake and finance any of the projects of the authority, in whole or in part, jointly with any municipality, now existing or hereafter created, or in any other manner combine the projects of the authority with the projects of such municipality or municipalities.

(4) Any agreement of the type authorized by this section may be made and entered into pursuant to this act for such time or times, not exceeding 40 years.

Section 23. Contracts, grants, and contributions.—The authority shall have the power to make and enter all contracts and agreements necessary or incidental to the performance of the functions of the authority and the execution of its powers, and to contract with, and to accept and receive grants or loans of money, material, or property from, any person, private or public, as the board shall determine to be necessary or desirable to carry out the purposes of this act, and in connection with any such contract, grant, or loan to stipulate and agree to such covenants, terms, and conditions as the board shall deem appropriate.

Section 24. Subsection (4) is added to section 206.42, Florida Statutes, to read:

206.42 Aviation gasoline exempt from excise tax; rocket fuel.—

(4) Fuels of such quality not adapted for use in ordinary motor vehicles, being produced for and sold and exclusively used for space flight as defined in s. 212.02 are not subject to the tax pursuant to this part and parts II and III of this chapter and Chapter 212.

Section 25. Subsections (23) and (24) are added to section 212.02, Florida Statutes, 1988 Supplement, to read:

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

(23) "Spaceport activities" means activities directed or sponsored by the Spaceport Florida Authority on spaceport territory pursuant to its powers and responsibilities under the Spaceport Florida Authority Act.

(24) "Space flight" means any flight designed for suborbital, orbital, or interplanetary travel of a space vehicle, satellite, or station of any kind.

Section 26. Paragraph (c) of subsection (5) of section 212.06, Florida Statutes, is hereby repealed.

Section 27. Paragraph (b) of subsection (5) of section 212.08, Florida Statutes, 1988 Supplement, is amended, and subsection (16) is added to said section, 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.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for use in new businesses which manufacture, process, compound, or produce for sale *or for exclusive use in space activities as enumerated in s. 212.08(16),* items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2. Industrial machinery and equipment purchased for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale *or for exclusive use in space activities as enumerated in s. 212.08(16),* items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of $100,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, phosphate or other solid minerals severance, mining, or processing operations, oil or gas exploration or production operations, printing or publishing firms, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business Regulation, or any firm which does not manufacture, process, compound, or produce for sale items of tangible personal property.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of the manufacturing, processing, compounding, or producing for sale of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

(16) EXEMPTIONS; SPACE ACTIVITIES.—

(a) There shall be exempt from the tax imposed by this part:

1. The sale, lease, use, storage, consumption, or distribution in this state of any orbital-space facility, space propulsion system, or space vehicle, satellite, or station of any kind possessing space flight capacity, including the components thereof.

2. The sale, lease, use, storage, consumption, or distribution in this state of tangible personal property placed on or used aboard any orbital-space facility, space propulsion system, or space vehicle, satellite, or station of any kind, irrespective of whether such tangible personal property is returned to this state for subsequent use, storage, or consumption in any manner. This exemption is not affected by the failure of a launch to occur, or the destruction of a launch vehicle or any components thereof.

(b) This subsection shall be strictly construed and enforced.

Section 28. Environmental permits.—The authority shall obtain required environmental permits in accordance with federal and state law and shall comply with the provisions of chapter 380, Florida Statutes.

Section 29. Information relating to trade secrets confidential.—The records of the authority regarding matters encompassed by this chapter are public records subject to the provisions of chapter 119, except that any information which would reveal a trade secret, as defined in s. 812.081, Florida Statutes, of the authority, any spaceport user, or the space industry business is confidential and may not be disclosed. If the authority determines that any information requested by the public will reveal a trade secret, it shall, in writing, inform the person making the request of that determination. The determination is an order as defined in s. 120.52(11), Florida Statutes. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14, Florida Statutes.

Section 30. Foreign trade zone.—The authority shall have the power to apply to the Federal Government for a grant allowing the designation of any spaceport territory as a foreign trade zone pursuant to ss. 288.36 and 288.37, Florida Statutes. However, the designation of any spaceport territory as a foreign trade zone shall not be deemed to exempt from taxation any tax imposed by the state or by any political subdivision, agency, or instrumentality thereof.

Section 31. Sovereign immunity.—The authority shall be granted sovereign immunity in the same manner as the state under the laws and Constitution of the State of Florida. The state, by this section, hereby waives the sovereign immunity granted to the same extent as waived by the state under state law.

Section 32. Changing boundary lines; annexation and exclusion of lands; creation of municipalities within the geographical limits of any spaceport territory; limitations on the furnishing of services within annexed areas.—

(1) The board may at any time strike out or correct the description of any land within or claimed to be within the boundary lines of any spaceport territory upon the consent and writing of the owners of all the land that would be included or excluded from the boundary lines of any spaceport territory or otherwise affected by the taking of such action, and of the owners of not less than the majority in acreage of all lands within any spaceport territory.

(a) The board may enlarge the geographical limits of any spaceport territory to include any lands not then within any spaceport territory:

1. Upon the written consent of the owners of all the land to be included in any spaceport territory and of not less than a majority in acreage of all the land then within any spaceport territory; or

2. By resolution of the board approved at a special election called for such purpose, by vote of a majority of freeholders residing within the area to be annexed and a majority of freeholders residing within any spaceport territory.

(b) The board may contract the geographical limits of any spaceport territory so as to exclude from any spaceport territory any land then within any spaceport territory:

1. Upon the written consent of the owners of all of the land to be so excluded and of the owners of not less than a majority in acreage of all the land then within any spaceport territory; or

2. By resolution of the board approved at a special election called for such purpose, by vote of a majority of freeholders residing within the area to be excluded and a majority of the freeholders residing within any spaceport territory.

(2) Land, including property situated thereon added to any spaceport territory in the manner provided in subsection (1), shall from the time of its inclusion within such spaceport territory be subject to all assessments thereafter levied and assessed on all other land or property of any spaceport territory similarly situated. Land or property excluded from any spaceport territory in the manner provided in subsection (1) shall from the date of such exclusion be exempt from assessments thereafter imposed by the authority but shall not be exempt from assessment theretofore levied or due with respect to such land or property, or from subsequent installments of assessments theretofore levied or assessed with respect thereto, and such assessments may be enforced and collected by or on behalf of the authority in the same manner as if such land or property continued to be within the geographical limits of any spaceport territory.

(3) In the event that the geographic limits of any spaceport territory as set forth in section 4 are revised so as to include within any spaceport territory any areas not presently contained within any spaceport territory, the authority shall not engage in the business of furnishing electric

power for sale in such annexed area, unless the authority shall offer to purchase from any person who is at the time engaged in the business of making, generating, or distributing electricity for sale within such annexed area, such portion of its electric plant and property suitable and used for such business in connection therewith as lies within the limits of such annexed area, in a manner consistent with law.

(4) The authority shall designate new launch pads outside the present designated spaceport territories by statutory amendment to this act.

Section 33. Enforcement and penalties.—The board or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this act, including injunctive relief to enjoin or restrain any person violating the provisions of this act, and any bylaws, resolutions, regulations, rules, codes, and orders adopted under this act, and the court shall, upon proof of such violation, have the duty to issue forthwith such temporary and permanent injunctions as are necessary to prevent such further violation thereof. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, land, or water is used, in violation of this act, or of any code, order, resolution, or other regulation made under authority conferred by this act or under law, the board may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or avoid such violation, to prevent the occupancy of such building, structure, land, or water, and to prevent any illegal act, conduct, business, or use in or about such premises, land, or water.

Section 34. Revenue bonds.—

(1) The authority shall have the power to issue revenue bonds from time to time without limitation as to amount. Such revenue bonds may be secured by or payable from the gross or net pledge of the revenues to be derived from any project or combination of projects, from the rates, fees, tolls, fares, or other charges to be collected from the users of any project or projects, from any revenue-producing undertaking or activity of the authority, or from any source or pledged security. Such bonds shall not constitute an indebtedness of the authority unless such bonds are additionally secured by the full faith and credit of the authority. Bonds issued by the authority are not secured by the full faith and credit of the State of Florida.

(2) Any two or more projects may be combined and consolidated into a single project, and may thereafter be operated and maintained as a single project. The revenue bonds authorized herein may be issued to finance any one or more such projects separately, or to finance two or more such projects, regardless whether or not such projects have been combined and consolidated into a single project. If the board deems it advisable, the proceedings authorizing such revenue bonds may provide that the authority may thereafter combine the projects then being financed or theretofore financed with other projects to be subsequently financed by the authority shall be on a parity with the revenue bonds then being issued, all on such terms, conditions, and limitations as shall be provided, and may further provide that the revenues to be derived from the subsequent projects shall at the time of the issuance of such parity revenue bonds be also pledged to the holders of any revenue bonds theretofore issued to finance the revenue undertakings which are later combined with such subsequent projects. The authority may pledge for the security of the revenue bonds a fixed amount, without regard to any fixed proportion of the gross revenues of any project.

Section 35. Issuance of additional bonds.—If the proceeds of any bonds shall be less than the cost of completing the project in connection with which such bonds are issued, the board may authorize the issuance of additional bonds, upon such terms and conditions as the board may provide in the resolution authorizing the issuance thereof, but only in compliance with the resolution or other proceedings authorizing the issuance of the original bonds.

Section 36. Refunding bonds.—The authority through its board shall have the power to issue bonds to provide for the retirement or refunding of any bonds or obligations of the authority that at the time of such issuance are or subsequently thereto become due and payable, or that at the time of issuance have been called or are or will be subject to call for redemption within 10 years thereafter, or the surrender of which can be procured from the holders thereof at prices satisfactory to the board. Refunding bonds may be issued at any time when in the judgment of the board such issuance will be advantageous to the authority. The provisions of this act pertaining to bonds of the authority shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the board with respect to the same.

Section 37. Pledging assessments and other revenues and properties as additional security on bonds.—The authority may pledge as additional security for the payment of any of the bonds of the authority its full faith and credit, and provide that such bonds shall be payable as to both principal and interest, and as to any reserve or other funds provided therefor, to the full extent that any revenues as defined in this act, assessments, or other funds, or any combination thereof, pledged therefor are insufficient for the full payment of the same, and provided further that no bonds shall be issued to the payment of which the full faith and credit of the authority is pledged unless approved at an election in the manner provided by law. The authority by resolution of the board may also pledge as additional security for said bonds the revenues from any project of the authority, utility service, assessments, and any other sources of revenue or funds, or any combination of the foregoing, and may pledge or mortgage any of the properties, rights, interest, or other assets of the authority. Bonds issued by the authority are not secured by the full faith and credit of the State of Florida. The board may also provide with respect to any bonds of the authority that such bonds shall be payable, in whole or in part, as to principal amount or interest, or both, out of rates, fees, tolls, fares, service charges, or other charges collected with respect to any of the projects of the authority.

Section 38. Lien of pledges.—All pledges of revenues and assessments made pursuant to the provisions of this act shall be valid and binding from the time when such pledges are made. All such revenues and assessments so pledged and thereafter collected shall immediately be subject to the lien of such pledges without any physical delivery thereof or further action, and the lien of such pledges shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof.

Section 39. Issuance of bond anticipation notes.—In addition to the other powers provided for in this act and not in limitation thereof, the authority shall have the power, at any time from time to time after the issuance of any bonds of the authority shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal amount not in excess of the authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such rate or rates, mature at such time or times, be renewable for such additional term or terms, and be in such form and executed in such manner as the board shall prescribe. Such notes may be sold at public sale, or if such notes shall be renewable notes, may be exchanged for notes then outstanding on such terms as the board shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The board may in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any assessments levied for the payment of such bonds, but in such event a like amount of the bonds authorized shall not be issued.

Section 40. Short-term borrowing.—The authority at any time may obtain loans, in such amount and on such terms and conditions as the board may approve, for the purpose of paying any of the expenses of the authority or any costs incurred or that may be incurred in connection with any of the projects of the authority, which loans shall have such term or terms, be renewable for such term or terms, bear interest at such rate or rates, and be payable from and secured by a pledge of such funds, revenues, and assessments as the board may determine. For the purpose of defraying such costs and expenses, the authority may issue negotiable notes, warrants, or other evidences of debt signed on behalf of the authority by any one of the board, such notes or other evidences of indebtedness to be payable at such time or times, to bear interest at such rate or rates, and to be sold or discounted at such price or prices and on such term or terms as the board may deem advisable. The board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, and assessments of the authority.

Section 41. Trust agreements.—In the discretion of the board, any issue of bonds may be secured by a trust agreement by and between the authority and a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the

authority and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including without limitation covenants setting forth the duties of the authority in relation to the acquisition, development, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any projects, the fixing and revision of the rates, fees, tolls, fares, and charges, and the custody, safeguarding, and application of all moneys, and for the employment of counseling engineers in connection with such acquisition, development, construction, reconstruction, improvement, maintenance, repair, or operation. It shall be lawful for any bank or trust company incorporated under the laws of the state or the United States which may act as a depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the authority. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The board may provide for the payment of the proceeds of the sale of the bonds and the revenues of any project to such officer, board, or depository as it may designate for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of the project to which such trust agreement pertains.

Section 42. Sale of bonds.—Bonds may be sold in blocks or installments at different times, or an entire issue or series may be sold at one time. Bonds may only be sold at public sale after being advertised and publicly noticed. Bonds may be sold or exchange for refunding bonds. Special assessment and revenue bonds may be delivered as payment by the authority of the purchase price or lease of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price of, or exchange for, any property, real, personal, or mixed, including franchises, or services rendered by any contractor, engineer, or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the board in its discretion shall determine. The price or prices for any bonds sold, exchanged, or delivered may be:

(1) The money paid for the bonds.

(2) The principal amount, plus accrued interest to date of redemption or exchange, of outstanding obligations exchanged for refunding bonds.

(3) In the case of special assessment or revenue bonds, the amount of any indebtedness to contractors or other persons paid with such bonds, or the fair value of any properties exchanged for the bonds, as determined by the board.

Section 43. Authorization and form of bonds.—Bonds may be authorized by resolution or resolutions of the board which shall be adopted by a majority of all of the members thereof then in office and present at the meeting at which the resolution or resolutions are adopted. Such resolution or resolutions may be adopted at the same meeting at which they are introduced, and shall be published and noticed. The board may by resolution authorize the issuance of bonds, fix the aggregate amount of bonds to be issued, the purpose or purposes for which the moneys derived therefrom shall be expanded, the rate or rates of interest, the denomination of the bonds, whether or not the bonds are to be issued in one or more series, the date or dates thereof, the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance, the medium of payment, the place or places within or without the state where payment shall be made, registration privileges, redemption terms and privileges (whether with or without premium), the manner of execution, the form of the bonds including any interest coupons to be attached thereto, the manner of execution of bonds and coupons, and any and all other terms, covenants, and conditions thereof, and the establishment of reserve or other funds. Such authorizing resolution may further provide that such bonds may be executed manually or by engraved, lithographed, or facsimile signature, provided that where signatures are engraved, lithographed, or facsimile no bond shall be valid unless countersigned by a registrar or other officer designated by appropriate resolution of the board. The seal of the authority may be affixed, lithographed, engraved, or otherwise reproduced in facsimile on such bonds. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

Section 44. Interim certificates; replacement certificates.—Pending the preparation of definitive bonds, the board may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the board may determine, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The board may also provide for the replacement of any bonds which shall become mutilated or be lost or destroyed.

Section 45. Negotiability of bonds.—Any bond issued under this act and any interim certificate, receipt, or temporary bond shall, in the absence of an express recital on the face thereof that it is nonnegotiable, be fully negotiable and shall be and constitute negotiable instruments within the meaning and for all purposes of the law merchant and the laws of the State of Florida.

Section 46. Defeasance.—The board may make such provision with respect to the defeasance of the right, title, and interest of the holders of any of the bonds and obligations of the authority in any revenues, funds, or other properties by which such bonds are secured as the board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption, and the whole amount of the principal and the interest and premium, if any, due and payable upon the bonds or obligations when outstanding shall be paid, or sufficient moneys or direct obligations of the United States Government the principal of and the interest on which when due will provide sufficient moneys, shall be held or deposited in trust for such purpose, and provision shall also be made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title, and interest of the holders of the bonds in any revenues, funds, or other properties by which such bonds are secured shall thereupon cease, terminate, and become void; and the board may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than money held for the redemption or payment of the bonds or other obligations to any lawful purpose of the authority as the board shall determine.

Section 47. Bonds as legal investment or security.—Notwithstanding any other provision of law to the contrary, all bonds issued under the provisions of this act shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, adminstrators, trustees, guardians, and other fiduciaries and for any board, body, agency, instrumentality, county, municipality, or other political subdivision of the state, and shall be and constitute securities which may be deposited by banks or trust companies as security for deposits of state, county, municipal, or other public funds or by insurance companies as required or voluntary statutory deposits.

Section 48. Covenants.—Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem advisable and all such covenants shall constitute valid and legally binding and enforceable contracts between the authority and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds, the use and disposition of project revenues, the pledging of revenues, and assessments, the obligations of the authority with respect to the operation of the project and the maintenance of adequate project revenues, the issuance of additional bonds, the appointment, powers, and duties of trustees and receivers, the acquisition of outstanding bonds and obligations, restrictions on the establishing of competing projects or facilities, restrictions on the sale or disposal of the assets and property of the authority, the priority of assessment liens, the priority of claims by bondholders on the taxing power of the authority, the maintenance of deposits to assure the payment of revenues by users of spaceport facilities and services, the discontinuance of authority services by reason of delinquent payments, acceleration upon default, the execution of necessary instruments, the procedure for amending or abrogating covenants with the bondholders, and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

Section 49. Validity of bonds; validation proceedings.—Any bonds issued by the authority shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defect in the proceedings for the issue and sale thereof. Prior to the issuance of any bonds, the authority shall publish a notice at least once in a newspaper or newspapers published or of general circulation in the appropriate counties in the state, stating the date of adoption of the resolution authorizing such obligations, the amount, maximum rate of interest, and maturity of such obligations, and the purpose in general

terms for which such obligations are to be issued, and further stating that no action or proceeding questioning the validity of such obligations or of the proceedings authorizing the issuance thereof, or of any covenants made therein, must be instituted within 20 days after the first publication of such notice, or the validity of such obligations, proceedings, and covenants shall not be thereafter questioned in any court whatsoever. If no such action or proceeding is so instituted within such 20-day period, then the validity of such obligations, proceedings, and covenants shall be conclusive, and all persons or parties whatsoever shall be forever barred from questioning the validity of such obligations, proceedings, or covenants in any court whatsoever.

Section 50. Act furnishes full authority for issuance of bonds.—This act constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the authority provided herein. Any and all bonds issued by the authority shall not be secured by the full faith and credit of the State of Florida.

Section 51. Investment of funds.—The board may in its discretion invest funds of the authority in:

(1) Direct obligations of or obligations guaranteed by the United States or for the payment of the principal and interest of which the faith and credit of the United States is pledged;

(2) Bonds or notes issued by any of the following federal agencies: Bank for Cooperatives; federal intermediate credit banks; federal home loan bank system; federal land banks; or the Federal National Mortgage Association (including debentures or participating certificates issued by such association);

(3) Public housing bonds issued by public housing authorities and secured by a pledge or annual contributions under an annual contribution contract or contracts with the United States;

(4) Bonds or other interest-bearing obligations of any county, district, city, or town located in the state for which the full faith and credit of such political subdivision is pledged; or

(5) Any investment authorized for insurers by ss. 625.306-625.316, Florida Statutes, and amendments thereto.

Section 52. Fiscal year of the authority.—The board has the power to establish and from time to time redetermine the fiscal year of the authority. Unless the board otherwise provides, the authority's fiscal year shall be October 1 through September 30.

Section 53. Insurance coverage of the authority.—

(1) Notwithstanding any other provision of law, the Florida Fire Insurance Trust Fund established under s. 284.01, shall not insure buildings and property owned or leased by the authority.

(2) Notwithstanding any other provision of law, the Florida Casualty Insurance Risk Management Trust Fund established under s. 284.30 shall not insure against any liability of the authority.

(3) The authority shall establish a safety program. The safety program shall include:

(a) The development and implementation of a loss prevention program which shall consist of a comprehensive authority-wide safety program including a statement, established by the board of supervisors, of safety policy and responsibility.

(b) Provision for regular and periodic facility and equipment inspections.

(c) Investigation of job-related employee accidents and other accidents occurring on the premises of the authority or within areas of its jurisdiction.

(d) Establishment of a program to promote increased safety awareness among employees, agents and subcontractors of the authority.

(4)(a) The authority shall, if available, secure insurance coverage within reasonable limits for liability which may arise as a consequence of its responsibilities.

(b) The authority shall, if available, and if cost effective, secure insurance coverage on its buildings, facilities and property at reasonable levels.

(c) The authority, with respect to the purchase of insurance, shall be subject to the applicable provisions of Chapter 287 and other applicable law.

Section 54. Subsections (2), (3), (6), and (7) of s. 768.28, Florida Statutes, are amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions.—

(2) As used in this act, "state agencies or subdivisions" include the executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities *including the Spaceport Florida Authority*.

(3) Except for a municipality *and the Spaceport Florida Authority*, the affected agency or subdivision may, at its discretion, request the assistance of the Department of Insurance in the consideration, adjustment, and settlement of any claim under this act.

(6)(a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency, and also, except as to any claim against a municipality *or the Spaceport Florida Authority*, presents such claim in writing to the Department of Insurance, within 3 years after such claim accrues and the Department of Insurance or the appropriate agency denies the claim in writing; except that, if such claim is for contribution pursuant to s. 768.31, it must be so presented within 6 months after the judgment against the tortfeasor seeking contribution has become final by lapse of time for appeal or after appellate review or, if there is no such judgment, within 6 months after the tortfeasor seeking contribution has either discharged the common liability by payment or agreed, while the action is pending against him, to discharge the common liability. The failure of the Department of Insurance or the appropriate agency to make final disposition of a claim within 6 months after it is filed shall be deemed a final denial of the claim for purposes of this section. For purposes of this subsection, in medical malpractice actions, the failure of the Department of Insurance or the appropriate agency to make final disposition of a claim within 90 days after it is filed shall be deemed a final denial of the claim. The provisions of this subsection do not apply to such claims as may be asserted by counterclaim pursuant to s. 768.14.

(b) For purposes of this section, the requirements of notice to the agency and denial of the claim are conditions precedent to maintaining an action but shall not be deemed to be elements of the cause of action and shall not affect the date on which the cause of action accrues.

(7) In actions brought pursuant to this section, process shall be served upon the head of the agency concerned and also, except as to a defendant municipality *or the Spaceport Florida Authority*, upon the Department of Insurance; and the department or the agency concerned shall have 30 days within which to plead thereto.

Section 55. Section 233.65, Florida Statutes, is created to read:

233.65 Residential Mathematics and Science Honors High Schools.—

(1) There shall be established one or more residential high schools for academically talented students which have a curricular emphasis in mathematics and science. Schools established pursuant to this section shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public or duly accredited educational agencies approved by the Department of Education.

(2) There is hereby created the Commissioner's Council on Residential Mathematics and Science Honors High Schools. The Council shall be chaired by the Commissioner of Education and shall be composed of thirteen members, of whom three each shall be appointed by the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Commissioner of Education, respectively. Each appointed member shall serve a term of 3 years except that, in making the initial appointments, the Governor, the Speaker of the House, President of the Senate, and Commissioner of Education shall appoint one member to serve a term of 1 year, one member to serve a term of 2 years, and one member to serve a term of 3 years. The council shall serve as advisors to the State Board of Education regarding policies and rules related to the operation and administration of schools. Each member of the council shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061.

(3) The council shall designate initial sites for schools established pursuant to this section by competitive proposals from school districts, state universities, or private universities which hold accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Such proposals shall include a description of the manner in which the schools will be affiliated with a public high school in the district in which the school is located. Proposals shall also include a description of the manner in which the schools will be affiliated with the state university of closest geographic proximity to the school. No more than three schools shall be established by the council. Sites shall be designated in a manner that yields even geographic distribution. Priority in the designation of sites shall be to proposals that establish the availability of existing facilities. Sites utilized for the purposes of this section shall be be required to meet the requirements of chapter 235.

(4) Students shall be selected for enrollment in a school established pursuant to this section by competitive application. The council shall establish an application process through which such selection is accomplished. Any process so established shall take into account student grade-point average, academic achievements, extracurricular activities, and recommendations from teachers, administrators, and adults affiliated with the student outside the school setting. Initially, schools established pursuant to this section shall serve only eleventh and twelfth grade students. No such school shall exceed an enrollment of 100 students per grade level.

(5) Faculty employed within a school established pursuant to this section shall meet the certification requirements of chapter 231; however, faculty employed by such schools who are also employed as faculty at a university affiliated with the school shall be exempt from this criterion provided that they meet the prevailing requirements of the university for the employment of ranked, tenure-track faculty.

(6) Courses taught within a school established pursuant to this section shall meet, at a minimum, the standards prescribed for such courses within the Course Code Directory. Courses may also be conducted within such schools that exceed the standards contained within the Course Code Directory. In addition, courses may be conducted that are sufficiently specialized or advanced that they are not included in the Course Code Directory. The Legislature encourages the adoption of a curriculum that provides accelerated articulation opportunities pursuant to s. 240.116.

(7) No later than March 1, 1990, the council shall recommend to the President of the Senate and the Speaker of the House of Representatives a level of funding sufficient to fund schools established pursuant to this section. The council shall also examine the feasibility of incorporating tenth-grade students into such schools and shall convey recommendations regarding such incorporation within the report.

(8) The State Board of Education may adopt any rules necessary to implement the provisions of this section.

Section 56. Section 240.3341, Florida Statutes, is created to read:

(1) Each community college established pursuant to s. 240.3031 may provide incubator facilities to eligible small business concerns. As used in this section, "small business concern" shall be defined as an independently owned and operated business concern incorporated in Florida which is not an affiliate or a subsidiary of a business dominant in its field of operation, and which employs 25 or fewer full-time employees. "Incubator facility" shall be defined as a facility in which small business concerns share common space, equipment, and support personnel and through which such concerns have access to professional consultants for advice related to the technical and business aspects of conducting a commercial enterprise. The community college board of trustees shall authorize concerns for inclusion in the incubator facility.

(2) Each community college that provides an incubator facility shall provide the following:

(a) Management and maintenance of the incubator facility;

(b) Secretarial and other support personnel, equipment, and utilities; and

(c) Mechanisms to assist with the acquisition of technical, management, and entrepreneurial expertise to resident and other local small business concerns.

(3) The incubator facility and any improvements to the facility shall be owned by the community college. The community college may charge residents of the facility all or part of the cost for facilities, utilities, and support personnel and equipment. No small business concern shall reside in the incubator facility for more than 5 calendar years. The state shall not be liable for any act or failure to act of any small business concern residing in an incubator facility pursuant to this section or of any such concern benefiting from the incubator facilities program.

(4) Community colleges are encouraged to establish incubator facilities through which emerging small businesses supportive of spaceport endeavors and other high technology enterprises may be served.

Section 57. Participation by women, minorities, and socially and economically disadvantaged business enterprises encouraged.—It is the intent of the Legislature and the public policy of this state that women, minorities, and socially and economically disadvantaged business enterprises be encouraged to participate fully in all phases of economic and community development. Accordingly, to achieve such purpose, the authority shall, in accordance with applicable state and federal law, involve and utilize women, minorities, and socially and economically disadvantaged business enterprises in all phases of the design, development, construction, maintenance, and operation of spaceports developed under this act.

Section 58. Severability of provisions.—If any section, clause, sentence, or provision of this act, or the application of such section, clause, sentence, or provision to any person or under any circumstances shall be held to be inoperative, invalid, or unconstitutional, the invalidity of such section, clause, sentence, or provision shall not be deemed, held, or taken to affect the validity or constitutionality of any of the remaining parts of this act, or the application of any of the provisions of this act to persons or in circumstances other than those as to which it or any part thereof shall have been held inoperative, invalid, or unconstitutional, and it is intended that this act shall be construed and applied as if any section, clause, sentence, or provision held inoperative, invalid, or unconstitutional had not been included in this act.

Section 59. The Administration Commission and state agencies shall have authority to adopt rules containing procedures for review of spaceport plans and amendments and development orders for projects applied for or issued under this act.

Section 60. This act shall take effect upon becoming a law.

On motion by Senator Deratany, by two-thirds vote CS for SB 1469 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Gordon

Motions

On motions by Senator Scott, by two-thirds vote the consent calendar was scheduled for consideration at 3:00 p.m.; CS for SB 1292 and CS for SB 1214 were removed from the consent calendar; and SB 260 and HB 901 were added to the consent calendar.

On motion by Senator McPherson, by two-thirds vote SB 1050 was removed from the calendar and indefinitely postponed.

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 348 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 348—A bill to be entitled An act making it unlawful to release or cause to be released into the atmosphere a specified number of balloons within a specified period of time; providing exceptions; providing a penalty; providing for the adoption of rules; providing for injunctive relief; providing an effective date.

Amendment 1—On page 1, line 17, after the word "release" insert: , organize the release,

Amendment 2—On page 2, line 21, strike "August 1, 1989" and insert: November 1, 1989, except that sections 2 and 3 shall take effect upon becoming law.

Amendment 3—On page 1, line 2, after "release" insert: , organize the release,

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

SB 348 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 2 to CS for CS for HB 1269 and requests the Senate to recede.

John B. Phelps, Clerk

CS for CS for HB 1269—A bill to be entitled An act relating to community residential homes; providing definitions; providing siting requirements for certain community residential homes, including certain required notice; providing duties and authority of district administrators of the Department of Health and Rehabilitative Services and local governments with respect thereto; providing for mediation of conflicts; providing for certain denial or nullification of license to operate such a home; providing for applicability of local laws and zoning ordinances; providing for applicability to existing homes and certain residents; requiring the department to establish a statewide registry of all licensed community residential homes; providing for specified information therein; providing for certain technical assistance to local governments; providing restrictions on the release of confidential information; providing an effective date.

Senator Forman moved that the Senate recede from Senate Amendment 2.

Further consideration of **CS for CS for HB 1269** was deferred.

Motions

On motion by Senator Thurman, the House was requested to return CS for SB 791.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Meek, by two-thirds vote CS for HB 838 was withdrawn from the Committee on Community Affairs.

On motions by Senator Scott, by two-thirds vote SB 678 was withdrawn from the Committees on Insurance; Rules and Calendar; and Appropriations, and by two-thirds vote placed on the special order calendar.

RECESS

The hour of recess having arrived, a point of order was called by Senator Dudley and the Senate recessed at 12:04 p.m. to reconvene upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 1:51 p.m. A quorum present—35:

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

Senator W. D. Childers presiding

The President presiding

The Senate resumed consideration of—

CS for CS for HB 1269—A bill to be entitled An act relating to community residential homes; providing definitions; providing siting requirements for certain community residential homes, including certain required notice; providing duties and authority of district administrators of the Department of Health and Rehabilitative Services and local governments with respect thereto; providing for mediation of conflicts; providing for certain denial or nullification of license to operate such a home; providing for applicability of local laws and zoning ordinances; providing for applicability to existing homes and certain residents; requiring the department to establish a statewide registry of all licensed community residential homes; providing for specified information therein; providing for certain technical assistance to local governments; providing restrictions on the release of confidential information; providing an effective date.

—with pending motion by Senator Forman to recede from Senate Amendment 2, which was adopted.

CS for CS for HB 1269 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—23

Mr. President	Forman	Kirkpatrick	Stuart
Brown	Gardner	Malchon	Walker
Casas	Girardeau	McPherson	Weinstein
Crenshaw	Gordon	Meek	Weinstock
Davis	Grizzle	Ros-Lehtinen	Woodson-Howard
Deratany	Johnson	Souto	

Nays—14

Bankhead	Childers, W. D.	Langley	Thomas
Beard	Dudley	Peterson	Thurman
Bruner	Grant	Plummer	
Childers, D.	Jennings	Scott	

SPECIAL ORDER

On motions by Senator Gardner, by two-thirds vote HB 47 was withdrawn from the Committees on Transportation and Judiciary-Civil.

On motion by Senator Gardner—

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.

—a companion measure, was substituted for CS for SB's 846, 52 and 769 and read the second time by title.

Senator Gardner moved the following amendment:

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

Section 1. Short Title.—Sections 1-6 of this act may be cited as the "Youthful Drunk Driver Visitation Program Act."

Section 2. Court-ordered participation in program; preference for participation.—

(1) If a person is convicted of a violation of section 316.193, Florida Statutes, the court may order, as a term and condition of probation in addition to any other term and condition required or authorized by law, that the defendant participate in the Youthful Drunk Driver Visitation Program.

(2) The court shall give preference for participation in the program to defendants who were less than 21 years of age at the time of the offense if the facilities of the program in the jurisdiction are limited to fewer than the number of defendants eligible and consenting to participate.

Section 3. Investigation and consultation by court.—The court shall investigate and consult with the defendant, defendant's counsel, if any, and any proposed supervisor of a visitation under the program, and the court may consult with any other person whom the court finds may be of value, including, but not limited to, the defendant's parents or other family members, in order to ascertain that the defendant is suitable for the program, that the visitation will be educational and meaningful to the defendant, and that there are no physical, emotional, or mental reasons to believe the program would not be appropriate or would cause any injury to the defendant.

Section 4. Visitation requirement.—

(1) To the extent that personnel and facilities are made available to the court, the court may include a requirement for supervised visitation by the defendant to all, or any, of the following:

(a) A trauma center, as defined in section 395.031, Florida Statutes, or a hospital as defined in section 395.002, Florida Statutes, which regularly receives victims of vehicle accidents, between the hours of 10 p.m. and 2 a.m. on a Friday or Saturday night to observe appropriate victims of vehicle accidents involving drinking drivers, under the supervision of any of the following:

1. A registered nurse trained in providing emergency trauma care or prehospital advanced life support.

2. An emergency room physician.

3. An emergency medical technician.

(b) A treatment resource, as defined in section 396.032, Florida Statutes, which cares for advanced alcoholics, to observe persons in the terminal stages of alcoholism or drug abuse, under the supervision of appropriately licensed medical personnel.

(c) If approved by the county coroner, the county coroner's office or the county morgue to observe appropriate victims of vehicle accidents involving drinking drivers, under the supervision of the coroner or a deputy coroner.

(2) As used in this section, "appropriate victims" means victims whose condition is determined by the visit supervisor to demonstrate the results of accidents involving drinking drivers without being excessively gruesome or traumatic to the probationer.

(3) If persons trained in counseling or substance abuse are made available to the court, the court may coordinate the visitation program or the visitations at any of the appropriate facilities through those persons.

(4) Any visitation shall include, before any observation of victims or disabled persons by the probationer, a comprehensive counseling session with the visitation supervisor at which the supervisor shall explain and discuss the experiences which may be encountered during the visitation in order to ascertain whether the visitation is appropriate for the probationer.

(5) If at any time, whether before or during a visitation, the supervisor of the probationer determines that the visitation may be or is traumatic or otherwise inappropriate for the probationer, or is uncertain whether the visitation may be traumatic or inappropriate, the visitation shall be terminated without prejudice to the probationer.

Section 5. Post-visitation conference.—

(1) The program may include a personal conference after completion of any of the required visitations between the sentencing judge or his designated representative or the person responsible for coordinating the program for the judicial district and the probationer, the probationer's counsel, and, if available, the probationer's parents to discuss the experiences of the visitation and how those experiences may affect the probationer's future conduct.

(2) If a personal conference is not practicable, because of the probationer's absence from the jurisdiction, conflicting time schedules, or other reasons, the program should provide for a written report or letter by the probationer to the court discussing the experiences and their effect on the probationer.

Section 6. Immunity from civil liability.—The county, a court, any facility visited pursuant to the program, an agent, employee, or independent contractor of the court, county, or facility visited pursuant to the program, or any person supervising a probationer during the visitation, is not liable for any civil damages resulting from injury to the probationer, or civil damages caused by the probationer, during or from any activities relating to, the visitation, except for willful or grossly negligent acts intended to, or reasonably expected to result in, that injury or damage and except for workers' compensation for the probationer as prescribed by law if the probationer performs community service at the facility as an additional term or condition of probation.

Section 7. Section 322.056, Florida Statutes, is created to read:

322.056 Mandatory revocation or suspension of, or delay of eligibility for, driver's license, for persons under 21 found guilty of certain alcohol or drug offenses.—

(1) Notwithstanding s. 322.055, if a person under 21 years of age is found guilty of or delinquent for a violation of s. 562.11(2), s. 562.111, or chapter 893, and:

(a) The person is eligible by reason of age for a driver's license or driving privilege, the court shall direct the department to revoke or to withhold issuance of his driver's license or driving privilege for a period of:

1. Not less than 3 months or more than 6 months, for the first violation; or

2. Not less than 6 months or more than 1 year, for a subsequent violation.

(b) The person's driver's license or driving privilege is under suspension or revocation for any reason, the court shall direct the department to extend the period of suspension or revocation by an additional period of:

1. Not less than 3 months or more than 6 months, for the first violation; or

2. Not less than 6 months or more than 1 year, for a subsequent violation.

(c) The person is ineligible by reason of age for a driver's license or driving privilege, the court shall direct the department to withhold issuance of his driver's license or driving privilege for a period of:

1. Not less than 3 months or more than 6 months after the date on which he would otherwise have become eligible, for the first violation; or

2. Not less than 6 months or more than 1 year after the date on which he would otherwise have become eligible, for a subsequent violation.

(2) A penalty imposed under subsection (1) shall be in addition to any other penalty imposed by law.

Section 8. Subsection (2) of section 562.11, Florida Statutes, is amended to read:

562.11 Selling, giving, or serving alcoholic beverages to person under age 21; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21; penalties.—

(2) It is unlawful for any person to misrepresent or misstate his age or the age of any other person for the purpose of inducing any licensee or his agents or employees to sell, give, serve, or deliver any alcoholic beverages to a person under 21 years of age.

(a) Anyone convicted of violating *this subsection* ~~the provisions hereof~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person under the age of 17 years who violates such provisions shall be within the jurisdiction of the judge of the circuit court and shall be dealt with as a juvenile delinquent according to law.

(c) In addition to any other penalty imposed for a violation of this subsection, if a person uses a driver's license or identification card issued by the Department of Highway Safety and Motor Vehicles in violation of this subsection, the court ~~may~~:

1. *May* order the person to participate in public service or a community work project for a period not to exceed 40 hours; and

2. *Shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of,* suspend, *or revoke* the person's driver's license or driving privilege, *as provided in s. 322.056* ~~for a period not to exceed 1 year~~.

Section 9. Section 562.111, Florida Statutes, is amended to read:

562.111 Possession of alcoholic beverages by persons under age 21 prohibited.—

(1) It is unlawful for any person under the age of 21 years, except a person employed under the provisions of s. 562 13 acting in the scope of his employment, to have in his possession alcoholic beverages, except that nothing herein contained shall preclude the employment of any person 18 years of age or older in the sale, preparation, or service of alcoholic beverages in licensed premises in any establishment licensed by the Division of Alcoholic Beverages and Tobacco or the Division of Hotels and Restaurants. Notwithstanding the provisions of s. 562.45, any person under the age of 21 who is convicted of a violation of this *subsection* ~~section~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; however, any person under the age of 21 who has been convicted of a violation of this *subsection* ~~section~~ and who is thereafter convicted of a further violation of this *subsection* ~~section~~ is, upon conviction of the further offense, guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) In addition to any other penalty imposed for a violation of subsection (1), the court shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, suspend, or revoke the violator's driver's license or driving privilege, as provided in s. 322.056.

Section 10. This act shall take effect October 1, 1989.

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

Amendment 1A—On page 7, between lines 26 and 27, insert:

Section 10. Subsection (4) of section 316.655, Florida Statutes, is amended to read:

316.655 Penalties.—

(4) Any person convicted of a violation of s. 316.027, s. 316.061, s. 316.067, s. 316.072, s. 316.192, s. 316.193, s. 316.1935, s. 316.2045(2), or s. 316.545(1) shall be punished as specifically provided in that section. If the court finds that a minor committed any violation of any of the provisions of this chapter, the court may also impose one or more of the following sanctions:

(a) The court may reprimand or counsel the minor and his parents or guardian.

(b) The court may require the minor to attend, for a reasonable period, a traffic school conducted by a public authority.

(c) The court may order the minor to remit to the general fund of the local governmental body a sum not exceeding the maximum fine applicable to an adult for a like offense.

(d) The court may order the minor to participate in public service or a community work project for a minimum number of hours. A minor who participates in such a work program shall be considered an employee of the state for the purposes of chapter 440.

(e) The court may impose a curfew or other restriction on the liberty of the minor for a period not to exceed 6 months.

(f) If the court finds after a hearing, with notice to the minor, that the minor has violated the terms of his sentence imposed for a conviction of a criminal traffic offense, the court may suspend the minor's driver's license. Upon receipt of a notice from the court, the Department of Highway Safety and Motor Vehicles shall immediately suspend the driver's license of the minor. After suspension of the driver's license of a minor pursuant to this subsection, the license may not be reinstated until the minor complies with all court directives imposed upon him, including remittance of a sum to the general fund of the local governmental body as provided for in paragraph (c), and presents certification of such compliance to a driver licensing office and complies with any applicable requirements of chapter 322.

(g) If the court finds after a hearing with notice to the minor, that the minor has violated the terms of his sentence imposed for a conviction of a criminal traffic offense, the court may adjudicate the minor delinquent and remand the minor to the jurisdiction of the circuit court pursuant to chapter 39.

However, except for a conviction of a violation of s. 316.027, a minor shall not be imprisoned in an adult detention facility. If a minor is imprisoned for a violation of s. 316.027, under no circumstances shall a minor be placed in the same cell as an adult. The receiving facility shall have adequate staff to supervise and monitor the minor's activities at all times. Nothing in this paragraph prohibits the placing of two or more minors in the same cell.

(Renumber subsequent section.)

Amendment 1 as amended was adopted.

Senator Gardner moved the following amendment:

Amendment 2—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to offenses involving alcohol or drugs; providing a short title, the "Youthful Drunk Driver Visitation Program Act"; authorizing a court to order, as a condition of probation, certain persons convicted of driving under the influence to participate in the Youthful Drunk Driver Visitation Program; requiring a court to determine whether the program is appropriate for a probationer; allowing a court to require supervised probationers to visit certain prescribed facilities to view appropriate victims of vehicle accidents involving drinking drivers; prescribing appropriate supervisory personnel for such visitations; requiring a comprehensive counseling session before visitations; providing for a waiver of visitation if it is determined to be inappropriate; providing for a discretionary post-visitation conference; providing immunity from civil liability; creating s. 322.056, F.S.; providing mandatory withholding, revocation, or suspension of the driving privilege of a person under 21 who is found guilty of or delinquent for certain offenses; amending ss. 562.11, 562.111, F.S.; providing that penalties imposed under s. 322.056, F.S., are in addition to penalties imposed for the specified violations of the Beverage Law; providing an effective date.

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

Amendment 2A—In title, on page 1, line 12 through page 2, line 10, strike all of said lines and insert: A bill to be entitled An act relating to juveniles; providing a short title, the "Youthful Drunk Driver Visitation Program Act"; authorizing a court to order, as a condition of probation, certain persons convicted of driving under the influence to participate in the Youthful Drunk Driver Visitation Program; requiring a court to determine whether the program is appropriate for a probationer; allowing a court to require supervised probationers to visit certain prescribed facilities to view appropriate victims of vehicle accidents involving drinking drivers; prescribing appropriate supervisory personnel for such visitations; requiring a comprehensive counseling session before visitations; providing for a waiver of visitation if it is determined to be inappropriate; providing for a discretionary post-visitation conference; providing immunity from civil liability; creating s. 322.056, F.S.; providing mandatory withholding, revocation, or suspension of the driving privilege of a person under 21 who is found guilty of or delinquent for certain offenses; amending ss. 562.11, 562.111, F.S.; providing that penalties imposed under s.

322.056, F.S., are in addition to penalties imposed for the specified violations of the Beverage Law; amending s. 316.655, F.S.; providing that juveniles who violate the terms of their sentence imposed for conviction of a criminal traffic offense may have their driver's license suspended until they comply with all court directives; providing an effective date.

Amendment 2 as amended was adopted.

On motion by Senator Gardner, by two-thirds vote HB 47 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motions by Senator Grant, by two-thirds vote HB 1003 was withdrawn from the Committees on Insurance; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Grant—

HB 1003—A bill to be entitled An act relating to the State Comprehensive Health Association; amending s. 627.6488, F.S.; providing immunity from liability for specified persons under certain circumstances; providing an exception; directing the association to collect assessments to provide for operating losses; eliminating organizational assessments; authorizing the association to collect certain other assessments; amending s. 627.6492, F.S.; revising language with respect to participation of insurers; amending s. 627.6494, F.S.; revising language with respect to assessments for premiums earned; providing an effective date.

—a companion measure, was substituted for SB 1056 and read the second time by title. On motion by Senator Grant, by two-thirds vote HB 1003 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for SB 732—A bill to be entitled An act relating to housing; amending s. 420.0004, F.S.; redefining the term "substantial rehabilitation"; amending s. 420.503, F.S.; defining the term "department"; amending s. 420.507, F.S.; prescribing the powers of the Florida Housing Finance Agency; amending s. 420.5087, F.S.; providing for types of loans and establishing qualifications for loans; providing for the award of loans; providing duties of the Department of Community Affairs; authorizing rental of units under certain conditions; providing for participation in federal mortgage insurance programs; providing for the availability of appropriated funds in subsequent fiscal years; amending s. 420.5088, F.S.; modifying the guidelines for certain Florida homeownership assistance loans; amending s. 420.509, F.S.; allowing bond resolutions to vest certain property and rights in a trustee for the life of the bonds; amending s. 420.606, F.S.; revising requirements for a training and technical assistance program; creating s. 420.6075, F.S.; requiring the Department of Community Affairs to conduct research related to affordable housing; amending s. 420.608, F.S.; requiring the updating of lists of certain sites which are available for development; requiring such lists be provided to certain persons; amending s. 420.609, F.S.; revising membership and duties of the Affordable Housing Study Commission; providing for application of certain provisions; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Meek and adopted:

Amendment 1—On page 2, between lines 15 and 16, insert:

Section 2. Section 420.303, Florida Statutes, is amended to read:

420.303 Short title.—This part may be cited as the "Housing Predevelopment *and Elderly Homeowner Rehabilitation* Assistance Act."

Section 3. 420.34, Florida Statutes, is created to read:

420.34 Elderly Homeowner Rehabilitation Program.—There is hereby created the Elderly Homeowner Rehabilitation Program for the purpose of providing grants to local governments for use in making deferred loans to low-income elderly homeowners for home rehabilitation. Financial assistance provided under the program is intended to enable elderly homeowners to continue living in their homes and to improve and preserve the existing housing stock of Florida.

(1) Definitions.—As used in ss. 420.34-420.35, the following terms shall have the following meanings, unless the context otherwise requires:

(a) "Beneficiary" means a household whose dwelling unit is rehabilitated under this program.

(b) "Deferred loan" means a loan which is non-amortizing and which is due and payable in full upon transfer of title to the property.

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

(d) "Elderly household" means a household in which at least 50 percent of the residents are 62 years of age or older.

(e) "Immediate family" means a household, a member of which is the parent, spouse, sibling, or child of the owner of a housing unit.

(f) "Local government" means any county or incorporated municipality within this state.

(g) "Low income" means a total annual adjusted gross household income which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(h) "Rehabilitation" means the repair, renovation, or reconstruction of a housing unit to correct major structural and safety deficiencies.

(i) "Rehabilitation policy" means a policy adopted by a local government which sets forth the specific requirements for its housing rehabilitation program. Such policy shall include specific criteria for selection among eligible beneficiaries and properties, detailed descriptions of the types of assistance to be provided, contracting procedures and construction standards.

(j) "Very low income" means a total annual adjusted gross household income which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(2) Administration.—The department shall administer the program as authorized herein. The department has the powers necessary or appropriate to carry out the purposes and provisions of the program, including, but not limited to, the following:

(a) Make contracts and agreements with other agencies of the state, any other public agency, or any other public person, association, corporation, local government, or entity in exercising its powers and performing its duties under this part.

(b) Seek and accept funding from any public or private source.

(c) Adopt and enforce rules consistent with this section for the administration of the program.

(d) Make available program funds during the entire rehabilitation period, even if it extends beyond the fiscal year in which the grant agreement was entered, if the grant agreement was entered into during the state fiscal year for which the program funds were appropriated. The budget amendment process created in s. 216.181 shall be used to make funds available throughout the rehabilitation period.

(e) Approve and reject applications for the purpose of achieving over a 5-year period an equitable distribution of funds among the comprehensive planning districts established pursuant to s. 186.006, as follows:

1. At least 30 percent shall be distributed within the area consisting of planning districts 1, 2, 3, 4, and 6.

2. At least 30 percent shall be distributed within the area consisting of planning districts 5, 7, 8, and 10.

3. At least 30 percent shall be distributed within the area consisting of planning districts 9 and 11.

(f) Reject applications which do not meet the requirements of this section.

(g) Establish by rule measures to be applied in cases of documented failure to perform in accordance with the contract.

(h) Require that any proceeds received by a local government from the payment of deferred loans under this program be forwarded to the state for deposit into the Elderly Housing Trust Fund, unless the local government has established a housing trust fund and agrees to deposit any such proceeds into its trust fund to be utilized solely for additional loans that meet the requirements of this section.

(3) Applicant eligibility.—To be eligible, an applicant for the program shall be a local government which meets each of the following criteria:

(a) The local government has an active program which includes housing rehabilitation as a major activity and is performing satisfactorily according to the criteria of the funding agency.

(b) The local government does not have an open grant under the Elderly Homeowner Rehabilitation Program created in this section.

(c) The local government has adopted a rehabilitation policy which establishes a housing rehabilitation program consistent with the provisions of this section.

(4) Housing rehabilitation loan program requirements.—To be eligible for funding under this section, local programs must incorporate the following features:

(a) The eligible beneficiaries of the program shall be elderly households of low income or very low income. The local government shall assure that at least 70 percent of the beneficiaries are of very low income.

(b) The structures eligible to be rehabilitated under the program shall be as follows:

1. Single-family homes owned and occupied by eligible beneficiaries and in need of substantial rehabilitation.

2. Multi-family buildings in which at least 75 percent of the units are owned and occupied by eligible beneficiaries and at least 75 percent of the dwelling units are in need of substantial rehabilitation.

3. Manufactured homes which are owned and occupied by eligible beneficiaries, which are in need of substantial rehabilitation, and which are placed on and affixed to land owned by the occupants.

4. Units rehabilitated under a county's program shall be located in the unincorporated portion of the county.

(c) The form of assistance to the beneficiary shall be a deferred loan. If the housing unit rehabilitated under this program is inherited by the owner's immediate family, the deferred loan shall continue in force as long as the immediate family lives in the housing unit and is of low income or very low income. Five years after completion of the rehabilitation, the balance due on a deferred loan made to a very low income person, if not previously repaid, shall be reduced by 20 percent per year until the balance due is reduced to zero.

(d) The applicant shall certify whether it will retain proceeds received from loans made under this program in order to make additional loans meeting the criteria of this program or whether it will return such proceeds to the state.

(e) The funds shall be used solely for direct rehabilitation costs, except that a local government receiving a grant of up to $150,000 may use up to 10 percent of the grant amount for program administrative costs related specifically to the rehabilitation activity.

(f) The average unit cost for rehabilitation shall not exceed an amount to be established by department rule.

(g) The application shall be submitted in a complete and timely manner.

(5) The department shall publish a Notice of Fund Availability in a publication of general circulation throughout the state at least 30 days prior to the application deadline date.

(6) Application procedures.—From among the applications meeting the requirements of this section, the department shall distribute the available funds as grants on the basis of a competitive selection process. The department shall establish by rule a scoring system for evaluation and competitive ranking of applications submitted in this program, including, but not limited to the following criteria:

(a) The requirements of subsection (4).

(b) Objective indicators of the community's need for the program, including, but not limited to, the number and percent of elderly persons with incomes below the federally-established poverty line.

(c) Local government contributions and local government comprehensive planning and activities that promote affordable housing.

(d) Leveraging of private and local government funds.

(e) Commitment to assist a higher percentage of very low income persons than required by subsection (4).

(f) Program innovations that use state funds more effectively by reducing costs of rehabilitation and by assisting a larger number of elderly persons.

(g) Past performance on previous grants under this program.

(7) Funds shall be apportioned among local governments as follows:

1. For counties having populations in excess of 200,000 and cities having populations in excess of 50,000, 50 percent of the funds shall be available for grants of up to $500,000 each.

2. For counties having populations under 200,000 and cities having populations between 25,000 and 50,000, 35 percent of the funds shall be available for grants of up to $350,000 each.

3. For cities having populations under 25,000, 15 percent of the funds shall be available for grants of up to $150,000 each.

4. Funds allocated to any one category of this program that are not awarded as grants due to an insufficient number of applications which meet the program requirements shall be distributed equally to the other categories.

Section 4. Section 420.35, Florida Statutes, is created to read:

420.35 Florida Elderly Housing Trust Fund.—There is created in the State Treasury the Florida Elderly Housing Trust Fund to be administered as a nonlapsing, revolving fund by the Department of Community Affairs for the provision of safe, affordable housing to elderly households of low income and very low income and to otherwise carry out the purposes of s. 420.34. To this fund shall be credited all loan repayments, penalties, and other fees and charges accruing to the fund under s. 420.34 and any appropriations, donations, gifts, grants, or loans which may be made thereto. Moneys in the trust fund which are not currently needed for the purposes of s. 420.34 shall be deposited with the Treasurer to the credit of the trust fund and may be invested in such manner as is provided for

by statute. The interest received on any such investment shall be credited to the fund.

(Renumber subsequent sections.)

Senator Meek moved the following amendments which were adopted:

Amendment 2—On page 6, line 30, after "longer" insert: *; however, the provisions of this subsection shall not apply to loans made to housing communities for the elderly to provide for life-safety or security-related repairs or improvements. Such loans shall be subject to tenant income criteria established by agency rule*

Amendment 3—On page 23, between lines 17 and 18, insert:

Section 11. Subsections (4) through (7) of section 159.608, Florida Statutes, 1988 Supplement, are renumbered as subsections (5) through (8), respectively, and a new subsection (4) is added to said section to read:

159.608 Powers of housing finance authorities.—A housing finance authority shall constitute a public body corporate and politic, exercising the public and essential governmental functions set forth in this act, and shall exercise its power to borrow only for the purpose as provided herein:

(4) To borrow money through the issuance of bonds for single-family housing and qualified housing developments, to provide for and secure the payment thereof, and to provide for the rights of the holders thereof.

Amendment 4—On page 23, strike all of lines 23-25 and renumber subsequent section.

Amendment 5—In title, on page 2, line 3, strike "providing an appropriation;"

Amendment 6—In title, on page 2, line 2, after "Commission;" insert: amending s. 159.608, F.S.; providing additional powers of housing finance authorities;

Amendment 7—In title, on page 1, line 10, after the first semicolon (;) insert: providing an exception;

The Committee on Appropriations recommended the following amendment which was moved by Senator Meek and adopted:

Amendment 8—In title, on page 1, line 4, after the semicolon (;) insert: amending s. 420.303, F.S.; providing a short title; creating s. 420.34, F.S.; establishing the Elderly Homeowner Rehabilitation Program; providing for grants to local governments; providing for deferred loans to elderly homeowners; creating s. 420.35, F.S.; establishing the Florida Elderly Housing Trust Fund as a revolving fund under the Department of Community Affairs;

On motion by Senator Meek, by two-thirds vote CS for SB 732 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	

Nays—None

Motion

On motion by Senator Kirkpatrick, the House was requested to return SB 1089.

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 read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 766 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	

Nays—None

On motion by Senator Dudley, 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 returns as requested SB 1216.

John B. Phelps, Clerk

Reconsideration

On motion by Senator Dudley, the Senate reconsidered the vote by which SB 1216 passed May 29.

Pending further consideration of SB 1216, on motion by Senator Dudley, by two-thirds vote HB 1408 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Dudley—

HB 1408—A bill to be entitled An act relating to decedents' estates; amending s. 731.111, F.S.; changing time for filing claims; providing for contents of notice to creditors; amending s. 733.212, F.S.; changing time for filing claims; deleting filing requirement; providing for service of notice of administration on creditors and search to determine who are creditors of the estate; limiting liability of personal representative; amending s. 733.602, F.S.; providing clarifying language with respect to which persons are interested persons; amending s. 733.701, F.S.; changing time for filing claims; amending s. 733.702, F.S.; changing time for filing claims; changing grounds for extension of time to file claims; providing for limitation of time to seek extension; providing that the limitation period shall not be extended; 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 a requirement for any action brought upon an untimely claim; extending 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 probate proceeding; amending s. 733.710, F.S.; changing limitations period; providing limitations period for all estates; amending s. 734.1025, F.S.; changing limitations period; providing for service of notice to creditors; amending ss. 734.104, 735.107, and 735.201, F.S., changing limitations period; amending s. 735.206, F.S.; changing limitations period; providing effective dates.

—a companion measure, was substituted for SB 1216 and read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 1408 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Casas	Dudley	Grant
Bankhead	Childers, D.	Forman	Grizzle
Beard	Childers, W. D.	Gardner	Jennings
Brown	Crenshaw	Girardeau	Johnson
Bruner	Davis	Gordon	Kirkpatrick

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

Nays—None

Vote after roll call:

Yea—Weinstein

SPECIAL ORDER, continued

CS for SB 927—A bill to be entitled An act relating to driving under the influence; amending ss. 316.193, 316.1932, 316.1933, 316.1934, 316.656, 322.291, 327.352, 327.354, 327.36, 550.2405, F.S.; revising the elements of the offense of driving under the influence to provide a prohibited breath alcohol level; providing for unlawful breath alcohol levels for which penalties are provided by law; requiring a determination of the blood or breath alcohol level to be made within a specified period of time after an arrest; providing that persons convicted of certain offenses involving driving under the influence are not subject to sentencing under the statewide sentencing guidelines; providing criteria for establishing the prohibited amount of alcohol in blood or breath; requiring an analysis of breath, for purposes of a charge of driving under the influence, to be conducted according to methods approved by the Department of Health and Rehabilitative Services; increasing the penalty for failure to submit to a breath or urine test pursuant to an arrest for driving under the influence; providing that a suspension of a person's driving privilege for failure to submit to any such test is an absolute suspension; providing that such person may not be issued a permit to drive for business or other purposes; providing for implied consent to testing and for presumptions of breath alcohol impairment; specifying additional personnel who may withdraw blood or administer other tests for the purpose of determining alcohol content of blood or the presence of controlled substances; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 23-29 and through "purposes" on line 30

Amendment 2—On page 3, strike all of lines 24-28

Amendment 3—On page 9, lines 11-24, strike all new language and insert stricken language; on pages 10 and 11, strike all of subsection (c)

On motion by Senator Langley, by two-thirds vote CS for SB 927 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	

Nays—None

Consideration of **CS for SB 1178** was deferred.

On motion by Senator D. Childers, by two-thirds vote CS for HB 1514 was withdrawn from the Committee on Commerce.

On motion by Senator D. Childers—

CS for HB 1514—A bill to be entitled An act relating to unemployment compensation; amending section 3 of chapter 83-285, Laws of Florida, as amended; extending indefinitely the short-time compensation program, which permits the payment of prorated unemployment compensation benefits to employees laid off for a portion of a week; amending s. 443.131, F.S.; providing for financing of short-time compensation benefits; providing an effective date.

—a companion measure, was substituted for SB 1186 and read the second time by title. On motion by Senator D. Childers, by two-thirds vote CS for HB 1514 was read the third time by title, passed and 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, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	
Dudley	Kiser	Scott	

Nays—None

Motion

On motion by Senator Scott, by two-thirds vote the following bills were added to the special order calendar to be considered in the evening session at 7:00 p.m. this day: Senate Bills 112 and 114, CS for SB's 132, 140 and 150, CS for CS for SB 809, CS for SB's 351, 118, 339, 364, 512, 513, 629, 998 and 1256, CS for SB's 231, 111, 103, 131, 163, 183, 402, 432 and 530, and CS for SB 1230

CS for SB 1042—A bill to be entitled An act relating to financial affairs; amending s. 939.15, F.S.; providing that costs incurred pursuant to s. 27.54(3), F.S., by the public defenders shall be paid by the counties upon certification by the public defender; authorizing counties to contest the reasonableness of expenses; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendments which were adopted:

Amendment 1—Between page 1, line 31 and page 2, line 1, insert:

Section 2. Paragraph (a) of subsection (1) of section 27.56, Florida Statutes, is amended to read:

27.56 Assistance; lien for payment of attorney's fees or costs.—

(1)(a) The court having jurisdiction over any defendant who has been determined to be guilty of a criminal act by a court or jury or through a plea of guilty or nolo contendere and who has received the assistance of the public defender's office or a special assistant public defender, or the services of a private attorney appointed pursuant to the Florida Statutes or the Florida Rules of Criminal Procedure, may assess attorney's fees and costs against the defendant. At the sentencing hearing or at such stage in the proceedings as the court may deem appropriate, the public defender, the special assistant public defender, or the private attorney representing such defendant shall move the court to assess attorney's fees and costs against the defendant. Such costs may include the cost of depositions; cost of transcripts of depositions, including the cost of defendant's copy, which transcripts are certified by the defendant's attorney as having served a useful purpose in the disposition of the case; investigative costs; witness fees; the cost of psychiatric examinations; or other reasonable costs specially incurred by the county for the defense of the defendant in criminal prosecutions within the county. Costs shall not include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. *Any cost assessed pursuant to this paragraph shall be reduced by any amount assessed against a defendant pursuant to s. 27.3455.*

Section 3. Section 27.3455, Florida Statutes, 1988 Supplement, reads:

27.3455 Additional court costs; collection, use, and distribution of funds.—

(1) When any person pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense under the laws of this state or the violation of any municipal or county ordinance

which adopts by reference any misdemeanor under state law, there shall be imposed as a cost in the case, in addition to any other cost required to be imposed by law, a sum in accordance with the following schedule:

(a) Felonies $200

(b) Misdemeanors $50

(c) Criminal traffic offenses $50

(2) Payment of the additional court costs provided for in subsection (1) shall be made part of any plea agreement reached by the prosecuting attorney and defense counsel or the criminal defendant where the plea agreement provides for the defendant to plead guilty or nolo contendere to any felony, misdemeanor, or criminal traffic offense under the laws of this state or any municipal or county ordinance which adopts by reference any misdemeanor under state law.

(3) The clerk of the court shall collect such additional costs and shall notify the agency supervising a person upon whom costs have been imposed upon full payment of fees. The clerk shall deposit all but $3 for each misdemeanor or criminal traffic case and all but $5 for each felony case in a special trust fund of the county. Such funds shall be used exclusively for those purposes set forth in subsection (6). The clerk shall retain $3 for each misdemeanor or criminal traffic case and $5 for each felony case of each scheduled amount collected as a service charge of the clerk's office. A political subdivision shall not be held liable for the payment of the additional costs imposed by this section.

(4) Each county shall submit annually to the Comptroller and the Auditor General a statement of revenues and expenditures as set forth in this section in the form and manner prescribed by the Comptroller in consultation with the Advisory Council on Intergovernmental Relations, provided that such statement identify total county expenditures on:

(a) Medical examiner services.

(b) County victim witness programs.

(c) Each of the services outlined in ss. 27.34(2) and 27.54(3).

(d) Appellate filing fees in criminal cases in which an indigent defendant appeals a judgment of a county or circuit court to a district court of appeals or the Florida Supreme Court.

(e) Other court-related costs of the state attorney and public defender that were paid by the county where such costs were included in a judgment or order rendered by the trial court against the county.

Such statement also shall identify the revenues provided by subsection (1) that were used to meet or reimburse the county for such expenditures.

(5)(a) Within 6 months of the close of the local government fiscal year, each county shall submit to the Comptroller a statement of compliance from its independent certified public accountant, engaged pursuant to chapter 11, that the certified statement of expenditures was in accordance with ss. 27.34(2), 27.54(3), and 27.3455. All discrepancies noted by the independent certified public accountant shall be included in the statement furnished by the county to the Comptroller.

(b) Should the Comptroller determine that additional auditing procedures are appropriate because:

1. The county failed to submit timely its annual statement;

2. Discrepancies were noted by the independent certified public accountant; or

3. The county failed to file before March 31 of each year the certified public accountant statement of compliance, the Comptroller is hereby authorized to send his personnel or to contract for services to bring the county into compliance. The costs incurred by the Comptroller shall be paid promptly by the county upon certification by the Comptroller.

(c) Where the Comptroller elects to utilize the services of an independent contractor, such certification by the Comptroller may require the county to make direct payment to a contractor. Any funds owed by a county in such matters shall be recovered pursuant to s. 17.04 or s. 17.041.

(6) The priority for the allocation of funds collected pursuant to subsection (1) shall be as follows:

(a) Reimbursement to the county for actual county expenditures incurred in providing the state attorney and public defender the services outlined in s. 27.34(2) and s. 27.54(3), with the exception of office space, utilities, and custodial services.

(b) At the close of the local government fiscal year, funds remaining on deposit in the special trust fund of the county after reimbursements have been made pursuant to paragraph (a) shall be reimbursed to the county for actual county expenditures made in support of the operations and services of medical examiners, including the costs associated with the investigation of state prison inmate deaths. Special county trust fund revenues used to reimburse the county for medical examiner expenditures in any year shall not exceed $1 per county resident.

(c) At the close of the local government fiscal year, counties establishing or having in existence a comprehensive victim-witness program which meets the standards set by the Bureau of Crimes Compensation shall be eligible to receive 50 percent matching moneys from the balance remaining in the special trust fund after reimbursements have been made pursuant to paragraphs (a) and (b). Special trust fund moneys used in any year to supplement such programs shall not exceed 25 cents per county resident.

(d) At the close of the local government fiscal year, funds remaining in the special trust fund after reimbursements have been made pursuant to paragraphs (a), (b), and (c) shall be used to reimburse the county for county costs incurred in the provision of office space, utilities, and custodial services to the state attorney and public defender, for county expenditures on appellate filing fees in criminal cases in which an indigent defendant appeals a judgment of a county or circuit court to a district court of appeals or the Florida Supreme Court, and for county expenditures on court-related costs of the state attorney and public defender that were paid by the county, provided that such court-related costs were included in a judgment or order rendered by the trial court against the county. Where a state attorney or a public defender is provided space in a county-owned facility, responsibility for calculating county costs associated with the provision of such office space, utilities, and custodial services is hereby vested in the Comptroller in consultation with the Advisory Council on Intergovernmental Relations.

(7) At the end of the local government fiscal year, all funds remaining on deposit in the special trust fund after all reimbursements have been made as provided for in subsection (6) shall be forwarded to the Treasurer for deposit in the General Revenue Fund of the state.

(8) The Comptroller shall adopt any rules necessary to implement his responsibilities pursuant to this section.

Section 4. Section 925.037, Florida Statutes, is created to read:

925.037 Reimbursement of counties for fees paid to appointed counsel; circuit conflict committees.—

(1) Funds shall be appropriated each fiscal year to reimburse counties for fees paid to certain court-appointed attorneys. In order for a fee paid by a county to be reimbursable from such funds, the attorney must have been appointed pursuant to s. 27.53(3) or s. 925.035, must have been approved for such appointment by the circuit conflict committee prior to appointment, and must have been compensated within the maximum fee limits provided by s. 925.036, except that a fee is also reimbursable from such funds if paid by a county pursuant to a finding by a circuit court that the criminal case involved extraordinary circumstances such that the fee limits were inapplicable as a matter of law.

(2)(a) For the state fiscal years commencing July 1, 1989, and July 1, 1990, the allocation of the funds among the respective judicial circuits shall be as provided in the General Appropriations Act. The funds may, however, be reallocated among the respective judicial circuits with the approval of the Justice Administrative Commission in consultation with the chairmen of the legislative appropriations committees.

(b) Beginning with the fiscal year commencing July 1, 1991, such funds shall be allocated among the respective counties by the Justice Administrative Commission on the basis of each county's proportionate share of the total number of cases assigned to the public defender statewide in the preceding calendar year, as reported by the public defenders to the legislative appropriations committees.

(3) In each judicial circuit a circuit conflict committee shall be established. The committee shall consist of the following:

(a) The chief judge of the judicial circuit or his designated representative.

(b) One representative of each board of county commissioners within the judicial circuit, each such representative to be designated by board resolution.

(c) The public defender of the judicial circuit.

(4) The responsibilities of the circuit conflict committee are as follows:

(a) To select and approve attorneys for all appointments pursuant to ss. 27.53(3) and 925.035, commonly known as conflict case appointments.

(b) To allocate the available funds among the respective counties within the circuit for the state fiscal years commencing July 1, 1989, and July 1, 1990.

(5)(a) The clerk of the circuit court in each county shall submit to the Justice Administrative Commission a statement of conflict counsel fees at least annually. Such statement shall identify total expenditures incurred by the county on fees of counsel appointed by the court pursuant to this section where such fees are taxed against the county by judgment of the court. On the basis of such statement of expenditures, the Justice Administrative Commission shall pay state conflict case appropriations to the county. The statement of conflict counsel fees shall be on a form prescribed by the Justice Administrative Commission in consultation with the Advisory Council on Intergovernmental Relations and the Comptroller. Such form also shall provide for the separate reporting of total expenditures made by the county on attorney fees in cases in which other counsel were appointed by the court where the public defender was unable to accept the case as a result of a stated lack of resources. To facilitate such expenditure identification and reporting, the public defender, within 7 days of the appointment of such counsel by the court, shall report to the clerk of circuit court case-related information sufficient to permit the clerk to identify separately county expenditures on fees of such counsel. No county shall be required to submit any additional information to the commission on an annual or other basis in order to document or otherwise verify the expenditure information provided on the statement of conflict counsel fees form, except as provided in paragraph (c).

(b) Before April 1 of each year, the clerk of the circuit court in each county shall submit to the Justice Administrative Commission a report of conflict counsel expenses and costs for the previous local government fiscal year. Such report shall identify expenditures incurred by the county on expenses and costs of counsel appointed by the court pursuant to this section where such expenses and costs are taxed against the county by judgment of the court. Such report of expenditures shall be on a form prescribed by the commission in consultation with the Advisory Council on Intergovernmental Relations and the Comptroller, provided that such form shall at a minimum separately identify total county expenditures for witness fees and expenses, court reporter fees and costs, and defense counsel travel and per diem. Such form also shall provide for the separate reporting of total county expenditures on attorney expenses and costs in cases in which other counsel were appointed by the court where the public defender was unable to accept the case as a result of a stated lack of resources. To facilitate such expenditure identification and reporting, the public defender, within 7 days of the appointment of such counsel by the court, shall report to the clerk of the circuit court case-related information sufficient to permit the clerk to identify separately county expenditures on expenses and costs of such counsel. No county shall be required to submit any additional information to the Justice Administrative Commission on an annual or other basis in order to document or otherwise verify the expenditure information provided on the report of conflict counsel expenses and costs form, except as provided in paragraph (c).

(c) Before April 1 of each year, each county shall submit to the Justice Administrative Commission a statement of compliance from its independent certified public accountant, engaged pursuant to chapter 11, that each of the forms submitted to the Justice Administrative Commission as provided for in paragraphs (a) and (b) accurately represent county expenditures incurred in public defender conflict of interest cases during each reporting period covered by the statements. The statement of compliance also shall state that the expenditures made and reported were in compliance with relevant portions of Florida law. Such statement of compliance shall be contained on a standardized form to be designated by the Justice Administrative Commission. In the event that the statements are found to be accurate and the expenditures noted thereon to have been made in compliance with relevant portions of Florida law, no additional information or documentation shall be required to accompany the standardized statement of compliance submitted to the commission. Where the statement of compliance submitted by the independent certified public accountant indicates that one or more of the forms contained inaccurate expenditure information or where expenditures incurred were not in compliance with relevant portions of Florida law, the commission may require the submission of additional information as may be necessary to identify the nature of the problem.

(d) Upon the failure of a clerk of the circuit court or county to submit any report or information required by this section, the Justice Administrative Commission may refuse to honor any claim until such clerk or county is determined by the commission to be in compliance with such requirements. In the event that the statement of compliance submitted by a county pursuant to paragraph (c) indicates that the clerk of the circuit court claimed more than was actually expended by the county, the Justice Administrative Commission may require the clerk to submit complete supporting documentation of the county's expenditures on conflict of interest cases for the ensuing 3-year period.

(6) For the state fiscal years commencing July 1, 1988, and July 1, 1989, each public defender shall, not later than March 1 of the subsequent fiscal year, submit a report to the legislative appropriations committees indicating, by county, how the appropriated funds were expended.

(7) No funds may be transferred to increase the amount available for reimbursement; however, these funds may be reallocated among the counties with the approval of the Justice Administrative Commission in consultation with the chairmen of the legislative appropriations committees.

(8) Nothing contained in this chapter shall be construed to be an appropriation. Once the allocation to the county has been expended, any further obligation under s. 27.53(3) shall continue to be the responsibility of the county pursuant to this chapter.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 8, after the semicolon(;) insert: amending s. 27.56, F.S.; providing for a reduction in costs assessed with respect to certain cases where the defendant has used a public defender; creating s. 925.037, F.S.; providing for reimbursement of counties for expenses incurred in compensating certain appointed counsel; providing prerequisites for such reimbursement; providing for allocation of funds appropriated for such purpose; requiring establishment of a circuit conflict committee in each judicial circuit; providing procedures for reimbursement; requiring certain reports; authorizing the Justice Administrative Commission to refuse to honor claims and to require certain documentation under certain conditions; prohibiting transfers to increase amounts appropriated for such purpose; specifying that nothing in ch. 925, F.S., shall be construed as an appropriation; specifying the responsibility of the county upon expenditure of allocations;

On motion by Senator Langley, by two-thirds vote CS for SB 1042 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	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Davis	Jennings	Plummer	Woodson-Howard

Nays—None

SB 1294—A bill to be entitled An act relating to insurance agents; creating s. 626.592, F.S.; requiring designation of a primary agent for each insurance agency location; providing definitions; providing conditions for suspension or revocation of a license; providing an exception; authorizing an insurance agency to obtain from the Department of Insurance a verification of a person's current licensing status; requiring licensure of an agency under certain circumstances; amending s. 626.641, F.S.; prohibit-

ing certain employment during suspension or revocation of a license or permit; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote SB 1294 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Consideration of **CS for SB 780** was deferred.

CS for SB 1292—A bill to be entitled An act relating to insurance; amending s. 624.404, F.S.; providing additional grounds for the Department of Insurance to deny, suspend, or revoke the authority of an insurer to transact insurance in this state; revising references to certain publications of the National Association of Insurance Commissioners; amending s. 624.407, F.S.; revising criteria with respect to capital funds required to transact insurance business in the state; providing for application; amending s. 624.408, F.S.; providing criteria necessary to maintain a certificate of authority to transact any one kind or combinations of kinds of insurance business in the state; amending s. 624.4095, F.S.; revising language with respect to restrictions on premiums written; amending s. 624.410, F.S.; eliminating certain insuring combinations which presently may be conducted without additional capital funds; amending s. 624.411, F.S.; increasing deposit requirements for domestic and foreign insurers; revising requirements when the Department of Insurance determines that the financial condition of an insurer has deteriorated or that the policyholders' best interests are not being preserved by the activities of the insurer; amending s. 624.413, F.S.; revising language with respect to applications for certificate of authority; amending s. 624.414, F.S.; revising language with respect to issuance or refusal of authority; amending s. 624.420, F.S.; providing criteria for renewal of coverages by an insurer who has had his certificate of authority suspended; amending s. 624.421, F.S.; revising language with respect to the duration of suspension; amending s. 624.424, F.S.; providing clarifying language with respect to annual statements and other information; amending s. 624.430, F.S.; revising language with respect to withdrawal of an insurer or the discontinuance of writing certain kinds of lines of insurance; amending s. 624.609, F.S.; deleting language relating to limits of risk as to newly formed domestic mutual insurers; amending s. 624.610, F.S.; revising language with respect to reinsurance; providing for a summary statement and certification with respect to ceding insurers; creating s. 624.6011, F.S.; providing a definition of "kinds of insurance"; creating s. 624.6012, F.S.; providing a definition of "lines of insurance"; amending s. 625.031, F.S.; providing additional assets not allowed in determinations of financial condition under the Insurance Code; amending s. 625.041, F.S.; revising criteria with respect to liabilities charged against assets in determinations of financial condition, in general; amending s. 625.141, F.S.; providing for updated editions for valuation of bonds; amending s. 625.151, F.S.; providing for updated editions for valuation of securities; amending s. 625.161, F.S.; providing authority of the department in carrying out its responsibilities with respect to valuation of property; amending s. 625.305, F.S.; providing that the department may limit the extent of an insurer's deposits with any one financial institution under certain circumstances; amending s. 625.325, F.S.; providing for updated reference materials; amending s. 625.52, F.S.; revising language with respect to securities eligible for deposit; amending s. 628.071, F.S.; providing an additional ground for the grant or denial of a permit for stock and mutual insurers; amending s. 628.461, F.S.; revising language with respect to acquisition of controlling stock; amending s. 628.4615, F.S.; revising language with respect to acquisition of control of allied lines insurers; repealing s. 624.4081, F.S., relating to capital and surplus requirements of existing insurers; providing for review and repeal; providing effective dates.

—was read the second time by title.

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 8, line 23, strike "received" and insert: applied for

Amendment 2—On page 30, strike all of lines 23-25 and insert: *real or personal property appraiser. In the event it is subsequently determined that the insurer has over-valued assets, the*

Amendment 3—On page 31, line 20, strike *"any one financial institution"* and insert: *any financial institution which does not meet its regulatory capital requirement*

Amendment 4—On page 32, strike line 12 and insert:

(a) *Cash or certificate of deposit.—Cash delivered to the State Treasurer or certificates of deposit issued by a qualified public depository as defined in s. 280.02(11).* ~~Deposit type accounts. Certificates of~~

On motion by Senator Langley, by two-thirds vote CS for SB 1292 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

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

Nays—None

SB 1092—A bill to be entitled An act relating to the Department of Education; directing the department to provide for a School Related Employee of the Year Program; providing an appropriation; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 15 and 16, strike "teacher aides as described in s. 231.141, Florida Statutes" and insert: school related employees

On motion by Senator Bruner, by two-thirds vote SB 1092 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	Davis	Johnson	Ros-Lehtinen
Bankhead	Deratany	Kiser	Souto
Beard	Dudley	Langley	Stuart
Brown	Forman	Malchon	Thomas
Bruner	Gardner	Margolis	Thurman
Casas	Girardeau	Meek	Walker
Childers, D.	Gordon	Myers	Weinstein
Childers, W. D.	Grant	Peterson	Weinstock
Crenshaw	Grizzle	Plummer	Woodson-Howard

Nays—None

SB 1400—A bill to be entitled An act relating to insurance; amending s. 626.112, F.S.; revising criteria for the requirement of obtaining an insurance agency license; amending s. 626.621, F.S.; providing additional grounds for the discretionary refusal, suspension, or revocation of the license of any agent, solicitor, or adjuster; amending s. 626.641, F.S.; prohibiting suspended licensees or permittees from being employed by an insurance agent or agency; creating s. 626.8373, F.S.; requiring agents to perform certain duties to ensure that there shall not be overinsurance of health insurance or medical supplement insurance coverage; amending s. 626.9541, F.S.; revising language with respect to misrepresentation in insurance policies, twisting, and refusal to insure with respect to unfair methods of competition and unfair or deceptive acts; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote SB 1400 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

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

CS for HB 1518—A bill to be entitled An act relating to public schools; creating a District School Site Restructuring Incentives Program within the Department of Education; authorizing district school boards to adopt such programs at the district level; authorizing the Commissioner of Education to waive rules; creating an advisory committee and providing for membership thereof; providing that the development and adoption of a program be subject to the provisions of chapter 447, F.S.; specifying conditions for state funding of a program adopted by a district school board; providing for review of such programs by the commissioner; requiring the commissioner to approve or disapprove such a program; providing for a subsequent review of such a program; specifying criteria for approval; creating the District School Site Restructuring Incentives Program Trust Fund within the Department of Education; requiring the commissioner to administer the trust fund and to provide grants from the trust fund to district school boards having approved programs; specifying conditions for receipt of a grant from the trust fund; providing for an audit by the Auditor General of moneys granted from the trust fund; providing for a pro rata allocation of state moneys in the trust fund to school districts that have approved programs; providing an effective date.

—a companion measure, was substituted for CS for SB 729 and by two-thirds vote read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for HB 1518 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 328—A bill to be entitled An act relating to scholarships for postsecondary education; creating the African and Afro-Caribbean Scholarship Trust Fund; specifying the purpose of the fund; providing for the Department of Education to administer the fund and for the Florida Black Caucus to advise the department; providing for authorizing expenditures from the fund; stipulating the amount and renewability of each scholarship; providing eligibility standards for scholarship recipients and for participating institutions; allowing institutions to seek matching funds; restricting the proportion of available funds that one institution may receive; allowing the waiver of out-of-state tuition fees; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote SB 328 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for HB 530—A bill to be entitled An act relating to aquatic preserves; creating s. 258.399, F.S.; establishing the Oklawaha River Aquatic Preserve; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote CS for HB 530 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB's 281 and 1122—A bill to be entitled An act relating to postsecondary education; creating the Florida Postsecondary Education Security Information Act; providing a definition; providing for the reporting of campus crime statistics; requiring an annual assessment and report of physical plant safety; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote CS for SB's 281 and 1122 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Senator Langley presiding

On motions by Senator Casas, by two-thirds vote CS for HB 897 was withdrawn from the Committees on Transportation; and Finance, Taxation and Claims.

On motion by Senator Casas—

CS for HB 897—A bill to be entitled An act relating to motor vehicles; amending s. 316.515, F.S.; excluding recreational vehicles from the category of straight trucks with respect to length limitations; providing size limitations for private motor coaches; amending s. 320.01, F.S.; redefining the term "motor home" to provide a maximum length limitation; including the term "private motor coach" in the definition of "motor vehicle"; amending s. 320.08, F.S.; revising license taxes for recreational vehicles and park trailers; providing an effective date.

—a companion measure, was substituted for CS for SB 1014 and read the second time by title.

On motion by Senator Casas, by two-thirds vote CS for HB 897 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Bankhead, Kirkpatrick

CONSENT CALENDAR

Consideration of **SB 1001** was deferred.

CS for SB 658—A bill to be entitled An act relating to uniform traffic control; amending ss. 322.01, 322.12, 322.16, 322.121, 322.21, 322.08, 322.03, 322.05, 322.251, 322.264, 316.1936, 322.34, 322.32, 322.30, 316.1934, 322.14, 322.07, 322.04, 322.031, 234.091, 322.051, 322.15, 322.17, 322.18, 322.19, 322.22, 322.221, 322.25, 322.2505, 322.26, 322.27, 322.37, 322.38, 322.41, 316.027, 316.1935, 318.14, 324.051, 324.181, 401.281, 627.733, 831.29, F.S.; providing for the issuance of classified driver's licenses; providing a short title; providing for the resolution of conflicts with other laws; providing definitions; requiring a commercial driver's license be obtained by certain persons; providing an exemption from such requirement; providing classifications for driver's licenses; prohibiting persons from operating motor vehicles not covered by their license classification; providing for the examination of driver's license applicants; providing procedures under which certain persons may be exempted from a portion of such examination; authorizing the Department of Highway Safety and Motor Vehicles to execute agreements to authorize third parties to perform certain portions of the driver's license examination; requiring driver's license endorsements for the operation of certain vehicles; providing for the issuance of restricted driver's licenses; providing additional requirements for the renewal of driver's licenses; providing fees; providing penalties; providing for implementation by the department; authorizing the department to contact licensed drivers regarding the requirement to be relicensed; providing additional requirements for the application for a driver's license; requiring persons who apply for commercial driver's licenses to surrender all other driver's licenses; providing residency requirements for the issuance of certain driver's licenses; providing age restrictions for the issuance of driver's licenses; prohibiting the driver of a commercial motor vehicle from possessing more than one driver's license; providing for the disqualification of a person's privilege to operate a commercial motor vehicle; providing procedures relating to such disqualification; redefining the term "habitual traffic offender"; providing corrected references; prohibiting the operation of a commercial motor vehicle by a person with a positive blood alcohol level; providing that the presumptions contained in s. 316.1934, F.S., are not applicable in a prosecution of a person for driving a commercial motor vehicle while his blood alcohol level is over .00; providing implied consent for certain tests; providing procedures to determine whether a person's refusal to submit to such tests is lawful; requiring the department to enter into agreements for the exchange of driver's license records; authorizing the operation of a motor vehicle by unlicensed persons during a driver's license examination; providing specifications for driver's licenses; providing for the issuance of instruction permits; providing exemptions for certain persons from the requirement to obtain a driver's license; providing driver's license requirements for public school bus operators; providing that persons charged with certain violations may not utilize procedures for the withholding of adjudication pursuant to s. 318.14, F.S.; authorizing the department to prequalify applicants for a commercial driver's license; providing severability; providing effective dates.

—was read the second time by title.

Senators Thomas and W. D. Childers offered the following amendments which were moved by Senator Beard and adopted:

Amendment 1—On page 27, strike line 22 and insert: provided by s. 233.063, *however, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires the commercial license, the fee shall be the same as for a Class E driver's license.*

Amendment 2—On page 29, strike line 23 and insert: fraction thereof, not to exceed $50, however, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires the commercial license, the fee shall be the same as for a Class E driver's license. In order to receive a

Senator Beard moved the following amendments which were adopted:

Amendment 3—On page 76, between lines 5 and 6, insert:

Section 61. Subsection (1) and paragraphs (a), (f), and (i) of subsection (2) of section 316.302, Florida Statutes, 1988 Supplement, are amended to read:

316.302 Commercial motor vehicles; transportation of hazardous materials; safety regulations; enforcement.—

(1) Except as provided in this section, all commercial motor vehicles operating over the public highways of this state are subject to the rules and regulations contained in 49 C.F.R. Parts 390-397, with the exception of 49 C.F.R. *s. 390.5 as it relates to the definition of bus; Part 391, Subpart H;* ~~ss. 390.3 and 390.40~~ and Part 394, as such rules and regulations existed on March 1, *1989* ~~1988~~. Any commercial motor vehicle used for transporting any hazardous material being transported on any road, street, or highway open to the public is subject to the rules and regulations governing the placarding and safety of vehicles and the packaging, handling, and labeling of hazardous materials as contained in 49 C.F.R. Parts 171, 172, 173, 177, and 178. The requirements of this section supersede all other safety requirements of this chapter for commercial motor vehicles.

(2)(a) A person who operates a commercial motor vehicle solely within this state need not comply with 49 C.F.R. ss. 391.11(b)(1), *Part 391, Subpart H,* and 395.3(a) and (b).

(f) A person who operates a commercial motor vehicle solely within this state must at all times comply with 49 C.F.R. Parts 392, 393, and 49 C.F.R. s. 396.9. The exemption for intracity operations which is contained in 49 C.F.R. ss. *390.3(f)(6) and (g)* ~~390.33, 392.1(e), 393.1(b), and 396.1(b)~~ does not apply to intrastate operators.

(i) A person whose driving record shows no convictions for the preceding 3 years and who, as of October 1, 1988, is employed as a driver-salesman, as defined in 49 C.F.R. 395.2*(g)* ~~(h)~~, is exempt from 49 C.F.R. Part 391.

Section 62. Subsections (1) and (2) of section 316.3025,Florida Statutes, 1988 Supplement, are amended to read:

316.3025 Penalties.—

(1) A commercial motor vehicle that is found to be operating in such an unsafe condition as to be declared out-of-service pursuant to the National Uniform Driver Inspection Procedure as it existed on March 1, *1989* ~~1988~~, must be repaired before being returned to service.

(2) Any person who owns, operates, or causes to be operated a commercial motor vehicle that has been declared out-of-service pursuant to the National Uniform Driver Inspection Procedure as it existed on March 1, *1989* ~~1988~~, and that is driven before the completion of required repairs is subject to the imposition of a penalty of $250 in addition to any other penalties imposed against him.

(Renumber subsequent sections.)

Amendment 4—On page 76, strike line 8 and insert: 59, 60, 61, and 62 shall take effect upon becoming a law.

Amendment 5—On page 27, line 24 and on page 28, line 6, strike *"$19"* and insert: *$20*

Amendment 6—On page 27, line 25 and on page 29, line 23, before the period (.) insert: *; however, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires a commercial driver license, the fee shall be the same as for a Class E license*

Amendment 7—In title, on page 3, line 18, after the semicolon (;) insert: amending ss. 316.302, 316.3025, F.S.; updating references to federal regulations; adopting certain federal regulations; providing exceptions;

On motion by Senator Beard, by two-thirds vote CS for SB 658 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	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	Peterson	Weinstock
Davis	Jennings	Plummer	Woodson-Howard
Deratany	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 284—A bill to be entitled An act relating to environmental regulation; amending s. 403.031, F.S.; redefining the term "pollution" for purposes of ch. 403, F.S., and rules adopted thereunder; amending s. 403.161, F.S.; specifying prohibited acts under said chapter; providing civil and criminal penalties therefor; amending s. 403.727, F.S.; specifying prohibited acts applicable to biohazardous waste and hazardous waste generators, transporters, and facility owners or operators; providing civil and criminal penalties for such violations; amending s. 775.15, F.S.; prescribing the statute of limitation for prosecution of a violation of ch. 403, F.S., relating to environmental control; amending s. 895.02, F.S.; making crimes chargeable by indictment or information under ch. 403, F.S., relating to environmental control, prosecutable under ss. 895.01-895.08, F.S., the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; reenacting s. 288.517, F.S., relating to the Florida Industrial Siting Act; reenacting s. 376.303(1)(f), relating to the Department of Environmental Regulation's power to enforce liabilities relating to pollution of surface and ground waters; reenacting s. 403.182(7), F.S., relating to enforcement of violations in local pollution control programs; reenacting s. 403.924(1), (2), F.S., relating to the Warren S. Henderson Protection Act of 1984; reenacting s. 403.936, F.S., relating to enforcement provisions relating to mangroves; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 9, between lines 29 and 30, insert:

(8) Notwithstanding any of the provisions of this section, a generator of biohazardous wastes who has complied with this act and with the applicable rules promulgated under this act and who has contracted for the transportation of biohazardous wastes with a transporter who is registered pursuant to Department of Environmental Regulation rules and regulations shall not be jointly and severally liable for any actions of the transporter.

Amendment 2—On page 1, line 13, after "violations" insert: providing for certain immunity for generators who contract with certain transporters;

On motion by Senator Brown, by two-thirds vote CS for SB 284 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	Deratany	Johnson	Souto
Beard	Dudley	Langley	Stuart
Brown	Forman	Malchon	Thomas
Bruner	Gardner	Margolis	Thurman
Casas	Girardeau	McPherson	Walker
Childers, D.	Gordon	Meek	Weinstein
Childers, W. D.	Grant	Myers	Weinstock
Crenshaw	Grizzle	Peterson	Woodson-Howard
Davis	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Bruner, by two-thirds vote HB 447 was withdrawn from the Committee on Agriculture.

On motion by Senator Bruner—

HB 447—A bill to be entitled An act relating to building designations; designating the Northwest Florida Aquaculture Demonstration Facility in Calhoun County as the "Sam Mitchell Aquaculture Demonstration Facility"; directing the Institute of Food and Agricultural Sciences of the University of Florida to erect suitable markers; providing an effective date.

—a companion measure, was substituted for SB 1449 and read the second time by title. On motion by Senator Bruner, by two-thirds vote HB 447 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 190—A bill to be entitled An act relating to the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; amending s. 895.09, F.S.; revising the formula for distributing funds obtained pursuant to forfeiture proceedings under the act; deleting provisions authorizing the distribution of certain funds obtained pursuant to forfeiture proceedings to counties and municipalities; providing additional purposes for which such funds may be used; amending s. 16.53, F.S.; conforming provisions relating to the deposit of moneys in the Legal Affairs Revolving Trust Fund; amending s. 27.345, F.S.; renaming the Civil RICO Trust Fund as the State Attorney RICO Trust Fund; conforming provisions relating to the deposit of moneys in such fund; providing an effective date.

—was read the second time by title.

Senator Casas moved the following amendments which were adopted:

Amendment 1—On page 10, between lines 21 and 22, insert:

Section 5. Subsection (2) of section 895.09, Florida Statutes, as amended by this act, is repealed July 1, 1992, and shall be reviewed by the Legislature prior to that date.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 17, after the semicolon (;) insert: providing for the repeal and legislative review of s. 895.09(2), F.S., relating to the distribution of funds obtained through forfeiture proceedings;

On motion by Senator Casas, by two-thirds vote CS for SB 190 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	Childers, W. D.	Girardeau	Langley
Beard	Crenshaw	Gordon	Malchon
Brown	Davis	Grant	Margolis
Bruner	Dudley	Grizzle	McPherson
Casas	Forman	Jennings	Meek
Childers, D.	Gardner	Johnson	Myers

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 746—A bill to be entitled An act relating to public lodging establishments; requiring public lodging establishments which impose a surcharge for telephone calls made by its guests to post notice thereof; providing for the suspension or revocation of licenses of, or imposition of fines against, establishments which fail to do so; providing an effective date.

—was read the second time by title.

One amendment was adopted to conform CS for SB 746 to CS for HB 1549.

Pending further consideration of CS for SB 746 as amended, on motion by Senator D. Childers, by two-thirds vote CS for HB 1549 was withdrawn from the Committee on Regulated Industries.

On motion by Senator D. Childers—

CS for HB 1549—A bill to be entitled An act relating to public lodging establishments; requiring public lodging establishments which impose a surcharge for telephone calls made by its guests to post notice thereof; providing for the suspension or revocation of licenses of, or imposition of fines against, establishments which fail to do so; providing an effective date.

—a companion measure, was substituted for CS for SB 746 and read the second time by title.

On motion by Senator D. Childers, by two-thirds vote CS for HB 1549 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 1295—A bill to be entitled An act relating to motor vehicle insurance; amending s. 324.022, F.S.; authorizing the use of certain combined liability insurance policies; amending s. 627.727, F.S.; providing for certain restrictions on motor vehicle liability insurance policies to apply only to those which provide bodily injury liability coverage; amending s. 627.7275, F.S.; authorizing the use of certain combined liability insurance policies; amending s. 627.728, F.S.; exempting certain cancellations of coverage from the appeal process; amending s. 627.7295, F.S.; deleting certain restrictions regarding certain personal injury protection policies; providing for the cancellation of policies under certain circumstances; creating the Motor Vehicle Insurance Task Force of 1989; providing for appointments to the task force; specifying duties of the task force; providing for appropriations from the Insurance Commissioner's Regulatory Trust Fund; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator W. D. Childers and adopted:

Amendment 1—On page 7, line 16, strike "27" and insert: 28

Amendment 2—On page 7, line 26, after "Treasurer:" insert: American Insurance Association,

On motion by Senator W. D. Childers, by two-thirds vote CS for SB 1295 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

Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	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

HB 114—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 396.052, F.S., changing the name of the Florida Alcoholism Treatment and Research Center; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 114 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Deratany	Johnson	Ros-Lehtinen
Beard	Dudley	Langley	Souto
Brown	Forman	Malchon	Stuart
Bruner	Gardner	Margolis	Thomas
Casas	Girardeau	McPherson	Thurman
Childers, D.	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

CS for SB 94—A bill to be entitled An act relating to highway safety; creating s. 322.095, F.S.; providing additional requirements for issuance of a first-time driver's license; directing the Department of Highway Safety and Motor Vehicles to establish a traffic law and substance abuse education course; providing for fees; requiring certified local DUI schools to offer the course; amending s. 322.08, F.S.; prohibiting the department from issuing a driver's license to certain persons who do not complete the course; providing an assessment to fund the administration of the course; providing an effective date.

—was read the second time by title. On motion by Senator Crenshaw, by two-thirds vote CS for SB 94 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Dudley	Kiser	Ros-Lehtinen
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	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

Yea to Nay—Thurman

SB 825—A bill to be entitled An act relating to public schools; creating the Task Force on School Discipline; providing for appointment of members; providing duties of the task force; specifying contents of a task force report; providing for an appropriation; providing an effective date.

—was read the second time by title.

Senator Woodson-Howard moved the following amendments which were adopted:

Amendment 1—On page 4, between lines 7 and 8, insert:

Section 2. The Department of Health and Rehabilitative Services shall review and evaluate the effectiveness of the Short Term Residential Treatment Program and submit its report to the Legislature by February 1, 1990.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 6, after the second semicolon (;) insert: requiring the Department of Health and Rehabilitative Services to conduct a study and report to the Legislature;

On motion by Senator Davis, further consideration of **SB 825 as amended** was deferred.

CS for SB 1124—A bill to be entitled An act relating to the Department of Transportation; amending s. 337.11, F.S.; revising language with respect to combined design and construction contracts to provide additional criteria for administration of such contracts; providing procedures for letters of interest; providing procedures for requests for proposals; providing for negotiation of minor changes after the contract is awarded; amending s. 339.12, F.S.; providing that the department may accept contributions from governmental entities for any project or project phase of any state road and may agree to reimbursement of such project or project phase costs under certain circumstances; providing conditions for commitment of state funds for reimbursement; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Jennings and adopted:

Amendment 1—On page 5, line 2, after the period (.) insert: *The Executive Office of the Governor is authorized to amend the budget of the department in the appropriate categories so as to authorize the department to utilize contributions received.*

On motion by Senator Jennings, by two-thirds vote CS for SB 1124 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	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

HB 540—A bill to be entitled An act relating to elections; amending s. 101.6102, F.S.; providing applicability of mail ballot election provisions to municipal annexation referenda; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 540 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 1062—A bill to be entitled An act relating to maternal and child health; amending s. 383.011, F.S.; requiring the Department of Health and Rehabilitative Services to provide certain nutrition services to pregnant teenagers; providing a priority in the provision of comprehensive prenatal care; authorizing application for waiver; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote CS for SB 1062 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Davis, Kirkpatrick

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

HB 1391—A bill to be entitled An act relating to the Florida Youth Conservation Corps; amending s. 369.105, F.S.; providing for the appointment of the director of the Office of Civilian Conservation; providing that certain persons are not employees of the state; creating a trust fund; providing for rules for expenditures; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for SB 1207 and by two-thirds vote read the second time by title.

On motion by Senator Gardner, by two-thirds vote HB 1391 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Senate resumed consideration of—

SB 825—A bill to be entitled An act relating to public schools; creating the Task Force on School Discipline; providing for appointment of members; providing duties of the task force; specifying contents of a task force report; providing for an appropriation; providing an effective date.

—as amended.

On motion by Senator Davis, by two-thirds vote SB 825 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	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kiser	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Gordon—

HB 1616—A bill to be entitled An act relating to the Secretary of State; creating s. 15.0396, F.S.; designating the Louis Wolfson II Media History Center, Inc., in Miami, as an official state moving image center and archive; providing an effective date.

—a companion measure, was substituted for SB 708 and read the second time by title.

On motion by Senator Gordon, by two-thirds vote HB 1616 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Thurman

CS for SB 1106—A bill to be entitled An act relating to venue; amending s. 47.091, F.S.; requiring that the party requesting a change of venue pay the required transfer fee except when the action was initially filed in the improper venue; amending s. 47.191, F.S.; clarifying that no change in venue shall take place until the required transfer fee is paid; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote CS for SB 1106 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Consideration of **CS for SB 611** and **CS for SB 1386** was deferred.

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

HB 734—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.1967, F.S.; authorizing counties to send computer tapes to the Department of Highway Safety and Motor Vehicles listing names of persons with a certain number of outstanding parking violations; requiring the department to mark the registration records of persons so reported; providing an effective date.

—a companion measure, was substituted for SB 457 and by two-thirds vote read the second time by title.

On motion by Senator Johnson, by two-thirds vote HB 734 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Grizzle, 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 478 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 478—A bill to be entitled An act relating to state lands; amending s. 253.571, F.S.; providing for additional forms of financial security for damages for certain activities on state lands at the discretion of the board of trustees; repealing s. 253.55(3), F.S.; relating to limitation on the term of oil and gas drilling leases; repealing s. 253.58, F.S.; relating to manner of drilling wells; providing an effective date.

Amendment 1—On page 1, line 23, strike everything after the enacting clause and insert:

Section 1. Section 253.571, Florida Statutes, is amended to read:

253.571 Surety or property bond required of lessee prior to commencement of drilling.—The Board of Trustees of the Internal Improvement Trust Fund *may* ~~shall~~ require a surety or property bond, *an irrevocable letter of credit, or other proof of financial responsibility* from each lessee of public land *or mineral interest* prior to the time such lessee mines, drills or extracts in any manner, petroleum, petroleum products, gas, sulphur, or any other mineral from such land. The surety bond *or irrevocable letter of credit* shall be from a surety company *or bank* authorized to do business in the state. The *surety* bond, *irrevocable letter of credit, or other proof of financial responsibility* shall serve as security and is to be forfeited to the board to pay for any damages caused by mining or drilling operations *performed by* ~~of~~ the lessee. In the case of operations planned in the waters of the state or under other particular circumstances which, by their nature warrant greater security in view of possible damages, the board shall give special consideration to the extent of such possible damages and shall set the amount of an adequate and sufficient *surety* bond, *irrevocable letter of credit, or other proof of financial responsibility* accordingly. For the purposes of this section damages shall include, but not be limited to, air, ~~and~~ water, *and ground* pollution, destruction of wildlife or marine productivity and any other damage which impairs the health and general welfare of the citizens of the state.

Section 2. *Subsection (3) of section 253.55 and section 253.58, Florida Statutes, are hereby repealed.*

Section 3. Section 377.2425, Florida Statutes, 1988 Supplement, is amended to read:

377.2425 Manner of providing security for geophysical exploration, drilling, and production.—

(1) Prior to granting a permit to conduct geophysical operations; drilling of exploratory, injection, or production wells; producing oil and gas from a wellhead; or transporting oil and gas through a field-gathering system, the department shall require the applicant *or operator* to provide surety that these operations will be conducted in a safe and environmentally compatible manner.

(a) The applicant *for a drilling, production, or injection well permit or a geophysical permit* may provide the following types of surety to the department for this purpose:

1.~~(a)~~ A deposit of cash or other securities made payable to the "Department of Natural Resources Petroleum Trust Account." Such cash or securities so deposited shall be held at interest by the Comptroller to satisfy safety and environmental performance provisions of this chapter. *The interest shall be credited to the Petroleum Exploration and Production Bond Trust Fund.* Such cash or other securities shall be released ~~with interest~~ by the Comptroller upon request of the applicant and certification by the department that all safety and environmental performance provisions established by the department for permitted activities have been fulfilled.

2.~~(b)~~ A bond of a surety company authorized to do business in the state in an amount as provided by rule.

3.~~(c)~~ A surety in the form of an irrevocable letter of credit in an amount as provided by rule guaranteed by an acceptable financial institution.

(b) An applicant for a drilling, production, or injection well permit, or a permittee who intends to continue participating in long-term production activities of such wells, has the option to provide surety to the department by paying an annual fee to the Petroleum Exploration and Production Bond Trust Fund. For an applicant or permittee choosing this option the following shall apply:

1. For the first year, or part of a year, of a drilling, production, or injection well permit, or change of operator, the fee is $4,000 per permitted well.

2. For each subsequent year, or part of a year, the fee is $1,500 per permitted well.

3. The maximum fee that an applicant or permittee may be required to pay into the trust fund is $30,000 per calendar year, regardless of the number of permits applied for or in effect.

4. The fees set forth in subparagraphs 1., 2., and 3. shall be reviewed by the department on a biennial basis and adjusted for the cost of inflation. The department shall establish by rule a suitable index for implementing such fee revisions.

(2) The department shall establish by rule reasonable standards and *procedures* ~~safeguards~~ to determine *the circumstances in which execution shall be made against any surety provided under this section* ~~whether any sums should be paid by the surety~~.

(a) Such standards and procedures must provide ~~Prior to the department using a surety, the applicant shall be given~~ a reasonable opportunity *for a permittee* to correct to the satisfaction of the department any safety or environmental performance violation arising out of the permitted activity *before execution is made against any surety provided under this section.* ~~The limits of surety required shall be established by rule.~~

(b) If there is an unresolved violation of a department rule or permit for which the department has issued a notice of violation and order for corrective action, no further surety under this section shall be allowed the permittee except by special consideration of the Governor and Cabinet.

Section 4. Section 376.40, Florida Statutes, is created to read:

376.40 Petroleum Exploration and Production Bond Trust Fund; creation; purposes; funding.—

(1) FINDINGS.—The Legislature declares that the financial resources of the state in the form of a bond trust fund, the limits of which are in excess of limits available to most operators, should be available to provide the Department of Natural Resources the surety for any cleanup and remedial action for operations which are not conducted in a safe and environmentally compatible manner.

(2) INTENT AND PURPOSE.—It is the intent of the Legislature to establish the Petroleum Exploration and Production Bond Trust Fund to serve as a repository for funds which will enable the Department of Natural Resources to respond without delay to incidents which affect safety or threaten to cause environmental damage or contamination as a result of incidents involving petroleum exploration and production activities and which are not otherwise handled in a timely manner by the operator or permittee. The useful life of facilities used to produce oil and natural gas in the state can be from 15 to 40 years and it is the Legislature's intent that safe and environmentally compatible operations be conducted for the economic life of any well, field, or production facility. It is the further intent of the Legislature that this trust fund make available immediately to the department funds sufficient to correct violations such as an operator's failure to adequately plug, abandon, or restore production sites or other test sites and facilities after operations cease, if the permittee or operator cannot or will not correct the violations within a reasonable time. Furthermore, it is the Legislature's intent that if an amount in excess of the funds on deposit in the trust fund is needed for remedial action, money from the Coastal Protection Trust Fund be made available in the form of a temporary transfer of funds. The temporary transfer shall be repaid as soon as possible after the department obtains penalties, judgments, recoveries, or reimbursements.

(3) CREATION.—There is hereby created the Petroleum Exploration and Production Bond Trust Fund, which shall be administered by the Department of Natural Resources. This trust fund shall be used by the department as a nonlapsing, revolving fund for carrying out the purposes of this section and s. 377.2425. All fees collected from permittees under ss. 377.2425(1)(b), 377.24(1), and 377.2408(1), and all penalties, judgments, recoveries, reimbursements, loans, and other fees and charges related to the implementation of this section shall be deposited in the trust fund.

(4) USES.—

(a) When the department has reason to believe that incidents of contamination related to the conduct of operations, including, but not limited to, drilling of exploratory or production wells, operation and maintenance of producing wells, pressure maintenance wells, or disposal wells, and related gathering lines, may pose a threat to the environment or the public health, safety, or welfare, or if the permittee, owner, or operator of such facility does not take immediate remedial or other approved corrective action, the department shall obligate moneys available in the trust fund to provide for:

1. Prompt investigation and assessment of surface or underground contamination or other permit violations;

2. Prompt remedial action to repair, replace, or restore to a safe condition test sites, wells, and facilities at the affected site or location;

3. Rehabilitation of contamination at sites, which rehabilitation shall include cleanup of contaminated soils, groundwater, and surface waters to minimize environmental damage;

4. Maintenance and monitoring of sites or facilities that have been repaired, replaced, or restored;

5. Inspection and supervision of activities described in this section;

6. Payment of expenses incurred by the department in its efforts to obtain from responsible parties the payment or recovery of reasonable costs resulting from activities described in this section; or

7. Payment of any other reasonable costs of administration.

(b) The department may also use moneys from the trust fund to conduct routine inspections of exploratory or production wells, pressure maintenance wells, disposal wells, and related gathering lines.

(5) FUNDING.—There shall be deposited in the Petroleum Exploration and Production Bond Trust Fund:

(a) All fees charged permittees under ss. 377.2425(1)(b), 377.24(1), and 377.2408(1); and

(b) All penalties, judgments, recoveries, reimbursements, and other fees and charges related to the implementation of this section;

If moneys on deposit in the trust fund are not sufficient to satisfy the needed remedial or corrective action, and if the responsible party does not take remedial and corrective action in a timely manner or if a catastrophic event occurs, a temporary transfer of the required amount, or a maximum of $10 million, from the Florida Coastal Protection Trust Fund pursuant to s. 376.11(4)(h) is hereby authorized. The Coastal Protection Trust Fund shall be reimbursed immediately upon deposit into the Petroleum Exploration and Production Bond Trust Fund of moneys referred to in paragraph (b).

(6) RECOVERY.—The department shall recover to the use of the trust fund from the permittee for any facilities for petroleum exploration or production, petroleum gathering, or other exploration or production activities all sums expended from the trust fund pursuant to this section. Requests for reimbursement to the trust fund for such costs, if not paid within 120 days after demand, shall be turned over to the Department of Legal Affairs for collection.

(7) INVESTMENTS; INTEREST.—Moneys in the trust fund which are not needed currently to meet the obligations of the department in the exercise of its responsibilities under this section shall be deposited with the Treasurer to the credit of the trust fund and may be invested as provided by law.

Section 5. Paragraph (h) is added to subsection (4) of section 376.11, Florida Statutes, to read:

376.11 Florida Coastal Protection Trust Fund.—

(4) Moneys in the Florida Coastal Protection Trust Fund shall be disbursed for the following purposes and no others:

(h) To provide a temporary transfer of funds in an amount not to exceed $10 million to the Petroleum Exploration and Production Bond Trust Fund as set forth in s. 376.40.

Section 6. Section 377.41, Florida Statutes, is amended to read:

377.41 Disposition of fines.—Moneys collected as fines for violations of this part, implementing rules, or permit conditions shall be paid into the *Petroleum Exploration and Production Bond Trust Fund established pursuant to s. 376.40* ~~Hazardous Waste Management Trust Fund established pursuant to s. 403.725~~. Moneys from these fines shall be used first to pay all amounts necessary to restore the polluted areas which were the subject of state action. Any remaining moneys shall be used in accordance with the provisions of *s. 376.40* ~~s. 403.725~~.

Section 7. *There is hereby appropriated the sum of $47,500 from the Petroleum Exploration and Production Bond Trust Fund to the Department of Natural Resources for the fiscal year 1989-1990, and 1 additional position is authorized for the department.*

Section 8. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Amendment 2—On page 1, line 1, strike the entire title and insert: A bill to be entitled An act relating to state lands; amending s. 253.571, F.S.; providing for additional forms of financial security for damages for certain activities on state lands at the discretion of the board of trustees; repealing s. 253.55(3), F.S., relating to limitation on the term of oil and gas drilling leases; repealing s. 253.58, F.S., relating to manner of drilling wells; amending s. 377.2425, F.S.; expanding requirements for providing surety imposed on an applicant or permittee for a drilling, production, or injection well permit; providing for procedures to be followed in making execution against such surety; creating s. 376.40, F.S.; providing legislative findings and intent; creating the Petroleum Exploration and Production Bond Trust Fund, to be administered by the Department of Natural Resources; providing uses of the trust fund; providing for deposits into the trust fund; providing for reimbursement of the trust fund by the permittee; providing for investment of trust fund moneys; amending s. 376.11, F.S.; allowing transfers from the Florida Coastal Protection Trust Fund to the Petroleum Exploration and Production Bond Trust Fund; amending s. 377.41, F.S.; providing for certain environmental fines to be deposited in the Petroleum Exploration and Production Bond Trust Fund; providing an appropriation; providing an effective date.

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

SB 478 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

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CONSENT CALENDAR, continued

On motion by Senator Bankhead, by two-thirds vote CS for HB 474 was withdrawn from the Committees on Education, Higher Education and Appropriations.

On motion by Senator Bankhead—

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.

—a companion measure, was substituted for SB 1001 and read the second time by title.

Senator Bankhead moved the following amendments which were adopted:

Amendment 1—On page 7, lines 21-31 and on page 8, lines 1-4, strike all of said lines

Amendment 2—On page 8, after line 9, insert:

Section 2. Paragraph (1) is added to subsection (2) of section 415.51, Florida Statutes, 1988 Supplement, to read:

415.51 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection *(7)*~~(6)~~, shall be granted only to the following persons, officials, and agencies for the following purposes:

(1) The Florida School for the Deaf and the Blind for the purpose of conducting background screenings on employees and applicants for employment at the school.

(Renumber subsequent section.)

Amendment 3—In title, on page 1, line 14, after the semicolon (;) insert: amending s. 415.51, F.S.; providing for access by the school to certain confidential Department of Health and Rehabilitative Services records;

On motion by Senator Bankhead, by two-thirds vote CS for HB 474 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	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

Consideration of **SB 772** was deferred.

CS for SB 1386—A bill to be entitled An act relating to insurance; amending s. 631.011, F.S.; revising the definition of "secured claim"; amending s. 631.021, F.S.; providing that any delinquency proceeding brought under ch. 631, F.S., is in equity; creating s. 631.154, F.S.; providing the procedure to be utilized when funds or other property is in the possession of third persons and the receiver demands delivery of same; providing for the preservation of the property or funds; providing the elements of recovery should the receiver be successful in establishing its claim or any part thereof; creating s. 631.155, F.S.; providing that unearned commissions and unearned premiums constitute an asset of the insurer; providing for the duty to account for same; providing that compliance shall constitute a requirement for continued licensure under the Florida Insurance Code; amending s. 631.191, F.S.; providing that special deposit claims and secured claims are applicable to liquidation proceedings; revising provisions relating to the method of valuing such claims; amending s. 631.251, F.S.; providing that a claim of offset must be fully mature as of the date of filing of a liquidation order; amending s. 631.261, F.S.; providing that certain transfers of an affiliate are voidable and clarifying the time period in determining the voidable transfer; amending s. 631.262, F.S.; providing that transfers by an affiliate are included with respect to voidability; amending s. 631.361, F.S.; providing that a seizure order may direct the department to take possession and control of premium funds and other property of the insurer held by an affiliate and may enjoin any affiliate from certain actions; amending s. 631.55, F.S.; requiring certain insurers to reimburse the Florida Insurance Guaranty Association for claims payments made on their behalf; amending s. 631.715, F.S.; requiring certain insurers to reimburse the Florida Life and Health Insurance Guaranty Association for claims payments made on their behalf; amending s. 631.718, F.S.; revising Florida Life and Health Guaranty Association assessments; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for SB 1386 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motions by Senator Dudley, by two-thirds vote CS for HB 1064 was withdrawn from the Committees on Regulated Industries and Appropriations.

On motion by Senator Dudley—

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.

—a companion measure, was substituted for SB 772 and read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for HB 1064 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Consideration of **HB 901** was deferred.

SB 260—A bill to be entitled An act relating to public health; amending s. 154.01, F.S.; revising conditions for release of funds appropriated for construction or renovation of county public health unit facilities; amending s. 154.04, F.S.; modifying conditions for employment of a public health unit administrator; amending s. 154.06, F.S.; modifying public health services fee authority and standards; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 260 to conform the bill to CS for CS for HB 746.

Pending further consideration of SB 260 as amended, on motions by Senator Malchon, by two-thirds vote CS for CS for HB 746 was withdrawn from the Committees on Health Care and Appropriations.

On motion by Senator Malchon—

CS for CS for HB 746—A bill to be entitled An act relating to public health; amending s. 154.01, F.S.; revising conditions for release of funds appropriated for construction or renovation of county public health unit facilities; amending s. 154.04, F.S.; modifying conditions for employment of a public health unit administrator; amending s. 154.06, F.S.; modifying public health services fee authority and standards; amending s. 381.231, F.S.; clarifying types of diseases which must be reported to the Department of Health and Rehabilitative Services; amending s. 409.266, F.S.; prohibiting the department from contracting on a prepaid or fixed-sum basis for Medicaid services with certain persons or entities; providing an effective date.

—a companion measure, was substituted for SB 260 and read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for CS for HB 746 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Childers, D.	Dudley	Grant
Beard	Childers, W. D.	Forman	Grizzle
Brown	Crenshaw	Gardner	Jennings
Bruner	Davis	Girardeau	Johnson
Casas	Deratany	Gordon	Kiser

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The President presiding

Consideration of **CS for SB 236** and **CS for CS for SB 1055** was deferred.

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 amended Senate Amendments 1 and 2, concurred in same as amended, passed CS for HB 553 as amended and requests the concurrence of the Senate.

John B. Phelps, Clerk

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.

Amendment 2 to Senate Amendment 1—On page 2, line 18, insert:

Section 3. (1) The Department of Highway Safety and Motor Vehicles shall develop a manatee license plate to commemorate the official state marine mammal. The manatee license plate shall be issued upon request to the owner of any motor vehicle, except a vehicle registered under the International Registration Plan, who makes application and pays the applicable license tax and fees.

(2) Each request must be submitted annually to the department on an application form supplied by the department, 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 manatee license plate use fee of $15.

(c) A processing fee of $2.

(d) A replacement fee as required by section 320.06(1)(b), Florida Statutes.

An application may be made any time during an applicant's registration period. If application is made for a manatee license plate to replace a current valid license plate, the specialty plate shall be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. A refund may not be made to the applicant for any unused portion remaining on the original plate. When application is made for a specialty plate at the beginning of the applicant's registration period, the tax, together with all applicable fees and service charges, must be paid.

(3)(a) Fifty percent of the manatee license plate annual use fee shall be deposited into the Save the Manatee Trust Fund, created within the Department of Natural Resources. All funds deposited in the Save the Manatee Trust Fund may only be used for manatee research, protection, and recovery.

(b) Fifty percent of the manatee license plate annual use fee shall be deposited into the Save Our State Environmental Education Trust Fund and used for environmental education.

(4) If a vehicle owner who has been issued a manatee license plate acquires a replacement vehicle within a registration period, the department shall authorize a transfer of the license plate to the replacement vehicle in accordance with section 320.0609, Florida Statutes. The annual use fee or processing fee may not be refunded.

(5) Manatee license plates shall be the color and design approved by the department. In addition, the plate may be imprinted with numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The maximum number of characters, including both numerals and letters, shall be determined by the department. Manatee license plates shall be of the same material and size as standard license plates that are issued by the state for any registration period. The word "Florida" shall appear at the top of the plate and the words "Save the Manatee" shall appear at the bottom of the plate. The birth month decal shall be placed on the lower left corner of the plate with the year of expiration decal on the lower right corner. The manatee license plate shall be available for sale for a period of 5 years, beginning January 1, 1990, through December 31, 1994.

(6) The request for a manatee license plate may be combined with a request that such plate be a personalized prestige license plate. Such a request shall be upon a form supplied by the department and shall be subject to the additional fees required by section 320.0805(2)(b) and (c), Florida Statutes, as well as the other requirements of section 320.0805, Florida Statutes.

(7) This section expires January 1, 1995.

Section 3. Subsection (2) of section 327.22, Florida Statutes, is amended to read:

327.22 Regulation of vessels by municipalities or counties.—

(2) Any county of 100,000 persons or more may impose an annual registration fee on vessels registered, operated, or stored in its jurisdiction. This fee shall be 50 percent of the applicable state registration fee. However, the first $1 of every registration imposed under this subsection shall be remitted to the state for deposit in the *Save the Manatee Trust Fund* ~~Motorboat Revolving Trust Fund~~ for expenditure solely on activities related to the preservation of manatees. All other moneys received from such fee shall be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities of such municipality or county. A municipality that was imposing a registration fee before April 1, 1984, may continue to levy such fee, notwithstanding the provisions of this section.

Section 4. Subsections (7) and (12) of section 327.25, Florida Statutes, 1988 Supplement, are amended to read:

327.25 Classification; registration; fees and charges; surcharge; disposition of fees; fines.—

(7) VOLUNTARY CONTRIBUTIONS.—The application form for boat registration shall include a provision to allow each applicant to indicate his desire to pay an additional voluntary contribution to the *Save the Manatee Trust Fund* ~~Motorboat Revolving Trust Fund~~ for manatee and marine mammal *research,* protection, and recovery. This contribution shall be in addition to all other fees and charges. Provisions for collecting this contribution shall begin with the boat registrations for fiscal year 1985. The amount of the request for a voluntary contribution solicited shall be $1 per registrant. Beginning with boat registration in fiscal year 1993, the request for a voluntary contribution solicited shall be $2 per registrant. All voluntary contributions shall be deposited in the *Save the Manatee Trust Fund* ~~Motorboat Revolving Trust Fund~~ for use in accordance with the provisions of s. 370.12(5).

(12) DISTRIBUTION OF FEES.—Moneys deposited pursuant to s. 327.28 to be returned to the counties are appropriated to the department for grants to the county general governments for the sole purposes of providing recreational channel marking and public launching facilities and other boating-related activities and for manatee and marine mammal protection and recovery. The department shall ascertain, as a guideline in determining the amounts of grants each county may receive, the number of noncommercial vessels registered in the county during the preceding fiscal year according to the fee schedule provided in subsection (1) and shall promulgate rules and regulations to effectuate this. Each fiscal year, prior to determination of the grants to the counties under this section, $250,000 of the amount available for such grants shall be available for manatee and marine mammal *research,* protection, and recovery.

Section 5. Subsections (1) and (2) of section 327.28, Florida Statutes, are amended to read:

327.28 Motorboat Revolving Trust Fund; appropriation and distribution.—

(1) All funds collected from the registration of vessels through the department and the tax collectors of the state shall be deposited by the department in a Motorboat Revolving Trust Fund, in order to provide for the administrative cost of this chapter and for recreational channel marking, public launching facilities, law enforcement and quality control programs, aquatic weed control, and manatee and marine mammal protection and recovery. In each fiscal year, $250,000 shall be *transferred to the Save the Manatee Trust Fund* ~~available~~ for manatee and marine mammal *research,* protection, and recovery *in accordance with the provisions of s. 370.12(5).* Two dollars from each noncommercial vessel registration fee, except that for class A-1 vessels, shall be transferred to the Aquatic Plant Control Trust Fund for aquatic weed research and control. Forty percent of the registration fees from commercial vessels shall be transferred to the Florida Saltwater Products Promotion Trust Fund to be used for law enforcement and quality control programs. Forty percent of the registration fees from commercial vessels shall be transferred to the Aquatic Plant Control Trust Fund for aquatic plant research and control.

(2) From the funds collected through vessel registration and deposited in the Motorboat Revolving Trust Fund, the Legislature shall appropriate sufficient funds to the department for the administration of this part and for recreational channel marking, public launching facilities, law enforcement and quality control programs, aquatic weed control~~, and manatee and marine mammal protection and recovery~~.

Section 6. Subsection (5) of section 370.12, Florida Statutes, is amended to read:

370.12 Marine animals; regulation.—

(5) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.—

(a) Each fiscal year~~, $250,000 from~~ the *Save the Manatee Trust Fund* ~~Motorboat Revolving Trust Fund~~ shall be available for annual funding of *activities of public and private organizations and those of the department intended to provide* ~~the department's~~ manatee and marine mammal protection and recovery effort; manufacture and erection of informational and regulatory signs; production, publication, and distribution of educational materials; participation in manatee and marine mammal research programs, including carcass salvage and other programs; programs intended to assist the recovery of the manatee as an endangered species, assist the recovery of the endangered or threatened marine mammals, and prevent the endangerment of other species of marine mammals; and other similar programs intended to protect and enhance the recovery of the manatee and other species of marine mammals. *The department shall annually solicit advisory recommendations from the Save the Manatee Committee affiliated with the Save the Manatee Club, as identified and recognized in Executive Order 85-19, on the use of funds from the Save the Manatee Trust Fund.*

(b) When the federal and state governments remove the manatee from status as an endangered or threatened species, the ~~requirement for an~~ annual allocation ~~of $250,000~~ may be reduced.

Substitute Amendment 3 to Senate Amendment 1—On page 2, line 18, insert:

Section 3. Chapter 296, Florida Statutes, consisting of sections 296.01 through 296.17, is created to read:

VETERANS HOME OF FLORIDA

296.01 Short title.—This chapter may be cited as the "Veterans Home of Florida Act."

296.02 Definitions.—For the purposes of this chapter, except where the context clearly indicates otherwise:

(1) "Director" means the executive director of the Department of Veterans Affairs.

(2) "Domiciliary care" means shelter, sustenance, and incidental medical care provided on an ambulatory self-care basis to assist eligible veterans who are disabled by age or disease, but who are not in need of hospitalization or nursing home care services.

(3) "Department" means the Department of Veterans Affairs.

(4) "Wartime service" means service in the active military, naval, or air service by any person who was discharged or released therefrom under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges, provided that such service included a minimum of 181 days during one of the following periods of wartime service:

(a) Spanish-American War: April 21, 1898, to July 4, 1902, and including the Philippine Insurrection and the Boxer Rebellion.

(b) Mexican Border Period: May 9, 1916, to April 5, 1917, in the case of a veteran who during such period served in Mexico, on the borders thereof, or in the waters adjacent thereto.

(c) World War I: April 6, 1917, to November 11, 1918; extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided such veterans had at least 1 day of service between April 5, 1917, and November 12, 1918.

(d) World War II: December 7, 1941, to December 31, 1946.

(e) Korean Conflict: June 27, 1950, to January 31, 1955.

(f) Vietnam Era: August 5, 1964, to May 7, 1975.

(5) "Peacetime service" means service in the active military, naval, or air service by any person who was discharged or released therefrom under honorable conditions and said service was not during a wartime era as defined in subsection (4).

(6) "Veterans Home of Florida," hereinafter referred to as the "home," means a home established by the state for wartime and peacetime veterans, as defined in subsections (4) and (5), and maintained for the use of those veterans who are not in need of hospitalization or nursing home care and who can attend to their personal needs, dress themselves, and attend a general dining facility.

(7) "Applicant" means a veteran with wartime or peacetime service as defined in subsections (4) and (5), who is not in need of hospitalization or nursing home care.

(8) "Member" means any eligible veteran admitted to residency in the home.

296.03 Veterans Home of Florida.—The Veterans Home of Florida shall be maintained for veterans as defined in s. 296.02(4) and (5).

296.04 Administrator; duties and qualifications; responsibilities.—

(1) The director shall appoint an administrator who shall serve as the chief executive of the home and shall have the immediate custody and control of all property used in connection with the home in accordance with chapter 273.

(2) The administrator shall have the power to determine the eligibility and admission of applicants to the home in accordance with the provisions of this chapter and, together with the director, shall adopt all rules necessary for the preservation of order and enforcement of discipline in the home. All rules governing the home shall conform as nearly as possible to the rules and regulations for comparable facilities of the United States Department of Veterans Affairs.

(3) The administrator shall be a resident of the state, must have served as a member of the Armed Forces of the United States, and must have been separated from such service under honorable conditions. In addition, the administrator must have at least a 4-year degree from an accredited university or college and 3 years of administrative experience in a health care facility, or any equivalent combination of experience, training, and education totaling 7 years in work relating to administration of a health care facility.

(4)(a) The administrator shall forward to the department all applications approved by him for employment with the home.

(b) All employees who fill authorized and established positions appropriated for the home shall be state employees. The department shall classify such employees in the manner prescribed in chapter 110.

(5) The administrator shall administer and enforce all rules of the home, including rules of discipline, and shall have the power to dismiss any member of the home for any infraction of such rules, subject to the approval of the director.

(6) The administrator may require and compensate members of the home to render such assistance in the care of the home and grounds as their physical condition will permit.

296.05 Bond of administrator and certain employees.—The administrator and those employees of the home who control or distribute moneys or funds shall file a bond in such form and amount as determined by the director. The home may participate in the blanket fidelity bond and the ancillary bond programs which are competitively bid pursuant to chapter 287.

296.06 Policy of the home; eligibility requirements.—

(1) It is the policy of the state to admit members into the home without regard to race, age, sex, creed, religion, national origin, or any other reason that would thereby create a practice of discrimination. However, an applicant's veteran status shall not constitute discrimination.

(2) To be eligible for residency in the home, a veteran shall:

(a) Have wartime or peacetime service as defined in s. 296.02.

(b) Have been discharged or released from such wartime or peacetime service under honorable conditions, or later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges.

(c) Have been a resident of the state for 5 years immediately preceding application and a resident of the state at the time of application.

(d) Not be mentally ill, habitually inebriated, or addicted to drugs.

296.07 Certain persons ineligible.—No person shall be received or retained in the home who is mentally ill, habitually inebriated, or addicted to the use of drugs. It is the legislative intent that a member of the home who is discharged therefrom, or voluntarily leaves the home, because such member exhibits mental illness, inebriation, or drug addiction shall be referred to appropriate federal, state, or county agencies by the home for treatment.

296.08 Priority of admittance.—

(1) In determining the eligibility of applicants to the home, the administrator shall give admittance priority in accordance with the following schedule:

(a) Those veterans with wartime service, as defined in s. 296.02(4), with service-connected disability or disabilities, who are not in need of hospitalization or nursing home care.

(b) Those veterans with wartime service, as defined in s. 296.02(4), with non-service-connected disability or disabilities, who are not in need of hospitalization or nursing home care.

(c) Those veterans with wartime service, as defined in s. 296.02(4), other than those in paragraphs (a) and (b).

(d) Those veterans with peacetime service, as defined in s. 296.02(5).

(2) Before admission, each applicant shall file with the administrator a certificate of eligibility, together with a certified copy of his discharge, and any other information determined by the administrator as necessary for admission purposes.

296.09 Health record and general register to be maintained.—

(1) A health record for each member shall be maintained and shall contain an identification sheet, a medical history, a report of initial physical examination, and subsequent records of treatment and progress, including medications, diets, and consultations. An annual reevaluation of the member's health status shall be conducted and recorded. These records shall be kept confidential and preserved for a period of time as determined by the director.

(2) The administrator shall keep a general register, in which shall be recorded the following information concerning each member admitted:

(a) Name, age, place of birth, and occupation.

(b) Date of admission.

(c) Residence at time of admission, length of residence in this state immediately prior to admission, and residence at time of entering the service.

(d) Date of enlistment, company, regiment, branch of service, and date of discharge.

(e) Married or single.

(f) Pension or disability, rate of compensation, estate, and any other income.

(g) All fraternal societies to which the member belongs.

(h) Any additional information which the administrator deems necessary.

296.10 Members; contribution to support.—

(1) Every member of the home who receives a pension, compensation, or gratuity from the United States Government, or income from any other source of more than $100 per month, shall contribute to his or her maintenance and support while a member of the home in accordance with a schedule of payment determined by the administrator and approved by the director. The total amount of such contributions shall be to the fullest extent possible, but, in no case, shall exceed the actual cost of operating and maintaining the home.

(2) The administrator may, if there is room, admit to residency in the home veterans who have sufficient means for their own support, but are otherwise eligible to become members of the home on payment of the full cost of their support, which cost and method of collection shall be fixed from time to time by the administrator.

296.11 Funds of home and disposition of moneys.—

(1) The following funds of the home are hereby authorized and created in the State Treasury:

(a) Administrative Trust Fund.

(b) General Home Trust Fund.

(c) Members' Deposits Trust Fund.

(2) The home shall deposit all moneys which it receives for care of the members from the state, United States Department of Veterans Affairs, and members into the Administrative Trust Fund. All such moneys shall be expended for the purpose of operating and maintaining the home subject to the requirements of chapter 216.

(3) The home shall deposit all moneys received pursuant to s. 296.15 and all interest earned on moneys in the Members' Deposits Trust Fund pursuant to s. 296.12 into the General Home Trust Fund. Moneys in the General Home Trust Fund shall be expended for the common benefit of the members of the home such as improved facilities, recreational equipment and recreational supplies subject to the requirements of chapter 216.

(4) All moneys received by the home pursuant to s. 296.12 shall be deposited into the Members' Deposits Trust Fund.

(5) Nothing contained in this section shall be construed to prohibit the use of revolving funds or clearing accounts provided that such are established in the manner prescribed by law.

296.12 Deposit of moneys with home by members.—

(1) The members of the home may voluntarily deposit moneys with the home, which the home shall receive and keep without charge in the Members' Deposits Trust Fund. Such moneys voluntarily deposited with the home by a member may be withdrawn, in whole or in part, at the will of the member. Any balance remaining upon his death, undisposed of by will and not paid to his heirs at law shall be paid to the state in accordance with the provisions of chapter 717.

(2) Upon a member's discharge or voluntary departure from the home, if such moneys are not so demanded at the time of discharge or departure, or within a period of 3 years thereafter, or demanded by the heirs, devisees, or legatees in case of his decease after his discharge or voluntary departure, the same shall be paid to the state as provided in chapter 717.

(3) All accrued interest on this trust fund shall be accounted for by the financial manager and deposited to the General Home Trust Fund.

296.13 Death of member; disposition of moneys held.—

(1) Any balance of moneys held by the home, or by its authority, and belonging to any home member shall, upon the death of the member, where undisposed of by will, be held as a special trust fund to be paid by the home upon proof deemed to be proper to the administrator, directly and without probate, to heirs of the member, provided that the administrator is hereby empowered to disburse funds of any deceased member for payment of the member's funeral expenses.

(2) If no heirs are discovered within 1 year after the death of a member, or if the heirs discovered within such time are not entitled to the whole thereof, the moneys not paid to the heirs, and undisposed of by will, shall be paid to the state as provided in chapter 717.

296.14 Personal property; deceased members; members leaving.—

(1) Any member of the home may deposit personal property other than money with the administrator for safekeeping. Such property shall be returned to the depositor upon demand and a written statement of acceptance shall be executed by the depositor under oath.

(2) An itemized record of the deposit of personal property shall be maintained by the administrator or his designee, and shall contain, but not be limited to, name of the depositor, date of deposit, description of article or articles deposited, disposition of the article or articles, and date of disposition.

(3) The personal property of a deceased member, not otherwise provided for, may be held for the heirs, devisees, or legatees for a period of 1 year from the date of the member's death. The personal property of a member who is discharged or voluntarily leaves may be held for the member himself or his heirs, devisees, or legatees for a period of 1 year from the date of discharge or departure.

(4) The administrator may make a monthly charge for the safekeeping of unclaimed personal property. If the charge is not paid, a lien upon the property to secure its payment shall accrue to the home.

(5) The administrator will cause a public sale to be held when in the judgement of the administrator that the probable value of the property exceeds the probable cost of the sale. All cost incurred in the sale of the unclaimed personal property shall be reimbursed to the home along with any lien on the property. All unclaimed funds shall be disposed of in accordance with the provisions of Chapter 717.

296.15 Gifts, grants, and endowments to the home.—The home shall be empowered to receive and accept gifts, grants, and endowments in the name of the home. All such gifts, grants, and endowments are to be used for the benefit of the home and its members. The administrator, together with the director, shall have the authority to determine how these gifts, grants, and endowments could best benefit the home and its members unless the benefactor requests or instructs that the gift, grant, or endowment be used for a specific purpose.

296.16 Reports to the Governor, Cabinet and Legislature.—The director shall report to the Governor, Cabinet and Legislature by December 31 of each year, stating all receipts and expenditures, the condition of the home, the number of members received and discharged during the preceding year, and such other matters relating to the management, conduct, and interest of the home as the director deems proper, or as required by the Governor, Cabinet or the Legislature. The director shall also make any other reports which the Governor, Cabinet or Legislature requires.

296.17 Audit; inspection; and standards for the home.—The home shall be open at any time to audit and inspection by the Auditor General, as provided in s. 11.45, the Department of Veterans Affairs, the United States Department of Veterans Affairs, and any other audits or inspections as required by law to maintain appropriate standards in the home. The standards that the department shall use to regulate the operation of the home shall be those prescribed by the United States Department of Veterans Affairs, provided that where the state's standards are more restrictive, the standards of the state shall apply.

Section 4. Sections 1 and 2 of this act shall take effect October 1, 1989; all remaining sections shall take effect upon becoming a law.

Amendment 1 to Senate Amendment 2—On page 1, line 16, insert: providing for the issuance of license plates to commemorate the manatee; providing fees; providing for certain fees to be used for the purpose of protecting and caring for manatees in the state; providing for the manatee license plate to be issued for a specified period of time; amending s. 327.22, F.S.; providing for deposit of funds; amending s. 327.25, F.S.; providing for voluntary contributions; amending s. 327.28, F.S.; providing for the transfer of revenue in a specified amount for certain purposes; amending s. 370.12, F.S.; providing for funding of programs for marine animals; providing an effective date.

WHEREAS, Florida's rapid population growth coupled with related development is threatening the fragile population balance of the Florida Manatee, and

WHEREAS, the best available information indicates that there are about 1,200 manatees using Florida waters, and

WHEREAS, research has documented that at least 125 to 130 manatees die each year in Florida, and

WHEREAS, more manpower and funding is needed for programs to ensure survival of a healthy and viable manatee population in Florida, NOW, THEREFORE,

Substitute Amendment 2 to Senate Amendment 2—On page 1 in the title, line 16, insert: creating chapter 296, F.S.; creating the "Veterans Home of Florida Act"; providing definitions; providing for maintenance and operation of a state veterans home; providing for appointment of an administrator; providing duties and qualifications of the administrator; providing for bonds; providing for eligibility of residents and priority of admittance; providing for maintenance of health records and a general register; providing for member contribution to support; providing for disposition of money and property received or held by the home; requiring annual reports to the Governor, Cabinet and Legislature; providing for audit, inspections, and standards for the home; providing an effective date.

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

CS for HB 553 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CONSENT CALENDAR, continued

HB 901—A bill to be entitled An act relating to public records; amending s. 119.08, F.S.; specifying application of provisions which authorize the photographing of public records and excluding the duplication of certain microfilm; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote HB 901 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Childers, D.	Girardeau	Kiser
Bankhead	Childers, W. D.	Gordon	Langley
Beard	Davis	Grant	Malchon
Brown	Dudley	Grizzle	Margolis
Bruner	Forman	Jennings	McPherson
Casas	Gardner	Johnson	Meek

Myers	Ros-Lehtinen	Thomas	Weinstein
Peterson	Scott	Thurman	Weinstock
Plummer	Souto	Walker	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

On motions by Senator Dudley, by two-thirds vote CS for HB 965 was withdrawn from the Committees on Community Affairs; and Personnel, Retirement and Collective Bargaining.

On motion by Senator Dudley—

CS for HB 965—A bill to be entitled An act relating to veterans; amending ss. 295.07, 295.085, and 295.09, F.S.; providing clarifying language with respect to exceptions to the preference in appointment and retention given to certain veterans; repealing s. 295.12, F.S.; relating to the application of the laws on veterans' preference to other provisions of law; providing an effective date.

—a companion measure, was substituted for CS for SB 1470 and read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for HB 965 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Langley

CS for SB 57—A bill to be entitled An act relating to public health; providing for the vaccination of dogs and cats against rabies; requiring each county to enact ordinances relating to rabies control; providing for the administration of rabies vaccinations by certain licensed or certified persons; establishing training for such administrators; establishing vaccine requirements and providing vaccination exceptions; providing requirements for rabies vaccination certificates; providing a penalty; providing for the purchase of vaccines; requiring recordkeeping; providing for the adoption of local government regulations; prohibiting the use of certain vaccines; providing exceptions; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote CS for SB 57 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Langley

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

CS for HB 629—A bill to be entitled An act relating to unemployment compensation; amending s. 443.111, F.S.; changing the maximum weekly benefit amount; providing application; providing an effective date.

—a companion measure, was substituted for CS for SB 236 and by two-thirds vote read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for HB 629 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Langley

SB 1410—A bill to be entitled An act relating to teacher certification; amending s. 231.17, F.S.; revising certification requirements for applicants who have less than 1 school year of teaching experience; providing additional requirements for beginning teacher programs; amending s. 231.172, F.S.; requiring the Department of Education to establish an alternate teacher preparation program; providing that successful completion of such a program shall satisfy teacher certification requirements; providing requirements for participation in such program; providing for incentive payments to teachers who complete an alternate teacher preparation program; providing for payments to be made to school districts that employ such teachers; providing requirements for the evaluation of alternate teacher preparation programs; amending s. 236.081, F.S.; authorizing the award of college credit for certain inservice programs for which tuition and registration fees are paid by the district school board; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 5, between lines 24 and 25, insert:

(7) Notwithstanding the provisions of this act, school districts may develop for approval by the State Board of Education plans for alternate teacher preparation. If approved, the districts shall have authority to implement the plans. State funding for such plans shall be limited to an amount specifically provided in the General Appropriations Act.

(Renumber subsequent subsections.)

Senators Crenshaw and Johnson offered the following amendments which were moved by Senator Crenshaw and adopted:

Amendment 2—On page 1, line 27, insert:

Section 1. Section 230.69, Florida Statutes, is created to read:

230.69 Youth Enhancement Services Centers.—

(1) It is the intent of the Legislature to make the after-school hours of children more productive through the creation of Youth Enhancement Services (YES) Centers in the school districts of the state. It is the legislative intent that each YES Center be contained in a public school multipurpose activity building and that such centers provide a variety of activities.

(2) The creation of a nonprofit corporation for each YES Center is authorized. Such corporation shall be exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code. Each such corporation shall have a seven-member board of directors as follows: Three members shall be parents of students attending the school where the YES Center

is to be established, such attendance to be within 2 years of election to the board; two members shall be interested community volunteers, unless such volunteers are not available, in which case the members shall be parents as specified herein; and two members shall be persons employed by the local school district who shall be elected by the other five board members. Board members shall serve without compensation for 1-year terms commencing August 1 and may be reelected for three consecutive terms. Election of board members shall be open to parents of students attending the school where the YES Center is to be established. Elections shall be held in May of each year, except that the first election of board members may be held at any time. Notice of elections and meetings shall be distributed through standard school-to-parent communication methods.

(3)(a) The board of directors of a nonprofit corporation established pursuant to subsection (2) shall notify the appropriate district school board and the Department of Education of its intent to establish a YES Center. The board of directors shall raise from private contributions at least one-fourth of the capital costs necessary for establishment of the YES Center, such funds to be placed in a YES Center depository fund established by the board of directors for the construction of the center. Before any funds are raised by the board of directors, the district school board shall approve the proposal for each YES Center. The proposal shall contain the following provisions:

1. Placement of a center on the grounds of a public elementary or middle school.

2. After-school attendance at a center by any elementary or middle school student within the school district.

3. Use of a proposed multipurpose activity building.

4. Funding through private contributions and state grant, with at least one-fourth of the capital costs provided by private contributions and no more than three-fourths of the capital costs provided by matching state grant.

5. Planning and construction of the facility according to the State Uniform Building Code for Public Educational Facilities Construction, pursuant to s. 235.26.

6. Offering of, but not limited to, the following: academic enrichment programs, including mathematics and reading skills; athletic activities, such as basketball and volleyball; social activities, such as Boy Scouts, Girl Scouts, Boys Clubs and Girls Clubs, 4-H, and Junior Achievement; handicraft, art, music, drama, and sewing lessons; substance abuse education; and intergenerational activities.

7. Involvement of parents and community volunteers in center activities.

8. Use of security checks, including fingerprinting, pursuant to ss. 402.305 and 402.3055 as a condition of employment for salaried staff and volunteers, and compliance with the staffing ratios for child care pursuant to s. 402.305.

9. Payment of fees, if necessary for operation, by parents of students attending a center based on a sliding scale according to family income and the number of children in a family attending a center.

Provision for bus transportation for transporting students from a YES Center to their homes at closing shall be optional.

(b) When sufficient funds for the capital costs have been raised by the board of directors, the board shall submit to the Department of Education the proposal for the creation of a YES Center.

(c) For each YES Center proposal approved by the Department of Education and for which at least one-fourth of the capital costs have been raised by the board of directors, the department shall allocate such funds as may be appropriated for the purposes of this section to the YES Center depository fund established by the board of directors.

(4) Title to any YES Center constructed pursuant to this section shall vest in the school board.

(5) The YES Center shall be available for use by the school board during regular school hours and at other times when agreed to by the school board and the board of directors. Prior to the beginning and following the end of regular school hours, the board of directors shall be responsible for center operation and security. Existing school district policies for the operation of extended day programs shall apply to the operations of each YES Center. The school district shall provide utilities and liability and property and casualty insurance coverage for continuous operation. Salaries for administrative, tutorial, and recreational staff of each center shall be paid by the board of directors from funds raised from private contributions and from fees paid by participants.

(6) Pilot programs for implementation of this section shall be established in school districts as provided by law. From funds appropriated, an amount shall be allocated to each pilot program for a period not to exceed 3 years. In the event all funds allocated are not used within the 3-year period, the remaining balance shall revert to the General Revenue Fund.

(7) The State Board of Education shall adopt rules to be included in the State Uniform Building Code for Public Educational Facilities Construction which specify the capacity and design parameters for facilities which will accommodate the programs and activities that will be conducted in a YES Center.

(8) The board of directors shall make provision for an annual postaudit of its financial accounts, to be conducted by the district auditor in accordance with rules to be promulgated by the State Board of Education. The audit shall be filed as a public record in the district. The State Board of Education and the Auditor General have the authority to require and receive from the board of directors or the district auditor any detail or supplemental data relative to the operation of the corporation. The identity of donors and all information identifying donors and prospective donors are exempt from the provisions of s. 119.07(1), 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. All other records and information shall be considered public records for the purposes of chapter 119.

(9) This section is repealed on July 1, 1993, and shall be reviewed by the Legislature prior to that date.

Amendment 3—In title, on page 1, line 2, strike "teacher certification" and insert: 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;

On motion by Senator Peterson, by two-thirds vote SB 1410 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	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	Meek	Walker
Casas	Gordon	Myers	Weinstein
Childers, D.	Grant	Peterson	Weinstock
Childers, W. D.	Grizzle	Plummer	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 920—A bill to be entitled An act relating to crimes against the elderly; creating s. 784.08, F.S.; providing enhanced criminal penalties for aggravated assault or aggravated battery against an elderly person, including mandatory sentencing, a fine, and restitution; reclassifying certain crimes; prohibiting withholding adjudication; limiting eligibility for parole, gain-time, and provisional credits; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 920 to conform the bill to CS for HB 1029.

On motions by Senator Plummer, by two-thirds vote CS for HB 1029 was withdrawn from the Committees on Judiciary-Criminal and Appropriations.

On motion by Senator Plummer—

CS for HB 1029—A bill to be entitled An act relating to crimes against the elderly; creating s. 784.08, F.S.; providing enhanced criminal penalties for aggravated assault, aggravated battery, battery, or assault against an elderly person, including mandatory sentencing, a fine, and restitution; reclassifying certain crimes; prohibiting withholding adjudication; providing an effective date.

—a companion measure, was substituted for SB 920 and read the second time by title. On motion by Senator Plummer, by two-thirds vote CS for HB 1029 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Motion to Reconsider

Senator Casas moved that the Senate reconsider the vote by which **CS for SB 190** passed this day.

CS for SB 1063—A bill to be entitled An act relating to home health agencies; amending s. 400.462, F.S.; defining "nurse registry"; creating s. 400.506, F.S.; providing for licensure of nurse registries; providing for a fee; providing administrative penalties; providing for license renewal; providing for conditional licenses; providing for injunction; requiring use of license number in advertising; providing a penalty; providing for inspections and investigations by the Department of Health and Rehabilitative Services; providing for referral of certain health care professionals for employment in private residences; prohibiting referral of certain health care professionals for employment in private residences; requiring certain notice or reports; requiring employment applications and records; providing for department rules; providing for review and repeal; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, strike line 6 and insert: *licensed practical nurses, or other licensed, registered, or certified persons,*

Senator Ros-Lehtinen moved the following amendment:

Amendment 2—On page 4, lines 24-30 and on page 5, lines 1 and 2, strike all of said lines and insert:

(9) A nurse registry may refer for employment or engagement in private residences applicants licensed, registered or certified pursuant to s. 400.478, chapter 464, chapter 468, part III, chapter 468, part v, and chapter 468. A nurse registry shall not refer for employment or engagement in private residences "home health aids" as defined by rule or "certified nursing assistants" as defined in s. 400.211 unless the applicant also possesses another license, registration or certification.

Senator Grizzle moved the following amendment to Amendment 2:

Amendment 2A—On page 1, strike all of lines 12-20

Further consideration of **CS for SB 1063** as amended was deferred.

CS for SB 894—A bill to be entitled An act relating to insurance; amending s. 626.901, F.S.; providing clarifying language with respect to persons prohibited from representing or aiding unauthorized insurers; amending s. 626.923, F.S.; requiring the furnishing of certain documents to the Department of Insurance by surplus lines agents upon request by the department; amending s. 626.930, F.S.; increasing the period of time for which surplus lines agents must maintain certain records; designating additional records to be maintained; amending s. 626.931, F.S.; requiring the listing of certain documents to be reported on the quarterly statement of surplus lines agents; amending s. 626.936, F.S.; providing an administrative penalty for the failure of a surplus lines agent to file a report or pay a required tax; providing effective dates.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote CS for SB 894 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Dudley	Johnson	Thomas
Bankhead	Forman	Kiser	Thurman
Beard	Gardner	Langley	Walker
Bruner	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Peterson	Weinstock
Childers, W. D.	Grant	Scott	Woodson-Howard
Crenshaw	Grizzle	Souto	
Davis	Jennings	Stuart	

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

CS for SB 1183—A bill to be entitled An act relating to condominiums; amending s. 718.113, F.S.; providing that unit owners may display a United States flag regardless of declaration rules or requirements; providing an effective date.

—was read the second time by title. On motion by Senator Souto, by two-thirds vote CS for SB 1183 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for SB 1455—A bill to be entitled An act relating to mental health; amending s. 394.875, F.S.; providing requirements for a crisis stabilization unit for minors located on the same premises as a unit for adults; requiring the Department of Health and Rehabilitative Services to adopt rules for construction, staffing, licensure, and operation of units for minors; providing the amount a crisis stabilization unit may exceed its licensed capacity; providing for a study; providing an effective date.

—was read the second time by title.

On motion by Senator Gordon, the rules were waived to allow the following amendments to be considered:

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 1, line 15, insert:

Section 2. Subsection (11) is added to section 394.875, Florida Statutes, to read:

394.875 Crisis stabilization units and residential treatment facilities; authorized services; license required; penalties.—

(11) A minor who is admitted to a crisis stabilization unit shall reside in living quarters separate from adult patients. However, a minor 14 years of age or older may be admitted to a bed in a room or ward in the mental health unit with an adult, if the admitting physician documents in the clinical record that such placement is medically indicated

or for reasons of safety. Such placement shall be reviewed by the attending physician or his designee or the on-call physician each day and documented in the case record. Minors may share common areas with adults, except for day programming, and only when direct visual observation by unit staff is provided. Crisis stabilization units must provide separate day programming for minors which does not allow commingling with adults.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 394.875, F.S.; providing for the separation of minors and adults in such units;

On motion by Senator Stuart, by two-thirds vote CS for SB 1455 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Gordon

CS for SB 562—A bill to be entitled An act relating to the Agricultural Economic Development Program; amending ss. 3, 5, 6 of ch. 87-229, Laws of Florida; extending the term of the program; providing for additional staff and duties; modifying activities; requiring reports; providing for an appropriation; providing for repeal; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendment which was adopted:

Amendment 1—On page 4, line 6, strike "*six*" and insert: three

On motion by Senator Thomas, by two-thirds vote CS for SB 562 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	Dudley	Kiser	Scott
Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	McPherson	Thomas
Bruner	Gordon	Meek	Thurman
Casas	Grizzle	Myers	Walker
Childers, D.	Jennings	Peterson	Weinstein
Childers, W. D.	Johnson	Plummer	Weinstock
Crenshaw	Kirkpatrick	Ros-Lehtinen	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Deratany

On motions by Senator Thurman, by two-thirds vote HB 1 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Thurman—

HB 1—A bill to be entitled An act relating to fire prevention and control; amending s. 633.382, F.S., to provide eligibility for supplemental compensation for firefighters employed by the Division of Forestry of the Department of Agriculture and Consumer Services; providing an effective date.

—a companion measure, was substituted for SB 1160 and read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 1 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Deratany

SB 935—A bill to be entitled An act relating to insurance; amending s. 627.6406, F.S., requiring individual health insurance policies providing coverage for maternity care to provide coverage for services provided by birth centers; amending s. 627.6515, F.S., requiring out-of-state group health insurance policies providing coverage for maternity care to provide coverage for the services of nurse-midwives, midwives, and birth centers; amending s. 627.6574, F.S., requiring group, blanket or franchise policies of health insurance providing coverage for maternity care to provide coverage for services provided by birth centers; amending s. 641.31, F.S., requiring health maintenance organizations providing benefits for maternity care to offer to subscribers, as an option, the services of nurse-midwives, midwives, and birth centers; providing an effective date.

—was read the second time by title.

Four amendments were adopted to SB 935 to conform the bill to CS for HB 481.

Pending further consideration of SB 935 as amended, on motion by Senator Walker, by two-thirds vote CS for HB 481 was withdrawn from the Committee on Insurance.

On motion by Senator Walker—

CS for HB 481—A bill to be entitled An act relating to insurance; amending s. 627.6406, F.S., requiring individual health insurance policies providing coverage for maternity care to provide coverage for services provided by birth centers; amending s. 627.6515, F.S., requiring out-of-state group health insurance policies providing coverage for maternity care to provide coverage for the services of nurse-midwives, midwives, and birth centers; amending s. 627.6574, F.S., requiring group, blanket or franchise policies of health insurance providing coverage for maternity care to provide coverage for services provided by birth centers; amending s. 641.31, F.S., requiring health maintenance organizations providing benefits for maternity care to offer to subscribers, as an option, the services of nurse-midwives, midwives, and birth centers; prohibiting the Department of Health and Rehabilitative Services from contracting with certain entities for Medicaid services; amending s. 627.659, F.S.; revising language with respect to insurance coverage of spouses or dependent children of an insured student; revising language with respect to newspaper delivery persons; creating s. 627.6551, F.S.; providing for the issuance of group health insurance and blanket health insurance policies to certain teacher and student groups; authorizing insurance of spouse, dependent children, parents or siblings; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for SB 935 and read the second time by title. On motion by Senator Walker, by two-thirds vote CS for HB 481 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Casas	Deratany	Gordon
Bankhead	Childers, D.	Dudley	Grant
Beard	Childers, W. D.	Forman	Grizzle
Brown	Crenshaw	Gardner	Jennings
Bruner	Davis	Girardeau	Johnson

Kirkpatrick	Myers	Souto	Weinstein
Kiser	Peterson	Stuart	Weinstock
Langley	Plummer	Thomas	Woodson-Howard
Malchon	Ros-Lehtinen	Thurman	
Meek	Scott	Walker	

Nays—None

Reconsideration

The motion by Senator Casas that the Senate reconsider the vote by which **CS for SB 190** passed this day was taken up and the motion was adopted.

CS for SB 190—A bill to be entitled An act relating to the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; amending s. 895.09, F.S.; revising the formula for distributing funds obtained pursuant to forfeiture proceedings under the act; deleting provisions authorizing the distribution of certain funds obtained pursuant to forfeiture proceedings to counties and municipalities; providing additional purposes for which such funds may be used; amending s. 16.53, F.S.; conforming provisions relating to the deposit of moneys in the Legal Affairs Revolving Trust Fund; amending s. 27.345, F.S.; renaming the Civil RICO Trust Fund as the State Attorney RICO Trust Fund; conforming provisions relating to the deposit of moneys in such fund; providing an effective date.

On motion by Senator Casas, by two-thirds vote the Senate reconsidered the vote by which **CS for SB 190** was read the third time.

On motions by Senator Casas, the Senate reconsidered the vote by which **Amendments 1** and **2** were adopted. **Amendments 1** and **2** were withdrawn.

Senator Casas moved the following amendments which were adopted:

Amendment 3—On page 1, line 22, strike everything after the enacting clause and insert:

Section 1. Section 895.09, Florida Statutes, 1988 Supplement, is amended to read:

895.09 Disposition of funds obtained through forfeiture proceedings.—

(1) A court entering a judgment of forfeiture in a proceeding brought pursuant to *s. 895.05* ~~s. 895.05(2)~~ shall retain jurisdiction to direct the distribution of any cash or of any cash proceeds realized from the forfeiture and disposition of the property. The court shall direct the distribution of the funds in the following order of priority:

(a) Any statutory fees to which the clerk of the court may be entitled.

(b) Any claims against the property by persons who have previously been judicially determined to be innocent persons, pursuant to the provisions of s. 895.05(2)(c), and whose interests are preserved from forfeiture by the court and not otherwise satisfied. Such claims may include any claim by a person appointed by the court as receiver pending litigation.

(c) Any claim by the Board of Trustees of the Internal Improvement Trust Fund on behalf of the Forfeited Property Trust Fund or the Land Acquisition Trust Fund pursuant to s. 253.03(13), not including administrative costs of the Department of Natural Resources previously paid directly from the Forfeited Property Trust Fund in accordance with legislative appropriation.

~~(d) The claim of the investigative agency bringing the action, as established by s. 16.53, in the case of the Attorney General, or by s. 27.345, in the case of a state attorney.~~

~~(e) Any claims by law enforcement agencies, other than the investigative agency bringing the proceeding, for reimbursement of their actual expenses incurred in conducting investigations which contributed significantly to the forfeiture of the property. The court shall determine the appropriate amount to award as reimbursement under this provision. In the event that claims by law enforcement agencies under this provision exceed the balance of proceeds remaining after satisfaction of the claims under paragraphs (a)-(d), the court shall make a pro rata apportionment. Any amounts of money recovered by a law enforcement agency pursuant to this paragraph may be deposited in the special law enforcement trust fund established for that agency pursuant to s. 932.704 and expended for the purposes and in the manner authorized in that section; however, funds recovered pursuant to the provisions of this paragraph may not be used to pay the salaries of permanent employees.~~

(2)(a) Following satisfaction of all valid claims under subsection (1), 25 percent of the remainder of the funds obtained in the forfeiture proceedings pursuant to *s. 895.05* ~~s. 895.05(2)~~ shall be deposited *as provided in paragraph (b) into the appropriate trust fund of the Department of Legal Affairs or state attorney's office which filed the civil forfeiture action; 25 percent shall be deposited as provided in paragraph (c) into the law enforcement trust fund of the investigating law enforcement agency conducting the investigation which resulted in or significantly contributed to the forfeiture of the property;* ~~in the Forfeited Property Trust Fund of the Department of Natural Resources, and~~ 25 percent shall be deposited in the Drug Abuse Trust Fund of the Department of Health and Rehabilitative Services, established under s. 397.19*; and the remaining 25 percent shall be deposited in the Forfeited Property Trust Fund of the Department of Natural Resources. When a forfeiture action is filed by the Department of Legal Affairs or a state attorney, the court entering the judgment of forfeiture shall, taking into account the overall effort and contribution to the investigation and forfeiture action by the agencies that filed the action, make a pro rata apportionment among such agencies of the funds available for distribution to the agencies filing the action as provided in this section.* ~~The other 50 percent of the remainder shall be deposited in the general fund of the county or municipality whose law enforcement agency contributed significantly to the forfeiture of the property.~~ If *multiple investigating* law enforcement *agencies have* ~~personnel of several counties or municipalities~~ contributed ~~significantly~~ to the forfeiture of the property, the court which entered the judgment of forfeiture shall, *taking into account the overall effort and contribution of the agencies to the investigation and forfeiture action,* make a pro rata apportionment among such *investigating law enforcement agencies of the funds available for distribution to the investigating agencies as provided in this section* ~~counties and municipalities. If a state law enforcement agency is responsible for the forfeiture, 50 percent of the funds shall be deposited into the general fund of the county in which the court entering the judgment of forfeiture is located.~~

(b) If a forfeiture action is filed by the Attorney General, any funds obtained by the Department of Legal Affairs by reason of paragraph (a) shall be deposited in the Legal Affairs Revolving Trust Fund as established by s. 16.53 and may be expended for the purposes and in the manner authorized in that section. If a forfeiture action is filed by a state attorney, any funds obtained by the state attorney's office by reason of paragraph (a) shall be deposited in the State Attorney RICO Trust Fund as established by s. 27.345 and may be expended for the purposes and in the manner authorized in that section. In addition, any funds that are distributed pursuant to this section to an agency filing a forfeiture action may be used to pay the costs of investigations of violations of chapter 895 and the criminal prosecutions and civil actions related thereto. Such costs may include all taxable costs; costs of protecting, maintaining, and forfeiting the property; employees' base salaries and compensation for overtime; and such other costs as are directly attributable to the investigation, prosecution, or civil action.

(c) Any funds distributed to an investigating law enforcement agency under paragraph (a) shall be deposited in the special law enforcement trust fund established for that agency pursuant to s. 932.704 and expended for the purposes and in the manner authorized in that section. In addition, any funds distributed to an investigating law enforcement agency pursuant to this section may be used to pay the costs of investigations of violations of chapter 895 and the criminal prosecutions and civil actions related thereto, pursuant to s. 932.704(3). Such costs may include all taxable costs; costs of protecting, maintaining, and forfeiting the property; employees' base salaries and compensation for overtime; and such other costs directly attributable to the investigation, prosecution, or civil action.

(d)~~(b)~~ The Department of Health and Rehabilitative Services shall, in accordance with chapter 397, distribute funds obtained by it pursuant to paragraph (a) ~~or paragraph (c)~~ to public and private nonprofit organizations licensed by the department to provide drug abuse treatment and rehabilitation centers or drug prevention and youth orientation programs in the service district in which the final order of forfeiture is entered by the court.

(e)~~(c)~~ On a quarterly basis, any excess funds, including interest, over $1,000,000 deposited in the Forfeited Property Trust Fund *of the Department of Natural Resources* in accordance with *paragraph (a)* ~~this subsection~~ shall be deposited in the Drug Abuse Trust Fund of the Department of Health and Rehabilitative Services.

(3) Nothing in this section shall be construed to limit the authority of *an entity that files a forfeiture action* ~~the investigative agency~~ to compromise a claim for forfeiture; however, any proceeds arising from a compromise or from the sale of property obtained in a compromise shall be distributed in the manner provided in subsections (1) and (2).

(4) Pending the final distribution of the cash or cash proceeds pursuant to this section, the court may authorize the cash or cash proceeds to be deposited in the court registry or in a qualified public depository.

(5) *For purposes of this section, the term "cash or cash proceeds" includes, but is not limited to, damages or penalties or any other monetary payment, the monetary proceeds from property forfeited to the state pursuant to s. 895.05, or any payment made by any defendant by reason of any decree or settlement in any action filed pursuant to s. 895.05.* ~~The "actual expenses" for which a state attorney's office or a law enforcement agency may be reimbursed pursuant to paragraph (1)(c) include all taxable costs; costs of protecting, maintaining, and forfeiting the property; compensation for overtime and such other costs as are determined by the court to be directly attributable to the action. However such reimbursement shall not include employees' base salaries.~~

Section 2. Section 16.53, Florida Statutes, is amended to read:

16.53 Legal Affairs Revolving Trust Fund.—

(1) There is created in the State Treasury the Legal Affairs Revolving Trust Fund, from which the Legislature may appropriate funds for the purpose of funding investigation, prosecution, and enforcement by the Attorney General of the provisions of the Racketeer Influenced and Corrupt Organization Act, *the Florida Deceptive and Unfair Trade Practices Act,* or state or federal antitrust laws.

(2) Twenty percent of all moneys recovered by the Attorney General on behalf of the state, its agencies, or units of state government and 10 percent of all moneys recovered on behalf of local governments or persons resident in this state or, alternatively, attorneys' fees and costs, whichever is greater, in any civil action for violation of state or federal antitrust laws shall be deposited in the fund.

(3)~~(a)~~ Subject to the provisions of s. 895.09, when the Attorney General *files* ~~brings~~ an action pursuant to s. 895.05, *funds provided to the Department of Legal Affairs pursuant to s. 895.09(2)(a)* ~~20 percent of all moneys recovered on behalf of the state or an agency or unit of state government and 10 percent of all moneys recovered on behalf of a local government or a person resident in the state,~~ or, alternatively, attorneys' fees and costs, whichever is greater, shall be deposited in the fund.

~~(b) Subject to the provisions of s. 895.09, when the Attorney General and a state attorney jointly bring an action pursuant to s. 895.05, 10 percent of all moneys recovered on behalf of the state or an agency or unit of state government and 5 percent of all moneys recovered on behalf of a local government or a person resident in the state, or, alternatively, attorneys' fees and costs, whichever is greater, shall be deposited in the fund.~~

(4)(a) In the case of a forfeiture action pursuant to s. 895.05, the remainder of the moneys recovered shall be distributed as set forth in s. 895.09.

(b) In other actions brought pursuant to the provisions of the Racketeer Influenced and Corrupt Organization Act or pursuant to the state or federal antitrust laws, the remainder of the moneys recovered on behalf of the state, its agencies, or units of state government shall be deposited in the General Revenue Fund; in the case of other governmental units, transferred to the appropriate fund of such government; or in the case of persons, distributed to such persons or for their benefit, as approved by a court of competent jurisdiction.

(5) "Moneys recovered" means damages or penalties or any other monetary payment, including ~~the balance of~~ monetary proceeds from property forfeited to the state pursuant to s. 895.05 remaining after satisfaction of any valid claims made pursuant to s. 895.09(1)(a)-(c), which damages, penalties, or other monetary payment is made by any defendant by reason of any decree or settlement in any Racketeer Influenced and Corrupt Organization Act or state or federal antitrust action prosecuted by the Attorney General, but excludes attorneys' fees and costs.

(6) Any moneys remaining in the fund at the end of any fiscal year in excess of *$4,000,000* ~~$2,000,000~~ shall be transferred to the General Revenue Fund unallocated.

Section 3. Section 27.345, Florida Statutes, is amended to read:

27.345 Reimbursement of expenses in RICO forfeiture actions.—

(1)~~(a)~~ Subject to the provisions of s. 895.09, when a state attorney *files* ~~brings~~ an action pursuant to s. 895.05, *funds provided to the state attorney pursuant to s. 895.09(2)(a)* ~~20 percent of all moneys recovered on behalf of the state or an agency or unit of state government and 10 percent of all moneys recovered on behalf of a local government or a person resident in the state,~~ or, alternatively, attorneys' fees and costs, whichever is greater, shall be deposited in the *State Attorney* ~~Civil~~ RICO Trust Fund.

~~(b) Subject to the provisions of s. 895.09, when a state attorney and the Attorney General jointly bring an action pursuant to s. 895.05, 10 percent of all moneys recovered on behalf of the state or an agency or unit of state government and 5 percent of all moneys recovered on behalf of a local government or a person resident in the state, or, alternatively, attorneys' fees and costs, whichever is greater, shall be deposited in the Civil RICO Trust Fund.~~

~~(2) When a state attorney contributes significantly to the forfeiture of property in an action brought by the Attorney General pursuant to s. 895.05(2), his office shall be reimbursed for its actual expenses incurred in significant contribution to the forfeiture of the property, in the same manner as a law enforcement agency under s. 895.09(1)(c), which reimbursement will be made from the net amount recovered after satisfaction of any valid claims under s. 895.09(1)(a)-(d).~~

(2)~~(3)~~ There is created for each of the several state attorneys a trust fund to be known as the *State Attorney* ~~Civil~~ RICO Trust Fund. The amounts awarded to a state attorney pursuant to this section shall be deposited in the trust fund for that state attorney. Funds deposited in such trust fund shall be used, when authorized by appropriation or action of the Executive Office of the Governor pursuant to s. 216.181(8), for investigation, prosecution, and enforcement by that state attorney of civil *or criminal* causes of action arising under the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act~~; except that such funds may not be used to pay the salaries of permanent employees~~.

(3)~~(4)~~ Each state attorney shall report to the Executive Office of the Governor annually by November 15, commencing in 1985, the amounts recovered pursuant to this section for the previous fiscal year. The Executive Office of the Governor shall distribute these reports to the President of the Senate, the Speaker of the House of Representatives, and each chairperson of an appropriations committee.

Section 4. *This act shall apply to the distribution of all moneys recovered under section 895.09, Florida Statutes, for which the court makes final determination on or after the effective date of this act.*

Section 5. The introductory paragraph of subsection (13) of section 253.03, Florida Statutes, 1988 Supplement, is amended to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(13) The Board of Trustees of the Internal Improvement Trust Fund is hereby authorized to administer, manage, control, conserve, protect, and sell all real property forfeited to the state pursuant to ss. 895.01-895.09 or acquired by the state pursuant to s. 607.325 or s. 620.192. The board is directed to immediately determine the value of all such property and shall ascertain whether the property is in any way encumbered. If the board determines that it is in the best interest of the state to do so, funds from the Forfeited Property Trust Fund may be used to satisfy any such encumbrances. If the Forfeited Property Trust Fund does not contain a balance sufficient to satisfy encumbrances on the property and expenses permitted under this section, funds from the Land Acquisition Trust Fund may be used to satisfy any such encumbrances and expenses. All property acquired by the board pursuant to ss. 895.01-895.09, s. 607.325, or s. 620.192 shall be sold as soon as commercially feasible unless the Attorney General recommends and the board determines that retention of the property in public ownership would effectuate one or more of the following policies of statewide significance: protection or enhancement of floodplains, marshes, estuaries, lakes, rivers, wilderness areas, wildlife areas, wildlife habitat, or other environmentally sensitive natural areas or ecosystems; or preservation of significant archaeological or historical sites identified by the Secretary of State. In such event the property shall remain in the ownership of the board, to be controlled, managed, and disposed of in accordance with chapter 253, and the Forfeited Property

Trust Fund shall be reimbursed from the Land Acquisition Trust Fund, or other appropriate fund designated by the board, for any funds expended from the Forfeited Property Trust Fund pursuant to this subsection in regard to such property. Upon the recommendation of the Attorney General, the board may reimburse the investigative agency for its investigative expenses, costs, and attorneys' fees, and may reimburse law enforcement agencies for actual expenses incurred in conducting investigations leading to the forfeiture of such property, ~~as defined in s. 895.09(1)(c),~~ from funds deposited in the Forfeited Property Trust Fund of the Department of Natural Resources. The proceeds of the sale of property acquired under ss. 895.01-895.09, s. 607.325, or s. 620.192 shall be distributed as follows:

Section 6. Subsection (2) of section 895.09, Florida Statutes, as amended by this act, is repealed July 1, 1992, and shall be reviewed by the Legislature prior to that date.

Section 7. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Amendment 4—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; amending s. 895.09, F.S.; revising the formula for distributing funds obtained pursuant to forfeiture proceedings under the act; deleting provisions authorizing the distribution of certain funds obtained pursuant to forfeiture proceedings to counties and municipalities; providing additional purposes for which such funds may be used; amending s. 16.53, F.S.; conforming provisions relating to the deposit of moneys in the Legal Affairs Revolving Trust Fund; amending s. 27.345, F.S.; renaming the Civil RICO Trust Fund as the State Attorney RICO Trust Fund; conforming provisions relating to the deposit of moneys in such fund; amending s. 253.03, F.S., to conform; providing for the repeal and legislative review of s. 895.09(2), F.S., relating to the distribution of funds obtained through forfeiture proceedings; providing an effective date.

On motion by Senator Casas, by two-thirds vote CS for SB 190 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	Davis	Jennings	Scott
Bankhead	Deratany	Johnson	Souto
Beard	Dudley	Kirkpatrick	Stuart
Brown	Forman	Malchon	Thomas
Bruner	Gardner	Margolis	Thurman
Casas	Girardeau	Meek	Walker
Childers, D.	Gordon	Myers	Weinstein
Childers, W. D.	Grant	Peterson	Weinstock
Crenshaw	Grizzle	Ros-Lehtinen	Woodson-Howard

Nays—None

On motions by Senator Weinstein, by two-thirds vote HB 85 was withdrawn from the Committees on Transportation; and Finance, Taxation and Claims.

On motion by Senator Weinstein—

HB 85—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.03, F.S.; providing that any person, firm, or corporation representing itself to be an authorized agent of the Department of Highway Safety and Motor Vehicles for registration purposes is guilty of unfair and deceptive trade practices; prohibiting the use of the name of the state or of a county under certain circumstances; providing a penalty; providing an effective date.

—a companion measure, was substituted for CS for SB 275 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 85 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 272—A bill to be entitled An act relating to the Risk Assessment Information System Coordinating Council; amending s. 282.502, F.S.; revising the membership of the council; authorizing the Department of Education to provide additional support to the council; providing additional duties of the council; authorizing the entities represented on the council and their designees to share information notwithstanding confidentiality, privacy, and nondisclosure requirements arising from state law; preserving the confidentiality of the information except for sharing among the entities as needed for specified purposes; providing an effective date.

—was read the second time by title. On motion by Senator Weinstock, by two-thirds vote SB 272 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 1235—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.1995, F.S.; revising the amount of the economic development ad valorem tax exemption that may be granted by a county or municipality; providing an effective date.

—was read the second time by title. On motion by Senator Woodson-Howard, by two-thirds vote SB 1235 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote HB 780 was withdrawn from the Committee on Regulated Industries, and CS for CS for SB 535 was withdrawn from the Committee on Rules and Calendar.

Motions

On motion by Senator Scott, by two-thirds vote CS for SB 1193 and CS for SB 226 were added to the special order calendar.

On motion by Senator W. D. Childers, HB 780 was placed next on the consent calendar.

CONSENT CALENDAR, continued

HB 780—A bill to be entitled An act relating to alcoholic beverage licenses; amending s. 561.20, F.S.; revising language with respect to quota alcoholic beverage licenses issued in certain counties to provide that any restaurant located in a specialty center built on governmentally owned land shall be subject to certain restrictions; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 780 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Consideration of Resolutions

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

By Senator D. Childers—

SR 1568—A resolution honoring and commending Mrs. Annie Ruth Howard, the Hendry County Teacher of the Year.

WHEREAS, Mrs. Annie Ruth Howard, a 1st grade teacher at LaBelle Elementary School, has been a teacher in Hendry County for 33 years, and

WHEREAS, Mrs. Annie Ruth Howard has a positive relationship with other teachers, with parents, and with students, and

WHEREAS, Mrs. Annie Ruth Howard has a positive teaching philosophy and exemplifies good work habits so vital to a person in the teaching profession, and

WHEREAS, Mrs. Annie Ruth Howard's most outstanding quality is her ability to take 1st graders and mold and motivate them to become good, productive students, NOW, THEREFORE,

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

That Mrs. Annie Ruth Howard is recognized and commended for her designation as Hendry County Teacher of the Year.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mrs. Annie Ruth Howard as a tangible token of the sentiments of the Florida Senate.

On motion by Senator D. Childers, SR 1568 was read the second time in full and adopted.

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

By Senator Souto—

SR 1567—A resolution commending Joe C. Mitchell, manager of the Florida City State Farmers' Market, for being named "Marketing Manager of the Year" by the National Association of Produce Managers and for his exemplary service to the Florida agricultural industry.

WHEREAS, several weeks ago, Joe C. Mitchell, manager of the Florida City State Farmers' Market, was named "Marketing Manager of the Year" by the National Association of Produce Market Managers at its 43rd annual meeting at the Harvard Club in Boston, Massachusetts, which was held in conjunction with the National Food and Agriculture Exposition that attracted over 2,000 buyers from 47 nations, and

WHEREAS, Mr. Mitchell was nominated for the award by the general membership of the association and earned the honor for his accomplishments as a market manager during the past year, and

WHEREAS, at the Boston meeting, the national association also elected him as its new secretary-treasurer and reelected him for a 3-year term as a member of its board of directors, and

WHEREAS, Commissioner of Agriculture Doyle Conner, who led the Florida delegation of agricultural exporters to Boston, commended Mitchell for his service to the Department of Agriculture and Consumer Services and for his commitment to marketing Florida agricultural produce, and

WHEREAS, Governor Bob Martinez also presented Joe C. Mitchell with a certificate of appreciation for his dedication and service to the employment and training system of Florida over the past 5 years as a member of the board of directors of the Private Industry Council of South Florida, NOW, THEREFORE,

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

That the members of this body do hereby commend Joe C. Mitchell for being named "Marketing Manager of the Year" by the National Association of Produce Managers and for his years of dedicated service to the agricultural industry of this state.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate with the Seal of the Senate affixed, be transmitted to Joe C. Mitchell, as a tangible token of the respect and admiration of the Florida Senate.

On motion by Senator Souto, SR 1567 was read the second time in full and adopted.

CONSENT CALENDAR, continued

The Senate resumed consideration of—

CS for SB 1063—A bill to be entitled An act relating to home health agencies; amending s. 400.462, F.S.; defining "nurse registry"; creating s. 400.506, F.S.; providing for licensure of nurse registries; providing for a fee; providing administrative penalties; providing for license renewal; providing for conditional licenses; providing for injunction; requiring use of license number in advertising; providing a penalty; providing for inspections and investigations by the Department of Health and Rehabilitative Services; providing for referral of certain health care professionals for employment in private residences; prohibiting referral of certain health care professionals for employment in private residences; requiring certain notice or reports; requiring employment applications and records; providing for department rules; providing for review and repeal; providing an effective date.

—with pending **Amendment 2A** which was withdrawn.

Amendment 2 was adopted.

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

Amendment 3—On page 2, line 4, after "employment" insert: in the provision of health care

On motion by Senator Ros-Lehtinen, by two-thirds vote CS for SB 1063 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

On motion by Senator Gardner, 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 refused to concur in Senate Amendments 1 and 2 to HB 1734 and requests the Senate to recede.

John B. Phelps, Clerk

HB 1734—A bill to be entitled An act relating to pollution response action construction contracts; amending s. 287.0595, F.S., which provides for the promulgation of rules relating to award and payment of such contracts by the Department of Environmental Regulation; removing the limitation of such provisions to construction contracts; exempting certain contracts from such provisions; saving the exemption from public records requirements for bids submitted thereunder from repeal; providing for future review and repeal; providing an effective date.

On motions by Senator Gardner, the Senate refused to recede from the Senate amendments and insisted that the House concur. The action of the Senate was certified to the House.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 321 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 321—A bill to be entitled An act relating to state employment; amending s. 110.151, F.S.; revising the provision of law relating to state officers' and employees' child care services to delete reference to the Office of Labor Relations and to refer instead to the Department of Administration; directing the department to conduct a feasibility study to determine the child care needs of state employees; amending section 2 of chapter 88-151, Laws of Florida, providing for the use of unexpended funds in the State Employee Child Care Revolving Trust Fund; providing an effective date.

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

Section 1. Subsections (2) and (3) of section 110.123, Florida Statutes, 1988 Supplement, are reenacted and amended, subsection (9) and paragraph (b) of subsection (4) of said section are reenacted, and subsection (10) is added to said section to read:

110.123 State group insurance program.—

(2) DEFINITIONS.—As used in this section, unless the context otherwise requires, the term:

(a) "Department" means the Department of Administration.

(b) "Enrollee" means all state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees enrolled in an insurance plan offered by the state group insurance program.

(c) "Full-time state employees" includes all full-time employees of all branches or agencies of state government holding salaried positions and paid by state warrant or from agency funds, and employees paid from regular salary appropriations for 8 months' employment, including university personnel on academic contracts, but in no case shall "state employee" or "salaried position" include persons paid from other-personal-services (OPS) funds.

(d) "Health maintenance organization" or "HMO" means an entity certified under part II of chapter 641.

(e) "Part-time state employee" means any employee of any branch or agency of state government paid by state warrant from salary appropriations or from agency funds, and who is employed for less than the normal full-time work week established by the department or, if on academic contract or seasonal or other type of employment which is less than year-round, is employed for less than 8 months during any 12-month period, but in no case shall "part-time" employee include a person paid from other-personal-services (OPS) funds.

(f) "Retired state officer or employee" or "retiree" means any state officer or state employee who retires under a state retirement system *or a state optional annuity or retirement program* or is placed on disability retirement, and who was insured under the state group insurance program at the time of retirement, and who *begins receiving retirement benefits immediately after retirement from state office or employment* ~~will continue to receive a monthly state warrant after retirement~~.

(g) "State agency" or "agency" means any branch, department, or agency of state government.

(h) "State group health insurance plan" means the state self-insured health insurance plan offered to state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees pursuant to this section.

(i) "State group insurance program" or "programs" means the package of insurance plans offered to state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees pursuant to this section, including the state group health insurance plan, health maintenance organization plans, and other plans required or authorized by this section.

(j) "State officer" means any constitutional state officer, any elected state officer paid by state warrant, or any appointed state officer who is commissioned by the Governor and who is paid by state warrant.

(k) "Surviving spouse" means the widow or widower of a deceased state officer, full-time state employee, part-time state employee, or retiree if such widow or widower was covered as a dependent under the state group health insurance plan or a health maintenance organization plan established pursuant to this section at the time of the death of the deceased officer, employee, or retiree. "Surviving spouse" also means any widow or widower who is receiving or eligible to receive a monthly state warrant from a state retirement system as the beneficiary of a state officer, full-time state employee, or retiree who died prior to July 1, 1979. For the purposes of this section, any such widow or widower shall cease to be a surviving spouse upon his or her remarriage.

(3) STATE GROUP INSURANCE PROGRAM.—

(a) It is the intent of the Legislature to offer a comprehensive package of health insurance benefits for state employees which are provided in a cost-efficient and prudent manner, and to allow state employees the option to choose benefit plans which best suit their individual needs. Therefore, the state group insurance program is established which may include the state group health insurance plan, health maintenance organization plans, group life insurance plans, group accidental death and dismemberment plans, and group disability insurance plans. Furthermore, the Department of Administration is additionally authorized to establish and provide as part of the state group insurance program any other group insurance plans which are consistent with the provisions of this section.

(b) Except as provided for in subparagraph (d)2., the percentage of state contribution toward the cost of any plan in the state group insurance program shall be uniform with respect to all state employees in state collective bargaining units participating in the same plan or any similar plan. Nothing contained within this section prohibits the development of separate benefit plans for officers and employees exempt from collective bargaining or the development of separate benefit plans for each collective bargaining unit.

(c) Participation by individuals in the program shall be available to all state officers, full-time state employees, and part-time state employees; and such participation in the program or any plan thereof shall be voluntary. Participation in the program shall also be available to retired state officers and employees who elect at the time of retirement to continue coverage under the program, but they may elect to continue all or only part of the coverage they had at the time of retirement. A surviving spouse may elect to continue coverage only under the state group health insurance plan or a health maintenance organization plan.

(d)1. A person eligible to participate in the state group health insurance plan may be authorized by rules adopted by the Department of Administration, in lieu of participating in the state group health insurance plan, to exercise an option to elect membership in a health maintenance organization plan which is under contract with the state in accordance with criteria established by this section and by said rules. The offer of optional membership in a health maintenance organization plan permitted by this paragraph may be limited or conditioned by rule as may be necessary to meet the requirements of state and federal laws.

2. The Department of Administration shall contract with health maintenance organizations to participate in the state group insurance program through a request for proposal based upon a premium and a minimum benefit package as follows:

a. The department shall establish a minimum benefit package to be provided by a participating HMO which shall include: physician services; inpatient and outpatient hospital services; emergency medical services, including out-of-area emergency coverage; diagnostic laboratory and diagnostic and therapeutic radiologic services; mental health, alcohol, and chemical dependency treatment services meeting the minimum requirements of state and federal law; skilled nursing facilities and services; prescription drugs; and other benefits as may be required by the department. Additional services may be provided subject to the contract between the department and the HMO.

b. The department may establish a uniform schedule for deductibles and copayments for all participating HMOs.

c. Based upon the minimum benefit package and copayments and deductibles contained in sub-subparagraphs a. and b., the department shall issue a request for proposal for all HMOs which are interested in participating in the state group insurance program. Upon receipt of all proposals, the department may, as it deems appropriate, enter into contract negotiations with HMOs submitting bids. As part of the request for proposal process, the department may require detailed financial data from each HMO which participates in the bidding process for the purpose of determining the financial stability of the HMO.

d. In determining which HMOs to contract with, the department shall, at a minimum, consider: each proposed contractor's previous experience and expertise in providing prepaid health benefits; each proposed contractor's historical experience in enrolling and providing health care services to participants in the state group insurance program; the cost of the premiums; the plan's ability to adequately provide service coverage and administrative support services as determined by the department; plan benefits in addition to the minimum benefit package; accessibility to providers; and the financial solvency of the plan. Nothing shall preclude the department from negotiating regional or statewide contracts with health maintenance organization plans when this is cost-effective and when the department determines the plan has the best overall benefit package for the service areas involved. However, no HMO shall be eligible for a contract if the HMO's retiree Medicare premium exceeds the retiree rate as set by the department for the state group health insurance plan.

e. The department may limit the number of HMOs that it contracts with in each service area based on the nature of the bids it receives, the number of state employees in the service area, and any unique geographical characteristics of the service area. The department shall establish, by rule, service areas throughout the state.

f. All persons participating in the state group insurance program who are required to contribute towards a total state group health premium shall be subject to the same dollar contribution regardless of whether the enrollee enrolls in the state group health insurance plan or in an HMO plan.

3. The department is authorized to negotiate and contract with specialty psychiatric hospitals for mental health benefits, on a regional basis, for alcohol, drug abuse, and mental and nervous disorders. The department may establish, subject to legislative approval pursuant to subsection (5), any such regional plan upon completion of an actuarial study to determine any impact on plan benefits and premiums. A report shall be submitted to the Legislature by February 1, 1990, regarding establishment of any regional plan and its effect on the State Group Health Trust Fund.

4. In addition to contracting pursuant to subparagraph 2., the department shall enter into contract with any HMO to participate in the state group insurance program which:

a. Serves greater than 5,000 recipients on a prepaid basis under s. 409.266;

b. Does not currently meet the 25 percent non-Medicare/non-Medcaid enrollment composition requirement established by the Department of Health and Human Services excluding participants enrolled in the state group insurance program;

c. Meets the minimum benefit package and copayments and deductibles contained in subparagraphs 2a. and b.;

d. Is willing to participate in the state group insurance program at a cost of premiums that is not greater than 95% of the cost of HMO premiums accepted by the department in each service area; and

e. Meets the minimum surplus requirements of s. 641.225.

The department is authorized to contract with HMOs that meet the requirements of subparagraphs a. though d. prior to the open enrollment period for state employees. The department is not required to renew the contract with the HMOs as set forth in this paragraph more than twice. Thereafter, the HMOs shall be eligible to participate in the state group insurance program only through the request for proposal process described in paragraph 2.

~~5.~~3. All enrollees in the state group health insurance plan or any health maintenance organization plan shall have the option of changing to any other health plan which is offered by the state within any open enrollment period designated by the department. Open enrollment shall be held at least once each calendar year.

~~6.~~4. Any HMO participating in the state group insurance program shall, upon the request of the department, submit to the department standardized data for the purpose of comparison of the appropriateness, quality, and efficiency of care provided by the HMO. Such standardized data shall include: membership profiles; inpatient and outpatient utilization by age and sex, type of service, provider type, and facility; and emergency care experience. Requirements and timetables for submission of such standardized data and such other data as the department deems necessary to evaluate the performance of participating HMOs shall be promulgated by rule.

(e) The benefits of the insurance authorized by this section shall not be in lieu of any benefits payable under chapter 440, the Workers' Compensation Law. The insurance authorized by this law shall not be deemed to constitute insurance to secure workers' compensation benefits as required by chapter 440.

(4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE.—

(b) If a state officer or full-time state employee selects membership in a health maintenance organization as authorized by paragraph (3)(d), the officer or employee shall be entitled to a state contribution toward individual and dependent membership as provided by the Legislature through the appropriations act.

(9) PUBLIC RECORDS LAW; EXEMPTION.—Patient medical records and medical claims records of state employees, former employees, and eligible dependents in the custody or control of the state group insurance program are confidential and exempt from s. 119.07(1). Such records shall not be furnished to any person other than the employee or his legal representative, except upon written authorization of the employee, but 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 employee or his legal representative by the party seeking such records.

(10) STATEMENTS OF PURPOSE AND INTENT AND OTHER PROVISIONS REQUIRED FOR QUALIFICATION UNDER THE INTERNAL REVENUE CODE OF THE UNITED STATES.—Any other provisions in this chapter to the contrary notwithstanding:

(a) Any provision in this chapter relating to a state group insurance program shall be construed and administered to qualify such program to be a qualified and nondiscriminatory employee benefit plan under existing or hereafter-enacted provisions of the Internal Revenue Code of the United States.

(b) The department may adopt any rule necessary to accomplish the purposes of this subsection not inconsistent with this chapter.

(c) This subsection is declaratory of the legislative intent upon the original enactment of this section and is deemed to have been in effect since that date.

Section 2. Subsection (7) of section 110.161, Florida Statutes, 1988 Supplement, is amended, present subsections (8) and (9) are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to said section to read:

110.161 State employees; pretax benefits program.—

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

(8) Any moneys in the Pretax Benefits Trust Fund in excess of the amount appropriated for the pretax benefits program must be transferred to the State Employees' Group Health Self-Insurance Trust Fund.

Section 3. *Notwithstanding section 215.18, Florida Statutes, those funds previously transferred from the trust funds of the State Treasury to the Pretax Benefits Trust Fund shall be repaid no later than June 30, 1990.*

Section 4. Subsections (3) and (6) of section 110.217, Florida Statutes, 1988 Supplement, are amended to read:

110.217 ~~Registers,~~ Appointments~~,~~ and promotion.—

(3) Rules shall be *adopted* ~~established~~ by the department to ensure that employing agencies review and give equitable consideration to eligibles based on the selection system that is approved by the department.

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

Section 5. Subsection (6) is added to section 110.233, Florida Statutes, to read:

110.233 Political activities and unlawful acts prohibited.—

(6) The department shall adopt, by rule, procedures for Career Service System employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

Section 6. Subsection (5) is added to section 110.403, Florida Statutes, 1988 Supplement, to read:

110.403 Powers and duties of the Department of Administration.—

(5) The department shall adopt, by rule, procedures for Senior Management Service employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

Section 7. Subsection (5) of section 110.605, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to said section, to read:

110.605 Powers and duties; personnel rules, records, reports, and performance appraisal.—

(5) The department shall adopt, by rule, procedures for Selected Exempt Service employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 2, after the semicolon (;) insert: amending s. 110.123, F.S.; redefining the term "retired state officer or employee" or "retiree" for the purposes of the state group insurance program; reenacting provisions which specify legislative intent; reenacting provisions authorizing the Department of Administration to contract with health maintenance organizations; authorizing the department to negotiate and contract with specialty hospitals subject to legislative approval; reenacting provisions which authorize the department to request competitive bids from and negotiate contracts with health maintenance organizations to service members of the state group insurance program; reenacting provisions which establish a minimum benefit package and criteria to be used in negotiating health maintenance organization contracts; reenacting provisions which require the submission of certain data elements by health maintenance organizations contracting with the state; reenacting provisions which delete the requirement that additional costs of membership in a health maintenance organization be borne by the officer or employee who is a member; reenacting provisions which provide for confidentiality of certain records in the state group insurance program; providing that the state group insurance program be construed and administered in such manner that it will qualify as a qualified and nondiscriminatory employee benefit plan under the Internal Revenue Code and providing the Department of Administration rulemaking power for such purpose; amending s. 110.161, F.S.; providing that certain moneys forfeited by employees under the pretax benefits program be deposited into the Pretax Benefits Trust Fund; providing that any moneys in the Pretax Benefits Trust Fund in excess of the amount appropriated for the pretax benefits program be transferred to the State Employees' Group Health Self-Insurance Trust Fund; amending s. 110.217, F.S.; eliminating the responsibility of the Department of Administration for adopting rules regarding reinstatement appointments; amending ss. 110.233, 110.403, and 110.605, F.S.; directing the department to adopt rules of procedure for disclosure of certain activities for Career Service employees and for officers and employees in the Senior Management and Selected Exempt Services;

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

SB 321 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

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 passed with amendments CS for SB 607 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 607—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; revising schedules of controlled substances, and reenacting ss. 893.13, 893.08(1)(b), 893.135, 322.055, 415.503(8)(a)2., 766.101(3)(a), 782.04(1), (3), and (4), 817.563, and 831.31, F.S., relating to prohibited acts and penalties, exceptions, trafficking, revocation or suspension of driver's license, drug dependency of newborns, substance abuse information, murder, fraudulent sales of controlled substances, and counterfeit controlled substances, respectively, to incorporate said amendment in references thereto; providing technical amendments; providing an effective date.

Amendment 1—On page 1, line 19, insert:

Section 1. Paragraph (f) is added to subsection (1) of section 893.135, Florida Statutes, to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(f) Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 14 grams or more of amphetamine as described in s. 893.03(2)(c)2. or methamphetamine as described in s. 893.03(2)(c)3. or of any mixture containing amphetamine or methamphetamine, or phenylacetone, phenylacetic acid, or ephedrine in conjunction with other chemicals and equipment utilized in the manufacture of amphetamine or methamphetamine is guilty of a felony of the first degree, which felony shall be known as "trafficking in amphetamine." If the quantity involved:

1. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 calendar years and to pay a fine of $50,000.

2. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 5 calendar years and to pay a fine of $100,000.

3. Is 200 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of $250,000.

(2) A person acts knowingly under subsection (1) if that person intends to sell, purchase, manufacture, deliver, or bring into this state, or to actually or constructively possess, any of the controlled substances listed in subsection (1), regardless of which controlled substance listed in subsection (1) is in fact sold, purchased, manufactured, delivered, or brought into this state, or actually or constructively possessed.

(3) Notwithstanding the provisions of s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for parole prior to serving the mandatory minimum term of imprisonment prescribed by this section.

(4) The state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his accomplices, accessories, coconspirators, or principals or of any other person engaged in trafficking in controlled substances. The arresting agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may reduce or suspend the sentence if he finds that the defendant rendered such substantial assistance.

(5) Any person who agrees, conspires, combines, or confederates with another person to commit any act prohibited by subsection (1) is guilty of a felony of the first degree and is punishable as if he had actually committed such prohibited act. Nothing in this subsection shall be construed to prohibit separate convictions and sentences for a violation of this subsection and any violation of subsection (1).

Section 2. For the purpose of incorporating the amendment to section 893.135(1), Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

421.102 Eviction of tenant who violates s. 893.13 or s. 893.135.—Any municipal, county, or regional housing authority operating a public housing project within this state may evict any housing project tenant who is adjudicated guilty of a violation of s. 893.13 or s. 893.135, relating to the sale, manufacture, delivery, or possession of a controlled substance, if such offense is committed in or on the premises of the public housing project. Only the individual tenant adjudicated guilty of such violation may be evicted. Other household members may remain in possession of the premises. Any person evicted under this section who returns to the premises is guilty of criminal trespass. Notwithstanding the provisions of s. 421.10(1)(c), a housing authority may consider a rental application by a person evicted under this section only upon a showing of rehabilitation.

782.04 Murder.—

(1)(a) The unlawful killing of a human being:

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being; or

2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:

a. Trafficking offense prohibited by s. 893.135(1),

b. Arson,

c. Sexual battery,

d. Robbery,

e. Burglary,

f. Kidnapping,

g. Escape,

h. Aggravated child abuse,

i. Aircraft piracy, or

j. Unlawful throwing, placing, or discharging of a destructive device or bomb; or

3. Which resulted from the unlawful distribution of any substance controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or opium or any synthetic or natural salt, compound, derivative, or preparation of opium by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user,

is murder in the first degree and constitutes a capital felony, punishable as provided in s. 775.082.

(b) In all cases under this section, the procedure set forth in s. 921.141 shall be followed in order to determine sentence of death or life imprisonment.

(2) The unlawful killing of a human being, when perpetrated by any act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual, is murder in the second degree and constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) When a person is killed in the perpetration of, or in the attempt to perpetrate, any:

(a) Trafficking offense prohibited by s. 893.135(1),

(b) Arson,

(c) Sexual battery,

(d) Robbery,

(e) Burglary,

(f) Kidnapping,

(g) Escape,

(h) Aggravated child abuse,

(i) Aircraft piracy, or

(j) Unlawful throwing, placing, or discharging of a destructive device or bomb

by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony is guilty of murder in the second degree, which constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) The unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony other than any:

(a) Trafficking offense prohibited by s. 893.135(1),

(b) Arson,

(c) Sexual battery,

(d) Robbery,

(e) Burglary,

(f) Kidnapping,

(g) Escape,

(h) Aggravated child abuse,

(i) Aircraft piracy,

(j) Unlawful throwing, placing, or discharging of a destructive device or bomb, or

(k) Unlawful distribution of any substance controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or opium or any synthetic or natural salt, compound, derivative, or preparation of opium by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user,

is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

903.133 Bail on appeal; prohibited for certain felony convictions.—Notwithstanding the provisions of s. 903.132, no person adjudged guilty of a felony of the first degree for a violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a violation of s. 794.011(2) or (3), shall be admitted to bail pending review either by posttrial motion or appeal.

907.041 Pretrial detention and release.—

(4) PRETRIAL DETENTION.—

(b) The court may order pretrial detention if it finds a substantial probability, based on a defendant's past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that:

3. The defendant is charged with trafficking in controlled substances as defined by s. 893.135, that there is a substantial probability that the defendant has committed the offense, and that no conditions of release will reasonably assure the defendant's appearance at subsequent criminal proceedings; or

944.598 Emergency release of prisoners.—

(3) If a state of emergency still exists 15 days after the credit of gain-time pursuant to subsection (2), the secretary of the department and the Parole Commission, as appropriate to their respective functions, shall authorize, prior to scheduled release by parole, gain-time, or expiration of sentence, the early termination of incarceration for those inmates confined in state correctional facilities and serving sentences of 3 years or less, unless sentenced pursuant to s. 775.087 or s. 893.135, who are within the last 60 days prior to release by parole, gain-time, or expiration of sentence. The secretary and the commission shall release such inmates by applying, in 5-day increments, credit for time served to all in this category.

(4) Within 15 days after the declaration of a state of emergency, the department shall supply the commission with the names of those inmates in the following categories, who shall be considered for compulsory conditional release:

(a) Any inmate confined in a state correctional facility with a sentence of 3 years or !ess, unless serving a mandatory minimum sentence, who is within the last 6 months prior to his release.

(b) Any inmate confined in a state correctional facility with a sentence of more than 3 years but less than 8 years, unless serving a mandatory minimum sentence, who is within the last year prior to his release.

(c) Any inmate confined in a state correctional facility with a sentence of 8 years or more, unless serving a mandatory minimum sentence, who is within the last 18 months prior to his release.

As used in this subsection, the term "compulsory conditional release" means a release from incarceration by commission action specifying the terms of release, including the period of time the person is subject to such conditions as the commission determines and subject to supervision as if on parole, but in no event may such supervision extend beyond the maximum term or terms for which he was actually sentenced. The commission shall consider all inmates not otherwise ineligible for parole who have maintained satisfactory institutional behavior and who are not serving a term of imprisonment for any "forcible felony" as defined in s. 776.08, for drug trafficking under s. 893.135, or as a habitual felony offender under s. 775.084.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 2, after the semicolon (;) insert: amending s. 893.135, F.S.; adding trafficking offenses relating to amphetamine; providing penalties; reenacting ss. 421.102, 782.04, 903.133, 907.041(4)(b)3., and 944.598(3) and (4), F.S., relating to tenant eviction, murder, bail on appeal, pretrial detention, and emergency release of prisoners, to incorporate said amendment in references;

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

CS for SB 607 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Deratany

SPECIAL ORDER, continued

On motions by Senator Gardner, by two-thirds vote CS for HB 1113 was withdrawn from the Committees on Health Care; and Economic, Professional and Utility Regulation.

On motion by Senator Gardner—

CS for HB 1113—A bill to be entitled An act relating to asbestos; amending ss. 255.551 and 455.301, F.S.; excluding certain roofing products from the definition of "asbestos"; exempting such products from certain asbestos abatement projects; providing for on-site supervision of removal of such products by specified persons; providing an effective date.

—a companion measure, was substituted for CS for SB 1215 and read the second time by title. On motion by Senator Gardner, by two-thirds vote CS for HB 1113 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Davis, by two-thirds vote CS for HB 1142 was withdrawn from the Committee on Economic, Professional and Utility Regulation.

On motion by Senator Davis—

CS for HB 1142—A bill to be entitled An act relating to professional regulation; amending s. 468.401, F.S.; defining "talent agent"; amending s. 468.412, F.S.; providing a requirement for talent agency advertisements; creating s. 468.415, F.S.; prohibiting sexual misconduct in the operation of a talent agency; providing a penalty; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 1120 and read the second time by title.

Senator Davis moved the following amendments which were adopted:

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

Section 1. Subsection (12) is added to section 468.401, Florida Statutes, 1988 Supplement, to read:

468.401 Regulation of talent agencies; definitions.—As used in this part or any rule adopted pursuant hereto:

(12) "Talent agent" means a person who, directly or indirectly, recruits or solicits a person to enter into an agent contract, or who for a fee procures, offers, promises, or attempts to obtain employment for such person with a talent agency.

Section 2. Subsection (6) of section 468.412, Florida Statutes, is amended to read:

468.412 Talent agency regulations.—

(6) No talent agency may publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisement. All advertisements of a talent agency by means of card, circulars, or signs, and in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the licensed name, *department license number,* and address of the talent agency and the words "talent agency." No talent agency may give any false information or make any false promises or representations concerning an engagement or employment to any applicant who applies for an engagement or employment.

Section 3. Section 468.415, Florida Statutes, is created to read:

468.415 Sexual misconduct in the operation of a talent agency.—The talent agent-artist relationship is founded on mutual trust. Sexual misconduct in the operation of a talent agency means violation of the talent agent-artist relationship through which the talent agent uses the relationship to induce or attempt to induce the artist to engage or attempt to engage in sexual activity. Sexual misconduct is prohibited in the operation of a talent agency. If any agent, owner, or operator of a licensed talent agency is found to have committed sexual misconduct in the operation of a talent agency, the agency license shall be permanently revoked. Such agent, owner, or operator shall be permanently disqualified from present and future licensure as owner or operator of a Florida talent agency.

Section 4. Each section which is added to part VII of chapter 468, Florida Statutes, by this act is repealed on October 1, 1996, and shall be reviewed by the Legislature pursuant to section 11.61, Florida Statutes.

Section 5. This act shall take effect October 1, 1989.

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

Section 5. Paragraph (c) of subsection (3) of Section 481.213, Florida Statutes, 1988 Supplement, is amended to read:

481.213 Licensure.—

(3) The board shall certify as qualified for a license by endorsement as an architect or as an interior designer an applicant who:

(c) Has passed the prescribed licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Boards, *and holds a valid license to practice architecture issued by another state or jurisdiction of the United States. For the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1984, must also hold a degree in architecture and such degree shall be equivalent to that required in s. 481.209(1)(b).* ~~pursuant to standards of that council that are no less stringent than those in effect on April 1, 1988, provided that if the applicant satisfied the educational eligibility requirements for issuance of the certificate after July 1, 1984, and the applicant holds a degree in architecture, such degree shall be equivalent to that required in s. 481.209.~~

Section 6. Subsection (10) of Section 481.219, Florida Statutes, 1988 Supplement, is amended to read:

481.219 Certification of partnerships and corporations.—

(10) Each partnership and corporation certified under this section shall notify the department within 30 days of any change in the information contained in the application upon which the certification is based. Any registered architect or interior designer *who qualifies the corporation or partnership as provided in s. 481.219(f) and* who terminates his employment with a partnership or corporation certified under this section shall notify the department of the termination within 30 days.

(Renumber subsequent sections.)

Amendment 3—On page 1, line 9, after the semicolon (;) insert: amending s. 481.213, F.S.; modifying requirements for licensure by endorsement as an architect or interior designer; amending s. 481.219, F.S.; modifying requirements for certification of architectural corporations and partnerships;

Amendment 4—On page 2, between lines 4 and 5, insert:

Section 3. Section 468.413, Florida Statutes, is amended to read:

468.413 Legal requirements; penalties.—

(1) Each of the following acts constitutes a *felony of the third degree,* ~~misdemeanor of the second degree~~, punishable as provided in s. 775.082 or s. 775.083:

(a) Owning or operating, or soliciting business as, a talent agency in this state without first procuring a license from the department.

(b) Obtaining or attempting to obtain a license by means of fraud, misrepresentation, or concealment.

(2) Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

(a)~~(c)~~ Relocating a business as a talent agency, or operating under any name other than that designated on the license, unless written notification is given to the department and to the surety or sureties on the original bond, and unless the license is returned to the department for the recording thereon of such changes.

(b)~~(d)~~ Assigning or attempting to assign a license issued under this part.

(c)~~(e)~~ Failing to show on a license application whether or not the agency or any owner of the agency is financially interested in any other business of like nature and, if so, failing to specify such interest or interests.

(d)~~(f)~~ Failing to maintain the records required by s. 468.409 or knowingly making false entries in such records.

(e)~~(g)~~ Requiring as a condition to registering or obtaining employment or placement for any applicant that such applicant subscribe to any publication, post card service, advertisement, resume service, photographer, school, acting school, workshop, or acting workshop.

(f)~~(h)~~ A talent agency's failing to give each applicant a copy of a contract which lists the services to be provided and the fees to be charged, which states that the talent agency is regulated by the department, and which lists the address and telephone number of the department.

(g)~~(i)~~ A talent agency's failing to maintain a record sheet as required by s. 468.412(1).

(h)~~(j)~~ Knowingly sending or causing to be sent any artist to a prospective employer or place of business, the character or operation of which employer or place of business the talent agency knows to be in violation of the laws of the United States or of this state.

(3)~~(2)~~ The court may, in addition to other punishment provided for in subsection *(2)*~~(1)~~, suspend or revoke the license of any licensee under this part who has been found guilty of any misdemeanor listed in subsection *(2)*~~(1)~~.

(4)~~(3)~~ In the event the Department of Professional Regulation or any *state* ~~prosecuting~~ attorney shall have probable cause to believe that a talent agency or other person has violated any provision of subsection (1), an action *may* ~~shall~~ be brought by the department or any *state* ~~prosecuting~~ attorney to enjoin such talent agency or any person from continuing such violation, or engaging therein or doing any acts in furtherance thereof, and for such other relief as to the court seems appropriate. *In addition to this remedy, the Department may assess a penalty against any talent agency or any person in an amount not to exceed $1,000.*

(Renumber subsequent sections.)

Senator Stuart moved the following amendment which was adopted:

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

Section 1. Section 396.1725, Florida Statutes, is amended to read:

396.1725 Exemption from licensure; requirements *for facilities and individuals.*—

(1) Any facility operated by a church or a nonprofit religious organization whose primary purpose is to propagate that church's or nonprofit organization's religious beliefs and whose programs for alcoholics are of a religious or ecclesiastical nature only is exempt from the licensure provisions of this chapter.

(2) Facilities exempt form licensure by this section shall provide to the department the name and address of the facility and proof of its status as a church or nonprofit religious organization.

(3) Facilities exempt from licensure by this section shall not provide medical care, medical detoxification, or medical withdrawal services and shall refer persons in need of such care to an appropriate medical facility.

(4) Facilities exempt from licensure by this section shall include in any and all advertising or program literature a statement that the facility is exempt from licensure by the State of Florida.

(5) Any person licensed pursuant to chapter 458 or 459 as a physician, to chapter 490 as a psychologist, or chapter 491 as a clinical social worker, marriage and family therapist, or mental health counselor, and who is practicing independently of a treatment or prevention resource otherwise required to be licensed pursuant to this chapter is exempt from the provisions of this chapter.

Section 2. Section 397.082, Florida Statutes, is amended to read:

397.082 Exemption from licensure; requirements *for facilities and individuals.*—

(1) Any facility operated by a church or a nonprofit religious organization whose primary purpose is to propagate that church's or nonprofit organization's religious beliefs and whose programs for drug abusers or drug dependents are of a religious or ecclesiastical nature only is exempt from the licensure provisions of this chapter.

(2) Facilities exempt from licensure by this section shall provide to the department the name and address of the facility and proof of its status as a church or nonprofit religious organization.

(3) Facilities exempt from licensure by this section shall nor provide medical care, medical detoxification, or medical withdrawal services and shall refer persons in need of such care to an appropriate medical facility.

(4) Facilities exempt from licensure by this section shall include, in any and all advertising or program, literature, a statement that the facility is exempt from licensure by the State of Florida.

(5) Any person licensed pursuant to chapter 458 or 459 as a physician, to chapter 490 as a psychologist, or chapter 491 as a clinical social worker, marriage and family therapist, or mental health counselor and who is practicing independently or a treatment resource otherwise required to be licensed pursuant to this chapter is exempt from the provisions of this chapter.

(Renumber subsequent sections.)

Senator Girardeau moved the following amendment which was adopted:

Amendment 6—On page 2, after line 24, insert:

Section 5. Paragraph 466.006(4)(b), F.S., is amended to read:

466.006 Examination of dentists.—

(4) To be licensed as a dentist in this state, an applicant must successfully complete the following:

(b) A practical or clinical examination, which shall be administered and graded by dentists licensed in this state and employed by the department for just such purpose. *The department shall consult with the board in planning the times, places, physical facilities, training of personnel, and other arrangements concerning the administration of the examination. The board or a duly designated committee thereof shall approve the final plans for the administration of the examination.*

Section 6. Section 466.028(7), F.S., is created to read:

466.028 Grounds for disciplinary action; action by the board.—

466.028(7) *Subject to the authority and conditions established in section 455.225, the probable cause panel of the board may recommend that the department seek a specified penalty in cases in which probable cause has been found and the panel has directed that an administrative complaint be filed. If the department seeks a penalty other than that recommended by the probable cause panel, the department shall provide the board with a written statement which sets forth the reasons therefor. Nothing in this paragraph shall preclude a probable cause panel of any other board under the jurisdiction of the department from making similar recommendations as penalties.*

(Renumber subsequent sections.)

Senator Stuart moved the following amendment which was adopted:

Amendment 7—In title, on page 1, line 2, after the semicolon (;) insert: amending ss. 396.1725, 397.082, F.S.; exempting licensed physicians, psychologists, clinical social workers, marriage and family therapists, and mental health counselors from licensure provisions pertaining to alcoholism and drug dependency treatment;

Senator Davis moved the following amendments which were adopted:

Amendment 8—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to professional regulation; amending s. 468.401, F.S.; defining "talent agent"; amending s. 468.412, F.S.; providing a requirement for talent agency advertisements; creating s. 468.415, F.S.; prohibiting sexual misconduct in the operation of a talent agency; providing a penalty; providing for review and repeal; providing an effective date.

Amendment 9—In title, on page 1, line 5, after the semicolon (;) insert: amending s. 468.413, Florida Statutes; increasing criminal penalties and providing for authority to assess civil penalties;

Senator Girardeau moved the following amendment which was adopted:

Amendment 10—In title, on page 1, line 9, after the semicolon (;) insert: amending s. 466.006(4)(b), relating to the role of the board of dentistry in the dental clinical examination; creating s. 466.028(7), F.S., relating to certain recommendations by the dental probable cause panel;

On motion by Senator Davis, by two-thirds vote CS for HB 1142 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Crenshaw	McPherson	Thurman
Bankhead	Davis	Meek	Walker
Beard	Dudley	Myers	Weinstein
Brown	Gordon	Peterson	Weinstock
Bruner	Grant	Plummer	Woodson-Howard
Casas	Johnson	Souto	
Childers, D.	Langley	Stuart	
Childers, W. D.	Margolis	Thomas	

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

SB 124—A bill to be entitled An act relating to the designation of state historic highways; designating Red Road which borders Coral Gables Wayside Park in Miami as a state historic highway; providing a definition; providing restrictions on removing trees and on construction in the area and physical alterations to the area; providing for a public meeting prior to physical alteration; providing for the erection of suitable markers; providing an effective date.

—was read the second time by title.

Senator Souto moved the following amendment which was adopted:

Amendment 1—On page 2, line 18, strike "Avenue" and insert: Street

On motion by Senator Souto, by two-thirds vote SB 124 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

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

Nays—1

Beard

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

CS for HB 1088—A bill to be entitled An act relating to citrus canker; providing definitions; providing legislative findings and intent; establishing presumptive full and fair compensation values with respect to certain categories of plants for citrus nursery plants destroyed as a result of the Citrus Canker Eradication Program; creating the Citrus Canker Compensation Trust Fund; creating the Office of Citrus Canker Claims within the Department of Banking and Finance; providing duties; providing procedures for citrus canker claims; providing procedures for and limits on attorney's fees and costs; providing for venue for administrative proceedings; providing for the prospective and retrospective application of the act to all persons having citrus canker claims against the state; providing a filing deadline; amending s. 581.192, F.S.; revising provisions relating to the excise tax on commercial sale or distribution of citrus nursery stock; providing that the moneys from such tax shall be deposited into the Florida Citrus Canker Trust Fund for appropriation and transfer to the Citrus Canker Compensation Trust Fund; amending s. 581.193, F.S.; revising the amount of the excise tax on citrus nursery stock; providing that the moneys from such tax shall be deposited into the Florida Citrus Canker Trust Fund; creating the Citrus Canker Eradication Trust Fund; providing for distribution and transfer of such moneys from the Florida Citrus Canker Trust Fund to the Citrus Canker Eradication Trust Fund and the Citrus Canker Compensation Trust Fund, respectively; repealing section 10 of chapter 85-283, Laws of Florida, as amended; deleting the repeal of s. 581.192, F.S., which imposes the excise tax on commercial sale or distribution of citrus nursery stock; repealing section 2 of chapter 87-182, Laws of Florida, as amended; deleting the repeal of s. 581.193, F.S., which imposes the excise tax on citrus nursery stock; creating s. 601.282, F.S.; providing an excise tax on citrus fruit; providing that the moneys from such tax shall be deposited into the Florida Citrus Canker Trust Fund; providing for transfer of such moneys to the Citrus Canker Eradication Trust Fund and the Citrus Canker Compensation Trust Fund, respectively; providing for the effect of certain court action on the act; directing the Department of Agriculture and Consumer Services to provide the Office of Citrus Canker Claims with assistance; providing appropriations; providing effective dates.

—a companion measure, was substituted for CS for SB 1447 and by two-thirds vote read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for HB 1088 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Deratany	Meek	Thomas
Bankhead	Dudley	Myers	Thurman
Beard	Forman	Peterson	Walker
Brown	Gardner	Plummer	Weinstein
Bruner	Girardeau	Ros-Lehtinen	Weinstock
Casas	Jennings	Scott	Woodson-Howard
Childers, D.	Johnson	Souto	
Childers, W. D.	Kirkpatrick	Stuart	

Nays—1

Gordon

Abstention from Voting

I did not vote on CS for HB 1088. I represent several clients who have claimed or will claim damages because of the state's action in regard to citrus canker. Although this bill treats all claimants equally, it does provide funds to pay those claims.

Dick Langley, 11th District

Motions

On motion by Senator Woodson-Howard, by two-thirds vote SB 892 was removed from the table, the unfavorable report of the Committee on Corrections, Probation and Parole to the contrary notwithstanding.

On motions by Senator Woodson-Howard, by two-thirds vote SB 892 was withdrawn from the Committees on Community Affairs; Rules and Calendar; and Appropriations and by two-thirds vote placed on the special order calendar.

On motions by Senator Dudley, by two-thirds vote CS for HB 1120 was withdrawn from the Committees on Commerce, Community Affairs, Governmental Operations and Appropriations.

On motions by Senator Dudley, by unanimous consent—

CS for HB 1120—A bill to be entitled An act relating to construction contracting; creating the Financial Institution Study Commission; providing for appointment; providing powers and duties; providing for a report; providing for the dissolution of the commission; providing an effective date.

—a companion measure, was taken up out of order, substituted for CS for SB 1040 and read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 1, line 11, strike everything after the enacting clause and insert:

Section 1. (1) There is hereby created a Mechanics' Lien Law Study Commission, which shall be composed of 13 members, including:

(a) Two Senators, to be appointed by the President of the Senate;

(b) Two members of the House of Representatives, to be appointed by the Speaker of the House of Representatives;

(c) A contractor and a member of the Construction Industry Licensing Board of the Department of Professional Regulation, to be appointed by the President of the Senate;

(d) A subcontractor and a local code enforcement official, to be appointed by the Speaker of the House of Representatives;

(e) A lay member, to be appointed by the President of the Senate;

(f) A lay member, to be appointed by the Speaker of the House of Representatives;

(g) A member of the construction lending industry, to be appointed by the Governor;

(h) A lay member, to be appointed by the Governor; and

(i) A materialman to be appointed by the Governor.

(2) The Executive Office of the Governor shall provide staff for the study commission.

(3) The study commission shall review the Mechanics' Lien Law and make recommendations, including any proposed legislation, concerning, but not limited to:

(a) How to educate the public about the lien law.

(b) How to encourage/require notice of commencement be recorded.

(c) Determine the effectiveness of civil, criminal, and administrative remedies.

(d) Determine whether a lien recovery fund should be created.

(e) The effectiveness of notice requirements.

(f) The scope of lender responsibility under the mechanics' lien law.

(g) The scope of exemptions under the mechanics' lien law.

(4) On or before December 1, 1989, the study commission shall prepare a written report of its recommendations and shall submit copies of the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(5) Commission members are authorized to incur per diem and travel expenses in accordance with section 112.061, Florida Statutes.

Section 2. The sum of $50,000 is hereby appropriated to the commission for the purpose of paying per diem and travel expenses of commission members and authorized staff.

Section 3. Commission members shall be appointed by July 31, 1989.

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

Amendment 2—In title, on page 1, lines 1-7, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the Mechanics' Lien Law; creating the Mechanics' Lien Law Study Commission; providing for commission membership; requiring the Executive Office of the Governor to staff the commission; prescribing subjects about which the commission shall make recommendations; requiring a report; authorizing commission members to incur travel and per diem expenses; providing an appropriation; providing an effective date.

On motion by Senator Dudley, by two-thirds vote CS for HB 1120 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Deratany

CS for SB 350—A bill to be entitled An act relating to education; amending s. 228.195, F.S.; requiring school districts to implement school breakfast programs; providing requirements; providing for incentive grants and school district breakfast supplements; providing for appropriations; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Gordon and adopted:

Amendment 1—On page 3, line 3, after the period (.) insert: *The total amount of these incentive grants shall not exceed $200,000.*

On motion by Senator Gordon, by two-thirds vote CS for SB 350 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	Davis	Kirkpatrick	Scott
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Ros-Lehtinen	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Deratany

On motion by Senator Meek—

HB 450—A bill to be entitled An act relating to the University of Florida; naming the Civil Legal Clinic at the University of Florida, College of Law, the Virgil Darnell Hawkins Civil Legal Clinic; providing an effective date.

—a companion measure, was substituted for SB 87 and read the second time by title.

Senator Langley moved the following amendment which failed:

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

Section 1. The Civil Legal Clinic at the University of Florida, College of Law, is hereby named the "Joseph W. Hatchett Civil Legal Clinic."

Section 2. This act shall take effect upon becoming a law.

On motion by Senator Meek, by two-thirds vote HB 450 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—2

Langley	Woodson-Howard

On motion by Senator Johnson, by unanimous consent—

CS for CS for SB 543—A bill to be entitled An act relating to educational facilities; amending s. 235.011, F.S.; modifying the definitions of educational facilities, educational plant, maintenance and repair, and renovation; amending s. 235.014, F.S.; providing that the Office of Educational Facilities of the Department of Education shall make post-occupancy evaluation and make technical assistance relating to commodity and product selection available to district school boards, community college boards of trustees, the Board of Trustees for the Florida School for the Deaf and the Blind, and the Board of Regents; amending s. 235.04, F.S.; authorizing boards as defined in s. 235.011, F.S., including district school boards, to dispose of unnecessary real property without being subjected to the rules of the State Board of Education; amending s. 235.056, F.S.; deleting the review requirement for state university system leases; providing that a lease contract for 1 year or less when renewed beyond a year must be approved by the Office of Educational Facilities; amending s. 235.26, F.S.; authorizing boards to employ a chief building official or inspector or use a local building department inspector certified by the Office of Educational Facilities; increasing the limitation on the cost of constructing or modifying educational facilities which must have the approval of the Office of Educational Facilities; allowing the reuse of construction plans under certain conditions; amending s. 235.31, F.S.; allowing boards to renegotiate construction contracts in an emergency; requiring the Department of Education to develop rules; increasing cost limitation on work to be done on a day-labor basis; amending s. 235.435, F.S.; requiring certain levels of expenditure for safety-to-life corrections; placing additional restrictions on a school district's request for funds from the Special Facility Construction Account; deleting procedure for determining the amount eligible to be funded by the Legislature; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Johnson moved the following amendments which were adopted:

Amendment 1—On page 5, line 8, insert:

(2)*(a)* A board may lease, for any educational purposes, any land owned by it to any person or entity for such term, for such rent, and upon such terms and conditions as the board determines to be in its best interests; any such lease may provide for the optional or binding purchase of the land by the lessee for its fair market value determined in a manner prescribed by State Board of Education rule and upon such terms and conditions as the board determines are in its best interests. A determination that any such land so leased is unnecessary for educational purposes is not a prerequisite to the leasing or lease-purchase of such land. Prior to entering into or executing any such lease, a board shall hold an open, public hearing on the proposal of entering into the lease or lease-purchase

agreement, at which hearing a copy of the proposed agreement in its final form shall be available for inspection and review by the public, after due notice as required by law.

(b) A lease contract for 1 year or less, when extended or renewed beyond a year, becomes a multiple-year lease, and must also be approved by the office.

Amendment 2—On page 14, strike line 26 and insert:

Section 8. Subsection (1) of section 235.435, Florida Statutes, 1988 Supplement, is amended to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(1)(a) Funds for remodeling, renovation, maintenance, repairs, and site improvement for existing satisfactory facilities shall be given priority consideration by the Legislature for appropriations allocated to the boards, including the Board of Regents, from the total amount of the Public Education Capital Outlay and Debt Service Trust Fund appropriated. These funds shall be calculated pursuant to the following basic formula: the building value times the building age over the sum of the years' digits assuming a 50-year building life. For relocatable facilities, a 20-year life shall be used. "Building value" is calculated by multiplying each building's total assignable square feet times the appropriate net-to-gross conversion rate found in state board rules and that product times the current average new construction cost. "Building age" is calculated by multiplying the prior year's building age times 1 minus the prior year's sum received from this subsection divided by the prior year's building value. To the net result shall be added the number 1. Each board shall receive the percentage generated by the preceding formula of the total amount appropriated for the purposes of this section.

(b) Each board, including the Board of Regents, shall not use the funds received pursuant to this section to supplant funds in the current fiscal year approved operating budget, and all budgeted funds shall be expended at a rate not less than would have been expended had the funds under this section not been received.

~~(c)1. The Board of Regents and each local community college board shall maintain its effort for expenditures for remodeling, renovation, maintenance, repair, and site improvement in the operating budget for the budget fiscal year at not less than the percent level included in the approved operating budget for the current fiscal year.~~

~~2. Each school board shall maintain its effort for expenditures for remodeling, renovation, maintenance, repair, and site improvement in the operating budget for the budget fiscal year at not less than the average of the amounts expended for the prior 3 fiscal years.~~

(c)~~(d)~~ Each remodeling, renovation, maintenance, repair, or site improvement project will expand or upgrade current educational plants to prolong the useful life of the plant.

~~(e) Each board, including the Board of Regents, shall not reduce employment for the remodeling, renovation, maintenance, repair, and site improvement projects that are already budgeted in its current fiscal year approved operating budget.~~

(d)~~(f)~~ Each board, including the Board of Regents, shall maintain fund accounting in a manner which will permit a detailed audit of the funds expended in this program.

(e)~~(g)~~ Remodeling projects shall be based on the recommendations of a survey pursuant to s. 235.15.

(f)~~(h)~~ Up to one-tenth of a board's annual allocation provided under this section shall be spent to correct unsafe, unhealthy, or unsanitary conditions in its educational facilities, as required by s. 235.06. This paragraph shall not be construed to limit the amount a board may expend to correct such deficiencies.

(g)~~(i)~~ When an existing educational plant is determined to be unsatisfactory pursuant to the survey conducted under s. 235.15, the board may, by resolution, designate the plant as a historic educational facility and may use funds generated for renovation and remodeling pursuant to this section to restore the facility for use by the board. The board shall agree to pay renovation and remodeling costs in excess of funds which such facility would have generated through the depreciation formula in paragraph (a) had the facility been determined to be satisfactory. The board shall further agree that the plant shall continue to house students. The board may designate a plant as a historic educational facility only if the Division of Historical Resources of the Department of State or the appropriate historic preservation board under chapter 266 certifies that:

1. The plant is listed or determined eligible for listing in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, 16 U.S.C. s. 470;

2. The plant is designated historic within a certified local district pursuant to s. 48(g)(3)(B)(ii) of the Internal Revenue Code; or

3. The division or historic preservation board otherwise finds that the plant is historically significant.

Section 9. Subsection (2) of section 236.25, Florida Statutes, 1988 Supplement, is amended to read:

236.25 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the nonexempt assessed valuation for school purposes to fund:

(a) New construction and remodeling projects, as set forth in s. 235.435(3)(b), without regard to the prioritization in that section, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, or ancillary facilities.

(b) Maintenance, renovation, and repair of existing school plants. ~~However, these funds shall not supplant current expenditures from operating revenues for maintenance, renovation, and repair, based on the average of the prior 3 fiscal years; and such funds shall be subject to the provisions of s. 4 of chapter 79-583, Laws of Florida.~~

(c) School bus purchases.

(d) The purchase of new and replacement equipment. ~~However, these funds shall not supplant current expenditures from operating revenues for the purchase of new and replacement equipment, based on the average of the prior 3 fiscal years.~~

(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a school board pursuant to s. 230.23(9)(b)5. or s. 235.056(3), not exceeding, in the aggregate, an amount equal to one-half of the proceeds from the millage levied by a school board pursuant to this subsection.

(f) Payment of loans approved pursuant to s. 237.161.

(g) Payment of costs directly related to complying with state and federal environmental statutes and regulations governing school facilities.

Violations of these expenditure provisions shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

Section 10. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later, except that sections 1-7 of this act shall take effect October 1, 1989.

Amendment 3—In title, on page 2, line 15, after the semicolon (;) insert: amending s. 235.435, F.S.; deleting provisions relating to maintenance of effort for expenditures for remodeling, renovation, maintenance, repair, and site improvement; amending s. 236.25, F.S.; deleting provisions prohibiting the supplanting of current expenditures from operating revenues by certain funds for capital outlay purposes;

On motion by Senator Johnson, by two-thirds vote CS for CS for SB 543 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

Mr. President	Bruner	Deratany	Girardeau
Bankhead	Casas	Dudley	Gordon
Beard	Childers, W. D.	Forman	Grant
Brown	Davis	Gardner	Grizzle

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Margolis, by two-thirds vote Senate Bills 403, 1526, CS for SB 220, CS for SB 1267, CS for SB 1406, and CS for SB 571 were withdrawn from the Committee on Appropriations.

SPECIAL ORDER, continued

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

CS for CS for CS for HB 950—A bill to be entitled An act relating to health care; providing legislative findings and intent with respect to rural hospitals; amending s. 381.706, F.S.; exempting certain rural hospital programs from certificate-of-need requirements; exempting rural hospitals and emergency care hospitals from certificate-of-need application fees; amending s. 395.002, F.S.; defining "emergency care hospital"; providing for licensure; providing for participation in Medicaid and other programs and services; providing an exemption from certificate-of-need requirements; providing for rules; providing for a feasibility study for developing certain postsecondary allied health training and scholarship programs; providing for a rural hospital impact statement; amending s. 395.102, F.S.; clarifying the definition of "rural hospital"; including specified health personnel in a loan forgiveness program; providing for an alternative use of funds if federal matching funds are available; amending s. 400.602, F.S., authorizing the transfer of a hospice to certain entities; amending s. 407.002, F.S.; clarifying the definition of "rural hospital"; providing an appropriation; providing effective dates.

—a companion measure, was substituted for CS for SB 1349 and by two-thirds vote read the second time by title.

Senator Malchon moved the following amendment which was adopted:

Amendment 1—On page 11, between lines 10 and 11, insert:

Section 12. Subsection (3) of section 381.703, Florida Statutes, 1988 Supplement, is amended to read:

381.703 Local and state health planning.—

(3) FUNDING.—

(a) The Legislature intends that the cost of local health councils and the Statewide Health Council be borne by application fees for certificates of need and by assessments on *selected* health care facilities subject to facility licensure by the department, including abortion clinics, adult congregate living facilities, ~~adult day care centers,~~ ambulatory surgical centers, birthing centers, clinical laboratories *except community nonprofit blood banks*, ~~crisis stabilization units,~~ home health agencies, hospices, hospitals, intermediate care facilities for the mentally retarded, nursing homes, and multiphasic testing centers *and by assessments on organizations subject to certification by the department pursuant to chapter 641, part IV, including health maintenance organizations and prepaid health clinics.*

(b)*1.* A hospital licensed under chapter 395, a nursing home licensed under chapter 400, and *an adult congregate living facility* ~~a home health agency~~ licensed under chapter 400 shall be assessed an annual fee *based on number of beds* ~~of $500~~.

2. All other facilities *and organizations* listed in paragraph (a) shall each be assessed *a graduated* ~~an~~ annual fee *based on volume of service* ~~of $150~~.

3. Facilities operated by the Department of Health and Rehabilitative Services or the Department of Corrections *and any hospital which meets the definition of rural hospital pursuant to s. 395.102(2)* are exempt from the *assessment* ~~fee~~ required in this subsection.

(c)1. The department shall, by rule, establish fees for hospitals and nursing homes based on an assessment of $2 per bed. However, no such facility shall be assessed more than a total of $500 under this subsection.

2. The department shall, by rule, establish fees for adult congregate living facilities based on an assessment of $1 per bed. However, no such facility shall be assessed more than a total of $150 under this subsection.

3. The department shall, by rule, establish graduated fees for all other facilities and organizations listed in paragraph (a) based on volume of service. Such fees shall not exceed a maximum of $150 for any facility or organization.

(d)~~(c)~~ The department shall, by rule, establish a facility billing and collection process for the billing and collection of the health facility fees authorized by this subsection.

(e)~~(d)~~ A health facility which is assessed a fee under this subsection is subject to a fine of $100 per day for each day in which the facility is late in submitting its annual fee up to maximum of the annual fee owed by the facility. A facility which refuses to pay the fee or fine is subject to the forfeiture of its license.

(f)~~(e)~~ There is created in the State Treasury the Local and State Health Trust Fund. Moneys in the fund shall be appropriated only to the department for the purposes of *subsections (1) and (2) of* this section.

(g)~~(f)~~ The department shall, on an ongoing basis, deposit 90 percent of all certificate-of-need application fees and 100 percent of health care facilities assessments assessed pursuant to this subsection in the Local and State Health Trust Fund.

Section 13. Section 381.708, Florida Statutes, is amended to read:

381.708 Fees.—The department shall assess fees on certificate-of-need applications. Such fees shall be ~~deposited in the Local Health Trust Fund,~~ for the purpose of funding the Statewide Health Council, the functions of the local health councils, and the activities of the department. The fee shall be determined as follows:

(1) A minimum base fee of $750.

(2) In addition to the base fee of $750, 0.006 of each dollar of proposed expenditure, except that no fee shall exceed *$10,000* ~~$9,500~~.

(Renumber subsequent section.)

Senator Bankhead moved the following amendment which was adopted:

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

Section 12. Subsection (6) of section 395.041, Florida Statutes, 1988 Supplement, is amended to read:

395.041 Internal risk management program.—

(6) If an adverse or untoward incident, whether occurring in the facility or arising from health care prior to admission in the facility, results in:

(a) The death of a patient;

(b) Severe brain or spinal damage to a patient;

(c) A surgical procedure being performed on the wrong patient; or

(d) A surgical procedure unrelated to the patient's diagnosis or medical needs being performed on any patient,

the facility shall report this incident to the department within *15 calendar* ~~3 working~~ days of its occurrence. The department may require an additional, final report. Reports under this subsection shall be sent immediately by the department to the Department of Professional Regulation whenever they involve a health care provider licensed under chapter 458, chapter 459, chapter 461, or chapter 466. These reports shall not be available to the public pursuant to s. 119.07 or any other law providing access to public records, nor be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the department, the Department of Professional Regulation, and the appropriate regulatory board, nor shall they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the Department of Professional Regulation or the appropriate regulatory board. However, the Department of

Professional Regulation shall make available, upon written request by a practitioner against whom probable cause has been found, any such records which form the basis of the determination of probable cause. The department may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The Department of Professional Regulation shall review each incident and determine whether it potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply.

(Renumber subsequent section.)

Senator W. D. Childers presiding

Senator Gordon moved the following amendments which were adopted:

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

Section 12. *(1) Center for Health Technologies.—There is hereby established the Center for Health Technologies to be located at and administered by a statutory teaching hospital, located in Dade County, hereafter referred to as the administrator.*

(2) Purposes and objectives of the Center for Health Technologies.—

(a) The purpose of the center is to encourage the development and growth of the health sciences in the state, with an emphasis on technologies which will help to prevent illness and reduce health care costs; to assist coordination between educational institutions, health care providers, and persons engaged in research and development of health care products; provide services to persons and incipient firms engaged in the incubation of health care products; assist in technology transfer; and establish academic laboratories, libraries, and other resource facilities to be shared among the center's constituents.

(b) The objectives of the center are to:

1. Maintain a data base of all resources to encourage linkages between its constituents and promote the activities of its constituents.

2. Provide a network of shared facilities and technical services including, without limitation:

a. Physical, chemical, and biological testing

b. Electronic, mechanical, and process design.

c. Engineering documentation.

d. Professional training and continuing education.

3. Incubate small companies by offering them:

a. Access to affordable physical space.

b. Administration, managerial, and financial services.

c. Access to seed and venture capital.

d. Facilitate access to business planning and legal services.

4. Promote technology transfer, cooperative research and development, and commercialization among local businesses and industrial firms, the universities, hospitals, and local government.

5. Initiate or coordinate grant applications by linking local resources.

(c) In carrying out the purposes and objectives of the center, the administrator may engage managers, administrators, analysts, and employees in all disciplines; engage consultants, advisors, attorneys, accountants, actuaries, engineers, and educators of all disciplines; and enter into contracts for management of the center with persons, firms, and corporations, both profit and nonprofit including, without limitation, a nonprofit corporation which is organized for the purpose of carrying out the objectives and purposes of the center. In all instances, the administrator may pay reasonable compensation for the performance of such services, subject to compliance with this section and state laws governing the expenditure of public funds.

(d) The administrator may apply for and accept gifts, grants, and contributions in cash and in kind given in furtherance of the purposes and objectives of the center from all lawful donors and may establish an account at financial institutions qualified to do business within the state, which accounts may or may not bear interest, as determined appropriate. The administrator shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives providing an accounting of expenditures and progress on research and development programs.

(Renumber subsequent section.)

Amendment 4—In title, on page 1, line 27, after the semicolon (;) insert: establishing the Center for Health Technologies to be located at and administered by a statutory teaching hospital in Dade County; establishing objectives of the center; providing for the administration of the center; requiring reports; authorizing the administrator of the center to accept certain funds;

Senator Bankhead moved the following amendment which was adopted:

Amendment 5—In title, on page 1, line 27, after the semicolon (;) insert: amending s. 395.041, F.S., relating to internal risk management programs; increasing the time period for filing reports of certain incidents;

Senator Malchon moved the following amendment which was adopted:

Amendment 6—In title, on page 1, line 27, following the semicolon (;) insert: amending s. 381.703, F.S.; modifying the list of facilities subject to assessment; modifying the facility fee assessment methodology; providing rulemaking authority for the Department of Health and Rehabilitative Services; amending s. 381.708, F.S.; increasing the maximum fee on certificate-of-need applications;

Senator Thurman moved the following amendment which was adopted:

Amendment 7—In title, on page 1, line 27, strike "providing an appropriation;"

Further consideration of **CS for CS for CS for HB 950** as amended was deferred.

On motion by Senator Thurman, 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 returns as requested CS for SB 791.

John B. Phelps, Clerk

CS for SB 791—A bill to be entitled An act relating to public safety; amending s. 235.06, F.S.; revising provisions relating to firesafety inspections of educational plants; amending s. 526.141, F.S.; revising regulations relating to self-service gasoline stations; amending s. 552.091, F.S.; revising license and permit fees of manufacturer-distributors, dealers, users, and blasters of explosives; amending s. 552.092, F.S.; requiring a processing fee for fingerprinting; amending s. 552.093, F.S.; providing an examination fee; amending s. 552.094, F.S.; revising age requirement for issuance of a license or permit; amending s. 552.161, F.S.; clarifying language relating to administrative fines; amending s. 552.171, F.S.; increasing the period of suspension and revocation of a license or permit; amending s. 552.25, F.S., relating to regulation by local government entities; amending s. 554.109, F.S.; providing for inspection of boilers and expanding exemptions; amending s. 554.111, F.S.; revising fees for certification of inspectors and for inspections; amending s. 624.515, F.S.; revising the State Fire Marshal regulatory assessment; amending s. 633.01, F.S.; clarifying duties of the State Fire Marshal relating to the service of fire extinguishers, preengineered systems, and individually designed fire protection systems and the training and licensing of persons engaged in such business; amending s. 633.021, F.S.; redefining "preengineered system"; amending s. 633.061, F.S.; revising requirements, including fees, of licensure and permitting of organizations and individuals servicing and installing fire extinguishers and preengineered systems; providing for continuing education; providing for written examination and fees; providing for identification cards; providing for license expiration; amending s. 633.065, F.S.; revising requirements relating to installation, inspection, and maintenance of fire extinguishers and preengineered systems; amending s. 633.071, F.S.; clarifying provisions relating to service tags and serial numbers; amending s. 633.083, F.S.; prohibiting the sale or use of additional types of fire extinguishers; amending s. 633.085, F.S.; requiring a fee schedule for inspections of state buildings and testing of firesafety equip-

ment; amending s. 633.162, F.S.; providing that disciplinary action includes denial and nonrenewal of licenses and permits; providing additional grounds for such action; amending s. 633.163, F.S.; providing for an administrative fine in lieu of suspension or revocation; amending s. 633.171, F.S.; clarifying penalty provisions; amending s. 633.34, F.S.; revising qualifications for employment as a firefighter; amending s. 633.35, F.S.; revising the firefighter training program and requiring passage of an examination for certification; amending s. 633.351, F.S.; clarifying provisions relating to decertification; amending s. 633.41, F.S.; clarifying implementation of the saving clause; amending ss. 633.45, 633.46, and 633.461, F.S.; changing the name of the Fire College Trust Fund and use of funds therein; amending s. 633.524, F.S.; revising fire protection system contractor certificate fees; amending s. 633.537, F.S.; providing for maintaining such certificate in an inactive status; creating s. 633.539, F.S.; providing requirements for installation, inspection, and maintenance of fire protection systems; amending s. 633.547, F.S.; providing additional acts which constitute cause for disciplinary action; revising amount of administrative fine; amending s. 633.551, F.S.; prohibiting municipalities and counties from requiring certain drawings to be sealed; changing the date for submission of specified information on certified contractors; amending s. 633.554, F.S.; expanding application of law regulating contractors; amending s. 791.01, F.S.; revising definitions relating to the sale of fireworks; amending s. 791.015, F.S.; revising registration fees for seasonal retailers of sparklers and retailers of sparklers; creating the State Fire Marshal Scholarship Grant Trust Fund; providing purpose and expenditure procedures; providing investment procedures; creating a State Fire Marshal Scholarship Grant Fund Council; providing guidelines for the council; providing rulemaking authority; providing an appropriation; providing for review and repeal; providing an effective date.

Reconsideration

On motion by Senator Thurman, the Senate reconsiderd the vote by which CS for SB 791 passed as amended May 30.

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

Amendment 2—On page 41, strike all of lines 14-23

On motion by Senator Thurman, CS for SB 791 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote was:

Yeas—36

Bankhead	Dudley	Kiser	Scott
Beard	Forman	Malchon	Souto
Brown	Gardner	Margolis	Stuart
Bruner	Girardeau	McPherson	Thomas
Casas	Gordon	Meek	Thurman
Childers, D.	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—Deratany, Kirkpatrick, Langley

CS for SB 1279—A bill to be entitled An act relating to taxes on tobacco and alcoholic beverages; amending s. 210.06, F.S.; prohibiting the imposition of an additional charge on cigarette stamps for printing costs; amending s. 210.15, F.S.; prohibiting the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation from furnishing cigarette stamps to persons other than qualified wholesale dealers; amending s. 210.40, F.S.; increasing the fee for application for a tobacco products distributor's license; amending s. 561.025, F.S.; correcting a cross-reference to comply to the act; amending s. 561.19, F.S.; exempting drawing results for certain alcoholic beverage licenses from s. 119.07(1), F.S.; providing that this exemption is subject to the Open Government Sunset Review Act; increasing fees to participate in such a drawing; providing procedures for transferring the notice of selection; amending s. 561.32, F.S.; providing for an alcoholic beverage license transfer fee for the transfer of certain licenses; 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 2, lines 14-30 and on page 3, lines 1 and 2, strike all of said lines and renumber subsequent sections.

Senator Souto moved the following amendment which was adopted:

Amendment 2—On page 10, between lines 15 and 16, insert:

Section 6. (1) In addition to any other tax imposed under chapter 212, Florida Statutes, a surcharge equal to 50 percent of the sales price of papers designed to be used to roll individual cigarettes is imposed upon the sale at retail of such papers. This tax does not apply to papers which are sold as part of a package with tobacco.

(2) Any amounts collected by the Department of Revenue pursuant to this section shall be deposited into the Drug Abuse Education Trust Fund created in s. 212.0505, Florida Statutes.

(3) The surcharge imposed under this section is subject to the same interest and penalties and the same procedures for collection and enforcement as taxes imposed under part I of chapter 212, Florida Statutes, except that a dealer's credit under section 212.12(1), Florida Statutes, is not allowed. The Department of Revenue may adopt rules for administering the surcharge imposed by this section.

(Renumber subsequent sections.)

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

Amendment 3—In title, on page 1, strike all of lines 11-13 and insert: 561.025,

Senator Souto moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 24, after the semicolon (;) insert: imposing a surcharge on retail sales of cigarette rolling papers; providing an exemption; providing for depositing collections of surcharge revenues into the Drug Abuse Education Trust Fund; providing for penalties and interest; providing for collection and enforcement;

On motion by Senator Deratany, by two-thirds vote CS for SB 1279 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	Deratany	Langley	Stuart
Beard	Dudley	Malchon	Thomas
Brown	Forman	Margolis	Thurman
Bruner	Gardner	McPherson	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Souto	

Nays—1

Gordon

SB 930—A bill to be entitled An act relating to insurance rates; amending s. 627.171, F.S.; expanding provisions which authorize, under specified conditions, the use of rates in excess of those which would otherwise be applicable to specific risks; providing an effective date.

—was read the second time by title.

The Committee on Insurance recommended the following amendment which was moved by Senator Casas and adopted:

Amendment 1—On page 1, line 11, strike everything after the enacting clause and insert:

Section 1. Section 627.171, Florida Statutes, is amended to read:

627.171 Excess rates.—

(1) With written consent of the insured *signed prior to the policy inception date and* filed with the insurer, *the insurer may use* a rate in excess of *the* ~~that~~ otherwise applicable *filed rate* ~~may be used~~ on any spe-

cific risk. *The signed consent form must include the filed rate as well as the excess rate for the risk insured and a copy of the form must be maintained by the insurer for 3 years and be available for review by the department.*

(2) An insurer may not use excess rates pursuant to this section for more than 10 percent of its commercial insurance policies written or renewed in each calendar year for any line of commercial insurance or for more than 5 percent of its personal lines insurance policies written or renewed in each calendar year for any line of personal insurance.

Senators Kirkpatrick and Casas offered the following amendments which were moved by Senator Casas and adopted:

Amendment 2—On page 2, line 6, insert:

Section 2. Section 627.6735, Florida Statutes, is amended to read:

627.6735 Order to discontinue certain advertising.—*An insurer must file with the department all advertisements for Medicare supplement policies pursuant to rules adopted by the department.* If, in the opinion of the department, any advertisement by a Medicare supplement policy insurer violates any of the provisions of part X of chapter 626 or any rule of the department, the department may enter an immediate order requiring that the use of the advertisement be discontinued. If requested by the insurer, the department shall conduct a hearing within 10 days of the entry of such order. If, after the hearing or by agreement with the insurer, a final determination is made that the advertising was in fact violative of any provision of part X of chapter 626 or of any rule of the department, the department may, in lieu of revocation of the certificate of authority, require the publication of a corrective advertisement; impose an administrative penalty of up to $10,000; and, in the case of an initial solicitation, require that the insurer, prior to accepting any application received in response to the advertisement, provide an acceptable clarification of the advertisement to each individual applicant.

Section 3. Subsections (1) and (3) of section 627.674, Florida Statutes, 1988 Supplement, are amended to read:

627.674 Minimum standards.—

(1) *An insurance policy or subscriber contract may not be advertised, solicited, or issued for delivery in this state as a Medicare supplement policy unless it meets the minimum standards. Such minimum standards do not preclude other provisions or benefits which are not inconsistent with these standards.* ~~The standards enumerated in this section shall be the minimum standards which a health insurance policy must meet before such a policy may be advertised, sold, delivered, or issued for delivery in this state as a Medicare supplement policy. Nothing in this section shall be construed as limiting or prohibiting the inclusion of additional coverages or benefits, provided such coverages or benefits are designed to fill the gaps in health care costs not addressed by the federal Medicare program.~~

(3) No policy shall be filed with the department as a Medicare supplement policy unless the policy meets or exceeds, either in a single policy or, in the case of nonprofit health care services plans, in one or more policies issued in conjunction with one another, the requirements of the NAIC Model Regulation to Implement the Individual Accident and Sickness Insurance Minimum Standards Act, as adopted by the National Association of Insurance Commissioners on *September 20, 1988* ~~June 6, 1979~~, as it applies to Medicare supplement policies. Requirements which must be satisfied include, but are not limited to, those which follow. The policy must:

(a) Cover *either* all *or none* of *the Medicare* Part A *inpatient hospital deductible amount* ~~(hospital insurance) eligible expenses for hospitalization to the extent not covered under Part A from the 61st day through the 90th day in any Medicare benefit period~~. *If a policy does not cover such deductible amount, that fact must be prominently stated at the top of the policy.*

(b) Cover *the daily copayment amount of Medicare* Part A eligible expenses *for the first 8 days per calendar year* incurred *for skilled nursing facility care* ~~as daily hospital charges during use of Medicare lifetime hospital inpatient reserve days~~.

(c) Cover, *the reasonable cost of the first 3 pints of blood, or an equivalent quantity of packed red blood cells, as defined by federal regulations under Medicare Part A, unless replaced in accordance with federal regulations* ~~upon exhaustion of all Medicare hospital inpatient coverage, including the lifetime reserve days, 90 percent of all Part A eligible expenses for hospitalization not covered by Medicare, subject to a lifetime maximum benefit of an additional 365 days~~.

(d)*1. Until January 1, 1990,* cover 20 percent of the amount of eligible expenses under Part B (supplementary medical insurance), regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of $200 of such expenses and to a maximum benefit of at least $5,000 per calendar year.

2. Beginning January 1, 1990, cover:

a. The copayment (20 percent) of Medicare eligible expenses, excluding outpatient prescription drugs, under Medicare Part B, regardless of hospital confinement up to the maximum out-of-pocket amount for Medicare Part B after the Medicare deductible amount.

b. Under Medicare Part B, the reasonable cost of the first 3 pints of blood, or an equivalent quantity of packed red blood cells, as defined by federal regulations, unless replaced in accordance with federal regulations.

c. The copayment amount of Medicare eligible expenses for covered home intravenous (IV) therapy drugs, as determined by the Secretary of Health and Human Services, subject to the Medicare outpatient prescription drug deductible amount, if applicable.

d. The copayment amount of Medicare eligible expenses for outpatient drugs used in immunosuppressive therapy, subject to the Medicare outpatient prescription drug deductible, if applicable.

(e) Have a definition of "Medicare eligible expense" that is not more restrictive than health care expenses of the kinds covered by Medicare or to the extent recognized as reasonable by Medicare. Payment of benefits by insurers for Medicare eligible expenses may be conditioned upon the same or less restrictive payment conditions, including determinations of medical necessity as are applicable to Medicare claims.

(f) Provide that benefits designed to cover cost-sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factor. Premiums may be modified to correspond with such changes.

(g)~~(e)~~ Be written in simplified language, be easily understood by purchasers, and be otherwise in accordance with s. 627.602.

(h)~~(f)~~ Not limit or preclude liability under the policy for a period longer than 6 months because of a health condition existing before the policy is effective. The policy may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage.

(i)~~(g)~~ Contain a prominently displayed no-loss cancellation clause enabling the applicant to return the policy within 30 days of the date of receipt of the policy, or the certificate issued thereunder, with return in full of any premium paid. Any refund made pursuant to this paragraph shall be paid in a timely manner by the insurer, directly to the individual who paid the premium.

(j)~~(h)~~ Contain a prominently displayed notice of any coordination-of-benefits clause which might in any way restrict payment under the policy.

(k)~~(i)~~ Be accompanied by a copy of the Medicare Supplement Buyer's Guide developed *jointly* by the National Association of Insurance Commissioners and the *Health Care Financing Administration of the* United States Department of Health *and Human Services*~~, Education, and Welfare. Delivery of the buyer's guide shall be made whether or not the policy qualifies as a Medicare supplement coverage in accordance with this act. Except in the case of a direct response insurer, delivery of the buyer's guide shall be made at the time of application, and acknowledgment of receipt or certification of delivery of the buyer's guide shall be provided to the insurer. Direct response insurers shall deliver the buyer's guide upon request but not later than at the time the policy is delivered.~~

(l)~~(j)~~ Be accompanied by an outline of coverage as to such policy, in the form prescribed by the National Association of Insurance Commissioners in the *NAIC Model Regulations to implement the* NAIC Medicare Supplement Insurance Minimum Standards Model Act as adopted by the National Association of Insurance Commissioners on *September 20, 1988* ~~December 8, 1987~~, and:

1. Such outline shall be delivered to the applicant at the time application is made, and, except for the direct response policy, acknowledgment of receipt or certification of delivery of such outline of coverage shall be provided to the insurer.

2. If the policy is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy, contract, or group certificate must accompany the policy, when it is delivered, and contain the following statement, in no less than 12-point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application, and the coverage originally applied for has not been issued."

3. Outlines of coverage delivered in conjunction with individual policies of hospital confinement insurance; indemnity insurance; specified disease insurance; specified accident insurance; supplemental health insurance, other than Medicare supplement insurance; or nonconventional health insurance coverage as defined by law in this state to persons eligible for Medicare by reason of age shall contain the following language which shall be printed on or attached to the first page: "This policy IS NOT A MEDICARE SUPPLEMENT policy. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the company."

Section 4. Subsection (1) of section 627.6745, Florida Statutes, 1988 Supplement, is amended to read:

627.6745 Loss ratio standards.—

(1) Medicare supplement policies shall return to policyholders in the form of aggregate benefits under the policy, as for the entire period for which rates are computed to provide coverage, on the basis of incurred claims experience, *or incurred health care expenses if coverage is provided by a health maintenance organization based on service rather than reimbursement,* and earned premiums for such period and in accordance with accepted actuarial principles and practices:

(a) At least 75 percent of the aggregate amount of premiums earned in the case of group policies; and

(b) For individual policies issued or renewed prior to July 1, 1989, at least 60 percent of the aggregate amount of premiums earned and for individual policies issued on or after July 1, 1989, at least 65 percent of the aggregate amount of premiums earned.

Section 5. Section 627.6746, Florida Statutes, is created to read:

627.6746 Compliance with Omnibus Budget Reconciliation Act.—Each entity that provides Medicare supplement policies or contracts must comply with all provisions of section 4081 of the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) (OBRA).

Section 6. This act shall take effect upon becoming a law. Any policy or contract in force at the time of the effective date of this section must be amended to meet the requirements of this act upon renewal or upon the next anniversary date of the policy or contract, whichever occurs first.

Amendment 3—In title, on page 1, strike all of lines 1-7 and insert: A bill to be entitled An act relating to insurance; amending s. 627.171, F.S.; expanding provisions which authorize, under specified conditions, the use of rates in excess of those which would otherwise be applicable to specific risks; amending s. 627.6735, F.S.; requiring Medicare supplement policy insurers to file advertisements for such insurance with the Department of Insurance; amending s. 627.674, F.S.; requiring such policies to meet specified standards; providing for notification of certain provisions; amending s. 627.6745, F.S.; establishing loss ratio standards relating to returns to policyholders where service is provided by a health maintenance organization; creating s. 627.6746, F.S.; requiring Medicare supplement policy providers to comply with certain provisions of the Omnibus Budget Reconciliation Act of 1987; providing an effective date.

The Committee on Insurance recommended the following amendment which was moved by Senator Casas and adopted:

Amendment 4—In title, on page 1, line 6, after the semicolon (;) insert: limiting the amount of excess rate policies;

On motion by Senator Casas, by two-thirds vote SB 930 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	Deratany	Langley	Souto
Beard	Dudley	Malchon	Stuart
Brown	Forman	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Johnson	Ros-Lehtinen	Woodson-Howard
Davis	Kiser	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Deratany, by two-thirds vote CS for HB 323 was withdrawn from the Committee on Finance, Taxation and Claims.

SPECIAL ORDER, continued

On motions by Senator Gardner, by two-thirds vote CS for HB 395 was withdrawn from the Committees on Regulated Industries and Appropriations.

On motion by Senator Gardner—

CS for HB 395—A bill to be entitled An act relating to the sale of cigarettes and tobacco products; creating s. 859.061, F.S.; requiring the posting of a sign in certain places of business which states that the sale of cigarettes and tobacco products to minors is prohibited; providing for enforcement; providing a penalty; providing an appropriation; providing an effective date.

—a companion measure, was substituted for SB 440 and read the second time by title.

Senator Gardner moved the following amendment:

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

Section 1. Section 859.061, Florida Statutes, is created to read:

859.061 Posting of a sign stating the sale of cigarettes and tobacco products to minors is prohibited; enforcement; penalty.—

(1) Any retail dealer or owner of a place of business that sells cigarettes or tobacco products, as defined under s. 210.01(1) or s. 210.25(11), shall post a clear and conspicuous sign in the place of business which states the following:

THE SALE OF CIGARETTES AND ALL TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 18 IS AGAINST FLORIDA LAW (Section 859.06, Florida Statutes). PROOF OF AGE IS REQUIRED FOR PURCHASE.

(2) The Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation, through its agents and inspectors, shall enforce this section.

(3) Any person who fails to comply with the requirements of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. This act shall take effect October 1, 1989.

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

Amendment 1A—On page 1, between lines 23 and 24, insert:

Section 2. The sum of $100,000 is hereby appropriated from the Alcoholic Beverage and Tobacco Trust Fund to the Department of Business Regulation, Division of Alcoholic Beverages and Tobacco, for Fiscal Year 1989-1990 for the purpose of administering this act.

(Renumber subsequent section.)

Amendment 1B—On page 1, between lines 15 and 16, insert:

(2) The Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation shall make available to cigarette retailers a sign to meet the requirements of this section and charge $1.00 per sign.

(Renumber subsequent subsections.)

Amendment 1 as amended was adopted.

Senator Gardner moved the following amendment:

Amendment 2—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the sale of cigarettes and tobacco products; creating s. 859.061, F.S.; requiring the posting of a sign in certain places of business which states that the sale of cigarettes and tobacco products to minors is prohibited; providing for enforcement; providing a penalty; providing an effective date.

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

Amendment 2A—In title, on page 1, line 8, after the semicolon (;) insert: providing an appropriation;

Amendment 2 as amended was adopted.

On motion by Senator Gardner, by two-thirds vote CS for HB 395 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Langley

Consideration of **CS for CS for SB 691** was deferred.

On motion by Senator Scott, 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 requests the return of SB 397.

John B. Phelps, Clerk

SB 397—A bill to be entitled An act relating to criminal trespass; amending s. 810.09, F.S., relating to the offense of trespass on property other than a structure or conveyance; precluding a certain defense under certain circumstances; deleting an obsolete provision relating to punishment for subsequent misdemeanors; amending s. 810.12, F.S., relating to prima facie evidence of unauthorized entry on land; redefining the term "owner of said land" to include holders of record title under certain circumstances; revising and updating provisions relating to exemptions from that section; providing an effective date.

On motion by Senator Langley, **SB 397** was returned to the House as requested.

The President presiding

RECESS

On motion by Senator Scott, the Senate recessed at 6:10 p.m. to reconvene upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 7:38 p.m. A quorum present—37:

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

Excused: Senator Meek at 8:30 p.m.

Consideration of Resolution

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

By Senators Crawford and Thurman—

SR 1570—A resolution expressing regret at the death of Charles Parkhill Lykes.

WHEREAS, Charles Parkhill Lykes was an active participant in this state's business community, serving with distinction in many sectors of the economy, including food production and processing, energy, transportation, insurance, development, and banking, and

WHEREAS, Charles Parkhill Lykes was a leader in this state's agricultural community, served as president of the Florida Cattlemen's Association, and was elected to Florida's Agricultural Hall of Fame in recognition of his many contributions to Florida agriculture, and

WHEREAS, Charles Parkhill Lykes was actively involved in civic affairs, including the Florida State Fair Association, Florida Council of 100, Lowry Park Zoo, United Way, and Boy Scouts of America, and

WHEREAS, Charles Parkhill Lykes was a man of great vision who considered himself an executive by training and a cattleman by choice and who loved Florida, the out-of-doors, the ranch, and all people, and

WHEREAS, the passing of Charles "Charlie" Parkhill Lykes on May 25, 1989, is a great loss to his family, friends, and the people of this state, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to Charles Parkhill Lykes and that the Florida Senate in session assembled does hereby record this testimonial of esteem and bereavement and extends its sympathy and condolences to the family of Charles "Charlie" Parkhill Lykes on his passing, and recognizes him as a great Floridian.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Florida Senate affixed, be transmitted to Mason Mallory Lykes, widow of Charles Parkhill Lykes, as a tangible token of the sentiments expressed herein and as a lasting symbol of the respect of the members of the Florida Senate.

On motion by Senator Thurman, SR 1570 was read the second time in full and adopted.

SPECIAL ORDER (ETHICS AND ELECTIONS)

SB 112—A bill to be entitled An act relating to elections; amending s. 99.012, F.S.; providing restrictions on persons qualifying for public office; providing exceptions; providing definitions; providing for removal of a person's name from the ballot for his failure to comply with the restrictions; providing an effective date.

—was read the second time by title. On motion by Senator Brown, by two-thirds vote SB 112 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	Forman	Malchon	Stuart
Beard	Gardner	Margolis	Thomas
Brown	Girardeau	McPherson	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kiser	Scott	

Nays—None

Senator W. D. Childers presiding

SB 114—A bill to be entitled An act relating to public officers and employees; transferring, renumbering, and amending s. 116.111, F.S.; deleting a provision which prohibits a person appointed, employed, promoted, or advanced in violation of restrictions on the employment of relatives by governmental agencies from being paid; providing an effective date.

—was read the second time by title. On motion by Senator Brown, by two-thirds vote SB 114 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	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—Mr. President

CS for SB's 132, 140 and 150—A bill to be entitled An act relating to lobbying; creating s. 112.3142, F.S.; providing definitions; restricting lobbying activities by state employees; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Malchon moved the following amendment which was adopted:

Amendment 1—On page 1, line 9, insert:

Section 1. Section 112.3148, Florida Statutes, is created to read:

112.3148 Statement of contributions received by public officers filing full and public disclosure of financial interests.—

(1) When used in this section:

(a) "Elected public officer" means an individual holding an elective state, county, district, or municipal office.

(b) "Person" includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(c) "Contribution" means any gift, donation, or payment of money the value of which is in excess of $100 to any public officer or to any other person on his behalf. Any payment in excess of $100 to a dinner, barbecue, fish fry, or other such event shall likewise be deemed a "contribution." However, a gift representing an expression of sympathy and having no material benefit or a bona fide gift to the officeholder by a relative within the third degree of consanguinity for the personal use of the officeholder shall not be deemed a "contribution." This section does not apply to complimentary parking privileges bestowed upon a legislator by an airport authority, or to honorary memberships in social, service, or fraternal organizations presented to an elected public officer merely as a courtesy by such organizations.

(2)(a) Each elected public officer and each appointed public officer who is required by law, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of his financial interests shall file a statement containing a list of all contributions received by him or on his behalf, if any, and expenditures from, or disposition made of, such contributions by such officer which are not otherwise required to be reported by chapter 106, with the names and addresses of persons making such contributions or receiving payment or distribution from such contributions and the dates thereof. The statement shall be sworn to by the elected public officer as being a true, accurate, and total listing of all of such contributions and expenditures.

(b) The statement shall be filed no later than July 1 of each year for the previous calendar year together with the financial disclosure statement required by either s. 8, Art. II of the State Constitution, or s. 112.3145, as applicable to the reporting official.

(3) Every person who gives a contribution to an elected public officer or to any other person on the elected public officer's behalf shall, on or before February 28 of the year following the giving of the contribution, provide the elected public officer with a statement indicating the name of the person giving the contribution, the person's address, a description of the contribution and the monetary value of the contribution.

(4) This section shall be liberally construed so as to require full financial disclosure of all receipts and expenditures by public officers of contributions received by them during their terms of office. This section is cumulative to other provisions of part III of chapter 112.

Section 2. Section 111.011, Florida Statutes, as amended by chapter 88-358, Laws of Florida, is hereby repealed.

(Renumber subsequent sections.)

Senator Scott moved the following amendment which was adopted:

Amendment 2—On page 2, line 6, after "1989," insert: except for employees who have reached normal retirement age defined in section 121.021(29)(d)2., Florida Statutes, and who have retired under the provisions of chapter 121, Florida Statutes, by July 1, 1991.

Senator Malchon moved the following amendment which was adopted:

Amendment 3—In title, on page 1, strike all of lines 2 and 3 and insert: An act relating to public officers and employees; creating s. 112.3148, F.S.; providing definitions; providing for the filing by certain public officers of statements listing contributions; requiring that any person who makes a contribution to an elected public officer that is required to be disclosed provide the officer with a statement containing specified information; repealing s. 111.011, F.S., relating to statements of contributions received by elected public officers;

Senator Scott moved the following amendment which was adopted:

Amendment 4—In title, on page 1, lines 2 and 3, strike "creating s. 112.3142, F.S.;"

On motion by Senator Brown, by two-thirds vote CS for SB's 132, 140 and 150 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Mr. President, Woodson-Howard

CS for CS for SB 809—A bill to be entitled An act relating to lobbying; providing legislative findings; creating s. 112.3215, F.S.; requiring persons who seek to influence state executive agencies to register with the Commission on Ethics; providing exceptions; providing for an annual registration fee; requiring expenditure reports; providing for investigations, reports, and advisory opinions by the Commission on Ethics; providing for rules; providing penalties; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for CS for SB 809 to conform the bill to CS for HB 993.

On motions by Senator Kiser, by two-thirds vote CS for HB 993 was withdrawn from the Committees on Governmental Operations; Ethics and Elections; and Rules and Calendar.

On motion by Senator Kiser—

CS for HB 993—A bill to be entitled An act relating to state government; providing for definitions; creating the Executive Branch Lobby Registration Trust Fund; requiring persons who seek business with, or who seek to influence, state executive agencies to register with the Commission on Ethics; providing exceptions; providing for an annual registration fee; requiring expenditure reports; providing for investigations, reports, and advisory opinions by the Commission on Ethics; providing duties of agencies to ensure compliance; providing for rules; providing an appropriation and authorizing positions; providing penalties; providing limited nonseverability; amending s. 112.3141, F.S.; providing additional standards of conduct for public officers and employees; providing definitions; providing penalties; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 809 and read the second time by title.

Senator Kiser moved the following amendments which were adopted:

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

Section 1. The Legislature finds that the regular public disclosure of the identity, expenditures, and activities of those who seek business with the State of Florida, or who seek to influence the activities of the state, for or on behalf of another, reduces the appearance of and opportunity for favoritism and encourages the operation of responsible government.

Section 2. Section 112.3215, Florida Statutes, is created to read:

112.3215 Executive branch lobbyists; registration and reporting; investigation by commission.—

(1) For the purposes of this section:

(a) "Lobbyist" means a person who for compensation, remuneration, or commission, on behalf of another person, lobbies an agency or who is principally employed for governmental affairs by another person to lobby on behalf of that other person. Lobbyist does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to Chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.

2. An employee of an agency acting in the normal course of his duties.

3. A person who is a confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.

4. Any person who lobbies to procure a contract pursuant to Chapter 287 which contract does not exceed category one as provided in s. 287.017(1)(a).

(b) "Lobbies" means seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement.

(c) "Agency" means the governor, governor and cabinet, or any department, division, bureau, board, commission, or authority of the executive branch.

(d) "Fund" means the Executive Branch Lobby Registration Trust Fund.

(2) The Executive Branch Lobby Registration Trust Fund is hereby created within the commission. All annual registration fees collected pursuant to this section shall be deposited into such fund. The commission is authorized to make expenditures from the fund for administering the provisions of this section.

(3) A person may not lobby an agency until such person has registered as a lobbyist with the commission. Such registration shall be due upon initially being retained to lobby and on January 1 of each year thereafter. The registration shall require the lobbyist to disclose, under oath, the following information:

(a) his name and business address;

(b) the name and business address of each principal he represents;

(c) his area of interest;

(d) the agencies before which he will appear; and

(e) the existence of any direct or indirect business association, partnership, or financial relationship with any employee of an agency with which he lobbies, or intends to lobby, as disclosed in the registration.

(4) The annual lobbyist registration fee shall be $10.

(5) A lobbyist must also submit to the commission, semiannually, a signed expenditure report summarizing his lobbying expenditures, including meals, entertainment, and gifts for public officers and employees, and the sources from which they came, for the preceding 6 months. Such expenditure report shall be due on January 1 and July 1 of each year.

(6) A lobbyist may cancel his registration with the commission upon termination of his contract or other such employment relationship with his principal. Such cancellation must be by written notice to the commission.

(7) The commission shall investigate every sworn complaint which is filed with it alleging that a person covered by this section has failed to register; has failed to submit an expenditure report; or has knowingly submitted false information in any report or registration required herein. All proceedings, the complaint, and other records relating to the investigation shall be confidential either until the alleged violator requests in writing that such investigation and records be made public records or until the commission determines, based on the investigation, whether probable cause exists to believe that a violation occurred.

(8) If the commission finds no probable cause to believe that a violation of this section occurred, it shall dismiss the complaint, whereupon the complaint, together with a written statement of the findings of the investigation and a summary of the facts, shall become a matter of public record, and the commission shall send a copy of the complaint, findings, and summary to the complainant and the alleged violator. If the commission finds probable cause to believe that a violation occurred, it shall report the results of its investigation to the Governor and Cabinet and send a copy of the report to the alleged violator by certified mail. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon request submitted to the Governor and Cabinet in writing, any person who the commission finds probable cause to believe has violated any provision of this section shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification. However, the Governor and Cabinet may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

(9) If the Governor and Cabinet find that a violation occurred, they may reprimand the violator, censure the violator or prohibit the violator from lobbying all agencies for a period not to exceed 2 years.

(10) Any person, when in doubt about the applicability and interpretation of this section to himself in a particular context, may submit in writing the facts of the situation to the commission with a request for an advisory opinion to establish the standard of duty. An advisory opinion shall be rendered by the commission and, until amended or revoked, shall be binding on the conduct of the person who sought the opinion, unless material facts were omitted or misstated in the request.

(11) Agencies shall be diligent to ascertain whether persons required to register pursuant to this section have complied. An agency may not knowingly permit a person who is not registered pursuant to this section to lobby the agency.

(12) Upon discovery of violations of this section an agency or any person may file a sworn complaint with the commission.

(13) The commission shall adopt rules to implement the provisions of this section, which shall include forms for registration and expenditure reports, procedures for registration, and procedures which will prevent disclosure of information which is confidential as provided herein.

Section 3. The sum of $98,810 and 1.5 positions are hereby appropriated to the commission from the Executive Branch Lobby Registration Trust Fund for fiscal year 1989-90 to fund the provisions of this act.

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 lobbying; providing legislative findings; creating s. 112.3215, F.S.; providing definitions; establishing a trust fund; requiring lobbyists to register with the Commission on Ethics; providing for an annual registration fee; requiring expenditure reports; allowing cancellation of registration; providing for investigations, reports, and advisory opinions by the Commission on Ethics; providing for penalties; providing for rules; providing an appropriation; providing an effective date.

On motion by Senator Kiser, by two-thirds vote CS for HB 993 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Mr. President, Girardeau

CS for SB's 351, 118, 339, 364, 512, 513, 629, 998 and 1256—A bill to be entitled An act relating to campaign financing; amending s. 106.011, F.S.; providing definitions; amending s. 106.021, F.S.; authorizing depositing of campaign funds into secondary interest-bearing accounts; providing for filing certain information; requiring candidates to indicate for which group or district office he is running; creating s. 106.022, F.S.; providing for change of designation of office under certain circumstances; amending s. 106.025, F.S.; prescribing conditions and procedures for conducting campaign fund raisers; amending s. 106.03, F.S.; modifying procedures for registering as a political committee; authorizing the Division of Elections to adopt rules; amending s. 106.04, F.S.; prescribing limits on contributions by committees of continuous existence; providing specified fines; providing for the depositing of fines into the Election Campaign Financing Trust Fund; providing that an officer or member of a committee are not personally liable for payment of such fines; providing for the waiver of such fines under certain circumstances; amending s. 106.05, F.S.; providing guidelines for depositing contributions; amending s. 106.06, F.S.; providing time periods for preserving records of campaign accounts; amending s. 106.07, F.S.; providing for filing reports whose filing deadline falls on a weekend or legal holiday; providing filing procedures; providing conforming language; providing fines for late reporting; providing for the waiver of such fines under certain circumstances; amending s. 106.071, F.S.; providing technical changes; prescribing information to be included in independent expenditure reports; creating s. 106.075, F.S.; providing for reporting of certain loans made to candidates for campaign purposes; amending s. 106.08, F.S.; providing that for purposes of limiting contributions, candidates for Governor and Lieutenant Governor are considered a single candidate; providing a limitation on spending contributions by a political committee; authorizing candidates to purchase with campaign funds certain tickets and advertisements from religious, civic, or charitable groups; placing restrictions on accepting contributions during legislative sessions; amending s. 106.11, F.S.; authorizing candidates who withdraw, become unopposed, are eliminated, or are elected to expend funds from the campaign account for specified purposes; amending s. 106.14, F.S.; requiring utility companies providing utility services to a candidate or political committee to charge a deposit; requiring candidates and political committees to pay utility bills when received; amending s. 106.141, F.S.; prescribing procedures for candidates who become unopposed, eliminated, elected, or reelected for disposing of funds in their campaign accounts and filing a report; providing that the Governor and Lieutenant Governor are to be considered separate candidates for purpose of limiting amount of funds they may transfer from a campaign account to an office account; providing a fine for filing late reports of transfers of funds; amending s. 106.143, F.S.; providing that any political advertisement of a candidate running for office in any election must state the name of the political party of which the candidate is seeking the nomination or is the nominee or that the candidate is an independent; requiring political advertisements and campaign literature to disclose the source of their funding; amending s. 106.144, F.S.; requiring groups opposing the candidacy of a candidate for public office by political advertisements to file a statement containing prescribed information with the officer before whom the candidate qualified; amending s. 106.15, F.S.; prohibiting candidates from using the services of officers and employees of counties, municipalities, and special districts during the hours such persons are required to be present on their assigned job; providing a definition; amending s. 106.24, F.S.; providing that four members of the Florida Elections Commission constitute a quorum and that an affirmative vote of the majority of the members present is required for any action or recommendation; amending s. 106.25, F.S.; providing that an appeal of a fine levied for filing a late report is not confidential; amending s. 106.26, F.S.; authorizing the Elections Commission to delegate to the Division of Elections authority to dispose of certain violations of the Election Code; amending s. 106.28, F.S.; requiring actions for violation of ch. 106, F.S., to be commenced within 2 years; amending s. 106.29, F.S.; subjecting political parties to fines for late filing of reports; creating s. 106.295, F.S.; proscribing the use of leadership funds; providing definitions; providing procedures for spending such funds; providing reporting requirements and procedures; providing penalties; providing fines; providing for petty cash funds; amending s. 106.35, F.S.; providing conforming language with respect to filing of contribution reports for the purpose of distributing funds from the Election Campaign Financing Trust Fund; prohibiting elected officials from working for, or acting as a consultant to, a political committee or committee of continuous existence for compensation; repealing s. 106.142, F.S., relating to the definition of political advertisement; providing an effective date.

—was read the second time by title.

Senators Brown and Scott offered the following amendment which was moved by Senator Brown:

Amendment 1—On page 5, line 1, strike everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1) of section 103.121, Florida Statutes, is amended to read:

103.121 Powers and duties of executive committees.—

(1)(a) Each state and county executive committee of a political party shall have the power and duty:

1. To adopt a constitution by two-thirds vote of the full committee.

2. To adopt such bylaws as it may deem necessary by majority vote of the full committee.

3. To conduct its meetings according to generally accepted parliamentary practice.

4. To make party nomination when required by law.

5. To conduct campaigns for party nominees.

6. To raise and expend party funds. *Such funds may not be expended or committed to be expended except after written authorization by the chairman of the state or county executive committee.*

Section 2. Subsections (1), (3), and (11) of section 106.011, Florida Statutes, are amended and new subsections (16) and (17) are added to said section to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(1) "Political committee" means a combination of two or more individuals, or a person other than an individual, the primary or incidental

purpose of which is to support or oppose any candidate, issue, or political party, which accepts contributions or makes expenditures during a calendar year in an aggregate amount in excess of $500; "political committee" also means the sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors. Organizations which are certified by the Department of State as committees of continuous existence pursuant to s. 106.04, *national political parties,* and the state and county executive committees of political parties regulated by chapter 103 shall not be considered political committees for the purposes of this chapter. Corporations regulated by chapter 607 or chapter 617 are not political committees if their political activities are limited to contributions to candidates, *political parties,* or political committees or expenditures in support of or opposition to an issue from corporate funds and if no contributions are received by such corporations.

(3) "Contribution" means:

(a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election.

(b) A transfer of funds between political committees, between committees of continuous existence, or between a political committee and a committee of continuous existence.

(c) The payment by any person other than a candidate or political committee of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.

(d) The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a campaign savings account or certificate of deposit, and the term includes any interest earned on such account or certificate.

Notwithstanding the foregoing meanings of "contribution," the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee. *This definition shall not be construed to include editorial endorsements.*

(11) "Campaign fund raiser" means any ~~breakfast, dinner, luncheon, rally, party, reception, or other~~ affair held to raise funds to be used in a campaign for public office.

(16) "Candidate" means any person to whom any one or more of the following apply:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process.

(b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or gives his consent for any other person to receive contributions or make expenditures, with a view to bring about his nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition does not include any candidate for a political party executive committee.

(17) "Political advertisement" means a paid expression in any communications media prescribed in s. 106.011(13), whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which shall support or oppose any candidate, elected public official, or issue. However, political advertisement does not include:

(a) A statement by an organization, in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or opposition to a candidate or issue, in that organization's newsletter, which newsletter is distributed only to the members of that organization.

(b) Editorial endorsements by any newspaper, radio or television station, or other recognized news medium.

Section 3. Subsection (1) of section 106.021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(1)(a) Each candidate for nomination or election to office and each political committee shall appoint a campaign treasurer. Each person who seeks to qualify for nomination or election to, or retention in, office shall appoint a campaign treasurer and designate a primary campaign depository prior to qualifying for office. Any person who seeks to qualify for election or nomination to any office by means of the petitioning process shall appoint a treasurer and designate a primary depository on or before the date he obtains the petitions. Each candidate shall at the same time he designates his campaign depository and appoints his treasurer also designate the office for which he is a candidate. *If the candidate is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate for which group or district office he is running.* Nothing in this subsection shall prohibit a candidate, at a later date, from changing the designation of the office for which he is a candidate and using the campaign funds for that candidacy. No person shall accept any contribution or make any expenditure with a view to bringing about his nomination, election, or retention in public office, or authorize another to accept such contributions or make such expenditure on his behalf, unless such person has appointed a campaign treasurer and designated a primary campaign depository. A candidate for an office voted upon statewide may appoint not more than 15 deputy campaign treasurers, and any other candidate or political committee may appoint not more than 3 deputy campaign treasurers. The names and addresses of the campaign treasurer and deputy campaign treasurers so appointed shall be filed with the officer before whom such candidate is required to qualify or with whom such political committee is required to register pursuant to s. 106.03. *Each candidate for an office not voted upon statewide shall, at the same time, file a copy of the name and address of the campaign treasurer with the supervisor of elections in the county in which the candidate resides.*

(b) Except as provided in paragraph (d), each candidate and each political committee shall also designate one primary campaign depository for the purpose of depositing all contributions received, and disbursing all expenditures made, by the candidate or political committee. The candidate or political committee may also designate one secondary depository in each county in which an election is held in which the candidate or committee participates. Secondary depositories shall be for the sole purpose of depositing contributions and forwarding the deposits to the primary campaign depository. Any bank, savings and loan association, or credit union authorized to transact business in this state may be designated as a campaign depository. The candidate or political committee shall file the name and address of each primary and secondary depository so designated at the same time that, and with the same officer with whom, the candidate or committee files the name of his or its campaign treasurer pursuant to paragraph (a). In addition, the campaign treasurer or a deputy campaign treasurer may deposit any funds which are in the primary campaign depository and which are not then currently needed for the disbursement of expenditures into *a secondary interest-bearing* ~~a savings~~ account in any bank, savings and loan association, or credit union authorized to transact business in this state. The *secondary* ~~savings~~ account shall be designated "*secondary* campaign ~~savings~~ account of (name of candidate or committee)." In lieu thereof, the campaign treasurer or deputy campaign treasurer may purchase a certificate of deposit with such unneeded funds in such bank, savings and loan association, or credit union. The *secondary* campaign ~~savings~~ account or certificate of deposit shall be separate from any personal or other ~~savings~~ account or certificate of deposit. Any withdrawal of the principal or earned interest or any part thereof shall only be made from the campaign *secondary* ~~savings~~ account or certificate of deposit for the purpose of transferring funds to the primary account and shall be reported as a contribution.

(c) Any campaign treasurer or deputy treasurer appointed pursuant to this section shall be a registered voter in this state and shall, before such appointment may become effective, have accepted appointment to such position in writing and filed such acceptance with the officer before whom the candidate is required to qualify or with the officer with whom the political committee is required to file reports. An individual may be appointed and serve as campaign treasurer of a candidate and a political committee or two or more candidates and political committees. A candidate may appoint himself as his own campaign treasurer.

(d) Any political committee which deposits all contributions received in a national depository from which the political committee receives funds to contribute to state and local candidates shall not be required to designate a campaign depository in the state.

Section 4. Section 106.025, Florida Statutes, is amended to read:

106.025 Campaign fund raisers.—

(1)(a) No campaign fund raiser may be held unless the person for whom such funds are to be so used is a candidate for public office ~~and written notice of intent to hold such campaign fund raiser is filed pursuant to this subsection~~.

~~(b) Notice of intent to hold such a campaign fund raiser shall be filed by the candidate or person in charge of such campaign fund raiser with the officer with whom reports are required to be filed by the candidate for whom the funds are to be used pursuant to s. 106.07. Such notice shall state the date and place the campaign fund raiser is to be held, the name and address of the person or persons in charge of such campaign fund raiser, and the name and address of the candidate for whose campaign the funds are to be used. No moneys may be raised and no expenditures may be made in furtherance of such a campaign fund raiser until the notice of intent has been filed.~~

(b)~~(c)~~ All money and contributions received with respect to such a campaign fund raiser shall be ~~received only through the campaign treasurer of the candidate for whom the funds are to be used, shall be~~ deemed to be campaign contributions, and shall be accounted for, and subject to the same restrictions, as other campaign contributions. ~~Any amount paid for the purchase of tickets for campaign fund raisers held pursuant to this subsection shall be a contribution subject to the limits of s. 106.08 and shall be included in calculating the maximum contributions permitted by s. 106.08.~~ All expenditures made with respect to such a campaign fund raiser *which are made or reimbursed* ~~shall be made only~~ by a check drawn on the campaign depository of the candidate for whom the funds are to be used and shall be deemed to be campaign expenditures to be accounted for, and subject to the same restrictions, as other campaign expenditures.

(c)~~(d)~~ Any tickets or advertising for such a campaign fund raiser shall contain the following statement: "The purchase of a ticket for, or a contribution to, the campaign fund raiser is a contribution to the campaign of . . . (name of the candidate for whose benefit the campaign fund raiser is held) . . .." Such tickets or advertising shall also comply with other provisions of this chapter relating to political advertising.

(d)~~(e)~~ Any person or candidate who holds a campaign fund raiser, or consents to a campaign fund raiser being held, in violation of the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) This section shall not apply to any campaign fund raiser held on behalf of a political party by the state or county executive committee of such party, provided that the proceeds of such campaign fund raiser are reported pursuant to s. 106.29.

Section 5. Subsections (6) and (7) are added to section 106.03, Florida Statutes, to read:

106.03 Registration of political committees.—

(6) If the filing officer finds that a political committee has filed its statement of organization consistent with the requirements of subsection (2), it shall notify the committee in writing that it has been registered as a political committee. If the filing officer finds that a political committee's statement of organization does not meet the requirements of subsection (2), it shall notify the committee of such finding and shall state the reasons in writing for rejection of the statement of organization.

(7) The Division of Elections shall promulgate rules to prescribe the manner in which inactive committees may be dissolved and have their registration canceled, and shall prescribe filing and reporting requirements consistent with this section and s. 106.07.

Section 6. Subsections (5) and (8) of section 106.04, Florida Statutes, are amended to read:

106.04 Committees of continuous existence.—

(5) No committee of continuous existence shall contribute to any candidate or political committee an amount in excess of the limits contained in s. 106.08(1) or participate in any other activity which is prohibited by this chapter. If any violation occurs, it shall be punishable as provided in this chapter for the given offense. No funds of a committee of continuous existence shall be expended on behalf of a candidate, except by means of a contribution made through the duly appointed campaign treasurer of a candidate. No such committee shall make expenditures in support of, or in opposition to, an issue unless such committee first registers as a political committee pursuant to this chapter and undertakes all the practices and procedures required thereof*; provided such committees may make contributions in a total amount not to exceed 25 percent of its aggregate income, as reflected in the annual report filed for the previous year, to one or more political committees registered pursuant to s. 106.03, F.S., formed to support or oppose issues.*

(8)(a) Any committee of continuous existence failing to file a report on the designated due date shall be subject to a fine ~~of $50 per day for each late day~~. *The fine shall be $50 per day for each late day, not to exceed 25 percent of the total receipts for the period covered by the late report.* The fine shall be assessed by the filing officer, and the moneys collected shall be deposited in the *Election Campaign Financing Trust Fund* ~~General Revenue Fund~~.

(b) Upon determining that a report is late, the filing officer shall immediately notify the treasurer of the committee as to the failure to file a report by the designated due date and that a fine ~~of $50 per day~~ is being assessed for each late day. Upon receipt of the report, the filing officer shall determine the amount of fine which is due and shall notify the treasurer of the committee. The filing officer shall determine the amount of the fine due based on when the report is actually received by such officer. Such fine shall be paid to the filing officer within 15 days of receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). *An officer or member of a committee shall not be personally liable for such fine.*

(c) Any treasurer of a committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 15 days of receipt of the notice of payment due. In such case, the treasurer of the committee shall, within the 15-day period, notify the filing officer in writing of his intention to bring the matter before the commission.

(d) The filing officer shall notify the Florida Elections Commission of the repeated late filing by a committee of continuous existence, the failure of a committee of continuous existence to file a report after notice, or the failure to pay the fine imposed.

(e) The filing officer shall waive the fine for first-time offenders who had no activity during the reporting period and shall abate any uncollected fines against such offenders levied prior to January 1, 1990. The Division of Elections shall adopt rules to carry out the provisions of this paragraph.

Section 7. Section 106.05, Florida Statutes, is amended to read:

106.05 Deposit of contributions; statement of campaign treasurer.—All funds received by the campaign treasurer of any candidate or political committee shall, prior to the end of the *fifth* ~~second~~ business day following the receipt thereof, *Saturdays,* Sundays, and legal holidays excluded, be deposited in a campaign depository designated pursuant to s. 106.021, in an account designated "Campaign Account of . . . (name of candidate or committee) . . .." *Except for contributions to political committees made by payroll deduction,* all deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each. ~~However, any contribution which is in an amount of $100 or less need not be deposited in such account until the end of the 7th day following the receipt thereof, unless during such 7-day period the aggregate of contributions received totals more than $100.~~ If a contribution is deposited in a secondary campaign depository, the depository shall forward the full amount of the deposit, along with a copy of the deposit slip accompanying the deposit, to the primary campaign depository prior to the end of the first business day following the deposit.

Section 8. Subsection (3) of section 106.06, Florida Statutes, is amended to read:

106.06 Treasurer to keep records; inspections.—

(3) Accounts kept by a campaign treasurer of a candidate shall be preserved by the campaign treasurer for a number of years equal to the term of office of the office to which the candidate seeks election. Accounts kept by a campaign treasurer of a political committee shall be preserved by such treasurer for at least 2 years after the date of the election to which the accounts refer ~~or at least 1 year after the date the last supplemental statement is filed under s. 106.07, whichever is later~~.

Section 9. Subsections (1), (2), (4), (6), and (9) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee.

(a) Reports shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, *except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday.* Following the last day of qualifying for office, the reports shall be filed on the 4th, 18th, and 32nd days immediately preceding the first and second primaries and on the 4th and 18th days immediately preceding the general election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.

(2)(a) All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify *and a copy shall be retained by the candidate for public inspection. A duplicate copy of each report for candidates for other than statewide office who qualify with the Department of State shall be filed with the supervisor of elections in the county where the candidate resides.* Reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the U.S. Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. A Certificate of Mailing, ~~Form 3817,~~ obtained from and dated by the U.S. Postal Service at the time of mailing, *or a receipt from an established courier company,* which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date. All such reports shall be open to public inspection. Each candidate for other than a statewide office who qualifies with the Secretary of State shall file a duplicate copy at the same time with the supervisor of elections in the county in which the candidate resides.

(4)(a) Each report required by this section shall contain:

1. The full name, address, and occupation, if any, of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. However, if the contribution is $100 or less or is from a relative, as defined in s. 116.111(1)(c), provided the relationship is reported, the occupation of the contributor need not be listed, and only the name and address are necessary.

2. The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. The total amount of proceeds from each campaign fund raiser regulated by s. 106.025.

5. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1. through 4.

6. The total sums of all loans, in-kind contributions, and other receipts by or for such committee or candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

7. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

8. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually.

9. The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

10. The total sum of expenditures made by such committee or candidate during the reporting period.

11. The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

12. ~~A list of all credit card purchases, and the amount thereof, made by the candidate or political committee during the reporting period.~~ A copy of each *credit card* statement *which* shall be included in the next report following receipt thereof by the candidate or political committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

13. The amount and nature of any campaign savings accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

(6) The campaign depository shall return all checks drawn on the account ~~and all deposit slips for such account~~ to the campaign treasurer who shall retain the records pursuant to s. 106.06. The records maintained by the depository with respect to such account shall be subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any of such records to the Division of Elections or Florida Elections Commission upon request.

(9)(a) Any candidate or political committee failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

1. In the *Election Campaign Financing Trust Fund* ~~General Revenue Fund~~, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chairman of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. *The fine shall be $50 per day for each late day, not to exceed 25 percent of the total receipts for the period covered by the late report.* ~~The fine shall be $10 per day for each late day for any candidate who receives or expends $200 or less during the reporting period; in all other instances the fine shall be $50 per day for each late day.~~ Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chairman. The filing officer shall determine the amount of the fine due based on when the report is actually received by such officer. Such fine shall be paid to the filing officer within 15 days of receipt of notice of the payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate. *An officer or member of a political committee shall not be personally liable for such fine.*

(c) Any candidate or chairman of a political committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be enti-

tled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 15 days of the notice of payment due. In such case, the candidate or chairman of the political committee shall, within the 15-day period, notify the filing officer in writing of his intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed.

(e) The filing officer shall waive the fine for first-time offenders who had no activity during the reporting period and shall abate any uncollected fines against such offenders levied prior to January 1, 1990. The Division of Elections shall adopt rules to carry out the provisions of this paragraph.

Section 10. Subsection (1) of section 106.071, Florida Statutes, is amended to read:

106.071 Independent expenditures; reports; disclaimers.—

(1) Each person who makes an independent expenditure with respect to any candidate or issue, which expenditure, in the aggregate, is in the amount of $100 or more, shall file periodic reports of such expenditures in the same manner, at the same time, and with the same officer as a political committee supporting or opposing such candidate or issue. *The report shall contain the full name and address of each person to whom and for whom each such expenditure has been made; the amount, date, and purpose of each such expenditure; a description of the services or goods obtained by each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.* Any political advertisement paid for by an independent expenditure shall prominently state "Paid political advertisement paid for by . . . (Name of person or committee paying for advertisement) . . . independently of any . . . *(candidate or committee)* . . . ~~candidate~~," and shall contain the name and address of the person paying for the political advertisement.

Section 11. Section 106.075, Florida Statutes, is created to read:

106.075 (1) A person who is elected to office must report all loans, exceeding $500 in value, made to him and used by him for campaign purposes, and made in the 12 months preceding his election to office, to the Division of Elections, Department of State. The report must be made, in the manner prescribed by the department, within 10 days after being elected to office.

(2) Any person who makes a contribution to an individual to pay all or part of a loan incurred, in the 12 months preceding the election, to be used for the individual's campaign, may not contribute more than the amount which is allowed in s. 106.08(1).

Section 12. Section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1) No person, political committee, or committee of continuous existence shall make contributions to any candidate or political committee in this state, for any election, in excess of the following amounts:

(a) To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, $1,000.

(b) To a candidate for legislative or multicounty office, $1,000.

(c) To a candidate for statewide office, $3,000. *Candidates for the offices of Governor and Lieutenant Governor shall be considered a single candidate for the purpose of this section.*

(d) To a political committee supporting or opposing one or more candidates, $1,000.

(e) To a candidate for county court judge or circuit judge, $1,000.

(f) To a candidate for retention as a judge of a district court of appeal, $2,000.

(g) To a candidate for retention as a justice of the Supreme Court, $3,000.

The contribution limits provided in paragraphs (a) through (g) shall not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his own campaign. The limitations provided by this subsection shall apply to each election. For purposes of this subsection the first primary, second primary, and general election shall be deemed separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice of the Supreme Court or judge of a district court of appeal, there shall be only one election, which shall be the general election, and with respect to candidates for circuit judge or county court judge, there shall be only two elections, which shall be the first primary election and general election.

(2) Any contribution received by a candidate with opposition in an election or the campaign treasurer or a deputy treasurer of such a candidate, or by the treasurer or a deputy treasurer of a political committee supporting or opposing a candidate with opposition or supporting or opposing an issue on the ballot in an election, on the day of that election or less than 5 days prior to the day of that election shall be returned by him to the person or political committee contributing it and shall not be used or expended by or on behalf of the candidate or political committee. Any contribution received by a candidate or the campaign treasurer or a deputy treasurer of a candidate after the date at which the candidate withdraws his candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office shall be returned to the person or political committee contributing it and shall not be used or expended by or on behalf of the candidate.

(3) Any contribution received by the chairman, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days prior to the day of that election shall not be obligated or expended by the committee until after the date of the election.

(4)~~(3)~~ No person shall make any contribution in support of or opposition to a candidate for election or nomination, in support of or opposition to an issue, or to any political committee, through or in the name of another, directly or indirectly, in any election. The solicitation from, and contributions by, candidates, political committees, and party executive committees to any religious, charitable, civic, ~~eleemosynary,~~ or other causes or organizations established primarily for the public good are expressly prohibited. However, it shall not be construed as a violation of this subsection for a candidate, political committee, or party executive committee to make gifts of money in lieu of flowers in memory of a deceased person or for a candidate to continue *membership in or* regular ~~personal~~ contributions *paid from personal or business funds* to religious, civic, or charitable groups of which he is a member or to which he has been a regular contributor for more than 6 months. *A candidate may purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, or charitable groups.*

(5)~~(4)~~ Any person who knowingly and willfully makes a contribution in violation of subsection (1) or subsection *(4)*~~(3)~~, or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (2), is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political committee or committee of continuous existence is convicted of knowingly and willfully violating this section, it shall be fined not less than $1,000 and not more than $10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity or of a political committee or committee of continuous existence who aids, abets, advises, or participates in a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6)~~(5)~~ Any person who knowingly and willfully violates the provisions of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

(7)~~(6)~~ The provisions of this section shall not apply to the transfer of funds between a primary depository and a savings account or certificate of deposit or to any interest earned on such account or certificate.

(8) A candidate who is running for legislative office or a statewide office, except a candidate for a vacant office being filled by special election, may not accept or solicit any campaign contribution during a regular or special session of the Legislature.

Section 13. Subsection (4) of section 106.11, Florida Statutes, is amended to read:

106.11 Expenses of and expenditures by candidates and political committees.—Each candidate and each political committee which designates a primary campaign depository pursuant to s. 106.021(1) shall make expenditures from funds on deposit in such primary campaign depository only in the following manner, with the exception of expenditures made from petty cash funds provided by s. 106.12:

(4) *A candidate who withdraws his candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:*

(a) Purchase "thank you" advertising in the communications media for up to 75 days after he withdraws, becomes unopposed, or is eliminated or elected.

(b) Pay for items which were obligated before he withdrew, became unopposed, or was eliminated or elected.

(c) Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.

(d) Dispose of surplus funds as provided in s. 106.141. ~~No unopposed candidate shall expend any funds from his campaign account, nor shall any other person expend funds from the campaign account on his behalf, after the candidate becomes unopposed, except as provided in s. 106.141. However, for a period of up to 10 days after the candidate becomes unopposed, the candidate may expend funds to purchase "thank you" advertising in the communications media. This provision shall not prohibit the expenditure of funds from the campaign account which were obligated to be spent or encumbered prior to the date the candidate became unopposed.~~

Section 14. Section 106.14, Florida Statutes, is amended to read:

106.14 *Utilities; deposits; prior authorization* ~~No goods or services provided without prior authorization.~~—

(1) *Utility companies providing utilities services to a candidate or political committee shall charge a deposit sufficient to meet all anticipated charges during a billing period.* ~~Authorization for expenditures to public utilities for telephone, electric, gas, water, and like services shall be made when the bill for such services is received if the candidate or political committee receiving such services has deposited with the utility an amount which such public utility estimates as being sufficient to meet all charges for a given billing period.~~

(2) *Authorization and payment for utilities used during the billing period must be made by the candidate or political committee when the bill is received from a utility company.* ~~Any corporation, partnership, or other business entity which knowingly and willfully violates this section is guilty of a misdemeanor, punishable by a fine of not less than $1,000 and not more than $10,000. If it is a domestic corporation, partnership, or other business entity, in addition to such fine and penalty, it may be dissolved; if it is a foreign or nonresident corporation, partnership, or other business entity, its right to do business in this state may be declared forfeited.~~

~~(3) Any officer, partner, employee, agent, or attorney or other representative of a corporation, partnership, or other business entity who knowingly and willfully aids or abets in a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(4) Any individual who knowingly and willfully violates the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 15. Section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(1) *Each* ~~Any~~ candidate who withdraws his candidacy, *becomes an unopposed candidate, or is eliminated as a candidate or elected to office* shall, ~~pursuant to this section,~~ within 90 days ~~of withdrawing his candidacy~~, dispose of the funds on deposit in his campaign account *and file a report reflecting the disposition of all remaining funds.* Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate withdraws his candidacy, *becomes unopposed, or is eliminated or elected.*

~~(2) Each candidate shall, pursuant to this section, within 90 days after having been eliminated as a candidate or elected to office, dispose of the funds on deposit in his campaign account. Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate has been eliminated as a candidate or elected to office.~~

~~(3) Each candidate shall, pursuant to this section, within 90 days after having become unopposed, dispose of the funds on deposit in his campaign account. Such candidate shall not accept any contributions, nor shall any other person accept contributions on behalf of such candidate, after the candidate has become an unopposed candidate.~~

(2)~~(4)~~ Any candidate required to dispose of funds pursuant to this section may, prior to such disposition, be reimbursed by the campaign, in full or in part, for any reported contributions by the candidate to the campaign.

(3)~~(5)~~ The campaign treasurer of a candidate who withdraws his candidacy, who has been eliminated as a candidate, who has become unopposed, or who has been elected to office and who has funds on deposit in a campaign savings account or certificate of deposit shall, within 7 days of the date of becoming unopposed or the date of such withdrawal, elimination, or election, transfer such funds and accumulated interest earned thereon to the campaign account of the candidate for disposal in accordance with the provisions of this section.

(4)~~(6)~~(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

1. Return pro rata to each contributor the funds which have not been spent, or have not been obligated to be spent, with respect to a campaign which has been conducted.

2. Donate the funds which have not been spent or have not been obligated to be spent to a charity organization or organizations which meet the qualifications of s. 501(c)(3) of the Internal Revenue Code, with respect to a campaign which has been conducted.

3. Give the funds which have not been spent or have not been obligated to be spent to the political party of which such candidate is a registered member.

4. Give the funds which have not been spent, or have not been obligated to be spent, with respect to a campaign which has been conducted:

a. In the case of a candidate for state office, to the state, to be deposited in the General Revenue Fund; or

b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions from the Election Campaign Financing Trust Fund shall return all surplus campaign funds to the Election Campaign Financing Trust Fund.

(5)~~(7)~~ A candidate elected to office or a candidate who will be elected to office by virtue of his being unopposed may, in addition to the disposition methods provided in subsection *(4)*~~(6)~~, transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) $10,000, for a candidate for statewide office. *The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.*

(b) $5,000, for a candidate for multicounty office.

(c) $2,500 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) $1,000 multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) $6,000, for a candidate for retention as a justice of the Supreme Court.

(f) $3,000, for a candidate for retention as a judge of a district court of appeal.

(g) $1,500, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with his public office. Such expenses may include travel expenses incurred by the officer or a member of his staff or expenses incurred in the operation of his office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. *If a candidate is reelected to office or elected to another office and has funds in his office account, he may transfer remaining funds to his new office account. If the funds transferred to the new office account do not exceed the limitation imposed by paragraph (5)(a), the candidate may also transfer funds from his campaign account. Such funds when combined with the funds transferred from the original office account may not exceed the limitations imposed by paragraph (5)(a).* ~~Any candidate elected to office who transfers funds pursuant to this subsection and who has funds remaining in such office account after a subsequent election at which such candidate is reelected to office or elected to another office shall, pursuant to subsection (6), dispose of all funds on deposit in the campaign account established to finance the subsequent campaign which funds have not been spent or obligated to be spent with respect to such subsequent campaign, except that such candidate may transfer from the campaign account established to finance his campaign in the subsequent election to the account in which the previously transferred funds are deposited in an amount equal to the difference between the amount allowed to be transferred and the amount of unspent funds that are remaining in the office account to be used for legitimate office expenses.~~ Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof. ~~Upon request of any person who has funds in an office account pursuant to this subsection, the Secretary of State shall provide for the assignment of a separate tax identification number by which the income attributable to such account may be considered separately from the person's income as an individual.~~

(6)~~(8)~~ Any candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section and shall, on or before the date by which such disposition is to have been made, file with the officer with whom reports are required to be filed pursuant to s. 106.07 a form prescribed by the Division of Elections listing:

(a) The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;

(b) The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose therefor; and

(c) The amount of such funds transferred to an office account by the candidate, together with the name and address of the bank in which the office account is located.

Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to s. 106.07. *Any candidate failing to file a report on the designated due date shall be subject to a fine as provided in s. 106.07 for submitting late reports.*

(7)~~(9)~~ Any candidate elected to office who transfers surplus campaign funds into an office account pursuant to subsection *(5)*~~(7)~~ shall file a report on the 10th day following the end of each calendar quarter until the account is closed. Such reports shall contain the name and address of each person to whom any disbursement of funds was made, together with the amount thereof and the purpose therefor, and the name and address of any person from whom the elected candidate received any refund or reimbursement and the amount thereof. Such reports shall be on forms prescribed by the Division of Elections, signed by the elected candidate, certified as true and correct, and filed with the officer with whom campaign reports were filed pursuant to s. 106.07(2).

(8)~~(10)~~ Any candidate, or any person on behalf of a candidate, who accepts contributions after such candidate has withdrawn his candidacy, after the candidate has become an unopposed candidate, *or* after the candidate has been eliminated as a candidate or elected to office~~, or after the second anniversary of the date the campaign account of such candidate was established~~ is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(9)~~(11)~~ Any candidate who is required by the provisions of this section to dispose of funds in his campaign account and who fails to dispose of the funds in the manner provided in this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 16. Section 106.143, Florida Statutes, is amended to read:

106.143 Political advertisements circulated prior to election; requirements.—

(1) Any political advertisement and any campaign literature published, *displayed,* or circulated prior to, or on the day of, any election shall be marked "paid political advertisement" or with the abbreviation "pd. pol. adv." However, this subsection does not apply to campaign messages used by a candidate and his supporters which messages are designed to be worn by a person.

(2) Any political advertisement of a candidate running for *partisan* office in *any* ~~a general~~ election shall express the name of the political party of which the candidate is *seeking nomination or is* the nominee. *If the candidate for partisan office is running as an independent candidate, any political advertisement of the candidate must state that the candidate is an independent candidate.* Any political advertisement endorsing the candidate shall expressly state whether the permission of the candidate has been obtained to advertise such endorsement.

(3) It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing to make such representation. However, this section does not apply to:

(a) Editorial endorsement by any newspaper, radio or television station, or other recognized news medium.

(b) Publication by a party committee advocating the candidacy of its nominees.

(4) Any political advertisement and any campaign literature published, displayed or circulated prior to or on the day of any election shall disclose the source of funding for the ad, whether paid or provided in-kind by or at the expense of the entity publishing, displaying, broadcasting or circulating the political advertisement if the source of sponsorship is not patently clear from the content or format of the political advertisement or campaign literature.

(5)~~(4)~~ Any person who willfully violates the provisions of this section is subject to the civil penalties prescribed in s. 106.265.

Section 17. Section 106.144, Florida Statutes, is amended to read:

106.144 Endorsements *or opposition* by certain groups and organizations.—

(1) Any group, club, association, or other organization, except organizations affiliated with political parties regulated by chapter ~~103~~ which intends to endorse *or oppose* the candidacy of one or more c~~andi~~dates for public office, or which endorses or opposes any referendum, by means of political advertisements shall, prior to publishing, issuing, broadcasting, or otherwise distributing such advertisement, file a statement as provided by this section with the officer or officers provided in this section. Such statement shall be filed with the officer before whom each candidate that the organization intends to endorse *or oppose* qualified for office pursuant to law. Each statement shall contain the following information:

(a) The date the organization was chartered and the number of members during the most recent 12 months and how many of these members, if any, have paid dues;

(b) A list of current officers or directors of such organization and a statement as to their method of selection;

(c) A statement of the procedures used by such organization in determining which candidates to endorse *or oppose*;

(d) If political advertisements for endorsement *or opposition* purposes are to be paid from funds other than the dues of the membership of the organization, a statement describing the sources of such funds; and

(e) The amount of funds paid to the organization by candidates for public office, including payments in the form of dues, and the name of, and office sought by, each such candidate.

(2) Any officer, director, or other person acting on behalf of an organization who willfully violates the provisions of subsection (1) is subject to the civil penalties prescribed in s. 106.265.

Section 18. Subsection (3) of section 106.15, Florida Statutes, is amended and subsection (4) is reenacted to read:

106.15 Certain acts prohibited.—

(3) No candidate shall, in the furtherance of his candidacy for nomination or election to public office in any election, use the services of any officer or employee of the state, *any county, municipality, or special district, or any subdivision or agency thereof,* during *the hours such person is required to be present on his assigned job* ~~working hours~~. *For purposes of this subsection "officer or employee" means any person receiving salary payments for work performed in a regularly established position.*

(4) Any person violating the provisions of this section is guilty of a misdemeanor in the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 19. Subsection (3) of section 106.24, Florida Statutes, is amended to read:

106.24 Florida Elections Commission; membership; powers; duties.—

(3) The commission shall convene at the call of its chairman or at the call of the Department of State. The presence of *four* ~~five~~ members is required to constitute a quorum, and the affirmative vote of *the majority* ~~four~~ of the members present is required for any action or recommendation by the commission. The commission may meet in any city of the state.

Section 20. Subsection (5) of section 106.25, Florida Statutes, is amended to read:

106.25 Reports of alleged violations to Department of State; disposition of findings.—

(5)*(a) Except as provided in paragraph (b),* every sworn complaint filed pursuant to this chapter with the Division of Elections or the Florida Elections Commission, every division investigation and investigative report or other paper of the division or commission with respect to a violation of this chapter, and every proceeding of the commission with respect to a violation of this chapter is confidential, is exempt from the provisions of s. 119.07(1) and chapter 286, and is exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violation unless confidentiality is waived in writing by the person against whom the complaint has been filed. Upon the entry of an order by the commission disposing of a case before it, the entire proceedings and records relating to such case become a public record, except that if an order disposing of a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such order and the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the commission with respect to an alleged violation of this chapter, the commission may not publicly enter an order disposing of the findings of the case until the disposition of the entire case has been determined. However, once the confidentiality of any case has been breached, the person or persons under investigation have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter shall be exempt from the confidentiality provisions of paragraph (a).

Section 21. Subsections (1) and (12) of section 106.26, Florida Statutes, is amended to read:

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(1) The commission shall, pursuant to rules adopted and published in accordance with chapter 120, consider all matters reported to it by the Division of Elections or otherwise coming to its attention. *The commission may delegate, by rule, authority to the Division of Elections to dispose of certain classes of violations and provide reports to the commission of action taken.* In order to carry out its duties, the commission may, whenever required, issue subpoenas and other necessary process to compel the attendance of witnesses before it. The chairman thereof shall issue said process on behalf of the commission. The chairman or any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before the commission for the purpose of testifying in any matter about which the commission may desire evidence. The commission, whenever required, may also compel by subpoena the production of any books, letters, or other documentary evidence it may desire to examine in reference to any matter before it. The sheriffs in the several counties shall make such service and execute all process or orders when required by the commission. Sheriffs shall be paid for these services by the commission as provided for in s. 30.231. Any person who is served with a subpoena to attend a hearing of the commission also shall be served with a general statement informing him of the subject matter of the commission's investigation or inquiry and a notice that he may be accompanied at the hearing by counsel of his own choosing.

(12) At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall proceed to determine by affirmative vote of *a majority* ~~four~~ of the members present whether a violation of this chapter has occurred. Such determination shall promptly be made public. The order shall contain a finding of violation or no violation, together with brief findings of pertinent facts, and the assessment of such civil penalties as are permitted by this chapter or no such assessment and shall bear the signature or facsimile signature of the chairman or vice chairman.

Section 22. Section 106.28, Florida Statutes, is amended to read:

106.28 Limitation of actions.—Actions for violation of this chapter *must* ~~may~~ be commenced before 2 years have elapsed from the date of the violation.

Section 23. Subsection (1) of section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties.—

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding the first primary election, the second primary election, and the general election. Each state executive committee shall file its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. *Any political party failing to file a report on the designated due date shall be subject to a fine as provided in s. 106.07 for submitting late reports.*

Section 24. Section 106.295, Florida Statutes, is created to read:

106.295 Leadership fund.—

(1) For purposes of this section:

(a) "Leadership fund" means accounts comprised of any moneys contributed to a political party, directly or indirectly, which are designated to be used at the partial or total discretion of a leader.

(b) "Leader" means the President of the Senate, the Speaker of the House of Representatives, the majority leader and the minority leader of each house, and any person designated by political caucus of members of either house to succeed to any of such positions.

(2) Leadership funds are prohibited in this state. No leader shall accept any leadership funds.

(3) This section applies to leadership funds in existence on or after January 1, 1990.

Section 25. Subsection (3) of section 106.35, Florida Statutes, is amended to read:

106.35 Distribution of funds.—

(3)(a) For candidates with general election opposition or primary election opposition only, distribution of funds shall be made within 7 days after the close of qualifying, based on quarterly contribution reports, and within 7 days after the filing of contribution reports required on the 32nd, ~~and~~ 18th, *and 5th* days before an election.

(b) For candidates with primary election opposition and general election opposition, distribution shall be as provided in paragraph (a), except that for the first primary, funding shall only be matched in an amount up to 15 percent of the expenditure limit and, for the second primary, funding shall only be matched in an amount up to 25 percent of the expenditure limit.

Section 26. Elected officials are prohibited from being employed by, or acting as a consultant for compensation to, a political committee or committee of continuous existence.

Section 27. Section 106.142, Florida Statutes, is hereby repealed.

Section 28. This act shall take effect January 1, 1990.

Senator D. Childers moved the following amendment to Amendment 1 which failed:

Amendment 1A—On page 32, between lines 28 and 29, insert:

(10) If, after a campaign account is closed, it is discovered that remaining bills are outstanding, the candidate may pay such bills out of his personal funds and file an amended report and written explanation with the filing officer. If such amended report and written explanation is filed with the filing officer within 10 days after the candidate's or treasurer's learning of such outstanding bills, there is no willful violation of this chapter.

Amendment 1 was adopted.

Senators Brown and Scott offered the following amendment which was moved by Senator Brown and adopted:

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to campaign financing; amending s. 103.121, F.S.; prescribing restrictions on expenditures of state and county political party executive committees; amending s. 106.011, F.S.; providing definitions; amending s. 106.021, F.S.; authorizing depositing of campaign funds into secondary interest-bearing accounts; providing for filing certain information; requiring candidates to indicate for which group or district office he is running; amending s. 106.025, F.S.; prescribing conditions and procedures for conducting campaign fund raisers; amending s. 106.03, F.S.; modifying procedures for registering as a political committee; authorizing the Division of Elections to adopt rules; amending s. 106.04, F.S.; prescribing limits on contributions by committees of continuous existence; providing specified fines; providing for the depositing of fines into the Election Campaign Financing Trust Fund; providing that an officer or member of a committee are not personally liable for payment of such fines; providing for the waiver of such fines under certain circumstances; amending s. 106.05, F.S.; providing guidelines for depositing contributions; amending s. 106.06, F.S.; providing time periods for preserving records of campaign accounts; amending s. 106.07, F.S.; providing for filing reports whose filing deadline falls on a weekend or legal holiday; providing filing procedures; providing conforming language; providing fines for late reporting; providing for the waiver of such fines under certain circumstances; amending s. 106.071, F.S.; providing technical changes; prescribing information to be included in independent expenditure reports; creating s. 106.075, F.S.; providing for reporting of certain loans made to candidates for campaign purposes; amending s. 106.08, F.S.; providing that for purposes of limiting contributions, candidates for Governor and Lieutenant Governor are considered a single candidate; providing a limitation on spending contributions by a political committee; authorizing candidates to purchase with campaign funds certain tickets and advertisements from religious, civic, or charitable groups; placing restrictions on accepting contributions during legislative sessions; amending s. 106.11, F.S.; authorizing candidates who withdraw, become unopposed, are eliminated, or are elected to expend funds from the campaign account for specified purposes; amending s. 106.14, F.S.; requiring utility companies providing utility services to a candidate or political committee to charge a deposit; requiring candidates and political committees to pay utility bills when received; amending s. 106.141, F.S.; prescribing procedures for candidates who become unopposed, eliminated, elected, or reelected for disposing of funds in their campaign accounts and filing a report; providing that the Governor and Lieutenant Governor are to be considered separate candidates for purpose of limiting amount of funds they may transfer from a campaign account to an office account; providing a fine for filing late reports of transfers of funds; amending s. 106.143, F.S.; providing that any political advertisement of a candidate running for office in any election must state the name of the political party of which the candidate is seeking the nomination or is the nominee or that the candidate is an independent; requiring political advertisements and campaign literature to disclose the source of their funding; amending s. 106.144, F.S.; requiring groups opposing the candidacy of a candidate for public office by political advertisements to file a statement containing prescribed information with the officer before whom the candidate qualified; amending s. 106.15, F.S.; prohibiting candidates from using the services of officers and employees of counties, municipalities, and special districts during the hours such persons are required to be present on their assigned job; providing a definition; amending s. 106.24, F.S.; providing that four members of the Florida Elections Commission constitute a quorum and that an affirmative vote of the majority of the members present is required for any action or recommendation; amending s. 106.25, F.S.; providing that an appeal of a fine levied for filing a late report is not confidential; amending s. 106.26, F.S.; authorizing the Elections Commission to delegate to the Division of Elections authority to dispose of certain violations of the Election Code; amending s. 106.28, F.S.; requiring actions for violation of ch. 106, F.S., to be commenced within 2 years; amending s. 106.29, F.S.; subjecting political parties to fines for late filing of reports; creating s. 106.295, F.S.; prohibiting leadership funds; providing definitions; amending s. 106.35, F.S.; providing conforming language with respect to filing of contribution reports for the purpose of distributing funds from the Election Campaign Financing Trust Fund; prohibiting elected officials from working for, or acting as a consultant to, a political committee or committee of continuous existence for compensation; repealing s. 106.142, F.S., relating to the definition of political advertisement; providing an effective date.

The President presiding

On motion by Senator Brown, by two-thirds vote CS for SB's 351, 118, 339, 364, 512, 513, 629, 998 and 1256 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Stuart

On motions by Senator Brown, by two-thirds vote CS for CS for HB 1362 was withdrawn from the Committees on Ethics and Elections; and Rules and Calendar.

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

CS for CS for HB 1362—A bill to be entitled An act relating to elections; amending s. 97.041, F.S.; revising qualifications for the preregistration of persons under 18 years of age to vote; amending s. 97.091, F.S.; providing for registration of persons temporarily residing outside the county at the main office of the supervisor of elections; prohibiting such registrants from voting in municipal elections; amending s. 98.051, F.S.;

revising the time when the registration books close for an election; amending s. 98.111, F.S.; providing for disability information on voter registration forms; amending s. 99.012, F.S.; providing restrictions on persons qualifying for public office; providing exceptions; providing definitions; providing for removal of a person's name from the ballot for his failure to comply with the restrictions; amending s. 99.061, F.S.; revising qualifying dates; amending s. 99.092, F.S.; providing for an election assessment of candidates; creating s. 99.093, F.S.; providing for an election assessment of municipal candidates; amending s. 99.095, F.S.; to conform; amending ss. 99.0955 and 99.096, F.S.; conforming certain dates for obtaining and filing ballot petition forms with respect to independent and minor party candidates; amending ss. 100.061 and 100.091, F.S.; changing the dates of the first and second primary elections; amending s. 100.111, F.S.; revising provisions relating to vacancies in office; amending ss. 101.141, 101.151, and 101.252, F.S.; providing technical changes to conform the date of the election of state and county executive committee members; deleting the reference to public service commissioner on the primary and general election ballots; amending s. 101.161, F.S.; revising the length of the referendum ballot statement; amending s. 101.5609, F.S.; authorizing certain alternative procedures relating to recording the issuance of absentee ballots; amending s. 101.62, F.S.; providing for mailing of first primary, second primary, and general election ballots to absent qualified electors overseas, including advance absentee ballots for the second primary and general election; providing procedure for voting such ballots; providing a definition; amending s. 101.64, F.S., relating to the voter's certificate on absentee ballots; creating ss. 101.731, 101.732, and 101.733, F.S., and amending s. 101.74, F.S.; creating the Florida Elections Emergency Declaration Act; providing definitions; expanding authority of the Governor to suspend or delay elections in emergency circumstances; providing for requests by the Secretary of State or a supervisor of elections for such suspension or delay; authorizing the Secretary of State to reschedule elections not held due to an emergency; providing time and notice requirements; requiring the Division of Elections of the Department of State to develop an elections emergency contingency plan; specifying scope and concerns; providing for an advisory council; providing for coordination of such plan with municipal clerks and supervisors of elections and emergency management officials; requiring approval of such contingency plan by the Governor; providing for review; amending s. 101.75, F.S.; conforming language; providing additional circumstances for change of dates of municipal elections; providing for review and repeal; amending s. 102.031, F.S.; prohibiting solicitation of voters within a specified distance of a polling place; providing exceptions; providing certain restrictions on access to polling rooms; modifying the definition of the term "solicit" and provisions relating to solicitation of voters at polling places and providing a penalty with respect thereto; amending s. 102.151, F.S.; removing the requirement to file certificate of election results with the clerk of the circuit court; amending ss. 103.022 and 103.091, F.S.; revising qualifying dates; conforming certain language; amending s. 103.121, F.S.; conforming certain language; amending s. 104.071, F.S.; authorizing a candidate to furnish complimentary tickets to his campaign fund raiser to other candidates; authorizing a candidate to give his own personal or business funds to another candidate under certain circumstances; providing a penalty; creating s. 104.361, F.S.; providing criminal penalties for disrupting the orderly conduct of an election; amending s. 105.031, F.S.; providing an election assessment for judicial candidates; modifying qualifying procedures for candidates for county court judge; amending s. 105.035, F.S., relating to the alternative method of qualifying, to conform; amending s. 105.08, F.S.; providing for certain campaign contribution and expense reports for specified judicial candidates for retention; amending s. 106.011, F.S.; amending and providing definitions; amending s. 106.021, F.S.; requiring candidates for other than statewide offices to file a copy of certain information relating to their campaign treasurers with the supervisor of elections of their county of residence; amending s. 106.025, F.S.; eliminating the notice of intent for campaign fund raisers; providing for reimbursement of expenditures for such fund raisers; amending s. 106.03, F.S.; changing the time for a political committee to file a statement of organization; eliminating a filing exemption; providing for notification of registration or rejection; providing rulemaking authority; creating s. 106.033, 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 period; providing a penalty; creating s. 106.035, F.S.; providing reporting requirements for political committees; providing for incomplete reports; providing for fines and limitations thereon and waivers thereof; requiring promulgation of rules on certain waivers; providing a penalty; providing an exception; amending s. 106.04, F.S.; providing that a committee of continuous existence need not file a copy of its charter or bylaws with its annual report under certain conditions; requiring committees of continuous existence to register as political committees before making independent expenditures; prescribing limits on contributions by committees of continuous existence; providing for fines and limitations thereon and waivers thereof with respect to reporting requirements of committees of continuous existence; requiring promulgation of rules on certain waivers; providing a penalty; amending s. 106.05, F.S.; providing for deposits by payroll deduction for political committees; excluding Saturdays from the calculation of time limits for deposit of campaign funds; amending s. 106.06, F.S.; providing technical changes with respect to campaign records; amending s. 106.07, F.S.; providing requirements for the filing of campaign reports with respect to candidates; modifying provisions relating to when such reports must be made, for which there are penalties; providing exceptions; requiring the return of certain contributions; requiring certain loans to be reported; providing for fines and limitations thereon and waivers thereof; requiring promulgation of rules on certain waivers; providing a penalty; amending s. 106.08, F.S., relating to limitations on campaign contributions; providing that candidates for Governor and Lieutenant Governor are considered a single candidate; revising the time period for receipt of certain contributions, for which there are penalties; providing for the return of certain contributions; prohibiting contributions received by political committees within a specified time period from being obligated or spent until after the election; providing that a candidate may purchase tickets, admission to events, or advertisements from religious, civic, or charitable groups; providing 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; providing a penalty; amending s. 106.11, F.S.; requiring campaign checks to contain the address of the candidate; restricting how certain former candidates or unopposed candidates may expend campaign funds; amending s. 106.125, F.S.; extending the use of credit cards to all candidates and political committees; excluding political advertising from credit card purchases; amending s. 106.14, F.S., relating to deposit and payment for utilities; eliminating certain penalties; amending s. 106.141, F.S., relating to disposition of surplus funds by candidates; requiring a report; providing that candidates for Governor and Lieutenant Governor are separate candidates for purposes of the office account; eliminating the requirement that the Secretary of State provide for tax identification numbers to certain officeholders; providing fines for certain late reports; providing penalties; amending s. 106.143, F.S.; revising requirements relating to political advertisements, for which there are penalties; requiring political advertisements for partisan offices to state the candidate's party affiliation or status as an independent candidate; amending s. 106.144, F.S.; providing that certain groups and organizations which intend to oppose a candidate or issue by means of political advertisement must file a statement containing specified information; providing a penalty; amending ss. 106.16 and 106.19, F.S.; providing technical changes; eliminating certain penalties; amending s. 106.24, F.S.; revising the number of members of the Florida Elections Commission constituting a quorum; requiring a majority vote of a quorum for action; allowing a single commissioner or a panel of three commissioners to hold hearings; establishing the Elections Commission Trust Fund; amending s. 106.25, F.S.; exempting appeals of fines for late filing from certain confidentiality provisions; amending s. 106.26, F.S.; requiring a majority vote of a quorum to determine violations; amending s. 106.29, F.S.; changing the time for political parties to file certain reports and receive certain contributions; providing fines for late reports; reducing the penalty for certifying as correct any false report of contributions and expenditures required of political party executive committees; repealing s. 99.032, F.S., relating to qualifications of county commission candidates; repealing s. 101.121, F.S., relating to persons allowed in polling rooms; repealing s. 106.142, F.S., relating to the definition of "political advertisement"; providing an effective date.

—a companion measure, was substituted for CS for SB's 231, 103, 111, 131, 163, 183, 402, 432 and 530 and by two-thirds vote read the second time by title.

Senator Brown moved the following amendment:

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

Section 1. Subsections (1), (6), and (21) of section 97.021, Florida Statutes, are amended to read:

97.021 Definitions.—The following words and phrases when used in this code shall be construed as follows:

(1) "Absent elector" means any registered and qualified voter who:

(a) Is unable without another's assistance to attend the polls.

(b) Is an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which he is registered to vote.

(c) On account of the tenets of his religion, cannot attend the polls on the day of a general, special, or primary election.

(d) Has changed his residency to another county in this state within the time period during which the registration books are closed for the election for which the ballot is requested.

(e) Will not be in the county of his residence during the hours the polls are open for voting on the day of an election~~, except that any person confined in prison shall not be entitled to vote absentee~~.

(f) Has changed his residency to another state and is ineligible under the laws of that state to vote in the general election; however, this shall pertain only to presidential ballots.

(6) "Candidate" means any person to whom any one or more of the following applies:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process.

(b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or gives his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

~~However, this definition does not include any candidate for a political party executive committee.~~

(21) "Public office" means any federal, state, county, *municipal,* ~~or~~ school, or other district office or position which is filled by vote of the electors.

Section 2. Subsection (1) of section 97.041, Florida Statutes, is amended to read:

97.041 Qualifications to register or vote.—

(1)(a) Any person at least 18 years of age who is a citizen of the United States and a *legal* ~~permanent~~ resident of Florida and of the county where he wishes to register is eligible to register with the supervisor when the registration books are open. Upon registration, such person shall be a qualified elector of that county.

(b) Any person who ~~will become 18 years of age on or before the date of any election and who~~ is otherwise qualified shall be entitled~~, within 180 days preceding his 18th birthday,~~ to preregister *on or after his 17th birthday* with the supervisor for any election occurring on or after his 18th birthday, when the registration books are open.

Section 3. Subsections (4), (5), and (6) of section 97.063, Florida Statutes, are amended to read:

97.063 Eligibility for absentee registration.—

(4) The absentee registration form shall be in substantially the following form:

ABSENTEE REGISTRATION FORM

I, ... , being first duly sworn, on oath say that I am a citizen of the United States and eligible to become a legal voter in the State of Florida; that my legal residence is . . . . Street (or Avenue) in the municipality of . . . . , County of . . . . ; that I have not been and will not be able to register personally for the reason that . . . . ; that my full name is . . . . ; that I was born on . . . . at . . . . ; that, if I was born in a foreign country, I obtained citizenship by means of . . . . ; that my sex is . . . . ; that my race is . . . . ; that my party affiliation is . . . . ; that I desire a registration certificate to be mailed to me at . . . . ; and I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am 18 years of age, or will have attained the age of 18 on or before the election, and that I am qualified to vote under the Constitution and laws of the State of Florida; that if I am currently registered in another county or state, my registration in . . . . County, State of . . . . , is recorded at the following address:

. . . (Registering Official) . . .

. . . (Street) . . ., . . . (City) . . ., . . . (State) . . .

. . . (Signature) . . .

Sworn to and subscribed to before me this . . . . day of . . . . , 19. . . .

. . . (Signature and title of person administering oath) . . .

or the signatures of two registered voters of . . . . County, Florida:.....

.....

or, in the case of an absent qualified elector overseas as defined in s. 101.62(7), the signatures of two persons 18 years of age or older:.....

.....

(5) The absentee registration form shall be witnessed either by a notary or other official authorized to administer oaths or by two registered electors of the county for which the form is requested *or, with respect to absent qualified electors overseas as defined in s. 101.62(7), by two persons 18 years of age or older.*

(6) If the elector is registered in any other county of Florida, or in any other state, the supervisor shall, *upon the return of the absentee registration form, notify* ~~also have the elector complete a separate form, signed by the elector, to be mailed by the supervisor to~~ the registering official in the jurisdiction in which such elector was last registered for the purpose of advising such official to cancel the elector's former registration.

Section 4. Section 97.0631, Florida Statutes, is amended to read:

97.0631 Citizens residing overseas; notice of elections.—A citizen of this state who is residing overseas may notify the supervisor of elections in the county where he is registered of his overseas address; and, thereafter, the supervisor shall notify such citizen at least 90 days prior to regular primary and general elections and *when possible* ~~as soon as possible~~ prior to any special election so that such citizen may follow the procedures for absentee voting provided by law.

Section 5. Subsection (1) of section 97.091, Florida Statutes, is amended to read:

97.091 Electors must be registered in precinct; provisions for residence or name change.—

(1) No person shall be permitted to vote in any election precinct or district other than the one in which he has his *legal* ~~permanent place~~ of residence and in which he is registered. However, a person temporarily residing outside the county shall be registered in the precinct in which the *main office of the supervisor of elections, as designated by the supervisor,* ~~county courthouse~~ is located when he has no permanent address in the county and it is his intention to remain a resident of Florida and of the county in which he is registered to vote. Such persons who are registered in the precinct in which the *main office of the supervisor of elections, as designated by the supervisor,* ~~county courthouse~~ is located and who are residing outside the county with no permanent address in the county shall not be registered electors of a municipality and therefore shall not be permitted to vote in any municipal election.

Section 6. Sections 99.012, 99.032, 99.061, 99.091, 99.0965, 99.103, and 99.121, Florida Statutes, are transferred to sections 106.40, 106.42, 106.43, 106.45, 106.50, 106.52, and 106.53, Florida Statutes, respectively.

Section 7. Section 98.051, Florida Statutes, is amended to read:

98.051 Registration books for permanent registration system; when open or closed.—

(1)(a) The office of the supervisor of elections shall be open Monday through Friday, excluding legal holidays, for a period of not less than 8 hours per day, beginning no later than 9 a.m.

(b) A supervisor may keep his office and any branch offices open on any weekday *or Sunday, including* ~~excluding~~ legal holidays, for 10 hours in addition to the 8 hours specified in paragraph (a), provided notice of the *days, hours,* ~~time~~ and place is published at least once, not less than 1 day prior *thereto* ~~to such extension of time~~, in a newspaper of general circulation in the county in which such offices are to be located. However, if the publication deadline for such notice cannot be met, the public notice shall be posted at the courthouse and may be advertised in the news media. *A supervisor may authorize deputy voter registrars to take registrations on days the supervisor's office is not open, including Sundays and legal holidays, provided the registrations are turned in to the supervisor's office the next working day.* Upon approval by the supervisor of elections, any state, county, or municipal agency is authorized to provide voter registration services and may be deemed a branch office location as provided in s. 97.021(5).

(c) During the 30-day period prior to the closing of the registration books for any statewide or federal election, the supervisor, in addition to the requirements of paragraphs (a) and (b), shall provide for registration each weekday, *and may provide for registration on* ~~excluding~~ legal holidays, for a period not less than 8 hours per day.

(d) Notwithstanding any other provision of this section, a supervisor of elections may authorize registrations to be taken on *a Sunday or legal holiday at locations other than the main or branch locations* ~~the Fourth of July, except when that date falls on a Sunday~~, provided proper notice of the time and place is given pursuant to paragraph (b).

(2) When registration books are open, voter registration and changes in registration shall be accepted in the office ~~or branch office~~ of the supervisor *or any branch office location* when such office *or location* is open as provided by law.

(3)(a)1. The registration books shall close for the first and second primary elections at 5 p.m. on the 30th day before the first primary election and shall remain closed until after the second primary election, during which time no registration or party change shall be accepted for such elections.

2. The provisions of any special act to the contrary notwithstanding, when special district officers are to be elected during any given first or second primary election, the registration books shall close at 5 p.m. on the 30th day before the first primary election and shall remain closed until after the second primary election, during which time no registration or party change shall be accepted for such elections.

3. For any other election, the books shall close at 5 p.m. on the 30th day before such election and shall remain closed until after such election, during which time no registration or party change shall be accepted for such election.

(b) When the books are closed for an election, registration and party changes shall be accepted for all subsequent elections. For purposes of this subsection, however, a first and second primary shall be considered one election.

(c) In computing the 30-day period for closing of the registration books, the election day shall be excluded, but all other holidays and Sundays shall be included. ~~Registration shall be conducted on weekdays only; and,~~ Should the 30th day preceding an election fall on *a* Sunday or a legal holiday, then the registration books shall close at 5 p.m. on the immediately *succeeding* ~~preceding~~ day which is not a Sunday or legal holiday.

(d) When a district, municipal, or special election is called at a time when the books are open, the supervisor shall close the books to further registration or party changes for such district, municipal, or special election on the 30th day before such election, or immediately in the event the date of the election is less than 30 days away, but the books shall remain open for all subsequent elections. However, if a district, municipal, or special election is called at the same time as a regularly scheduled election, the books shall close for such district, municipal, or special election on the day designated for the books to close for the regularly scheduled election.

Section 8. Section 98.211, Florida Statutes, is amended to read:

98.211 County registers open to inspection; copies.—

(1)(a) The registration books are public records. Every citizen is allowed to examine the registration books while they are in the custody of the supervisor, but is not allowed to make copies or extracts therefrom except as provided by this section. *Promptly, but no later than* ~~Within~~ 15 days *from the date* of a request, the supervisor shall furnish any requested information, excluding a voter's signature, which the supervisor maintains pursuant to "The Florida Election Code."

(b) Notwithstanding the provision of paragraph (a), after an election, if there is a request for information relating to electors who voted in the most recent election, *the supervisor shall promptly, but no later than* ~~within~~ 15 days *from the date* of the request, ~~the supervisor shall~~ either provide the information or allow the persons, entities, or agents thereof, as authorized in this section, to personally extract or copy the information.

(c) Actual costs of duplication shall be charged in accordance with the provisions of s. 119.07.

(2) The information provided pursuant to this section shall be furnished only to:

(a) The courts for the purpose of jury selection;

(b) Municipalities;

(c) Other governmental agencies;

(d) Candidates, to further their candidacy;

(e) Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and

(f) Incumbent officeholders, to report to their constituents.

Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, law enforcement, or jury selection.

(3) Upon receiving a request for information from any candidate, committee, political party, official, or incumbent officeholder as provided in this section, the supervisor shall provide such information in a fair and impartial manner. Any supervisor who hinders, delays, or obstructs the receipt of such information for the purpose of securing a special privilege, benefit, or advantage for one candidate, committee, political party, official, or incumbent officeholder over another shall be fined $500 by the Department of State, such fine to be paid from the supervisor's personal funds. The fine shall be deposited into the Election Campaign Financing Trust Fund created by s. 106.32 and may be appealed to the Florida Elections Commission, which shall adopt rules of procedure for such appeals.

(4)~~(3)~~ Any person who acquires a precinct list from the office of the supervisor shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear or affirm that I am a person authorized by s. 98.211, Florida Statutes, to acquire information on registered voters of . . . . County, Florida; that the information acquired will be used only for the purposes prescribed in that section and for no other purpose; and that I will not permit the use or copying of such information by persons not authorized by the Election Code of the State of Florida.

. . . (Signature of person acquiring list) . . .

Sworn to and subscribed before me this . . . . day of . . . . , 19. . . . .
. . . (Signature and title of person administering oath) . . .

Section 9. Section 98.231, Florida Statutes, is amended to read:

98.231 Supervisor of elections to furnish Department of State number of registered electors.—The supervisor of each county, within 15 days after the closing of registration books prior to the election, shall, for the county and for each legislative and congressional district in which such county or any portion thereof is located, advise the Department of State of the total number of registered electors of each political party in which any elector has registered and the number of electors registered as independents or without party affiliation. *In addition, the supervisor must advise the Department of State of the total number of electors in the*

county under 25 years of age; the total number of electors over 65 years of age; and the total number of handicapped electors including the total number of visually impaired, hearing impaired, physically impaired, or otherwise impaired.

Section 10. Subsection (5) is added to section 98.271, Florida Statutes, to read:

98.271 Appointment of deputy supervisors and volunteer deputy voter registrars; authority; compensation; rules.—

(5) In residential facilities which may provide voter registration and other related voter services to their clients, a supervisor of elections may provide for voter registration, delivery of absentee ballots, assistance in completion of "Declaration to secure assistance" prescribed in s. 101.051, and witnessing of absentee registration and ballots. A supervisor of elections, duputy supervisor, or volunteer deputy voter registrar will be used to provide such service. When only volunteer deputy voter registrars provide witnessing of absentee registration or ballots, volunteer deputy voter registrars must include representatives of more than one political party.

Section 11. Section 99.021, Florida Statutes, is transferred to section 106.41, Florida Statutes, and amended to read:

106.41 ~~99.021~~ Form of candidate oath.—

(1)(a) Each candidate, whether a party candidate, an independent candidate, or a write-in candidate, in order to qualify for nomination or election to any office other than a judicial office as defined in chapter 105, shall take and subscribe to an oath or affirmation in writing. A printed copy of the oath or affirmation shall be furnished to the candidate by the officer before whom such candidate seeks to qualify an shall be substantially in the following form:

State of Florida
County of. . . .

Before me, an officer authorized to administer oaths, personally appeared . . . (please print name as you wish it to appear on the ballot) . . ., to me well known, who, being sworn, says that he is a candidate for the office of . . . .; that he is a qualified elector of . . . . County, Florida; that he is qualified under the Constitution and the laws of Florida to hold the office to which he desires to be nominated or elected; that he has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he seeks; and that he has resigned from any office from which he is required to resign pursuant to *s. 106.40* ~~s. 99.012~~, Florida Statutes.

. . . (Signature of candidate) . . .
. . . (Address) . . .

Sworn to and subscribed before me this . . . . day of . . . . , 19. . . . , at . . . . County, Florida.

. . . (Signature and title of officer administering oath) . . .

(b) In addition, any person seeking to qualify for nomination as a candidate of any political party shall, at the time of subscribing to the oath or affirmation, state in writing:

1. The party of which he is a member.

2. That he is not a registered member of any other political party and has not been a candidate for nomination for any other political party for a period of 6 months preceding the general election for which he seeks to qualify.

3. That he has paid the assessment levied against him, if any, as a candidate for said office by the executive committee of the party of which he is a member.

(c) The officer before whom such person qualifies shall certify the name of such person to the supervisor of elections in each county affected by such candidacy so that the name of such person may be printed on the ballot. Each person seeking election as a write-in candidate shall subscribe to the oath prescribed in this section in order to be entitled to have write-in ballots cast for him counted.

(2) The provisions of subsection (1) relating to the oath required of candidates, and the form of oath prescribed, shall apply with equal force and effect to, and shall be the oath required of, a candidate for election to a political party executive committee office, as provided by law. The requirements set forth in this section shall also apply to any person filling a vacancy on a political party executive committee.

Section 12. Section 99.081, Florida Statutes, is transferred to section 106.44, Florida Statutes, and amended to read:

106.44 ~~99.081~~ United States Senators elected in general election.—United States Senators from Florida shall be elected at the general election held ~~next~~ preceding the expiration of *the present term* ~~their terms~~ of office, and such election shall conform as nearly as practicable to the methods provided for the election of state officers.

Section 13. Section 99.092, Florida Statutes, is transferred to section 106.46, Florida Statutes, and amended to read:

106.46 ~~99.092~~ Filing fee of candidate; notification of Department of State.—

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify pursuant to *s. 106.47* ~~s. 99.095~~ and except a person seeking to qualify as a write-in *or a municipal* candidate, shall pay a filing fee to the officer with whom he qualifies and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his other qualifying papers. The amount of the filing fee is 3 percent of the annual salary of the office. The amount of the committee assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying fees shall be returned to the candidate unless he withdraws his candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his candidacy before the last date to qualify, his qualifying fee shall be returned to his designated beneficiary, and, if the filing fee or any portion thereof has been transferred to the political party of the candidate, the Secretary of State shall direct the party to return that portion to the designated beneficiary of the candidate.

(2) The supervisor of elections shall, immediately after the last day for qualifying, submit to the Department of State a list containing the names, party affiliations, and addresses of all candidates and the offices for which they qualified.

(3) Each candidate for the office of Governor and each candidate for the office of Lieutenant Governor shall pay a separate fee for his office in accordance with this section.

Section 14. Section 99.095, Florida Statutes, is transferred to section 106.47, Florida Statutes, and amended to read:

106.47 ~~99.095~~ Alternative method of qualifying.—

(1) A person seeking to qualify for nomination to any office who is unable to pay the filing fee and party assessment prescribed by *s. 106.46* ~~s. 99.092~~ without imposing an undue burden on his personal resources or on resources otherwise available to him may qualify to have his name placed on the ballot for the first primary election by means of the petitioning process prescribed in this section. A person using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he intends to qualify for the office sought and stating that he is unable to pay the filing fee and party assessment for that office without imposing an undue burden on his personal resources or on resources otherwise available to him. *If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate in his oath for which group or district office he is running. The* ~~Such~~ oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the first primary is held, but prior to the 92nd day prior to the date of the first primary election. The Department of State shall prescribe the form to be used in administering and filing such oath. No signatures shall be obtained by a candidate on any nominating petition until he has filed the oath required in this section. *If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election and the petition does not indicate the group or district office for which he is running, the signatures obtained on such petition will not be counted.*

(2) Upon receipt of a written oath from a candidate, the qualifying officer shall provide the candidate with petition forms in sufficient numbers to facilitate the gathering of signatures pursuant to this section. Such forms shall be prescribed by the Department of State.

(3) When a candidate has filed the oath prescribed in subsection (1), he may begin to seek signatures on petitions supporting his candidacy. Only signatures of electors who are registered in the political party by which the candidate seeks to be nominated and who are registered to vote in the county, district, or other geographical entity represented by the office sought shall be counted toward obtaining the minimum numbers of signatures prescribed in this subsection. A candidate for an office elected on a statewide basis shall obtain the signatures of a number of qualified electors equal to at least 3 percent of the total number of registered electors of Florida who are registered in the party by which he seeks nomination, as shown by the compilation by the Department of State for the last preceding general election. A candidate for any federal, state, county, or district office to be elected on less than a statewide basis shall obtain the signatures of a number of qualified electors of the district, county, or other geographical entity equal to at least 3 percent of the total number of registered voters of the party by which he seeks nomination that are registered within the district, county, or other geographical entity represented by the office sought, as shown by the compilation by the Department of State for the last preceding general election. A separate petition shall be circulated for each candidate availing himself of the provisions of this section. However, candidates for the offices of Governor and Lieutenant Governor forming joint candidacies shall use the same nominating petition for both candidates.

(4)(a) Each candidate for nomination to federal, state, or multicounty district office shall file a separate petition for each county from which signatures are sought. Each petition shall be submitted, prior to noon of the 92nd day preceding the first primary election, to the supervisor of elections of the county for which such petition is circulated. Each supervisor of elections to whom a petition is submitted shall check the signatures on the petition to verify their status as electors of the political party by which the candidate seeks nomination and of that county, district, or other geographical unit represented by the office being sought by the candidate. Prior to the first date for qualifying, the supervisor shall certify the number shown as registered electors of such county, district, or other geographical unit and of the appropriate political party and submit such certification to the Department of State. The Department of State shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice to, and file his qualifying papers and oath prescribed by *s. 106.41* ~~s. 99.021~~ with, the Department of State. Upon receipt of the copy of such notice and the qualifying papers, the department shall certify the name of the candidate to the appropriate supervisor or supervisors of elections as having qualified for the office sought.

(b) Each candidate for nomination to a county office, or district office not covered by paragraph (a), shall submit his petition, prior to noon of the 92nd day preceding the first primary election, to the supervisor of elections of the county for which the petition was circulated. The supervisor shall check the signatures on the petition to verify their status as electors of the political party for which the candidate seeks nomination and of the county, district, or other geographical entity represented by the office being sought. Prior to the first date for qualifying, the supervisor shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of the notice and file his qualifying papers and oath prescribed by *s. 106.41* ~~s. 99.021~~ with the supervisor of elections. Upon receipt of the copy of such notice and the qualifying papers by the supervisor of elections, such candidate shall be entitled to have his name printed on the ballot.

Section 15. Section 99.0955, Florida Statutes, is transferred to section 106.48, Florida Statutes, and amended to read:

106.48 ~~99.0955~~ Independent candidate for office; name on general election ballot.—

(1) Any registered elector seeking to have his name placed on the ballot at the general election as an independent candidate for an office may have his name printed on the general election ballot in which election such office is to be filled, provided he is otherwise qualified to hold the office that he seeks and provided a petition requesting that he be assigned a position on the general election ballot is signed by the required number of registered electors. Such person shall obtain the signatures on a petition form prescribed by the Department of State and furnished by the appropriate qualifying officer. Such forms may be obtained from the qualifying officer at any time after the first Tuesday following the first Monday in January preceding the general election~~, but prior to the 49th day prior to the date of the first primary election~~.

(2) A candidate for an office elected on a statewide basis shall obtain the signatures of a number of the qualified electors equal to 3 percent of the registered electors of Florida, as shown by the compilation by the Department of State for the last preceding general election. When joint candidacies for the offices of Governor and Lieutenant Governor are provided by law, independent candidates for the offices of Governor and Lieutenant Governor shall form a joint candidacy, and only one petition shall be used to place both names on the ballot as otherwise provided in this section. A candidate for any federal, state, county, or district office to be elected on less than a statewide basis shall obtain the signatures of a number of the qualified electors of the district, county, or other geographical entity equal to at least 3 percent of the total number of the registered voters of the district, county, or other geographical entity represented by the office sought, as shown by the compilation by the Department of State for the last preceding general election.

(3)(a) Each candidate for a federal, state, or multicounty district office shall submit a separate petition for each county from which signatures are sought. Each petition shall be submitted, prior to noon of the *last day of the qualifying period prescribed in s. 106.43(1) for the office sought* ~~49th day preceding the first primary election~~, to the supervisor of elections of the county for which such petition was circulated. Each supervisor to whom a petition is submitted shall check the names and shall, upon payment of the cost of checking the petitions or filing of the oath as prescribed in *s. 106.51* ~~s. 99.097~~, certify to the Department of State, within 30 days of the last day for qualifying, the number shown as registered electors of said county. The Department of State shall determine whether or not the required number of signatures has been obtained and shall notify the candidate. If the required number of signatures has been obtained and the candidate has, during the time prescribed for qualifying for office, filed his qualifying papers with the Department of State, paid his filing fee, and taken the oath provided in *s. 106.41* ~~s. 99.021~~, such candidate shall be entitled to have his name printed on the general election ballot. However, any candidate who is unable to pay such fee without imposing an undue burden on his personal resources or upon resources otherwise available to him shall, upon written certification of such inability given under oath to the Department of State, be exempt from paying the filing fees. The name of each candidate who is entitled pursuant to this paragraph to have his name printed on the general election ballot shall be certified to the supervisor of elections of each county affected by such candidacy by the Department of State at the time the names of other candidates to be printed on the general election ballot are certified to each supervisor.

(b) Each candidate for a county office, or district office not covered by paragraph (a), shall submit his petition, prior to noon of the *last day of the qualifying period prescribed in s. 106.43(2)* ~~49th day preceding the first primary election~~, to the supervisor of elections of the county for which such petition was circulated. The supervisor shall determine whether the required number of signatures has been obtained and shall, within 30 days of the last day for qualifying, notify the candidate. If the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and the candidate has, during the time prescribed for qualifying for office, filed his qualification papers with the supervisor of elections, paid his filing fee, and taken the oath prescribed in *s. 106.41* ~~s. 99.021~~, such candidate shall be entitled to have his name printed on the general election ballot. However, any candidate who is unable to pay such fee without imposing an undue burden on his personal resources or upon resources otherwise available to him shall, upon written certification of such inability given under oath to the supervisor, be exempt from paying the filing fee. Upon paying the cost of checking the petitions or filing the oath required by *s. 106.51* ~~s. 99.097~~, such candidate shall be entitled to have his name placed on the general election ballot.

Section 16. Section 99.096, Florida Statutes, is transferred to section 106.49, Florida Statutes, and amended to read:

106.49 ~~99.096~~ Minor party candidates; names on ballot.—

(1) A minor political party may have the names of its candidates for offices which are elected on a statewide basis printed on the general election ballot in an election in which one or more of those offices will be filled if a petition requesting that the party be assigned a position on the general election ballot is signed by 3 percent of the registered electors of the state, as shown by the compilation by the Department of State for the last preceding general election. A minor political party may have the names of its candidates for offices which are elected on less than a statewide basis printed on the general election ballot in an election in which one or more of those offices are to be filled if such party has qualified by petition to have a slate of candidates for offices elected on a statewide basis printed on the ballot and if such petition requesting that the party be assigned a position on the general election ballot is signed by 3 percent of the registered electors of the district, county, or other geographical entity represented by the office, as shown by the compilation by the Department of State for the last preceding general election.

(2) Petitions to have a slate of candidates printed on the ballot shall be provided by the Department of State. The form of the petitions shall be prescribed by the Department of State. A minor political party may obtain such petition forms at any time after the first Tuesday after the first Monday in January preceding said general election, but prior to the *46th* ~~49th~~ day prior to the date of the first primary election.

(3) A separate petition shall be submitted from each county for which signatures are solicited. The petition shall be submitted to the supervisor of elections of the county prior to noon of the *last day of the qualifying period prescribed in s. 106.43(1) for state candidates* ~~49th day preceding the first primary election~~, and the supervisor shall check the names and shall, upon payment of the cost of checking the petitions prescribed in *s. 106.51* ~~s. 99.097~~, certify, within 30 days of the last day for qualifying, the number shown as registered electors of the county. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor as required in this section has been met. When the percentage factor has been met, the Department of State shall notify the minor party executive committee that the party has secured a position on the general election ballot.

(4) The executive committee of the party shall, at the time of submitting the petitions to the various supervisors of elections, but no later than noon of the *last day of the qualifying period prescribed in s. 106.43(1) for state candidates* ~~49th day preceding the first primary election~~, submit to the Department of State an official list of the candidates nominated by that party to be on the ballot in the general election. If the minor party has qualified to have a slate of candidates for any offices for which candidates are required to qualify with a supervisor of elections, the Department of State shall notify such supervisor of the name of each candidate eligible to qualify for such an office. Candidates selected by a party pursuant to this section shall qualify with the Department of State or appropriate supervisor of elections, pay their filing fees, and take and subscribe to the oath provided in *s. 106.41* ~~s. 99.021~~ during the time prescribed for qualifying for office. Any candidate who is unable to pay such fee without imposing an undue burden on his personal resources or upon resources otherwise available to him shall, upon written certification of such inability given under oath to the Department of State or appropriate supervisor of elections, be exempt from paying the filing fee. The official list of nominated candidates may not be changed by the party after having been filed with the Department of State, except that candidates who have qualified may withdraw from the ballot pursuant to the provisions of this code.

Section 17. Section 99.097, Florida Statutes, is transferred to section 106.51, Florida Statutes, and amended to read:

106.51 ~~99.097~~ Verification of signatures on petitions.—

(1) As determined by each supervisor, based upon local conditions, the checking of names on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

(a) A name-by-name, signature-by-signature check of the number of authorized signatures on the petitions; or

(b) A check of a random sample, as provided by the Department of State, of names and signatures on the petitions. The sample must be such that a determination can be made as to whether or not the required number of signatures have been obtained with a reliability of at least 99.5 percent. Rules and guidelines for this method of petition verification shall be promulgated by the Department of State, which may include a requirement that petitions bear an additional number of names and signatures, not to exceed 15 percent of the names and signatures otherwise required. If the petitions do not meet such criteria, then the use of the verification method described in this paragraph shall not be available to supervisors.

(2) When a petitioner submits petitions which contain at least 15 percent more than the required number of signatures, he may require that the supervisor of elections use the random sampling verification method in certifying the petition.

(3) A name on a petition, which name is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same. In any situation in which this code requires the form of the petition to be prescribed by the Department of State, no signature shall be counted toward the number of signatures required unless it is on a petition form prescribed by the Department of State.

(4) The supervisor shall be paid the sum of 10 cents for each signature checked or the actual cost of checking such signature, whichever is less, by the candidate, minor party, or person authorized by such minor party submitting the petition or, in the case of a petition to have an issue placed on the ballot, by the person or organization submitting the petition. However, if a candidate, *person, or organization seeking to have an issue placed upon the ballot* cannot pay such charges without imposing an undue burden on his personal resources or upon the resources otherwise available to him, he shall, upon written certification of such inability given under oath to the supervisor, be entitled to have the signatures verified at no charge. If such candidate, *person, or organization* has filed the oath prescribed by *s. 106.47(1)* ~~s. 99.095(1)~~, he shall not be required to file a second oath in order to have the signatures verified at no charge. However, an oath in lieu of payment of the charges shall not be allowed to verify the signatures on a petition to have a minor party's slate of candidates placed on the ballot or to have an issue placed on the ballot. In the event a candidate, *person, or organization submitting a petition to have an issue placed upon the ballot* is entitled to have the signatures verified at no charge, the supervisor of elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Comptroller no later than December 1 of the general election year, and the Comptroller shall cause such supervisor of elections to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each name checked or the actual cost of checking such signatures, whichever is less. In no event shall such reimbursement of costs be deemed or applied as extra compensation for the supervisor. Petitions shall be retained by the supervisors for a period of 1 year following the election for which the petitions were circulated.

(5) The results of a verification pursuant to paragraph (1)(b) may be contested in the circuit court by the candidate; an announced opponent; a representative of a designated political committee; or a person, party, or other organization submitting the petition. The contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court in the county in which the petition is certified or in Leon County if the petition covers more than one county within 10 days after midnight of the date the petition is certified; and the complaint shall set forth the grounds on which the contestant intends to establish his right to require a complete check of the names and signatures pursuant to paragraph (1)(a). In the event the court orders a complete check of the petition and the result is not changed as to the success or lack of success of the petitioner in obtaining the requisite number of valid signatures, then such candidate, unless he has filed the oath stating that he is unable to pay such charges; announced opponent; representative of a designated political committee; or party, person, or organization submitting the petition shall pay to the supervisor of elections of each affected county for the complete check an amount calculated at the rate of 10 cents for each additional signature checked or the actual cost of checking such additional signatures, whichever is less.

Section 18. Subsection (2) of section 100.041, Florida Statutes, is amended to read:

100.041 Officers chosen at general election.—

(2) Each county commissioner from an odd-numbered district shall be elected ~~in the county at large~~ at the general election in each year the

number of which is a multiple of 4, for a 4-year term commencing on the second Tuesday following such election, and each county commissioner from an even-numbered district shall be elected ~~in the county at large~~ at the general election in each even-numbered year the number of which is not a multiple of 4, for a 4-year term commencing on the second Tuesday following such election.

Section 19. Subsections (2), (4), and (5) of section 100.111, Florida Statutes, are amended to read:

100.111 Filling vacancy.—

(2)(a) If, in any state or county office required to be filled by election, a vacancy occurs during an election year by reason of the incumbent having qualified as a candidate for federal office pursuant to *s. 106.43* ~~s. 99.061~~, no special election is required. Any person seeking nomination or election to the office so vacated shall qualify within the time prescribed by *s. 106.43* ~~s. 99.061~~ for qualifying for state or county offices to be filled by election.

(b) If such a vacancy occurs in an election year other than the one immediately preceding expiration of the present term, the Secretary of State shall notify the supervisor of elections in each county served by the office that a vacancy has been created. Such notice shall be provided to the supervisor of elections not later than the close of the first day set for qualifying for state or county office. The supervisor shall provide public notice of the vacancy in any manner the Secretary of State deems appropriate.

(4)(a) In the event that death, resignation, withdrawal, removal, or any other cause or event should cause a party to have a vacancy in nomination which leaves no candidate for an office from such party, the Governor shall, after conferring with the Secretary of State, call a special primary election and, if necessary, a second special primary election to select for such office a nominee of such political party. The dates on which candidates may qualify for such special primary election shall be fixed by the Department of State, and the candidates shall qualify no later than noon of the last day so fixed. The filing of campaign expense statements by candidates in special primaries shall not be later than such dates as shall be fixed by the Department of State. In fixing such dates, the Department of State shall take into consideration and be governed by the practical time limitations. The qualifying fees and party assessment of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. Each county canvassing board shall make as speedy a return of the results of such primaries as time will permit, and the Elections Canvassing Commission shall likewise make as speedy a canvass and declaration of the nominees as time will permit.

(b) If the vacancy in nomination occurs later than September 15, or if the vacancy in nomination occurs with respect to a candidate of a minor political party which has obtained a position on the ballot, no special primary election shall be held and the Department of State shall notify the chairman of the appropriate state, district, or county political party executive committee of such party; and, within 7 days, the chairman shall call a meeting of his executive committee to consider designation of a nominee to fill the vacancy. The name of any person so designated shall be submitted to the Department of State within 14 days of notice to the chairman in order that the person designated may have his name printed or otherwise placed on the ballot of the ensuing general election, but in no event shall the supervisor of elections be required to place on a ballot a name submitted less than *21* ~~14~~ days prior to the election. *If the vacancy occurs less than 21 days prior to the election, the person designated by the political party will replace the former party nominee even though the former party nominee name will be on the ballot. Any ballots cast for the former party nominee will be counted for the person designated by the political party to replace the former party nominee. If there is no opposition to the party nominee, the person designated by the political party to replace the former party nominee will be elected to office at the general election.* For purposes of this paragraph, the term "district political party executive committee" means the members of the state executive committee of a political party from those counties comprising the area involving a district office.

(c) When, under the circumstances set forth in the preceding paragraph, vacancies in nomination are required to be filled by committee nominations, such vacancies shall be filled by party rule. In any instance in which a nominee is selected by a committee to fill a vacancy in nomination, such nominee shall pay the same filing fee and take the same oath as he would have taken had he regularly qualified for election to such office.

(5) In the event of unforeseeable circumstances not contemplated in these general election laws concerning the calling and holding of special primary elections and special elections resulting from court order or other unpredictable circumstances, the Department of State shall have the authority ~~by emergency rule~~ to provide for the conduct of orderly elections.

Section 20. Section 100.151, Florida Statutes, is amended to read:

100.151 County commissioners calling special election, notice.—~~The~~ County commissioners *or the governing authority of a municipality* shall not call any special election until notice is given to the supervisor of elections and his consent obtained as to a date when the registration books can be available.

Section 21. Section 100.361, Florida Statutes, is amended to read:

100.361 Municipal recall.—

(1) RECALL PETITION.—Any member of the governing body of a municipality or charter county, hereinafter referred to in this section as "municipality," may be removed from office by the electors of the municipality. When the official represents a district and is elected only by electors residing in that district, only electors from that district are eligible to sign the petition to recall that official and are entitled to vote in the recall election. When the official represents a district and is elected at-large by the electors of the municipality, all electors of the municipality are eligible to sign the petition to recall that official and are entitled to vote in the recall election. Where used in this section, the term "district" shall be construed to mean the area or region of a municipality from which a member of the governing body is elected by the electors from such area or region. Members may be removed from office by the following procedure:

(a) A petition shall be prepared naming the person sought to be recalled and containing a statement of grounds for recall in not more than 200 words *limited solely to the grounds specified in s. 100.36(1)(b)*. If more than one member of the governing body is sought to be recalled, whether such member is elected by the electors of a district or by the electors of the municipality at-large, a separate recall petition shall be prepared for each member sought to be recalled.

1. In a municipality or district of fewer than 500 electors, the petition shall be signed by at least 50 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

2. In a municipality or district of 500 or more but fewer than 2,000 registered electors, the petition shall be signed by at least 100 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

3. In a municipality or district of 2,000 or more but fewer than 5,000 registered electors, the petition shall be signed by at least 250 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

4. In a municipality or district of 5,000 or more but fewer than 10,000 registered electors, the petition shall be signed by at least 500 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

5. In a municipality or district of 10,000 or more but fewer than 25,000 registered electors, the petition shall be signed by at least 1,000 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

6. In a municipality or district of 25,000 or more registered electors, the petition shall be signed by at least 1,000 electors or by 5 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

Electors of the municipality or district making charges contained in the statement of grounds for recall and those signing the recall petition shall be designated as the "committee." A specific person shall be designated in the petition as chairman of the committee to act for the committee. ~~Only qualified~~ Electors of the municipality or district are eligible to sign the petition. Signatures and *oaths* ~~affidavits~~ of circulators shall be executed as provided in paragraph (c). All signatures shall be obtained within a period of 30 days, and the petition shall be filed within 30 days after the date the first signature is obtained on the petition.

(b) The grounds for removal of elected municipal officials shall, for the purposes of this act, be limited to the following *and must be contained in the petition*:

1. Malfeasance;
2. Misfeasance;
3. Neglect of duty;
4. Drunkenness;
5. Incompetence;
6. Permanent inability to perform official duties; and
7. Conviction of a felony involving moral turpitude.

(c) Each elector of the municipality signing a petition shall sign his name in ink or indelible pencil as registered in the office of the supervisor of elections and shall state *on the petition* his place of residence and voting precinct. Each ~~counterpart of the~~ petition shall contain appropriate lines for *signatures and addresses of* ~~signature by~~ electors and *an oath* ~~a form of affidavit~~, to be executed by the circulator thereof, verifying the fact that the circulator saw each person sign the counterpart of the petition, that each signature appearing thereon is the genuine signature of the person it purports to be, and that the petition was signed in the presence of the circulator on the date indicated.

(d) The petition shall be filed with the ~~city~~ auditor or clerk *of the municipality or charter county*, or his equivalent, *hereinafter referred to as clerk*, by the person designated as chairman of the committee, and, when *a* ~~the~~ *facially valid* petition *meeting the requirements of s. 100.361(1)(b)* is filed, *the clerk* ~~city auditor or clerk, or his equivalent,~~ shall submit such petition to the county supervisor of elections who shall, within a period of not more than 30 days *after the petition is filed with the supervisor*, determine whether the petition contains the required valid signatures. *If it is determined by the clerk that the petition does not meet the requirements of s. 100.361(1)(b) and therefore is not facially valid, the clerk shall so notify the governing body of the municipality or charter county and take no further action. The petition cannot be amended after it is filed with the clerk.* The supervisor shall be paid by the persons or committee seeking verification the sum of 10 cents for each name checked.

(e) If it is determined that the petition does not contain the required signatures, the *clerk* ~~city auditor or clerk, or his equivalent,~~ shall so certify to the governing body *of the municipality or charter county* and file the petition without taking further action, and the matter shall be at an end. No additional names may be added to the petition, and the petition shall not be used in any other proceeding.

(f) If it is determined that the petition has the required signatures, then the *clerk* ~~city auditor or clerk, or his equivalent,~~ shall at once serve upon the person sought to be recalled a certified copy of the petition. Within 5 days after service, the person sought to be recalled may file with the *clerk* ~~city auditor or clerk, or his equivalent,~~ a defensive statement of not more than 200 words. The *clerk* ~~city auditor or clerk, or his equivalent,~~ shall, within 5 days, prepare a sufficient number of typewritten, printed, or mimeographed *copies* ~~counterparts~~ of the recall petition and ~~statement of grounds for recall and~~ defensive *statement* ~~statements thereto~~, as well as the names *addresses, and oaths on* ~~and affidavits upon~~ the original petition, and deliver them to the person who has been designated as chairman of the committee and take his receipt therefor. *Such prepared copies* ~~The prepared counterpart~~ shall be entitled "Recall Petition and Defense" and shall contain lines and spaces for signatures of registered electors, place of residence, election precinct number, and date of signing, together with *oaths* ~~affidavits~~ to be executed by the circulators which conform to the provisions of paragraph (c). The *clerk* ~~city auditor or clerk, or his equivalent,~~ shall deliver forms sufficient to carry the signatures of 30 percent of the registered electors.

(g) Upon receipt of the *"Recall Petition and Defense"* ~~counterparts~~, the committee may circulate them to obtain the signatures of 15 percent of the electors. Any elector who signs a recall petition shall have the right to demand in writing that his name be stricken from the petition. A written demand signed by the elector shall be filed with the *clerk* ~~city auditor or clerk, or his equivalent,~~ and upon receipt of the demand the *clerk* ~~city auditor or clerk, or his equivalent,~~ shall strike the name of the elector from the petition and place his initials to the side of the signature stricken. However, no signature may be stricken after the *clerk has delivered the "Recall Petition and Defense" to the supervisor of elections for verification* ~~city auditor or clerk, or his equivalent, has certified the total of electors to the governing body~~.

(h) Within 60 days after delivery of the *"Recall Petition and Defense"* ~~counterparts~~ to the chairman, the chairman shall file with the *clerk the "Recall Petition and Defense" which bears the* ~~city auditor or clerk, or his equivalent, the counterparts that bear~~ signatures of electors. The *clerk* ~~city auditor or clerk, or his equivalent,~~ shall assemble all signed *petitions* ~~counterparts~~, check to see that each *petition* ~~counterpart~~ is properly verified by the *oath* ~~affidavit~~ of the circulator, and submit such petitions to the county supervisor of elections, who shall *determine the number of valid signatures* ~~ascertain the number of different signatures upon the counterparts~~, purge the names withdrawn, certify within 30 days whether 15 percent of the qualified electors of the municipality have signed the petitions, and report his findings to the governing body. The supervisor shall be paid by the persons or committee seeking verification the sum of 10 cents for each name checked.

(i) If the petitions do not contain the required signatures, the *clerk* ~~city auditor or clerk, or his equivalent,~~ shall report such fact to the governing body and file the petitions and the proceedings shall be terminated, and the petitions shall not again be used. If the signatures do amount to *at least* 15 percent of the qualified electors, he shall serve notice of that fact upon the person sought to be recalled and deliver to the governing body a certificate as to the percentage of qualified voters who signed.

(2) RECALL ELECTION.—If the person designated in the petition files with the *clerk* ~~city auditor or clerk, or his equivalent~~, within 5 days after the last-mentioned notice, his written resignation, the *clerk* ~~city auditor or clerk, or his equivalent~~, shall at once notify the governing body of that fact, and the resignation shall be irrevocable. The governing body shall then proceed to fill the vacancy according to the provisions of the appropriate law. In the absence of a resignation, the chief judge of the judicial circuit in which the municipality is located shall fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than 30 days or more than 60 days after the expiration of the 5-day period last-mentioned and at the same time as any other general or special election held within the period; but if no such election is to be held within that period, the judge shall call a special recall election to be held within the period aforesaid.

(3) BALLOTS.—The ballots at the recall election shall conform to the following: With respect to each person whose removal is sought, the question shall be submitted: "Shall . . . . be removed from the office of . . . . by recall?" Immediately following each question there shall be printed on the ballots the two propositions in the order here set forth:

". . . (name of person) . . . should be removed from office."

". . . (name of person) . . . should not be removed from office."

Immediately to the right of each of the propositions shall be placed a square on which the electors, by making a crossmark (X), may vote either of the propositions. Voting machines *or electronic or electromechanical equipment* may be used.

(4) FILLING OF VACANCIES; SPECIAL ELECTIONS.—

(a) If an election is held for the recall of members elected only at-large, candidates to succeed them for the unexpired terms shall be voted upon at the same election and shall be elected in the same manner as provided by the appropriate law for the election of candidates at general elections. Candidates shall not be elected to succeed any particular member. If only one member is removed, the candidate receiving the highest number of votes shall be declared elected to fill the vacancy. If more than one member is removed, candidates equal in number to the number of members removed shall be declared elected to fill the vacancies; and, among the successful candidates, those receiving the greatest number of votes shall be declared elected for the longest terms. Cases of ties, and all other matters not herein specially provided for, shall be determined by the rules governing elections generally.

(b) If an election is held for the recall of members elected only from districts, candidates to succeed them for the unexpired terms shall be voted upon at a special election called by the chief judge of the judicial circuit in which the districts are located not less than 30 days or more than 60 days after the expiration of the recall election. The qualifying period, for purposes of this section, shall be established by the chief judge

of the judicial circuit after consultation with the *clerk* ~~municipal or charter county election official~~. Any candidate seeking election to fill the unexpired term of a recalled district municipal official shall reside in the district represented by the recalled official and qualify for office in the manner required by law. Each candidate receiving the highest number of votes for each office in the special district recall election shall be declared elected to fill the unexpired term of the recalled official. Candidates seeking election to fill a vacancy created by the removal of a municipal official shall be subject to the provisions of chapter 106.

(c) When an election is held for the recall of members of the governing body composed of both members elected at-large and from districts, candidates to succeed them for the unexpired terms shall be voted upon at a special election as provided in paragraph (b).

(d) However, in any recall election held pursuant to paragraph (b) or paragraph (c), if only one member is voted to be removed from office, the vacancy created by the recall shall be filled by the governing body according to the provisions of the appropriate law for filling vacancies.

(5) EFFECT OF RESIGNATIONS.—If the member of the governing body being recalled resigns from office prior to the recall election, the remaining members shall fill the vacancy created according to the appropriate law for filling vacancies. If all of the members of the governing body are sought to be recalled and all of the members resign prior to the recall election, the recall election shall be canceled, and a special election shall be called to fill the unexpired terms of the resigning members. If all of the members of the governing body are sought to be recalled and any of the members resign prior to the recall election, the proceedings for the recall of members not resigning and the election of successors to fill the unexpired terms shall continue and have the same effect as though there had been no resignation.

(6) WHEN PETITION MAY BE FILED.—~~Except as otherwise provided,~~ No petition to recall any member of the governing body of a municipality shall be filed until *the member* ~~he~~ has served one-fourth of his term of office. No person removed by a recall, or resigning after a petition has been filed against him, shall be eligible to be appointed to the governing body within a period of 2 years after the date of such recall or resignation. The *clerk* ~~city auditor or clerk, or his equivalent,~~ shall preserve in his office all papers comprising or connected with a petition for recall for a period of 2 years after they were filed. This method of removing members of the governing body of a municipality is in addition to such other methods now or hereafter provided by the general laws of this state.

(7) OFFENSES RELATING TO PETITIONS.—No person shall impersonate another, purposely write his name or residence falsely in the signing of any petition for recall or forge any name thereto, or sign any paper with knowledge that he is not a qualified elector of the municipality. No expenditures for campaigning for or against an officer being recalled shall be made until the date on which the recall election is to be held is publicly announced. The committee and the officer being recalled shall be subject to chapter 106. No person shall employ or pay another to accept employment or payment for circulating a recall petition. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor of the second degree and shall, upon conviction, be punished as provided by law.

(8) INTENT.—It is the intent of the Legislature that the recall procedures provided in this act shall be uniform statewide. Therefore, all municipal charter and special law provisions which are contrary to the provisions of this act are hereby repealed to the extent of this conflict.

(9) PROVISIONS APPLICABLE.—The provisions of this act shall apply to cities and charter counties which have adopted recall provisions.

Section 22. Subsection (4) of section 100.371, Florida Statutes, is amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(4) The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for verification as to the number of registered electors whose valid signatures appear thereon. The supervisor shall promptly verify the signatures upon payment of the fee required by *s. 106.51* ~~s. 99.097~~. Upon completion of verification, the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid and as being of registered electors, and the distribution by congressional district. This certificate shall be immediately transmitted to the Secretary of State. The supervisor shall retain the signature forms for at least 1 year following the election in which the issue appeared on the ballot or until the Division of Elections notifies the supervisors of elections that the committee which circulated the petition is no longer seeking to obtain ballot position.

Section 23. Subsection (2) of section 101.131, Florida Statutes, is amended to read:

101.131 Watchers at polls.—

(2) Each party and each candidate requesting to have poll watchers shall designate, in writing, poll watchers for each precinct prior to noon of the *second Tuesday* ~~10th day~~ preceding the election. The poll watchers for each precinct shall be approved by the supervisor of elections *on or before the Tuesday before* ~~at least 5 days prior to~~ the election. The supervisor shall furnish to each precinct a list of the poll watchers designated and approved for such precinct.

Section 24. Section 101.141, Florida Statutes, is amended to read:

101.141 Specifications for primary election ballot.—~~In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system,~~ The primary election ballot shall conform to the following specifications:

(1) The ballots shall be of a different color for each political party participating in the primary election. All ballots shall contain the same information as far as possible and be printed on paper of such thickness that the printing cannot be distinguished from the back.

(2) Across the top of the ballot shall be printed, "Official Primary Ballot . . . . Party" (with proper party name inserted), beneath which shall be printed the county, the precinct number, and the date of the election, except that a precinct number shall not be required for absentee ballots. Above the caption of the ballot shall be two stubs, with a perforated line between the stubs and between the lower stub and top of the ballot. Each stub shall have printed thereon: "Official Primary Ballot," below which shall appear the party name; on the left side shall be a blank line under which shall be "Signature of Voter" (only on the top stub); on the right side shall appear: "Initials of Issuing Official," above which shall be a blank line; under the party name shall appear the name of the county, the precinct number, and the date of the primary election; the stubs of all ballots for each precinct shall be prenumbered consecutively, beginning with "No. 1," and the stubs on each ballot shall bear the same number. However, a second stub shall not be required for absentee ballots.

(3) Beneath the caption and preceding the names of candidates shall be the following words: "To vote for a candidate, mark a cross (X) in the blank space at the right of the name of the candidate for whom you desire to vote."

(4) The ballot shall have the headings, under which appear the names of the offices and the candidates for the respective offices alphabetically arranged as to surnames, in the following order: the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, ~~public service commissioner,~~ state attorney, and public defender; the heading "Legislative" and thereunder the offices of state senator and state representative; the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, members of the district school board, and such other county and district offices as are involved in the primary election, in the order fixed by the Department of State~~; the heading "Official Presidential Preference Primary Ballot," as provided in s. 103.101;~~ followed, in the years of their election, by "Party offices," and thereunder the offices of state and county party executive committee members. Immediately following the name of each office on the ballot shall be printed, "Vote for One." When more than one candidate is to be nominated for office, the candidates for such office shall qualify and run in a group or district. The group or district number shall be printed beneath the name of the office. The names of candidates in the respective group or district shall be arranged thereunder in alphabetical order as to surnames, and following the group or district number there shall be printed

the words, "Vote for One." The name of the office shall be printed over each numbered group or district and each numbered group or district shall be clearly separated from the next numbered group or district, the same as in the case of single offices. When two or more candidates running for the same office have the same or similar surname and one candidate is currently holding that office, the word "Incumbent" shall be printed next to the incumbent's name. If in any primary election all the offices as above set forth are not involved, those offices to be filled shall be arranged on the ballot in the order named.

(5) On each ballot stub the words, "Official Primary Ballot" and the party name, and on the caption the words, "Official Primary Ballot . . . . Party," shall be in 18-point caps; the printed instruction to electors immediately preceding the offices and names of candidates shall be in 10-point type; the headings shall be in 12-point blackfaced caps; the offices, the group or district numbers, and the words, "Vote for One" shall be in 12-point upper and lower case blackfaced type; the names of candidates shall be in 10-point lightfaced caps; the lines on which are printed the candidates' names shall be at least 1½ picas apart, and the box to the right of each candidate's name provided for the cross (X) in voting shall be 2 picas wide and 1½ picas high.

(6) Should the above directions for complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form. The Department of State shall, not less than 60 days prior to the first primary election, mail to each supervisor of elections the format of the ballot to be used for the primary election.

(7) If the above requirements as to type, size, and kind are not possible to follow, the ballot shall be prepared to conform as closely as possible to such requirements.

Section 25. Section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for general election ballot.~~—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system,~~ The general election ballot shall conform to the following specifications:

(1) The ballot shall be printed on paper of such thickness that the printing cannot be distinguished from the back.

(2) Across the top of the ballot shall be printed "Official Ballot, General Election," beneath which shall be printed the county, the precinct number, and the date of the election. The precinct number, however, shall not be required for absentee ballots. Above the caption of the ballot shall be two stubs with a perforated line between the stubs and between the lower stub and the top of the ballot. The top stub shall be stub No. 1 and shall have printed thereon, "General Election, Official Ballot," and then shall appear the name of the county, the precinct number, and the date of the election. On the left side shall be a blank line under which shall be printed "Signature of Voter." On the right side shall be "Initials of Issuing Official," above which there shall be a blank line. The second stub shall be the same, except there shall not be a space for signature of the elector. Both stubs No. 1 and No. 2 on ballots for each precinct shall be prenumbered consecutively, beginning with "No. 1." However, a second stub shall not be required for absentee ballots.

(3)(a) Beneath the caption and preceding the names of candidates shall be the following words: "To vote for a candidate whose name is printed on the ballot, place a cross (X) mark in the blank space at the right of the name of the candidate for whom you desire to vote. To vote for a write-in candidate, write the name of the candidate in the blank space provided for that purpose." The ballot shall have headings under which shall appear the names of the offices and names of duly nominated candidates for the respective offices in the following order: the heading "Electors for President and Vice President" and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party which received the highest vote for Governor in the last general election of the Governor in this state, above which shall appear the name of said party. Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. Votes cast for write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. Then shall follow the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; then the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, ~~public service commissioner,~~ state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading "Legislative" and thereunder the offices of state senator and state representative; then the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, members of the district school board, and such other county offices as are involved in the general election, in the order fixed by the Department of State. When a write-in candidate has qualified for any office, a subheading "Write-in Candidate for . . . (name of office) . . ." shall be provided followed by a blank space in which to write the name of the candidate. With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.

(b) Immediately following the name of each office on the ballot shall be printed, "Vote for One." When more than one candidate is nominated for office, the candidates for such office shall qualify and run in a group or district, and the group or district number shall be printed beneath the name of the office. The name of the office shall be printed over each numbered group or district and each numbered group or district shall be clearly separated from the next numbered group or district, the same as in the case of single offices. Following the group or district number shall be printed the words, "Vote for One," and the names of the candidates in the respective groups or districts shall be arranged thereunder.

(4) The names of the candidates of the party which received the highest number of votes for Governor in the last election in which a Governor was elected shall be placed first under the heading for each office, together with an appropriate abbreviation of party name; the names of the candidates of the party which received the second highest vote for Governor shall be second under the heading for each office, together with an appropriate abbreviation of the party name.

(5) Minor political party candidates and independent candidates shall have their names appear on the general election ballot following the names of recognized political parties, in the same order as they were certified.

(6) Except for justices of the Supreme Court and judges of district courts of appeal, the names of unopposed candidates shall not appear on the general election ballot. Each unopposed candidate shall be deemed to have voted for himself.

(7) The same requirement as to the type, size, and kind of printing of official ballots in primary elections as provided in s. 101.141(5) shall govern the printing of official ballots in general elections.

(8) Should the above directions for complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form. Not less than 60 days prior to a general election, the Department of State shall mail to each supervisor of elections the format of the ballot to be used for the general election.

(9) The provisions of s. 101.141(7) shall be applicable in printing of said ballot.

Section 26. Subsection (2) of section 101.252, Florida Statutes, is amended to read:

101.252 Candidates entitled to have names printed on certain ballots; exception.—

(2) Any candidate for party executive committee member who has qualified as prescribed by law is entitled to have his name printed on the *first* ~~official presidential preference~~ primary ballot. However, when there is only one candidate of any political party qualified for such an office, the name of the candidate shall not be printed on the *first* ~~presidential preference~~ primary ballot, and such candidate shall be declared elected to the state or county executive committee.

Section 27. Subsection (3) of section 101.253, Florida Statutes, is amended to read:

101.253 When names not to be printed on ballot.—

(3) In no case shall the supervisor be required to print on the ballot a name which is submitted less than *21* ~~14~~ days prior to the election. In the event the ballots are printed *21* ~~14~~ days or more prior to the election,

the name of any candidate whose death, resignation, removal, or withdrawal created a vacancy in office or nomination shall be stricken from the ballot with a rubber stamp or appropriate printing device, and the name of the new nominee shall be inserted on the ballot in a like manner. *The supervisor may, as an alternative, reprint the ballots to include the name of the new nominee.*

Section 28. Section 101.254, Florida Statutes, is amended to read:

101.254 When nominated names to appear in groups or districts.—When an office requires the nomination of more than one candidate, as many groups or districts shall be numerically designated as there are vacancies to be filled by nomination. Each candidate shall indicate *on his qualifying papers* the group or district in which he desires his name to appear on the ballot. *In addition, any candidate qualifying by the petition method must indicate on his petition prior to circulating such petition, which group or district for which he is attempting to qualify.*

Section 29. Section 101.31, Florida Statutes, is amended to read:

101.31 Experimental use of voting *equipment* ~~machines~~.—The board of county commissioners of any county, or the governing body of any municipality, may provide for experimental use of any voting *equipment* ~~machine or machines~~ at any election in one or more precincts. The use of any voting *equipment* ~~machine or machines~~ on an experimental basis shall be valid for all purposes.

Section 30. Paragraph (a) of subsection (7) of section 101.5609, Florida Statutes, is amended to read:

101.5609 Ballot requirements.—

(7)(a) Absentee ballots may consist of ballot cards, envelopes, or paper ballots voted in person in the office of the election official in charge of the election, voted by mail, or delivered as provided in s. 101.62(4). *Alternative procedures may be used to record the issuance of a ballot in lieu of the requirements for initialing the stub and entering the elector's name as provided in s. 101.62(4).*

Section 31. Section 101.58, Florida Statutes, is amended to read:

101.58 Supervising and observing registration and election processes.—The Department of State may, at any time it deems fit; upon the petition of 5 percent of the registered electors; or upon the petition of any candidate, county executive committee chairman, state committeeman or committeewoman, or state executive committee chairman, appoint one or more deputies whose duties shall be to observe and examine the registration and election processes and the condition, custody, and operation of voting machines in any county or municipality. The deputy shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The deputy *may* ~~shall~~ supervise preparation of the election machines and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his duty. He shall file with the Department of State ~~a certificate that he personally examined the voting machines and with such certificate file~~ a report of his findings and observations of the registration and election processes in the county or municipality, and a copy of the ~~certificate and~~ report shall also be filed with the clerk of the circuit court of said county. The compensation of such deputies shall be fixed by the Department of State; and costs incurred under this section shall be paid from the annual operating appropriation made to the Department of State.

Section 32. Section 101.6102, Florida Statutes, is amended to read:

101.6102 Mail ballot elections; limitations.—

(1) An election may be conducted by mail ballot if:

(a) The election is a referendum election at which all or a portion of the qualified electors of one of the following subdivisions of government are the only electors eligible to vote:

1. Counties;

2. Cities;

3. School districts covering no more than one county; or

4. Special districts covering no more than one county;

(b) In addition, an annexation referendum which includes only qualified electors of one county may also be voted on by mail ballot election.

(c)~~(b)~~ The governing body responsible for calling the election and the supervisor of elections responsible for the conduct of the election authorize the use of mail ballots for the election; and

(d)~~(c)~~ The Secretary of State approves a written plan for the conduct of the election, which shall include a written timetable for the conduct of the election, submitted by the supervisor of elections.

(2) The following elections may not be conducted by mail ballot:

(a) An election at which any candidate is nominated, elected, retained, or recalled;

(b) An election held on the same date as another election, other than a mail ballot election, in which the qualified electors of that political subdivision are eligible to cast ballots; or

(c) Any referendum to approve the levy of taxes or the issuance of bonds.

(3) The supervisor of elections shall be responsible for the conduct of any election held under ss. 101.6101-101.6107.

(4) The costs of a mail ballot election shall be borne by the jurisdiction initiating the calling of the election, unless otherwise provided by law.

(5) Nothing in this section shall be construed to prohibit the use of a mail ballot election in a municipal annexation referendum requiring a separate vote of the registered electors of the annexing municipality and of the area proposed to be annexed. If a mail ballot election is authorized for a municipal annexation referendum, the provisions of ss. 101.6101-101.6107 shall control over any conflicting provisions of s. 171.0413.

Section 33. Subsection (4) of section 101.62, Florida Statutes, is amended and subsection (7) is added to said section to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. The advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.

(b) ~~The supervisor of elections shall, not less than 30 days before the first primary election, not less than 24 days before the second primary election, and not less than 30 days before the general election, mail an absentee ballot to each absent elector overseas who has made a request for an absentee ballot; and,~~ As soon as the remainder of the absentee ballots are printed, the supervisor of elections shall deliver or mail an absentee ballot to each elector by whom a request for such ballot has been made. Any elector may designate in writing a person to pick up the ballot for him; however, no candidate may be designated to pick up an absentee ballot for any elector other than a member of his immediate family. *No individual may be designated to pick up more than two absentee ballots.* Upon presentation of such written authorization by such designee in person, the supervisor may give the ballot to such designee for delivery to the elector. The supervisor shall initial the stub attached to the absen-

tee ballot and enter the name of the elector in the place indicated for the elector to sign. The supervisor shall then detach the ballot from the stub and mail or deliver the ballot. ~~Before mailing or delivering the ballot, the supervisor shall fill in the number of the precinct in which the voter is registered in the space provided for this purpose on the envelope.~~ If an elector appears in person to cast an absentee ballot, the elector shall sign the stub, and the supervisor shall then detach the ballot from the stub and deliver the ballot to the elector.

(7)(a) For the purposes of this section, "absent qualified elector overseas" means:

1. Members of the Armed Forces while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

2. Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and

3. Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,

who are qualified and registered as provided by law.

(b) Notwithstanding any other provision of law to the contrary, there shall appear on the ballots sent to absent qualified electors overseas, in addition to the names of the candidates for each office, the political party affiliation of each candidate for each office, other than a nonpartisan office.

(c) With respect to marked ballots mailed by absent qualified electors overseas, only those ballots mailed with an APO, FPO, or foreign postmark shall be considered valid.

Section 34. Section 101.67, Florida Statutes, is amended to read:

101.67 Safekeeping of mailed ballots; deadline for receiving absentee ballots.—

(1) The supervisor of elections shall safely keep in his office any envelopes received containing marked ballots of absent electors, and he shall, before the canvassing of the election returns, deliver the envelopes to the county canvassing board along with his file or list kept regarding said ballots.

(2) *Except for general election overseas absentee ballots and presidential preference primary overseas absentee ballots,* all marked absent electors' ballots to be counted must be received by the supervisor by 7 p.m. the day of the election. All ballots, *other than general election overseas absentee ballots and presidential preference primary overseas absentee ballots,* received thereafter shall be marked with the time and date of receipt and filed in his office. *General election overseas absentee ballots and presidential preference primary overseas absentee ballots shall be counted for elections if postmarked or signed and dated no later than the day of the election if received no later than 5 p.m. on the 10th day following the election as long as such ballot is otherwise proper.*

Section 35. Subsection (1) of section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of absent elector's ballot.—

(1) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor may compare the information on the Voter's Certificate on the back of the envelope with the information and the signature of the elector in the registration books to determine whether the elector is duly registered in the county and may record on the elector's registration certificate that the elector has voted. The supervisor shall safely keep the ballot unopened in his office until the county canvassing board canvasses the vote according to law. *Except for general election overseas absentee ballots and presidential preference primary overseas absentee ballots received after 7 p.m. on the day of the election,* the canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the day of the election, but not later than noon on the day following the election; however, the counting of votes on absentee ballots shall begin no earlier than 7 p.m. on the day of the election. *All general election overseas absentee ballots and presidential preference primary overseas absentee ballots which have been postmarked or signed and dated no later than the day of the election and received by 5 p.m. on the 10th day after the election and which are otherwise proper, shall be canvassed in the same manner as regular absentee ballots.* The canvassing board shall compare the ballots presented to it by the supervisor for canvass with the record required by s. 101.62(3), so as to compare the number of ballots in its possession with the number of requests for ballots received to be counted according to the supervisor's file or list, to ensure all the absentee ballots to be counted by the canvassing board are accounted for. The canvassing board shall, if the supervisor has not already done so, compare the information on the back of the envelope and the signature of the elector with the registration book to see that the elector is duly registered in the county and has not voted on election day and to determine the legality of the absent elector's ballot. If it is determined by the canvassing board that any vote is illegal, then some member of the board shall, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The envelope and the ballot contained therein shall be preserved in the manner that official ballots voted are preserved.

Section 36. Section 102.031, Florida Statutes, is amended to read:

102.031 Maintenance of good order at polls; authorities; *persons allowed in polling rooms;* unlawful solicitation of voters.—

(1) Each election board shall possess full authority to maintain order at the polls and enforce obedience to its lawful commands during an election and the canvass of the votes.

(2) The sheriff shall deputize a deputy sheriff for each precinct who shall be present during the time the polls are open and until the election is completed, who shall be subject to all lawful commands of the clerk or inspectors, and who shall maintain good order. The deputy may summon assistance from among bystanders to aid him when necessary to maintain peace and order at the polls.

(3)(a) *No person may enter any polling room or polling place where the polling place is also a polling room, during voting hours except the following:*

1. Official poll watchers;

2. Inspectors;

3. Election clerks;

4. The supervisor of elections or his deputy;

5. Persons there to vote, persons in the care of a voter, or persons caring for such voter; or

6. Law enforcement officers or emergency service personnel there with permission of the clerk or a majority of the inspectors.

(b) The restriction in this subsection does not apply where the polling room is in an area commonly traversed by the public in order to gain access to businesses or homes or in an area traditionally utilized as a public area for discussion.

(c) No person, political committee, committee of continuous existence, or other group or organization may solicit voters within *50* ~~150~~ feet of *the entrance to* any polling place, or polling room where the polling place is *also a polling room* ~~shopping center or mall~~, on the day of any election.

1. Solicitation shall not be restricted if:

a. Conducted from a separately marked area within the 50-foot zone so as not to disturb, hinder, impede, obstruct, or interfere with voter access to the polling place or polling room entrance; and

b. The solicitation activities and subject matter are clearly and easily identifiable by the voters as an activity in which they may voluntarily participate; or

c. Conducted on property within the 50-foot zone which is a residence, established business, private property, sidewalk, park, or property traditionally utilized as a public area for discussion.

2. Solicitation shall not be permitted within the 50-foot zone on a public sidewalk or other similar means of access to the polling room if it is clearly identifiable to the pollworkers that the solicitation is impeding, obstructing, or interfering with voter access to the polling room or polling place.

(d)~~(b)~~ For the purpose of this subsection, the term "solicit" shall include, but not be limited to, *seeking* ~~soliciting~~ or attempting to *seek* ~~solicit~~ any vote, *fact,* opinion, or contribution ~~for any purpose~~; distributing or attempting to distribute any political or campaign material, *leaflet, or handout; conducting a poll; seeking;* ~~soliciting~~ or attempting to *seek* ~~solicit~~ a signature on any petition; and selling or attempting to sell any item~~, except within an established place of business~~.

(e)~~(c)~~ Each supervisor of elections shall ~~determine and~~ inform the clerk of each precinct of the area within which soliciting is unlawful, based on the particular characteristics of that polling place. The supervisor or the clerk may take any reasonable action necessary to ensure order at the polling places *which shall include* ~~affected by such soliciting, including~~:

1. Designating a specific ~~limited~~ area for soliciting *pursuant to paragraph (c) of this subsection, or*~~, and~~

2. Having disruptive and unruly persons removed by law enforcement officers from the *polling room or place or from the 50-foot zone surrounding the* polling place.

Section 37. Section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

(1) ~~Immediately after certification of any election by the county canvassing board, the results shall be forwarded to the Department of State concerning the election of any federal or state officer.~~ The Governor, the Secretary of State, and the Director of the Division of Elections shall be the Elections Canvassing Commission. The Elections Canvassing Commission shall, as soon as the official results are compiled from all counties, certify the returns of the election and determine and declare who has been elected for each office. In the event that any member of the Elections Canvassing Commission is unavailable to certify the returns of any election, such member shall be replaced by a substitute member of the Cabinet as determined by the Director of the Division of Elections. If the county returns are not received by the Department of State by 5 p.m. of the *thirteenth* ~~seventh~~ day following an election, all missing counties *may* ~~shall~~ be *omitted* ~~ignored,~~ and the results shown by the returns on file ~~shall be~~ certified.

(2) The Division of Elections shall provide the staff services required by the Elections Canvassing Commission.

Section 38. Section 102.112, Florida Statutes, is created to read:

102.112 Deadline for submission of county returns to the Department of State; penalties.—

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results. If the returns are not received by the department by 5 p.m. on the 7th day after an election, such returns may be ignored and the results on file at that time may be certified by the department.

(2) The department shall fine each board member $200 for each day such returns are late, the fine to be paid only from the board member's personal funds. Such fines shall be deposited into the Election Campaign Financing Trust Fund, created by s. 106.32.

(3) Members of the county canvassing board may appeal such fines to the Florida Elections Commission, which shall adopt rules for such appeals.

Section 39. Section 102.151, Florida Statutes, is amended to read:

102.151 County canvassing board to issue certificates; supervisor to give notice to Department of State.—The county canvassing board shall make and sign *duplicate* ~~triplicate~~ certificates containing the total number of votes cast for each person nominated or elected, the names of persons for whom such votes were cast, and the number of votes cast for each candidate or nominee. One of such certificates which relates to offices for which the candidates or nominees have been voted for in more than one county shall be immediately transmitted to the Department of State, ~~another to the clerk of the circuit court,~~ and the *second* ~~third~~ copy filed in the supervisor's office. The supervisor shall transmit to the Department of State, immediately after the county canvassing board has canvassed the returns of the election, a list containing the names of all county and district officers nominated or elected, the office for which each was nominated or elected, and the mailing address of each.

Section 40. Subsections (3) and (4) of section 103.021, Florida Statutes, are amended to read:

103.021 Nomination for presidential electors.—Candidates for presidential electors shall be nominated in the following manner:

(3) A minor political party may have the names of its candidates for President and Vice President printed, and independent candidates for President and Vice President may have their names printed, on the general election ballots if a petition is signed by 1 percent of the registered electors of this state, as shown by the compilation by the Department of State for the last preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisor of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the first primary, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in *s. 106.51* ~~s. 99.097~~. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates.

(4) Any minor political party which has met the petitioning requirements of *s. 106.49* ~~s. 99.096~~ and will have the names of a candidate or candidates for any office or offices to be filled by a statewide election printed on the general election ballot, and which minor party is affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States, may have the names of its candidates for President and Vice President of the United States printed on the general election ballot by filing with the Department of State a certificate naming the candidates for President and Vice President and listing the required number of persons to serve as electors. Notification to the Department of State under this subsection shall be made by September 1 of the year in which the election is held. When the Department of State has been so notified, it shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates.

Section 41. Subsection (2) of section 103.101, Florida Statutes, is amended and subsection (10) is added to said section to read:

103.101 Presidential preference primary.—

(2) There shall be a Presidential Candidate Selection Committee composed of the Secretary of State, who shall be a nonvoting chairman; the Speaker of the House of Representatives; the President of the Senate; the minority leader of each house of the Legislature; and the chairman of each political party required to have a presidential preference primary under this section.

(a) By December 31 of the year preceding the Florida presidential preference primary, each political party shall submit to the Secretary of State a list of its presidential candidates to be placed on the presidential preference primary ballot or candidates entitled to have delegates appear on the presidential preference primary ballot. The Secretary of State shall prepare and publish a list of the names of the presidential candidates submitted. The Secretary of State shall submit such list of names of presidential candidates to the selection committee on the first Tuesday after the first Monday in January each year a presidential preference primary election is held. Each person designated as a presidential candidate shall have his name appear, or have his delegates' names appear, on the presidential preference primary ballot unless all committee members of the same political party as the candidate agree to delete such candidate's name from the ballot. The selection committee shall meet in Tallahassee on the first Tuesday after the first Monday in January each year a presidential preference primary is held. The selection committee shall publicly announce and submit to the Department of State no later than 5 p.m. on the following day the names of presidential candidates who shall have their names appear, or who are entitled to have their delegates' names appear, on the presidential preference primary ballot. The Department of State shall immediately notify each presidential candidate designated by the committee. Such notification shall be in writing, by registered mail, with return receipt requested.

(b) Any presidential candidate whose name does not appear on the list submitted to the Secretary of State may request that the selection committee place his name on the ballot. Such request shall be made *in writing to the Secretary of State* no later than the second Tuesday after the first Monday in January.

(c) If a presidential candidate makes a request that the selection committee reconsider placing the candidate's name on the ballot, the selection committee will reconvene no later than the second Thursday after the first Monday in January to reconsider placing the candidate's name on the ballot. The Department of State shall immediately notify such candidate of the selection committee's decision.

(10) Presidential preference primary absentee overseas ballots shall be counted for elections if postmarked or signed and dated no later than the day of the election if received no later than 5 p.m. on the 10th day following the election as long as such ballot is otherwise proper.

Section 42. Paragraph (a) of subsection (5) of section 103.121, Florida Statutes, is amended to read:

103.121 Powers and duties of executive committees.—

(5)(a) The central committee or other equivalent governing body of each state executive committee shall adopt a rule which governs the time and manner in which the respective county executive committees of such party may endorse, certify, screen, or otherwise recommend one or more candidates for such party's nomination for election. Upon adoption, such rule shall provide the exclusive method by which a county committee may so endorse, certify, screen, or otherwise recommend. No later than the date on which qualifying for public office begins pursuant to *s. 106.43* ~~s. 99.061~~, the chairman of each county executive committee shall notify in writing the supervisor of elections of his county whether the county executive committee has endorsed or intends to endorse, certify, screen, or otherwise recommend candidates for nomination pursuant to party rule. A copy of such notification shall be provided to the Secretary of State and to the chairman of the appropriate state executive committee.

Section 43. Subsection (1) of section 104.071, Florida Statutes, is amended, subsection (2) is renumbered as subsection (3), and a new subsection (2) is added to said section, to read:

104.071 Remuneration by candidate for services, support, etc.; penalty.—

(1) It is unlawful for any person supporting a candidate, or for any candidate, in order to aid or promote the nomination or election of such candidate in any election, directly or indirectly to:

(a) Promise to appoint another person, promise to secure or aid in securing appointment, nomination or election of another person to any public or private position, or to any position of honor, trust, or emolument, except one who has publicly announced or defined what his choice or purpose in relation to any election in which he may be called to take part, if elected.

(b) Give, or promise to give, pay, or loan, any money or other thing of value to the owner, editor, publisher, or agent, of any communication media, as well as newspapers, to advocate or oppose, through such media, any candidate for nomination in any election or any candidate for election, and no such owner, editor, or agent shall give, solicit, or accept such payment or reward. It shall likewise be unlawful for any owner, editor, publisher, or agent of any poll-taking or poll-publishing concern to advocate or oppose through such poll any candidate for nomination in any election or any candidate for election in return for the giving or promising to give, pay, or loan any money or other thing of value to said owner, editor, publisher, or agent of any poll-taking or poll-publishing concern.

(c) Give, pay, expend, or contribute any money or thing of value for the furtherance of the candidacy of any other candidate.

(d) Furnish, give, or deliver to another person any money or other thing of value for any purpose prohibited by the election laws.

This subsection shall not prohibit a candidate from furnishing complimentary tickets to his campaign fund raiser to other candidates.

(2) A candidate may give his own personal or business funds to another candidate, so long as the contribution is not given in exchange for a promise or expectation that the recipient will directly or indirectly do anything to aid or promote the candidacy of the contributor which the recipient would not have otherwise done.

Section 44. Subsection (2) of section 105.035, Florida Statutes, is amended to read:

105.035 Alternative method of qualifying for certain judicial offices.—

(2) The Division of Elections shall prescribe the form of the petitions and shall, upon receipt of a written oath from a candidate, provide the candidate with petition forms in sufficient numbers to facilitate the gathering of signatures pursuant to this section. No signature shall be counted toward the number of signatures required unless it is on a petition form prescribed pursuant to this subsection. *If the candidate is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate's petition must indicate prior to the obtaining of registered electors' signatures for which group the candidate is running.*

Section 45. Section 101.121, Florida Statutes, is hereby repealed.

Section 46. This act shall take effect January 1, 1990.

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

Amendment 1A—On page 15, strike all of lines 4-22 and insert:

106.46 ~~99.092~~ *Qualifying* ~~Filing~~ fee of candidate; notification of Department of State.—

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify pursuant to *s. 106.47* ~~s. 99.095~~ and except a person seeking to qualify as a write-in candidate, shall pay a *qualifying fee, which shall consist of a* filing fee *and election assessment* to the officer with whom he qualifies and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his other qualifying papers. The amount of the filing fee is 3 percent of the annual salary of the office. *The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be deposited into the Elections Commission Trust Fund.* The amount of the *party* ~~committee~~ assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee, *election assessment*, and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying *fee* ~~fees~~ shall be returned to the candidate unless

Amendment 1B—On page 70, between lines 16 and 17, insert:

Section 45. Subsection (5) is added to Section 106.24, Florida Statutes, to read:

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(5) There is hereby established in the State Treasury an Elections Commission Trust Fund to be utilized by the Division of Elections and the Florida Elections Commission in order to carry out their duties pursuant to ss. 106.24-106.28.

(Renumber subsequent sections.)

Senator D. Childers moved the following amendment to Amendment 1 which was adopted:

Amendment 1C—On page 16, strike all of lines 4-7 and insert: follows: the *71st* ~~57th~~ day prior to the first primary, but not later than noon of the *67th* ~~53rd~~ day prior to the date of the first primary, for persons seeking to qualify for nomination or election to federal office; and noon of the 50th day prior to

Amendment 1 as amended was adopted.

Senator Brown moved the following amendment:

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; modifying definitions used in The Florida Election Code; amending s. 97.041, F.S.; requiring legal residency in this state for voter registration; providing for preregistration of 17 year olds; amending s. 97.063, F.S.; modifying the attesting witnesses requirement on absentee registration forms; amending s. 97.0631, F.S.; providing for

notice to overseas electors when possible; amending s. 97.091, F.S.; requiring a person to have his legal residence in the precinct in which he votes; transferring ss. 99.012, 99.032, 99.061, 99.091, 99.0965, 99.103, 99.121, F.S., to ss. 106.40, 106.42, 106.43, 106.45, 106.50, 106.52, 106.53, F.S., respectively; amending s. 98.051, F.S.; revising the hours and days a supervisor may keep his office open; amending s. 98.211, F.S.; providing for copies of voter information within certain time limit; providing a penalty; amending s. 98.231, F.S.; requiring supervisors to maintain certain information on electors and handicapped electors; amending s. 98.271, F.S.; providing voter registration services to clients of residential facilities; transferring and amending s. 99.021, F.S.; correcting cross-references; transferring and amending s. 99.061, F.S.; modifying procedures for notifying candidates of errors in their qualifying papers; transferring and amending s. 99.081, F.S.; providing for election of U.S. Senators; transferring and amending s. 99.092, F.S.; correcting cross-reference; transferring and amending s. 99.095, F.S.; providing procedures for candidates qualifying by petition; correcting cross-references; transferring and amending s. 99.0955, F.S.; providing technical changes; correcting cross-references; transferring and amending s. 99.096, F.S.; providing technical changes; correcting cross-references; transferring and amending s. 99.097, F.S.; correcting cross-reference; providing that persons or organizations wanting to have an issue placed on the ballot by the petition process may have certain charges and fees waived; amending s. 100.041, F.S.; deleting obsolete language; amending s. 100.111, F.S.; correcting cross-reference; providing procedures for filling a vacancy in nomination which occurs less than 21 days prior to an election; amending s. 100.151, F.S.; prohibiting the governing authority of a municipality from calling any special election without notice; amending s. 100.361, F.S.; prescribing procedures and requirements for municipal recall petitions; providing clarifying language; amending s. 100.371, F.S.; correcting cross-references; amending s. 101.131, F.S.; providing time for designating poll watchers; amending ss. 101.141, 101.151, F.S.; making ballot specifications applicable to all types of ballots; amending s. 101.252, F.S.; providing that a candidate for party executive committee member shall have his name printed on the first primary ballot; amending s. 101.253, F.S.; allowing supervisor to reprint certain ballots; amending s. 101.254, F.S.; requiring candidate to provide certain information on his qualifying papers; amending s. 101.31, F.S.; providing technical changes; amending s. 101.5609, F.S.; allowing the use of alternative procedures to record issuance of ballots; amending ss. 101.58, 101.6102, F.S.; providing technical changes; amending s. 101.62, F.S.; providing for the advanced mailing of absentee ballots to oversees electors; amending s. 101.67, F.S.; revising deadline for counting absentee ballots; amending s. 101.68, F.S.; revising deadlines for canvass of absentee ballots; amending s. 102.031, F.S.; providing restrictions on access to polling rooms and polling places; providing exceptions; amending s. 102.111, F.S., and creating s. 102.112, F.S.; revising procedures for canvassing of county election returns; providing a penalty; amending ss. 102.151, 103.021, F.S.; providing technical changes; providing clarification; correcting cross-references; amending s. 103.101, F.S.; providing procedures for having a presidential candidate's name placed on the ballot; extending time for counting of absentee ballots for presidential preference primary ballots; amending s. 103.121, F.S.; correcting cross-references; amending s. 104.071, F.S.; allowing candidates to furnish complimentary tickets and make certain contributions from personal or business funds; amending s. 105.035, F.S.; providing conforming language; repealing s. 101.121, F.S., relating to persons allowed in polling room; providing an effective date.

Senator Brown moved the following amendments to Amendment 2 which were adopted:

Amendment 2A—In title, on page 2, line 3, after "cross reference;" insert: providing an election assessment fee

Amendment 2B—In title, on page 4, line 7, after the semicolon (;) insert: creating the Elections Commission Trust Fund

Senator D. Childers moved the following amendment to Amendment 2 which was adopted:

Amendment 2C—In title, on page 1, line 21, after the semicolon (;) insert: revising the qualifying period for candidates for federal office;

Amendment 2 as amended was adopted.

On motion by Senator Brown, by two-thirds vote CS for CS for HB 1362 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator Kirkpatrick, 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 returns as requested SB 1089.

John B. Phelps, Clerk

SB 1089—A bill to be entitled An act relating to the University of Florida; naming the football stadium at Florida Field in honor of Ben Hill Griffin, Jr.; providing for future repeal and review of such designation; designating present Floyd Hall as Griffin-Floyd Hall; providing an effective date.

Reconsideration

On motion by Senator Kirkpatrick, the Senate reconsidered the vote by which SB 1089 as amended passed May 31.

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

Amendment 1—On page 2, line 22, strike "(1)"

Amendment 2—On page 2, lines 25 and 26, strike all of said lines.

Amendment 3—In title, on page 1, lines 4 and 5, strike all of said lines and insert: honor of Ben Hill Griffin, Jr.;

SB 1089 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SPECIAL ORDER, continued

Consideration of **CS for SB 1230** was deferred.

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

CS for HB 430—A bill to be entitled An act relating to pollution control; amending s. 376.30, F.S.; providing legislative intent; amending s. 376.301, F.S.; providing definitions; amending s. 376.303, F.S.; revising language with respect to the powers and duties of the Department of Environmental Regulation concerning pollution of surface and ground waters; authorizing the establishment of standards for underground facilities which store hazardous substances and pollutants, and marine fueling facilities and aboveground facilities which store pollutants; revising provisions relating to the department's compliance verification program; providing for issuance and display of registration placards; providing registration fees; requiring marine fueling facilities to pay registration fees; amending s. 376.3071, F.S.; providing an additional use for the Inland

Protection Trust Fund; revising provisions relating the program of insurance and to reimbursement for cleanup expenses; amending s. 376.3072, F.S.; changing the name of the Florida Petroleum Liability Insurance Program to the Florida Petroleum Liability Insurance and Restoration Program; revising language with respect to the scope and type of coverage under the program; redefining the term "incident"; defining the term "petroleum products"; revising criteria with respect to eligibility for participation in the program; providing for the payment of premiums directly to contractors under certain circumstances; amending s. 376.3073, F.S., relating to local programs for control of contamination; providing for the advance of working capital to the local government under certain circumstances; amending s. 376.317, F.S.; authorizing county governments to adopt certain ordinances with respect to underground storage tanks; amending s. 287.0595, F.S., relating to pollution response action construction contracts, to conform a cross-reference; amending s. 403.091, F.S., relating to inspection of facilities by the Department of Environmental under the Florida Air and Water Pollution Conrol Act, to conform a cross-reference; amending s. 403.760, F.S., relating to public used oil collection centers, to conform a cross-reference; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 691 and by two-thirds vote read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for HB 430 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	

Nays—None

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 CS for CS for SB's 9, 1, and 248 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB's 9, 1 and 248—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.01, F.S.; defining the term "marine fish"; creating s. 370.0605, F.S.; providing for saltwater fishing licenses; providing fees; providing duties of tax collectors and the Department of Natural Resources; providing for the department to charge a tax collector the fees for lost licenses that exceed a limit specified by the department; prohibiting certain unlawful uses of a saltwater fishing license; amending s. 370.111, F.S.; providing for a snook stamp; amending s. 370.14, F.S.; providing for a crawfish stamp; creating s. 370.0606, F.S.; providing for the appointment of subagents for the issuance and sale of saltwater fishing licenses; providing bonding requirements for such subagents; providing for a marine information system; providing for the disposition of license fees; creating a Marine Resources Conservation Trust Fund; specifying level of general revenue funding for certain activities and programs; providing for the allocation of certain federal moneys to the department and the Game and Fresh Water Fish Commission; creating additional positions and providing appropriations; providing an effective date.

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

Section 1. Subsection (21) is added to section 370.01, Florida Statutes, 1988 Supplement, to read:

370.01 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(21) "Marine fish" means any saltwater species of finfish of the classes Agnatha, Chondrichthyes, and Osteichthyes, and marine invertebrates in the classes Gastropoda, Bivalvia, and Crustacea, or the phylum Echinodermota, but does not include nonliving shells or Echinoderms.

Section 2. Section 370.0605, Florida Statutes, is created to read:

370.0605 Saltwater fishing license required; fees.—

(1)(a) No person, except as provided in this section, may take, attempt to take, or possess any marine fish for noncommercial purposes, nor may any person operate any vessel wherein a fee is paid either directly or indirectly for the purpose of taking, attempting to take, or possessing any marine fish for noncommercial purposes, unless he has obtained a license from the department for each vessel for that purpose and has paid the license fee pursuant to subsection (2) for such vessel. One-year licenses shall be dated when issued and shall be valid until 12 months after the date of issuance. Each license identification card shall include the person's name, address, personal description and residency status, and other information as required by the department, and, if the license is issued to the owner, operator, or custodian of a vessel, the vessel registration number or federal documentation number shall be included. Such license is not transferable, shall bear on its face in indelible ink the name of the person to whom it is issued, and shall be affixed to a license identification card approved by the department, upon which the tax collector may affix his seal. Such license is not valid unless it bears the name of the person to whom it is issued.

(b) The license must be in the personal possession of the person taking, attempting to take, or possessing marine fish or in the possession of the person operating any vessel wherein a fee is paid, either directly, or indirectly, for the purpose of taking or attempting to take marine fish for noncommercial purposes and must be exhibited to any authorized law enforcement officer upon his request.

(2) Saltwater fishing license fees are as follows:

(a)1. For a resident of the state, $10 for a ten-day license and $12 for a one-year license.

2. For a nonresident of the state, $15 for a seven-day license and $30 for a one-year license.

(b)1. For any person who operates any vessel licensed to carry more than ten customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish, $800 per year. The license must be kept aboard the vessel at all times.

2. For any person who operates any vessel licensed to carry no more than ten customers, or for any person licensed to operate any vessel carrying six or less customers, wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish, $400 per year; provided any person licensed to operate any vessel carrying six or less customers but who operates a vessel carrying no more than 2 customers, wherein a fee is paid, either directly or indirectly, for such purposes, $200 per year. The license must be kept aboard the vessel at all times.

License fees paid pursuant to this subsection shall not be used as credit toward any other license fee required by this chapter. No other license fee paid pursuant to this chapter shall be used as credit towards the license fees required by this subsection. The owner, operator, or custodian of a vessel the operator of which has been licensed pursuant to subsection (1) must maintain and report such statistical data as required by, and in a manner set forth in, the rules of the department.

(3) A saltwater fishing license is not required for:

(a) Any person under 16 years of age.

(b) Any Florida resident fishing in saltwater from land or from a structure fixed to the land.

(c) Any person fishing from a vessel the operator of which is licensed pursuant to subsection (1).

(d) Any person who holds a valid saltwater products license issued pursuant to s. 370.06(2).

(e) Any person 65 years of age or older who holds a valid state driver's license or voter registration card.

(f) Any resident who is a member of the Armed Forces of the United States, who is not stationed in this state, when fishing while home on leave for 30 days or less, upon submission of orders.

(g) Any person who has been accepted by the Department of Health and Rehabilitative Services for developmental services.

(4) The tax collector shall issue a permanent saltwater fishing license, without license fee, to any resident who is certified by a licensed physician of this state, by any branch of the United States Armed Services, or by the United States Veterans Administration to be totally and permanently disabled or who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17.

(5) The tax collectors of the state shall be agents of the department for the purpose of issuing licenses and collecting fees pursuant to this section. Notwithstanding any other provisions of this section, licenses must be issued in accordance with the procedures used by the tax collectors in issuing other licenses pursuant to chapter 372, but such procedures must allow for a one in ten random sampling of licenseholders. The tax collectors shall submit the sampling documentation to the department monthly. To defray the cost of issuing any license, the issuing tax collector shall collect and retain as his costs, in addition to any license fee collected, the sum of $1.50.

(6)(a) All license moneys collected under this section, except authorized service fees retained by the county tax collectors, along with a report of sale shall be remitted to the department within 15 days after the last day of the month in which the moneys were collected. The department shall transmit all moneys received to the Treasurer for deposit. In conjunction with the monthly sales report and remittance of all license moneys collected, the county tax collector shall report to the department the total quantity of licenses voided or unaccounted for by the county. The originals of all licenses voided in the previous month shall be submitted along with the monthly report. Forms for making such reports shall be approved or furnished by the department.

(b) Each county tax collector shall maintain records of all such licenses which are sold, voided, stolen, or lost.

(c) Not later than August 15 of each year, each county tax collector shall provide the department with a written report as to the audit numbers of the unissued licenses and stamps for the previous fiscal year; and within 30 days after the publication of the annual audit report, a written audit report on unissued, sold, and voided licenses and stamps with certified reconciliation statements prepared by a certified public accountant. Concurrent with the submission of the certification, the county tax collector shall remit to the department the monetary value established in s. 370.0605 of all unaccounted-for licenses and stamps. Tax collectors shall also be responsible for fees for all licenses and stamps distributed to subagents, sold, or reported as lost. The department may adopt rules to implement this section.

(7) Not later than August 15 of each year, each county tax collector shall submit to the department all unissued pictorial stamps for the previous fiscal year.

(8) Upon request, a replacement license to replace a lost or destroyed license may be obtained by submitting $2 with a request to the county tax collector of the county in which the license was initially issued. The department shall supply application forms for such replacement licenses and require such information or documents as are necessary to serve as reasonable proof of such loss or destruction. The office of the county tax collector may retain $1 for each replacement license issued. The department may, by rule, provide procedures for issuing a replacement license to any person who is unable to furnish to the tax collector such proof as is required by the department showing that he has purchased an original license.

(9) A person may not alter or change in any manner, or loan or transfer to another, any license issued pursuant to this section, nor may any person other than the person to whom it is issued use the license.

(10) It is unlawful for any person to knowingly and willfully enter false information on, or allow or cause false information to be entered on or shown upon, any license issued pursuant to this section in order to avoid prosecution or to assist another to avoid prosecution, or for any other wrongful purpose.

(11) The department or any other law enforcement agency may make any investigation necessary to secure information required to carry out and enforce this section.

(12) It is unlawful for any person to make, forge, counterfeit, or reproduce a saltwater fishing license unless authorized by the department. It is unlawful for any person knowingly to have in his possession a forged, counterfeit, or imitation of such license, unless possession by such person has been fully authorized by the department. Any person who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(13) Violation of subsection (1) constitutes a noncriminal violation, punishable as provided in s. 775.083.

Section 3. Subsections (5) and (6) are added to section 370.111, Florida Statutes, to read:

370.111 Snook, regulation.—

(5)(a) In addition to licenses required by s. 370.0605, any person that takes and possesses any snook from any waters of the state must have a snook stamp affixed to the license issued pursuant to s. 370.0605. The cost of each snook stamp shall be $2. Each snook stamp issued pursuant to this section shall be valid only during the times established by law for the taking of snook.

(b) The intent of paragraph (a) is to expand research and management to increase snook populations in the state without detracting from other programs. Moneys generated from snook stamps shall be used exclusively for programs to benefit snook populations.

(6) The department may periodically conduct competitions to select a designer of the snook stamp. Also, the department may enhance revenues from the sale of snook stamps by issuing special editions for stamp collectors and other such special purposes.

Section 4. Subsections (7) and (8) are added to section 370.14, Florida Statutes, 1988 Supplement, to read:

370.14 Crawfish; regulation.—

(7) CRAWFISH STAMP.—

(a) In addition to licenses required by s. 370.0605, any person that takes and possesses any crawfish for recreational purposes from any waters of the state must have a crawfish stamp affixed to the license issued pursuant to s. 370.0605. The cost of each crawfish stamp shall be $2. Each crawfish stamp issued pursuant to this section shall be valid only during the times established by law for the taking of crawfish.

(b) The intent of paragraph (a) is to expand research and management to increase crawfish populations in the state without detracting from other programs. Moneys generated from crawfish stamps shall be used exclusively for programs to benefit crawfish populations.

(8) CRAWFISH STAMP SPECIAL EDITIONS.—The department may conduct competitions to periodically select a designer of the crawfish stamp. Also, the department may enhance revenues from the sale of crawfish stamps by issuing special editions for stamp collectors and other such special purposes.

Section 5. Section 370.0606, Florida Statutes, is created to read:

370.0606 Appointment of subagents for issuance and sale of saltwater fishing licenses.—

(1) A county tax collector may appoint any person as a subagent in the county and in states contiguous to this state for the sale and issuance of saltwater fishing licenses which the tax collector is allowed to sell and issue. Such subagent shall serve at the pleasure of the county tax collector. An employee of the county tax collector, his relative, or next of kin, by blood or otherwise, may not be appointed as a subagent.

(2) The tax collector may require each subagent to post an appropriate bond as determined by the tax collector, using an insurance company acceptable to the tax collector, up to an amount not to exceed twice the value of licenses in the possession of the subagent at any one time. In lieu of such bond, the tax collector may purchase blanket bonds covering all or selected subagents or may allow a subagent to post such other security as is required by the tax collector. A bond or other security is not required for licenses which are prepaid by the subagent.

(3) A subagent may sell and issue saltwater fishing licenses at such specific locations within the county in which the appointing county tax collector exercises jurisdiction as, in the judgment of the county tax collector, will best serve the public interest and may charge and receive as

compensation a service charge of 50 cents for the issuance of each saltwater fishing license. This service charge is in addition to any other sum required by law to be collected.

(4) Each subagent is required to submit copies of, payment for, and report the sale of saltwater fishing licenses made during the preceding month by such date as prescribed by the tax collector.

Section 6. *The Department of Natural Resources shall establish by rule a marine information system in conjunction with the licensing program to gather marine fisheries data.*

Section 7. *All license fees collected pursuant to section 370.0605, Florida Statutes, shall be deposited as follows:*

(1) Not more than 2.5 percent of the total fees collected shall be deposited into the Marine Fisheries Commission Trust Fund to be used for the purposes set forth in section 370.029, Florida Statutes.

(2) Not less than 2.5 percent of the total fees collected shall be deposited in the Save Our State Environmental Education Trust Fund hereby created in the Department of Natural Resources to be used for aquatic education purposes.

(3)(a) The remainder of such fees shall be deposited into the Marine Resources Conservation Trust Fund which is hereby created within the Department of Natural Resources to be used by the department for the following program functions:

1. Not more than 5 percent of the total fees collected, for administration of the licensing program and for information and education.

2. Not more than 30 percent of the total fees collected, for law enforcement.

3. Not less than 30 percent of the total fees collected, for marine research.

4. Not less than 30 percent of the total fees collected, for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries.

(b) The Legislature shall each year appropriate to the Department of Natural Resources from the General Revenue Fund for the activities and programs specified in paragraph (a) at least the same amount of money as was appropriated to the department from the General Revenue Fund for such activities and programs for fiscal year 1988-1989, and the amounts appropriated to the department for such activities and programs from the Marine Resources Conservation Trust Fund shall be in addition to the amount appropriated to the department for such activities and programs from the General Revenue Fund. The proceeds from saltwater fishing license fees paid by fishermen shall only be appropriated to the Department of Natural Resources.

(c) The Department of Natural Resources and the Game and Fresh Water Fish Commission shall develop and maintain a Memorandum of Understanding to provide for the equitable allocation of federal aid available to Florida pursuant to the Sport Fish Restoration Administration Funds. Funds available from the Wallop-Breaux Aquatic Resources Trust Fund shall be distributed between the department and the commission in proportion to the numbers of resident fresh and saltwater anglers as determined by the most current data on license sales. Unless otherwise provided by federal law, the department and the commission, at a minimum, shall provide the following:

1. Not less than 5 percent or more than 10 percent of the funds allocated to each agency shall be expended for an aquatic resources education program; and

2. Not less than 10 percent of the funds allocated to each agency shall be expended for acquisition, development, renovation, or improvement of boating facilities.

Section 8. *The Department of Natural Resources is authorized one additional position and appropriated the sum of $74,012 from the Working Capital Trust Fund for fiscal year 1989-1990 to provide programming support for applications using the new data base for saltwater fishing license information.*

Section 9. *The sum of $500,000 is hereby appropriated from the Marine Resources Conservation Trust Fund for reimbursement to the Coastal Protection Trust Fund before July 1, 1990, as required by section 32 of chapter 88-393, Laws of Florida.*

Section 10. *(1) The Department of Natural Resources is authorized 10 additional positions and is appropriated the sum of $592,000 from the Marine Resources Conservation Trust Fund for fiscal year 1989-1990 to continue the funding of research under the fisheries independent monitoring program.*

(2) Any moneys available pursuant to subparagraph 3. of paragraph (a) of subsection (2) of section 7 of this act, shall be expended by the Department of Natural Resources within Florida through grants and contracts for research with research institutions including but not limited to: Florida Sea Grant; Florida Marine Resources Council; Harbour Branch Oceanographic Institute; Technological Research and Development Authority; Florida Marine Research Institute of the Department of Natural Resources; Indian River Region Research Institute; Mote Marine Laboratory; Marine Resources Development Foundation; Florida Institute of Oceanography; and Rosentiel School of Marine and Atmospheric Science.

Section 11. Section 372.57, Florida Statutes, is amended to read:

372.57 Licenses and stamps; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals within this state without having first obtained a license or stamp and paid the license fee hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license or stamp shall authorize the person to whom it is issued to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license or stamp is not transferable, shall bear on its face in indelible ink the name of the person to whom it is issued, and shall be affixed to a license identification card issued by the commission, upon which the tax collector may affix his seal. Such license or stamp is not valid unless it bears the name of the person to whom it is issued and is so affixed. Such stamp or license shall be in the personal possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. The failure of such person to exhibit such license or stamp to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. The requirement that a license or stamp bear the name of the person to whom it is issued does not apply to the Florida waterfowl stamp provided for in paragraph (5)(a).

(1) No license or stamp shall be required for the following:

(a) Any child under 16 years of age.

(b) Any person hunting or fishing in his county of residence on his homestead or the homestead of his spouse or minor child, or any minor child hunting or fishing on the homestead of his parent.

(c) Any resident who is a member of the Armed Forces of the United States, who is not stationed in this state, when fishing while home on leave for 30 days or less, upon submission of orders.

(d) Any resident when fishing with live or natural bait, using poles or lines which are not equipped with a fishing line retrieval mechanism, and fishing for noncommercial purposes in the county of his residence, except on legally established fish management areas. This paragraph, as amended by chapter 76-156, Laws of Florida, may be cited as the "Dempsey J. Barron, W. D. Childers, and Joe Kershaw Cane Pole Tax Repeal Act of 1976."

(e) Any person fishing in a fish pond of 20 acres or less which is located entirely within the private property of the fish pond owner.

(f) Any person fishing in a fish pond which is licensed in accordance with s. 372.5705.

(g) Any person fishing who has been accepted as a client for retardation services by the Department of Health and Rehabilitative Services, which department shall furnish such person proof thereof.

(h) Any resident of Georgia *or Alabama* age 65 or older, provided that a reciprocal provision exists under Georgia *or Alabama* law affording such privileges, without cost, to any resident of Florida age 65 or older and that such resident of Georgia *or Alabama* has in his possession proof of his age and Georgia *or Alabama* residency. However, such reciprocal provision shall not prohibit an assessment under Georgia *or Alabama* law for a trout fishing stamp.

(2) For residents and nonresidents, the license and fees for noncommercial fishing and for hunting and trapping in this state, and the activity authorized thereby, shall be as follows:

(a) A fishing license *for a resident* to take freshwater fish in this state shall be *$12* ~~$7~~.

(b) A fishing license for a nonresident to take freshwater fish in this state for 7 ~~10~~ consecutive days shall be *$15* ~~$10~~.

(c) A fishing license for a nonresident to take freshwater fish in this state shall be *$30* ~~$25~~.

(d) A combination fishing and hunting license *for a resident* to take freshwater fish and game in this state shall be *$22* ~~$17~~.

(e) A hunting license *for a resident* to take game in this state shall be $11.

(f) *A hunting license for nonresident to take game in this state shall be $150.*

(g) A hunting license for a nonresident to take game in this state for 10 consecutive days shall be $25 However, with respect to persons who are residents of states contiguous to Florida, the fee for a hunting license to take game in this state for 10 consecutive days shall be $121 unless such state has a reciprocal agreement with Florida pursuant to subsection (7).~~A hunting license for a nonresident to take game in this state shall be $50. However, with respect to persons who are residents of states contiguous to Florida, the nonresident annual hunting license fee shall be the same as is charged in the nonresident's state for a Florida resident to hunt unless such state has a reciprocal agreement with Florida pursuant to subsection (7). Any license fee changes that occur in contiguous states shall become effective in Florida on or after July 1st following the change.~~

(h)~~(g)~~ A hunting license for a nonresident to take game in this state within a private hunting preserve for 10 consecutive days shall be $15. ~~However, effective April 21, 1988, with respect to persons who are residents of states contiguous to Florida, the 10-day nonresident hunting license fee shall be the same as is charged in the nonresident's state for a Florida resident to hunt for the same time period unless such state has a reciprocal agreement with Florida pursuant to subsection (7). Any license fee changes that occur in contiguous states shall become effective in Florida on or after July 1st following the change.~~

(i) ~~(h)~~ A license for a resident to take fur-bearing animals in this state shall be $25.

(j) ~~(i)~~ A license for a nonresident to take fur-bearing animals in this state shall be $100.

(k) ~~(j)~~ A sportsman's license for a resident shall be *$66* ~~$40~~. The sportsman's license authorizes the holder to take freshwater fish and game, wild ducks, wild geese, and wild turkeys and authorizes the same activities authorized by a management area stamp, a muzzle-loading gun stamp, and an archery stamp. A nonresident may not purchase a sportsman's license.

(3) A resident or nonresident taking fur-bearing animals by the use of guns or dogs only and not by the use of traps or other devices, and not for commercial purposes, who has purchased the license provided for hunting in this section shall not be required to purchase the license provided in paragraph (2)*(i)*~~(h)~~ or paragraph (2)*(j)*~~(i)~~.

(4) Any person fishing in a fish management area shall only be required to purchase a fishing license as provided in this section.

(5) In addition to any license required by this section, the following stamps and fees for certain hunting, *fishing,* and recreational uses, and the activities authorized thereby, shall be:

(a) A Florida waterfowl stamp to take wild ducks or geese within this state or its coastal waters shall be $3.

(b) A management area stamp to hunt, fish, or otherwise use for outdoor recreational purposes, land owned, leased, or managed by the commission or the State of Florida for the use and benefit of the commission, up to *$25* ~~$10~~. Other than for hunting or fishing, the provisions of this paragraph shall not apply on any lands not owned by the commission, unless the commission shall have obtained the written consent of the owner or primary custodian of such lands.

(c) A muzzle-loading gun stamp to hunt within this state with a muzzle-loading gun during those game seasons in which hunting with a *modern firearm is not allowed* shall be $5.

(d) An archery stamp to hunt within this state with a bow and arrow during those game seasons in which hunting with a firearm is not allowed shall be $5.

(e) A Florida turkey stamp to take wild turkeys within this state shall be $5.

(6) The following shall be exempt only from the stamp requirements of this section:

(a) Any resident age 65 and older who has obtained a permanent license issued pursuant to s. 372.561(5)(a).

(b) Any resident who is certified by the United States Veterans Administration, by any branch of the United States Armed Services, or by a licensed physician in this state to be totally and permanently disabled, or who holds a valid identification card issued under the provisions of s. 295.17, and who has obtained a permanent license issued pursuant to s. 372.561(5)(b).

(7) The commission is authorized to reduce the fees for licenses and stamps under this section for residents of those states with which the commission has entered into reciprocal agreements with respect to such fees.

Section 12. This act shall take effect January 1, 1990, except that section 11 shall take effect October 1, 1989, and that this section and sections 8, 9, and 10 shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later.

Amendment 2—On page 1 in the title, lines 1-29, strike all of said lines and insert: A bill to be entitled An act relating to hunting and fishing; amending s. 370.01, F.S.; defining the term "marine fish"; creating s. 370.0605, F.S.; providing for saltwater fishing licenses; providing fees; providing duties of tax collectors and the Department of Natural Resources; providing for the department to charge a tax collector the fees for lost licenses; prohibiting certain unlawful uses of a saltwater fishing license; amending s. 370.111, F.S.; providing for a snook stamp; amending s. 370.14, F.S.; providing for a crawfish stamp; creating s. 370.0606, F.S.; providing for the appointment of subagents for the issuance and sale of saltwater fishing licenses; providing bonding requirements for such subagents; providing for a marine information system; providing for the disposition of license fees; creating a Marine Resources Conservation Trust Fund; specifying level of general revenue funding for certain activities and programs; providing for the allocation of certain federal moneys to the department and the Game and Fresh Water Fish Commission; creating additional positions and providing appropriations; amending s. 372.57, F.S.; increasing fees for certain fishing and hunting licenses; providing effective dates.

Senator McPherson moved that the Senate concur in the House amendments.

Point of Order

Senator Bruner raised a point of order that pursuant to Rule 4.8, CS for CS for SB's 9, 1 and 248 should be referred to the Committee on Appropriations.

On motion by Senator Scott, further consideration of **CS for CS for SB's 9, 1 and 248** with pending motion was deferred.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 332 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 332—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 services performed by ophthalmologists to offer the services of an ophthalmologist; requiring health maintenance organizations which offer anesthesia services to provide, if requested, the health care services of a certified registered nurse anesthetist; reenacting s. 641.19(6)(e), F.S., defining the term "health maintenance organization"; providing that the act does not require the services of an optometrist in lieu of an optician; providing an effective date.

Amendment 1—On page 2, lines 8-12, strike all said lines and insert:

(20) Notwithstanding any other provision of law, health maintenance policies or contracts which provide anesthesia coverage, benefits, or services shall offer to the subscriber if requested and available, the services of a certified registered nurse anesthetist licensed pursuant to chapter 464.

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

CS for SB 332 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—39

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

Nays—None

Motions

On motion by Senator Scott, by two-thirds vote the following bills were added to the evening special order calendar: SB 582, CS for HB 504, SB 716, CS for CS for HB 300, CS for CS for HB's 1593, 507 and 310, CS for CS for HB 535, CS for CS for HB 75, HB 620, HB 1326 and CS for HB 1818.

On motion by Senator Scott, the rules were waived and time of adjournment was extended until 9:30 p.m.

SPECIAL ORDER, continued

The Senate resumed consideration of—

CS for CS for CS for HB 950—A bill to be entitled An act relating to health care; providing legislative findings and intent with respect to rural hospitals; amending s. 381.706, F.S.; exempting certain rural hospital programs from certificate-of-need requirements; exempting rural hospitals and emergency care hospitals from certificate-of-need application fees; amending s. 395.002, F.S.; defining "emergency care hospital"; providing for licensure; providing for participation in Medicaid and other programs and services; providing an exemption from certificate-of-need requirements; providing for rules; providing for a feasibility study for developing certain postsecondary allied health training and scholarship programs; providing for a rural hospital impact statement; amending s. 395.102, F.S.; clarifying the definition of "rural hospital"; including specified health personnel in a loan forgiveness program; providing for an alternative use of funds if federal matching funds are available; amending s. 400.602, F.S., authorizing the transfer of a hospice to certain entities; amending s. 407.002, F.S.; clarifying the definition of "rural hospital"; providing an appropriation; providing effective dates.

—as amended.

Senator Gardner moved the following amendments which were adopted:

Amendment 8—On page 11, between lines 10 and 11, insert:

Section 12 Subsection (18) of section 154.209, Florida Statutes, is renumbered as subsection (19) and a new subsection (18) is added to said section to read:

154.209 Powers of authority.—The purpose of the authority shall be to assist health facilities in the acquisition, construction, financing, and refinancing of projects in any corporated or unincorporated area within the geographical limits of the local agency. For this purpose, the authority is authorized and empowered:

(18) To participate in an accounts receivable cash-flow pool and issue bonds and other forms of indebtedness for the purpose of establishing and maintaining an accounts receivable cash-flow pool and to provide reserve funds in connection therewith on behalf of a health facility or a group of health facilities. Notwithstanding any other provisions of this part, the structuring and financing of an accounts receivable transaction for purposes of this subsection constitutes a project and may be structured for the benefit of health facilities within or outside the geographical limits of the local agency if undertaken pursuant to an interlocal agreement with the local agencies participating in such transactions.

(19)~~(18)~~ To do all things necessary to carry out the purposes of this part.

(Renumber subsequent sections.)

Amendment 9—In title, on page 1, line 27, after the semicolon (;) insert: amending s. 154.209, F.S., authorizing health facilities authorities to incur indebtedness for accounts receivable cash-flow pools;

On motion by Senator Scott, further consideration of **CS for CS for CS for HB 950** as amended was deferred.

On motion by Senator Gardner, by two-thirds vote CS for HB 558 was withdrawn from the Committee on Commerce.

On motion by Senator Gardner—

CS for HB 558—A bill to be entitled An act relating to the "Sale of Business Opportunities Act"; amending s. 559.801, F.S., redefining the term "business opportunity"; amending s. 559.805(3), F.S., requiring the person receiving the advertising to record the advertisement identification number; providing an effective date.

—a companion measure, was substituted for SB 833 and read the second time by title. On motion by Senator Gardner, by two-thirds vote CS for HB 558 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Deratany, Malchon

On motion by Senator Dudley, by unanimous consent—

CS for CS for HB's 1210, 1474 and 1484—A bill to be entitled An act relating to local government; amending s. 162.02, F.S.; providing that any codes and ordinances may be enforced by local government code enforcement boards under the Local Government Code Enforcement Boards Act; amending s. 162.03, F.S.; providing that counties and municipalities may adopt alternative code enforcement systems using special masters; amending s. 162.04, F.S.; defining "repeat violation"; amending s. 162.05, F.S.; revising provisions relating to size and membership of code enforcement boards; amending s. 162.06, F.S.; providing authority of the code inspector and enforcement boards with respect to repeat violations; amending s. 162.07, F.S., relating to hearings, to conform; providing that certain board orders may be filed in the public records of the county and specifying effect thereof; amending s. 162.08, F.S.; revising provisions relating to subpoena powers of boards; amending s. 162.09, F.S.; providing for fines for repeat violations; authorizing boards to reduce fines; revising provisions relating to enforcement of liens for fines imposed; providing duration of fines; revising the time period after which foreclosure is authorized; amending s. 162.10, F.S.; extending the duration of liens; providing for recovery of costs and attorney's fees by the prevailing party in actions to foreclose; amending s. 162.12, F.S.; revising provisions relating to delivery of notice; creating s. 162.21, F.S.; authorizing counties and municipalities to designate code enforcement officers to enforce codes or ordinances; authorizing such officers to issue citations for violations and providing requirements with respect thereto; specifying effect of failure to pay a civil penalty or contest a citation; providing requirements, including penalty requirements, regarding codes and ordinances to be enforced under said section; providing a penalty for refusal to accept a

citation; amending s. 125.69, F.S., and creating s. 166.0415, F.S.; authorizing boards of county commissioners and governing bodies of municipalities to designate code inspectors; providing for issuance of citations for violations of county or municipal codes; limiting duties of such code inspectors; providing exemptions from certain requirements; amending s. 403.413, F.S.; providing duties of local governing bodies with respect to designation of employees to enforce the Florida Litter Law; providing that county and municipal employees whose duty it is to ensure code compliance or enforcement may enforce the Florida Litter Law, with certain restrictions; amending s. 705.101, relating to abandoned property, to conform; creating s. 705.1015, F.S.; providing that county and municipal employees whose duty it is to ensure code compliance or enforcement may administer provisions relating to lost or abandoned property, with certain restrictions; amending s. 823.11, F.S.; authorizing the Department of Natural Resources to delegate to a county or municipality its powers relating to abandoned or derelict vessels; amending ss. 933.20, 933.22, and 933.26, F.S.; revising provisions which authorize the issuance of inspection warrants with respect to specified violations to include violations of additional county and municipal codes; revising provisions which specify when cause is deemed to exist; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 1382 and by two-thirds vote read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for CS for HB's 1210, 1474 and 1484 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Langley

Vote after roll call:

Yea—Weinstein

On motions by Senator McPherson, by two-thirds vote CS for HB 1152 was withdrawn from the Committees on Governmental Operations and Education.

On motion by Senator McPherson—

CS for HB 1152—A bill to be entitled An act relating to Indian affairs; amending s. 285.18, F.S.; authorizing the Seminole and Miccosukee Indian tribal councils to contract for education and other programs for their members; providing for contract with certain district school boards; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 1052 and read the second time by title. On motion by Senator McPherson, by two-thirds vote CS for HB 1152 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Deratany

CS for SB 780—A bill to be entitled An act relating to pest control; amending s. 482.021, F.S.; providing definitions; amending s. 482.051, F.S.; requiring the Department of Health and Rehabilitative Services to hold public meetings for proposed statutory or rule changes; requiring the adoption of specified rules relating to vehicles, trailers, and contracts; amending s. 482.032, F.S.; updating terminology; amending s. 482.061, F.S.; providing for inspectors; amending s. 482.071, F.S.; requiring the display of a current license; amending s. 482.091, F.S.; revising provisions relating to and requirements for identification cards for persons performing inspections; amending s. 482.111, F.S.; providing for the issuance of certificates; providing for the use of revenues from fines; establishing an advisory committee; revising provisions relating to emergency pest control certificates; increasing fees therefor; revising provisions relating to continuing education requirements; amending s. 482.121, F.S., relating to false use of certificate; providing for automatic revocation of licenses and certificates under certain circumstances; amending s. 482.132, F.S.; revising qualifications for examination for certification; allowing an applicant to take an examination without meeting certain qualifications for a specified period of time; amending s. 482.141, F.S.; increasing examination fees; amending s. 482.151, F.S.; providing continuing education requirements for renewal of a special identification card; amending s. 482.152, F.S.; establishing licensing requirements for and duties of certified pest control operators in charge of pest control activities; eliminating an exemption; amending s. 482.161, F.S.; providing for written warnings; prohibiting the issuance of a license to certain persons; providing for a reprimand or probation in certain situations; providing for fines and the deposit thereof; creating s. 482.165, F.S.; providing for the unlawful practice of pest control; providing for cease and desist orders and civil actions for damages against persons who violate laws and rules; providing for award of court costs and attorney's fees; amending s. 482.211, F.S.; eliminating pest control exemptions; authorizing the department to prescribe exemptions by rule; amending s. 482.226, F.S.; imposing additional requirements for inspection reports; requiring that persons who perform periodic reinspections or retreatments must have certain identification cards; 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 a pesticide; providing duties of the Department of Health and Rehabilitative Services; providing for review and repeal; providing an effective date.

—was read the second time by title.

Four amendments were adopted to CS for SB 780 to conform the bill to CS for HB 169.

Pending further consideration of CS for SB 780 as amended, on motions by Senator Kiser, by two-thirds vote CS for HB 169 was withdrawn from the Committees on Health Care and Appropriations.

On motion by Senator Kiser—

CS for HB 169—A bill to be entitled An act relating to pest control; amending s. 482.021, F.S.; providing definitions; amending s. 482.051, F.S.; requiring the Department of Health and Rehabilitative Services to hold public meetings for proposed statutory or rule changes; requiring the adoption of specified rules relating to vehicles, trailers, and contracts; amending ss. 482.032 and 482.061, F.S.; updating terminology; amending s. 482.071, F.S.; requiring the display of a current license; amending s. 482.091, F.S.; revising provisions relating to and requirements for identification cards for persons performing inspections; amending s. 482.111, F.S.; providing for the issuance of certificates; providing for the use of revenues from fines; establishing an advisory committee; revising provisions relating to emergency pest control certificates; increasing fees therefor; revising provisions relating to continuing education requirements; amending s. 482.121, F.S., relating to false use of certificate; providing for automatic revocation of licenses and certificates under certain circumstances; amending s. 482.132, F.S.; revising qualifications for examination for certification; allowing an applicant to take an examination without meeting certain qualifications for a specified period of time; amending s. 482.141, F.S.; increasing examination fees; amending s. 482.151, F.S.; providing continuing education requirements for renewal of a special identification card; amending s. 482.152, F.S.; establishing licensing requirements for and duties of certified pest control operators in charge of pest control activities; eliminating an exemption; amending s. 482.161, F.S.; providing for written warnings; prohibiting the issuance of a license to certain persons; providing for a reprimand or probation in certain situations; providing for fines and the deposit thereof; creating s. 482.165, F.S.;

providing for the unlawful practice of pest control; providing for cease and desist orders and civil actions for damages against persons who violate laws and rules; providing for award of court costs and attorney's fees; amending s. 482.211, F.S.; eliminating certain pest control exemptions; requiring the department to prescribe exemptions by rule; amending s. 482.226, F.S.; imposing additional requirements for inspection reports; requiring persons who perform periodic reinspections or retreatments to have certain identification cards; requiring persons who perform certain inspections to meet minimum financial responsibilities; 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 780 as amended and read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for HB 169 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB's 1366 and 209—A bill to be entitled An act relating to education; 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 for endorsements for academic achievement and vocational preparation by high school students; prescribing requirements for receiving an endorsement; requiring the State Board of Education to adopt rules; creating s. 240.4021, F.S.; creating the 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; amending s. 236.081, F.S.; correcting a cross-reference; establishing the Vocational Achievement Grant Program; providing nomination and selection criteria; providing a grant amount; providing for allocation of grants; providing effective dates.

—was read the second time by title.

Senator Walker moved the following amendments which were adopted:

Amendment 1—On page 4, lines 10-16, strike all of said lines and redesignate subsequent paragraphs.

Amendment 2—On page 9, lines 8 and 9, strike "moneys from general revenue"

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

Amendment 3—On page 17, between lines 26 and 27, insert:

Section 6. Paragraphs (c) and (d) of subsection (6) of section 230.23, Florida Statutes, 1988 Supplement, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(6) CHILD WELFARE.—Provide for the proper accounting for all children of school age, for the attendance and control of pupils at school, and for proper attention to health, safety, and other matters relating to the welfare of children in the following fields, as prescribed in chapter 232.

(c) Control of pupils.—Adopt rules and regulations for the control, discipline, suspension, and expulsion of pupils and decide all cases recommended for expulsion. Such rules shall clearly specify disciplinary action that *shall* ~~may~~ be imposed if a student possesses alcoholic beverages *or electronic telephone pagers* or is involved in the illegal use, sale, or possession of controlled substances, as defined in chapter 893, on school property or while attending a school function. School boards ~~are~~ encouraged to include in these provisions alternatives to expulsion and suspension such as in-school suspension and guidelines on identification and referral of students to alcohol and substance abuse treatment agencies. Suspension hearings are exempted from the provisions of chapter 120. Expulsion hearings shall be governed by the provisions of s. 120.57(2). The school board shall not have the authority to prohibit the use of corporal punishment as provided in this act.

(d) Code of student conduct.—Adopt and distribute to all teachers, school personnel, students, and parents or guardians, at the beginning of every school year, a code of student conduct which is developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and be made available in the student handbook or similar publication. The code shall include, but not be limited to:

1. Consistent policies and specific grounds for disciplinary action, including any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

2. Procedures to be followed for acts requiring discipline, including corporal punishment.

3. An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

4. Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, or weapons, *or possession of electronic telephone pagers,* by any student while such student is upon school property or in attendance at a school function is grounds for suspension, expulsion, or imposition of other disciplinary action.

(Renumber subsequent section.)

Amendment 4—In title, on page 1, line 25, after the semicolon (;) insert: amending s. 230.23, F.S.; providing for the discipline of public school students who possess electronic telephone pagers on school property or while attending school functions;

On motion by Senator Walker, by two-thirds vote CS for SB's 1366 and 209 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Davis, Grant, Kirkpatrick

Consideration of Memorial

On motion by Senator Weinstein, by two-thirds vote HM 1774 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Weinstein, by unanimous consent—

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 taken up out of order and read the second time in full. On motion by Senator Weinstein, HM 1774 was adopted and certified to the House. The vote on adoption was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Deratany

Abstention from Voting

I abstain from voting on memorials and resolutions. They are costly, time-consuming and vitiate the impact of a strong emergency statement this Senate might wish to make at some future time.

Helen Gordon Davis, 23rd District

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Deratany, by two-thirds vote CS for SB 988 was withdrawn from the Committee on Finance, Taxation and Claims.

SPECIAL ORDER, continued

CS for SB 1230—A bill to be entitled An act relating to insurance; creating ss. 627.0645, 627.410, F.S.; requiring certain rating organizations and insurers to annually submit rate filings to the Department of Insurance; providing methods and procedures; providing a penalty; authorizing additional positions in the department; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment:

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

Section 1. Effective upon this act becoming a law, section 627.482, Florida Statutes, is created to read:

627.482 Interest payable on cash surrender of policy.—

(1) If an insured requests payment of the cash surrender value of a policy from its insurer, such payment shall include interest at the rate of interest specified in s. 625.121(5)(e), unless such payment is made by the insurer within 30 days of receipt of the insurance policy and request for cash surrender.

(2) An insurer shall be exempt from the requirements of this section if, upon petition by the insurer to the department, it is determined by the department that payment of such interest threatens the solvency of the insurer.

Section 2. Effective October 1, 1989, section 627.0645, Florida Statutes, is created to read:

627.0645 Annual filings.—

(1)(a) Each rating organization filing rates for, and each insurer writing, any line of property or casualty insurance to which this part applies, except workers' compensation and employer's liability insurance, shall make an annual base rate filing for each such line with the department no later than 12 months after its previous base rate filing, demonstrating that its rates are not inadequate.

(b) The filing required by this section shall be satisfied by one of the following methods:

1. A rate filing prepared by an actuary which contains documentation demonstrating that the proposed rates are not excessive, inadequate, or unfairly discriminatory pursuant to the applicable rating laws and rules promulgated by the department.

2. If no rate change is proposed, a filing which consists of a certification by an actuary that the existing rate level produces rates which are actuarially sound and which are not inadequate, as defined in s. 627.062 or s. 627.0651, whichever is applicable.

(c) An insurer may satisfy the annual filing requirements of this subsection by being a member or subscriber of a licensed rating organization which complies with the requirements of this section.

(d) If an insurer does not employ or otherwise retain the services of an actuary, the insurer's rate filing or certification that rates are actuarially sound shall be prepared by company personnel or consultants with a minimum of 5 years' experience in insurance ratemaking. The chief executive officer of the insurer shall review and sign the rate filing or certification indicating his agreement with its conclusions.

(e) If at the time a filing is required under this section an insurer is in the process of completing a rate review, the insurer may apply to the department for an extension of up to an additional 30 days in which to make the filing. The request for extension must be received by the department in its offices in Tallahassee no later than the date the filing is due.

(f) Nothing in this subsection shall be deemed to limit the department's authority to review rates at any time or to find that a rate or rate change is excessive, inadequate, or unfairly discriminatory pursuant to the provisions of s. 627.062 or s. 627.0651.

(g) As used in this section, "actuary" means an individual who is a member of the Casualty Actuarial Society.

(h) If an insurer fails to meet the filing requirements of this section and does not submit the filing within 60 days following the date the filing is due, the department may, in addition to any other penalty authorized by law, order the insurer to discontinue the issuance of policies for the line of insurance for which the required filing was not made, until such time as the department determines that the required filing is properly submitted.

(2) The first filing required by this section may be made on or after the effective date of this section, but in no event later than March 1, 1990, or 14 months after the date of its last base rate filing preceding the effective date of this section, whichever is later.

Section 3. Effective October 1, 1989, subsection (7) is added to section 627.410, Florida Statutes, to read:

627.410 Filing, approval of forms.—

(7)(a) Each insurer subject to the requirements of subsection (6) shall make an annual filing with the department no later than 12 months after its previous filing, demonstrating the reasonableness of benefits in relation to premium rates.

(b) The filing required by this subsection shall be satisfied by one of the following methods:

1. A rate filing prepared by an actuary which contains documentation demonstrating the reasonableness of benefits in relation to premiums charged in accordance with the applicable rating laws and rules promulgated by the department.

2. If no rate change is proposed, a filing which consists of a certification by an actuary that benefits are reasonable in relation to premiums currently charged in accordance with applicable laws and rules promulgated by the department.

(c) As used in this section, "actuary" means an individual who is a member of the Society of Actuaries or the American Academy of Actuaries. If an insurer does not employ or otherwise retain the services of an actuary, the insurer's certification shall be prepared by company personnel or consultants with a minimum of 5 years' experience in insur-

ance ratemaking. The chief executive officer of the insurer shall review and sign the certification, indicating his agreement with its conclusions.

(d) If at the time a filing is required under this section an insurer is in the process of completing a rate review, the insurer may apply to the department for an extension of up to an additional 30 days in which to make the filing. The request for extension must be received by the department in its offices in Tallahassee no later than the date the filing is due.

(e) If an insurer fails to meet the filing requirements of this subsection and does not submit the filing within 60 days following the date the filing is due, the department may, in addition to any other penalty authorized by law, order the insurer to discontinue the issuance of policies for which the required filing was not made, until such time as the department determines that the required filing is properly submitted.

(f) The first filing required by this subsection may be made on or after the effective date of this subsection, but in no event later than March 1, 1990, or 14 months after the date of its last rate filing preceding the effective date of this subsection, whichever is later.

Section 4. (1) Three additional Career Service positions and two additional Select Exempt Service positions are authorized for the Division of Insurance Rating of the Department of Insurance to carry out the provisions of this act.

(2) There is hereby appropriated from the Insurance Commissioner's Regulatory Trust Fund to the Division of Insurance Rating of the Department of Insurance for fiscal year 1989-1990 to carry out the provisions of this act:

(a) The sum of $175,569 for salaries and benefits.

(b) The sum of $11,363 for expenses.

(c) The sum of $16,965 for operating capital outlay.

(d) The sum of $18,000 for data processing.

Section 5. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (15) of section 631.011, Florida Statutes, is amended to read:

631.011 Definitions.—For the purpose of this part, the term:

(15) "Secured claim" means any claim secured by mortgage, trust deed, pledge, deposit as security, escrow, or otherwise but does not include a special deposit claim, ~~or~~ a claim against general assets, *or a claim based on mere possession.* The term also includes a claim which more than 4 months before the commencement of a delinquency proceeding in the state of the insurer's domicile has become a lien upon specific assets by reason of judicial process.

Section 6. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 631.021, Florida Statutes, is amended to read:

631.021 Jurisdiction of delinquency proceeding; venue; change of venue; exclusiveness of remedy; appeal.—

(1) The circuit court shall have original jurisdiction of any delinquency proceeding under this chapter, and any court with jurisdiction is authorized to make all necessary or proper orders to carry out the purposes of this chapter. *Any delinquency proceeding in this chapter is in equity.*

Section 7. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 631.154, Florida Statutes, is created to read:

631.154 Funds or other property in the possession of third person.—

(1) Any person who holds funds or other property belonging to an entity subject to an order of conservation, rehabilitation, or liquidation under this chapter shall deliver the funds or other property to the receiver on demand. Should the person allege any right to retain the funds pursuant to s. 631.155, s. 631.191, s. 631.261, s. 631.262, s. 631.263, or s. 631.281, a pleading setting out the right shall be filed with the court within 20 days of the receipt of the receiver's demand that the funds or property be delivered to the receiver. The pleading of the person shall inform the court as to the nature of the claim to the property, the alleged value of the property or amount of funds held, and what action has been taken by the person to preserve and protect the property or to preserve any funds.

(2) If requested by the receiver, a hearing shall be held to determine where and under what conditions the property or funds shall be held by the person. The court may impose conditions as it may deem necessary or appropriate for the preservation of the property or funds to the receiver until the court can determine the validity of the person's claim to the property or funds. If any property or funds are allowed to remain in the possession of the person after demand made by the receiver, that person shall be strictly liable for any waste, loss, or damage of the property or funds retained.

(3) If a person has filed a pleading alleging any right to retain funds or property, the court shall hold a subsequent hearing to determine entitlement to the funds or property claimed by the receiver.

(4) This section shall apply to all proceedings brought by the receiver to recover funds or property believed by the receiver under this chapter to be assets of the entity subject to an order of conservation, rehabilitation, or liquidation. The receiver shall be exempt from the provisions of s. 57.111.

(5) Should the receiver be successful in establishing its claim or any part thereof, the receiver shall be entitled to recover judgment for the following:

(a) The property or its cash value as of the date of the order of conservation, rehabilitation, or liquidation, whichever is applicable.

(b) Rental for the use of the property to run from the date of the order of conservation, rehabilitation, or liquidation, whichever is applicable, to the date the property is delivered to the receiver.

(c) In the case of funds, interest at the statutory rate to run from the date of the order of conservation, rehabilitation, or liquidation, whichever is applicable, to the date the funds are delivered to the receiver.

(d) All costs, investigative and other expenses necessary to the recovery of the property or funds, and reasonable attorneys' fees.

It is the intent of this section that a person found to be holding receivership assets fully reimburse the receiver for any and all efforts made to recover those assets.

Section 8. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 631.155, Florida Statutes, is created to read:

631.155 Agents' balances; unearned commissions and unearned premiums.—Unearned commissions and unearned premiums which have been collected on behalf of an insurer by an agent, solicitor, agency, or other entity or person constitute an asset of the insurer for which the agent, solicitor, agency, or other entity or person has a duty to account to the receiver and to pay over amounts as may be due. The duty to account to the receiver shall encompass all persons or entities involved in the handling and transmittal of premium funds. Compliance with this section and payment of sums determined to be owed by the court within 30 days of judgment, or within other payment terms approved by the court, shall constitute requirements for continued licensure of a person holding a license under the Florida Insurance Code, and failure to comply with this section shall be sufficient grounds for the license revocation.

Section 9. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 631.191, Florida Statutes, is amended to read:

631.191 Special deposit claims and secured claims.—

(1) The owners of special deposit claims against an insurer *against which a liquidation order has been entered* ~~for which a receiver is appointed~~ in this or any other state shall be given priority against their several special deposits in accordance with the provisions of the statutes governing the creation and maintenance of such deposits. If there is a deficiency in any such deposit so that the claims secured thereby are not fully discharged therefrom, the claimants may share in the general assets, but such sharing shall be deferred until general creditors, and also claimants against other special deposits who have received smaller percentages from their respective special deposits, have been paid percentages of their claims equal to the percentage paid from the special deposit.

(2)(a) The owner of a secured claim against an insurer *against which a liquidation order has been entered* ~~for which a receiver has been appointed~~ in this or any other state may surrender his security and file his claim as a general creditor, or the claim may be discharged by resort to the security, in which case the deficiency, if any, shall be treated as a claim against the general assets of the insurer on the same basis as claims of unsecured creditors. If the amount of the deficiency has been adjudicated in ancillary proceedings as provided in this chapter, or if it has been adjudicated by a court of competent jurisdiction in a proceeding in which the domiciliary receiver has had notice and an opportunity to be heard, such amount shall be conclusive; otherwise the amount shall be determined in the delinquency proceeding in the domiciliary state.

(b) The value of any security held by a secured creditor shall be determined under supervision of the court by:

1. Converting the same into money according to the terms of the agreement pursuant to which the security was delivered to such creditor; or

2. *If no such agreement exists, the court shall determine the value in the event the creditor and the receiver cannot agree upon same* ~~By agreement, arbitration, compromise, or litigation between the creditor and the receiver~~.

Section 10. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 631.251, Florida Statutes, is amended to read:

631.251 Date rights fixed on liquidation.—Except as provided in ss. 631.192 and 631.252, the rights and liabilities of the insurer and its creditors, policyholders, stockholders, members, and subscribers and all other persons interested in its estate shall, unless otherwise directed by the court, be fixed as of the date on which the order directing the liquidation of the insurer is filed in the office of the clerk of the court which made the order, subject to the provisions of this chapter with respect to the rights of claimants holding contingent claims. *No offset shall be allowed in favor of any person unless the claim of offset is fully mature as of the date on which the order directing the liquidation of the insurer is filed in the office of the clerk of the court which made the order, and a claim of offset shall not create a secured claim to any funds or property in the possession of the person claiming offset.*

Section 11. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 631.261, Florida Statutes, is amended to read:

631.261 Voidable transfers.—

(1) Any transfer of, or lien upon, the property of an insurer *or affiliate* which is made or created within 4 months prior to the *commencement of any delinquency proceeding* ~~granting of an order to show cause~~ under this chapter with the intent of giving to any creditor *of the insurer* a preference or of enabling him to obtain a greater percentage of his debt than any other creditor of the same class, and which is accepted by such creditor having reasonable cause to believe that such preference will occur, shall be voidable.

(2) Every director, officer, employee, stockholder, member, subscriber, and any other person acting on behalf of such insurer who shall be concerned in any such act or deed and every person receiving thereby any property of such insurer *or affiliate* or the benefit thereof shall be personally liable therefor and shall be bound to account to the department.

(3) The department as receiver in any proceeding under this chapter may avoid any transfer of or lien upon the property of an insurer which any creditor, stockholder, subscriber, or member of such insurer *or affiliate* might have avoided and may recover the property so transferred unless such person was a bona fide holder for value prior to the date of *commencement of a delinquency proceeding* ~~the entering of an order to show cause~~ under this chapter. Such property or its value may be recovered from anyone who has received it except a bona fide holder for value as herein specified.

Section 12. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 631.262, Florida Statutes, is amended to read:

631.262 Transfers prior to petition.—

(1) Every transfer made or suffered and every obligation incurred by an insurer *or affiliate* within 1 year prior to the filing of a successful petition in any delinquency proceeding under this chapter, upon a showing by the receiver that the same was incurred without fair consideration, or with actual intent to hinder, delay, or defraud either then existing or future creditors *of the insurer*, shall be fraudulent and voidable. However, every such transfer or obligation incurred or suffered within 6 months prior to the filing of the above petition shall be presumed void and fraudulent, with the burden of proof upon the obligee or transferee to show otherwise. This subsection shall not apply to a person who in good faith is a purchaser, lienor, or obligee, for a present fair equivalent value, but any purchaser, lienor, or obligee who in good faith has given a valuable consideration less than fair for such transfer, lien, or obligation may retain the property, lien, or obligation as a security for repayment. The court may, on due notice, order any such transfer or obligation to be preserved for the benefit of the estate, and in that event the receiver shall succeed to and may enforce the rights of the purchaser, lienor, or obligee.

Section 13. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 631.361, Florida Statutes, is amended to read:

631.361 Seizure under court order.—

(1) Upon filing by the department in the circuit court in and for Leon County of its verified petition alleging any ground for a formal delinquency proceeding against an insurer under this chapter, alleging that the interests of the insurer's policyholders, claimants, or creditors or the public will be endangered or jeopardized by delay, and setting forth the order deemed necessary by the department, the court may, ex parte and without notice or hearing, issue forthwith the requested order. The requested order may:

(a) Direct the department to take possession and control of all or part of the property, books, documents, accounts, and other records of the insurer and the premises occupied by it for transaction of its business *and premium funds and other property of the insurer held by an affiliate*; and

(b) Until further order of court, enjoin the insurer and *any affiliate and their* ~~its~~ officers, directors, managers, agents, and employees from removal, concealment, or other disposition of *the insurer's* ~~its~~ property, books, records, or accounts and from transaction of *the insurer's* ~~its~~ business except with the department's written consent.

Section 14. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 631.55, Florida Statutes, is amended to read:

631.55 Creation of the association.—

(1) There is created a nonprofit corporation to be known as the "Florida Insurance Guaranty Association, Incorporated." All insurers defined as member insurers in s. 631.54(7) shall be members of the association as a condition of their authority to transact insurance in this state *and further, as a condition of such authority an insurer shall agree to reimburse the association for all claim payments the association makes on said insurer's behalf if such insurer is subsequently rehabilitated.* The association shall perform its functions under a plan of operation established and approved under s. 631.58 and shall exercise its powers through a board of directors established under s. 631.56. The corporation shall have all those powers granted or permitted nonprofit corporations, as provided in chapter 617.

Section 15. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 631.715, Florida Statutes, is amended to read:

631.715 Florida Life and Health Insurance Guaranty Association.—

(1) There is created a nonprofit legal entity to be known as the Florida Life and Health Insurance Guaranty Association. All member insurers shall be and remain members of the association as a condition of their authority to transact insurance in this state *and further, as a condition of such authority an insurer shall agree to reimburse the association for all claim payments the association makes on said insurer's behalf if such insurer is subsequently rehabilitated.* The association shall perform its functions under the plan of operation established and approved under the provisions of s. 631.721 and shall exercise its powers through a board of directors established under the provisions of s. 631.716. For purposes of administration and assessment, the association shall maintain three accounts:

(a) The health insurance account;

(b) The life insurance account; and

(c) The annuity account.

Section 16. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (2) and paragraphs (a), (c), and (d) of subsection (3) of section 631.718, Florida Statutes, are amended to read:

631.718 Assessments.—

(2) There shall be *two* ~~three~~ classes of assessments, as follows:

(a) Class A assessments shall be made by the board of directors for the purpose of meeting administrative costs and other general expenses and for examinations conducted under the authority of s. 631.723(3) which are not related to a particular impaired or insolvent insurer.

(b) Class B assessments shall be made by the board of directors for the purpose of carrying out the powers and duties of the association under s. 631.717 relating to an impaired or insolvent domestic, *foreign or alien* insurer.

~~(c) Class C assessments shall be made by the board of directors for the purpose of carrying out the powers and duties of the association under s. 631.717 relating to an insolvent foreign or alien insurer.~~

(3)(a) The amount of any Class A assessment shall be determined by the board and may be made on a non-pro rata basis. Such assessment shall not be credited against future insolvency assessments and shall not exceed *$250* ~~$50~~ per member insurer in any one calendar year.

(c) Class *B* ~~C~~ assessments against *foreign or alien* ~~member~~ insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies covered by each account for the calendar year preceding the assessment bear to such premiums received on business in this state for the calendar year preceding the assessment by all assessed member insurers.

(d) The amount of any Class B ~~or Class C~~ assessment shall be allocated among the accounts in the proportion that the premiums received by the impaired or insolvent insurer on the policies covered by each account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bear to the premiums received by such insurer in such calendar year on all covered policies.

Section 17. Effective October 1, 1989, subsection (1) of section 626.901, Florida Statutes, is amended to read:

626.901 Representing or aiding unauthorized insurer prohibited.—

(1) No person shall, from offices or by personnel or facilities located in this state or in any other state, directly or indirectly act as agent for, or otherwise represent or aid on behalf of another, any insurer not then authorized to transact such insurance in this state, or in any other state, in:

(a) The solicitation, negotiation, procurement, or effectuation of insurance or annuity contracts, or renewals thereof;

(b) The dissemination of information as to coverage or rates;

(c) The forwarding of applications;

(d) The delivery of policies or contracts;

(e) The inspection of risks;

(f) The fixing of rates;

(g) The investigation or adjustment of claims or losses; or

(h) The collection or forwarding of premiums;

or in any other manner represent or assist such an insurer in the transaction of insurance with respect to subjects of insurance resident, located, or to be performed in this state. If the property or risk is located in any other state, then, subject to the provisions of subsection (2), insurance may only be written with or placed in an insurer authorized to do such business in such state or in an insurer with which a licensed insurance broker of such state may lawfully place such insurance.

Section 18. Effective October 1, 1989, section 626.923, Florida Statutes, is amended to read:

626.923 Filing copy of policy or certificate.—*A surplus lines agent shall, within 30 days after the date of a request by the department, furnish the department an exact copy of any and all requested policies, certificates, cover notes, or other forms of confirmation of insurance coverage or any substitutions thereof or endorsements thereto. The department may also request and the agent shall furnish, within 30 days after the date of the request, the agent's memorandum as to the substance of any change represented by a substitute certificate, cover note, other form of confirmation of insurance coverage, or endorsement as compared with the coverage as originally placed or issued.* ~~Upon issuing a surplus lines policy, the surplus lines agent shall, within 60 days from the date of such issuance, file with the department an exact copy of the policy so issued. If a policy has not been issued, the surplus lines agent shall so file an exact copy of his certificate, cover note, or other confirmation of insurance as delivered to the insured. The surplus lines agent shall likewise promptly file with the department an exact copy of any substitute certificate, cover note, or other confirmation of insurance, and of every endorsement of an original policy, certificate, cover note, or other confirmation of insurance, delivered to an insured, together with such surplus lines agent's memorandum informing the department as to the substance of any change represented by such substitute certificate, cover note, or other confirmation, or of any such endorsement, as compared with the coverage as originally placed or issued.~~

Section 19. Effective October 1, 1989, subsections (1) and (2) of section 626.930, Florida Statutes, are amended to read:

626.930 Records of surplus lines agent.—

(1) Each surplus lines agent shall keep in his office in this state a full and true record for a period of *5* ~~3~~ years of each surplus lines contract *and all certificates, cover notes, and other forms of confirmation of insurance coverage and any substitutions thereof or endorsements thereto relative to said contract* procured by him, including a copy of the daily report, if any, and showing such of the following items as may be applicable:

(a) Amount of the insurance and perils insured against;

(b) Brief general description of property insured and where located;

(c) Gross premium charged;

(d) Return premium paid, if any;

(e) Rate of premium charged upon the several items of property;

(f) Effective date of the contract, and the terms thereof;

(g) Name and post-office address of the insured;

(h) Name and home-office address of the insurer;

(i) Amount collected from the insured; and

(j) Other information as may be required by the department.

(2) The record shall at all times be open to examination by the department without notice and shall be so kept available and open to the department for *5* ~~3~~ years next following expiration or cancellation of the contract.

Section 20. Effective October 1, 1989, paragraph (c) of subsection (2) of section 626.931, Florida Statutes, is amended, paragraph (d) is redesignated as paragraph (e), and a new paragraph (d) is added to said subsection, to read:

626.931 Quarterly report; summary of exported business.—

(2) The report shall be on forms as prescribed and furnished by the department and shall show:

(c) Aggregate of net premiums; ~~and~~

(d) A listing of all policies, certificates, cover notes, or other forms of confirmation of insurance coverage or any substitutions thereof or endorsements thereto; and

Section 21. Effective October 1, 1989, section 626.936, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 626.936, F.S., for present text.)

626.936 Failure to file report or pay tax; administrative penalty.—

(1) Any licensed surplus lines agent who neglects to file a quarterly report in the form and within the time required or provided for in the Surplus Lines Law may be fined up to $50 per day for each day the neglect continues. The department shall deposit all sums collected by it under this section into the Insurance Commissioner's Regulatory Trust Fund.

(2) Any licensed surplus lines agent who neglects to pay the taxes as required under the Surplus Lines Law and within the time required thereunder may be fined up to $500 per day for each day the failure to pay continues. The department shall deposit all sums collected by it under this section into the Insurance Commissioner's Regulatory Trust Fund.

Section 22. Effective October 1, 1989, subsection (4) of section 627.062, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to said section to read:

627.062 Rate standards.—

(4)(a) Underwriting rules not contained in rating manuals shall be filed for homeowners' insurance.

(b) The submission of rates, rating schedules, and rating manuals to the department by a licensed rating organization of which an insurer is a member or subscriber will be sufficient compliance with this subsection of any insurer maintaining membership or subscribership in such organization, to the extent that the insurer uses the rates, rating schedules, and rating manuals of such organization. All such information shall be available for public inspection, upon receipt by the department, during usual business hours.

(c) The filing requirements of this subsection do not apply to commercial inland marine risks.

Section 23. Effective October 1, 1989, subsection (1), paragraph (d) of subsection (2), and subsections (5) and (11) of section 627.0651, Florida Statutes, are amended, and subsection (12) is added to said section, to read:

627.0651 Making and use of rates for motor vehicle insurance.—

(1) Insurers shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on motor vehicle insurance written in this state. A copy of rates, rating schedules, and rating manuals, and changes therein, shall be filed with the department *under one of the following procedures:* ~~as soon as practicable following their effective date, but no later than 30 days after that date.~~

(a) If the filing is made at least 60 days before the proposed effective date and the filing is not implemented during the department's review of the filing and any proceeding and judicial review, then such filing shall be considered a "file and use" filing. In such case, the department shall initiate proceedings to disapprove the rate and so notify the insurer or shall finalize its review within 60 days of receipt of the filing. Notification to the insurer by the department of its preliminary findings shall toll the 60-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the department does not issue notice to the insurer of its preliminary findings within 60 days of the filing.

(b) If the filing is not made in accordance with the provisions of paragraph (a), such filing shall be made as soon as practicable, but no later than 30 days after the effective date, and shall be considered a "use and file" filing. An insurer making a "use and file" filing is potentially subject to an order by the department to return to policyholders portions of rates found to be excessive, as provided in subsection (11).

(2) Upon receiving notice of a rate filing or rate change, the department shall review the rate or rate change to determine if the rate is excessive, inadequate, or unfairly discriminatory. In making that determination, the department shall in accordance with generally accepted and reasonable actuarial techniques consider the following factors:

(d) Investment income reasonably expected by the insurer, consistent with the insurer's investment practices, from investable premiums anticipated in the filing, plus any other expected income from currently invested assets representing the amount expected on unearned premium reserves and loss reserves. Such investment income shall not include income from invested surplus. The department may promulgate rules utilizing reasonable techniques of actuarial science and economics to specify the manner in which insurers shall calculate investment income attributable to motor vehicle insurance policies written in this state and the manner in which such investment income is used in the calculation of insurance rates. Such manner shall contemplate the use of *an* ~~a positive~~ underwriting profit allowance in the rates *and full consideration of investment income* that will be compatible with a reasonable rate of return plus provisions for contingencies. The total of the profit and contingency factor as specified in the filing shall be utilized in computing excess profits in conjunction with s. 627.066. In promulgating such rules, the department shall in all instances adhere to and implement the provisions of this paragraph.

(5)~~(a)~~ Rates shall be deemed inadequate if they are clearly insufficient, together with the investment income attributable to them, to sustain projected losses and expenses in the class of business to which they apply.

~~(b) The Insurance Commissioner shall have the responsibility to ensure that rates for private passenger vehicle insurance are adequate. To that end, the department shall promulgate rules and regulations establishing standards defining inadequate rates on private passenger vehicle insurance as defined in s. 627.041(8). In the event that the department finds that a rate or rate change is inadequate, the department shall order that a new rate or rate schedule be thereafter filed by the insurer and shall further provide information as to the manner in which noncompliance of the standards may be corrected. When a violation of this provision occurs, the department shall impose an administrative fine pursuant to s. 624.4211.~~

(11) In the event the department finds that a rate or rate change is excessive, inadequate, or unfairly discriminatory, the department shall *issue an order of disapproval specifying that a new rate or rate schedule which responds to the findings of the department be filed by the insurer. The department shall further order for any "use and file" filing made in accordance with subsection (1)(b), that premiums charged each policyholder constituting the portion of the rate above that which was actuarially justified be returned to such policyholder in the form of a credit or refund. However, no refund shall be required to a policyholder if the amount of such refund is less than $10. If the department finds that an insurer's rate or rate change is inadequate, the new rate or rate schedule filed with the department in response to such a finding shall be applicable only to new or renewal business of the insurer written on or after the effective date of the responsive filing.*

(12) Underwriting rules not contained in rating manuals shall be filed for private passenger automobile insurance. ~~order that a new rate or rate schedule be thereafter filed by the insurer and shall further provide information as to the manner in which noncompliance may be corrected. Supporting information responsive to the findings of the department shall be submitted with the filing.~~

Section 24. Effective October 1, 1989, subsection (4) of section 627.331, Florida Statutes, as amended by chapter 86-160, Laws of Florida, is hereby repealed.

Section 25. Effective October 1, 1989, section 627.4143, Florida Statutes, is created to read:

627.4143 Outline of coverage.—

(1) No private passenger automobile or basic homeowner's policy shall be delivered in this state unless an appropriate outline of coverage has been delivered or shall accompany the policy when issued.

(2) The outline of coverage shall contain:

(a) The brief description of the principal benefits and coverage provided in the policy, broken down by each class or type of coverage provided under the policy for which a premium is charged, and itemization of the applicable premium.

(b) A summary statement of the principal exclusions and limitations or reductions contained in the policy by class or type, including, but not limited to, deductibles, coinsurance, and any other limitations or reductions.

(c) A summary statement of any renewal and cancellation provisions.

(d) A description of the credit or surcharge plan that is being applied. The description may 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.

(e) A list of any additional coverage provided through any rider or endorsement which accompanies the policy. The list shall contain a descriptive reference to each additional coverage rather than solely a reference to a form or code number.

(3) The outline of coverage shall only be required on the initial policy issued by an insurer on or after the effective date of this act or on the first renewal policy on or after the effective date of this act. The outline of coverage shall not be required on any subsequent renewal unless the renewal modifies the type of coverages, exclusions, limitations, reductions, deductibles, coinsurance, renewal provisions, cancellation provisions, surcharges or credits contained in the prior policy. The outline of coverage may refer to, and incorporate explanations of, the nature of coverage which has been previously provided to the insured.

(4) An insurer may insert the following language on the outline of coverage: "The following outline of coverage is for informational purposes only. It is the express intent of s. 627.4143, Florida Statutes, that this outline shall not be construed to modify any of the provisions of the legal insurance contract which is the subject of this outline."

(5) Neither the provisions of this section nor the outline of coverage mandated by this section shall be construed to alter or modify the terms of the insurance contract, to create a cause of action, or to be admissible in any civil action.

Section 26. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (c) is added to subsection (3) of section 624.404, Florida Statutes, 1988 Supplement, and subsection (7) of said section is amended, to read:

624.404 General eligibility of insurers for certificate of authority.—To qualify for and hold authority to transact insurance in this state, an insurer must be otherwise in compliance with this code and with its charter powers and must be an incorporated stock insurer, an incorporated mutual insurer, or a reciprocal insurer, of the same general type as may be formed as a domestic insurer under this code; except that:

(3)

(c) The department may deny, suspend, or revoke the authority to transact insurance in this state of any insurer if any person, including any subscriber, stockholder, or incorporator, who exercises or has the ability to exercise effective control of the insurer, or who influences or has the ability to influence the transaction of the business of the insurer, has been found guilty of, or has pleaded guilty or nolo contendere to, any felony or crime punishable by imprisonment of 1 year or more under the law of the United States or any state thereof or under the law of any other country which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction in such case. However, in the case of an insurer operating under a subsisting certificate of authority, the insurer shall remove any such person immediately upon discovery of the conditions set forth in this paragraph when applicable to such person or upon the order of the department, and the failure to so act by said insurer shall be grounds for revocation or suspension of the insurer's certificate of authority.

(7) For the purpose of satisfying the requirements of ss. 624.407 and 624.408, the investment portfolio of an insurer applying for an initial certificate of authority to do business in this state shall value its bonds and stocks in accordance with the provisions of the *latest* ~~1982~~ edition of the publication "Valuations of Securities" by the National Association of Insurance Commissioners or its successor organization, *provided that such valuation methodology is substantially similar to the methodology used by the National Association of Insurance Commissioners in its 1988 edition of such publication.*

Section 27. Effective October 1, 1989, section 624.407, Florida Statutes, is amended to read:

624.407 Capital funds required; new insurers.—

(1) To *receive* ~~qualify for~~ authority to transact any one kind *or combinations of kinds* of insurance, as defined in part V of this chapter~~, or combination of kinds of insurance as shown below~~, an insurer hereafter applying for its original certificate of authority in this state shall possess *surplus as to policyholders not less than the greater of:*

(a) $2,500,000;

(b) For life insurers, 4 percent of the insurer's total liabilities;

(c) For life and health insurers, 4 percent of the insurer's total liabilities, plus 6 percent of the insurer's liabilities relative to health insurance; or

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities;

however, no insurer shall be required under this subsection to have surplus as to policyholders greater than $100 million. ~~, and thereafter maintain unimpaired, paid-in capital stock, if a stock insurer, or unimpaired surplus, if a foreign mutual or foreign reciprocal insurer, or a net trust fund, if a business trust insurer, in an amount not less than as applicable under the schedule below, and shall possess when first so authorized such additional surplus as is required under s. 624.408.~~

~~Kind or kinds of insurance:~~	~~Minimum capital, surplus, or net trust fund required to be maintained:~~
~~Life~~	~~$750,000~~
~~Health~~	~~750,000~~
~~Life and health~~	~~750,000~~
~~Property~~	~~750,000~~
~~Casualty~~	~~750,000~~
~~Surety~~	~~750,000~~
~~Marine~~	~~750,000~~
~~Title~~	~~350,000~~
~~Multiple lines (Any two or more: property, casualty, surety, marine, and all kinds of insurance other than life)~~	~~750,000~~

(2) *The* ~~Capital, surplus, and net trust fund~~ requirements *of this section* shall be based upon all the kinds of insurance actually transacted or to be transacted by the insurer in any and all areas in which it operates, whether or not only a portion of such kinds are to be transacted in this state.

(3) As to surplus *as to policyholders* required for qualification to transact one or more kinds of insurance ~~and thereafter to be maintained~~, ~~new~~ domestic mutual insurers are governed by chapter 628, and domestic reciprocal insurers are governed by chapter 629.

(4) For the purposes of this section, liabilities shall not include liabilities required under s. 625.041(4).

(5) The provisions of this section, as amended by this act, shall apply only to insurers applying for a certificate of authority on or after the effective date of this act.

Section 28. Effective October 1, 1989, section 624.408, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 624.408, F.S., for present text.)

624.408 Surplus as to policyholders required; new and existing insurers.—

(1) To maintain a certificate of authority to transact any one kind or combinations of kinds of insurance, as defined in part V of this chapter, an insurer in this state that applied for its certificate of authority on or after the effective date of this act shall at all times maintain surplus as to policyholders not less than the greater of:

(a) $1,500,000;

(b) For life insurers, 4 percent of the insurer's total liabilities;

(c) For life and health insurers, 4 percent of the insurer's total liabilities plus 6 percent of the insurer's liabilities relative to health insurance; or

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities.

(2) To maintain a certificate of authority to transact any one kind or combinations of kinds of insurance, as defined in part V of this chapter, an insurer in this state that applied for its certificate of authority prior to the effective date of this act shall maintain on December 31, 1989, and until December 31, 1990, surplus as to policyholders not less than the greater of:

(a) $1,000,000;

(b) For life insurers, 3 percent of the insurers total liabilities;

(c) For life and health insurers, 3 percent of the insurer's total liabilities plus 2 percent of the insurer's liabilities relative to health insurance; or

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities.

(3) To maintain a certificate of authority to transact any one kind or combinations of kinds of insurance, as defined in part V of this chapter, an insurer in this state that applied for its certificate of authority prior to the effective date of this act shall maintain on December 31, 1990, and until December 31, 1991, surplus as to policyholders not less than the greater of:

(a) $1,150,000;

(b) For life insurers, 3.3 percent of the insurer's total liabilities;

(c) For life and health insurers, 3.3 percent of the insurer's total liabilities plus 4 percent of the insurer's liabilities relative to health insurance; or

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities.

(4) To maintain a certificate of authority to transact any one kind or combination of kinds of insurance, as defined in part V of this chapter, an insurer in this state that applied for its certificate of authority prior to the effective date of this act, shall maintain on December 31, 1991, and until December 31, 1992, surplus as to policyholders not less than the greater of:

(a) $1,300,000;

(b) For life insurers, 3.6 percent of the insurer's total liabilities;

(c) For life and health insurers, 3.6 percent of the insurer's total liabilities plus 5 percent of the insurer's liabilities relative to health insurance; or

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities.

(5) To maintain a certificate of authority to transact any one kind or combination of kinds of insurance, as defined in part V of this chapter, an insurer in this state that applied for its certificate of authority prior to the effective date of this act, shall maintain on December 31, 1992, and thereafter, surplus as to policyholders not less than the greater of:

(a) $1,500,000;

(b) For life insurers, 4 percent of the insurer's total liabilities;

(c) For life and health insurers, 4 percent of the insurer's total liabilities plus 6 percent of the insurer's liabilities relative to health insurance; or

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities.

(6) For purposes of this section, liabilities shall not include liabilities required under s. 625.041(4).

(7) No insurer shall be required under this section to have surplus as to policyholders greater than $100 million.

Section 29. Effective October 1, 1989, section 624.4095, Florida Statutes, is amended to read:

624.4095 Premiums written; restrictions.—

(1) Whenever *an* ~~the department has reason to believe that the financial condition of an insurer endangers the interests of its policyholders and the~~ insurer's ratio of actual or projected annual ~~gross~~ written premiums *as adjusted in accordance with subsection (4)* to current *or projected* surplus as to policyholders *as adjusted in accordance with subsection (5)* exceeds 10 to 1 *for gross written premiums* or ~~the insurer's ratio of actual or projected annual net premiums to current surplus as to policyholders~~ exceeds 4 to 1 *for net written premiums*, the department *shall suspend the insurer's certificate of authority or* ~~may by order~~ establish *by order* maximum gross or net annual premiums to be written by the insurer consistent with maintaining the ratios specified herein *unless the insurer demonstrates to the department's satisfaction that exceeding the ratios of this section does not endanger the financial condition of the insurer or endanger the interests of the insurer's policyholders.* ~~The order shall not exceed 12 months in duration.~~

(2) Projected annual net or gross premiums shall be based on the actual writings to date for the insurer's current calendar year or the insurer's writings for the previous calendar year or both. Ratios shall be computed on an annualized basis.

(3) For the purposes of this section, gross premiums written means direct premiums written and reinsurance assumed.

(4) For the purposes of this section, for the calendar year ending December 31, 1990, and each subsequent year, premiums shall be calculated as the product of the actual or projected premiums and the following:

(a) For property insurance, 0.90.

(b) For casualty insurance, 1.25.

(c) For health insurance, 0.80.

(d) For all other kinds of insurance, 1.00.

(5)~~(4)~~ This section shall not apply to*:*

(a) Life *insurance written by life or life and* ~~or~~ health insurers*; or*

(b) Life and health insurers which have a surplus as to policyholders greater than $40 million and which have written health insurance during each of the immediately preceding five calendar years.

(6) For the purposes of this section, surplus as to policyholders for life and health insurers shall be calculated as follow: (actual or projected surplus as to policyholders) minus (surplus as to policyholders required to be maintained under s. 624.408 for liabilities relating to life insurance).

Section 30. Effective October 1, 1989, section 624.410, Florida Statutes, is amended to read:

624.410 Permissible insuring combinations without additional capital funds.—

~~(1) A life insurer may also grant annuities without additional capital or additional surplus.~~

~~(2) A casualty insurer may be authorized to transact also health insurance without additional capital or additional surplus.~~

~~(3)~~ A property insurer may ~~without additional capital or additional surplus~~ include such amount and kind of insurance against legal liability for injury, damage, or loss to the person or property of others, and for medical, hospital, and surgical expense related to such injury, as the department deems to be reasonably incidental to insurance of real property against fire and other perils under policies covering residential properties involving not more than four families, with or without incidental office, professional, private school or studio occupancy by an insured, whether or not the premium or rate charged for certain perils so covered is specified in the policy. Any provision of s. 624.609 to the contrary notwithstanding, no insurer authorized as to property insurance only shall, pursuant to this subsection, retain risk as to any one subject of insurance as to hazards other than property insurance hazards, in an amount exceeding 5 percent of its surplus *as* to policyholders.

Section 31. Effective October 1, 1989, section 624.411, Florida Statutes, is amended to read:

624.411 Deposit requirement; domestic insurers and foreign insurers.—

(1) *As to domestic insurers,* the department shall not issue or permit to exist a certificate of authority ~~as to any domestic insurer~~ unless *such insurer* ~~it~~ has deposited and maintains deposited in trust for the protection of the insurer's policyholders or its policyholders and creditors with the department securities eligible for such deposit under s. 625.52, having at all times a value of not less than as follows:

~~(a) To transact property insurance, $75,000.~~

(a)~~(b)~~ To transact casualty insurance, *$250,000* ~~$75,000~~.

~~(c) To transact title insurance, $100,000.~~

~~(d) To transact surety insurance, $100,000.~~

(b) To transact all other kinds of insurance, $100,000 per kind of insurance.

(c) A domestic insurer authorized to transact more than one kind of insurance shall not be required to deposit more than $300,000 under this subsection.

(2) As to foreign insurers, the department shall not issue or permit to exist a certificate of authority unless such insurer has deposited and maintains deposited in trust *for the protection of the insured's policyholders or its policyholders and creditors* with the department securities eligible for such deposit under s. 625.52, having at all times a value of not less than as follows:

~~(a) To transact property insurance, $75,000.~~

(a)~~(b)~~ To transact casualty insurance, *$150,000* ~~$75,000~~.

~~(c) To transact title insurance, $100,000.~~

~~(d) To transact surety insurance, $100,000.~~

(b) To transact all other kinds of insurance, $100,000 per kind of insurance.

(c) ~~However, if~~ A foreign insurer ~~is~~ authorized to transact more than one kind of insurance in this state ~~listed in paragraphs (a) through (d) of this subsection, it~~ shall not be required to deposit more than *$200,000 under this subsection* ~~$100,000. These deposits shall be for the protection of the insurer's policyholders or its policyholders and creditors~~.

(d) ~~Further, if~~ A foreign insurer *with* ~~has a~~ surplus *as* to policyholders of *more than $10 million* ~~not less than $1.5 million~~ according to *its* ~~the~~ latest annual statement~~, such foreign insurer~~ shall not be required to make *a* ~~such~~ deposit *under this subsection.*

(3) *Whenever the department determines that the financial condition of an insurer has deteriorated or that the policyholders' best interests are not being preserved by the activities of an insurer,* ~~In addition to the deposits otherwise required pursuant to this section,~~ the department may~~, after notice and hearing,~~ require *such* ~~any~~ insurer~~, for good cause shown,~~ to deposit and maintain deposited in trust *with the department* for the protection of the insurer's policyholders or its policyholders and creditors, for such time as the department deems necessary, securities eligible for such deposit under s. 625.52, having a market value of not less than the amount which the department determines is necessary, which amount shall be not less than *$100,000* ~~$75,000~~, or more than ~~$2 million or~~ 25 percent of the insurer's obligations in this state, *as determined from the latest annual financial statement of the insured. The deposit required under this subsection shall not exceed $2 million and is in addition to any other deposits required of an insurer pursuant to subsections (1) and (2) or any other provisions of the Insurance Code* ~~whichever amount is smaller~~.

(4) All such deposits in this state are subject to the applicable provisions of part III of chapter 625.

Section 32. Effective October 1, 1989, paragraphs (a), (e), (i), (j), and (k) of subsection (1) of section 624.413, Florida Statutes, are amended to read:

624.413 Application for certificate of authority.—

(1) To apply for a certificate of authority, an insurer shall file its application therefor with the department, upon a form furnished by it, showing its name; location of its home office and, if an alien insurer, its principal office in the United States; kinds of insurance to be transacted; state or country of domicile; and such additional information as the department may reasonably require, together with the following documents:

(a) *One copy* ~~Two copies~~ of its corporate charter, articles of incorporation, existing and proposed nonfacultative reinsurance contracts, declaration of trust, or other charter documents, with all amendments thereto, certified by the public official with whom the originals are on file in the state or country of domicile.

(e) ~~A~~ Supplemental *quarterly* financial *statements for each* ~~statement in condensed form covering the period from the first of the year to the end of the~~ calendar quarter *since the beginning of the year* ~~next preceding the date~~ of its application for the certificate of authority, sworn to by at least two of its executive officers. *To facilitate uniformity in financial statements, the department may by rule adopt the form for quarterly financial statements approved by the National Association of Insurance Commissioners.*

(i) If a life insurer,:

~~1.~~ certificate of valuation~~; and~~

~~2. Copies of policy forms, standard riders and standard endorsements, and application forms proposed to be issued in this state, and duplicate listings of such forms.~~

~~(j) If a health insurer, copies of policy forms proposed to be issued in this state, with duplicate listings thereof, together with a rate book and a copy of each application form~~.

(j)~~(k)~~ If an alien insurer, a copy of the appointment and authority of its United States manager, certified by its officer having custody of its records.

Section 33. Effective October 1, 1989, section 624.414, Florida Statutes, is amended to read:

624.414 Issuance or refusal of authority.—The fee for filing application for a certificate of authority shall not be subject to refund. The department shall issue to the applicant insurer a proper certificate of authority if it finds that the insurer has met the ~~other~~ requirements of this code, *exclusive of the requirements relative to the filing and approval of an insurer's policy forms, riders, endorsements, applications, and rates.* If it does not so find, the department shall issue its order refusing the certificate. The certificate, if issued, shall specify the kind or kinds *and line or lines* of insurance the insurer is authorized to transact in this state. *The issuance of a certificate of authority does not signify that an insurer has met the requirements of this code relative to the filing and approval of an insurer's policy forms, riders, endorsements, applications, and rates which may be required prior to an insurer actually writing any premiums.* ~~At the insurer's request, the department may issue a certificate of authority limited to particular types of insurance or insurance coverages within the scope of a kind of insurance as defined in part V.~~

Section 34. Effective October 1, 1989, subsection (1) of section 624.420, Florida Statutes, is amended to read:

624.420 Order, notice of suspension or revocation of certificate of authority; effect; publication.—

(1) Suspension or revocation of an insurer's certificate of authority shall be by the order of the department. The department shall promptly also give notice of such suspension or revocation to the insurer's agents in this state of record in the office of the department. The insurer shall not solicit or write any new coverages in this state during the period of any such suspension *and may renew coverages only upon a finding by the department that the insurer is capable of servicing the renewal coverage. The insurer shall not solicit or write any new or renewal coverages after any such revocation* ~~or revocation, nor shall the insurer after such revocation renew any business previously written~~.

Section 35. Effective October 1, 1989, section 624.421, Florida Statutes, is amended to read:

624.421 Duration of suspension; insurer's obligations during suspension period; reinstatement.—

(1) Suspension of an insurer's certificate of authority shall be for ~~such period, not to exceed 1 year, as is fixed by the department.~~:

(a) A fixed period of time not to exceed 2 years; or

(b) Until the occurrence of a specific event necessary for remedying the reasons for suspension.

Such suspension may be modified, rescinded, or reversed.

(2) During the period of suspension, the insurer shall file *with the department all documents and information* ~~its annual statement~~ and pay *all* license fees and taxes as required under this code as if the certificate had continued in full force.

(3) If the *suspension of the* certificate of authority *is for a fixed period of time and the certificate of authority* has not been otherwise terminated, upon expiration of the suspension period the insurer's certificate of authority shall *be reinstated* ~~automatically reinstate~~ unless the department finds that ~~the causes of the suspension have not been removed or that~~ the insurer is ~~otherwise~~ not in compliance with the requirements of this code. *The department shall promptly notify the insurer of such reinstatement and the insurer shall not consider its certificate of authority reinstated until so notified by the department.* If not ~~so automatically~~ reinstated, the certificate of authority shall be deemed to have expired as of the end of the suspension period or upon failure of the insurer to continue the certificate during the suspension period *in accordance with subsection (2)*, whichever event first occurs.

(4) If the suspension of the certificate of authority was until the occurrence of a specific event or events and the certificate of authority has not been otherwise terminated, upon the presentation of evidence satisfactory to the department that the specific event or events have occurred, the insurer's certificate of authority shall be reinstated unless the department finds that the insurer is otherwise not in compliance with the requirements of this code. The department shall promptly notify the insurer of such reinstatement and the insurer shall not consider its certificate of authority reinstated until so notified by the department. If satisfactory evidence as to the occurrence of the specific event or events has not been presented to the department within 2 years of the date of such suspension, the certificate of authority shall be deemed to have expired as of 2 years from the date of suspension or upon failure of the insurer to continue the certificate during the suspension period in accordance with subsection (2), whichever first occurs.

(5)~~(4)~~ Upon reinstatement of the insurer's certificate of authority, the authority of its agents in this state to represent the insurer shall likewise reinstate. The department shall promptly notify the insurer of such reinstatement.

Section 36. Effective October 1, 1989, paragraphs (c), (d), (e), and (f) of subsection (8) of section 624.424, Florida Statutes, are amended to read:

624.424 Annual statement and other information.—

(8)

(c) Any authorized insurer otherwise subject to this subsection with less than $500,000 in direct premiums written in this state during the subject calendar year or with less than 1,000 policyholders *or certificateholders* at the end of the calendar year shall, in lieu of the required submission of the audited financial statements, opinion, and evaluation as required herein, submit an affidavit sworn to by a responsible officer of the insurer specifying the amount of direct premiums written in this state and number of policyholders *or certificateholders*.

(d) Any insurer otherwise subject to this subsection and not eligible for an exemption under paragraph (c) may submit to the department an exemption application. The department shall grant to the insurer an exemption to requirements of this subsection if the department determines that:

1. Compliance with paragraph (a) would result in an undue financial hardship on the insurer due to the cost of preparing such statements, including the direct and indirect expenses of the holding company system if the insurer is a member of one; and

2. The insurer will file financial statements which have been reviewed or compiled by an independent certified public accountant and which the department determines are sufficiently reliable and complete for the department to evaluate the financial condition and stability of the insurer. However, if the insurer is a member of an insurance holding company system, it shall file audited consolidated financial statements and opinion based upon generally accepted accounting principles or statutory principles consistent with the Florida Insurance Code. Such statement and opinion shall be for the preceding calendar year, shall be accompanied by a letter report of material weakness as described in paragraph (b), and shall be filed as provided in paragraph (f), but no later than July 10 subsequent to the preceding calendar year. Any determination by the CPA that the holding company or any insurer within the holding company has materially misstated its financial condition as reported to the department on its most recent annual statement or that the insurer does not meet minimum capital and surplus requirements set forth in the Florida Insurance Code shall be made in accordance with the provisions of paragraph (b) and shall be reported to the department as provided in paragraph (f). Each entity filing a consolidated statement pursuant to this paragraph shall retain an independent certified public accountant who agrees by written contract with the entity to comply with the provisions of this subsection relating to a contract between a certified public accountant and an insurer.

An application for exemption is required ~~Applications for exemptions for the calendar year 1985 must be filed with the department on or before March 1, 1986. In 1986 and in~~ each ~~subsequent~~ year, *and* ~~applications for exemptions~~ must be filed with the department prior to the end of the calendar year for which the exemption is being *requested* ~~required~~. *The department may accept and grant exemption applications after the end of such calendar year subject to the imposition of an administrative fine on each insurer involved in such application as provided for in s. 624.4211(2), provided such application is received by the department prior to the March 1 immediately subsequent to the end of the calendar year for which such exemption is being requested.*

(e) Each CPA who enters into a contract with an insurer pursuant to this subsection shall notify the department of the date of completion of any audit, report, determination, financial statement, or other requirement of this subsection within 10 days of providing notice or other communication to the insurer as to such completion. *Failure to so notify the department may subject the affected insurer or insurers to an administrative fine as provided for in s. 624.4211(2).*

(f) Each authorized insurer shall, within 10 days of receipt, file with the department any report, financial statements, or determination which it receives from a CPA pursuant to this subsection. *The department may immediately suspend an insurer's certificate of authority for an insurer's willful failure to so file with the department.*

Section 37. Effective October 1, 1989, section 624.430, Florida Statutes, is amended to read:

624.430 Withdrawal of insurer or discontinuance of writing certain *kinds of lines* ~~classes~~ of insurance.—

(1) Any insurer desiring to surrender its certificate of authority, withdraw from this state, or discontinue the writing of *any one or multiple kinds or lines* ~~certain classes~~ of insurance in this state shall give 90 days' notice in writing to the department setting forth its reasons for such action. *Any insurer, other than a member of an insurer group which has annual direct written premium exceeding $1 billion in this state, who does not write any premiums in a kind or line of insurance within a calendar year shall have that kind or line of insurance removed from its certificate of authority.*

(2) Any insurer withdrawing from *this* ~~the~~ state or discontinuing the writing of all *kinds* ~~classes~~ of insurance in this state shall ~~be required to~~ surrender its certificate of authority.

(3) This section does not apply to life *insurance and corresponding lines of* insurance *as long as the insurer has in force life insurance policies and corresponding lines in this state.*

(4) This section does not apply to insurers during the calendar year in which they first receive their certificate of authority.

(5) This section does not apply to insurers who have discontinued writing in accordance with an order issued by the department.

Section 38. Effective October 1, 1989, subsection (8) of section 624.609, Florida Statutes, is amended to read:

624.609 Limit of risk.—

~~(8) Limits of risk as to newly formed domestic mutual insurers are provided in s. 628.161.~~

Section 39. Effective October 1, 1989, paragraphs (a) and (b) of subsection (2) and subsection (9) of section 624.610, Florida Statutes, are amended to read:

624.610 Reinsurance.—

(2)(a) *If* a ceding insurer *reinsures* ~~may reinsure~~ all or any part of any particular risk or class of risks with *an approved reinsurer, the ceding insurer may receive credit in accounting and financial statements on account of such reinsurance ceded. An approved reinsurer is*:

1. An assuming insurer authorized by the department to transact such line of insurance or reinsurance in this state. Subject to the other requirements of this code, credit may be taken for reinsurance with an authorized insurer.

2. An assuming insurer approved by the department to transact such line of reinsurance in this state. The department shall approve only solvent insurers meeting the criteria established for authorized insurers in this state. From time to time, the department shall publish a list of insurers approved pursuant to this subsection. Subject to the other requirements of this code, credit may be taken for reinsurance with an approved reinsurer.

3. An assuming underwriting member of an insurance exchange domiciled in any other state or jurisdiction in the United States provided the insurance exchange presents to the department for its approval, and maintains, satisfactory evidence that such assuming underwriting member maintains the standards and meets the financial requirements applicable to an authorized insurer. Subject to the other requirements of this section, credit may be taken for reinsurance with members approved under this subsection by the department.

4. A group of individual, unincorporated alien insurers which maintains funds in an amount not less than $50 million held in trust for United States policyholders and beneficiaries in a bank or trust company that is subject to supervision by any state of the United States or that is a member of the Federal Reserve System and which group satisfies the department by annually filing evidence that it can meet its obligations under its reinsurance agreements. Subject to the other requirements of this section, credit may be taken for reinsurance with a group approved under this subsection by the department.

(b) Credit in accounting and financial statements on account of reinsurance ceded to a ~~nonauthorized or~~ nonapproved reinsurer may be allowed only:

1. When it is demonstrated by the ceding insurer to the satisfaction of the department that such reinsurer maintains the standards and meets the financial requirements applicable to an authorized insurer;

2. To the extent of deposits by, or funds withheld from, such reinsurer pursuant to express provision therefor in the reinsurance contract as security for the payment of the obligations thereunder if such deposits or funds are held subject to withdrawal by, and under the control of, the ceding insurer or such deposits or funds are placed in trust for such purposes in a bank which is a member of the Federal Reserve System if withdrawals from the trust cannot be made without the consent of the ceding insurer. The funds withheld may be cash or securities which are qualified as admitted assets under part II of chapter 625 and which have a market value equal to or greater than the credit taken; or

3. To the extent that the amount of a clean and irrevocable letter of credit, issued for a term of not less than 1 year and in conformity with the requirements set forth in this subparagraph, equals or exceeds the liability of an unauthorized or unapproved reinsurer for unearned premiums, outstanding losses, and an adequate reserve for incurred but not reported losses under a specific reinsurance agreement. The requirements are that such a clean and irrevocable letter of credit be issued under arrangements satisfactory to the department as constituting security to the ceding insurer substantially equal to that of a deposit under subparagraph 2. and that the letter be issued by a banking institution which is a member of the Federal Reserve System and which has financial standing satisfactory to the commissioner.

(9) Any authorized insurer ceding directly written risks of loss under this section shall within 30 days of receipt of a summary statement or cover note, or in no event no later than 6 months after the effective date of the reinsurance treaty, file with the department one copy of a summary statement containing the following information about each treaty:

(a) The contract period;

(b) The nature of the reinsured's business;

(c) An indication as to whether the treaty is proportional, nonproportional, coinsurance, modified coinsurance, or indemnity, as applicable;

(d) The ceding company's loss retention per risk;

(e) The reinsured limits;

(f) Any special contract restrictions;

(g) A schedule of reinsurers assuming the risks of loss;

(h) An indication as to whether payments to the assuming insurer are based on written premiums or earned premiums;

(i) Identification of any intermediary or broker used in obtaining the reinsurance and the commission paid them if known; and

(j) Ceding commissions and allowances.

The summary statement shall be signed and attested to by either the chief executive officer or the chief financial officer of the reporting insurer. In addition to the summary statement, the Insurance Commissioner may require the filing of any supporting information relating to the ceding of such risks as he deems necessary. *The summary statement shall be accompanied by a certification signed by the ceding insurer that the risk has been transferred and describing said risk. A copy of the summary statement and the certification shall be mailed or delivered to each reinsurer assuming any part of the risk that is transferred. Any such reinsurer shall notify the department in writing within 30 days of receipt of the summary statement and certification if the reinsurer believes that any information in the statement or certification is inaccurate. Any reinsurer who does not so notify the department shall be deemed to concur with the information in the summary statement and certification to the extent that such reinsurer should know the accuracy of such information or certification. The ceding insurer shall notify each reinsurer of such requirements together with the summary statement and certification.* This subsection applies to cessions of directly written risk of loss. This subsection does not apply to contracts of facultative reinsurance or to any ceding insurer with surplus as to policyholder that exceeds $100 million as of the immediately preceding December 31. Additionally, any ceding insurer otherwise subject to this section with less than $500,000 in direct premiums written in this state during the preceding calendar year or with less than 1,000 policyholders at the end of the preceding calendar year is exempt from the requirements of this subsection. However, any ceding insurer otherwise subject to this section with more than $250,000 in direct premiums written in this state during the preceding calendar quarter is not exempt from the requirements of this subsection. The Insurance Commissioner may, upon a showing of good cause, waive the requirements of this subsection.

Section 40. Effective October 1, 1989, section 624.6011, Florida Statutes, is created to read:

624.6011 "Kinds of insurance" defined.—Insurance shall be classified into the following "kinds of insurance":

(1) Life.

(2) Health.

(3) Property.

(4) Casualty.

(5) Surety.

(6) Marine.

(7) Title.

Section 41. Effective October 1, 1989, section 624.6012, Florida Statutes, is created to read:

624.6012 "Lines of insurance" defined.—Kinds of insurance shall be classified into "lines of insurance." The department shall adopt by rule the lines of insurance to be utilized. Such lines of insurance shall be consistent with the reporting requirements of the National Association of Insurance Commissioners.

Section 42. Effective October 1, 1989, subsections (7) and (8) are added to section 625.031, Florida Statutes, to read:

625.031 Assets not allowed.—In addition to assets impliedly excluded by the provisions of s. 625.012, the following expressly shall not be allowed as assets in any determination of the financial condition of an insurer:

(7) Prepaid and deferred expenses.

(8) Federal income tax refunds when a refund is not assured.

Section 43. Effective October 1, 1989, section 625.041, Florida Statutes, is amended to read:

625.041 Liabilities, in general.—In any determination of the financial condition of an insurer, ~~capital stock and~~ liabilities to be charged against its assets shall include:

~~(1) The amount of its capital stock outstanding, if any.~~

(1)~~(2)~~ The amount, estimated consistent with the provisions of this code, necessary to pay all of its unpaid losses and claims incurred on or prior to the date of statement, whether reported or unreported, together with the expenses of adjustment or settlement thereof.

(2)~~(3)~~ With reference to life and health insurance and annuity contracts:

(a) The amount of reserves on life insurance policies and annuity contracts in force, valued according to the tables of mortality, rates of interest, and methods adopted pursuant to this code which are applicable thereto.

(b) Reserves for disability benefits, for both active and disabled lives.

(c) Reserves for accidental death benefits.

(d) Any additional reserves which may be required by the department consistent with practice formulated or approved by the National Association of Insurance Commissioners or its successor organization, on account of such insurance.

(3)~~(4)~~ With reference to insurance other than specified in subsection (3), and other than title insurance, the amount of reserves equal to the unearned portions of the gross premiums charged on policies in force, computed in accordance with this part.

(4)~~(5)~~ Taxes, expenses, and other obligations due or accrued at the date of the statement.

Section 44. Effective October 1, 1989, subsection (2) of section 625.141, Florida Statutes, is amended to read:

625.141 Valuation of bonds.—

(2) The department shall have full discretion in determining the method of calculating values according to the rules set forth in this section, but no such method or valuation shall be inconsistent with the method formulated or approved by the National Association of Insurance Commissioners or its successor organization and set forth in the *latest* ~~1982~~ edition of its publication "Valuation of Securities"*; provided that such valuation methodology is substantially similar to the methodology used by the National Association of Insurance Commissioners in its 1988 edition of such publication.*[2]

Section 45. Effective October 1, 1989, subsection (4) of section 625.151, Florida Statutes, is amended to read:

625.151 Valuation of other securities.—

(4) No valuations under this section shall be inconsistent with any applicable valuation or method contained in the *latest* ~~1982~~ edition of the publication "Valuation of Securities" published by the National Association of Insurance Commissioners or its successor organization*; provided that such valuation methodology is substantially similar to the methodology used by the National Association of Insurance Commissioners in its 1988 edition of such publication.*

Section 46. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (4) is added to section 625.161, Florida Statutes, to read:

625.161 Valuation of property.—

(4) In carrying out its responsibilities under this section, in the event that the department and the insurer do not agree on the value of real or personal property of such insurer, the department may retain the services of a qualified real or personal property appraiser. If it is subsequently determined that the insurer has overvalued assets, the department shall be reimbursed for the costs of the services of any such appraiser incurred with respect to its responsibilities under this section regarding an insurer by said insurer and any reimbursement shall be deposited in the Insurance Commissioner's Regulatory Trust Fund.

Section 47. Effective October 1, 1989, paragraph (a) of subsection (2) of section 625.305, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

625.305 Diversification.—

(2) Investments eligible under subsection (1), except investments acquired pursuant to s. 625.331, are subject to the following limitations:

(a) The cost of investments made by ~~life~~ insurers in stock authorized by s. 625.324 shall not exceed 15 percent of the insurer's admitted assets; the cost of such investment in common stocks shall not exceed 10 percent of the insurer's admitted assets; and the cost of such investment in stock of any one corporation shall not exceed 3 percent of the insurer's admitted assets. Notwithstanding any other provision in this chapter, the cost basis or market value, if lower, of all stock investment shall be used for the purpose of determining the asset value against which such percentage limitations are to be applied.

(9) The department may limit the extent of an insurer's deposits with any financial institution which does not meet its regulatory capital requirement if the department determines that the financial solvency of the insurer is threatened by a deposit in excess of such limit.

Section 48. Effective October 1, 1989, subsection (4) of section 625.325, Florida Statutes, is amended to read:

625.325 Investments in subsidiaries and related corporations.—

(4) DEBT OBLIGATIONS.—Debt obligations, other than mortgage loans, made under the authority of this section must meet amortization requirements in accordance with the *latest* ~~1982~~ edition of the publication "Valuation of Securities" by the National Association of Insurance Commissioners or its successor organization*; provided that such amortization methodology is substantially similar to the methodology used by the National Association of Insurance Commissioners in its 1988 edition of such publication.*

Section 49. Effective October 1, 1989, subsection (1) of section 625.52, Florida Statutes, is amended to read:

625.52 Securities eligible for deposit.—

(1) All deposits by insurers required for authority to transact insurance in this state shall be limited to *cash or* interest bearing or accruing securities of the following types:

(a) *Cash or certificates of deposit.—Cash delivered to the State Treasurer or certificates of deposit issued by a qualified public depository as defined in s 280.02(11).* ~~Deposit type accounts.—Certificates of deposit, savings accounts, or passbook accounts issued by a solvent bank or savings association organized and existing under the laws of this state or under the laws of the United States and having its principal place of business in this state.~~

(b) United States Government obligations.—Bonds, notes, and bills which are direct obligations *issued by* ~~of~~ the Government of the United States *and* ~~or~~ for which the full faith and credit of the Government of the United States is pledged for the payment of principal and interest.

(c) State and Canadian public obligations.—Bonds and notes not in default which are the direct obligations of any state of the United States or of the District of Columbia, or of the Government of Canada or any province thereof, *and* ~~or~~ for which the full faith and credit of such state,

district, government, or province has been pledged for the payment of principal and interest.

(d) County, municipal, and district obligations.—Bonds and notes, not in default, of any county, district, incorporated city, or school district in any state of the United States, or the District of Columbia, or in any province of Canada, which are the direct obligations of such county, district, city, or school district and for payment of the principal and interest of which the county, district, city, or school district has lawful authority to levy taxes or make assessments.

(e) Securities of certain agencies.—Bonds, debentures, and notes of any federal agency which are guaranteed by the United States, as well as obligations issued, assumed, or guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, or the African Development Bank.

(f) Corporate bonds and debentures.—Bonds and notes of any solvent corporation organized under the laws of the United States or Canada or under the laws of any state, the District of Columbia, any territory or possession of the United States, or any province of Canada.

Any security not specifically eligible for deposit as provided in this subsection shall be replaced in accordance with a schedule to be determined and provided by the department. All such securities not specifically eligible for deposit shall be replaced within a period of 1 year from July 10, 1987.

Section 50. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 628.071, Florida Statutes, 1988 Supplement, is amended to read:

628.071 Granting, denial of permit.—

(1) The department shall expeditiously examine and investigate the application for a permit as referred to in s. 628.051. If the department finds that:

(a) The application is complete;

(b) The documents therewith filed are in compliance with law;

(c) None of the stockholders, organizers, incorporators, subscribers, and other persons who directly or indirectly exercise or have the ability to exercise effective control of the proposed insurer or who will be involved in its management have been found guilty of, or have pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or any state thereof or under the law of any other country which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases;

(d)~~(c)~~ The proposed financial structure is adequate; and

(e)~~(d)~~ All stockholders, organizers, incorporators, subscribers, and other persons who directly or indirectly exercise or have the ability to exercise effective control of the proposed insurer or who will be involved in management of the proposed insurer possess the financial standing and business experience to form an insurer;

it shall issue to the applicant a permit to form the proposed insurer.

(2) If the department does not so find, or finds that the insurer if formed or financed would not be able to qualify for or retain a certificate of authority by reason of the provisions of s. 624.404(3), a permit shall not be granted.

(3) A permit granted under the provisions of this section shall be valid for 1 year from the date of issue, and during any extension of such period, not to exceed an additional year, as may be authorized by the department upon cause shown. The articles of incorporation and all other proceedings thereunder shall become void 1 year from the issue date of such permit or upon the expiration of such extended period, unless the formation of the proposed insurer has been completed and a certificate of authority has been issued by the department.

Section 51. Effective October 1, 1989, paragraph (b) of subsection (5) of section 628.461, Florida Statutes, is amended to read:

628.461 Acquisition of controlling stock.—

(5)

(b) During the pendency of the department's review of any acquisition subject to the provisions of this section, the acquiring person shall not make any material change in the ~~management or~~ operation of the insurer or controlling company unless the department has specifically approved the change *nor shall the acquiring person make any material change in the management of the insurer unless advance written notice of the change in management is furnished to the department.* A material change *in the operation of the insurer* is a transaction which disposes of or obligates 5 percent or more of the capital and surplus of the insurer. *A material change in the management of the insurer is* ~~or~~ any change in management involving officers or directors of the insurer or any person of the insurer or controlling company having authority to dispose of or obligate 5 percent or more of the insurer's capital or surplus. The department shall approve *a material change in operation* ~~the change~~ if it finds the applicable provisions of subsection (7) have been met. *The department may disapprove a material change in management if it finds that the applicable provisions of subsection (7) have not been met and in such case the insurer shall promptly change management as acceptable to the department.*

Section 52. Effective October 1, 1989, paragraph (b) of subsection (6) of section 628.4615, Florida Statutes, is amended to read:

628.4615 Allied lines insurers; acquisition of controlling stock, ownership interest, assets, or control; merger or consolidation.—

(6)

(b) During the pendency of the department's review of any acquisition subject to the provisions of this section, the acquiring person shall not make any material change in the ~~management or~~ operation of the allied lines insurer or controlling company unless the department has specifically approved the change *nor shall the acquiring person make any material change in the management of the allied lines insurer unless advance written notice of the change in management is furnished to the department.* A material change *in the operation of the allied lines insurer* is a transaction which disposes of or obligates 5 percent or more of the capital and surplus of the allied lines insurer. *A material change in the management of the allied lines insurer* ~~or~~ is any change in management involving officers or directors of the allied lines insurer or any person of the allied lines insurer or controlling company having authority to dispose of or obligate 5 percent or more of the allied lines insurer's capital or surplus. The department shall approve *a material* ~~the~~ change *in operations* if it finds the applicable provisions of subsection (8) have been met. *The department may disapprove a material change in management if it finds that the applicable provisions of subsection (8) have not been met and in such case the allied lines insurer shall promptly change management as acceptable to the department.*

Section 53. Effective October 1, 1989, each section which is added to part V of chapter 624, Florida Statutes, by this act is repealed on October 1, 1991, and shall be reviewed by the Legislature pursuant to section 11.61, Florida Statutes.

Section 54. Effective October 1, 1989, section 624.4081, Florida Statutes, as amended by chapter 87-226, Laws of Florida, is hereby repealed.

Section 55. Effective October 1, 1989, section 627.171, Florida Statutes, is amended to read:

627.171 Excess rates.—

(1) With written consent of the insured *signed prior to the policy inception date and* filed with the insurer, *the insurer may use* a rate in excess of *the* ~~that~~ otherwise applicable *filed rate* ~~may be used~~ on any specific risk. *The signed consent form must include the filed rate as well as the excess rate for the risk insured and a copy of the form must be maintained by the insurer for 3 years and be available for review by the department.*

(2) An insurer may not use excess rates pursuant to this section for more than 10 percent of its commercial insurance policies written or renewed in each calendar year for any line of commercial insurance or

for more than 5 percent of its personal lines insurance policies written or renewed in each calendar year for any line of personal insurance.

Section 56. Effective October 1, 1989, section 626.592, Florida Statutes, is created to read:

626.592 Primary agents.—

(1) On or before January 1, 1990, and annually thereafter, each person operating an insurance agency and each location of a multiple location agency shall designate a primary agent for each insurance agency location and shall file the name of the person so designated, and the address of the insurance agency location where he is primary agent, with the Department of Insurance, on a form approved by the department. The designation of the primary agent may be changed at the option of the agency and any change shall be effective upon notification to the department.

(2) For the purpose of this section, a "primary agent" is the licensed agent who is responsible for the hiring and supervision of all individuals within an insurance agency location who deal with the public in the solicitation or negotiation of insurance contracts or in the collection or accounting of moneys from the general public. An agent may be designated as primary agent for only one insurance agency location.

(3) For the purpose of this section, an "insurance agency" is a location where two or more agents are engaged in the business of insurance.

(4) The department may suspend or revoke the license of the primary agent if an insurance agency employs any person who has had a license denied or any person whose license is currently suspended or revoked. However, when a person has been denied a license for failure to pass a required examination, he may be employed to perform clerical or administrative functions for which licensure is not required.

(5) The department may suspend or revoke the license of any agent who is employed by a person whose license is currently suspended or revoked.

(6) No insurance agency location shall conduct the business of insurance unless a primary agent is designated at all times. Failure to designate a primary agent as required under this section shall constitute grounds for requiring that the agency obtain a license in accordance with ss. 626.112 and 626.172.

(7) Any insurance agency may request, on a form prescribed by the department, verification from the department of any person's current licensure status. If a request is mailed to the department within five (5) working days after the date an agent if hired, and the department subsequently notifies the agency that an employee's license is currently suspended, revoked, or has been denied, the license of the primary agent shall not be revoked or suspended if the unlicensed person is immediately dismissed from employment as an insurance agent with the agency.

Section 57. Effective October 1, 1989, subsection (4) of section 626.641, Florida Statutes, is amended to read:

626.641 Duration of suspension or revocation.—

(4) During the period of suspension~~,~~ or ~~after~~ revocation of the license or permit, the former licensee or permittee shall not engage in or attempt or profess to engage in any transaction or business for which a license or permit is required under this code *or be employed in any manner by an insurance agent or agency.*

Section 58. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (b) of subsection (5) of section 626.112, Florida Statutes, is amended to read:

626.112 License required; agents, solicitors, adjusters, insurance agencies.—

(5)

(b) An insurance agency shall, as a condition precedent to continuing business, obtain an insurance agency license if the department finds that, with respect to any majority owner, partner, manager, director, officer, or other person who manages or controls such agency, any such person has, subsequent to the effective date of this act:

1. Been found guilty of, or has pleaded guilty or nolo contendere to, a felony in this state or any other state relating to the business of insurance or to an insurance agency, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

2. ~~Knowingly~~ Employed any individual in a managerial capacity or in a capacity dealing with the public who is under an order of revocation or suspension issued by the department. *An insurance agency may request, on forms prescribed by the department, verification of any person's license status. If a request is mailed within 5 working days after an employee is hired, and such employee's license is currently suspended or revoked, the agency shall not required to obtain a license, if such unlicensed person's employment is immediately terminated.*

3. With such frequency as to have made the operation of the agency hazardous to the insurance-buying public or other persons:

a. Solicited or handled controlled business. This subparagraph shall not prohibit the licensing of any lending or financing institution or creditor, with respect to insurance only, under credit life or disability insurance policies of borrowers from such institutions, which policies are subject to part IX of chapter 627.

b. Misappropriated, converted, or unlawfully withheld moneys belonging to insurers, insureds, beneficiaries, or others and received in the conduct of business under the license.

c. Rebated or attempted to rebate, or unlawfully divided or offered to divide, commissions with another.

d. Misrepresented any insurance policy or annuity contract, or used deception with regard to any such policy or contract, done either in person or by any form of dissemination of information or advertising.

e. Violated any provision of this code or any other law applicable to the business of insurance in the course of dealing under the license or permit.

f. Violated any lawful order or rule of the department.

g. Failed or refused, upon demand, to pay over to any insurer he represents or has represented any money coming into his hands belonging to the insurer.

h. Violated the provision against twisting as defined in s. 626.9541(1)(l).

i. In the conduct of business, engaged in unfair methods of competition or in unfair or deceptive acts or practices, as prohibited under part X of this chapter.

j. Willfully overinsured any property insurance risk.

k. Engaged in fraudulent or dishonest practices in the conduct of business arising out of activities related to insurance or the insurance agency.

l. Demonstrated lack of fitness or trustworthiness to engage in the business of insurance arising out of activities related to insurance or the insurance agency.

4. Knowingly employed any person who within the preceding 3 years has had his relationship with an agency terminated in accordance with paragraph (d).

5. Willfully circumvented the requirements or prohibitions of this code.

Section 59. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (7) of section 626.621, Florida Statutes, 1988 Supplement, is amended, and subsections (11) and (12) are added to said section, to read:

626.621 Grounds for discretionary refusal, suspension, or revocation of agent's, solicitor's, or adjuster's license or service representative's, supervising or managing general agent's, or claims investigator's permit.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the license of any agent, solicitor, or adjuster or the permit of any service representative, supervising or managing general agent, or claims investigator, and it may suspend or revoke the eligibility to hold a license or permit of any such person, if it finds that as to the applicant, licensee, or permittee any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 626.611:

(7) Willful overinsurance of any property *or health* insurance risk.

(11) Failure to inform the department in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof, or under the law of any other country without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case.

(12) Knowingly aiding, assisting, procuring, advising, or abetting any person in the violation of or to violate a provision of the Insurance Code or any order or rule of the department.

Section 60. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (4) of section 626.641, Florida Statutes, is amended to read:

626.641 Duration of suspension or revocation.—

(4) During the period of suspension~~,~~ or ~~after~~ revocation of the license or permit, the former licensee or permittee shall not engage in or attempt or profess to engage in any transaction or business for which a license or permit is required under this code *or be employed in any manner by an insurance agent or agency.*

Section 61. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 626.8373, Florida Statutes, is created to read:

626.8373 Overinsurance of health insurance coverage.—With respect to the solicitation and sale of health insurance and medical supplement insurance, an agent shall ask each person solicited whether he is currently covered under a health insurance or medical supplement insurance policy. The agent shall explain to each person the extent to which the proposed coverage will overlap or duplicate the existing coverage after considering any applicable coordination of benefits provisions under the existing or proposed health coverage if the person solicited has a copy of his current policy for the agent to review or if the person's current policy is with the same insurer as the proposed replacement policy.

Section 62. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraphs (k), (l), and (x) of subsection (1) of section 626.9541, Florida Statutes, 1988 Supplement, are amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(k) Misrepresentation in insurance applications.—

1. Knowingly making false or fraudulent statements or representations on, or relative to, an application for an insurance policy for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, agent, broker, or individual.

2. Any agent, solicitor, examining physician, applicant, or other person who knowingly makes any false and fraudulent statement or representation in, or with reference to, any application or negotiation for insurance, in addition to any other penalty provided in this act, shall, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082~~,~~ *or* s. 775.083~~, or s. 775.084~~.

3. Knowingly making a material omission in the comparison of a life, health, or Medicare supplement insurance replacement policy with the policy it replaces for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, agent, broker, or individual. For the purposes of this subparagraph, a material omission includes the failure to advise the insured of the existence and operation of a preexisting condition clause in the replacement policy.

(l) Twisting.—Knowingly making any misleading representations or incomplete or fraudulent comparisons *or fraudulent material omissions* of *or with respect to* any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert any insurance policy or to take out a policy of insurance in another insurer.

(x) Refusal to insure.—In addition to other provisions of this code, the refusal to insure, or continue to insure, any individual or risk solely because of:

1. Race, color, creed, marital status, sex, or national origin;

2. The residence, age, or lawful occupation of the individual or the location of the risk, unless there is a reasonable relationship between the residence, age, or lawful occupation of the individual or the location of the risk and the coverage issued or to be issued;

3. The insured's or applicant's failure to agree to place collateral business with *any* ~~a particular~~ insurer; ~~or~~

4. The insured's or applicant's failure to purchase automobile services as defined in s. 624.124 or to purchase any other service, or commodity; or

5.~~4.~~ The fact that the insured or applicant had been previously refused insurance coverage by any insurer, when such refusal to insure or continue to insure for this reason occurs with such frequency as to indicate a general business practice.

Section 63. Effective upon this act becoming a law, subsection (4) of section 607.234, Florida Statutes, is amended to read:

607.234 Merger or consolidation of domestic and foreign corporations.—

(4) The redomestication of a foreign insurer to this state under s. 628.520 shall be deemed a merger of a foreign corporation and a domestic corporation, and the surviving corporation shall be deemed to be a domestic corporation incorporated under the laws of this state. The redomestication of a Florida corporation to a foreign jurisdiction under s. *628.525* ~~628.520~~ shall be deemed a merger of a domestic corporation and a foreign corporation, and the surviving corporation shall be deemed to be a foreign corporation.

Section 64. Effective upon this act becoming a law, section 624.126, Florida Statutes, is created to read:

624.126 Certain mutual aid associations; exemption from code.—

(1) Any beneficial, relief, or mutual aid society, however organized, established prior to 1935 and formed by a religious organization which religious organization qualifies as an exempt religious organization under Title 26, s. 501, of the Internal Revenue Code and which society is formed for the purpose of aiding members who sustain property losses, and in which the coverages, privileges, and memberships in the society are confined to members of the religious organization, is exempt from the provisions of this code except as otherwise provided in this section, and to that extent any such society shall not be deemed to be an insurer.

(2) Any person soliciting, offering, providing, entering into, issuing, or delivering a contract or agreement providing membership in a society pursuant to subsection (1) shall, as to any such contract or agreement, be subject to the provisions of ss. 626.951, 626.9511, 626.9521, 626.9541, 626.9551, 626.9561, 626.9571, 626.9581, 626.9591, 626.9601, and 626.9631.

Section 65. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (4) of section 626.211, Florida Statutes, is amended to read:

626.211 Approval, disapproval of application.—

(4) If upon the basis of the completed application and such further inquiry or investigation the department deems the applicant to be lacking in any one or more of the required qualifications for the license or permit applied for as to general lines agents, life agents, health agents, solicitors, adjusters, and claims investigators, the department shall disapprove the application and notify the applicant thereof, stating the grounds of disapproval. *If requested in writing by the applicant or other person entitled thereto within 60 days after the date of disapproval* ~~At the same time~~, the department shall return to the applicant or other person entitled thereto any state license tax and county license tax received by the department in connection with the application for license or permit.

Section 66. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (5) of section 626.291, Florida Statutes, is amended to read:

626.291 Denial, issuance of license.—

(5) *If requested in writing by the applicant or payor entitled thereto within 60 days after* ~~Upon~~ the denial of a license, the department shall refund to the applicant or payor entitled thereto any state license tax and county license tax received by it in connection with the application for the license. No such refund shall be made under any circumstances after issuance of a license. No refund shall be made if the applicable license year has commenced before receipt by the department of the request for cancellation of license and refund at its office at Tallahassee.

Section 67. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (m) of subsection (1) of section 626.9541, Florida Statutes, 1988 Supplement, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(m) Advertising gifts permitted.—No provision of paragraph (f), paragraph (g), or paragraph (h) shall be deemed to prohibit a licensed insurer or its agent from giving to insureds, prospective insureds, and others, for the purpose of advertising, any article of merchandise having a value of not more than *$25* ~~$10~~.

Section 68. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 627.975, Florida Statutes, 1988 Supplement, is amended to read:

627.975 Reinsurance.—

(1) For financial guaranty insurance which takes effect on or after July 1, 1988, an insurer transacting financial guaranty insurance shall receive credit for reinsurance in accordance with the provisions of this code applicable to property and casualty insurers, as an asset or as a reduction from liabilities *only*: if the reinsurance is subject to an agreement that, for its stated term and with respect to any financial guaranty insurance in force, the reinsurance agreement may only be terminated or amended at the option of the reinsurer or the ceding insurer; if the reinsurance agreement provides that the liability of the reinsurer with respect to policies in effect at the date of termination continues until the expiration or cancellation of each such policy with the consent of the ceding insurer; if the reinsurance agreement provides for a cutoff of the reinsurance in force at the date of termination or at the request of the ceding company or at the discretion of the department, acting as rehabilitator, liquidator, or receiver of the ceding or assuming company; and *if* ~~that~~ such reinsurance *either*:

(a) Is placed with another insurer licensed under this part or an insurer writing financial guaranty insurance as permitted under this part;

(b) Is placed with another type of insurer licensed to write surety insurance, if such insurer:

1. Has and maintains surplus to policyholders of at least $35 million;

2. Establishes and maintains the reserves required in s. 627.972, except that if the reinsurance agreement is not pro rata, the contribution to the contingency reserve must be equal to 50 percent of the quarterly earned reinsurance premium;

3. Complies with s. 627.973(4), (5), and (6); and

4. If it is a parent, subsidiary, or affiliate of the insurer transacting financial guaranty insurance, the provisions of s. 627.973(4) and (5) shall be applied against the combined policyholders' surplus and contingency reserves of such parent, subsidiary, or affiliate reinsurers after elimination of equity investments of the insurer and such reinsurers in each other; or

(c) Is placed with an unauthorized or unaccredited reinsurer which otherwise complies with the provisions of paragraph (a) or subparagraphs (b)1. and 4., in an amount not to exceed the liabilities carried by the ceding insurer for amounts withheld under a reinsurance treaty with the reinsurer or amounts deposited by the reinsurer as security for the payment of obligations under the treaty, if the funds or deposit are held subject to withdrawal by, and under the control of the ceding insurer.

(2) In determining whether the insurer meets the limitations imposed by s. 627.973(4), in addition to credit for other types of qualifying reinsurance, the insurer's aggregate risk may be reduced to the extent of the limit for aggregate excess reinsurance, but in no event, in an amount greater than the amount of the aggregate risk which will become due during the unexpired term of the reinsurance agreement in excess of the insurer's retention pursuant to the reinsurance agreement.

Section 69. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (2) of section 639.108, Florida Statutes, is amended to read:

639.108 Preneed Funeral Contract Consumer Protection Trust Fund.—

(2) Within 60 days after the end of each *calendar* quarter, ~~of a certificateholder's fiscal year~~ for each preneed contract written during the quarter and not canceled within 30 days after the date of the execution of the contract, each certificateholder utilizing s. 639.11 or s. 639.149 shall remit the sum of $2.50 for each preneed contract having a purchase price of $1,500 or less, and the sum of $5 for each preneed contract having a purchase price in excess of $1,500; and each certificateholder utilizing s. 639.145 shall remit the sum of $5 for each preneed contract having a purchase price of $1,500 or less, and the sum of $10 for each preneed contract having a purchase price in excess of $1,500.

Section 70. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (5) of section 639.11, Florida Statutes, is amended to read:

639.11 Disposition of proceeds received on contracts.—

(5) The certificateholder, at his election, shall have the right and power, at any time, to revest in it title to the trust assets, or its pro rata share thereof, provided it has complied with s. 639.145. *Notwithstanding anything contained in this chapter to the contrary, the certificateholder, via its election to sell or offer for sale preneed contracts subject to this section, shall represent and warrant, and is hereby deemed to have done such, to all federal and Florida taxing authorities, as well as to all potential and actual preneed contract purchasers, that s. 639.145 is a viable option available to it at any and all relevant times. If in the certificateholder's opinion it does not have the ability to select the financial responsibility alternative of s. 639.145, then it shall not have the right to sell or solicit contracts pursuant to this section.*

Section 71. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 639.17, Florida Statutes, is amended to read:

639.17 Penalty.—

(1) Except as provided in subsection (2), any person who violates any of the provisions of this chapter or the rules promulgated under this chapter *commits* ~~is guilty of~~ a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, *or* s. 775.083~~, or s. 775.084~~.

(2) Any person who violates the provisions of s. 639.09 or s. 639.11(1), s. 639.145(3) or s. 639.149(3) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 72. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, each section which is added to part I through part V of chapter 624, Florida Statutes, by this act is repealed on October 1, 1991, and shall be reviewed by the Legislature pursuant to section 11.61, Florida Statutes.

Section 73. Part VI of chapter 624, Florida Statutes, consisting of sections 624.80, 624.81, 624.82, 624.83, 624.84, 624.85, 624.86, and 624.87, is created to read:

624.80 Definitions.—As used in this part:

(1) "Insurer" means and includes every person as defined in s. 624.03 as limited to:

(a) Any domestic or commercially domiciled insurer who is doing business as an insurer, or has transacted insurance in this state, and against whom claims arising from that transaction may exist now or in the future.

(b) Any domestic or commercially domiciled allied lines insurer as that term is defined in s. 628.4615.

(c) Any domestic or commercially domiciled fraternal benefit society which is subject to the provisions of chapter 632.

(2) "Unsound condition" means any of the following conditions:

(a) The insurer's required surplus, capital, or capital stock is impaired to an extent prohibited by law;

(b) The insurer continues to write new business when it has not maintained the required surplus or capital; or

(c) The insurer attempts to dissolve or liquidate without first having made provisions, satisfactory to the department, for liabilities arising from insurance policies issued by the insurer.

(3) "Exceeded its powers" means the following conditions:

(a) The insurer has refused to permit examination by the department of its books, papers, accounts, records or business practices;

(b) An insurer organized in this state has unlawfully removed from this state books, papers, accounts, or records necessary for an examination of the insurer by the department;

(c) The insurer has failed to promptly comply with the applicable financial reporting statutes and departmental requests relating thereto;

(d) The insurer has neglected or refused to observe an order of the department to correct a deficiency in its capital or surplus; or

(e) The insurer has unlawfully or in violation of a department order:

1. Totally reinsured its entire outstanding business; or

2. Merged or consolidated substantially its entire property or business with another insurer.

(4) "Consent" means authorized written agreement to supervision by the insurer.

(5) "Commercially domiciled insurer" means and includes any foreign or alien insurer which, during its 3 preceding fiscal years taken together, or during any lesser period of time if not authorized to do business in this state or if it has been licensed to transact its business in this state only for the lesser period of time, has written an average of 25 percent or more direct premiums in this state than it has written in its state of domicile during the same period, or the direct premiums written in this state constitute more than 55 percent of its total direct premiums written everywhere in the United States during its 3 preceding fiscal years taken together, or during any lesser period of time if not authorized to do business in this state or if it has been authorized to transact its business in this state only for the lesser period of time, as reported in its most recent applicable annual or quarterly statements.

624.81 Notice to comply with written requirements of department; noncompliance.—

(1) If the department determines that the conditions set forth in subsection (2) exist, the department shall notify the insurer in writing of its determination, setting forth the reasons giving rise to the determination, and specifying that the department is applying and effectuating the provisions of this part.

(2) An insurer shall be subject to administrative supervision by the department if upon examination or at any other time the department determines that:

(a) The insurer is in unsound condition;

(b) The insurer's methods or practices render the continuance of its business hazardous to the public or to its insureds; or

(c) The insurer has exceeded its powers granted under its certificate of authority and applicable law.

(3) Within 15 days of receipt of notice of the department's determination to proceed under this part, an insurer shall submit to the department a plan to correct the conditions set forth in the notice. For good cause shown, the department may extend the 15 day time period for submission of the plan. If the department and the insurer agree on a corrective plan, a written agreement shall be entered into to carry out the plan.

(4) If an insurer fails to timely submit a plan, the department may specify the requirements of a plan to address the conditions giving rise to imposition of administrative supervision under this part. In addition, failure of the insurer to timely submit a plan is a violation of the provisions of this code punishable in accordance with s. 624.418.

(5) The plan shall address, but shall not be limited to, each of the activities of the insurer's business which are set forth in s. 624.83.

(6) If the department and the insurer are unable to agree on the provisions of the plan, the department may proceed under applicable provisions of this code other than the provisions of this part.

(7) The insurer shall have 60 days, or a longer period of time as designated by the department but not to exceed 120 days, after the date of the written agreement or the receipt of the department's plan within which to comply with the requirements of the department. At the conclusion of the initial period of supervision, the department may extend the supervision in increments of 60 days or longer, not to exceed 120 days, if conditions justifying supervision exist. Each extension of supervision shall provide the insurer with a point of entry pursuant to chapter 120.

(8) The initiation or pendency of administrative proceedings arising from actions taken under this section shall not preclude the department from initiating judicial proceedings to place an insurer in conservation, rehabilitation, or liquidation or initiating other delinquency proceedings however designated under the laws of this state.

(9) If it is determined that the conditions giving rise to administrative supervision have been remedied so that the continuance of its business is not longer hazardous to the public or to its insureds, the department shall release the insurer from supervision.

624.82 Confidentiality of certain proceedings and records.—

(1) Notwithstanding the provisions of chapter 119 or any other provision of law; proceedings, hearings, orders, notices, correspondence, reports, records, and other information in the possession of the department relating to the supervision of any insurer are confidential except as provided by this part. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(2) The personnel of the department shall have access to proceedings, hearings, notices, correspondence, reports, records, or other information as permitted by the department.

(3) The department may open the proceedings or hearings or disclose the contents of the notices, correspondence, reports, records, or other information to a department, agency, or instrumentality of this or another state or the United States if it determines that the disclosure is necessary or proper for the enforcement of the laws of the United States or of this or another state of the United States.

(4) The department may open the proceedings or hearings or make public the notices, correspondence, reports, records, or other information if the department deems that it is in the best interest of the public, the insurer in supervision, or its insureds.

(5) This section does not apply to proceedings, hearings, notices, correspondence, reports, records, or other information obtained upon the appointment of a receiver for the insurer by a court of competent jurisdiction.

(6) The confidentiality provided by this section shall terminate on the earliest of the following dates:

(a) One year after the conclusion of the entire period of supervision, as determined pursuant to s. 624.81(3); or

(b) The entry of an order of seizure, rehabilitation, or liquidation pursuant to chapter 631.

624.83 Prohibited acts during period of supervision.—The department may provide that the insurer may not conduct the following activities during the period of supervision, without prior approval by the department:

(1) Dispose of, convey, or encumber any of its assets or its business in force;

(2) Withdraw any of its bank accounts;

(3) Lend any of its funds;

(4) Invest any of its funds;

(5) Transfer any of its property;

(6) Incur any debt, obligation, or liability;

(7) Merge or consolidate with another company;

(8) Enter into any new reinsurance contract or treaty;

(9) Terminate, surrender, forfeit, convert, or lapse any insurance policy, certificate, or contract of insurance, except for nonpayment of premiums due;

(10) Release, pay, or refund premium deposits, accrued cash or loan values, unearned premiums, or other reserves on any insurance policy or certificate; or

(11) Make any material change in management.

624.84 Review and stay of action.—During the period of supervision, the insurer may contest an action taken or proposed to be taken by the supervisor, specifying the manner wherein the action complained of would not result in improving the condition of the insurer, and the request shall stay the action specified pending reconsideration of the action by the department. If upon reconsideration the action of the department is upheld, the stay shall be lifted. Denial of the insurer's request upon reconsideration entitles the insurer to request a s. 120.57 proceeding.

624.85 Administrative election of proceedings.—If the department determines to act under authority of this part, the sequence of its acts and proceedings shall be as set forth herein. However, it is a purpose and substance of this part to allow the department administrative discretion in the event of insurer delinquencies and, in furtherance of that purpose, the department is hereby authorized, in respect to insurer delinquencies or suspected delinquencies, to proceed and administer either under the provisions of this part or under any other applicable law, or under the provisions of this part in conjunction with other applicable law, and it is so provided. Nothing contained in this part or in any other provision of law shall preclude the department from initiating judicial proceedings to place an insurer in conservation, rehabilitation, or liquidation proceedings or other delinquency proceedings however designated under the laws of this state, regardless of whether the department has previously initiated administrative supervision proceedings under this part against the insurer. The entry of an order of seizure, rehabilitation, or liquidation pursuant to chapter 631 shall terminate all proceedings pending pursuant to this part.

624.86 Other laws; conflicts; meetings between the department and the supervisor.—Notwithstanding the provisions of s. 286.011 or any other provision of law, the department may meet with a supervisor appointed under this part and with the attorney or other representative of the supervisor without the presence of any other person at the time of any proceeding or during the pendency of any proceeding held under authority of this part to carry out its duties under this part or for the supervisor to carry out its duties under this part.

624.87 Administrative supervision; expenses.—

(1) During the period of supervision the department by contract or otherwise may appoint a deputy supervisor to supervise the insurer.

(2) Each insurer which is subject to administrative supervision by the department shall pay to the department the expenses of its administrative supervision at the rates adopted by the department. Expenses shall include actual travel expenses, a reasonable living expense allowance, compensation of the deputy supervisor or other person employed or appointed by the department for purposes of the supervision, and necessary attendant administrative costs of the department directly related to the supervision. The travel expense and living expense allowance shall be limited to those expenses necessarily incurred on account of the administrative supervision and shall be paid by the insurer together with compensation upon presentation by the department to the insurer of a detailed account of the charges and expenses after a detailed statement has been filed by the deputy supervisor or other person employed or appointed by the department and approved by the department.

(3) All moneys collected from insurers for the expenses of administrative supervision shall be deposited into the Insurance Commissioner's Regulatory Trust Fund, and the department is authorized to make deposits from time to time into this fund from moneys appropriated for the operation of the department.

(4) Notwithstanding the provisions of s. 112.061, the department is authorized to pay to the deputy supervisor or person employed or appointed by the department for purposes of the supervision out of such trust fund the actual travel expenses, reasonable living expense allowance, and compensation in accordance with the statement filed with the department by the deputy supervisor or other person, as provided in subsection (2), upon approval by the department.

(5) The department may in whole or in part defer payment of expenses due from the insurer pursuant to this section upon a showing that payment would adversely impact on the financial condition of the insurer and jeopardize its rehabilitation. The payment shall be made by the insurer when the condition is removed and the payment would no longer jeopardize the insurer's financial condition.

Section 74. Part VI of chapter 624, Florida Statutes, as created by this act, is repealed on July 1, 1999, and shall be reviewed by the Legislature pursuant to section 11.61, Florida Statutes.

Section 75. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (c) of subsection (1) of section 407.07, Florida Statutes, 1988 Supplement, is amended to read:

407.07 Health care costs and finances; analyses, studies, and reports.—

(1) The board shall have the authority to:

(c) Jointly develop, with the Department of Insurance or the Department of Health and Rehabilitative Services, criteria to analyze and study the ongoing effect upon health care costs of third-party reimbursement mechanisms, including the effects of Medicare, Medicaid, and other government reimbursement mechanisms. The board shall incorporate into its reports the findings of the Department of Insurance relating to the effect upon health care costs of third-party reimbursement mechanisms, including health insurance as defined in ss. 624.603 and 627.652, health care service plans as defined in s. 641.01, and health maintenance organizations as defined in s. 641.19~~(6)~~.

Section 76. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsections (1) through (16) of section 641.19, Florida Statutes, 1988 Supplement, are renumbered as subsections (2) through (17), respectively, and a new subsection (1) is added to said section to read:

641.19 Definitions.—As used in this part, the term:

(1) "Affiliate" means any entity which exercises control over or is controlled by the health maintenance organization, directly or indirectly, through:

(a) Equity ownership of voting securities;

(b) Common managerial control; or

(c) Collusive participation by the management of the health maintenance organization and affiliate in the management of the health maintenance organization or the affiliate.

Section 77. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsections (1) and (3) of section 641.26, Florida Statutes, 1988 Supplement, are amended to read:

641.26 Annual report.—

(1) Every health maintenance organization shall, annually within 3 months after the end of its fiscal year, or within an extension of time therefor as the department, for good cause, may grant, on forms prescribed by the department, file a report with the department, verified by the oath of two executive officers of the organization or, if not a corporation, of two persons who are principal managing directors of the affairs of the organization, showing its condition on the last day of the immediately preceding reporting period. Such report shall include:

(a) An audited financial statement of the organization, including its balance sheet and a statement of operations for the preceding year certified by an independent certified public accountant, prepared in accordance with statutory accounting principles;

~~(b) A list of the names and residence addresses of all persons responsible for the conduct of its affairs, together with a disclosure of the extent and nature of any contracts or arrangements between such persons and the health maintenance organization, including any possible conflicts of interest;~~

(b)~~(c)~~ The number of health maintenance contracts issued and outstanding and the number of health maintenance contracts terminated;

~~(d) A description by location and specialty of the providers retained or otherwise engaged by the organization to satisfy its contractual obligations with its subscribers;~~

(c)~~(e)~~ The number and amount of damage claims for medical injury initiated against the health maintenance organization and any of the providers engaged by it during the reporting year, broken down into claims with and without formal legal process, and the disposition, if any, of each such claim;

(d)~~(f)~~ An actuarial certification that:

1. The health maintenance organization is actuarially sound, which certification shall consider the rates, benefits, and expenses of, and any other funds available for the payment of obligations of, the organization;

2. The rates being charged or to be charged are actuarially adequate to the end of the period for which rates have been guaranteed;

3. Incurred but not reported claims and claims reported but not fully paid have been adequately provided for; and

(e)~~(g)~~ Such other information relating to the performance of health maintenance organizations as is required by the department.

(3) Any health maintenance organization which neglects to file an annual report or quarterly report in the form and within the time required by this section shall forfeit *up to* $1,000 for each day for the first 10 days during which the neglect continues and shall forfeit *up to* $2,000 for each day after the first 10 days during which the neglect continues; and, upon notice by the department to that effect, the organization's authority to enroll new subscribers or to do business in this state shall cease while such default continues. The department shall deposit all sums collected by it under this section to the credit of the Insurance Commissioner's Regulatory Trust Fund. The department shall not collect more than $100,000 for each report.

Section 78. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (b) of subsection (2) of section 641.35, Florida Statutes, 1988 Supplement, is amended, and paragraph (i) is added to said subsection, to read:

641.35 Assets, liabilities, and investments.—

(2) ASSETS NOT ALLOWED.—In addition to assets impliedly excluded by the provisions of subsection (1), the following assets expressly shall not be allowed as assets in any determination of the financial condition of a health maintenance organization:

(b) *Any note or account receivable from or advances* ~~Advances~~ to officers, directors, ~~entities, whether an advance or investment, which are directly or indirectly controlled by the health maintenance organization parent or affiliated with the parent or the health maintenance organization, except as allowed in subsections (11) and (12),~~ or controlling stockholders, whether secured or not, and advances to employees, agents, or other persons on personal security only.

(i) Any note, account receivable, advance, or other evidence of indebtedness, or investment in:

1. The parent of the health maintenance organization;

2. Any entity directly or indirectly controlled by the health maintenance organization parent; or

3. An affiliate of the parent or the health maintenance organization, except as allowed in subsections (11) and (12). The department may, however, allow all or a portion of such asset, at values to be determined by the department, if deemed by the department to be available for the payment of losses and claims.

Section 79. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 641.386, Florida Statutes, is created to read:

641.386 Agent licensing required; exceptions.—

(1) With respect to a health maintenance contract, no person shall, unless licensed as a health insurance agent in accordance with the applicable provisions of the Florida Insurance Code:

(a) Solicit contracts or procure applications; or

(b) Engage or hold himself out as engaging in the business of analyzing or abstracting health maintenance contracts or of counseling or advising or giving opinions to persons relative to such contracts other than as a consulting actuary advising a health maintenance organization or as a salaried bona fide full-time employee so counseling and advising his employer relative to coverage for the employer and his employees.

(2) All qualifications, disciplinary provisions, licensing procedures, fees, and related matters contained in the Florida Insurance Code which apply to the licensing of health insurance agents by insurers shall apply to health maintenance organizations and to persons licensed by the health maintenance organization as their agents.

(3) No examination or license shall be required of any regular salaried officer or employee of a health maintenance organization who devotes substantially all of his services to activities other than the solicitation of health maintenance organization contracts from the public and who receives no commission or other compensation directly dependent upon the solicitation of such contracts.

Section 80. Effective July 1, 1989, or upon this act becoming a law, which occurs later, paragraph (d) of subsection (1) of section 641.441, Florida Statutes, is amended to read:

641.441 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(1) MISREPRESENTATION AND FALSE ADVERTISING OF PREPAID HEALTH CLINIC CONTRACTS.—Knowingly making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, statement, sales presentation, omission, or comparison which:

(d) Is a misrepresentation for the purpose of inducing, or tending to induce, the lapse, forfeiture, exchange, conversion, or surrender of any prepaid health clinic contract, health maintenance contract as defined in s. 641.19~~(5)~~, or health insurance policy or contract providing health insurance as defined in s. 624.603.

Section 81. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsections (1) and (5) of section 641.47, Florida Statutes, are amended to read:

641.47 Definitions.—As used in this part, the term:

(1) "Health care services" means comprehensive health care services, as defined in s. 641.19~~(1)~~, when applicable to a health maintenance organization, and means basic services, as defined in s. 641.402(1), when applicable to a prepaid health clinic.

(5) "Organization" means any health maintenance organization as defined in s. 641.19~~(6)~~ and any prepaid health clinic as defined in s. 641.402(5).

Section 82. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, each section which is added to chapter 641, Florida Statutes, by this act is repealed on October 1, 1991, and shall be reviewed by the Legislature pursuant to section 11.61, Florida Statutes.

Section 83. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsections (5) and (6) of section 631.819, Florida Statutes, 1988 Supplement, are amended to read:

631.819 Assessments.—

(5) All assessments against HMOs shall be levied as a percentage of annual earned premium revenue for non-Medicare and non-Medicaid contracts. In no event may the plan assess in any calendar year more than *0.75* ~~0.5~~ percent of each HMO's annual earned premium revenue for non-Medicare and non-Medicaid contracts.

(6) The plan may temporarily defer, in whole or in part, the assessment of a member HMO, if, in the opinion of the board, payment of the assessment would endanger the ability of the HMO to fulfill its contractual obligations. *The assessment of a member HMO with a guaranteeing organization shall not be waived or deferred unless the assessment would render the guaranteeing organization insolvent.*

Section 84. Effective October 1, 1989, subsection (3) of section 626.973, Florida Statutes, is amended to read:

626.973 Fictitious groups.—

(3) The restrictions and limitations of this section do not extend to property or casualty insurance issued in this state ~~on commercial risks~~, provided that:

(a) The policy requires active participation in a plan of risk management which has established measures and procedures to minimize both the frequency and severity of losses;

(b) The policy passes on the benefits of reduced losses to plan participants; ~~and~~

(c) Rates are actuarially measurable and credible and are sufficiently related to actual and expected loss and expense experience of the group so as to assure that nonmembers of the group are not unfairly discriminated against*; and*

(d) For any personal lines insurance risk, the group is composed of such members and meets the requirements specified in s. 627.552 for employee groups, s. 627.553 for debtor groups, s. 627.554 for labor union groups, s. 627.555 for trustee groups, s. 627.556 for credit union groups, and s. 627.572 for association groups; except that any provision of such sections which precludes individual selection of amounts of insurance shall not be applicable to property or casualty insurance.

Section 85. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (d) of subsection (2) of section 648.34, Florida Statutes, 1988 Supplement, is amended to read:

648.34 Bail bondsmen; qualifications.—

(2) To qualify as a bail bondsman, it must affirmatively appear at the time of application and throughout the period of licensure that:

(d) The applicant has successfully completed a basic certification course in the criminal justice system, consisting of not less than 80 hours, approved by the board and has successfully completed, within 2 years of the date of his application, a correspondence course for bail bondsmen approved by the board. *The board shall annually review the correspondence course and basic certification course.*

Section 86. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (2) of section 648.36, Florida Statutes, is amended to read:

648.36 Bail bondsman's records.—

(2) On or before *April 1* ~~August 15~~ of each year, a sworn statement on a form furnished by the department and approved by the board shall be filed with the department by:

(a) Every professional bail bondsman listing his assets and liabilities, and

(b) Every bail bondsman ~~or every firm or agency if the bail bondsman is employed by, associated with, or is a member of such firm or agency,~~ listing every outstanding or unpaid forfeiture, estreature, and judgment, ~~together~~ with the *case number and the* name of the court in which such forfeiture, estreature, and judgment is recorded, *the name of the agency or firm which employs the bail bondsman,* and ~~submitting~~ all other pertinent information requested by the department or board.

Section 87. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 648.365, Florida Statutes, is amended to read:

648.365 Statistical reporting requirements; penalty for failure to report.—

(1) Each insurer, *within 45 days after the end of the reporting period,* and each bail bondsman engaged in the bail bond business in this state, *within 30 days after the end of the reporting period,* shall transmit the following information, based on their Florida bail bond business, to the department semiannually, ~~within 30 days after the end of the period,~~ except that bail bondsmen shall *report the information separately for each company represented but shall* not report the information specified in *paragraph* ~~paragraphs~~ (a), *paragraph* (m), *or* ~~and~~ *paragraph* (n):

(a) Commissions paid.

(b) The number of, and the total dollar amount of, bonds executed.

(c) The number of defendants for whom bonds were executed.

(d) The number of, and the total dollar amount of, bonds declared forfeited.

(e) The number of defendants for whom a bond was declared forfeited.

(f) The number of, and the total dollar amount of, forfeitures discharged, remitted, or otherwise recovered prior to payment for any reason.

(g) The number of, and the total dollar amount of, forfeitures discharged, remitted, or otherwise recovered prior to payment due to the apprehension of the defendant by the bail bondsman.

(h) The number of, and the total dollar amount of, judgments entered.

(i) The number of, and the total dollar amount of, forfeitures paid and subsequently recovered from the court by discharge or remission or otherwise.

(j) The number of, and the total dollar amount of, bonds for which collateral was accepted.

(k) The actual realized value of collateral converted, excluding the cost of converting the collateral.

(l) The cost of converting collateral.

(m) The underwriting gain or loss.

(n) The net investment gain or loss allocated to the flow of funds associated with Florida business.

(o) Such additional information as the Insurance Commissioner or board may require in order to:

1. Evaluate the reasonableness of rates or assure that such rates are not excessive or unfairly discriminatory.

2. Evaluate the financial condition or trade practices of bail bondsmen and sureties executing bail bonds.

3. Evaluate the performance of the commercial bail bond industry in accordance with appropriate criminal justice system goals and standards.

Each bail bondsman shall submit a copy of such information to each insurer he represents.

Section 88. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (2) of section 648.39, Florida Statutes, 1988 Supplement, is amended to read:

648.39 Notice of appointment of agents; termination.—

(2) An insurer terminating the appointment of an agent shall, within *10* ~~30~~ days after such termination, file written notice thereof with the department together with a statement that it has given or mailed notice to the agent. Such notice filed with the department shall state the reasons, if any, for such termination. Information so furnished the department shall be privileged and shall not be used as evidence in or basis for any action against the insurer or any of its representatives.

Section 89. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (2) of section 648.41, Florida Statutes, is amended to read:

648.41 Notice of appointment of runners; termination.—

(2) A bail bondsman, insurer, or general agent terminating the appointment of a runner shall, within *10* ~~30~~ days, file written notice thereof with the department, together with a statement that he has given or mailed notice to the runner. Such notice filed with the department shall state the reasons, if any, for such termination. Information so furnished the department shall be privileged and shall not be used as evidence in any action against the bail bondsman.

Section 90. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (b) of subsection (1) of section 648.44, Florida Statutes, is amended to read:

648.44 Prohibitions; penalty.—

(1) No bail bondsman or runner shall:

(b) *Directly or indirectly* solicit business in or *on the property or grounds of a jail, prison, or other* ~~about any~~ place where prisoners are confined or in or *on the property or grounds of* ~~about~~ any court.

Section 91. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 903.27, Florida Statutes, is amended to read:

903.27 Forfeiture to judgment.—

(1) If the forfeiture is not paid or discharged by order of a court of competent jurisdiction within 35 days and the bond is secured other than by money and bonds authorized in s. 903.16, the clerk of the circuit court for the county where the order was made shall enter a judgment against the surety for the amount of the penalty and issue execution. Within 10 days, the clerk shall furnish the *Department of Insurance with a certified copy of the judgment docket and shall furnish the* surety company at its home office a copy of the judgment, which shall include the power-of-attorney number of the bond and the name of the executing agent. If the judgment is not paid within 60 days, the clerk shall furnish the Department of Insurance and the sheriff of the county in which the bond was executed, or the official responsible for operation of the county jail, if other than the sheriff, two copies of the judgment and a certificate stating that the judgment remains unsatisfied. When and if the judgment is properly paid or an order to vacate the judgment has been entered by a court of competent jurisdiction, the clerk shall immediately notify the sheriff, or the official responsible for the operation of the county jail, if other than the sheriff, and the Department of Insurance, if the department had been previously notified of nonpayment, of such payment or order to vacate the judgment. The clerk shall also immediately prepare and record in the public records a satisfaction of the judgment or record the order to vacate judgment.

Section 92. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 903.31, Florida Statutes, is amended to read:

903.31 Canceling the bond.—*Within 10 business days after* ~~When~~ the conditions of a bond have been satisfied or the forfeiture discharged or remitted, the court shall order the bond canceled *and, if the surety has attached a certificate of cancellation to the original bond, shall furnish an executed certificate of cancellation to the surety without cost.* An adjudication of guilt or innocence of the defendant shall satisfy the conditions of the bond. The original appearance bond shall not be construed to guarantee deferred sentences, appearance during or after a presentence investigation, appearance during or after appeals, conduct during or appearance after admission to a pretrial intervention program, payment of fines, or attendance at educational or rehabilitation facilities the court otherwise provides in the judgment.

Section 93. Section 631.221, Florida Statutes, is amended to read:

631.221 Deposit of moneys collected.—The moneys collected by the department in a proceeding under this chapter shall be *deposited in a qualified public depository as defined in s 280.02, which depository with regards to such funds shall conform to and be bound by all the provisions of ch. 280, or invested with the State Treasurer pursuant to ch. 18* ~~from time to time deposited in one or more state or national banks, savings banks, trust companies, or savings and loan associations; and, in the case of the insolvency or voluntary or involuntary liquidation of any such depository which is an institution organized and supervised under the laws of this state, such deposits are entitled to priority of payment on an equality with any other priority given by the financial institutions codes of this state. The department may in its discretion deposit such moneys or any part thereof in such a financial institution as a trust fund~~.

Section 94. 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.

Section 95. Section 627.6735, Florida Statutes, is amended to read:

627.6735 Order to discontinue certain advertising.—*An insurer must file with the department all advertisements for Medicare supplement policies pursuant to rules adopted by the department.* If, in the opinion of the department, any advertisement by a Medicare supplement policy insurer violates any of the provisions of part X of chapter 626 or any rule of the department, the department may enter an immediate order requiring that the use of the advertisement be discontinued. If requested by the insurer, the department shall conduct a hearing within 10 days of the entry of such order. If, after the hearing or by agreement with the insurer, a final determination is made that the advertising was in fact violative of any provision of part X of chapter 626 or of any rule of the department, the department may, in lieu of revocation of the certificate of authority, require the publication of a corrective advertisement; impose an administrative penalty of up to $10,000; and, in the case of an initial solicitation, require that the insurer, prior to accepting any application received in response to the advertisement, provide an acceptable clarification of the advertisement to each individual applicant.

Section 96. Subsections (1) and (3) of section 627.674, Florida Statutes, 1988 Supplement, are amended to read:

627.674 Minimum standards.—

(1) *An insurance policy or subscriber contract may not be advertised, solicited, or issued for delivery in this state as a Medicare supplement policy unless it meets the minimum standards. Such minimum standards do not preclude other provisions or benefits which are not inconsistent with these standards.* ~~The standards enumerated in this~~

~~section shall be the minimum standards which a health insurance policy must meet before such a policy may be advertised, sold, delivered, or issued for delivery in this state as a Medicare supplement policy. Nothing in this section shall be construed as limiting or prohibiting the inclusion of additional coverages or benefits, provided such coverages or benefits are designed to fill the gaps in health care costs not addressed by the federal Medicare program.~~

(3) No policy shall be filed with the department as a Medicare supplement policy unless the policy meets or exceeds, either in a single policy or, in the case of nonprofit health care services plans, in one or more policies issued in conjunction with one another, the requirements of the NAIC Model Regulation to Implement the Individual Accident and Sickness Insurance Minimum Standards Act, as adopted by the National Association of Insurance Commissioners on *September 20, 1988* ~~June 6, 1979~~, as it applies to Medicare supplement policies. Requirements which must be satisfied include, but are not limited to, those which follow. The policy must:

(a) Cover *either* all *or none* of *the Medicare* Part A *inpatient hospital deductible amount* ~~(hospital insurance) eligible expenses for hospitalization to the extent not covered under Part A from the 61st day through the 90th day in any Medicare benefit period~~. *If a policy does not cover such deductible amount, that fact must be prominently stated at the top of the policy.*

(b) Cover *the daily copayment amount of Medicare* Part A eligible expenses *for the first 8 days per calendar year* incurred *for skilled nursing facility care* ~~as daily hospital charges during use of Medicare lifetime hospital inpatient reserve days~~.

(c) Cover; *the reasonable cost of the first 3 pints of blood, or an equivalent quantity of packed red blood cells, as defined by federal regulations under Medicare Part A, unless replaced in accordance with federal regulations* ~~upon exhaustion of all Medicare hospital inpatient coverage, including the lifetime reserve days, 90 percent of all Part A eligible expenses for hospitalization not covered by Medicare, subject to a lifetime maximum benefit of an additional 365 days~~.

(d)*1. Until January 1, 1990,* cover 20 percent of the amount of eligible expenses under Part B (supplementary medical insurance), regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of $200 of such expenses and to a maximum benefit of at least $5,000 per calendar year.

2. Beginning January 1, 1990, cover:

a. The copayment (20 percent) of Medicare eligible expenses, excluding outpatient prescription drugs, under Medicare Part B, regardless of hospital confinement up to the maximum out-of-pocket amount for Medicare Part B after the Medicare deductible amount.

b. Under Medicare Part B, the reasonable cost of the first 3 pints of blood, or an equivalent quantity of packed red blood cells, as defined by federal regulations, unless replaced in accordance with federal regulations.

c. The copayment amount of Medicare eligible expenses for covered home intravenous (IV) therapy drugs, as determined by the Secretary of Health and Human Services, subject to the Medicare outpatient prescription drug deductible amount, if applicable.

d. The copayment amount of Medicare eligible expenses for outpatient drugs used in immunosuppressive therapy, subject to the Medicare outpatient prescription drug deductible, if applicable.

(e) Have a definition of "Medicare eligible expense" that is not more restrictive than health care expenses of the kinds covered by Medicare or to the extent recognized as reasonable by Medicare. Payment of benefits by insurers for Medicare eligible expenses may be conditioned upon the same or less restrictive payment conditions, including determinations of medical necessity as are applicable to Medicare claims.

(f) Provide that benefits designed to cover cost-sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factor. Premiums may be modified to correspond with such changes.

(g)~~(e)~~ Be written in simplified language, be easily understood by purchasers, and be otherwise in accordance with s. 627.602.

(h)~~(f)~~ Not limit or preclude liability under the policy for a period longer than 6 months because of a health condition existing before the policy is effective. The policy may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage.

(i)~~(g)~~ Contain a prominently displayed no-loss cancellation clause enabling the applicant to return the policy within 30 days of the date of receipt of the policy, or the certificate issued thereunder, with return in full of any premium paid. Any refund made pursuant to this paragraph shall be paid in a timely manner by the insurer, directly to the individual who paid the premium.

(j)~~(h)~~ Contain a prominently displayed notice of any coordination-of-benefits clause which might in any way restrict payment under the policy.

(k)~~(i)~~ Be accompanied by a copy of the Medicare Supplement Buyer's Guide developed *jointly* by the National Association of Insurance Commissioners and the *Health Care Financing Administration of the* United States Department of Health *and Human Services*~~, Education, and Welfare~~. Delivery of the buyer's guide shall be made whether or not the policy qualifies as a Medicare supplement coverage in accordance with this act. Except in the case of a direct response insurer, delivery of the buyer's guide shall be made at the time of application, and acknowledgment of receipt or certification of delivery of the buyer's guide shall be provided to the insurer. Direct response insurers shall deliver the buyer's guide upon request but not later than at the time the policy is delivered.

(l)~~(j)~~ Be accompanied by an outline of coverage as to such policy, in the form prescribed by the National Association of Insurance Commissioners in the *NAIC Model Regulations to implement the* NAIC Medicare Supplement Insurance Minimum Standards Model Act as adopted by the National Association of Insurance Commissioners on *September 20, 1988* ~~December 8, 1987~~, and:

1. Such outline shall be delivered to the applicant at the time application is made, and, except for the direct response policy, acknowledgment of receipt or certification of delivery of such outline of coverage shall be provided to the insurer.

2. If the policy is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy, contract, or group certificate must accompany the policy, when it is delivered, and contain the following statement, in no less than 12-point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application, and the coverage originally applied for has not been issued."

3. Outlines of coverage delivered in conjunction with individual policies of hospital confinement insurance; indemnity insurance; specified disease insurance; specified accident insurance; supplemental health insurance, other than Medicare supplement insurance; or nonconventional health insurance coverage as defined by law in this state to persons eligible for Medicare by reason of age shall contain the following language which shall be printed on or attached to the first page: "This policy IS NOT A MEDICARE SUPPLEMENT policy. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the company."

Section 97. Subsection (1) of section 627.6745, Florida Statutes, 1988 Supplement, is amended to read:

627.6745 Loss ratio standards.—

(1) Medicare supplement policies shall return to policyholders in the form of aggregate benefits under the policy, as for the entire period for which rates are computed to provide coverage, on the basis of incurred claims experience, *or incurred health care expenses if coverage is provided by a health maintenance organization based on service rather than reimbursement,* and earned premiums for such period and in accordance with accepted actuarial principles and practices:

(a) At least 75 percent of the aggregate amount of premiums earned in the case of group policies; and

(b) For individual policies issued or renewed prior to July 1, 1989, at least 60 percent of the aggregate amount of premiums earned and for individual policies issued on or after July 1, 1989, at least 65 percent of the aggregate amount of premiums earned.

Section 98. Section 627.6746, Florida Statutes, is created to read:

627.6746 Compliance with Omnibus Budget Reconciliation Act.—Each entity that provides Medicare supplement policies or contracts must comply with all provisions of section 4081 of the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) (OBRA).

Section 99. There is hereby appropriated the sum of $50,000 to the Department of Insurance from the Insurance Commissioner's Regulatory Trust Fund for fiscal year 1989-1990 for the purpose of enabling the Bail Bond Regulatory Board to conduct a study of the provisions of chapter 648, Florida Statutes, which expires October 1, 1990, and is scheduled for review pursuant to section 11.61, Florida Statutes, in advance of that date.

Section 100. Any Medicare Supplement policy or contract, as defined in section 627.672, Florida Statutes, in force upon the effective date of this act must be amended to meet the requirements of sections 95, 96, 97, and 98 upon renewal or upon the anniversary date, whichever occurs first.

Section 101. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Senators Scott and Grant offered the following amendment to Amendment 1 which was moved by Senator Grant and failed:

Amendment 1A—On page 20, line 13 through line 13 on page 24, strike all of said lines

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

Amendment 1B—On page 90, strike lines 3-21 and renumber subsequent sections.

Amendment 1 as amended was adopted.

Senator Grant moved the following amendment:

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to insurance and the State Fire Marshal; creating s. 627.482, F.S.; providing that interest is payable on the cash surrender of an insurance policy; creating s. 627.0645, F.S.; providing for annual filings; amending s. 627.410, F.S.; requiring certain insurers to annually submit rate filings to the Department of Insurance; providing methods and procedures; providing a penalty; authorizing additional positions in the department; providing an appropriation; amending s. 631.011, F.S.; revising the definition of "secured claim"; amending s. 631.021, F.S.; providing that any delinquency proceeding brought under chapter 631, F.S., is in equity; creating s. 631.154, F.S.; providing the procedure to be utilized when funds or other property is in the possession of third persons and the receiver demands delivery of same; providing for the preservation of the property or funds; providing the elements of recovery should the receiver be successful in establishing its claim or any part thereof; creating s. 631.155, F.S.; providing that unearned commissions and unearned premiums constitute an asset of the insurer; providing for the duty to account for same; providing that compliance shall constitute a requirement for continued licensure under the Florida Insurance Code; amending s. 631.191, F.S.; providing that special deposit claims and secured claims are applicable to liquidation proceedings; revising provisions relating to the method of valuing such claims; amending s. 631.251, F.S.; providing that a claim of offset must be fully mature as of the date of filing of a liquidation order; amending s. 631.261, F.S.; providing that certain transfers of an affiliate are voidable and clarifying the time period in determining the voidable transfer; amending s. 631.262, F.S.; providing that transfers by an affiliate are included with respect to voidability; amending s. 631.361, F.S.; providing that a seizure order may direct the department to take possession and control of premium funds and other property of the insurer held by an affiliate and may enjoin any affiliate from certain actions; amending s. 631.55, F.S.; revising language with respect to the "Florida Insurance Guaranty Association, Incorporated"; amending s. 631.715, F.S.; relating to the Florida Life and Health Insurance Guaranty Association; amending s. 631.718, F.S.; reducing the classes of assessments; raising the cap on assessments; amending s. 626.901, F.S.; providing clarifying language with respect to persons prohibited from representing or aiding unauthorized insurers; amending s. 626.923, F.S.; requiring the furnishing of certain documents to the Department of Insurance by surplus lines agents upon request by the department; amending s. 626.930, F.S.; increasing the period of time for which surplus lines agents must maintain certain records; designating additional records to be maintained; amending s. 626.931, F.S.; requiring the listing of certain documents to be reported on the quarterly statement of surplus lines agents; amending s. 626.936, F.S.; providing an administrative penalty for the failure of a surplus lines agent to file a report or pay a required tax; amending s. 627.062, F.S. and repealing s. 627.331(4), F.S.; transferring language with respect to rating standards from a provision in the code dealing with recording and reporting of loss, expense, and claims experience; amending s. 627.0651, F.S.; providing procedures for filing rates for private passenger automobile insurance; allowing for full consideration by the Department of Insurance of investment income in reviewing rates; creating s. 627.4143, F.S., to require an insurer to provide an outline of coverage upon delivery of a personal lines property or casualty policy; requiring disclosure of the principal benefits of the coverage, exclusions, limitations, reductions, renewal and cancellation provisions, and specific information relating to the cost of coverage; authorizing the Department of Insurance to promulgate rules; amending s. 624.404, F.S.; providing additional grounds for the Department of Insurance to deny, suspend, or revoke the authority of an insurer to transact insurance in this state; revising references to certain publications of the National Association of Insurance Commissioners; amending s. 624.407, F.S.; revising criteria with respect to capital funds required to transact insurance business in the state; providing for application; amending s. 624.408, F.S.; providing criteria necessary to maintain a certificate of authority to transact any one kind or combinations of kinds of insurance business in the state; amending s. 624.4095, F.S.; revising language with respect to restrictions on premiums written; amending s. 624.410, F.S.; eliminating certain insuring combinations which presently may be conducted without additional capital funds; amending s. 624.411, F.S.; increasing deposit requirements for domestic and foreign insurers; revising requirements when the Department of Insurance determines that the financial condition of an insurer has deteriorated or that the policyholders' best interests are not being preserved by the activities of the insurer; amending s. 624.413, F.S.; revising language with respect to applications for certificate of authority; amending s. 624.414, F.S.; revising language with respect to issuance or refusal of authority; amending s. 624.420, F.S.; providing criteria for renewal of coverages by an insurer who has had his certificate of authority suspended; amending s. 624.421, F.S.; revising language with respect to the duration of suspension; amending s. 624.424, F.S.; providing clarifying language with respect to annual statements and other information; amending s. 624.430, F.S.; revising language with respect to withdrawal of an insurer or the discontinuance of writing certain kinds of lines of insurance; amending s. 624.609, F.S.; deleting language relating to limits of risk as to newly formed domestic mutual insurers; amending s. 624.610, F.S.; revising language with respect to reinsurance; providing for a summary statement and certification with respect to ceding insurers; creating s. 624.6011, F.S.; providing a definition of "kinds of insurance"; creating s. 624.6012, F.S.; providing a definition of "lines of insurance"; amending s. 625.031, F.S.; providing additional assets not allowed in determinations of financial condition under the Insurance Code; amending s. 625.041, F.S.; revising criteria with respect to liabilities charged against assets in determinations of financial condition, in general; amending s. 625.141, F.S.; providing for updated editions for valuation of bonds; amending s. 625.151, F.S.; providing for updated editions for valuation of securities; amending s. 625.161, F.S.; providing authority of the department in carrying out its responsibilities with respect to valuation of property; amending s. 625.305, F.S.; providing that the department may limit the extent of an insurer's deposits with any one financial institution under certain circumstances; amending s. 625.325, F.S.; providing for updated reference materials; amending s. 625.52, F.S.; revising language with respect to securities eligible for deposit; amending s. 628.071, F.S.; providing an additional ground for the grant or denial of a permit for stock and mutual insurers; amending s. 628.461, F.S.; revising language with respect to acquisition of controlling stock; amending s. 628.4615, F.S.; revising language with respect to acquisition of control of allied lines insurers; repealing s. 624.4081, F.S., relating to capital and surplus requirements of existing insurers; providing for review and repeal; amending s. 627.171, F.S.; expanding provisions which authorize, under specified conditions, the use of rates in excess of those which would otherwise be applicable to specific risks; creating s. 626.592, F.S.; requiring designation of a primary agent for each insurance agency location; providing definitions; providing conditions for suspension or revocation of a license; providing for verification of certain licensure status; requiring licensure of an agency under certain circumstances;

amending s. 626.641, F.S.; prohibiting certain employment during suspension or revocation of a license or permit; amending s. 626.112, F.S.; revising criteria for the requirement of obtaining an insurance agency license; amending s. 626.621, F.S.; providing additional grounds for the discretionary refusal, suspension, or revocation of the license of any agent, solicitor, or adjuster; amending s. 626.641, F.S.; increasing the period of suspension or revocation; prohibiting suspended licensees or permittees from being employed by an insurance agent or agency; creating s. 626.8373, F.S.; requiring agents to perform certain duties to ensure that there shall not be overinsurance of health insurance or medical supplement insurance coverage; amending s. 626.9541, F.S.; revising language with respect to misrepresentation in insurance policies, twisting, and refusal to insure with respect to unfair methods of competition and unfair or deceptive acts; 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, F.S., relating to the limit on the value of advertising gifts that an insurer or agent may give; amending s. 627.975, F.S.; revising provisions relating to credit for reinsurance for financial guaranty insurers; amending s. 639.108, F.S.; providing clarifying language with respect to the Preneed Funeral Contract Consumer Protection Trust Fund; amending s. 639.11, F.S.; adding requirements for the right to sell or solicit preneed funeral contracts; 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; creating part VI of chapter 624, F.S.; providing for administrative supervision of an insurer by the Department of Insurance under specified conditions, including unsound condition, hazardous practices, and operation in excess of its certificate of authority; providing for confidentiality of certain proceedings and records; prohibiting certain acts during period of supervision; providing for other procedural matters with respect to such supervision including the payment of expenses; providing for review and repeal; amending s. 641.19, F.S.; defining "affiliate"; amending s. 641.26, F.S.; deleting certain annual report requirements; revising fines for neglecting to file such report; amending s. 641.35, F.S.; specifying certain assets not allowed in determination of financial condition; providing an exception; creating s. 641.386, F.S.; requiring certain agents of a health maintenance organization to be licensed as a health insurance agent; amending ss. 407.07, 641.441, and 641.47, F.S.; correcting cross references; providing for review and repeal; amending s. 631.819, F.S.; revising language with respect to assessments; providing for waiver; providing an additional assessment; increasing the annual assessment of each HMO's annual earned premium revenue for non-Medicare and non-Medicaid contracts; amending s. 626.973, F.S.; revising state law relating to fictitious groups under the Florida Insurance Code to allow for group property or casualty insurance under certain circumstances; amending ss. 648.34, 648.36, 648.365, 648.39, 648.41, 648.44, 903.27, and 903.31, F.S.; providing for board review of courses for bail bondsmen; requiring the filing of an annual statement with the department; revising certain statistical reporting requirements; revising certain agent or runner termination reporting requirements; providing additional prohibitions regarding solicitation business; requiring certain filings with respect to forfeitures; providing procedures for cancellation of bonds; amending s. 631.221, F.S.; providing for the deposit of certain moneys collected by the Department of Insurance; providing an appropriation; 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; amending s. 627.6735, F.S.; requiring Medicare supplement policy insurers to file advertisements for such insurance with the Department of Insurance; amending s. 627.674, F.S.; requiring such policies to meet specified standards; providing for notification of certain provisions; amending s. 627.6745, F.S.; establishing loss ratio standards relating to returns to policyholders where service is provided by a health maintenance organization; creating s. 627.6746, F.S.; requiring Medicare supplement policy providers to comply with certain provisions of the Omnibus Budget Reconciliation Act of 1987; providing effective dates.

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

Amendment 2A—On page 9, strike lines 21-26 and insert: repeal; amending s.

Amendment 2 as amended was adopted.

On motion by Senator Grant, by two-thirds vote CS for SB 1230 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	Deratany	Kirkpatrick	Souto
Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Myers	Weinstein
Childers, D.	Grant	Peterson	Weinstock
Childers, W. D.	Grizzle	Plummer	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	

Nays—None

On motion by Senator Jennings, 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 1224 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1224—A bill to be entitled An act relating to the regulation of public utilities; amending s. 366.02, F.S.; revising the definition of the term "public utility"; defining the term "electric utility"; correcting the definition for the term "commission"; amending s. 366.04, F.S.; revising the jurisdiction of the Florida Public Service Commission with respect to the sale and issuance of securities by public utilities; giving the commission jurisdiction over the assumption by a public utility of liabilities or obligations as guarantor, endorser, or surety; expanding commission jurisdiction with respect to territorial disputes; providing for customer participation in proceedings to approve territorial agreements or resolve territorial disputes; amending s. 366.041, F.S.; limiting the ability of utilities to impose impact fees under certain circumstances; amending s. 366.05, F.S.; revising the commission's authority to address inadequacies in the energy grid; authorizing the commission to require reports from utilities and their affiliated companies; creating s. 366.051, F.S.; setting forth the rights and obligations of utilities and the jurisdiction of the commission regarding the sale, purchase, and transmission of power produced by cogenerators or small power producers; subjecting cogenerated electrical power transmission to the gross receipts tax and the sales tax; amending s. 212.06, F.S.; limiting application of the manufacturer's use tax exemption to certain cogenerated electricity; amending s. 203.01, F.S.; imposing the gross receipts tax upon certain transmissions of cogenerated electricity; amending s. 366.07, F.S.; requiring the commission to investigate the earnings of a public utility under certain circumstances; amending s. 366.072, F.S., relating to rate adjustment orders; revising a cross-reference; amending s. 366.093, F.S.; expanding the commission's access to records; revising provisions relating to the confidentiality of certain public utility records; defining proprietary confidential business information; providing for a time limit on confidentiality; amending s. 366.095, F.S.; deleting certain penalties that the commission may assess against utilities; amending s. 366.11, F.S.; revising the application of certain exemptions; amending s. 366.81, F.S.; revising legislative findings and intent regarding energy conservation; amending s. 366.82, F.S.; providing an exemption from conservation requirements; revising provisions related to conservation goals and plans; providing for the participation of the Executive Office of the Governor in establishing conservation goals; creating s. 366.14, F.S.; providing for regulatory assessment fees to be paid by electric and gas utilities under the commission's jurisdiction; transferring and renumbering s. 366.031, F.S., relating to a prohibition against an electric utility's giving certain preferences to a cable television service; repealing s. 366.135, F.S., relating to existing rates and pending proceedings; exempting s. 366.093, F.S., from review under the Open Government Sunset Review Act; reviving and readopting ss. 366.01-366.03, 366.04-366.075, 366.08-366.13, 366.80-366.85, F.S., relating to public utilities, notwithstanding their scheduled repeal October 1, 1989, by chs. 81-318 and 82-25, Laws of Florida; repealing ss. 366.01-366.85, F.S., relating to public utilities, effective October 1, 1999, and providing for review of said sections in advance of that date; providing an effective date.

Amendment 1—On page 5, lines 19-22, strike all of said lines and insert: *liability, or obligation is for nonutility purposes; and shall deny authorization for the issuance or sale of a security or assumption of a liability or obligation if the financial viability of the public utility is adversely affected such that the public utility's ability to provide reasonable service at reasonable rates is jeopardized.* Securities issued by a public utility

Amendment 2—On page 9, between lines 15 and 16, insert:

(7)(a) By July 1, 1990, the commission shall make a determination as to the cost-effectiveness of requiring the installation of underground electric utility distribution and transmission facilities for all new construction, and for the conversion of overhead distribution and transmission facilities to underground distribution and transmission facilities when such facilities are replaced or relocated. In making such determination the commission shall consider the total cost involved including, but not limited to, the overall cost of accidental electrocutions and temporary and permanent disabilities to both the utility employees and others; vehicular accidents involving distribution and transmission facilities; ascertainable and measurable costs of adverse health effects; the differential between the rights-of-way required for underground versus overhead utilities; the cost differential due to the elimination of tree-trimming requirements; the cost differentials between underground and overhead utilities to be expected from repairing storm damage, as well as the incurred loss to the private sector as a result of outages due to storm damage; and costs of associated insurance, attorney's fees, and legal settlements and costs. Further, in making its determination, the commission shall survey the experiences of other states and utilities operating outside of Florida with respect to the cost-effectiveness of underground utilities. Upon a finding by the commission that the installation of underground distribution and transmission facilities is cost-effective, the commission shall require electric utilities, where feasible, to install such facilities.

(b) The commission shall, by July 1, 1990, make a determination as to the cost-effectiveness of converting existing overhead electric distribution and transmission facilities to underground facilities. In making this determination, the commission shall consider the factors specified in paragraph (a) and the original cost, depreciated, of the existing facilities, plus their salvage value, if any. The commission shall report its findings to the Legislature by July 1, 1990.

Amendment 3—On page 1, line 18, after the semicolon (;) insert: directing the commission to determine the cost-effectiveness of installation of underground electric utility distribution and transmission facilities; authorizing the commission to require such installation for new construction and replacement, if feasible; providing for a report regarding conversion of existing overhead facilities;

Amendment 4—On page 16, line 1, through page 17, line 12, strike all of said lines and insert:

Section 8. Section 366.06, Florida Statutes, is amended to read:

366.06 Rates; procedure for fixing and changing.—

(1) A public utility shall not, directly or indirectly, charge or receive any rate not on file with the commission for the particular class of service involved, and no change shall be made in any schedule. All applications for changes in rates shall be made to the commission in writing under rules and regulations prescribed, and the commission shall have the authority to determine and fix fair, just, and reasonable rates that may be requested, demanded, charged, or collected by any public utility for its service. The commission shall investigate and determine the actual legitimate costs of the property of each utility company, actually used and useful in the public service, and shall keep a current record of the net investment of each public utility company in such property which value, as determined by the commission, shall be used for ratemaking purposes and shall be the money honestly and prudently invested by the public utility company in such property used and useful in serving the public, less accrued depreciation, and shall not include any goodwill or going-concern value or franchise value in excess of payment made therefor. In fixing fair, just, and reasonable rates for each customer class, the commission shall, to the extent practicable, consider the cost of providing service to the class, as well as the rate history, value of service, and experience of the *public* utility; the consumption and load characteristics of the various classes of customers; and public acceptance of rate structures.

(2) Whenever the commission *finds* ~~shall find~~, upon request made or upon its own motion, that the rates demanded, charged, or collected by any public utility ~~company~~ for public utility service, or that the rules, regulations, or practices of any public utility ~~company~~ affecting such rates, are unjust, unreasonable, unjustly discriminatory, or in violation of law; ~~or~~ that such rates are insufficient to yield reasonable compensation for the services rendered; *that such rates yield excessive compensation for services rendered;* or that such service is inadequate or cannot be obtained, the commission shall order and hold a public hearing, giving notice to the public and to the *public* utility ~~company~~, and shall thereafter determine just and reasonable rates to be thereafter charged for such service and promulgate rules and regulations affecting equipment, facilities, and service to be thereafter installed, furnished, and used.

(3)(a) Each public electric utility in excess of 1 million megawatt-hours of total sales annually, and each public natural gas utility whose gas sales exceed 50 million therms annually, shall file with the commission every 4 years, or 4 years from the public utility's most recent completed rate case, a report consisting of, at a minimum, the modified minimum filing requirements then required by the commission, by rule, for rate proceedings held pursuant to this section. Each public utility shall serve a copy of such report on the Public Counsel and each party to its most recent rate case concurrently with its filing with the commission. The commission shall, within 10 days of its receipt of such a report, make copies of the report available to the public, notwithstanding any other law to the contrary, at no more than its actual costs of reproducing the report. All other public utilities shall file the minimum filing requirement report described in this section every 5 years, or 5 years from the public utility's most recent completed rate case. It is the legislative intent in requiring the mandatory filing of the minimum filing requirements that the Public Counsel and other substantially affected persons be assured of periodically obtaining the necessary information to reasonably ascertain whether the rates and charges of a public utility are just, reasonable, not unjustly discriminatory, in violation of law, or yielding excessive compensation for the services rendered.

(b) The commission shall implement this section for all public utilities within 18 months of the effective date of this act by requiring approximately one-third of the public utilities in each industry to file each 6 months after the effective date of this act. In determining the order of filing of the particular public utilities, the commission shall consider the time interval since each utility's last rate case.

(4)~~(3)~~ Pending a final order by the commission in any rate proceeding under this section, the commission may withhold consent to the operation of all or any portion of the new rate schedules, delivering to the utility requesting such increase, within 60 days, a reason or written statement of good cause for withholding its consent. Such consent shall not be withheld for a period longer than 8 months from the date of filing the new schedules. The new rates or any portion not consented to shall go into effect under bond or corporate undertaking at the end of such period, but the commission shall, by order, require such *public* utility to keep accurate account in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid and, upon completion of hearing and final decision in such proceeding, shall by further order require such *public* utility to refund with interest at a fair rate, to be determined by the commission in such manner as it may direct, such portion of the increased rate or charge as by its decision shall be found not justified. Any portion of such refund not thus refunded to patrons or customers of the *public* utility shall be refunded or disposed of by the *public* utility as the commission may direct; however, no such funds shall accrue to the benefit of the *public* utility. The commission shall take final commission action in the docket and enter its final order within 12 months of the commencement date for final agency action. As used in this subsection, the "commencement date for final agency action" means the date upon which it has been determined by the commission or its designee that the utility has filed with the clerk the minimum filing requirements as established by rule of the commission. Within 30 days after receipt of the application, rate request, or other written document for which the commencement date for final agency action is to be established, the commission or its designee shall either determine the commencement date for final agency action or issue a statement of deficiencies to the applicant, specifically listing why said applicant has failed to meet the minimum filing requirements. Such statement of deficiencies shall be binding upon the commission to the extent that, once the deficiencies in the statement are satisfied, the commencement date for final agency action shall be promptly established as provided herein. Thereafter, within 15 days after the applicant indicates to the commission that

it believes that it has met the minimum filing requirements, the commission or its designee shall either determine the commencement date for final agency action or specifically enumerate in writing why the requirements have not been met, in which case this procedure shall be repeated until the commencement date for final agency action is established. When the commission initiates a proceeding, the commencement date for final agency action shall be the date upon which the order initiating the proceeding is issued.

Section 9. Section 366.07, Florida Statutes, is amended to read:

366.07 Rates; adjustment.—Whenever the commission, after public hearing either upon its own motion or upon complaint, shall find the rates, rentals, charges or classifications, or any of them, proposed, demanded, observed, charged or collected by any public utility for any service, or in connection therewith, or the rules, regulations, measurements, practices or contracts, or any of them, relating thereto, are unjust, unreasonable, insufficient, *excessive,* or unjustly discriminatory or preferential, or in anywise in violation of law, or any service is inadequate or cannot be obtained, the commission shall determine and by order fix the fair and reasonable rates, rentals, charges or classifications, and reasonable rules, regulations, measurements, practices, contracts or service, to be imposed, observed, furnished or followed in the future.

(Renumber subsequent sections.)

Amendment 5—On page 2, lines 7-10, strike "amending s. 366.07, F.S.; requiring the commission to investigate the earnings of a public utility under certain circumstances;" and insert: amending s. 366.06, F.S.; revising procedures and requirements for fixing rates; providing that the commission shall determine just and reasonable rates when current rates are yielding excessive compensation; requiring public utilities to file periodically the minimum filing requirements for rate proceedings; amending s. 366.07, F.S.; providing additional grounds for adjustment of rates by the commission;

Amendment 6—On page 26, line 13, after "commission" insert: , *provided that the commission shall not allow the recovery of the cost of any company image-enhancing advertising or of any advertising not directly related to an approved conservation program*

Amendment 7—On page 2, line 27, after the semicolon (;) insert: prohibiting recovery of certain advertising costs;

Amendment 8—On page 29, lines 13-15, strike all of said lines

(Renumber subsequent sections.)

Amendment 9—On page 3, lines 3-6, strike all of said lines and insert: repealing s. 366.135, F.S.,

Amendment 10—On page 29, line 25; and on page 30, line 4, after "366.03," insert: 366.031,

Amendment 11—On page 3, line 10, strike "366.03" and insert: 366.031

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

CS for SB 1224 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Motion

On motion by Senator Scott, the rules were waived and time of recess was extended until 9:45 p.m.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1828 and requests the concurrence of the Senate.

John B. Phelps, Clerk

On motion by Senator Jennings, by unanimous consent—

HB 1828—A bill to be entitled An act relating to water and sewer systems; amending s. 367.011, F.S.; revising chapter citation; amending s. 367.021, F.S.; revising and adding definitions; amending s. 367.022, F.S.; revising exemptions; providing an exemption for wastewater treatment plants operated exclusively for disposing of industrial wastewater; amending s. 367.031, F.S.; requiring certificates of authorization prior to issuance of permits by the Department of Environmental Regulation or a water management district; specifying a time period for grant or denial of an application; creating s. 367.045, F.S.; providing certificate of authorization application and amendment procedures; providing for objections and hearings; requiring certain notice prior to revocation, suspension, transfer, or amendment of a certificate of authorization; amending s. 367.071, F.S.; revising provisions relating to sale, assignment, or transfer of a certificate of authorization, facilities, or control; providing a penalty for transfer prior to Public Service Commission approval; providing for discontinuation and refund of interim rates; requiring the continued service of systems obtained through foreclosure; amending s. 367.081, F.S.; revising procedures for fixing and changing utility rates; providing considerations and restrictions; revising certain notice requirements; creating s. 367.0811, F.S.; providing for staff assistance to a utility in changing rates and charges; providing procedures; amending s. 367.082, F.S.; providing for collection of interim rates under escrow or a letter of credit; providing for discontinuation and refund of interim rates; amending s. 367.083, F.S.; extending time for commission determination of official date of filing or issuance of another statement of deficiencies; creating s. 367.084, F.S.; requiring certain commission rate adjustment orders to be reduced to writing; requiring certain notice; amending s. 367.091, F.S.; providing for application for new class of service; prohibiting collection of rates or charges that have not been approved; amending s. 367.101, F.S.; revising provisions relating to charges and conditions for service availability; amending s. 367.111, F.S.; authorizing reduction of a utility's return on equity if certain standards are not met; amending s. 367.121, F.S.; providing for referral of certain proceedings to the Division of Administrative Hearings of the Department of Administration; amending s. 367.141, F.S.; correcting cross references; amending s. 367.151, F.S.; providing for payment of a regulatory assessment fee according to a specified schedule; amending s. 367.156, F.S.; providing for commission access to utility records; providing discovery procedures; revising exemptions for public records requirements for proprietary confidential business information and saving said exemptions from repeal; providing for future review and repeal; amending ss. 367.161 and 367.165, F.S.; conforming language; deleting obsolete language; amending s. 367.171, F.S.; revising provisions relating to the effectiveness of the chapter in certain counties; providing procedure if a utility fails to register within the prescribed time; revising the list of excluded counties; providing for regulation therein by the county; providing for regulation by the commission of utility services which transverse county boundaries; amending s. 367.182, F.S.; revising a saving clause; repealing ss. 367.041, 367.051, 367.055, and 367.061, F.S., relating to application for certification, issuance of certificate, application for deletion of territory, and extension of certificate; saving chapter 367, F.S., from Sunset repeal; providing for review and repeal; providing an effective date.

—was taken up out of order.

On motions by Senator Jennings, by two-thirds vote HB 1828 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Bankhead

SPECIAL ORDER, continued

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 read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for CS for HB's 1593, 507 and 310 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—4

Bruner	Langley	Peterson	Thurman

Vote after roll call:

Nay to Yea—Thurman

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 read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for CS for HB 535 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

Motion

On motion by Senator Scott, the rules were waived and time of recess was extended until 10:00 p.m.

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 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; 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 read the second time by title.

Senator Johnson moved the following amendments which were adopted:

Amendment 1—On page 10, strike all of lines 8-14 and insert:

(c) A student shall demonstrate competency in a manner approved by the State Board of Education for vocational competencies related to the specific job preparatory program completed; basic skills of reading, writing, and computation related to the occupation; and general skills and knowledge related to employability.

Amendment 2—On page 22, line 3, through line 3 on page 42, strike all of said language and renumber subsequent sections.

Amendment 3—On page 42, lines 4-30, through page 53, line 14, strike all of said lines and insert:

Section 13. Subsection (7) of section 230.2319, Florida Statutes, 1988 Supplement, is amended to read:

230.2319 Florida Progress in Middle Childhood Education Program (PRIME).—

(7) FLORIDA GRADES 6 THROUGH 8 ENHANCEMENT PROGRAM.—

(a) There is created the Florida Grades 6 through 8 Enhancement Program. Funds provided under this subsection shall be used by school districts and laboratory schools to implement those concepts shown by research to be effective in meeting the needs of students in grades 6 through 8. Such concepts shall include programs of study and the organization of instruction in grades 6 through 8 which:

1. Encourage a gradually increasing degree of independence for students.

2. Encourage teachers and other professionals to develop and share a significant pool of information about students.

3. Encourage the implementation of a continuous, comprehensive assessment program which ensures the monitoring of student development and the implementation of intervention strategies if problems are identified.

4. Encourage the development of a continuous, systematic program to assist in affective development and decisionmaking skills.

5. Encourage the implementation of an instructional program which introduces the formal academic disciplines to students and requires exploration of the basic elements of these disciplines in preparation for the required elements of the high school program.

6. Encourage the students to explore appropriate vocational subjects and fine arts subjects.

7. Assure articulation with kindergarten through grade 5 and grades 9 through 12.

8. Provide for a continuous assessment profile of the student's social and academic progress.

(b) To be eligible to receive funds under this subsection, each school district and laboratory school must submit to the Department of Education a proposed long-term implementation plan. Each such initial plan shall be submitted by May 1, 1985, or by May 1 of a subsequent year, in the manner and format prescribed by the department. Any district or laboratory school denied approval by the department by June 1, 1985, or by June 1 of a subsequent year, shall be denied funds for this program for the subsequent year. A school district or laboratory school may apply to the department for approval to update or amend its approved plan for a school year, provided such application is made 60 days prior to the beginning of the next fiscal year or at such earlier date as may be required by the department. The department shall make the final determination as to the approval or disapproval of all proposed plans and plan updates and amendments. Beginning in 1989-1990, the expenditure of appropriated funds for PRIME shall be available to eligible school districts for expenditures during the current fiscal year.

(c) Beginning with the 1990-91 school year, to be eligible to receive funds under this subsection, each school district and laboratory school shall include in its long-term implementation plan strategies to implement the following concepts:

1. The organization of students and teachers into interdisciplinary teams for instruction in the basic subject areas.

2. The organization of teacher time to ensure common planning time for team members.

3. The allocation of a regularly scheduled block of time to provide structured and unstructured small group guidance activities which focus on the social and emotional growth of students, schedule planning, and career guidance.

4. Interdisciplinary instruction by individual teachers.

(d)~~(c)~~ The annual allocation to each district eligible to receive funds under this subsection shall be distributed through the Florida Education Finance Program on a pro rata student basis, as specified by department guidelines or necessary rules prescribed by the State Board of Education. The annual allocation to each laboratory school that is eligible to receive funds under this subsection shall be distributed through the education and general budget. Funds under this subsection shall not be distributed until a district plan or a laboratory school plan has been approved pursuant to *paragraphs* ~~paragraph~~ (b) *and (c)*. Any undistributed amounts will revert to the General Revenue Fund pursuant to state law.

Amendment 4—On page 52, lines 25-31, and page 53, lines 1-3, strike all of said lines.

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

Amendment 5—On page 64, between lines 11 and 12 insert:

Section 21. Paragraphs (c) and (d) of subsection (6) of section 230.23, Florida Statutes, 1988 Supplement, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(6) CHILD WELFARE.—Provide for the proper accounting for all children of school age, for the attendance and control of pupils at school, and for proper attention to health, safety, and other matters relating to the welfare of children in the following fields, as prescribed in chapter 232.

(c) Control of pupils.—Adopt rules and regulations for the control, discipline, suspension, and expulsion of pupils and decide all cases recommended for expulsion. Such rules shall clearly specify disciplinary action that *shall* ~~may~~ be imposed if a student possesses alcoholic beverages *or electronic telephone pagers* or is involved in the illegal use, sale, or possession of controlled substances, as defined in chapter 893, on school property or while attending a school function. School boards are encouraged to include in these provisions alternatives to expulsion and suspension such as in-school suspension and guidelines on identification and referral of students to alcohol and substance abuse treatment agencies. Suspension hearings are exempted from the provisions of chapter 120. Expulsion hearings shall be governed by the provisions of s. 120.57(2). The school board shall not have the authority to prohibit the use of corporal punishment as provided in this act.

(d) Code of student conduct.—Adopt and distribute to all teachers, school personnel, students, and parents or guardians, at the beginning of every school year, a code of student conduct which is developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and be made available in the student handbook or similar publication. The code shall include, but not be limited to:

1. Consistent policies and specific grounds for disciplinary action, including any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

2. Procedures to be followed for acts requiring discipline, including corporal punishment.

3. An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

4. Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, or weapons, *or possession of electronic telephone pagers,* by any student while such student is upon school property or in attendance at a school function is grounds for suspension, expulsion, or imposition of other disciplinary action.

(Renumber subsequent section.)

Senator Johnson moved the following amendments which were adopted:

Amendment 6—In title, on page 2, line 10, after "grants;" strike everything through the semicolon (;) on page 3, line 23.

Amendment 7—In title, on page 3, strike all of lines 7-9, and insert: program; amending s.

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

Amendment 8—In title, on page 3, line 27, after the semicolon (;) insert: amending s. 230.23, F.S.; providing for the discipline of public school students who possess electronic telephone pagers on school property or while attending school functions;

On motion by Senator Johnson, by two-thirds vote CS for CS for HB 75 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

SB 582—A bill to be entitled An act relating to habitual felony offenders; amending s. 775.084, F.S.; adding aggravated battery to the list of previous convictions for which habitual violent felony offender penalties may be imposed; amending s. 775.0842, F.S.; providing for career criminal prosecution of arrestees who qualify as habitual felony offenders or habitual violent felony offenders, and reenacting s. 775.0843(1) and (5), F.S., relating to policies for career criminal cases, to incorporate said amendment in references; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Girardeau and adopted:

Amendment 1—On page 1, lines 17-31; on page 2, lines 1-31; and on page 3, lines 1-31, strike all of said lines and insert:

Section 1. Section 775.084, Florida Statutes, 1988 Supplement, is amended to read:

775.084 Habitual felony offenders and habitual violent felony offenders; extended terms; definitions; procedure; penalties.—

(1) As used in this act:

(a) "Habitual felony offender" means a defendant for whom the court may impose an extended term of imprisonment, as provided in this section, if it finds that:

1. The defendant has previously been convicted of *any combination of* two or more felonies in this state *or other qualified offenses*;

2. The felony for which the defendant is to be sentenced was committed within 5 years of the date of the conviction of the last prior felony or other qualified offense of which he was convicted, or within 5 years of the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later;

3. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this section; and

4. A conviction of a felony or other qualified offense necessary to the operation of this section has not been set aside in any post-conviction proceeding.

(b) "Habitual violent felony offender" means a defendant for whom the court may impose an extended term of imprisonment, as provided in this section, if it finds that:

1. The defendant has previously been convicted of a felony or an attempt or conspiracy to commit a felony and one or more of such convictions was for:

a. Arson,

b. Sexual battery,

c. Robbery,

d. Kidnapping,

e. Aggravated child abuse,

f. Aggravated assault,

g. Murder,

h. Manslaughter,

i. Unlawful throwing, placing, or discharging of a destructive device or bomb, ~~or~~

j. Armed burglary, *or*~~;~~

k. Aggravated battery;

2. The felony for which the defendant is to be sentenced was committed within 5 years of the date of the conviction of the last prior enumerated felony or within 5 years of the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for an enumerated felony, whichever is later;

3. The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation of this section; and

4. A conviction of a crime necessary to the operation of this section has not been set aside in any post-conviction proceeding.

(c) "Qualified offense" means any offense, *substantially similar in elements and penalties to an offense in this state, which is* in violation of a law of *any other jurisdiction, whether that of* another state, *the District of Columbia,* ~~or of~~ the United States *or any possession or territory thereof, or any foreign jurisdiction,* that was punishable under the law of such *jurisdiction* ~~state or the United States~~ at the time of its commission by the defendant by death or imprisonment exceeding 1 year.

(2) For the purposes of this section, the placing of a person on probation without an adjudication of guilt shall be treated as a prior conviction if the subsequent offense for which he is to be sentenced was committed during such probationary period.

(3) In a separate proceeding, the court shall determine if the defendant is a habitual felony offender or a habitual violent felony offender. The procedure shall be as follows:

(a) The court shall obtain and consider a presentence investigation prior to the imposition of a sentence as a habitual felony offender or a habitual violent felony offender.

(b) Written notice shall be served on the defendant and his attorney a sufficient time prior to the entry of a plea or prior to the imposition of sentence so as to allow the preparation of a submission on behalf of the defendant.

(c) Except as provided in paragraph (a), all evidence presented shall be presented in open court with full rights of confrontation, cross-examination, and representation by counsel.

(d) Each of the findings required as the basis for such sentence shall be found to exist by a preponderance of the evidence and shall be appealable to the extent normally applicable to similar findings.

(e) For the purpose of identification of a habitual felony offender or a habitual violent felony offender, the court shall fingerprint the defendant pursuant to s. 921.241.

(4)(a) The court, in conformity with the procedure established in subsection (3), shall sentence the habitual felony offender as follows:

1. In the case of a felony of the first degree, for life.

2. In the case of a felony of the second degree, for a term of years not exceeding 30.

3. In the case of a felony of the third degree, for a term of years not exceeding 10.

(b) The court, in conformity with the procedure established in subsection (3), may sentence the habitual violent felony offender as follows:

1. In the case of a felony of the first degree, for life, and such offender shall not be eligible for release for 15 years.

2. In the case of a felony of the second degree, for a term of years not exceeding 30, and such offenders shall not be eligible for release for 10 years.

3. In the case of a felony of the third degree, for a term of years not exceeding 10, and such offender shall not be eligible for release for 5 years.

(c) If the court decides that imposition of sentence under this section is not necessary for the protection of the public, sentence shall be imposed without regard to this section. At any time when it appears to the court that the defendant is a habitual felony offender or a habitual violent felony offender, the court shall make that determination as provided in subsection (3).

(d) A sentence imposed under this section shall not be increased after such imposition.

(e) A sentence imposed under this section shall not be subject to the provisions of s. 921.001. The provisions of chapter 947 shall not be applied to such person. A defendant sentenced under this section shall not be eligible for gain-time granted by the Department of Corrections except that the department may grant up to 20 days of incentive gain-time each month as provided for in s. 944.275(4)(b).

Senator Crenshaw moved the following amendment which was adopted:

Amendment 2—On page 6, between lines 17 and 18, insert:

Section 4. Subsection (16) is added to section 493.30, Florida Statutes, to read:

493.30 Definitions, part I.—As used in this act:

(16) "Repossession" is the legal recovery of a motor vehicle or motorboat as authorized by the legal owner, lienholder, or lessor to recover, or to collect money payment in lieu of recovery of, that which has been sold or leased under a security agreement that contains a repossession clause. A repossession is complete when a licensed repossessor is in control, custody, and possession of such motor vehicle or motorboat.

Section 5. Subsection (6) of section 493.306, Florida Statutes, is amended to read:

493.306 License requirements.—

(6) In addition to any other requirements, an applicant for a Class "E" license must have 1 year of work experience performing repossessing, 1 year as a Class "EE" repossessor intern, or a combination of 1 year of work experience and internship. *A Class "E" repossessor may not supervise more than six Class "EE" repossessor interns at one time.*

Section 6. Subsections (7) and (8) are added to section 493.317, Florida Statutes, to read:

493.317 Prohibited acts by Class "E" and Class "EE" licensees.—In addition to other requirements imposed by this part or by rule of the department, repossessor licensees and repossessor interns are prohibited from:

(7) FAILING TO REMIT MONEYS.—Failing to remit moneys, collected in lieu of repossession, to a client within 10 working days.

(8) FAILING TO DELIVER NEGOTIABLE INSTRUMENT.—Failing to deliver to a client a negotiable instrument which is payable to the client, within 10 working days after receipt of such instrument.

Section 7. Section 493.3175, Florida Statutes, is created to read:

493.3175 Sale of property by a licensee; penalty.—

(1) A licensee must have written authorization from the owner or lienholder to sell repossessed property for which the licensee has a negotiable title.

(2) A licensee must send the net proceeds from the sale of repossessed property to the owner or lienholder, within 20 working days after the licensee executes the documents which permit the transfer of legal ownership to the purchaser.

(3) A person who violates a provision of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 8. Subsection (2) of section 493.318, Florida Statutes, is amended to read:

493.318 Repossessor required to prepare and maintain inventory.—

(2) *Within 5 working days after the date of a repossession, the repossessor shall give written notification to the registered owner or lessee of the property prior to repossession of the whereabouts of personal effects or other property inventoried pursuant to this section. At least 20 days prior to disposing of such personal effects or other property, the repossessor must, by certified mail, notify the registered owner or lessee of the intent to dispose of said property.* ~~Upon written notification to the person who controlled the property prior to repossession, the personal property contained within the repossessed property may be disposed of 10 days after notification.~~

Section 9. Section 493.321, Florida Statutes, is amended to read:

493.321 Violation; penalty.—

(1) *Except as provided in s. 493.3175,* any person who violates any provision of this part is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who is convicted of any violation of this part shall not be eligible for licensure for a period of 5 years.

Section 10. Vehicles used solely for the purpose of repossession by a Class "E" or "EE" licensee shall be identified during repossession by the license number of the licensee. The license number shall be displayed on the side of the vehicle and shall appear in lettering no less than 4 inches tall and in contrasting colors from the background.

Section 11. Each section which is added to chapter 493, Florida Statutes, by this act is repealed on October 1, 1990, and shall be reviewed by the Legislature pursuant to section 11.61, Florida Statutes.

(Renumber subsequent section.)

Senator Bankhead moved the following amendment which was adopted:

Amendment 3—On page 6, between lines 17 and 18, insert:

Section 4. Federal law enforcement officers; powers.—

(1) As used in this section, the term "federal law enforcement officer" means a person who is employed by the Federal Government as a full-time law enforcement officer, as defined by the applicable portion of the United States Code; who is empowered to make an arrest for a violation of the United States Code; who is authorized to carry a firearm in the performance of his duties; and who has received law enforcement training equivalent to that prescribed in section 943.13, Florida Statutes.

(2) A federal law enforcement officer may:

(a) Make a warrantless arrest of any person who commits a felony or misdemeanor, under the laws of this state, involving violence in the presence of the officer or who commits a felony or misdemeanor in the presence of the officer while the officer is engaged in the exercise of his federal law enforcement duties. If the officer reasonably believes that such a felony or misdemeanor has been committed in his presence, he may make a warrantless arrest of the person whom he reasonably believes to have committed it.

(b) Use any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making an arrest or when necessary in arresting a felon fleeing from justice when the officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others or that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

(c) Conduct a warrantless search incident to an arrest, as provided in section 901.21, Florida Statutes, and to conduct any other constitutionally permissible search pursuant to the officer's lawful duties.

(d) Possess firearms.

(e) Seize weapons in order to protect himself from attack, prevent the escape of an arrested person, or assure the subsequent lawful custody of the fruits of a crime or the articles used in the commission of a crime, as provided in section 901.21, Florida Statutes.

(Renumber subsequent sections.)

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Girardeau and adopted:

Amendment 4—In title, on page 1, line 3, after the semicolon (;) insert: providing that prior convictions for qualified offenses outside of the state may be used to determine if a defendant is a habitual felony offender; expanding the definition of qualified offense for purposes of habitual felony offender;

Senator Crenshaw moved the following amendment which was adopted:

Amendment 5—In title, on page 1, line 12, following the semicolon insert: amending s. 493.30, F.S.; defining the term "repossession"; amending s. 493.306, F.S.; limiting the number of repossessor interns a repossessor may supervise; amending s. 493.317, F.S.; revising prohibited acts; creating s. 493.3175, F.S.; providing procedures for the sale of repossessed property; providing a penalty; amending s. 493.318, F.S.; providing procedures for the disposition of certain recovered property not covered by a security agreement; amending s. 493.321, F.S.; providing penalties; requiring certain information to be displayed on certain vehicles; providing for review and repeal;

Senator Bankhead moved the following amendments which were adopted:

Amendment 6—In title, on page 1, line 2, strike all of said line and insert: An act relating to criminal law and procedure;

Amendment 7—In title, on page 1, line 12, after the semicolon, insert: amending s. 901.15, F.S.; providing for when arrest by a law enforcement officer without a warrant is lawful; amending s. 741.30, F.S.; providing for holding certain respondents in actions for injunction for protection against domestic violence in custody; amending s. 784.046, F.S.; providing for holding certain respondents in actions by victims of repeat violence for protective injunction in custody;

Senator Crenshaw moved the following amendment which was adopted:

Amendment 8—In title, on page 1, line 2, strike "habitual felony offenders" and insert: unlawful activities

On motion by Senator Girardeau, by two-thirds vote SB 582 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	Deratany	Kirkpatrick	Stuart
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Langley	Thurman
Brown	Gardner	Malchon	Walker
Bruner	Girardeau	McPherson	Weinstein
Casas	Gordon	Myers	Weinstock
Childers, D.	Grant	Peterson	Woodson-Howard
Childers, W. D.	Grizzle	Plummer	
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Souto	

Nays—None

On motion by Senator Girardeau—

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.

—a companion measure, was substituted for SB 716 and read the second time by title.

Senators Bankhead and Girardeau offered the following amendment which was moved by Senator Bankhead and adopted:

Amendment 1—On page 6, between lines 16 and 17, insert:

Section 3. Early delinquency intervention program.—

(1) The Department of Health and Rehabilitative Services shall, with the cooperation of local law enforcement agencies, the judiciary, district school board personnel, the office of the state attorney, the office of the public defender, the community service agencies that work with juveniles, establish an early delinquency intervention program, the components of which shall include, but not be limited to:

(a) Case management services.

(b) Treatment modalities, including substance abuse treatment and mental health services.

(c) Prevocational education and vocational education services.

(d) Diagnostic evaluation services.

(e) Educational services.

(f) Self-sufficiency planning.

(g) Independent living skills.

(h) Parenting skills.

(i) Recreational and leisure time activities.

(j) Program evaluation.

(k) Medical screening.

(2) The early delinquency intervention program shall consist of intensive residential treatment in a secure facility for 2 to 6 weeks, followed by 6 to 9 months of aftercare.

Section 4. (1) A copy of the arrest report of any child 14 years of age or younger who is taken into custody for committing a delinquent act or any violation of law shall be forwarded to the local Children, Youth, and Families Program Office of the Department of Health and Rehabilitative Services. Upon receiving the second arrest report of any such child from the judicial circuit in which the program is located, the department shall, in areas where the program is operating, initiate an intensive review of the child's social and educational history to determine the likelihood of further significant delinquent behavior. In making this determination, the department shall consider, without limitation, the following factors:

(a) Any prior allegation that the child is dependent.

(b) The physical, emotional, and intellectual status and developmental level of the child.

(c) The child's academic history, including school attendance, school achievements, grade level, and involvement in school-sponsored activities.

(d) The nature and quality of the child's peer group relationships.

(e) The child's history of substance abuse or behavioral problems.

(f) The child's family status, including the capability of the child's family members to participate in a family-centered intervention program.

(g) The child's family history of substance abuse or criminal activity.

(h) The supervision that is available in the child's home.

(i) The nature of the relationship between the parents and the child and the siblings and the child.

(2) Upon determination that a child is likely to continue to exhibit significant delinquent behavior, the department may, with the concurrence of the state attorney and pursuant to a court order, refer the child to an early delinquency intervention program.

(3) Notwithstanding any provision of law to the contrary, the Department of Health and Rehabilitative Services shall have access as needed to records applying to children and juveniles for the purposes of the intensive review as specified in this section to assess the likelihood of further significant delinquent behavior. Neither the confidential records provided to the Department of Health and Rehabilitative Services nor the records developed from these records shall be available for public disclosure and inspection under section 119.07, Florida Statutes.

Section 5. The Department of Health and Rehabilitative Services shall adopt rules necessary to implement this act.

(Renumber subsequent section.)

Senator Weinstock moved the following amendment which was adopted:

Amendment 2—On page 1, line 14, insert:

Section 1. Subsection (2) of section 396.102, Florida Statutes, is amended to read:

396.102 Involuntary treatment of alcoholics.—

(2) Upon receipt of the petition, the court shall fix a date for a hearing on the issues no later than 10 days from the date the petition was received. The court shall give notice of the hearing to the petitioner, to the next of kin of the person whose commitment is sought, to his parents or legal guardian if he is a minor, to the head of the facility to which he has been committed if he has been committed for emergency care, and to any other person whose presence the court deems advisable. Copies of the petition and certificate shall be delivered to all of the parties, together with the notice of hearing. The court shall also issue a summons to the person whose commitment is sought. *The court may appoint a master who is a member of The Florida Bar to preside over the hearing.*

Section 2. Subsection (2) of section 397.052, Florida Statutes, is amended to read:

397.052 Involuntary treatment.—

(2) Upon receipt of the petition, the court shall fix a date for a hearing on the issues no later than 10 days from the date the petition was received. The court shall give notice of the hearing to:

(a) The petitioner;

(b) The person whose treatment is sought, his next of kin other than the petitioner, and his parents or legal guardian, if he is a minor; and

(c) Any other person whose presence the court deems advisable.

Copies of the petition and certificates shall be delivered to all of the parties, together with the notice of hearing. The court shall also issue a summons to the person whose commitment is sought. *The court may appoint a master who is a member of The Florida Bar to preside over the hearing.*

Section 3. Section 401.445, Florida Statutes, is created to read:

401.445 Emergency examination and treatment of incapacitated persons.—

(1) No recovery shall be allowed in any court in this state against any emergency medical technician, paramedic, or physician as defined in this chapter, or any person acting under the direct medical supervision of a physician, in an action brought for examining or treating a patient without his informed consent if:

(a) The patient at the time of examination or treatment is intoxicated, under the influence of drugs, or otherwise incapable of providing informed consent as provided in s. 766.103;

(b) The patient at the time of examination or treatment is experiencing an emergency medical condition; and

(c) The patient would reasonably, under all the surrounding circumstances, undergo such examination, treatment, or procedure if he were advised by the emergency medical technician, paramedic, or physician in accordance with s. 766.103(3).

Examination and treatment provided under this paragraph shall be limited to reasonable examination of the patient to determine the medical condition of the patient and treatment reasonably necessary to alleviate the emergency medical condition or to stabilize the patient.

(2) In examining and treating a person who is apparently intoxicated, under the influence of drugs, or otherwise incapable of providing informed consent, the emergency medical technician, paramedic, or physician, or any person acting under the direct medical supervision of a physician, shall proceed wherever possible with the consent of the person. If the person reasonably appears to be incapacitated and refuses his consent, he may be examined, treated, or taken to a hospital or other appropriate treatment resource if he is in need of emergency attention, without his consent, but unreasonable force shall not be used.

(3) Nothing herein shall limit medical treatment provided pursuant to court order or treatment provided in accordance with the provisions of chapter 394, chapter 396, or chapter 397.

(Renumber subsequent sections.)

Senators Bankhead and Girardeau offered the following amendments which were moved by Senator Bankhead and adopted:

Amendment 3—In title, on page 1, line 2, strike "substance abuse prevention" and insert: juveniles

Amendment 4—In title, on page 1, line 11, after the semicolon (;) insert: directing the Department of Health and Rehabilitative Services to establish an early delinquency intervention program; specifying services to be provided under such program; requiring the arrest report of certain juveniles to be forwarded to the local Children, Youth, and Families Program Office of the department; authorizing the department to refer a juvenile to an early delinquency intervention program under certain circumstances; allowing for access to records; providing for rulemaking;

Senator Weinstock moved the following amendment which was adopted:

Amendment 5—In title, on page 1, strike line 2 and insert: An act relating to substance abuse; amending ss. 396.102, 397.052, F.S.; authorizing the circuit courts to appoint masters to preside over hearings for the commitment of such persons to treatment resources; creating s. 401.445, F.S.; providing certain immunity for examination and emergency medical treatment of a patient without informed consent, under specified circumstances; providing procedure for attempting to obtain consent; providing limitations of treatment;

On motion by Senator Girardeau, by two-thirds vote HB 1326 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

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 read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for HB 504 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	Kirkpatrick	Souto
Beard	Forman	Kiser	Stuart
Brown	Gardner	Langley	Thomas
Bruner	Girardeau	Malchon	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Davis	Jennings	Plummer	Woodson-Howard

Nays—None

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

CS for CS for HB 269—A bill to be entitled An act relating to dogracing; amending s. 550.16, F.S.; authorizing the use of capital improvement funds for construction of a new facility in certain instances; amending s. 550.162, F.S.; authorizing certain greyhound owners to file certain contracts with the Division of Pari-mutuel Wagering; providing a procedure for the payment of purses; providing that certain amounts that are withheld from pari-mutuel pools by permitholders conducting dograces may be used for purses; authorizing such permitholders to withhold additional amounts from pari-mutuel pools; providing for surtaxes; requiring that a specified percentage of such additional amounts be used for purses in addition to purse percentage in fiscal year 1987-1988; providing for a repeal date; providing for a study and report by the Division of Pari-mutuel Wagering of the Department of Business Regulation; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 415 and by two-thirds vote read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for CS for HB 269 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Malchon

SB 189—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.16, F.S.; authorizing pari-mutuel wagering to be conducted through a system in which wagers are placed by telephone outside a horse or dog racetrack enclosure and are received and processed within the enclosure of a licensed horse or dog racetrack; providing an effective date.

—was read the second time by title.

The Committee on Regulated Industries recommended the following amendment which was moved by Senator Forman and adopted:

Amendment 1—On page 1, strike all of lines 23-28 and insert: racetrack licensed and conducted under this law, *or through a tele-betting system in which wagers are placed verbally by the wagerer via telephone outside the enclosure of a licensed horse or dog racetrack on live performances being conducted within the enclosure or on races simulcast from outside the state at such licensed horse or dog racetrack, the tele-betting system of wagering may only be utilized by a permitholder to accept wagers from the public on performances conducted live within its own enclosure or on races simulcast from outside the state,* but not elsewhere in this state except as is provided in

Senator Casas moved the following amendment:

Amendment 2—On page 1, lines 23-29, strike all of said lines and insert: racetrack licensed and conducted under this law but not elsewhere in this state except as provided in chapter 551, *or through a tele-betting system in which wagers are placed verbally by the wagerer via telephone outside the enclosure of a licensed horse or dog racetrack on live performances being conducted within the enclosure or on races simulcast from outside the state at such licensed horse or dog racetrack. The tele-betting system of wagering may only be utilized by a permitholder to accept wagers from the public on performances conducted live within its own enclosure or on races simulcast from outside the state. However, tele-bet wagers may only be made from funds in an account established by the wagerer at the pari-mutuel facility conducting the live race or game on which the wager is made. Winning wagers shall be paid by crediting the wagerer's account. Except for credits to the account, no direct payment shall be made to the owner of an account until 48 hours after a written request by the owner of the account has been received by the pari-mutuel facility at which the account is established. No person shall establish or operate a facility outside the enclosure of a racetrack which is designed, in whole or in part, to permit the placing of pari-mutuel wagers by telephone by the public to a pari-mutuel facility.* The sale and purchase of tickets or other

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

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

CS for SB's 617 and 1303—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; authorizing levy of an additional tax by vote of the county governing board in high tourism impact counties and providing for designation of such counties; providing an effective date.

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

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 31 was corrected and approved.

CO-INTRODUCERS

Senator Souto—Senate Bills 431 and 716; Senator Davis—SB 892

RECESS

On motion by Senator Scott, the Senate recessed at 10:07 p.m. to reconvene at 9:00 a.m., Friday, June 2.